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

11 In the Matter of the Accusation Against:

Case No. N2011-458

12 **VEI CONSTRUCTION**
13 **SAMANI FALE, QUALIFYING PARTNER**
14 **LAVAKI FALE, GENERAL PARTNER**
15 **TUIHALANGINGIE FALE, GENERAL PARTNER**
1032 Terraza St
Soledad, CA 93960,

ACCUSATION

16 **Contractor's License No. 966179, B**

17 **AND**

18 **VEI CONSTRUCTION**
19 **SAMANI FALE, SOLE OWNER**
1408 Santa Clara Street
20 Soledad, CA 93960,

Case No. N2011-460

ACCUSATION

21 **Contractor's License No. 932725, B**

22 **AND**

23 **VEI ELECTRIC**
24 **SAMANI FALE, SOLE OWNER**
1408 Santa Clara Street
25 Soledad, CA 93960

Case No. N2011-459

ACCUSATION

26 **Contractor's License No. 901154, C-10**

27 Respondents.
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1 Complainant alleges:

2 **PARTIES**

3 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity
4 as the Enforcement Supervisor I of the Contractors' State License Board, Department of
5 Consumer Affairs.

6 2. On or about September 29, 2011, the Registrar of Contractors issued Contractor's
7 License Number 966179, B, to VEI Construction, Samani Fale, Qualifying Partner, Lavaki Fale,
8 General Partner, Tuihalangie, General Partner (Respondent). The Contractor's License was in
9 full force and effect at all times relevant to the charges brought herein and will expire on
10 September 30, 2013, unless renewed.

11 3. On or about May 16, 2009, the Registrar of Contractors issued Contractor's License
12 Number 932725, B, to VEI Construction, Samani Fale, sole owner (Respondent). This
13 Contractor's License is currently renewed inactive and will expire on May 31, 2013, unless
14 renewed.

15 4. On or about July 30, 2007, the Registrar of Contractors issued Contractor's License
16 Number 901154, C-10, to VEI Electric, Samani Fale, sole owner (Respondent). This Contractor's
17 License was in full force and effect at all times relevant to the charges brought herein and will
18 expire on July 31, 2013, unless renewed.

19 **JURISDICTION**

20 5. This Accusation is brought before the Registrar of Contractors (Registrar) for the
21 Contractors' State License Board, Department of Consumer Affairs, under the authority of the
22 following laws. All section references are to the Business and Professions Code unless otherwise
23 indicated.

24 **STATUTORY PROVISIONS**

25 6. Section 7090 of the Business and Professions Code ("Code") provides, in pertinent
26 part, that the Registrar may suspend or revoke any license or registration if the licensee or
27 registrant is guilty of or commits any one or more of the acts or omissions constituting cause for
28 disciplinary action.

1 Tuihalangie, General Partner for an additional classification – A – Engineering Contractor's
2 license. The application was signed by Samani Fale and dated November 4, 2011. Samani Fale
3 certified to the truth and accuracy of all answers and attachments contained therein.

4 This application, No. 2011-02-02876, was initially rejected because it failed to include a
5 Certification of Work Experience. On or about December 11, 2011, Samani Fale, Qualifying
6 Partner, submitted a Certification of Work Experience that asserted that Samani Fale was
7 employed full time, at the journeyman level, for Lopesani Tulua, License No. 805119, from
8 August 10, 2007 to September 11, 2011. The Certification of Work Experience contained a
9 signature by Lopesani Tulua and listed specific trade duties allegedly performed by Samani Fale.
10 In truth and in fact, Samani Fale never worked for Lopesani Tulua and the signature on the
11 Certification of Work Experience was forged by Samani Fale.

12 SECOND CAUSE FOR DISCIPLINE

13 (Misrepresentations on application)

14 14. Respondent VEI Construction, Samani Fale, sole owner, is subject to disciplinary
15 action under section 7112 in that Respondent VEI Construction, Samani Fale, sole owner, made
16 material misrepresentations of fact on its application for a contractor's license. The
17 circumstances are as follows:

18 15. On or about October 10, 2007, the Board received an application from Respondent
19 VEI Construction, Samani Fale, sole owner, for a B General Contractor's license. The
20 application was signed by Samani Fale and dated October 9, 2007. Samani Fale certified to the
21 truth and accuracy of all answers and attachments contained therein.

22 This application, No. 2007-01-08247, included a Certification of Work Experience that
23 asserted that Samani Fale was employed full time, at the journeyman level, by VMS
24 Construction, License No. 767610, from August 20, 2000 to September 21, 2006. The
25 Certification of Work Experience contained a signature by Victor Saravia, sole owner of VMS
26 Construction, License No. 767610, and listed specific trade duties allegedly performed by Samani
27 Fale. In truth and in fact, Samani Fale never worked for Victor Saravia, sole owner of VMS
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1 Construction, License No. 767610, and the signature on the Certification of Work Experience was
2 forged by Samani Fale.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Misrepresentations on application)

5 16. Respondent VEI Electric, Samani Fale, sole owner, is subject to disciplinary action
6 under section 7112 in that VEI Electric, Samani Fale, sole owner, made material
7 misrepresentations of fact on its application for a contractor's license. The circumstances are as
8 follows:

9 17. On or about December 26, 2006, the Board received an application from Respondent
10 VEI Electric, Samani Fale, sole owner, for a C-10 [Electrical] Contractor's license. The
11 application was signed by Samani Fale and dated December 12, 2006. Samani Fale submitted an
12 addendum to this application that included a Certification of Work Experience dated February 21,
13 2007. Samani Fale certified to the truth and accuracy of all answers and attachments contained
14 therein.

