

KENNY C. GUINN
Governor

STATE OF NEVADA



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MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON G. FILIOS
JERRY HIGGINS
RANDY SCHAEFER

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
AUGUST 11, 2003**

CALL TO ORDER:

The meeting of the State Contractors Board was called to order by Adjudicating Board Member Jerry Higgins at 12:30 p.m., Monday, August 11, 2003, State Contractors Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jerry Higgins
Mr. David W. Clark

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director Investigations
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, In House Counsel
Mr. Bruce Robb, Legal Counsel

1. DISCIPLINARY HEARING:

ADJUDICATING BOARD MEMBER: JERRY HIGGINS

ROBERT QUINN, LICENSE NO. 54046 (CONTINUED FROM JULY 8, 2003)

Mr. Robert Quinn, owner; Mr. Bruce Mullin, Homeowner; Mr. Alfred Ceglia and Investigator Gary Hoid were sworn in.

Mr. Quinn provided an update on the repairs completed on the Mullin and Ceglia residences.

Mr. Hoid stated he had conducted an on-site visit to the Mullins and Ceglia homes on August 8, 2003. Mr. Hoid verified that the Mullin's repairs have been substantially completed, however, Mr. Quinn had not commenced any repairs at the Ceglia residence.

Mr. Ceglia described the outstanding workmanship issues and testified that he still has not been provided sub-contractor information or Residential Recovery Fund Disclosures. Mr. Ceglia presented a letter addressed to the Nevada State Contractors Board dated August 10, 2003 that was entered into the record as Exhibit 3 and a Statement of his Position that was entered as Exhibit 4.

Mr. Mullins expressed his frustration over the Respondent's behavior and failure to perform the repair work in a timely and satisfactory manner.

The evidentiary portion of the hearing was closed.

Hearing Officer Higgins found Robert Quinn, license number 54046 guilty on the first, second, third, fourth, fifth, sixth, seventh and eighth causes of action. Respondent was assessed a fine of \$500 for each cause of action for a total fine of \$4,000. Investigative costs in the amount of \$2,925 were assessed. The fines and costs must be paid within 120 days from the date of the Decision and Order or the license will be suspended. A permanent letter of reprimand is to be placed in Mr. Quinn's file.

Respectfully Submitted,

Jeanne Reynolds, Recording Secretary

APPROVED:

George Lyford, Director of Investigations

Jerry Higgins, Adjudicating Board Member

2. DISCIPLINARY HEARING:

ADJUDICATING BOARD MEMBER: DAVID W. CLARK

PRISKE JONES NEVADA, LICENSE NO. 43389

The hearing was for possible violation of NRS 624.3017(1) and NRS 624.3013(5) as set forth in NAC 624.700(3)(a)

Mr. Rob Miller, Division Manager, Priske Jones Nevada and Gary Hoid, Investigator, were sworn in.

The Hearing File was entered as Exhibit 1.

Mr. Hoid testified that he received a copy of a full and final release entered into by the parties on July 31, 2003. A copy of the release was entered into the record as Exhibit 2.

The evidentiary portion of the hearing was closed.

Hearing Officer Clark found to dismiss the complaint based on the full and final release.

3. DISCIPLINARY HEARING:

ANGEL ELECTRIC, LICENSE NO. 42580

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5) as required by NRS 624.700(3)(a); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3011(2); NRS 624.3013(5) pursuant to NRS 624.520(1); NRS 624.3013(4).

Mr. Ronald Williams, owner was not present at the commencement of the hearing.

Ms. Maria de la Gallegos, homeowner and Gary Hoid, Investigator, were sworn in.

The Hearing File was entered into the record as Exhibit 1.

Ms. Broussard stated for the record that the Notice of Complaint and Notices of Hearing were mailed in compliance with applicable laws.

Mr. Hoid stated that Maria de la Gallegos entered into a contract with Angel Electric for the installation of an electrical panel at her residence for a contract amount of \$1975. The contract has been paid in full. Mr. Hoid validated two workmanship issues and additionally determined that the Respondent had not obtained a building permit, had not provided the homeowner with required Residential Recovery Fund Disclosures, did not state his monetary license limit on the contract and that his license had been suspended for failure to maintain the required bond.

Ms. de la Gallegos testified that she had paid Respondent the contract amount, however, Respondent failed to label the electrical panel circuits. Ms. de la Gallegos explained her contacts with Respondent and the reasons she restricted access to her residence unless her Brother was present. She stated that she had obtained the required building permit.

The evidentiary portion of the hearing was closed.

Hearing Officer Clark found Respondent Ronald Albert Williams, dba Angel Electric, license number 42580 guilty on the first, second, third, fourth and fifth causes of action. The sixth cause of action was dismissed. License number 42580 was suspended until the work on Ms. de la Gallegos' residence is completed to the satisfaction of the Board's Investigator. Mr. Williams was assessed a fine of \$500 on the first, second, third and fourth causes of action and investigative costs in the amount of \$2,130. The fines and costs must be paid within 90 days or the license will be automatically revoked.

At approximately 2:30 p.m. Mr. Ronald Williams, owner of Angel Electric arrived and explained that he had not seen the notice changing the time of the hearing to 1:15 p.m. Mr. Williams acknowledged that the Amended Notice of Hearing had been received and the certified mail receipt signed by his wife. Mr. Robb advised Mr. Williams that testimony had been given and the Hearing Officer had made a decision on the matter, however, Mr. Williams could offer testimony to be considered by the hearing officer.

Mr. Williams testified that he installed an electrical panel box at the de la Gallegos residence. He did not mark the electrical circuits because his "magic marker" was dry. He did not revisit the residence for approximately two months. Mr. Williams indicated he was denied access by the homeowner and was threatened by Ms. de la Gallegos and her brother. He also stated he sued the homeowner in small claims court to force payment for the work.

The evidentiary portion of the hearing was closed.

Hearing Officer Clark reaffirmed his earlier decision.

4. DISCIPLINARY HEARING

ACE FURNACE & STEAM CLEANING, LICENSE NO. 19893B
A 1 REMEDIATION, LICENSE NO. 19893C

Mr. John Abbey, homeowner was present.

Ms. Broussard requested the matter be continued since Board personnel had been advised that Respondent has been hospitalized.

Ms. Sandy Diederich, Legal Assistant, Investigations, stated that she had received a telephone call from Kelly Turner, Esq. attorney for Respondent indicating that Mr. Castro was hospitalized and not available for the Board hearing.

Hearing Officer Clark continued the matter and requested that verification of hospitalization of Respondent be provided.

5. DISCIPLINARY HEARING

AXIS ENVIRONMENTAL, LICENSE NO. 50419

The hearing was for possible violation of NRS 624.301(1); NRS 624.301(4); NRS 624.3016(1); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3013(3) pursuant to NRS 624.220, 624.260 to 624.265; NRS 624.302(5); NRS 624.3013(3).

No representatives of Axis Environmental were present.

Ms. Broussard indicated the matter had been noticed in accordance with applicable laws and regulations.

The Hearing File was entered into the record as [Exhibit 1](#).

Mr. Gary Leonard, Investigator was sworn in. Mr. Leonard stated that Respondent had entered into a contract with the Sienna Hotel for asbestos abatement for a contract price of \$14,488 of which a deposit of \$3,672 was paid. Mr. Leonard stated the Respondent was notified to return the deposit but did not comply. Additionally, Mr. Leonard stated the Respondent's license had been suspended for failure to maintain a bond; a requested financial statement had not been received and the contract did not contain the monetary license limit as required. Mr. Leonard indicated he was unable to verify a bankruptcy court filing that Respondent had claimed and further stated that Respondent's bond had paid the claim filed by the Sienna Hotel.

The evidentiary portion of the hearing was closed.

Hearing Officer Clark found respondent Axis Environmental, license number 50419, guilty on the first, second, third, fourth, fifth, sixth and seventh causes of action. Respondent was assessed a fine of \$500 for each cause of action for a total fine of \$3,500, assessed investigative costs in the amount of \$1,439. The license of Axis Environmental was revoked. Additionally, the fines and costs must be paid before the Board will consider any future licensure requests.

6. DISCIPLINARY HEARING
J K ENTERPRISES, LICENSE NO. 38465

This matter was continued.

7. DISCIPLINARY HEARING
PRESTIGE FLOORING, LICENSE NO. 51452

The hearing was for possible violation of NRS 624.3017(1) and NRS 624.3013(5) as set forth in NAC 624.700(3)(a).

Mr. Danny James, Vice President, Prestige Flooring; Mr. David Kirkwood, President, Prestige Flooring; Mr. Cannon Carruth, Northern Nevada Construction; Mr. Brad Carruth, Northern Nevada Construction and Gary Leonard, Investigator were sworn in.

The hearing file was entered into the record as [Exhibit 1](#).

Mr. Cannon Carruth testified that Northern Nevada Construction Company had entered into a contract with Prestige Flooring to perform floor preparation work and install a hard wood floor at a residence located at 6544 Breckenridge Way, Reno, Nevada for a contract amount of \$1,140.33. The contract amount has been paid in full.

Mr. Brad Carruth testified that the sub-floor had not been properly prepared and the installation was not acceptable. Mr. Carruth stated that Northern Nevada Construction hired another contractor to replace the floor.

Investigator Gary Leonard testified that he validated the complaint and issued a Notice to Correct. He stated that Prestige attempted to repair the floor, but the repairs did not rectify the problem.

Mr. James and Mr. Kirkwood both testified that Prestige Flooring had not been requested to address the area of the sub-floor in question.

Three photographs provided by Northern Nevada Construction were entered as Exhibit 2.

Four photographs provided by Investigator Leonard were entered as Exhibit 3.

The evidentiary portion of the hearing was closed.

Hearing Officer Clark found respondent Prestige Flooring, license number 51452, guilty on the first and second causes of action. Prestige Flooring was assessed a fine of \$500 for each cause of action for a total of \$1,000 and assessed investigative costs in the amount of \$500. The fines and costs must be paid within 90 days or the license will be suspended.

8. DISCIPLINARY HEARING
OLYMPUS & ASSOCIATES, LICENSE NOS. 51422, 51433

Ms. Broussard requested the matter be continued and stated that counsel for Olympus & Associates, Ms. Shelly O'Neil concurs with the request.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 3:50 p.m.

Respectfully Submitted,

Jeanne Reynolds, Recording Secretary

APPROVED:

George Lyford, Director of Investigations

David W. Clark, Adjudicating Board Member