

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
JULY 8, 2003

1. CALL TO ORDER:

The meeting of the State Contractors Board was called to order by Chairman Michael Zech 8:42 a.m., Tuesday, July 8, 2003, State Contractors Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Michael Zech - Chairman
Mr. Douglas W. Carson
Ms. Margaret Cavin
Mr. David W. Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins

BOARD MEMBERS ABSENT:

Mr. Randy Schaefer

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director Investigations
Mr. Frank Torres, Deputy Director of Investigations
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

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

Ms. Grein stated that Frank Torres had posted the agenda in compliance with the open meeting law on July 1, 2003 at the Washoe County Court House, Washoe County Library, and Reno City Hall. The agenda was also posted in both offices of the Board, Reno and Henderson, and on the Board's Internet web page.

It was learned there were 18 items on the amended agenda, each item of an emergency nature. In addition, Roston Company, LLC., License Number 44333 and J K Enterprises, License Number 38456 were granted a continuance.

**It was moved and seconded to hear the amended agenda.
THE MOTION CARRIED.**

B. UNFINISHED BUSINESS:

This matter was continued.

C. FUTURE AGENDAS:

This matter was continued.

2. APPROVAL OF MINUTES:

APPROVAL OF MINUTES OF JUNE 17, 2003:

The Chairman called for a motion to approve the minutes of June 17, 2003.

**It was moved and seconded to approve the minutes of June 17, 2003.
THE MOTION CARRIED.**

3. APPLICATIONS:

A. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

**It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters.
THE MOTION CARRIED.**

ADVANCED WINDOW DESIGN, (C-8 GLASS & WINDOW GLAZING) NEW APPLICATION

John W. Ingham, Owner of Advanced Window Design was present. The Board informed Mr. Ingham that the license application (C-8 Glass & Window Glazing) was granted with a \$30,000 monetary limit and a bond of \$20,000.

APEX LAND DEVELOPMENT, INC., (B-3 SPECULATIVE BUILDING) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM

Patrick Shawn Hawkins, President of Apex Land Development, Inc. was present. Ms. Stewart stated that Mr. Hawkins was requesting waiver of the trade exam based on his licensure in the State of Washington. Ms. Stewart further stated that Washington does not require trade exams and staff was recommending approval contingent upon passing the exam. The Board informed Mr. Hawkins that the license application (B-3 Speculative Building) was granted with a \$450,000 monetary limit, a bond of \$15,000 and waiver of the trade exam.

DENNIS CLARK CONSTRUCTION, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION

Dennis P. Clark, Owner of Dennis Clark Construction was present. The Board informed Mr. Clark that the license application (B-2 Residential & Small Commercial) was granted with a \$125,000 monetary limit and a bond of \$10,000.

LONGS HOUSE MOVING, LLC., (C-9 MOVEMENT OF BUILDINGS) NEW APPLICATION, BOARD DECISION

Jeffery C. Long, Member and Rutilio S. Castro, Qualified Employee of Longs House Moving, LLC. were present. The Board informed Mr. Long and Mr. Castro that the license application (C-9 Movement of Buildings) was granted with a \$50,000 monetary limit and a bond of \$5,000 contingent upon monthly updates verifying attendance of counseling classes.

M K D CONSTRUCTION, INC., (A- GENERAL ENGINEERING) RAISE IN LIMIT

Donald D. Grock, Vice President of M K D Construction, Inc. was present. The Board informed Mr. Grock that the license application (A- General Engineering) was granted with a \$5,000,000 and a bond of \$50,000.

THE MOD SQUAD, (C-3 CARPENTRY) NEW APPLICATION

Jerry T. Cruitt, Qualified Employee of The Mod Squad was present. The Board informed Mr. Cruitt that the license application (C-3 Carpentry) was granted with a \$25,000 monetary limit and a bond of \$5,000.

