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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**

**January 11, 2006**

**MEMBERS**  
RANDALL SCHAEFER  
*Chairman*  
MARGARET CAVIN  
Vice Chair  
DAVID W. CLARK  
SPIRIDON FILIOS  
JERRY HIGGINS  
WILLIAM "BRUCE" KING  
J. BRIAN SCROGGINS

**CALL TO ORDER:**

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 8:45 a.m., Wednesday January 11, 2006, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Ms. Margaret Cavin  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Mr. George J. Lyford, Director of Investigations  
Mr. Gary Hoid, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

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

The agenda was posted in compliance with the open meeting law on January 5, 2006 at Reno City Hall, Washoe County Court House and Washoe 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: JERRY HIGGINS**

**1. DISCIPLINARY HEARING:**

**HAMLIN DEVELOPMENT COMPANY, LICENSE NO. 47827A**

Licensee was present with Robert Dotson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Letter dated December 13, 2005 from NSCB

Exhibit B – Items which Hamlin Development may refer to during course of the hearing

**Hearing Officer Higgins continued this case for 90 days in order for the Licensee to complete all repairs on the Lentini residence.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 10:15 a.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer

**ADJUDICATING BOARD MEMBER: MARGARET CAVIN****2. DISCIPLINARY HEARING:****MOUNTAIN CONCEPTS, INC. dba STUART CONSTRUCTION, LICENSE NO. 20859**

Licensee was present with Jeffrey Rahbeck, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – 9 pages of photos

The following Respondent Exhibit was entered:

Exhibit A – Letter dated December 1, 2005 from Stuart Spear to Gary Hoid

Letter dated August 26, 2005 from Stuart Spear to Gary Hoid

Hearing Officer Cavin found Respondent Stuart Spear, Mountain Concepts, Inc., dba Stuart Construction, license number 20859 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.302(5) failure or refusal to cooperate in an investigation; 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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3015(2) bidding to contract or contracting for a sum for one construction project in excess of the limit placed on the license by the Board; NRS 624.3015(3) knowingly entering into a contract with a contractor while that contractor is not licensed. Mr. Spear was assessed a fine of \$250.00 each for the First, Third, Fifth, Sixth and Seventh Causes of Action for a total fine of \$1,250.00. The Licensee was found guilty of the Fourth Cause of Action with a permanent letter of reprimand to be placed in the Licensee license file, license number 20859. The Second Cause of Action was dismissed. The Licensee shall complete the repairs to the Peckham residence on the interior items within 30 days from January 11, 2006 and the exterior items to be completed by June 1, 2006 or license number 20859 will automatically be revoked. Investigative costs were assessed in the amount of \$1,743.00. Fines and costs are to be paid within 120 days from January 11, 2006 or license number 20859 will automatically be revoked. Mountain Concepts, Inc., dba Stuart Construction is placed on suspension.

**3. DISCIPLINARY HEARING:****PRO CONCRETE, LICENSE NO. 58784**

Licensee was present with Marc Picker, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Cavin found Respondent Mira Slovak, Pro Concrete, license number 58784 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide

Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs. Mr. Solvak was assessed a fine of \$250.00 each for the First and Second Causes of Action for a total fine of \$500.00. A permanent letter of reprimand shall be placed in the Respondent's license file, license number 58784 for the Third, Fourth and Seventh Causes of Action. The Fifth and Sixth Causes of Action were dismissed. The Licensee shall pay Hewson a monetary settlement in the amount of \$10,355.00. The monetary settlement shall be paid within 90 days from January 11, 2006 or license number 58784 will automatically be revoked. Investigative costs were assessed in the amount of \$1,694.00. Fines and costs are to be paid within 90 days from January 11, 2006 or license number 58784 will automatically be revoked. The Licensee is ordered to submit to a Business Review. The result of the Business Review will be presented to the Executive Officer. Failure to submit to the Business Review or reimburse the Board for the cost of the Business Review will result in the revocation of the license. The license shall be placed on suspension until the above order has been complied with.

#### **4. CONTINUED DISCIPLINARY HEARING:**

##### **AMERICAN CONCRETE, LICENSE NO. 57980 (Continued from October 5, 2005)**

Licensee was present with Philip Kreitlein, Esq.

The following Respondent Exhibits were entered:

Exhibit A – Letter dated December 15, 2005 stating all repairs were complete and to withdraw complaint.

**Hearing Officer Cavin dismissed the complaint with no additional penalties.**

#### **5. DISCIPLINARY HEARING:**

##### **ROBERT ARNDELL EXCAVATION, LICENSE NO. 50346**

Licensee was present with Leo Bergin, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Cavin found Respondent Robert Arndell, dba Robert Arndell Excavation, license number 50346 guilty of violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3013(3) failure to establish financial responsibility. Mr. Arndell was assessed a fine of \$200.00 each for the First, Third and Sixth Causes of Action for a total fine of \$600.00. The Second, Fourth and Fifth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$503.74. Fines and costs are to be paid prior to the expiration date of the license dated June 30, 2006. Mr. Arndell is to provide the building permit and labor to complete the garages on the Richardson residence prior to the expiration of the license dated June 30, 2006. At that time, the Board will accept the voluntary surrender of Robert Arndell Excavation, license number 50346.**

#### **6. DISCIPLINARY HEARING:**

##### **MARKS WAY CONSTRUCTION, LICENSE NOS. 43462, 43462A, 43462B, 43462C**

Licensee was present with Richard Matthews, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Exhibit A to Answer to Complaint

Hearing Officer Cavin found Respondent Mark Dunlap, dba Marks Way Construction, license numbers 43462, 43462A, 43462B, 43462C guilty of violating NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person; NRS 624.3013(5), as set forth in NAC 624.650(1) a licensee shall not permit his contracting business to be operated by an unlicensed or unqualified person, under the power of attorney or otherwise; NRS 624.3014(1)(a) by acting in the capacity of a contractor under any license issued hereunder except: In the name of the licensee as set forth upon the license. The First Cause of Action was dismissed. The licensee has 90 days from January 11, 2006 to provide staff with sufficient financial information to resolve the issues concerning the Licensee's financial responsibility. A permanent letter of reprimand will be placed in the licensee's file, license numbers 43462, 43462A, 43462B, 43462C.

#### 7. DISCIPLINARY HEARING – DEFAULT HEARING:

##### ELECTRISERVE, LICENSE NO. 55912

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Cavin found Respondent John Joseph Oliveto, Owner dba Electriserve, license number 55912, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Mr. Oliveto was found guilty of violating NRS 624.3011(2) failure to obtain any necessary building permits; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(3) failure to establish financial responsibility. License number 55912, John Joseph Oliveto, Owner dba Electriserve was Revoked. Mr. Oliveto is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$1,552.00 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 Cavin at 12:50 p.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Margaret Cavin, Hearing Officer