

JIM GIBBONS
Governor

STATE OF NEVADA



LAS VEGAS
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

www.nscb.state.nv.us

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

MEMBERS
Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING May 27, 2009

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 27, 2009, 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. Guy Wells, Chairman
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on May 20, 2009 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: GUY WELLS

1. DISCIPLINARY HEARING: (Stipulated Revocation)

a. HELIX CONSTRUCTION, License No. 49901

HELIX CONSTRUCTION, dba HELIX CONCRETE, License No. 68267

HELIX CONSTRUCTION, dba URBAN FRAMERS, License No. 60255

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – The Respondent's letter to the Board dated April 22, 2009.

Hearing Officer Wells accepted the stipulation. Respondent was assessed a total fine of \$1,000.00 for the First and Second Causes of Action and investigative costs in the amount of \$1,432.00. License number 49901, Helix Construction, license number 68267, Helix Construction, dba Helix Concrete and license number 60255, Helix Construction, dba Urban Framers, were revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs.

2. DISCIPLINARY HEARING – DEFAULT ORDERS

a. COMFORT EXPRESS, LLC, License No. 67994

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Comfort Express, LLC, license number 67994, Joshua Edward Van Valkenburg, Managing Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Wilson was found guilty of two (2) violations of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs in the amount of \$2,134.00. License number 67994, Comfort Express, LLC, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

b. R & T MARTIN, INC., License Nos. 57332, 56446

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent R & T Martin, LLC, license numbers 57332, 56446, Rick Edward Martin, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Martin was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$500.00 and investigative costs in the amount of \$1,332.00. License numbers 57332 and 56446, R & T Martin, Inc., Express, LLC, were revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

c. ROBERT ALLEN BUILDERS, License No. 55795

Licensee was present with counsel, Wolfe Thompson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

License number 55795, Robert Allen Neshkoff, dba Robert Allen Builders, was suspended.

d. MCDOUGAL CONCRETE SAWING AND DRILLING, INC., License No. 43209

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent McDougal Concrete Sawing and Drilling, Inc., license number 43209, Daniel Archie McDougal, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. McDougal was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,385.00. License number 43209, McDougal Concrete Sawing and Drilling, Inc. was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

e. SABR CONSTRUCTION, LLC, License Nos. 67976, 68818

Licensee was present with counsel, Anjuli Woods, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days. License numbers 67976 and 68818, Sabr Construction, LLC, were suspended until the June 24, 2009 Board Hearing.

f. AESTHETIC CONCRETE, INC., License No. 46701A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Aesthetic Concrete, Inc., license number 46701A, Michel Pierre Mercenier, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Mercenier was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$500.00 and investigative costs in the amount of \$1,540.00. License number 46701A, Aesthetic Concrete, Inc. was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

g. THOMAS IVAN RICHARDSON, dba RICHARDSON COATINGS AND TILE, License No. 59565

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Thomas Ivan Richardson, dba Richardson Coatings and Tile, license number 59565, Thomas Ivan Richardson, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Richardson was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,311.00. License number 59565, Thomas Ivan Richardson, dba Richardson Coatings and Tile, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

h. BOBBY WAYN LANG, dba OMEGA AIR CONDITIONING, License No. 14580

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Bobby Wayn Lang, dba Omega Air Conditioning, license number 14580, Bobby Wayn Lang, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Lang was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,428.00. License number 14580, Bobby Wayn Lang, dba Omega Air Conditioning, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

i. P. S. C. O., INC., License No. 57509

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent P. S. C. O., Inc., license number 57509, Karim Kosari, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Kosari was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; one (1) violation of NRS 624.3013(4) failure to keep the bond in force. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,221.00. License number 57509, P. S. C. O., Inc. was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

j. R & J ELECTRIC, LLC, dba R & J ELECTRIC, LLC, License No. 59545

R & J ELECTRIC, LLC, dba R & J CONSTRUCTION, License No. 70935

R & J ELECTRIC, LLC, dba BULLS EYE CONCRETE, License No. 70991

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent R & J Electric, LLC, dba R & J Electric, license number 59545, Richard Alan Warren, Manager and Qualified Individual, R & J Electric, LLC, dba R & J Construction, license number 70935, Richard Alan Warren, Managing Member and Qualified Individual and R & J Electric, LLC, dba Bulls Eye Concrete, license number 70991, Richard Alan Warren, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Warren was found guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,445.00. License number 59545, R & J Electric, LLC, dba R & J Electric, LLC, license number 70935, R & J Electric, LLC, dba R & J Construction and license number 70991, R & J Electric, LLC, dba Bulls Eye Concrete were revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

k. TAKE IT FOR GRANITE TOO, License Nos. 52235, 52236, 66293

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Take It For Granite Too, license numbers, 52235, 52236 and 66293, Richard Gerard Meyer, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Meyer was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,751.00. License numbers 52235, 52236 and 66293, Take It For Granite Too, were revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

l. ROBERTSON TILE, MARBLE AND GRANITE, INC., License No. 47345

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Robertson Tile, Marble and Granite, Inc., license number, 47345, Jeffrey Wayne Robertson, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Robertson was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,184.00. License number 47345, Robertson Tile, Marble and Granite, Inc. was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

m. WILLIAM JOSEPH SADDLER, dba BILLS PAINTING, License No. 68541

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent William Joseph Saddler, dba Bills Painting, license number, 68541, William Joseph Saddler, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Saddler was found guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$3,000.00 and investigative costs in the amount of \$1,632.00. License number 68541, William Joseph Saddler, dba Bills Painting, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 9:06 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Hearing Officer