15 This application, No. 2006-01-14663, included a Certification of Work Experience that
16 asserted that Samani Fale was employed full time, at the journeyman level, by Royal Electric,
17 License No. 357377, from May 1, 1998 to February 21, 2007. The Certification of Work
18 Experience contained a signature by Mike B. Sullivan and listed specific trade duties allegedly
19 performed by Samani Fale. In truth and in fact, Samani Fale did not work for Royal Electric,
20 License No. 357377, on the dates listed in the Certification of Work Experience, but only from
21 November 20, 2006 to March 5, 2010. In addition to the misrepresentations regarding the dates
22 of employment, Samani Fale did not have the requisite journeyman level experience to qualify for
23 the C-10 license when he submitted this application.

24 **OTHER MATTERS**

25 18. Pursuant to sections 7097 and 7098 of the Code, if license number 966179, B issued
26 to Respondent VEI Construction, Samani Fale, Qualifying Partner, Lavaki Fale, General Partner,
27 Tuihalangie, General Partner, is suspended or revoked, the Registrar may suspend or revoke,
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1 without notice, any other license issued in the name of Samani Fale or for which Samani Fale
2 furnished the qualifying experience and appearance.

3 19. Pursuant to sections 7097 and 7098 of the Code, if license number 932725, B issued
4 to Respondent VEI Construction, Samani Fale, sole owner, is suspended or revoked, the Registrar
5 may suspend or revoke, without notice, any other license issued in the name of Samani Fale or for
6 which Samani Fale furnished the qualifying experience and appearance.

7 20. Pursuant to sections 7097 and 7098 of the Code, if license number 901154, C-10,
8 issued to Respondent VEI Electric, Samani Fale, sole owner, is suspended or revoked, the
9 Registrar may suspend or revoke, without notice, any other license issued in the name of Samani
10 Fale or for which Samani Fale furnished the qualifying experience and appearance.

11 21. Pursuant to section 7121 of the Code, if discipline is imposed on license number
12 966179, B, or license number 932725, B, or license number 901154, C-10, issued to
13 Respondents, respectively, Samani Fale shall be prohibited from serving as an officer, director,
14 associate, partner, manager, or qualifying individual, or member of the personnel of record of a
15 licensee of any licensee during the time the discipline is imposed, and any licensee which
16 employs, elects, or associates Samani Fale shall be subject to disciplinary action.

17 22. Pursuant to Section 7121.5 of the Code, if discipline is imposed on license number
18 966179, B, or license number 932725, B, or license number 901154, C-10, issued to
19 Respondents, respectively, Samani Fale shall be prohibited from serving as an officer, director,
20 associate, partner, manager, or qualifying individual of any licensee during the time the discipline
21 is imposed, whether or not he had knowledge or participated in the acts or omissions constituting
22 grounds for discipline, and any licensee which employs, elects, or associates Samani Fale shall be
23 subject to disciplinary action.

24 23. Pursuant to section 7122.5 of the Code, the causes for discipline established as to
25 Respondent VEI Construction, Samani Fale, Qualifying Partner, Lavaki Fale, General Partner,
26 Tuihalangingie, General Partner, constitute cause for discipline against individual license
27 numbers 932725, B, or 901154, C-10, issued to Samani Fale, regardless of whether he had
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1 knowledge of or participated in the acts or omissions which constitute cause for discipline against
2 respondent.

3 24. Section 7095 of the Code provides, in pertinent part, that the Registrar in making his
4 order may:

5 (a) Provide for the immediate complete suspension by the licensee of all operations as a
6 contractor during the period fixed by the decision.

7 (b) Permit the licensee to complete any or all contracts shown by competent evidence taken
8 at the hearing to be then uncompleted.

9 (c) Impose upon the licensee compliance with such specific conditions as may be just in
10 connection with its operations as a contractor disclosed at the hearing, and may further provide
11 that until such conditions are complied with, no application for restoration of the suspended or
12 revoked licensee shall be accepted by the Registrar.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Registrar of Contractors issue a decision:

16 1. Revoking or suspending Contractor's License Number 966179, B issued to VEI
17 Construction, Samani Fale, Qualifying Partner, Lavaki Fale, General Partner, Tuihalangie,
18 General Partner;

19 2. Revoking or suspending Contractor's License Number 932725, B, issued to VEI
20 Construction, Samani Fale, sole owner;

21 3. Revoking or suspending Contractor's License Number 901154, C-10, issued to VEI
22 Electric, Samani Fale, sole owner;

23 4. Prohibiting Samani Fale from serving as an officer, director, associate, partner, or
24 qualifying individual of any licensee during the period that discipline is imposed on license
25 number 966179, B, or license number 932725, B, or license number 901154, C-10;

26 5. Revoking or suspending any other license for which Samani Fale is furnishing the
27 qualifying experience or appearance;

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1 8. Ordering Samani Fale to pay the Registrar of Contractors his costs in the
2 investigation and enforcement of the case according to proof at the hearing, pursuant to Business
3 and Professions Code section 125.3;

4 9. Ordering Samani Fale to provide the Registrar with a listing of all contracting
5 projects in progress and the anticipated completion date of each;

6 10. Taking such other and further action as deemed necessary and proper.

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9 DATED:

June 26, 2012 *Wood Robinson*

for WOOD ROBINSON
Enforcement Supervisor I
Contractors' State License Board
Department of Consumer Affairs
State of California
Complainant

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