

BRIAN SANDOVAL
Governor

MEMBERS
Jan B. Leggett, Chairman
Kevin E. Burke
Margaret Cavin
Mason Gorda
Joe Hernandez
Kent Lay
Guy M. Wells

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
OCTOBER 4, 2017

REPLY TO:

Northern Nevada
5390 Kietzke Lane
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Reno, Nevada 89511
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Southern Nevada
2310 Corporate Circle
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Henderson, Nevada 89074
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CALL TO ORDER:

Jonathan L. Andrews, Esq., called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **OCTOBER 4, 2017**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin

STAFF MEMBERS PRESENT:

Mr. Paul Rozario, Director of Investigations
Mr. Fred Schoenfeldt, Investigations Supervisor

LEGAL COUNSEL PRESENT:

Jonathan L. Andrews, Legal Counsel
Jack Juan, Legal Counsel

Fred Schoenfeldt stated the agenda was posted at Reno City Hall, Washoe County Court House, South Valleys Library, Paseo Verde Library, Sawyer State Building, Clark County Library, both offices of the Board, on the Board's Internet Website and the Nevada Public Notice Website.

ADJUDICATING HEARING OFFICER: MARGARET CAVIN

1. DISCIPLINARY HEARING: DEFAULT HEARING:
EUREKA BUILDERS, License No. 19657

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

Hearing Officer Cavin found Respondent Eureka Builders Inc, license number 19657 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of one (1) violation of NRS 624.301(4) Willful failure or refusal without legal excuse on the part of a licensee to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another; one (1) violation of NRS 624.301(5) by willfully failing or refusing without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another; one (1) violation of NRS 624.3012(2) by willfully or deliberately failing to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5) by failing to comply with the Board's Notices to Correct pursuant to NAC 624.700(3); one (1) violation of NRS 624.3013(5) Failure to comply with law or regulation of the Board pursuant to NRS 624.285 4. if the licensee fails to replace the person originally qualified within the 30-day period, the license may be suspended or revoked and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 19657 was revoked. Respondent shall pay a fine of

\$1,000.00 for the First Cause of Action, \$1,000.00 for the Second Cause of Action, \$1,000.00 for the Third Cause of Action, \$1,000.00 for the Fourth Cause of Action, \$500.00 for the Fifth Cause of Action; \$500.00 for the Sixth Cause of Action and \$1,000.00 for the Seventh Cause of Action for a total fine in the amount of \$6,000.00, full restitution to all the damaged parties and reimburse the Board for investigative costs of \$2,924.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING: DEFAULT HEARING:

WILLIAMSON GENERAL CONTRACTORS INC, License No. 75145

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

Hearing Officer Cavin found the Respondent Williamson General Contractors Inc., license number 75145 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of one (1) violation of NRS 624.3012(2) Diversion of money; failure to pay for materials or services; failure to release lien against property to be improved; one (1) violation of NRS 624.302(5) Failure or refusal to respond to or comply with written requests of Board; one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit and one (1) violation of NRS 624.3013(3) failing to establish financial responsibility. License number 75145 is revoked. Respondent shall pay an administrative fine of \$1,000.00 for the First Cause of Action, \$1,000.00 for the Second Cause of Action, \$500.00 for the Third Cause of Action and \$1,000.00 for the Fourth Cause of Action for a total fine in the amount of \$3,500.00. Respondent shall pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,240.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

2. DISCIPLINARY HEARING:

MOUNTAIN SHADOWS LANDSCAPING, License no. 58571

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's answer

Hearing Officer Cavin found the Respondent Mountain Shadows Landscaping, license number 58571 guilty of (2) violations of NRS 624.3017(1) substandard workmanship; (2) violations of NRS 624.3013(5), by failing to comply with the Board's Notice's to Correct pursuant to NAC 624.700(3)(a); (2) violations of NRS 624.3013(5), failing to include the monetary license limit on Respondent's proposals with Marshall and Olson as required by NAC 624.640(5); (2) violations of NRS 624.3013(5), failing to notify the owners of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3015(2) bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board and NRS 624.3013(3) failure to establish financial responsibility. License number 58571 is revoked. Respondent shall pay an administrative fine of \$1,000.00 for the First Cause of Action, \$100.00 for the Second Cause of Action, \$100.00 for the Third Cause of Action, \$100.00 for the Fourth Cause of Action, \$500.00 for the Fifth Cause of Action and \$500.00 for the Sixth Cause of Action for a total fine in the amount of \$2,300.00. Respondent shall pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,603.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

