

BEFORE THE
REGISTRAR OF CONTRACTORS
CONTRACTORS STATE LICENSE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DARRYEL F. HIGGINBOTHAM
CONSTRUCTION
P.O. Box 161
Verdi, NV 89439
DARRYEL FRANKLIN HIGGINBOTHAM,
OWNER

Contractor's License No. 525628, B, C-29

Respondent.

CASE NO. N2013-275

OAH NO. 2014120273

ORDER TO ADOPT
STIPULATED SETTLEMENT

The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as her Decision in the above-entitled matter. The failure to comply with any of the terms and conditions as set forth in the provisions of probation will be deemed a violation of probation.

IT IS FURTHER ORDERED that **DARRYEL F. HIGGINBOTHAM CONSTRUCTION**, License Number **525628**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of **\$30,000.00**, for a period of not less than two years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that Respondent shall pay restitution to Pamela Rice-Stower in accordance with any order or judgment from the Superior Court of California.

IT IS FURTHER ORDERED that Respondent shall pay the investigative costs in the amount of \$12,000. Monthly payments are to be made in the amount of \$705.00, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of this decision.

IT IS THE responsibility of the Respondent, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of this Decision. No notices or reminders will be sent as to compliance with the terms and conditions. Proof of payments of restitution and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

This Decision shall become effective on January 25, 2016.

IT IS SO ORDERED December 21, 2015.



Cindi A. Christenson
Registrar of Contractors

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
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7 E-mail: Geoffrey.Allen@doj.ca.gov
Attorneys for Complainant
8

9 **BEFORE THE**
REGISTRAR OF CONTRACTORS
CONTRACTORS' STATE LICENSE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **DARRYEL F. HIGGINBOTHAM**
CONSTRUCTION
14 **P.O. Box 161**
Verdi, NV 89439
15 **DARRYEL FRANKLIN**
HIGGINBOTHAM, OWNER
16
17 **Contractor's License No. 525628, B, C-29**
18
Respondents.

Case No. N2013-275
OAH No. 2014120273

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors'
24 State License Board ("Board"). He brought this action solely in his official capacity and is
25 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
26 Geoffrey S. Allen, Deputy Attorney General.
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1 2. Respondent Darryel F. Higginbotham Construction ("Respondent") is represented in
2 this proceeding by attorney Andrew Carlton, whose address is: Carlton and Aberola, 23792
3 Rockfield Blvd., Suite 101, Lake Forest, CA 92630.

4 3. On or about March 1, 1988, the Board issued Contractor's License No. 525628
5 ("License") to Respondent. The License was in full force and effect at all times relevant to the
6 charges brought in Accusation No. N2013-275 and will expire on March 31, 2016, unless
7 renewed.

8 JURISDICTION

9 4. Accusation No. N2013-275 ("Accusation") was filed before the Registrar of
10 Contractors ("Registrar") for the Board, Department of Consumer Affairs, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on April 21, 2014. Respondent timely filed his Notice of Defense
13 contesting the Accusation.

14 5. A copy of the Accusation is attached as exhibit A and incorporated herein by
15 reference.

16 ADVISEMENT AND WAIVERS

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
19 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

20 7. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
22 his own expense; the right to confront and cross-examine the witnesses against him; the right to
23 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
24 the attendance of witnesses and the production of documents; the right to reconsideration and
25 court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in the
3 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his License.

4 10. For the purpose of resolving the Accusation without the expense and uncertainty of
5 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
6 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
7 those charges.

8 11. Respondent agrees that his License is subject to discipline and he agrees to be bound
9 by the Registrar's probationary terms as set forth in the Disciplinary Order below.

10 RESERVATION

11 12. The admissions made by Respondent herein are only for the purposes of this
12 proceeding, or any other proceedings in which the Registrar of Contractors, Contractors' State
13 License Board, or other professional licensing agency is involved, and shall not be admissible in
14 any other criminal or civil proceeding.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Registrar or her designee.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
18 communicate directly with the Registrar regarding this stipulation and settlement, without notice
19 to or participation by Respondent or his counsel. By signing the stipulation, Respondent
20 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
21 prior to the time the Registrar considers and acts upon it. If the Registrar fails to adopt this
22 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
23 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
24 the parties, and the Registrar shall not be disqualified from further action by having considered
25 this matter.

26 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
28 signatures thereto, shall have the same force and effect as the originals.

