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Governor

**State Of Nevada**

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**MEMBERS**  
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Margaret Cavin  
David W. Clark  
Spiridon G. Filios  
Jerry Higgins  
Randy Schaefer



## **STATE CONTRACTORS' BOARD**

### **MINUTES OF THE RECOVERY FUND SUBCOMMITTEE MEETING JUNE 11, 2003**

#### **1. CALL TO ORDER:**

Mr. Schaefer called the meeting to order at 3:02 p.m. on Wednesday, June 11, 2003, at the offices of the State Contractors Board, 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074.

#### **COMMITTEE MEMBERS PRESENT:**

Mr. Randy Schaefer, Board Member (Committee Chairman)  
Mr. Spiridon Filios, Board Member  
Mr. Jerry Higgins, Board Member

#### **STAFF MEMBERS PRESENT:**

Mr. George Lyford, Director of Investigations  
Mr. Chris Denning, Deputy Director of Investigations

#### **LEGAL COUNSEL PRESENT:**

Ms. Carolyn Broussard, Legal Counsel

Mr. Lyford stated that Tom Lawrence had posted the agenda in compliance with the open meeting law on June 4, 2003, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

Mr. Lyford informed Mr. Schaefer that all of the Las Vegas claimants had signed the request for a closed hearing.

**2. AQUA POOLS & SPAS**, LICENSE NO. 32428  
Frank Salazar and Margaret E. Salazar, Partners  
William Smith, Homeowner  
L-0110-312-RF

No one from Aqua Pools & Spas was present.

Ms. Noreen Smith, Homeowner; Ms. Pamela Smith; and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Denning testified that the Smiths entered into a contract with Aqua Pools & Spas on November 18, 2002, for the construction of a swimming pool, a 30 foot x 10 foot aluminum patio cover, a volleyball post and net, a 3 foot walkway, and landscaping not to exceed \$4,500, for a total contract price of \$42,237. A credit was issued for \$2,100 reducing the total contract price to \$40,137, of which the Smiths have paid \$31,677.75. The swimming pool was 30% complete and the total project was 18% complete when the contractor abandoned the project.

Ms. Smith testified that the cost to them has been greater than the original contract price just to get the project to a safe point, however, there are still items on the original contract that have not been completed or started.

**MR. HIGGINS RECOMMENDED TO AWARD THE CLAIMANT \$26,000.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. CHRISTIANSEN POOLS**, LICENSE NO. 10682

Ralph A. Christiansen, Owner

Mark Delaney, Homeowner

L-0112-079-RF

No one from Christiansen Pools was present.

Mr. Mark Delaney, Homeowner and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Denning testified that Mark Delaney entered into a contract with Christiansen Pools for the construction of a swimming pool at his residence for a total contract price of \$30,000. A credit was issued for \$1,500 making the total contract price \$28,500, which was paid in full. Two liens were filed by Murphy Electric and DBA Enterprises for non-payment by the Respondent. Mr. Delaney paid both contractors \$500 each for the release of the liens.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$1,000.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.****4. COMMERCIAL SEALANTS**, LICENSE NO. 42478

Michael Anthony Stella, Owner  
Ruth Ruder, Homeowner  
R-0303-073-RF

No one from Commercial Sealants was present.

Ruth Rudner, Homeowner was not present.

Frank Torres, Deputy Director of Investigations Reno was sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Torres testified that Ruth Ruder entered into a contract with the Respondent to power wash and seal the driveway pavers on October 25, 1999 for a total contract price of \$2,600, which has been paid in full. Ms. Ruder filed a claim against the Residential Recovery Fund due to fact that the sealant was not adhering to the driveway pavers. Ms. Ruder has furnished three estimates.

**MR. HIGGINS RECOMMENDED TO AWARD THE CLAIMANT \$2,600.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.****5. AQUA POOLS & SPAS**, LICENSE NO. 32428

Frank Salazar and Margaret E. Salazar, Partners  
Michael Cook, Homeowner  
L-0110-297-RF

No one from Aqua Pools & Spas was present.

Mr. Michael Cook, Homeowner and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Denning testified that Michel Cook entered into a contract with the Respondent on December 27, 2000 for the construction of a swimming pool, spa and aluminum patio cover for a total contract price of \$28,595, of which Respondent was paid \$21,446.25. The project was 25% to 30% complete and the Respondent was paid 75% of the total contract price when the project was abandoned.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$16,100.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**6. AQUA BLUE POOLS**, LICENSE NO. 32761

Walter Clyde Welty and Katherine Eveleen Welty, Partners  
Loren Schofield, Homeowner  
L-0111-214-RF

No one from Aqua Blue Pools was present.

Loren Schofield, Homeowner was not present.

Chris Denning, Deputy Director of Investigations was sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Denning testified that Loren Schofield entered into a contract with Respondent on August 10, 2000 for the construction of a swimming pool at his residence for a total contract price of \$33,232. A \$7,500 rebate was given to Mr. Schofield, reducing the total contract price to \$25,739, of which \$25,648.75 was paid to Respondent. The project was 70% to 75% complete and the Respondent was paid a total of 96% of the total contract price when the project was abandoned.

**MR. HIGGINS RECOMMENDED TO AWARD THE CLAIMANT \$7,400.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**7. AQUA POOLS & SPAS**, LICENSE NO. 32428

Frank Salazar and Margaret Salazar, Partners  
Fred and Peggy Beecher, Homeowner  
L-0110-313-RF

No one from Aqua Pools & Spas was present.

Mr. and Mrs. Fred Beecher, Homeowners and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Denning testified that the Beechers entered into a contract with the Respondent on March 13, 2001 for the construction of a swimming pool, a 3 x 5 x 3 foot waterfall, a 10 x 24 foot patio cover, a 10 x 24 foot patio concrete slab, a JR O Bar-B-Que at their residence for a total contract price of \$57,000, of which the Respondent has been paid \$50,000. \$20,481.25 was refunded to the Beechers by the Respondent making the

total paid \$29,519.45. The total project was 25% to 30% complete and the Respondent was paid 75% of the total contract price when the project was abandoned.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$14,800.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**8. METROLAND BUILDERS**, LICENSE NO. 46698

Pablo Sarmiento Andres, Owner  
Howard Leonard, Homeowner  
L-0301-116-RF

Pablo Andres, Owner of Metroland Builders was present.

Howard Leonard, Homeowner was not present.

Chris Denning, Deputy Director of Investigations was sworn in.

The Recovery Fund file was entered into the record as Exhibit 1.

Mr. Denning testified that Howard Leonard entered into a contract with the Respondent for the construction of a steel building on June 26, 2002 for a total contract price of \$30,400, of which \$3,000 was paid. The Respondent made a deposit of \$2,558 to Rockford Manufacturing, LTD for the steel building. Rockford Manufacturing, LTD reimbursed Mr. Leonard \$1,758, leaving \$1,242 outstanding from the original \$3,000 downpayment.

Mr. Andres testified that he is out of business and unable to pay any money to the claimant.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$1,242.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**9. ADJOURNMENT:**

The meeting was adjourned at 4:02 pm.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

George Lyford, Director of Investigations

Randy Schaefer, Committee Chairman