PINNACLE CONSTRUCTION & DEVELOPMENT, INC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, NAME SIMILARITY, RECONSIDERATION

Tom N. Ortiz, Jr., President of Pinnacle Construction & Development was present. The Board informed Mr. Ortiz that the license application (B-2 Residential & Small Commercial) was granted with a \$350,000 monetary limit and a bond of \$15,000 and a name change is not necessary.

ROBERT L. LAUTZENHISER, (B-3 SPECULATIVE BUILDING) NEW APPLICATION, RECONSIDERATION

Robert L. Lautzenhiser, Owner of Robert L. Lautzenhiser was present. The Board informed Mr. Lautzenhiser that the license application (B-3 Speculative Building) was granted with a \$500,000 monetary limit and a bond of \$15,000.

A WIB CONCRETE, (C-5 CONCRETE CONTRACTING) NEW APPLICATION

Marilu H. Elliot, President and Ron Burris, Personal Indemnifier of A WIB Concrete were present. The Board informed Ms. Elliot and Mr. Burris that the license application (C-5 Concrete Contracting) was granted with a \$2,000,000 and a bond of \$20,000.

GREG HESS RESTORATION SERVICES, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Gregory J. Hess, President of Greg Hess Restoration Services was present. The Board informed Mr. Hess that the license application (B-2 Residential & Small Commercial) was granted with a \$100,000 and a bond of \$15,000.

M K D CONSTRUCTION, INC., LICENSE NO. 50061 ONE TIME RAISE IN LIMIT

Donald D. Grock, Vice President of M K D Construction, Inc. was present. The Board informed Mr. Grock that the one time raise in limit was granted for a monetary limit of \$5,000,000 and a bond of \$50,000.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, ; and on the amended agenda: Nos. 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18.

**It was moved and seconded to reopen the meeting to the public.
THE MOTION CARRIED.**

B. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

**It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff.
THE MOTION CARRIED.**

4. SUBCOMMITTEE REPORTS:

This matter was continued.

5. EXECUTIVE SESSION:

A. EXECUTIVE OFFICER'S REPORT:

Ms. Grein presented the Executive Officer's Report.

1. REVIEW OF INSURANCE RENEWAL PROPOSAL:

Ms. Grein presented the Insurance Renewal Proposal for next year from Wilkins & Associates.

2. REVIEW OF AUDIT FY 2002-03:

Ms. Grein informed the Board the annual audit will begin on July 19, 2003.

B. LEGAL REPORT:

Ms. Broussard updated the Board on the Vision Craft and Monument Construction cases.

C. DEPARTMENT REPORTS:

1. LICENSING DEPARTMENT REPORT:

Ms. Kathy Stewart presented the Board with the aging report for the Reno Licensing Department.

2. INVESTIGATIONS DEPARTMENT REPORTS:

Mr. Frank Torres presented the Board with the aging report for the Reno Investigation Department.

6. NEW APPLICATION HEARING:

TIMBERLINE POOLS AND SPAS, INC.:

Dr. Anthony C. Field, President, Timberline Pools and Spas, Inc.; Mr. David Priess, Secretary/Treasurer, Timberline Pools and Spas, Inc.; Mr. John Sieben, President, Silver State Pools; Mr. Michael Hoy; Ms. Kathy Stewart, Licensing Supervisor; and Ms. Diana Wallace, License Analyst were sworn in. Mr. Jim Leslie, Attorney for Timberline Pools and Spas, Inc. was also present.

The hearing was for the denial of Respondent's application based on failure to demonstrate good character as set forth in NRS 624.265 (1) (d); NRS 624.265 (1) (a); NRS 624.302 (4); misrepresentation of material fact as set forth in NRS 624.3013 (2); and failure to establish financial responsibility as set for the in NRS 624.263.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Ms. Stewart testified the Respondent's Arizona contractors licenses had been revoked and

Arizona made payment to the injured party in the amount of \$13,615.52. Additionally Ms. Stewart indicated applicant misrepresented information concerning judgments and claims on the application.

Mr. Priess testified the civil judgements are due to medical bills. Mr. Priess further testified all restitution has been paid in full to the Arizona Contractor's Board.