1 Respondent fails to comply with the restitution or cost recovery order and make a payment, the
2 Registrar may immediately lift the stay and reimpose the disciplinary order without giving
3 Respondent an opportunity to be heard.

4 **5. Restitution.** Restitution shall be paid in accordance with any order or judgment from
5 the Superior Court of California for Respondent to pay Pamela Rice-Stower. Respondent shall
6 provide the Board with a copy of any order or judgment from the civil case with Pamela Rice-
7 Stower to pay restitution to her, and comply with any restitution ordered therein.

8 Failure to submit proof to the Registrar or designee of payment of restitution to the victim
9 shall automatically terminate the stay of the order of revocation and Respondent's License shall
10 be revoked effective thirty (30) days from the due date of the delinquent payment without further
11 notice or hearing.

12 **6. Disciplinary Bond.** Not later than the effective date of the decision, Respondent
13 shall file or have on file a disciplinary contractor's bond in a sum to be fixed by the registrar
14 based upon the seriousness of the violation, but which sum shall not be less than fifteen thousand
15 dollars (\$15,000) nor more than 10 times that amount required by Business and Professions Code
16 section 7071.6. The disciplinary bond is in addition to, may not be combined with, and does not
17 replace any other type of contractor's bond. The disciplinary bond shall remain on file with the
18 registrar for a period of at least two years and for such additional time as the registrar may
19 determine, as required by Business and Professions Code section 7071.8.

20 **7. Production of Documents.** Respondent shall submit copies of documents directly
21 related to construction operations to the Registrar or designee upon demand during the
22 probationary period.

23 **8. Respond in Writing.** Respondent shall respond in writing within 20 calendar days of
24 any written inquiry or demand from the Registrar or designee during the probation period.
25 Failure to respond within the allotted timeframe shall be considered a violation of the terms of
26 probation.

27 **9. Law and Business Examination.** Respondent shall take and pass within one
28 hundred twenty (120) days of the effective date of the Decision and Order the Contractors' State

1 License Board's law and business examination. Respondent has the burden of applying for,
2 scheduling, and making arrangements to take the exam.

3 10. **Trade Examination.** Respondent shall take and pass within one hundred twenty
4 (120) days of the effective date of the Decision and Order the Contractors' State License Board's
5 trade examination in Classification B – General Building. Respondent has the burden of applying
6 for, scheduling, and making arrangements to take the exam.

7 11. **Building Permits.** Respondent shall submit copies of all applications for building
8 permits to be pulled by Respondent to the Registrar or designee upon demand for all construction
9 projects undertaken during the probationary period.

10 12. **Cost Recovery.** Respondent shall pay to the Registrar pursuant to Business and
11 Professions Code section 125.3 the costs of investigation and enforcement in this matter in the
12 amount \$12,000.00. Payments may be made in equal monthly installments beginning thirty (30)
13 days from the effective date of the Decision and Order. All costs shall be paid in full six months
14 prior to the end of the probationary period.

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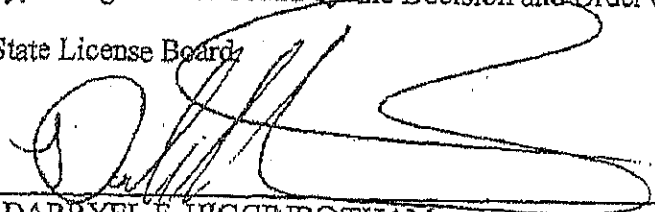
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Andrew Carlton. I understand the stipulation and the effect it will have on my Contractor's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors, Contractors' State License Board.

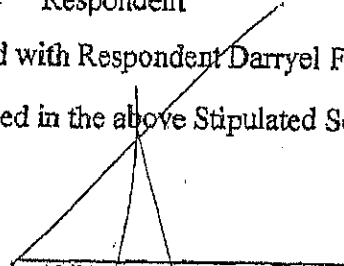
DATED: 10/15/15



DARRYEL F. HIGGINBOTHAM
OWNER
DARRYEL F. HIGGINBOTHAM CONSTRUCTION
Respondent

I have read and fully discussed with Respondent Darryel F. Higginbotham the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/23/15

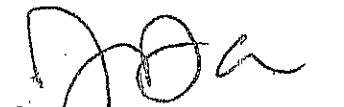

ANDREW CARLTON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

Dated: 10/20/15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

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