

BRIAN SANDOVAL
Governor

MEMBERS
Margaret Cavin, Chair
Melissa Caron
Mason Gorda
Joe Hernandez
Kent Lay
Jan B. Leggett
Guy M. Wells

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
JUNE 6, 2018

REPLY TO:

Northern Nevada
5390 Kietzke Lane
Suite 102
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

www.nscb.nv.gov

Southern Nevada
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

CALL TO ORDER:

Paul Georgeson, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, June 6, 2018, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Noah Allison, Esq.
Mr. Paul Georgeson, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Fred Schoenfeldt, Investigations Supervisor
Ms. Susan Kamesch, Licensing Supervisor, Reno

LEGAL COUNSEL PRESENT:

Jack Juan, Legal Counsel

Margi Grein 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 LAW JUDGE: PAUL GEORGESON, ESQ.

2. DISCIPLINARY HEARING-DEFAULT HEARING:
PREFERRED CONTRACTING, INC., License No. 51856

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Georgeson found the Respondent Preferred Contracting, license number 51856 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.3013(5), as stated in the First Cause of Action of the Board's Complaint, by failing for a period of time to comply with a law or regulations of Board, in this case specifically, NRS 624.256 which requires of industrial insurance. Additionally, if a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment; NRS 624.3013(5), as stated in the

Second Cause of Action of the Board's Complaint, by failing to notify the Board of a change of address within 30 days after the change occurs pursuant to NAC 624.640(3); NRS 624.3013(4) failing to keep in full force the bond or cash deposit required by NRS 624.270 for the full period required by the Board and NRS 624.3013(3) failure to establish financial responsibility. License number 51856 was revoked. Respondent was ordered to pay an administrative fine of \$1,000.00 each for the First, Second, Third and Fourth Causes of Action for a total fine of \$4,000.00; assessed investigative costs in the amount of \$1,571.00. Respondent shall pay full restitution to the damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

3. DISCIPLINARY HEARING:
EXCAL CONSTRUCTION, INC., License No. 40957A

Licensee was present and was represented by counsel Mark Wright, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Georgeson reduced the Respondent's monetary license limit to \$245,000.00. Respondent shall provide a current financial statement with bank verification form for all cash accounts that supports the license limit before July 18, 2018.

4. FINANCIAL RESPONSIBILITY HEARING:
CARSON VALLEY CONCRETE, LLC, License No. 81931

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Georgeson continued this matter to July 5, 2018 to allow the Respondent additional time to submit a properly prepared financial statement, bank verification form and pay the costs of \$912.71. The monetary license limit was lowered to \$50,000.00. If received prior to June 29, 2018, the matter shall be vacated.

5. FINANCIAL RESPONSIBILITY HEARING:
K D ELECTRIC, License No. 81321

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Georgeson continued this matter to July 5, 2018 to allow the Respondent additional time to submit a properly prepared financial statement and pay the costs of \$493.63. If costs are received prior to June 15, 2018 and the financial statement is received prior to June 29, 2018, the matter shall be vacated.

6. FINANCIAL RESPONSIBILITY HEARING:
D N S INTERIORS, LLC, License No. 82017

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Georgeson continued this matter to July 5, 2018 to allow the Respondent additional time to submit an application to place the license on inactive status. If received prior to July 5, 2018, the matter shall be vacated.

ADJOURNMENT

The meeting was adjourned by ALJ Georgeson at 9:00a.m. on June 6, 2018.

Respectfully Submitted,


Sandra Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer

ADJUDICATING LAW JUDGE: NOAH ALLISON, ESQ.**7. DISCIPLINARY HEARING:** (Continued from May 23, 2018)**AM/PM AIR CONDITIONING, INC.,** License No. 17110

Licensee was present and represented by Tony May, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent guilty 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 624.302(6) failure to comply with a written request from the Board; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The First, Second, Third, and Fourth Causes of Action were dismissed. Respondent was assessed a fine of \$100.00 for the Fifth Cause of Action; a fine of \$250.00 for the Sixth Cause of Action; a fine of \$500.00 for the Seventh Cause of Action for total fines of \$850.00 and investigative costs of \$1,000.00. The Respondent was ordered to pay restitution to Sylvia Johnson in the amount of \$625.00. The Respondent was ordered to remove the existing lien on the Johnson property within thirty (30) days from the June 6, 2018 hearing. Fines, investigative costs and restitution are to be paid within ninety (90) days from the June 6, 2018 hearing or license number 17110, AM/PM Air Conditioning, Inc. shall be revoked. If Respondent timely pays the fines, investigative costs and restitution, the Board shall accept the voluntary surrender of license number 17110, AM/PM Air Conditioning, Inc.

8. DISCIPLINARY HEARING: (Continued from May 21, 2018)**SYNERGY CONTRACTING, LLC,** License Nos. 77595, 78803**SYNERGY ELECTRICAL, LLC,** License No. 68456**QUICK RESPONSE RESTORATION II, LLC,** License No. 79291

Licensee was present and represented by Richard Christensen, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 4 – An e-mail between the Board and North Las Vegas Building Department dated May 31, 2018 regarding the Wynant Project.

Exhibit 5 - An e-mail between the Board and Bill Miller, Compliance Investigator for DIR regarding Respondents' workers' compensation insurance dated May 31, 2018.

Exhibit 6 - A License Inquiry Report on Synergy Companies of Nevada, Inc.

Exhibit 7 - A Mechanic's Lien on the Swanson property dated April 18, 2018.

ALJ Allison found Respondents guilty of two (2) violations of NRS 624.301(5) failure to comply with the terms of a construction contract; two (2) violations of NRS 624.3017(1) workmanship not commensurate with the standards of the trade in general; two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid; 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; two (2) violations of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; 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) violation of the building laws of the State; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; two (2) violations of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license

issued except in the name of the licensee as set forth upon the license; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondents were ordered to pay investigative costs of \$8,254.00 plus any and all fines ALJ Allison assesses against the licenses within ninety (90) days from the June 6, 2018 hearing. The licenses of Synergy Contracting, LLC, license numbers 77595 and 78803, the license of Synergy Electrical, LLC, license number 68456, and the license of Quick Response Restoration II, LLC, license number 79291 were revoked. The revocation was stayed for ninety (90) days to allow Respondents the opportunity to comply with the Board's Decision and Order. The licenses of Synergy Contracting, LLC, license numbers 77595 and 78803, the license of Synergy Electrical, LLC, license number 68456, and the license of Quick Response Restoration II, LLC, license number 79291 were placed on Probation. While on Probation, the Respondents may not enter into any new contracts but may complete their existing projects. Respondents were ordered to make restitution to Sondra Swanson in the amount of \$5,986.16 within thirty (30) days from the June 6, 2018 hearing. The Respondents were ordered to release the two (2) liens on the Swanson property within thirty (30) days of the June 6, 2018 hearing. If Respondents comply with the Decision and Order prior to the ninety (90) days of June 6, 2018, the license statuses shall be returned to Active. Failure to timely comply with the Board's Decision and Order shall result in the revocation of license numbers 77595 and 78803, Synergy Contracting, LLC, license number 68456, Synergy Electrical, LLC, and license number 79291, Quick Response Restoration II, LLC.

ADJOURNMENT

The meeting was adjourned by ALJ Allison at 2:30p.m. on June 6, 2018.

Respectfully Submitted,


Sandra Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer