

STEVE SISOLAK
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

Minutes of the Meeting
March 4, 2020

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MEMBERS
Kent Lay, Chair
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Melissa Maguire
Steve Menzies
Guy M. Wells

CALL TO ORDER:

Matthew Addison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **March 4, 2020**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

Administrative Law Judge:

Mr. Matt Addison, Esq.

Staff Members Present:

Ms. Nancy Mathias, Licensing Administrator
Mr. Paul Rozario, Director of Investigations
Mr. Jeff Gore, Investigations Supervisor - Reno

Legal Counsel Present:

Mr. Louis Ling Esq., Legal Counsel

Paul Rozario stated the agenda was posted at Reno City Hall, Washoe County Court House, South Valleys Library, Paseo Verde Library, Sawyer State Building, Clark County Library, both offices of the Board, on the Board's Internet Website and the Nevada Public Notice Website.

ADMINISTRATIVE LAW JUDGE: MATT ADDISON, ESQ.

1. DISCIPLINARY HEARING: DEFAULT HEARING

Moseley's Plumbing & Heating LLC, License Nos. 78195, 79753

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison found the Respondent Moseley's Plumbing & Heating LLC, license numbers 78195 and 79753 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint Respondent was found guilty of one (1) violation of NRS 624.302(6), failure or refusal to comply with a written request from the Board or its designee for records, or obstructing or delaying the providing of such information or records; one (1) violation of NRS 624.3017(1), by failing to provide workmanship which is commensurate with the standards of the trade in general; one (1) violation of NRS 624.3013(5) by failing to comply with the Board's Notice to Correct pursuant to NAC 624.700(3)(a); one (1) violation of NRS 624.3011(1)(b)(1) by willfully or deliberately disregarding and violating the building laws of the state or of any political subdivision thereof; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of 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; one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3013(3), failure to establish financial responsibility and one (1) violation of NRS 624.3018(2) joint liabilities. License numbers 78195 and 79753 are revoked. Respondent shall pay an

administrative fine of \$4,550 and reimburse the Board for investigative costs of \$1,687 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

2. DISCIPLINARY HEARING:

Komax Development Inc, License number 67413

The licensee was present.

ALJ Addison continued this matter to the May 6, 2020 hearing.

3. DISCIPLINARY HEARING:

Koinonia Construction Inc. License Nos. 82378, 82497, 82498

M P & E Construction, License No. 83671

Licensee was present and represented by counsel Michael Kimmel, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison dismissed the complaint without prejudice.

4. DISCIPLINARY HEARING AND FINANCIAL RESPONSIBILITY HEARING:

Sparhawk Metals Inc. dba, Sparhawk Metals, License no. 64349

Licensee was not present

Exhibit 1 – Board's Hearing File

ALJ Addison found the Respondent Sparhawk Metals, license number 64349 guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(6) failing to comply with a written request of the Board. Respondent's license number 64349 is revoked. Respondent shall pay a fine of \$250 for the First Cause of Action of the Board's Complaint and \$500 for the Second Cause of Action of the Board's Complaint for a total fine in the amount of \$750. Respondent shall reimburse the Board's investigative fees and costs in the amount of \$537.74. Fines and fees shall be paid within thirty (30) days from the March 4, 2020 hearing.

5. DISCIPLINARY HEARING: Continued from January 8, 2020, February 5, 2020 and March 4, 2020

Perry W. Bottari Owner, CMS, Trade, dba Bottari Construction, License No. 37459

Licensee was not present and was not represented by counsel Jeff Spencer, Esq. of Silver State Law.

ALJ Addison continued this matter to April 1, 2020.

6. DISCIPLINARY HEARING: Continued from October 2, 2019, December 4, 2019, January 8, 2020 and February 5, 2020

EMC Construction LLC, License No. 82027

The licensee was present and was represented by counsel, Stephen Castronova, Esq. of the Castronova Law Offices.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison found the Respondent EMC Construction LLC, license number 82027 guilty of violating one (1) violation of NRS 624.3017(1) workmanship which is not commensurate with the standards of the trade in general; one (1) violation of NRS 624.3013(5) by failing to comply with the Board's Notice to Correct pursuant to NAC 624.700(3)(a); one (1) violation of NRS 624.301(3) failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract; one (1) violation of NRS 624.3011(1)(a)(b)(1) the following acts, among others, constitute cause for disciplinary action under NRS 624.300: (a) willful and prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or the owner's authorized representative and the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications, (b) willful or deliberate disregard and violation of: (1) the building laws of the State or of any political subdivision thereof; nine (9) violations of NRS 624.3014(2)(a) contracting with an unlicensed contractor (2) with the intent to evade the provisions of this chapter: (a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3015(3) knowingly bidding to contract or entering into a contract with a contractor for work in excess of his or her limit or beyond the scope of his or her license; one (1) violation of NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; 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. The Respondent shall pay a fine of \$500 each on the First and Second Causes of Action, \$1,000 on the Third Cause of Action, \$500 on the Fourth Cause of Action, \$900 on the Fifth Cause of Action, \$1,000 on the Seventh Cause of Action, \$250 on the Ninth Cause of Action and \$50 on the Tenth Cause of Action for a total fine in the amount of \$4,700; reimburse the Board's investigative fees in the amount of \$5,300. Respondent shall pay \$2,500 within 30 days from today's hearing as a down payment, and have the balance of \$7,500 paid within 6 months from today's hearing. Homeowners can provide a claim against the Residential Recovery Fund. The Sixth, Eighth and Eleventh Causes of Action are dismissed.

7. DISCIPLINARY HEARING: Continued from February 5, 2020

Randolph Lyn Hanson dba, Randolph Hanson Construction, License Nos. 77823, 77987, 81484

The licensee was present and was represented by John Henry Wright, Esq., of the Wright Law Group, P.C.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison found the Respondent Randolph Hanson Construction, license numbers 77823, 77987 and 81484 guilty of one (1) violation of NRS 624.3013(5) failure to include the number of his license and the monetary license limit on Respondent's contract with the owner as required by NAC 624.640(5); one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. Respondent shall pay a fine of \$50 for the Third Cause of Action, \$250 for the Fourth Cause of Action for a total fine in the amount of \$300, reimburse the Board's investigative fees of \$1,745. Fine and fees are to be paid within 30 days of today's hearing. The First Cause of Action NRS 624.3017(1) and Second Cause of Action NRS 624.3013(5) per NAC 624.700(3)(a) will be dismissed if the Respondent completes the outstanding repairs. Respondent is to provide a permit application and a lien release within 10 business days of today's hearing. If a permit is approved and finalized by the building department, the Fifth Cause of Action NRS 624.3011(1)(b)(1) will be dismissed. The Sixth and Seventh Causes of Action are dismissed.

ADJOURNMENT

The meeting was adjourned by ALJ Addison at 11:25a.m. on March 4, 2020.

Respectfully Submitted,


Sandra Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer