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STATE OF NEVADA

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
June 15, 2005**

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

CALL TO ORDER:

Hearing Officer Spiridon Filios called the meeting of the State Contractors Board to order at 10:00a.m., Wednesday, June 15, 2005, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Spiridon Filios
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on June 8, 2005, at Las Vegas City Hall, 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 Internet Website.

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

1. DISCIPLINARY HEARING:

VISION DEVELOPMENTAL CONSULTANTS, LLC, LICENSE NO. 48418

Licensee was present with Counsel Eric Freeman, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Payments made by Mr. & Mrs. Thornton to Vision Developmental Consultants, LLC.

Exhibit 3 – Payments made by Mr. & Mrs. Thornton to subcontractors.

Exhibit 4 – Estimates to make repairs to the Thornton residence.

Exhibit 5 – Estimates for plumbing repairs at the Procras residence.

Exhibit 6 – Estimates for stucco repair at the Procras residence.

Hearing Officer Filios found Respondent Vision Developmental Consultants, LLC, license number 48418, Michael D. Rodriguez, Member and Johns L. Gross, Member guilty of Three (3) violations of NRS 624.3017(1) substandard workmanship; Three (3) 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; Three (3) violations of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.301(4) failure to prosecute a construction project with reasonable diligence, thereby causing material injury to another; NRS 624.3015(2) bidding to contract for a sum for one construction contract or project in excess of the limit placed on the license by the Board; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund to owner; NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change in address or personnel within 30 days after the change occurs. Mr. Rodriguez and Mr. Gross were assessed a fine of \$200.00 for the First, Second, Third, Forth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Causes of Action and a fine of \$100.00 for the Eleventh Cause of Action for a total fine of \$3,300.00. Investigative costs were assessed in the amount of \$3,646.00. Mr. Rodriguez and Mr. Gross were ordered to make the repairs to the Procras residence or pay restitution to Mr. Procras in the amount of \$10,600.00. Fines, costs and restitution to Mr. Procras are to be paid within 90 days from June 15, 2005. Mr. Rodriguez and Mr. Gross were ordered to pay the restitution to Mr. and Mrs. Thornton an agreed amount by both parties or what is ordered by the Court in Civil Litigation. License number 48418, Vision Developmental Consultants, LLC is Revoked.

2. DISCIPLINARY HEARING:

T R BLACK ENTERPRISES, LICENSE NO. 30644

Licensee was present with Counsel Keith Gregory, Esq. and Donald Williams, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Compilation of letters from T R Black Enterprises.

- Letter to Mr. & Mrs. Royer dated February 2, 2005
- Letter to Mr. & Mrs. Royer dated January 10, 2005.
- Letter to Mr. & Mrs. Royer dated January 6, 2005.
- Letter to Mr. & Mrs. Royer dated January 4, 2005.
- Letter to Mr. & Mrs. Royer dated December 28, 2004.
- Letter to Mr. & Mrs. Royer dated December 18, 2005.
- Letter to Donald Williams dated December 16, 2004.
- Brochure from Lowe's.
- Two letters to Ralph Bellerue dated November 25, 2004.
- Letter to Tom dated October 24, 2004.
- Letter to Mr. & Mrs. Royer dated October 23, 2004.
- Customer notes regarding Mr. & Mrs. Royer dated October 20, 2004.
- Invoice #200 dated October 11, 2004.
- Letter to Mr. & Mrs. Royer dated October 3, 2004.
- Fax from Jeff Grover Design dated July 24, 2004.
- Letter to Mr. & Mrs. Royer dated March 26, 2004.

Letter to Mr. & Mrs. Royer dated March 25, 2004.
Customer notes dated March 23, 2004.
Letter to Mr. & Mrs. Royer dated March 23, 2004.
Letter to Mr. & Mrs. Royer dated March 18, 2004.
Letter to Mr. & Mrs. Royer dated March 10, 2004.
Letter to Mr. & Mrs. Royer dated February 25, 2004.