4. DISCIPLINARY HEARING:

BUTTACAVOLI DEVELOPMENT COMPANY, License No. 78035

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's answer

Hearing Officer Cavin found the Respondent Buttacavoli Development Company, license number 78035 guilty of violating NRS 624.3015(2) Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board; NRS 624.302(2) & (3) failure to comply with written citation or pay administrative fine; The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300: 2. Failure to comply with a written citation issued pursuant to NRS 624.341 within the time permitted for compliance set forth in the citation, or, if a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing. 3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after: (a) Receiving notice of the imposition of the fine; or (b) The final administrative or judicial decision affirming the imposition of the fine, whichever occurs later; NRS 624.3013(5) Failure to establish financial responsibility or comply with law or regulations of the Board NRS 624.263(3) Financial responsibility of the licensee. A licensed contractor shall, as soon as it is reasonably practicable, notify the Board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment as set forth (an adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws and NRS 624.3013(3) failing to establish financial responsibility. License number 78035 is revoked. No fines or fees were assessed.

5. DISCIPLINARY HEARING:

EVERETT TRIPLETT CONTRACTING, License No. 21872

Licensee was present and was represented by Patrick Healey, Esq. at the hearing.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's answer

Hearing Officer Cavin found the Respondent Everett Triplett Contracting, license number 21872 guilty of (3) violations of NRS 624.3011(2) which states if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions; NRS 624.3013(5) by failing to comply with the Board's Notice to Correct pursuant to NAC 624.700(3)(a); NRS 624.3013(5) by failing to include the monetary license limit on Respondent's agreement with Heist as required by NAC 624.640(5); NRS 624.3013(5) by failing to notify the owner of their rights related to the Residential Recovery Fund pursuant to NRS 624.520(1); NRS 624.302(7) failure or refusal to comply with an order of the Board; NRS 624.302(5) failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint and NRS 624.3013(3) failing to establish financial responsibility. License number 21872 is suspended. Respondent shall pay an administrative fine of \$1,500.00 for the First Cause of Action, \$50.00 for the Second Cause of Action, \$50.00 for the Third Cause of Action, \$50.00 for the Fourth Cause of Action, \$250.00 for the Fifth Cause of Action, \$1,000.00 for the Sixth Cause of Action and \$1,000.00 for the Seventh Cause of Action for a total fine in the amount of \$3,900.00. Respondent shall reimburse the Board for investigative costs of \$3,490.00. Fines, fees, a current statement that meets the requirements of the Board and remove all red tags in Washoe/Douglas Counties on all projects are to be complied with within (90) ninety days from the date of the Decision and Order, or license number 21872 will automatically be revoked. Respondent shall reimburse any and all claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING: Continued from September 6, 2017

4 M PAINTING INCORPORATION, License No. 69182

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's answer

Hearing Officer Cavin ordered 4 M Painting, license number 69182 to remain on probation taking on no new work and continued this matter to the November 1, 2017. Respondent shall provide to the Board a current CPA prepared financial statement and copies of certificate of workers comp insurance within (30) days or license number 69182 will be automatically suspended.

DISCIPLINARY HEARING: Continued from September 6, 2017
BUILT ALL CONSTRUCTION, License No. 71508

Licensee was present and was represented by Joe M. Laub, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's Answer

Hearing Officer Cavin found the Respondent Built All Construction, license number 71508 guilty of violating NRS 624.3013(1) by failing to keep records showing all contracts, documents, receipts and disbursements by a licensee of all of the licensee's transactions as a contractor and to keep them open for inspection by the Board or Executive Officer for a period of not less than 3 years after the completion of any construction project or operation to which the records refer; NRS 624.302(7) failing or refusing to comply with an order of the Board; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license and NRS 624.3013(3) failing to establish financial responsibility. License number 71508 is active. License limit is reduced to \$50,000.00. The First, Second and Third Causes of Action are dismissed. The Respondent shall pay a fine of \$250.00 for the Fourth Cause of Action, \$250.00 for the Fifth Cause of Action, \$250.00 for the Sixth Cause of Action, the Seventh Cause of Action is dismissed, and \$1,000.00 for the Eighth Cause of Action for a total fine in the amount of \$1,750.00; reimburse the Board for investigative costs of \$3,209.00 within (90) ninety days from the date of the signed Decision and Order or license number 71508 will automatically be revoked.


ADJOURNMENT

The meeting was adjourned by Hearing Officer Cavin at 11:28a.m. on October 4, 2017.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer


Margaret Cavin, Hearing Officer