Ms. Stewart confirmed reimbursement of the Residential Recovery Fund claim on July 7, 2003 five years following payment of the claim.

Mr. Sieben and Mr. Hoy testified regarding the actions of Mr. Priess while he was employed by Silver State Pools.

Respondent's response Memorandum was entered into the record as Exhibit #2.

Transcripts of deposition given by David Priess on August 23, 2002 were entered into the record as Exhibit #3.

Dr. Fields testified he is aware of Mr. Priess previous employment history and is comfortable with their business relationship.

The evidentiary portion of the hearing was closed.

It was moved and seconded to approve Timberline Pools and Spas, Inc. for an A-10 (Commercial and Residential Pools) license with a monetary limit of \$200,000 and a bond of \$50,000, contingent upon verification by staff of all outstanding issues in the State of Arizona.

THE MOTION CARRIED.

7. SUMMARY SUSPENSION:

MARTIN ASSOCIATES CONSTRUCTION, LICENSE NO. 52600 & 53200

No one from Martin Associates Construction was present

Mr. David Perlman, Homeowner; Ms. Tina Ketcham, Homeowner; Director of Investigations; and Deputy Director of Compliance Investigations Chris Denning were present.

Mr. Lyford informed the Board Martin Associates Construction, license number 52600 (B – General Building) currently has twelve open Workmanship complaints, four open Money Owing complaints and one Industry Regulation complaint pending. Respondent has failed to respond to the Workmanship complaints, abandoned the projects after obtaining money in advance, failed to respond to the Money Owing complaints and failed to respond to any and all requests from Board staff. Respondent has not provided the requested Financial Statement. On May 8, 2003 Respondent drafted a letter stating they have gone out of business. This case is tentatively scheduled for a disciplinary hearing on August 19, 2003 and the NSCB will be requesting criminal charges be filed by the District Attorney's Office for obtaining money by false pretense. Mr. Lyford requested the Board summarily suspend Martin Associates Construction, license number 52600 and T C E Limited Liability Company d.b.a. Martin Associates Construction, license number 53200 for the public health, safety and welfare in compliance with NRS 624.291 (4).

**It was moved and seconded to summarily suspend license number 52600, Martin Associates (B – General Building) and license number 53200, T C E Limited Liability Company d.b.a. Martin Associates Construction (C-3 Carpentry), based on the public health, safety and welfare.
THE MOTION CARRIED.**

BACKYARDS OF AMERICA, LICENSE NO. 51395

No one from Backyards of America was present.

Deputy Director of Compliance Investigations Chris Denning was present.

Mr. Denning informed the Board Backyards of America, LLC., license number 51395(B-General Building) is currently suspended for no bond and on May 19, 2003 Larry Silecchio, Qualified Employee resigned. There are four open Workmanship complaints and one open Industry Regulation complaint. Respondent has failed to respond to the Workmanship complaints and has not provided the requested Financial Statement. This case is tentatively scheduled for a disciplinary hearing on August 19, 2003. Mr. Denning requested the Board summarily suspend Backyards of America, license number 51395 for the public health, safety and welfare in compliance with NRS 624.291 (4).

**It was moved and seconded to summarily suspend license number 51395 Backyards of America (B-General Building), based on the public health, safety and welfare.
THE MOTION CARRIED.**

FLAMINGO POOLS, LICENSE NO. 52743 & 52744

Deputy Director of Compliance Investigations was present.

Mr. Denning informed the Board Flamingo Pools and Landscaping, LLC., license number 52743 (A-10 General Engineering Swimming Pools & Spas) currently has one open Money Owing complaint and one open Industry Regulation complaint. Flamingo Pools and Landscaping, LLC., license number 52744 (C-10 Landscape Contracting) is currently active and there are no open complaints. Respondent has failed to respond to the complaints and has not provided the requested Financial Statement. Mr. Denning requested the Board summarily suspend Flamingo Pools and Landscaping, license number 52743 and Flamingo Pools and Landscaping, license number 52744 for the public health, safety and welfare in compliance with NRS 624.291 (4).

