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

In the Matter of the Accusation Against: **MILESTONE DESIGN & DEVELOPMENT INC,** 15233 Ventura Blvd., #425 Sherman Oaks, CA 91403 MAURICE JOSEPH ABIKZER, CEO/President, ADELA NOEMI PAZ, RMO (4/11/2013 - 1/25/2015), JACK JOE TAYLOR, RMO (6/25/2015 - 3/22/2016) ZACHARY STEPHAN HOLLAND, RMO (5/13/2016 - present) Contractor's License No. 982639, Respondent. **LA PAZ CONSTRUCTION,** 11432 South St., #175 Cerritos, CA 90703 ADELA NOEMI PAZ, SOLE OWNER Contractor's License No. 671801, **ZACHARY HOLLAND,** 3249 Overland Ave. #2 Los Angeles, CA 90064 ZACHARY STEPHAN HOLLAND, Sole Owner Contractor's License No. 791362, **and**	Case No. N2016-171 **A C C U S A T I O N**

QUALITY PRO CONSTRUCTION INC,
16410 Spirit Ct.
La Mirada, CA 90638
ZACHARY STEPHAN HOLLAND, RMO,
JON PAUL MARTIN, CEO/President

Contractor's License No. 1026299

Affiliated Parties.

Complainant alleges:

PARTIES

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

License Histories

Milestone Design & Development Inc

2. On or about April 11, 2013, the Registrar of Contractors (Registrar) issued Contractor's License No. 982639 to Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present) (Respondent). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2019, unless renewed.

La Paz Construction

3. On or about May 24, 1993, the Registrar issued Contractor's License No. 671801 to La Paz Construction, Adela Noemi Paz, 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 June 30, 2017, unless renewed.

Zachary Holland

4. On or about February 15, 2001, the Registrar issued Contractor's License No. 791362 to Zachary Holland, Zachary Stephan Holland, 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 January 31, 2018, unless renewed.

Quality Pro Construction Inc

5. On or about May 1, 2017, the Registrar issued Contractor's License No. 1026299 to Quality Pro Construction Inc, Zachary Stephan Holland, RMO, Jon Paul Martin, CEO/President (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 May 31, 2019, unless renewed.

JURISDICTION

6. This Accusation is brought before the Registrar for the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.

8. Section 7076.5 provides that the inactive status of a license shall not bar any disciplinary action for violating provisions of the Contractors' State License Law (Bus. & Prof. Code, ' 7000, et seq.).

9. Section 7090 provides that the Registrar may suspend or revoke any license or registration if the licensee or registrant is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.

10. Section 7095 states that the Registrar in making his order may:

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

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

"(c) Impose upon the licensee compliance with such specific conditions as may be just in connection with its operations as a contractor disclosed at the hearing, and may further provide

that until such conditions are complied with, no application for restoration of the suspended or revoked licensee shall be accepted by the Registrar."

11. Sections 7097 and 7098 provides that when any license has been suspended or revoked following a hearing, the Registrar may suspend or revoke any additional license issued in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of 7068, without further notice.

12. Section 7106.5 provides that the expiration, cancellation, forfeiture, or suspension of a license by operation of law or by order or decision of the registrar, or a court of law, or the voluntary surrender of the license shall not deprive the registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against the license, or to render a decision suspending or revoking the license.

13. Section 7121 states:

"A person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a partner, officer, director, manager, or associate of any partnership, corporation, limited liability company, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a partner, officer, director, manager, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action."

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14. Section 7121.5 states:

"A person who was the qualifying individual on a revoked license, or of a license under suspension, or of a license that was not renewed while it was under suspension, shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of a licensee, whether or not the individual had knowledge of or participated in the prohibited acts or omissions for which the license was revoked, or suspended, and the employment, election, or association of that person by a licensee shall constitute grounds for disciplinary action."

15. Section 7122 states:

"The performance by an individual, partnership, corporation, limited liability company, firm, or association of an act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against a licensee other than the individual qualifying on behalf of the individual or entity, if the licensee was a partner, officer, director, manager, or associate of that individual, partnership, corporation, limited liability company, firm, or association at the time the act or omission occurred, and had knowledge of or participated in the prohibited act or omission."

