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,

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.

CASE NO. N2016-171

ORDER TO ADOPT
STIPULATED SETTLEMENT

(AS TO MILESTONE DESIGN & DEVELOPMENT INC.; MAURICE JOSEPH ABIKZER, CEO/PRESIDENT ONLY)

The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as his 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 **MILESTONE DESIGN & DEVELOPMENT INC**, License Number **982639**, 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 four 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 $ 6129.27, is to be paid within one year from 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 December 5, 2018.

IT IS SO ORDERED November 5, 2018.

David Fogt
Registrar of Contractors

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
LESLIE A. WALDEN
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Attorneys for Complainant

BEFORE THE
REGISTRAR OF CONTRACTORS
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DEPARTMENT OF CONSUMER AFFAIRS
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MILESTONE DESIGN & DEVELOPMENT INC,
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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,

Case No. N2016-171

OAH No. 2018030374

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO MILESTONE DESIGN & DEVELOPMENT INC; MAURICE J. ABIKZER

and

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.

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 (Registrar). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney General.

2. Respondent Milestone Design & Development Inc; Maurice J. Abikzer (Respondent) is represented in this proceeding by attorney Seth Weinstein, whose address is: Law Offices of Seth Weinstein, P.C., 15260 Ventura Blvd. Suite 1200, Sherman Oaks, CA 91403.

3. On or about April 11, 2013, the Registrar issued Contractor's License No. 982639 to Milestone Design & Development Inc; Maurice J. Abikzer. The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2016-171, and will expire on April 30, 2019, unless renewed.

4. Accusation No. N2016-171 filed against Respondent La Paz Construction, Adela Noemi Paz, Sole Owner has been resolved through a separate action in Case No. N2015-269.

5. Accusation No. N2016-171 filed against Zachary Holland, Sole Owner and Quality Pro Construction, Zachary Holland, Sole Owner were withdrawn as of November 11, 2017.

JURISDICTION

6. Accusation No. N2016-171 was filed before the Registrar, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 3, 2017. Respondent timely filed its Notice of Defense contesting the Accusation.

7. A copy of Accusation No. N2016-171 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. N2016-171. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. 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 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.

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

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. N2016-171.

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

CONTINGENCY

13. 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.

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

15. 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.

16. 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 No. 982639 issued to Respondent Milestone Design & Development Inc; Maurice J. Abikzer (Respondent) is revoked. However,

the revocation is stayed and Respondent is placed on probation for four (4) 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. **Production of Documents.** Respondent shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.

6. **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 $6,129.27 within one year of the effective date of the Decision and Order. Payments may be made in equal monthly installments beginning thirty (30) days from the effective date of the Decision and Order.

7. **Disciplinary Bond.** Respondent fully understands and agrees that the Registrar shall further require as a condition precedent to the restoration of a Contractor's License to Respondent, that it shall file or have on file a disciplinary contractor's bond in the 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 under Business and Professions Code section 7071.8.

8. **Registrar Inquiries.** 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.

9. **Maintain Valid License.** Respondent shall maintain the disciplined license in an active and clear status for the duration of the probation period.

10. **Restitution.** Restitution in this matter, if any, is being addressed in Ventura County Superior Court Case No. 56-2014-00461113-CU-BC-VTA, entitled *Tangelo v. Milestone Design & Development, Inc.* (the "Civil Action"). Respondents agree to comply with any final judgment and/or settlement in the Civil Action and further agree to provide the Registrar, as applicable, with (a) a copy of the final judgment within thirty (30) days of its finality, or (b) a copy of the settlement agreement within thirty (30) days of its effective date, and (c) in the event of an adverse judgment and an appeal from that judgment, a conformed copy of the judgment and the Notice of Appeal within thirty (30) days of filing the Notice of Appeal. Failure to comply shall be grounds for the filing of a petition to revoke probation or further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Seth Weinstein. 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: 8-16-18

MILESTONE DESIGN & DEVELOPMENT INC,
MAURICE J. ABIKZER
Respondent

I have read and fully discussed with Respondent Milestone Design & Development Inc, Maurice J. Abikzer Owner the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 08-16-2018

SETH WEINSTEIN
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:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. N2016-171

XAVIER BECERRA
Attorney General of California
Linda K. Schneider
Senior Assistant Attorney General
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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: **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 **ACCUSATION**

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."

///

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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