

BRIAN SANDOVAL
Governor

STATE OF NEVADA



MEMBERS

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

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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

December 2, 2015

CALL TO ORDER:

Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 2, 2015, State Contractors Board, Reno and Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

BOARD MEMBERS PRESENT:

Mr. Jan B. Leggett

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Daniel Hammack, Chief of Enforcement
Ms. Susan Broili-Kamesch, Licensing Supervisor, Reno
Ms. Bree Welch, Licensing Supervisor, Henderson
Mr. Fred Schoenfeldt, Investigations Supervisor

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq.
Mr. Jonathan Andrews, Esq.

Mr. Schoenfeldt stated the agenda was posted in compliance with the open meeting law on November 24, 2015, at Washoe County Court House, Washoe County Library, Reno City Hall, 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 and the Nevada Public Notice Website.

HEARING OFFICER: JAN B. LEGGETT

2. DISCIPLINARY HEARING:

MICHAEL D. BELL, OWNER, dba GOLDEN BEAR CONSTRUCTION, License No. 37123

Licensee was present but was 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 November 16, 2015

Exhibit B – A letter from SEA Group, LTD. dated January 25, 2013.

Hearing Officer Leggett found Respondent guilty of one (1) violation NRS 624.3015(1) for acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3011(1)(b)(1) for violation of the building laws of the State; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) for failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3014(1)(a) for acting in the capacity of a contractor under any license issued except in the name of the licensee as set upon the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) for failure to include its license number and monetary license limit on its contracts; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$2,000.00 for the First Cause of Action; a fine of \$1,000.00 each for the Second, Fourth and Fifth Causes of Action; a fine of \$500.00 each for the Third and Sixth Causes of Action for total fines of \$6,000.00 and investigative costs of \$2,484.00. Respondent's license limit was lowered to \$500,000.00. Respondent's license shall be suspended until fines and investigative costs are paid. All fines and investigative costs are to be paid within sixty (60) days of the December 2, 2015 hearing or license number 37123, Michael D. Bell, Owner, dba Golden Bear Construction shall be revoked.

3. DISCIPLINARY HEARINGS: DEFAULT ORDER:

NEVADA CONTROLS, LLC, License Nos. 74058, 74056

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Default Notice.

Hearing Officer Leggett found Respondent Nevada Controls, LLC, license numbers 74058 and 74056 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 624.3015(2) for bidding to contract for a sum for one construction project in excess of the license limit; one (1) violation of NRS 624.301(4) for failure to prosecute a construction project with reasonable diligence; 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(5), as set forth in NRS 624.263 for failure to notify the Board of a bankruptcy filing; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee; and one (1) violation of NRS 624.3013(3) for failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 each for the First and Second Causes of Action; a fine of \$250.00 for the Third Cause of Action; a fine of \$500.00 each for the Fourth and Sixth Causes of Action for total fines of \$3,250.00 and investigative costs of \$1,943.00. License numbers 74058 and 74056, Nevada Controls, LLS were 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.

4. FINANCIAL RESPONSIBILITY HEARING:

* GREENSCAPES OF NEVADA, LLC, License No. 79250

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

Hearing Officer Leggett dismissed the Board's Complaint and ordered the license limit lowered to \$245,000.00.

5. FINANCIAL RESPONSIBILITY HEARING:

* DRAC, LLC, License No. 79250

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

Hearing Officer Leggett affirmed staff's recommendation to dismiss the Board's Complaint.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Leggett at 9:58 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Jan B. Leggett, Hearing Officer