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STATE OF NEVADA



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

November 16, 2016

CALL TO ORDER:

Jack Juan, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 16, 2016, 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. Noah Allison, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Ron Lynn, Director of Operations

LEGAL COUNSEL PRESENT:

Mr. Jack Juan, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on November 9, 2016, 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: JACK JUAN, ESQ.

1. DISCIPLINARY HEARING: (Continued from October 19, 2016)

EDWARD MONROE OLSON, OWNER, dba B. O. A. CONSTRUCTION, License No. 69631

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 November 4, 2016.

ALJ Juan 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; 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 624.3013(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(2) bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First and Third Causes of Action; a fine of \$100.00 for each of the Second and Fifth Causes of Action; a fine of \$500.00 for each of the Fourth, Sixth and Ninth Causes of Action; a fine of \$250.00 for each of the Seventh and Eighth Causes of Action for total fines of \$4,200.00 and investigative costs of \$3,314.00. License number 69631, Edward Monroe Olson, Owner, dba B. O. A. Construction 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.

2. DISCIPLINARY HEARING: (Continued from October 19, 2016)

WHITEFORD GRADING AND PAVING, INC. License No. 69595

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 received November 15, 2016.

ALJ Juan found Respondent guilty of one (1) violation of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; two (2) violations of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3012(2) failure to pay any money when due; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) failure to keep active a business license in the City of Las Vegas; and one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance. Respondent was assessed a fine of \$2,500.00 for the First Cause of Action; a fine of \$250.00 for each of the Second, Fourth, Fifth and Seventh Causes of Action; a fine of \$500.00 for each of the Third and Ninth Causes of Action; a fine of \$1,000.00 for each of the Sixth and Eighth Causes of Action for total fines of \$6,500.00 and investigative costs of \$3,569.00. License number 69595, Whiteford Grading and Paving, Inc. remained suspended until a current financial statement that supports the license limit is provided. Fines and investigative costs are due and a current compliant financial statement is to be provided to the Board within thirty (30) days of the November 16, 2016 hearing or license number 69595, Whiteford Grading and Paving, Inc. shall be revoked.

ADMINISTRATIVE LAW JUDGE: NOAH ALLISON, ESQ.

3. DISCIPLINARY HEARING:

A & T CONSTRUCTION, LLC, dba A & T CONSTRUCTION AND HOSPITALITY,
License Nos. 79275, 79276, 79277, 79278

HOTEL RENOVATIONS, LLC, License Nos. 79711, 79712, 79713, 79714

DONALD MICHAEL LONG, OWNER, dba D. M. L. CONSTRUCTION, License No. 33597

Licensees A & T Construction LLC and Hotel Renovations, LLC were not present but were represented by James Fontano, Esq. at the hearing.

Licensee Donald Michael Long, Owner, dba D. M. L. Construction 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 - Respondents Thomas James Brletic, A & T Construction, LLC, dba A & T Construction and Hospitality and Hotel Renovations, LLC letter stipulating to the revocation of the licenses dated October 4, 2016 and Respondent Donald Michael Long, Owner of D. M. L. Construction Answer to the Board's Complaint.

Upon the Stipulation of the parties, ALJ Allison found Respondent guilty of two (2) violations of NRS 624.3013(5), as set forth in NAC 624.640(3) failing to notify the Board of the removal of the Qualified Individual within 30 days; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and two (2) violations 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, Second and Fourth Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$1,750.00 and investigative costs of \$1,943.00. License numbers 79275, 79276, 79277 and 79278, A & T Construction, LLC, dba A & T Construction and Hospitality were revoked. License numbers 79711, 79712, 79713 and 79714, Hotel Renovations, LLC were revoked. License number 33597, Donald Michael Long, Owner, dba D. M. L. Construction will have no adverse impact from these actions. Respondents A & T Construction, LLC, dba A & T Construction and Hospitality and Hotel Renovations, LLC are 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. DISCIPLINARY HEARING: DEFAULT ORDERS

a. ABILITY HEATING AND AIR, INC., License No. 78959

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Ability Heating and Air, Inc., license number 78959 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 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of a change of personnel; one (1) violation of NRS 624.302(1)(a) contracting while the license was suspended; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third and Fourth Causes of Action for total fines of \$4,000.00 and investigative costs of \$1,698.00. License number 78959, Ability Heating and Air, Inc. 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 Allison at 9:27 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Noah Allison, Esq., Administrative Law Judge