It was moved and seconded to summarily suspend license number 52743, Flamingo Pools and Landscaping, LLC. (A-10 General Engineering Swimming Pools & Spas and license number 52744, Flamingo Pools and Landscaping, LLC. (C-10 Landscape Contracting), based on the public health, safety and welfare.

THE MOTION CARRIED.

8. INFORMAL SETTLEMENTS:

A. S T SERVICES, LICENSE NO. 49216

**It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative Fine of \$500 and reimburse the Board for Investigative Costs of \$925 within 60 days and all future bids and contracts are to list the limit placed upon license by the Board.
THE MOTION CARRIED.**

B. DESERT BOILERS & CONTROLS, LICENSE NO. 45436

**It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative Fine of \$2,000 and reimburse the Board for Investigative Costs of \$500 within 60 days and all future bids and contracts are to list the limit placed upon the license by the Board.
THE MOTION CARRIED.**

9. CONTINUED HEARING:

SIERRASAGE, LLC., LICENSE NO. 52571 (CONTINUED FROM OCTOBER 1, 2002, OCTOBER 22, 2002, NOVEMBER 6, 2002, DECEMBER 4, 2002, JANUARY 7, 2003, JANUARY 28, 2003, FEBRUARY 11, 2003, MARCH 11, 2003, APRIL 8, 2003, MAY 6, 2003, JUNE 3, 2003 AND JUNE 17, 2003.

Craig Hamilton, Vice President of Sierrasage, LLC.; Don Enemark, Sierrasage, LLC.; Licensing Supervisor Kathy Stewart; Executive Officer Margi Grein; Investigator Gary Hoid; and George Lyford, Director of Investigations were present.

Mr. Robb stated that the hearing was continued from the June 17, 2003 Henderson Board Meeting. Evidentiary has been closed and no new testimony will be given. Staff is to update the Board on the status of the financial condition of the company, the progress of payments on outstanding obligations, personal indemnification of the license by Mr. Rheinschild and the replacement of the bond.

Mr. Lyford informed the Board Mr. Rheinschild has personally indemnified the license, the escrow account has been established and a partial payment was paid to a sub-contractor. Sierrasage has complied with the bi-weekly reporting to staff. Mr. Lyford further stated the bond is not yet established, therefore, the license remains suspended.

Mr. Hamilton stated the bond has been posted, however, staff is requiring a letter from the bonding company that the bond remains at \$20,000.

Mr. Lyford stated a settlement agreement had been reached with the Pughs, however, all liens were to be removed by June 30, 2003, and the liens have not been removed. The sub-contractors are proceeding with their lien rights.

Mr. Hamilton stated all liens against the Pugh's home have been paid except GBS as they have refused to enter into a proposed settlement agreement. As soon as GBS accepts a settlement agreement the liens will be released.

Mr. Lyford informed the Board Mr. Rheinschild has given a personally indemnification to First American Title, however, the indemnification needs clarification and validation.

Ms. Grein informed the Board of several job site meetings attended by herself, Deputy Director of Investigations Chris Denning, Investigator Gary Hoid and Criminal Investigator Fred Schoenfeldt.

Mr. Hamilton stated he received information on two companies to handle the voucher control accounts when the license is reinstated. SierraSage will use the construction control companies for all new and existing projects.

Mr. Hamilton discussed the possibility of posting a cash bond for SierraSage.

**It was moved and seconded to have staff update the Board at the August 5, 2003 Board Meeting in Reno and continue the disciplinary action to the August 19, 2003 Board Meeting in Henderson.
THE MOTION CARRIED.**

10. DISCIPLINARY HEARING:

ABILITY ROOFING, INC., LICENSE NO. 42233 (CONTINUED FROM AUGUST 7, 2001)

No one from Ability Roofing was present.

Investigator Gary Leonard was sworn in. Sam Carano, Attorney for Homeowner, David Gebhardt was also present present.

