

JIM GIBBONS  
Governor

## STATE OF NEVADA



### MEMBERS

Kevin E. Burke, Chairman  
Donald L. Drake  
Michael Efstratis  
John C. Ellison  
Nathaniel W. Hodgson, III  
William "Bruce" King  
Stephen P. Quinn

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING January 27, 2010

### REPLY TO:

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

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

### CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 27, 2010, 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. Bruce King, Hearing Officer  
Mr. Donald Drake, Board Member  
Mr. Stephen Quinn, Board Member

### 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 January 21, 2010 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: BRUCE KING

#### 1. DISCIPLINARY HEARING:

##### A-1 ACTION PLUMBING AND ROOTER, INC., License No. 50591

Licensee was present.

Three witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$3,000.00 for the First Cause of Action, \$1,000.00 for the Second Cause of Action and investigative costs in the amount of \$2,059.00. License number 50591 is to remain suspended until fines and costs are paid and corporate status with the Secretary of State is reinstated. Fines and costs must be paid within thirty (30) days of the January 27, 2010 Board Hearing or license number 50591; A-1 Action Plumbing and Rooter, Inc. shall be revoked.

**2. DISCIPLINARY HEARING:**

**NEVARI AIR, INC.**, License No. 66097

Licensee was present with counsel, Jonathan Hansen, Esq.

Five witnesses testified for the Board.

Two witnesses testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's Flat Rate Agreement with American Home Shield.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Exhibit B – Respondent's additional exhibits.

Hearing Officer King found Respondent guilty of two (2) violations of NRS 624.3013(5), as set forth in NRS 624.30165(1) when a contractor states that service, replacement parts, equipment or repairs are needed when such service, replacement parts, equipment or repairs actually are not needed. Respondent was assessed a fine of \$2,000.00 for the First and Fourth Causes of Action. The Second, Third, Fifth, Sixth and Seventh Causes of Action were dismissed. Respondent is required to reimburse Ms. Cohen \$200.00 and Ms. Staten \$100.00 and send a letter to American Home Shield clarifying that there is no mandatory disposal law in the State of Nevada.

**3. DISCIPLINARY HEARING:**

**CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.**, License No. 67223

Licensee was present with counsel, Dale Rycraft, Esq.

Two witnesses testified for the Board.

Three witnesses testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Exhibit B – A packet of exhibit numbers 1-17.

**Hearing Officer King dismissed the First and Second Causes of Action.**

**4. DISCIPLINARY HEARING: (Stipulated Revocation)** (Continued from December 16, 2009)

**SOUTHERN NEVADA POOLS, LLC**, License No. 47317

Licensee was not present. Dennis Haney, Esq. was present representing James J. Norton, John H. Underwood and John J. Starcevich.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent's Exhibits were entered:

Exhibit A - Respondent's letter to the Board dated January 25, 2010.

**Hearing Officer King found Respondent guilty of two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board; 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); 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 for the First, Second, Third, Fourth, Fifth and Sixth Causes of Action and investigative costs of \$2,528.00. License number 47317, Southern Nevada Pools, LLC was 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 prior to consideration of future licensure.**

**5. DISCIPLINARY HEARING: (Stipulated Revocation)**

**a. SCHULTER ELECTRIC, INC., LICENSE NO. 51466**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Respondent's correspondence dated 12/14/09 stipulating to the revocation of his license.

**Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,500.00. License number 51466, Schulter Electric, Inc. was 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 prior to consideration of future licensure.**

**b. THUNDER RIVER, INC., LICENSE NO. 52076**

Licensee was not present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's letter to the Board dated December 2, 2009.

**Hearing Officer King found Respondent 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 \$1,427.00. License number 52076, Thunder River, Inc. was 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 prior to consideration of future licensure.**

**c. CROWNE CLOSETS, INC., dba CROWNE CLOSETS AND CABINETRY, LICENSE NO. 68054**

Licensee was not present, but was represented by counsel, Dennis Haney, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's letter from its counsel, Jennifer R. Hoover, Esq. to the Board dated December 10, 2009, stipulating to the revocation of the license.

**Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; 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(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(3) failure to establish financial responsibility. Respondent was not assessed any fines as he is in Bankruptcy Court. James J. Norton, COB, John H. Underwood and John J. Starcevich, Vice Presidents, were removed from the license.**

**6. DISCIPLINARY HEARING – DEFAULT ORDERS**

**a. MANA BUILDERS, LLC, License No. 62187**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Mana Builders, LLC, license number 62187, Sergio Adame Molinar, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Molinar was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,248.00. License number 62187, was revoked. Respondent is 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 prior to consideration of future licensure.**

**b. ROYAL PLASTER, LLC, LICENSE NO. 69528**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Royal Plaster, LLC, license number 69528, Joseph Valenzuela Cittadini, III, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Cittadini 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 \$1,500.00 and investigative costs in the amount of \$2,047.00. License number 69528 was revoked. Respondent is 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 prior to consideration of future licensure.**

**c. COPPER CITY CONSTRUCTION, LLC, LICENSE NOS. 68802 and 69199**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Copper City Construction, LLC, license numbers, 68802 and 69199, Stephen Wade Alexander, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Alexander 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; 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 \$1,180.00. License numbers 68802 and 69199 were revoked. Respondent is 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 prior to consideration of future licensure.**

**d. ATLAS CONSTRUCTION, LTD, LICENSE NO. 53500**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Atlas Construction, Ltd, license number, 53500, Raymond Desjardins, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Desjardins was found guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; 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(5) failure in any material respect to comply with the provisions of this chapter or the regulations of the Board. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,282.00. License number 53500 was revoked. Respondent is 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 prior to consideration of future licensure.**

**e. SOUTHERN NEVADA MECHANICAL COMPANY, LICENSE NO. 52530**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Southern Nevada Mechanical Company, license number, 52530, Francis Joseph Cunningham, Partner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Cunningham 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 \$1,348.00. License number 52530 was revoked. Respondent is 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 prior to consideration of future licensure.**

**f. THUNDER AIR, LICENSE NO. 58397**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Thunder Air, license number, 58397, Gorj Abaghanyan, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Abaghanyan 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 \$1,319.00. License number 58397 was revoked. Respondent is 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 prior to consideration of future licensure.**

**g. REGAN CLAY GUBLER, OWNER, dba R. C. GUBLER LICENSE NO. 48413**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Regan Clay Gubler, dba R. C. Gubler, license number 48413, Regan Clay Gubler, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Gubler was found guilty of one (1) violation of NRS 624.3016(2) a conviction in this State or any other jurisdiction of a felony related to the practice of a contractor or a crime involving moral turpitude; 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 \$1,112.00. License number 48413 was revoked. Respondent is 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 prior to consideration of future licensure.**

**h. MACIAS ENTERPRISES, LLC, dba SOUTHWEST FLOORING**, LICENSE NOS. 68096 and 64826

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King found Respondent Macias Enterprises, LLC, dba Southwest Flooring, license numbers 68096 and 64826, Irving Macias, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Macias 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 624.3018(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 \$1,095.00. License numbers 68096 and 64826 were revoked. Respondent is 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 prior to consideration of future licensure.**

**i. AQUAPHINA POOL AND SPA OF NEVADA**, LICENSE NO. 57119

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

**Hearing Officer King suspended license number 57119, Aquaphina Pool and Spa of Nevada.**

**This matter was continued for thirty (30) days from the January 27, 2010 Board Hearing.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer King at 1:22 p.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Bruce King, Hearing Officer