16. Section 7122.5 states:

"The performance by an individual, partnership, corporation, limited liability company, firm, or association of an act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against a licensee who at the time that the act or omission occurred was the qualifying individual of that individual, partnership, corporation, limited liability company, firm, or association, whether or not he or she had knowledge of or participated in the prohibited act or omission."

STATUTORY PROVISIONS

17. Section 7068.1 states:

"(a) The person qualifying on behalf of an individual or firm under paragraph (1), (2), (3), or (4) of subdivision (b) of Section 7068 shall be responsible for exercising that direct supervision and control of his or her employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board. This person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following

conditions exists:

"(1) There is a common ownership of at least 20 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

"(2) The additional firm is a subsidiary of or a joint venture with the first. 'Subsidiary,' as used in this subdivision, means any firm at least 20 percent of the equity of which is owned by the other firm.

"(3) With respect to a firm under paragraph (2), (3), or (4) of subdivision (b) of Section 7068, the majority of the partners, officers, or managers are the same.

"(b) Notwithstanding paragraphs (1) to (3), inclusive, of subdivision (a), a qualifying individual may act as the qualifier for no more than three firms in any one-year period.

"(c) The following definitions shall apply for purposes of this section:(1) 'Firm' means a partnership, a limited partnership, a corporation, a limited liability company, or any other combination or organization described in Section 7068.(2) 'Person' is limited to natural persons, notwithstanding the definition of 'person' in Section 7025.

"(d) The board shall require every applicant or licensee qualifying by the appearance of a qualifying individual to submit detailed information on the qualifying individual's duties and responsibilities for supervision and control of the applicant's construction operations.

"(e) Violation of this section shall constitute a cause for disciplinary action and shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine of not less than three thousand dollars ($3,000), but not to exceed five thousand dollars ($5,000), or by both the fine and imprisonment."

18. Section 7109 states:

"(a) A willful departure in any material respect from accepted trade standards for good and workmanlike construction constitutes a cause for disciplinary action, unless the departure was in accordance with plans and specifications prepared by or under the direct supervision of an architect.

"(b) A willful departure from or disregard of plans or specifications in any material respect, which is prejudicial to another, without the consent of the owner or his or her duly authorized

representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans or specifications, constitutes a cause for disciplinary action."

19. Section 7110 states:

"Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of Section 8505 or 8556 of this code, or of Sections 1689.5 to 1689.8, inclusive, or Sections 1689.10 to 1689.13, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action."

20. Section 7113 states that "[f]ailure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for such construction project or operation or in any modification of such contract constitutes a cause for disciplinary action."

21. Section 7159 states, in pertinent part:

"(a)

"(1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

. . . .

"(5) Failure by the licensee, his or her agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

. . . .

. . . .

"(d) A home improvement contract and any changes to the contract shall be in writing and

signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following: . . ."

COST RECOVERY / RESTITUTION

22. Section 125.3 provides that the Registrar may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

23. Government Code section 11519, subdivision (d), provides that specified terms of probation may include an order of restitution, and where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action.

VALLEY VISTA DRIVE PROJECT

24. On or about October 18, 2013, Respondent entered into a written contract with homeowner T.T. to remodel the interior of his residence located on Valley Vista Drive in Camarillo, California, for $130,000.00 with subsequent verbal change orders (Valley Vista Drive Project). Both parties agree to two verbal change orders totaling $11,500.00, however, in dispute is a third verbal change order.

25. On or about March 28, 2014, Respondent entered into a second contract with homeowner T.T. for exterior work to his residence for $17,800.00, increasing the scope of the Valley Vista Drive Project. Subsequent change orders to the second contract are also in dispute.

26. Work began on or about October 25, 2013, and ended on or about May 7, 2014. Respondent failed to provide permits before or after completing project work. Respondent was paid $171,800.00 on the project. An industry expert inspected the project and found that it would cost approximately $73,126.13 to correct Respondent's work.

27. Respondent's CEO/President Maurice Joseph Abikzer informed the Board that he paid the RMO Agency to obtain a RMO for the license, paying 10% profit for the RMO. Respondent's RMO Adela Noemi Paz informed the Board that she had no knowledge or participation in the project, and was paid $150.00 per month by the RMO Agency to be the RMO for Respondent.

FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise Direct Supervision - Duty of Qualifier)

28. Respondent is subject to disciplinary action under section 7068.1, in that on the Valley Vista Drive Project, Respondent's RMO Adela Noemi Paz, admittedly, failed to exercise direct supervision and control of construction operations.

SECOND CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

24. Respondent is subject to disciplinary action under section 7109, subdivision (a), in that on the Valley Vista Drive Project, Respondent willfully departed in a material respect from accepted trade standards for good and workmanlike construction.

a. The work is as follows:

1) Respondent failed to provide warranty and installation documentation for newly installed windows (7), exterior French doors (6), and French side light windows (2); thus unable to confirm the items were Millgard, Tuscany style windows and doors according to the contract.

2) Respondent failed to install the hardwood floor covering to be flat/level throughout the entire house by remediating before installation deviations in the surface of the concrete slab.

3) Respondent failed to installed new light fixtures and wiring pursuant to electrical permit(s) with required building inspector pre-inspection wiring accessibility.

4) Respondent failed to obtain permits for the installation of new plumbing fixtures or for the alteration of the existing plumbing or installation of new plumbing system. Permits will need to be obtained, a pre- inspection scheduled to determine if the plumbing fixtures were installed according to code, and a licensed contractor will be needed to remove and reset some of the fixtures and make assessable for the building inspector.

5) Respondent failed to provide, install, and paint a section approximately 8" in the southwestern corner of the master closet.

6) Respondent failed to install a bottom door track in the eastern guest bedroom causing the bypass sliding doors to swing loosely out and back when opening and closing.

7) Respondent failed to failed to install the icemaker drain line into main drain for the bar

sink, and instead installed the line through the exterior wall of the dining room into the landscaping drain line located in the hardscape driveway.

8) Respondent failed to securely install the hot water circulation pump under the southern master bathroom vanity cabinet sink so as not to hang loosely with the metal flex water lines.

9) Respondent failed to install the electrical outlet used for the circulation pump with a required GFI outlet and the pump's on/off button was hanging loosely within the vanity cabinet not encased in metal flex conduit.

10) Respondent failed to install same and similar color shaded floor tiles in the master bathroom so that four (4) tiles would not stand out and noticeable not blend under normal lighting.

11) Respondent failed to properly design and install master bedroom custom closet cabinets, approximately 30 ft., to not be too small to function.

12) Respondent failed to install a uniform finish texture on the wall around the perimeter of the glass block window creating an unfinished appearance visible from a distance of 6' under normal lighting condition, and the wall finish and paint overlapped onto the edges of the glass block in random areas around the perimeter of the window opening caused by failure to mask and cover adjacent areas during the finishing or painting process.

13) Respondent failed to properly install wooden framed or concrete supports on the floor of the fiberglass Jacuzzi bathtub in the northwestern bathroom to prevent it from deflecting upward and downward from the weight of the person using the bathtub.

14) Respondent failed to install the kitchen dishwasher with plumbing connections for water, drain, and venting required for operation.

15) Respondent failed properly install the walk through door leading to the garage from the northern hallway with a self-closing door mechanism and with a solid core 20 minute 1 3/8" thick fire rated door, instead installed a hollow core door.

16) Respondent failed to properly install screws or nails, used to secure the nailing plates to reinforce the seams(joints) in the plywood cabinet rough tops substrate, for the countertop that did not penetrate with sharp tips creating a health/safety hazard which could cause punctures or lacerations for anyone sitting at the island cabinet.

17) Respondent failed to properly install the northwestern hallway bathroom and the guest bathroom exhaust fan ducting to extend through the roof, to the exterior of the structure.

THIRD CAUSE FOR DISCIPLINE

(Departure from Plans or Specifications)

29. Respondent is subject to disciplinary action under section 7109, subdivision (b), in that on the Valley Vista Drive Project, Respondent willfully disregarded the project plans and specifications in a material respect, as follows:

a. The interior doors installed throughout the interior of the house were hollow doors and not solid doors as per the contract.

FOURTH CAUSE FOR DISCIPLINE

(Building Law Violation - No Building Permit)

30. Respondent is subject to disciplinary action under section 7110, in that on the Valley Vista Drive Project, Respondent willfully or deliberately disregarded and violated building codes when he failed to obtain required permit approvals prior to commencement of work.

FIFTH CAUSE FOR DISCIPLINE

(Written Contract and Change Order Requirements)

31. Respondent is subject to disciplinary action under section 7159, subdivision (a)(5) and (d), in that on the Valley Vista Drive Project, Respondent failed to provide a written contract and written change orders prior to the commencement of work.

OTHER MATTERS

32. Pursuant to sections 7097 and 7098, if license No. 982639 issued to Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any other license issued in the name of Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland or for which Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland furnished the qualifying experience and appearance.

33. Pursuant to sections 7121, 7121.5, 7122 and / or 7122.5, if discipline is imposed on license No. 982639 issued to Respondent, Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland shall be prohibited from serving as an officer, director, associate,

partner, manager, or qualifying individual, or member of the personnel of record of a licensee of any licensee during the time the discipline is imposed, and any licensee which employs, elects, or associates Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland shall be subject to disciplinary action.

34. Maurice Joseph Abikzer, while serving as CEO/President of Respondent Milestone Design & Development Inc, had knowledge of or participated in the acts or omissions which constitute cause for discipline against said Respondent.

PRAYER

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

As to Milestone Design & Development Inc

1. Revoking or suspending Contractor's License No. 982639 issued to Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present);

2. Prohibiting Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 982639, issued to Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present);

3. Revoking or suspending any other license for which Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland is furnishing the qualifying experience or appearance;

4. Ordering restitution of all damages according to proof suffered by homeowner T.T., as a condition of probation in the event probation is ordered;

5. Ordering restitution of all damages suffered homeowner T.T., a result of Adela Noemi Paz and / or Maurice Joseph Abikzer and / or Zachary Stephan Holland's conduct as a contractor,

as a condition of restoration of license No. 982639, issued to Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present) ;

6. Ordering Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present) to pay the Registrar his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to section 125.3;

7. Ordering Milestone Design & Development Inc, Maurice Joseph Abikzer, CEO/President, Adela Noemi Paz, RMO (4/11/2013 - 1/25/2015), Jack Joe Taylor, RMO (6/25/2015 - 3/22/2016) Zachary Stephan Holland, RMO (5/13/2016 - present) to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to La Paz Construction

8. Revoking or suspending Contractor's License No. 671801 issued to La Paz Construction, Adela Noemi Paz, Sole Owner;

9. Prohibiting Adela Noemi Paz from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 671801, issued to La Paz Construction, Adela Noemi Paz, Sole Owner;

10. Revoking or suspending any other license for which Adela Noemi Paz is furnishing the qualifying experience or appearance;

11. Ordering La Paz Construction, Adela Noemi Paz, Sole Owner to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Zachary Holland

12. Revoking or suspending Contractor's License No. 791362 issued to Zachary Holland, Zachary Stephan Holland, Sole Owner;

13. Prohibiting Zachary Stephan Holland from serving as an officer, director, associate,

partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 791362, issued to Zachary Holland, Zachary Stephan Holland, Sole Owner;

14. Revoking or suspending any other license for which Zachary Stephan Holland is furnishing the qualifying experience or appearance;

15. Ordering Zachary Holland, Zachary Stephan Holland, Sole Owner to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Quality Pro Construction Inc

16. Revoking or suspending Contractor's License No. 1026299 issued to Quality Pro Construction Inc, Zachary Stephan Holland, RMO, Jon Paul Martin, CEO/President;

17. Prohibiting Zachary Stephan Holland from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 1026299, issued to Quality Pro Construction Inc, Zachary Stephan Holland, RMO, Jon Paul Martin, CEO/President;

18. Revoking or suspending any other license for which Zachary Stephan Holland is furnishing the qualifying experience or appearance;

19. Ordering Quality Pro Construction Inc, Zachary Stephan Holland, RMO, Jon Paul Martin, CEO/President to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each; and

As to All

20. Taking such other and further action as deemed necessary and proper.

DATED: 10/2/17

FILED
OCT 02 2017
CSLB DSS

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

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