Ms. Broussard informed the Board license number 42233, Ability Roofing, Inc. (C-15 Roofing and Siding) was voluntary surrendered on May 9, 2003.

Mr. Carno informed the Board the civil case has been settled.

**It was moved and seconded to close complaint.
THE MOTION CARRIED.**

11. DISCIPLINARY HEARING:

APPROPRIATE TECHNOLOGY, LICENSE NO. 41502

No one from appropriate was present.

Investigator Gary Leonard was sworn in. Alex Flangas, Attorney for Appropriate Technology was also present.

Ms. Broussard informed the Board license number 41502, Appropriate Technology (B – General Building) was suspended not renewed on April 1, 2002 and the civil case has been settled.

**It was moved and seconded to close complaint.
THE MOTION CARRIED.**

12. RECONSIDERATION OF DECISION AND ORDER/NEW APPLICATION:

LAND DEVELOPMENT & HOUSING, INC.

David L. Collier, President of Land Development & Housing, Inc.; and Licensing Supervisor Pat Potter; and Keith Gregory, Attorney for Land Development & Housing, Inc. were present.

Mr. Gregory stated he would not present any additional evidence. Mr. Gregory requested clarification on the Board's Decision and Order. Mr. Gregory stated the Licensee wants to use the electrical license as the general and do repair work for established clients.

**It was moved and seconded to grant the request.
THE MOTION CARRIED.**

13 PUBLIC COMMENT:

No one from the general public was present to speak for or against any items on the agenda.

14. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Chairman Michael Zech at 12:35 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Zech, Chairman

DISCIPLINARY HEARING:

ADJUDICATING BOARD MEMBER: MARGARET CAVIN

15. DISCIPLINARY HEARING:

ROSTON COMPANY, LLC., LICENSE NO. 44333

This matter was continued to the Reno Board Meeting on July 29, 2003.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Margaret Cavin, Adjudicating Board Member

DISCIPLINARY HEARINGS:

ADJUDICATING BOARD MEMBER: JERRY HIGGINS

16. DISCIPLINARY HEARING:

BRYSON CONSTRUCTION COMPANY, LICENSE NO. 33530

Steve Bryson, Qualified Employee of Bryson Construction Company; Tim Sweeney, Owner of Sweeney-Rose Architects; Steve Laforge, Former Owner of Laforge Supply; Charles Taylor, Homeowner; and Investigator Gary Leonard were sworn in. Philip Kreittein, Attorney for Steve Laforge; Robert Delett, Attorney for Holco, Inc.; and Shelly O'Neill, Attorney for Bryson Construction Company was also present.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5) as set forth in NAC 624.700 (3) (a); NRS 624.3013 (5) as set forth in NAC 624.640 (5); NRS 624.3012 (2); NRS 624.3013 (3) pursuant to NRS 624.220, NRS 624.260 and NRS 624.265; NRS 624.3012 (2); NRS 624.3013 (5) as set forth in NAC 624.640 (3); and NRS 624.3013 (5) pursuant to NRS 624.520 (1).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Mr. Sweeney testified he contracted with Respondent for the remodel of an office building for a total contract price of \$109,111.98. Mr. Sweeney further testified he has not been provided with a work schedule.

Mr. Laforge testified he is the former President of Laforge Supply. Respondent purchased supplies and has an outstanding balance of \$10,666.53.

Mr. Robert Delett stated Respondent did not comply with the payment agreement he entered into with Holco, Inc. and resulted in a civil default judgement. Respondent still owes a balance of \$31,000.00.

Mr. Taylor testified he entered into a contract with Respondent for a single-family residence for a total contract price of \$473,738.00. The home is not complete.

Mr. Leonard testified he validated the workmanship and money owing complaints and issued a Notice's to Correct. The Respondent has failed to comply. Respondent's contracts did not contain his monetary limit, license number and the Notice to Owner regarding the Residential Recovery Fund. Mr. Leonard further testified Respondent has not provided the requested financial statement.

