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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING April 10, 2024

ADMINISTRATIVE LAW JUDGE

Richard Scotti, Esq.

STAFF MEMBERS PRESENT

David Behar, Executive Director, Investigations
Terry Wike, Compliance Supervisor

Raymond Zack, Compliance Investigator

LEGAL COUNSEL PRESENT Jack Juan, Esq.

Executive Director, David Behar, stated the agenda was posted in compliance with the open meeting law at both offices of the Board, on the Board's Internet Website, the Nevada Public Notice Website, and e-mailed electronically to persons who have expressed interest in being kept informed of the Board's meetings.

1. **DISCIPLINARY HEARING – Continued from November 1, 2023.**
***Desert Valley Contracting, Inc., License 72652**
Case No.: 30061445
Dennis Eugene Zachary – President, CMS and Trade
Jodi Kim Zachary – Secretary, Treasurer

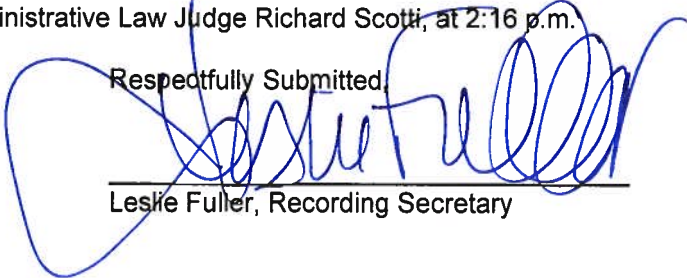
Admitted ALL Exhibits – Board Hearing File - Exhs. 1-160
Admitted Respondent's Exhs. 1-211

Appearances are made in person by Homeowners, Lawrence Jones and Wendy Garrod; counsel for Homeowners, Kelly Burton Esq.; Respondent, Dennis Zachary, Donald "Butch" Williams, Esq.; Tracy Truman, Esq.; Appearing as witnesses for Respondent are Teresa Miller; Ed Esquivil and Michael Mallett; Prosecutor Jack Juan, Esq.; Terry Wike, Compliance Supervisor, Raymond Zack, Compliance Investigator. The Administrative Law Judge (ALJ) asks Prosecutor and Respondent's counsel if they have any procedural issues that need to be addressed. Prosecutor waives, and Respondent's counsel advises the ALJ that Respondent has procedural issue with res judicata and collateral estoppel. After hearing testimony by Respondent's counsel, Donald "Butch" Williams, the (ALJ) **DENIES** Motion to Suspend or Continue Hearing Due to Res Judicata Application by Stipulation of the Parties with Notice to Resolve. Homeowners are sworn in and give their testimony regarding the workmanship issues. After testimony from Investigator Zack and hearing testimony from Respondent and Respondent witnesses, who are challenging the allegations, the Board recommends dismissal of allegation #10. The ALJ therefore **ORDERS** Allegation #10 be dismissed and the remaining allegations #1 through 9 are taken under advisement. A Decision and Order will be issued within two (2) weeks.

ADJOURNMENT

The disciplinary hearing was adjourned by Administrative Law Judge Richard Scotti, at 2:16 p.m.

Respectfully Submitted,



Leslie Fuller, Recording Secretary

APPROVED



Margi A. Grein, Executive Officer