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

In the Matter of the Accusation Against: **MEGA POWER ELECTRIC INC,** 8859 Wilbur Avenue Northridge, CA 91324 GERMAN NESTERENKO, Sole Owner Contractor's License No. 876625, C-10 Respondent. **HOME TOP CONSTRUCTION & DESIGN INC,** 6931 Van Nuys Blvd., #307 Van Nuys, CA 91405 GERMAN NESTERENKO, Sole Owner Contractor's License No. 939788, B Affiliated Party.	CASE NO. N2014-205 OAH NO. 2016031194 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 **MEGA POWER ELECTRIC INC**, License Number **876625**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of $15,000.00 for a period of not less than three 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 **HOME TOP CONSTRUCTION & DESIGN INC**, License Number **939788**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of $15,000.00, for a period of not less than three 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 the investigative costs in the amount of $4,050.00. Monthly payments are to be made in the amount of $135.00, 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 Respondents, 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 March 6, 2017.

IT IS SO ORDERED January 27, 2017.

Cindi A. Christenson
Registrar of Contractors

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
CHRISTINA THOMAS
Deputy Attorney General
State Bar No. 171168
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2557
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against: **MEGA POWER ELECTRIC INC,** 8859 Wilbur Avenue Northridge, CA 91324 GERMAN NESTERENKO, Sole Owner Contractor's License No. 876625, C-10 Respondent. **HOME TOP CONSTRUCTION & DESIGN INC,** 6931 Van Nuys Blvd., #307 Van Nuys, CA 91405 GERMAN NESTERENKO, Sole Owner Contractor's License No. 939788, B Affiliated Party.	Case No. N2014-205 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors' State License Board. He brought this action solely in his official capacity and is represented in

this matter by Kamala D. Harris, Attorney General of the State of California, by Christina Thomas, Deputy Attorney General.

2. Respondent German Nesterenko ("Respondent") is represented in this proceeding by attorney Omar J. Yassin, Esq., whose address is: 777 S. Figueroa Street, Los Angeles, CA 90017-1540.

Mega Power Electric, Inc.

3. On or about April 22, 2006, the Registrar of Contractors ("Registrar") issued Contractor's License No. 876625 , Classification C-10 – Electrical, to Mega Power Electric, Inc., German Nesterenko, Sole Owner. The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2018, unless renewed.

Home Top Construction & Design Inc

4. On or about November 3, 2009, the Registrar issued Contractor's License No. 939788 Classification B – General Building Contractor, to Home Top Construction & Design, Inc., German Nesterenko, Sole Owner (Affiliated Party). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2017, unless renewed.

JURISDICTION

5. Accusation No. N2015-205 was filed before the Registrar of Contractors for the Contractors' State License Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 20, 2015. Respondent timely filed its Notice of Defense contesting the Accusation.

6. A copy of Accusation No. N2015-205 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. N2015-205. Respondent has also carefully read, fully

discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

10. Respondent understands and agrees that the charges and allegations in Accusation No. N2015-205, if proven at a hearing, constitute cause for imposing discipline upon its Contractor's Licenses.

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

12. Respondent agrees that its Contractor's Licenses are subject to discipline and they agree to be bound by the Registrar's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

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

///

CONTINGENCY

14. This stipulation shall be subject to approval by the Registrar of Contractors or the Registrar's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Contractors' State License Board may communicate directly with the Registrar regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Registrar considers and acts upon it. If the Registrar fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Registrar shall not be disqualified from further action by having considered this matter.

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

16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

17. In consideration of the foregoing admissions and stipulations, the parties agree that the Registrar may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Contractor's License Nos. 876625, C-10 and 939788, B, issued to Respondent are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. **Obey All Laws.** Respondent shall comply with all federal, state and local laws,

including all building laws and uniform codes, governing the activities of a licensed contractor in California.

2. **Interviews With Enforcement Representative.** Respondent and any of Respondent's personnel of record shall appear in person for interview with the Registrar or designee upon request and reasonable notice during the probationary period.

3. **Completion Of Probation.** Upon successful completion of probation, the Contractor's License will be fully restored.

4. **Violation Of Probation.** If Respondent violates probation or any condition of probation in any respect, the Registrar, after giving notice and opportunity to be heard, may revoke probation and impose the disciplinary order that is stayed. If an accusation or petition to revoke probation is filed against Respondent during the probationary period, then the Registrar shall have continuing jurisdiction of this matter until the subsequent matter is final, and the period of probation and all the conditions of probation in this matter shall be extended until the subsequent matter is final. If there is an order to make restitution or pay cost recovery and Respondent fails to comply with the restitution or cost recovery order and make a payment, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving Respondent an opportunity to be heard.

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

6. **Law and Business Examination.** Respondent shall take and pass within ninety (90) days of the effective date of the Decision and Order the Contractors' State License Board's law and business examination. Respondent has the burden of applying for, scheduling, and making

arrangements to take the exam.

7. **Cost Recovery.** Respondent shall pay to the Registrar pursuant to Business and Professions Code section 125.3 the costs of investigation and enforcement in this matter in the amount of $ 4050.00 within one year of the effective date of the Decision and Order. Payments shall be made in 30 equal monthly installments of $135.00 beginning thirty (30) days from the effective date of the Decision and Order.

8. **Respond to Inquiry from Probation Monitor.** Respondent shall respond in writing within 20 calendar days of any written inquiry or demand from the Registrar or authorized designee (Probation Monitor) during the probation period. Failure to respond within the allotted timeframe shall be considered a violation of the terms of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Omar J. Yassin. I understand the stipulation and the effect it will have on my Contractor's Licenses. 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: 11.10.2016

GERMAN NESTERENKO
Respondent

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

DATED: _____

Omar J. Yassin, Esq.
Attorney for Respondent

arrangements to take the exam.

7. **Cost Recovery.** Respondent shall pay to the Registrar pursuant to Business and Professions Code section 125.3 the costs of investigation and enforcement in this matter in the amount of $ 4050.00 within one year of the effective date of the Decision and Order. Payments shall be made in 30 equal monthly installments of $135.00 beginning thirty (30) days from the effective date of the Decision and Order.

8. **Respond to Inquiry from Probation Monitor.** Respondent shall respond in writing within 20 calendar days of any written inquiry or demand from the Registrar or authorized designee (Probation Monitor) during the probation period. Failure to respond within the allotted timeframe shall be considered a violation of the terms of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Omar J. Yassin. I understand the stipulation and the effect it will have on my Contractor's Licenses. 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: _____

GERMAN NESTERENKO
Respondent

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

DATED: 11/10/2016

Omar J. Yassin, Esq.
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: 11/10/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

LA2014512703
52281718.docx