Hearing Officer Filios ordered Counsel, Keith Gregory, Esq., to submit a brief by July 1, 2005. Counsel Laura Browning, Esq. is to respond by July 11, 2005. Reply to brief is due July 16, 2005. The Hearing Officer will provide a written Decision and Order.

3. DISCIPLINARY HEARING:

BACKHOE BILLS, INC, DBA DOWNUNDER CONSTRUCTION, LICENSE NO. 50498

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Backhoe Bills, Inc, dba Downunder Construction, license number 50498, William A. Plouffe, President in violation of NRS 624.3014(2)(a)(b)(d) aiding and abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; and acting as agent, partner or associate of an unlicensed person; NRS 624.3016(5), as set forth in NRS 597.719(2)(h) and NAC 624.6958(2)(i) failure to provide disclosures required under NRS 624.600; NRS 624.3016(5), as set forth in NRS 597.719(2)(i) and NAC 624.6958(2)(j) failure to provide change orders in writing; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(2) and NAC 624.6958(2)(l) failure to include a notice stating the owner has the right to request a bond for payment and performance; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(1) failure to provide a notice stating the owner may contact the Board if assistance is needed to clarify any provisions of the contract that the owner does not fully understand; NRS 624.3016(5), as set forth in NRS 597.719(2)(k) and NAC 624.6958(2)(m) failure to provide schedule of payments; NRS 624.3016(5), as set forth in NAC 624.6958(2)(n) failure to provide each subcontractor or supplier prompt payment upon completion of each stage or phase of construction for the contracted amount of service rendered or material supplied; NRS 624.3016(5), as set forth in NAC 624.6958(2)(o) failure to provide the owner a full and unconditional release from any claim of mechanics lien for the portion of work for which payment has been made; NRS 624.3016(5), as set forth in NAC 624.6958(3) contractor shall ensure that each contract for construction of a residential pool is signed by the contractor or a person named on the license; NRS 624.3016(5), as set forth in NAC 624.6964(3) receiving payments in excess of the work performed; NRS 3016(5), as set forth in NAC 624.6964(5) payment for any stage or phase or work performed must not be due until the completion of that stage or phase; NRS 624.3016(5), as set forth in NRS 597.716(5) failure to provide written statement explaining the rights of the customer; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(5), as set forth in NRS 624.600 the name, license number, business address and telephone number of all subcontractors on the project and all persons who furnished materials of \$500.00 or more used on the project; NRS 624.3013(5), as set forth in NRS 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; NRS 624.3013(3) failure to establish financial responsibility. Mr. Plouffe was assessed a fine of \$1,000.00 for the First and Nineteenth Causes of Action, a fine of \$250.00 for the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Causes of Action, a fine of \$100.00 for the Sixteenth Cause of Action, a fine of \$50.00 for the Seventeenth and Eighteenth Causes of Action and a fine of \$500.000 for the Twentieth Cause of Action for a total fine of \$5,700.00. The Second and Third Causes of Action were dismissed. If Mr. Plouffe submits a current financial statement prepared by a Certified Public Accountant within 15 days from June 15, 2005, the Twentieth Cause of Action will be dismissed. Investigative costs were assessed in the amount of \$2,206.00. Fines and costs are to be paid within 90 days or license number 50498, Backhoe Bills, Inc.,

dba Downunder Construction will automatically be Suspended. Mr. Plouffe is ordered to submit to a Business Review within 90 days from June 15, 2005. The result of the Business Review will be presented to the Executive Officer. Mr. Plouffe will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.

4. DISCIPLINARY HEARING:

ARTISTIC POOL/SPA, INC., LICENSE NO. 24446

Licensee was present with Counsel R. Nersesian, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Bid for concrete repairs at the Davis residence.

Exhibit 3 – Proposal from Chucks Masonry to Mr. & Mrs. Davis.

Exhibit 4 – Fax from Artistic Pool/Spa, Inc. to Mr. Davis.