Mr. Bryson testified he is working on completing the repairs. Mr. Bryson further testified he has not provided a financial statement due to his parents' serious illnesses. Mr. Bryson further testified he would like his license to remain suspended until all outstanding complaints are resolved.

The evidentiary portion of the hearing was closed.

Hearing Officer Higgins found Bryson Construction, license number 33530 guilty of all causes of action. To grant the continued suspension of the license. Respondent to pay all outstanding debts and complete all workmanship issues within six months. Respondent is to provide monthly progress reports to staff. The disciplinary phase will be continued for six months.

17. DISCIPLINARY HEARING:

J K ENTERPRISES, LICENSE NO. 38465

This matter was continued.

18. DISCIPLINARY HEARING:

SEVRA POOL, LICENSE NO. 46716

John Szatkowski, Owner of Serva Pool; James Wright, Owner of Wright Outdoor Center; Keith Polen, Homeowner; and Investigator Gary Leonard were sworn in. Paul Georgeson, Attorney for Serva Pool was also present.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5) as set forth in NAC 624.700 (3) (a); NRS 624.3013 (5) as set forth in NAC 624.640 (5); NRS 624.600 (1) (a) (b) (2) (3) (a) (b); NRS 624.3013 (5) pursuant to NRS 624.520 (1); and NRS 624.3016 (5).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Serva Pool Hearing Documents were entered into the record as Exhibit #2.

Mr. Polen testified he entered into a contract with Respondent for a fiberglass swimming pool and spa for a total contract price of \$41,633.00. Mr. Polen further testified he entered into a settlement agreement with Respondent November, 2002 for completion of the repairs and Respondent has not complied.

Mr. Wright testified he is a former employee of Serva Pool and he sold Mr. Polen the pool, however, he was not present during the installation.

Mr. Georgeson stated Respondent stipulates to the third, fourth, sixth, seventh and eighth causes of action.

Mr. Hoid testified he validated the workmanship complaint, issued a Notice to Correct with one item to which Respondent has failed to comply. Mr. Hoid further testified Mr. Pollen denied access after Respondent failed to comply with the settlement agreement.

Mr. Szatkowski testified he does not dispute the workmanship issues. Mr. Szatkowski explained the installation of the pool and described the workmanship issues. Mr. Szatkowski further testified he has been unable to resolve the issues, as Mr. Polen has denied access.

Mr. Georgeson stated a civil case has been filed and will be heard on July 22, 2002.

Mr. Polen stated he does not trust Serva Pool to complete the repairs.

Additional photos were entered into the record as Exhibit #3.

The evidentiary portion of the hearing was closed.

Hearing Officer Higgins found Serva Pool, license number 46716 guilty on the second, third, fourth, fifth, sixth, seventh, and eighth causes of action. To dismiss the first cause of action. Respondent to pay an administrative fine of \$250.00 for each cause of action and reimburse the Board for Investigative costs of \$1,674.00 within 120 days or the license will be suspended.

19. DISCIPLINARY HEARING:

WATER WATCH, INC., LICENSE NO. 42260

Mr. Rudy M. Pakes, President of Water Watch, Inc.; Ms. Paula McLeod, George Gur'Kovic, Owner of Swim Pool Supply and Lee Joseph, Inc.; Homeowner; Director of Investigations George Lyford; Deputy Director of Investigations Frank Torres; and Investigator Gary Hoid were sworn in.

The hearing was for possible violations of NRS 624.3014 (2) (a) (b) (c) (3); NRS 624.305 (1); NRS 624.302 (6) and NRS 624.3013 (1).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Greg Welch memo to Investigator Gary Hoid was entered into the record as Exhibit #2.

Ms. McLeod testified she entered into a contract with Mr. Gur'Kovic for the installation of a residential swimming pool, paid Mr. Gur'Kovic \$5,000 and the pool was never completed. Ms. McLeod stated at that time she was not aware Mr. Gur'Kovic was an unlicensed contractor.

