

JIM GIBBONS
Governor

STATE OF NEVADA



REPLY TO:

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 13, 2009

CALL TO ORDER:

Hearing Officer Bruce King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 13, 2009 State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Bruce King
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law May 4, 2009 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: Continued from January 14, 2009 and February 11, 2009

BENS FLOOR COVERING, INC., LICENSE NO. 37311A

Licensee was present with Counsel, John D. Moore, Esq.

The following Agency Exhibit was entered:

Exhibit 3 – Letter from Homeowner dated May 4, 2008

The following Respondent Exhibits were entered:

Exhibit E – Packet of Letters
Exhibit F – Photos
Exhibit G – Residential Installation Guide

Hearing Officer Higgins took this matter under submission and will render a written decision and order.

Respectfully Submitted,

Diana V. Alvarado, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer

ADJUDICATING BOARD MEMBER: BRUCE KING

2. DISCIPLINARY HEARING:
CHRISTOPHER MORRIS COHN – UNLICENSED

Christopher Morris Cohn was present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

Hearing Officer King ordered Christopher Morris Cohn to pay a fine of \$250.00 and reimburse the Board investigative costs in the amount of \$1,479.00 within thirty (30) days.

3. DISCIPLINARY HEARING:
STEVE HOEFT CONSTRUCTION, LICENSE NO. 43146B

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer King continued this matter for thirty (30) days.

4. DISCIPLINARY HEARING:
SIERRA CUSTOM CONCRETE, LLC, LICENSE NO. 67736
SIERRA CUSTOM CONCRETE, LLC, dba SIERRA POOLSCAPES, LICENSE NO. 70401

Licensee was present with Counsel Michael S. Kimmel, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Copy of a check
- Exhibit 3 – Several Photos

The following Respondent Exhibits were entered:

- Exhibit A 1 – Photocopies of plans
- Exhibit A 2 – Spa Proposal
- Exhibit A 3 – Paver Proposal
- Exhibit A 4 – Proposal from Stone Effects
- Exhibit A 5 – Several Pictures
- Exhibit A 6 – Written Change Order
- Exhibit A 7 – Three photos of the Spa at present form
- Exhibit A 8 – Website Professional Profile
- Exhibit B – Invoice from American Leak Detection

Hearing Officer King found Respondent Sierra Custom Concrete, LLC, license number 67736 and Sierra Poolscapes, license number 70401 guilty of violating NRS 624.3017(1) by failing to provide workmanship which is commensurate with the standards of the trade in general; NRS 624.3013(5) by failing to comply with the Board's Notices to Correct pursuant to NAC 624.700(3); NRS 624.3018(2), which states in pertinent part that the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission; NRS 624.3013(5) by failing to notify the owner of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3014(2)(a) & (b), by: (a) Aiding or abetting an unlicensed person to evade the provisions of this chapter; (b) Combining or conspiring with an unlicensed person to perform an unauthorized act; NRS 624.3016(5) by failing to comply with NRS

624.935(5); NRS 624.3016(5) by failing to comply with NRS 624.940(2)(d) and NAC 624.6958(2)(d); NRS 624.3016(5) by failing to comply with NRS 624.940(2)(g) and NAC 624.6964(4); NRS 624.3016(5) by failing to comply with NRS 624.940(2)(h) and NAC 624.6958 (2)(i)(1); NRS 624.3016(5) by failing to comply with NRS 624.940(2)(i) and NAC 624.6958(2)(j); NRS 624.3016(5) by failing to comply with NAC 624.6964(1) and NAC 624.6958(m); NRS 624.3016(5) by failing to comply with NRS 624.940(3)(a); NRS 624.3016(5) by failing to comply with NRS 624.940(3)(b)(1) and NAC 624.6958(l); NRS 624.3016(5) by failing to comply with NRS 624.940(3)(b)(2); NRS 624.3016(5) by failing to comply with NRS 624.940(4); NRS 624.3016(5) by failing to comply with NAC 624.6958(2)(n); NRS 624.3016(5) by failing to comply with NAC 624.6958(2)(o). Respondent stipulated to the Third, Fourth, Fifth, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Causes of Action Causes of Action, the Sixth and Seventh Causes of Action were dismissed. Respondent was ordered to pay a fine of \$5,250.00 and reimburse the Board for investigative costs of \$1,966.00, within sixty (60) days. Respondent was ordered to pay to the homeowner \$500.00 for the pool cover, properly install the skimmer and completed all repairs on Notice to Correct and Amended Notice to Correct within thirty (30) days, with the exception of item #1 on the Amended Notice to Correct. If the spa is not repaired or the homeowner not reimbursed for the repairs within thirty (30) days, the license will be suspended.

5. DISCIPLINARY HEARING:

NEXT PHASE LLC, dba CONCRETE COATINGS AND SEALANTS, LICENSE NO. 69349

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Next Phase, LLC dba Concrete Coatings and Sealants, license number 69349 guilty of violating NRS 624.3017(1) by failing to provide workmanship which is commensurate with the standards of the trade in general; NRS 624.3013(5) by failing to comply with the Board's Notice to Correct pursuant to NAC 624.700(3); NRS 624.3013(5) by failing to notify the owner of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3013(4) by failing to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(5) by failing to include the monetary license limit as required by NAC 624.640(5); NRS 624.3013(3) by failing to establish financial responsibility. Hearing Officer King ordered the revocation of license number 69349. Respondent shall pay a fine of \$3,000.00; reimburse the Board for investigative costs of \$1,733.00; restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

6. DISCIPLINARY HEARING: STIPULATED REVOCATION:

SIERRA GENERAL CONTRACTORS, LICENSE NOS. 40928, 40928A and 40928B

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from George Lyford dated April 1, 2009

Exhibit 3 – Letter from Mark H. Gunderson, Esq., dated April 8, 2009

Exhibit 4 – Letter of Bankruptcy from Mark H. Gunderson, Esq., dated April 20, 2009

Hearing Officer King found Respondent Sierra General Contractors, license numbers 40928, 40928A and 40928B guilty of violating NRS 624.3012(2), by willfully or deliberately failing to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefore; NRS 624.3013(4) by failing to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3018(2), which states in pertinent part that the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership,

corporation, firm or association, and who participated in such prohibited act or omission; NRS 624.3012(2) failure to pay for materials and services and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer King ordered the revocation of license numbers 40928, 40928A and 40928B. No fines or investigative costs were assessed.

7. DISCIPLINARY HEARING: DEFAULT ORDER
J W SMITH CONSTRUCTION, LLC, LICENSE NO. 59312

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent J W Smith Construction, LLC, license number 59312 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found 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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; 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 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3012(2) failure to pay for materials and services; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer King ordered the revocation of license number 59312. Respondent was ordered to pay a fine in the amount of \$9,600.00; reimburse the Board for investigative costs of \$2,909.00; pay restitution to any damaged parties and any claims and associated 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 King at 1:46 p.m.

Respectfully Submitted,

Diana V. Alvarado, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Bruce King, Hearing Officer