

BRIAN SANDOVAL
Governor

STATE OF NEVADA



MEMBERS

Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING October 22, 2014

REPLY TO:

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Henderson, Nevada 89074
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CALL TO ORDER:

Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 22, 2014, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Jonathan Andrews, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 16, 2014, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADMINISTRATIVE LAW JUDGE: Jonathan Andrews, Esq.

1. DISCIPLINARY HEARING: (Continued from August 20, 2014)

SIENNA SPLASH TECHNOLOGIES, LLC, License No. 77956

Licensee Keith Alan Pfahler was present and represented by Jason Wiley, Esq. at the hearing.

Licensee Brian Arthur Sagert was present and was represented by Scott Marquis, Esq. at the hearing.

Licensee Daniel John Lopez was not present and was not represented by counsel at the hearing.

The following Licensee Exhibits were entered:

Exhibit C – A signed Agreement between the Respondent and Cory McGraw dated October 21, 2014.

ALJ Andrews ordered Licensee Keith Pfahler to comply with the Agreement with Cory McGraw within two (2) weeks of the October 22, 2014 hearing. Board Investigator John White will conduct an onsite meeting to verify that the items on the Agreement have been complied with. Licensee Keith Pfahler agreed to pay the Board fines of \$1,600.00 and investigative costs of \$2,035.00 ordered at the August 20, 2014 hearing in six (6) monthly installments with the first installment due within thirty (30) days of the October 22, 2014 hearing. Brian Sagert was dismissed from the

2. DISCIPLINARY HEARING: (Continued from September 17, 2014)

CUSTOM DESIGN CABINETS OF LAS VEGAS, License No. 51576

Licensee was present and represented by Craig D. Slater, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 22, 2014.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Fourth Cause of Action was dismissed. Respondent was found in violation of the Fifth Cause of Action; however a fine was not assessed. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$1,250.00 and investigative costs of \$2,358.00. Respondent shall make restitution to Betty Calderaro in the amount of \$9,400.00. Fines, costs and restitution are due within ninety (90) days of the October 22, 2014 hearing. License number 51576, Custom Design Cabinets of Las Vegas was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

3. DISCIPLINARY HEARINGS:

ADVANCED LIGHTING & ELECTRIC, INC., License Nos. 78258, 68333

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 23, 2014.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of a change in personnel. Paragraph 10 of the Board's Complaint was amended to the violation of NRS 624.3013(5), as set forth in NAC 624.640(3). Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,000.00. The Second and Third Causes of Action were dismissed. The Board accepted the voluntary surrender of license number 78258, Advanced Lighting & Electric, Inc. Fines and investigative costs are to be paid within thirty (30) days of the October 22, 2014 hearing or license number 68333, Advanced Lighting & Electric, Inc. shall be suspended.

4. DISCIPLINARY HEARINGS:

D. C. STONE, LLC, License No. 78758

Licensee was present and represented by John Henry Wright, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 22, 2014.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter, conspiring with an unlicensed person to perform an unauthorized act, allowing a license to be used by an unlicensed person and acting as agent or partner of an unlicensed person. The Second and Third Causes of Action were dismissed. Respondent was assessed a fine of \$2,000.00 for the First Cause of Action and investigative costs of \$1,511.00. Respondent's monetary license limit is reduced to \$10,000.00. Fines and investigative costs are to be paid within ninety (90) days of the October 22, 2014 hearing or license number 78758, D. C. Stone, LLC shall be suspended. License placed on Probation for one (1) year.

5. DISCIPLINARY HEARINGS:

TOMMY LI, OWNER, dba T & L STONE DESIGN & REMODELING, License No. 77778

TOMMY LI, OWNER, dba T & L STONE, License Nos. 67842, 77510

Licensee was present and represented by Donald H. Williams, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 29, 2014.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3011(1)(b)(1) disregard of the building laws of this State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for each of the First and Fourth Causes of Action; a fine of \$50.00 for the Third Cause of Action; a fine of \$1,000.00 for the Fifth Cause of Action for total fines of \$2,050.00 and investigative costs of \$2,217.00. Respondent's monetary license limit on license number 67842 shall be reduced to \$10,000.00. Fines and investigative costs are to be paid within ninety (90) days of the October 22, 2014 hearing or license number 77778, Tommy Li, Owner, dba T & L Stone Design & Remodeling and license numbers 67842 and 77510, Tommy Li, Owner, dba T & L Stone shall be suspended. The Second Cause of Action is continued for ninety (90) days.

6. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. NEVADA GARAGE CABINETS, LLC, dba 1ST CHOICE STORAGE SOLUTIONS.

License Nos. 54686, 59785

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated October 9, 2014.

ALJ Andrews found Respondent Nevada Garage Cabinets, LLC, dba 1st Choice Storage Solutions, license numbers 54686 and 59785 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation of NRS 624.305(1) no license may be used by any person other than the person to whom such license is issued; one (1) violation of NRS 624.3014(2)(a) and (c) aiding or abetting an unlicensed person to evade the provisions of this chapter and allowing a license to be used by an unlicensed person; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Fines were not assessed. Respondent was assessed investigative costs of \$1,683.00. License numbers 54685 and 59785, Nevada Garage Cabinets, LLC, dba 1st Choice Storage Solutions was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

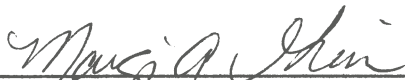
There being no further business to come before the Board, the meeting was adjourned by ALJ Andrews at 10:00 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Jonathan Andrews, Esq., Administrative Law Judge