

MEMBERS
Boyd Martin, Chairman
Margaret Cavin
Bryan Cowart
Joe Hernandez
Kent Lay
Jan B. Leggett
Louis Polish Jr.



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
May 1, 2024

ADMINISTRATIVE LAW JUDGE

Richard Scotti, Esq.

STAFF MEMBERS PRESENT

David Behar, Deputy Executive Director
Terry Wike, Director of Investigations

Jason Johnston, Compliance Investigator

LEGAL COUNSEL PRESENT Jack Juan, Esq.

Deputy Executive Director, David Behar, stated the agenda was posted in compliance with the open meeting law at both offices of the Board, on the Board's Internet Website, the Nevada Public Notice Website, and e-mailed electronically to persons who have expressed interest in being kept informed of the Board's meetings.

1. **DISCIPLINARY HEARING – Continued from December 6, 2023.**

***Adame Construction, License 87433, 83598**

Case No.: 30061001; 30061357; 30061656; 30061764; 30061807; 30061861; 30062003;
30061911; 30062168; 30062259; 30062035; 30061993; 30062154; 30061995; 30062503;
30063921; 30062638; 30063047; 30063185; 30063219; 30063329; 30063351

Karry Allen Cunningham – Managing Member

Zulma Franco-Jimenez – Managing Member

Luis Gerardo Adame Castillo – Managing Member

Appearances are made in person by Respondent, Luis G. Adame Castillo, Zulma Franco-Jimenez, John Wright, Esq.; Prosecutor Jack Juan, Esq.; and Terry Wike, Director of Investigations. The Administrative Law Judge (ALJ) swears Respondent Zulma Franco Jimenez in for testimony. Respondent testifies that the Employee Retention Credit ("ERC") funds are located in a checking account under the name of Adame Handyman Services, LLC. Further testimony and comments by Respondent's counsel indicate the ERC money was supposed to be held and distributed by Zack Larsen, Esq., and further testified that during the previous hearing that the Board was to send notices out to the Homeowners, but has not made any strides towards the list of Homeowners. The Prosecutor states that the Board strongly recommends that the funds be turned over to the Board and remain in an account with no fees distributed, not even attorney fees. Thereafter, Homeowner, Lidia Free is sworn in and testifies that she contacted Zack Larsen's office and wasn't able to verify that any money is available for payment and that his office indicated they didn't even have the funds in their IOLTA account. The ALJ therefore **ORDERS** that the "ERC" money is to be turned over to the Board and a *status check is to be held on May 22, 2024* with the Board giving Notice. It is **FURTHER ORDERED** that the Board is to present the list of Homeowners that want a portion of the "ERC" funds (that haven't already been paid out of the Residential Recovery Fund). The Board is also to figure a pro-rata distribution amount of the remaining "ERC" funds. That Respondent is **ORDERED** to have the business checking account information, including proof of funds available, the account number, and name of the bank to the Board by close of business, Friday, May 3, 2024.

2. **DISCIPLINARY HEARING –**

***Prime Landscapes, LLC, License 87994**

Case No.: 30059764; 30059804; 30059865; 30060006; 30060077; 30060124; 30060294;
30060449; 30060452; 30060630; 30060632; 30060865; 30060984; 30061045

Noe Reyes-Casillas – Manager , CMS and Trade

Admit ALL Exhibits –

Appearances are made in person by Homeowners, Michel Margala, Brian Houghton, Dennis Moore; Respondent, Noe Reyes; Prosecutor Jack Juan, Esq.; Terry Wike, Director of Investigations; and Jason Johnston, Compliance Investigator. The Prosecutor makes several verbal changes to the Complaint on the record. Thereafter the Administrative Law Judge (ALJ) swears in the Homeowners and allows them a chance to speak on the record regarding their issues with the Respondent. The Board dismisses ALL the Recovery Fund Notices NRS 624.3013(5) in the instant case. After hearing Homeowners testimony and testimony from the Respondent, the Board and the ALJ can openly see that Respondent – as a young and first time business owner – shows true remorse for the present situation, **ORDERS that License Nos. 87994 and 87654 are revoked immediately** and that fines are assessed at a minimum rate of **\$1,000 each for Allegations #1, #2, #3, #5, #6, #7, #9, #10, #11, #14, #15, #16, #17, #19, #20, #21, #23, #24, #25, #27, #28, #29, #30, #31, #32, #33, #34, #36, #37, #38, #40, #42, #44, #45, #46, #47, #48, #49, #50, #52 for a total of \$40,000.** For the first 90 days after the Decision and Order, the fines will be reduced by a like amount with each dollar that is paid to the Homeowners. This reduction in fine amounts will cease on the 91st day. The ALJ defers the decision as to whether the matter should be referred to the District Attorney for criminal prosecution to the Executive Director. The ALJ will prepare written Facts and Conclusions of Law. The Respondent is to also pay reasonable fees and costs within 90 days of the date of the Decision and Order.

ADJOURNMENT

The disciplinary hearing was adjourned by Administrative Law Judge Richard Scotti, at 11:17 a.m.

Respectfully Submitted,



Leslie Fuller, Recording Secretary

APPROVED



Margi A. Grein, Executive Officer