The following Respondent Exhibits were entered:

Exhibit A – Four photographs taken by Artistic Pool/Spa, Inc. of the Davis' pool.

Hearing Officer Filios found Respondent Artistic Pool/Spa, Inc., license number 24446, Ronald J. Foglia, President in violation of NRS 624.3017(1) substandard workmanship; NRS 624.3016(5), as set forth in NRS 597.716(6) the contractor shall apply for and obtain all necessary permits. Mr. Foglia was assessed a fine of \$500.00 for the First and Seventeenth Causes of Action for a total fine of \$1,000.00. The Second, Third, Ninth, Tenth and Eleventh Causes of Action were dismissed. Fines and costs are to be paid within 90 days from June 15, 2005 or license number 24446, Artistic Pool/Spa, Inc. will automatically be Suspended. Mr. Foglia was ordered to hire a properly licensed contractor to repair the Davis pool or pay restitution to the Davis' in the amount of \$5,000.00 minus \$1,600.00 that is still owed on the contract within 120 days from June 15, 2005 or license number 24446, Artistic Pool/Spa, Inc. will automatically be Suspended. Mr. Foglia was ordered to furnish copies of all paperwork on the Davis Project to the Investigator. Hearing Officer Filios ordered Counsel, R. Nersesian, Esq., to submit a brief of the contract violations including a clear copy of the contract that is in compliance of the pool regulations by July 15, 2005. Counsel Laura Browning, Esq. is to respond by August 15, 2005. Reply to brief is due August 30, 2005. The Hearing Officer will provide a written Decision and Order. Mr. Foglia is ordered to submit to a Business Review within 120 days from June 15, 2005. The result of the Business Review will be presented to the Executive Officer. Mr. Foglia will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.

5. DISCIPLINARY HEARING:

BROWARD FACTORY SERVICE, INC., DBA B F S, LICENSE NO. 40504

Licensee was present with Counsel David Brown, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Broward Factory Service, dba B F S, license number 40504, Crockett G. Herd, President in violation of NRS 624.302(2) failure to comply with a written citation

issued pursuant to NRS 624.341. Mr. Herd was ordered to retake and pass the C-21 (B) trade exam or obtain a new qualified employee within 90 days from June 15, 2005 or license number 40504, Crockett G. Herd will automatically be Suspended. Investigative costs will be assessed in the amount of \$1,142.00 if Mr. Herd does not pass the trade exam or obtain a new qualified employee within 90 days from June 15, 2005.

6. DISCIPLINARY HEARING:

CRYSTAL CASCADES, LICENSE NO. 39911

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Estimates for repair to the Osburn residence.

Exhibit 3 – Spreadsheet reflecting the money owed to Angel Contracting.

