

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

In the Matter of the Accusation Against:

**ANI BUILDING SOLUTIONS,  
DAVID TERRY RIFFEL, RMO,  
BARRY ALFRED MACOMBER, RME,**  
3579 US Highway 50 E, Suite C  
Carson City, NV 89701

Contractor's License No. 1005353, B

Respondent.

CASE NO. N2021-159

ORDER TO ADOPT  
DEFAULT DECISION

[Gov. Code, § 11520]

The attached Default Decision is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter.


Contractor's License Number **1005353** issued to **ANI BUILDING SOLUTIONS** is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, title 16, Respondent **ANI BUILDING SOLUTIONS** Contractor's License No **1005353**, shall not apply for reissuance or reinstatement of said license for three year(s) from the effective date of this Decision.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 13, 2022.

IT IS SO ORDERED May 13, 2022.

  
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David Fogt  
Registrar of Contractors

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In the Matter of the Accusation Against:  
**ANI BUIDING SOLUTIONS, DAVID  
TERRY RIFFEL, RMO, BARRY ALFRED  
MACOMBER, RME,  
3579 US Highway 50 E, Suite C  
Carson City, NV 89701**  
**Contractor's License No. 1005353**  
  
Respondent.

Case No. N2021-159  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about March 23, 2022, Complainant Thomas Jager, in his official capacity as the Supervising Special Investigator I of the Contractors State License Board, Department of Consumer Affairs, filed Accusation No. N2021-159 against Ani Building Solutions, David Terry Riffel, RMO, Barry Alfred Macomber, RME, before the Registrar of Contractors. (Accusation attached as Exhibit A.)

1           2.    On or about July 9, 2015, the Registrar of Contractors (Registrar) issued Contractor's  
2 License No. 1005353, in Classification B (General Building) to ANI Building Solutions  
3 (Respondent ANI). The Contractor's License was in full force and effect at all times relevant to  
4 the charges brought herein, expired on July 31, 2021, and has not been renewed. At all times  
5 referenced herein, David Terry Riffel (Respondent Riffel) was the responsible managing officer  
6 (RMO). On September 27, 2016, Barry Alfred Macomber (Respondent Macomber) associated as  
7 the responsible managing employee (RME) until he disassociated on September 2, 2021.

8           3.    On or about March 29, 2022, Respondents were served by Certified and First Class  
9 Mail copies of the Accusation No. N2021-159, Statement to Respondent, Notice of Defense,  
10 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
11 and 11507.7) at Respondents' address of record which, pursuant to Business and Professions  
12 Code section 136, is required to be reported and maintained with the Registrar. Respondents'  
13 address of record was and is: 3579 US Highway 50 E, Suite C Carson City, NV 89701.

14           4.    Service of the Accusation was effective as a matter of law under the provisions of  
15 Government Code section 11505(c) and/or Business and Professions Code section 124.

16           5.    Government Code section 11506(c) states, in pertinent part:

17                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
19 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
20 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
21 discretion may nevertheless grant a hearing.

22           6.    The Registrar takes official notice of its records and the fact that Respondents failed  
23 to file a Notice of Defense within 15 days after service upon them of the Accusation, and  
24 therefore waived their right to a hearing on the merits of Accusation No. N2021-159.

25           7.    California Government Code section 11520(a) states, in pertinent part:

26                   (a) If the respondent either fails to file a notice of defense . . . or to appear at  
27 the hearing, the agency may take action based upon the respondent's express  
28 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent . . . .

          8.    Pursuant to its authority under Government Code section 11520, the Registrar finds  
Respondent ANI is in default. The Registrar will take action without further hearing and, based

1 on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this  
2 matter, as well as taking official notice of all the investigatory reports, exhibits and statements  
3 contained therein on file at the Registrar's offices regarding the allegations contained in  
4 Accusation No. N2021-159, finds that the charges and allegations in Accusation No. N2021-159,  
5 are separately and severally, found to be true and correct by clear and convincing evidence.

6 9. The Registrar finds that the actual costs for Investigation and Enforcement are \$4,249.97 as  
7 of April 25, 2022.

### 8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent ANI has subjected its  
10 Contractor's License No. 1005353 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Registrar of Contractors is authorized to revoke Respondent ANI's Contractor's  
13 License based upon the following violations alleged in the Accusation which are supported by the  
14 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

15 a. Abandonment (Business and Professions Code section 7107);

16 b. Diversion of Construction Funds (Business and Professions Code section 7108);

17 c. Willful or Fraudulent Act (Business and Professions Code section 7116); and

18 d. Out of State Discipline (Business and Professions Code section 7103).

19 4. Pursuant to its authority under California Government Code section 11520, and based  
20 on the relevant evidence before it contained in the Default Decision Investigatory Evidence  
21 Packet, the Registrar hereby finds by clear and convincing evidence that David Terry Riffel and  
22 Barry Alfred Macomber had knowledge of or participated in the prohibited act(s) or omission(s)  
23 that warranted the filing of Accusation No. N2021-159.

24 5. Pursuant to Business and Professions Code section 7122.5, the performance by an  
25 individual, partnership, corporation, limited liability company, firm, or association of an act or  
26 omission constituting a cause for disciplinary action constitutes a cause for disciplinary action  
27 against a licensee who at the time that the act or omission occurred was the qualifying individual  
28 of that individual, partnership, corporation, limited liability company, firm, or association,

1 whether or not he or she had knowledge of or participated in the prohibited act or omission.

2 Therefore, pursuant to section 7122.5, David Terry Riffel, is subject to discipline.

3 6. Pursuant to Business and Professions Code section 7122.5, the performance by an  
4 individual, partnership, corporation, limited liability company, firm, or association of an act or  
5 omission constituting a cause for disciplinary action constitutes a cause for disciplinary action,  
6 likewise constitutes a cause for disciplinary action against a licensee other than the individual  
7 qualifier on behalf of the individual or entity, if the licensee was a partner, officer, director,  
8 manager, or associate of that individual, partnership, corporation, limited liability company, firm,  
9 or association at the time the act or omission occurred and had knowledge of or participated in the  
10 prohibited act or omission. Therefore, pursuant to section 7122.5, Barry Alfred Macomber, is  
11 subject to discipline.

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14 FOR THE REGISTRAR OF CONTRACTORS  
15 CONTRACTORS STATE LICENSE BOARD  
16 DEPARTMENT OF CONSUMER AFFAIRS

16 DOJ Matter ID: LA2021604849

17 Attachment:  
18 Exhibit A: Accusation