Mr. Hoid testified he has verified George Gur'Kovic is not a licensed contractor in the State of Nevada. Mr. Hoid further testified Water Watch is listed as the contractor of record on the building permit and the pool was not completed. Mr. Hoid provided a memo from Investigator Welch, who stated he spoke with Ms. McLeod and Respondent.

Mr. Gur'Kovic testified he entered into a sales agreement for the pool but not the installation. He recommended Water Watch to Ms. McLeod for the installation and did not pull a building permit using Water Watch license number. Mr. Gur'Kovic testified the pool was removed from Ms. McLeod and is in his possession. Mr. Gur'Kovic testified he is willing to return the pool to Ms. McLeod, but will not return the \$5,000.00. Mr. Gur'Kovic further testified he would pay Ms. McLeod half of the \$5,000.00.

Mr. Pakes testified he has not been paid any money by Ms. McLeod and did not loan his license to Mr. Gur'Kovic. Mr. Pakes testified that a letter dated June 24, 2002 to Frank Torres states Water Watch was hired by Ms. McLeod.

Respondent's prepared statement to the Board was entered into the record as Exhibit #3.

Mr. Lyford testified that on August 28, 2002 an administrative meeting was held regarding a letter from Water Watch and Respondent stated at that time he did write and sign the letter.

Mr. Torres testified that on January 28, 2003 an administrative meeting was held and Respondent stated he did not know if he signed the letter, but provided handwriting samples of his signature, which appeared similar to the signature on the letter.

The evidentiary portion of the hearing was closed.

Hearing Officer Higgins ordered Water Watch, license number 42600 to pay the homeowner \$5,000.00, close this complaint within 90 days or the license will be revoked.

20. DISCIPLINARY HEARING:

ROBERT QUINN, LICENSE NO. 54046

Mr. Robert Quinn, Owner of Robert Quinn; Mr. Alfred Ceglia, Homeowner; Mr. Bruce Mullin, Homeowner; and Investigator Gary Hoid were sworn in. Ryan Earl, Attorney for Robert Quinn was also present.

Mr. Earl requested a continuance, as he was retained by Mr. Quinn yesterday and has not had ample time to review this complaint.

Hearing Officer Higgins denied the request for continuance.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5) as set forth in NAC 624.700 (3)(a); NRS 624.600; NRS 624.3013 (5) pursuant to NRS 624.520 (1); NRS 624.3011 (1) (a); and NRS 624.3011 (1) (a).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Mr. Ceglia testified he entered into a contract with the Respondent for a single family home for a total contract price of \$495,000.00.

Mr. Mullin testified he entered into a contract with Respondent for a single family home for a total contract price of \$347,872.54 and a verbal agreement for a patio cover for a total of \$10,000.00. Mr. Mullin further testified the building department issued a correction notice to Respondent with eight items.

Mr. Hoid testified he validated the workmanship complaints and issued Notices to Correct. Respondent failed to comply with the Notice to Correct, however, number four, number eight, number eleven and number six-teen have been completed on the Ceglia home. Mr. Hoid further testified the contract did not contain a sub-contractor list and did not include the Notice to Owner regarding the Residential Recovery Fund.

Additional photos were entered into the record as Exhibit #2.

Mr. Quinn testified all repairs will be completed on Mr. Ceglia's home within 30 days and will come to an agreement with Mr. Mullin.

Hearing Officer Higgins found to continue this matter to the August 5, 2003 Board Meeting.

21. DISCIPLINARY HEARING – DEFAULT ORDER:

SIERRA EARTH AND STONE, LICENSE NO. 49668

No one from Sierra Earth and Stone was present.

The hearing was for possible violations of NRS 624.3012 (2); NRS 624.302 (5); NRS 624.3013 (5) as set forth in NAC 624.640 (3); and NRS 624.3013 (3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Hearing Officer Higgins found respondent Sierra Earth and Stone, Tye C. Fortuna, Owner, license number 49668, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 49668, Sierra Earth and Stone, was Revoked. Mr. Fortuna is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs

of \$1,923, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

22. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Higgins at 5:02 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Adjudicating Board Member