Hearing Officer Filios found Respondent Edward G. Riggs, dba Crystal Cascades, license number 39911 in violation of NRS 624.301(4) willful without legal excuse to prosecute a construction project with reasonable diligence, thereby causing material injury to another; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(5), as set forth in NRS 597.719(2)(d) and NAC 624.6958(2)(d) failure to provide the estimated date of completion of all work to be performed pursuant to the contract; NRS 624.3016(5), as set forth in NRS 597.719(2)(h) and NAC 624.6958(2)(i) failure to provide a notice and informational form required pursuant to NRS 624.600; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(1) failure to provide a notice stating the owner may contact the Board if assistance is needed to clarify any of the provisions of the contract that the owner does not fully understand; NRS 624.3016(5), as set forth in NAC 624.6964(3) receiving payments in excess of the value of the work performed; NRS 624.3016(5), as set forth in NRS 597.716(3) and NAC 624.6966(3) failure to provide a full and unconditional release from any claim of mechanic's lien; NRS 624.3016(5), as set forth in NRS 597.716(5) failure to provide a written statement explaining the rights of the customer; NRS 624.3016(5), as set forth in NRS 624.600 the name, license number, business address and telephone number of all subcontractors and persons who furnished material of the value of \$500.00 or more used in the project; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3012(2) failure by a licensee to pay any money when due for materials or services rendered when he has received sufficient money as payment for the project; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3014(1)(a) acting in the capacity of a contractor issued hereunder except in the name of the licensee as set forth upon the license. Mr. Riggs was assessed a fine of \$100.00 for the First, Second, Third, Forth, Fifth, Sixth, Seventh, Eighth, Ninth and Fifteenth Causes of Action, a fine of \$250.00 for the Tenth, Eleventh and Twelfth Causes of Action and a fine of \$50.00 for the Fourteenth Cause of Action for a total fine of \$1,800.00. Investigative costs were assessed in the amount of \$2,280.00. Fines and costs are to be paid within 30 days from June 15, 2005 or license number 39911, Edward G. Riggs, dba Crystal Cascades will automatically be Suspended. Mr. Riggs was ordered to furnish a current financial statement prepared by a Certified Public Accountant within 30 days from June 15, 2005 or license number 39911, Edward G. Riggs, dba Crystal Cascades will automatically be Suspended. Mr. Riggs was ordered to pay restitution to Mr. Osborn in the amount of \$13,500.00 by 5:00 p.m. June 15, 2005 or license number 39911, Edward G. Riggs, dba Crystal Cascades will automatically by Suspended. Mr. Riggs was ordered to resolve issues with Angle Contracting within 15 days from June 15, 2005 or license number 39911, Edward G. Riggs, dba Crystal Cascades will be brought back before the Board on July 14, 2005 for disciplinary action.

7. DISCIPLINARY HEARING:**ALL AMERICAN SERVICE CORP, DBA SPEEDY PLUMBING & AIR,** LICENSE NOS. 54199, 53962

Licensee was present with Counsel Stacy Rocheleau, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Compilation of license application documents.

Exhibit 3 – Letter from Paul Easton to Speedy Plumbing & Air dated April 26, 2005.

Exhibit 4 – Two certificates of Resignation of Officer from the Secretary of State of Nevada dated April 12, 2005 and April 14, 2005.

Exhibit 5 – Current list of Officers of All American Service Corporation from the Secretary of State of Nevada dated June 6, 2005.

Exhibit 6 – Memo from Paul Easton to Tom Gage regarding the building inspection dated June 13, 2005.

Exhibit 7 – Contract between Speedy Plumbing & Air and Glen Fosina dated April 12, 2005. Contract between Speedy Plumbing & Air and Charles Marino dated November 30, 2004.

Exhibit 8 – Copies of checks written to Juan Rios by Speedy Plumbing & Air received from Wells Fargo Bank.

Exhibit 9 – Statement from a former employee of Speedy Plumbing & Air to the Contractors Board dated June 14, 2005.

Exhibit 10 – Statements from two former employees of Speedy Plumbing & Air to the Contractors Board dated June 14, 2005.

Hearing Officer Filios continued this matter to June 23, 2005 to allow officers of the corporation to be present and evidence to be presented for the defense.

Respondent is ordered to submit to a Business Review on June 16, 2005. The result of the Business Review will be presented to the Hearing Officer.

DISCIPLINARY HEARING – DEFAULT ORDERS:**a. ALAN DONNELLY PAINTING, CO.,** LICENSE NO. 53727

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Alan K. Donnelly, dba Alan Donnelly Painting, Co., license number 53727, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Donnelly was found guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(3) failure to establish financial responsibility; NRS624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs. License number 53727, Alan K. Donnelly, dba Alan Donnelly Painting, Co. was Revoked. Mr. Donnelly was ordered to

pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,216.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. CONTRERAS PAINTING, LICENSE NO. 48533

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Juan B. Contreras, dba Contreras Painting, license number 48533, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Contreras was found guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records. License number 48533, Juan B. Contreras, dba Contreras Painting was Revoked. Mr. Contreras was ordered to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,262.00 and any expenses that may be paid out of the Residential Recovery Fund.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Zech at 6:20 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

George Lyford, Director Investigations

Spiridon Filios, Hearing Officer