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

In the Matter of the Accusation Against: **E & J CONSTRUCTION LANDSCAPE, INC** 16441 Delone Street Santa Clarita, CA 91387 HUGO HERNANDEZ, CEO/PRES, JOSHUA MARTIN HERNANDEZ, RMO, IVAN RODOLFO HERNANDEZ VIDAL, RMO/CEO/PRES (disassociated 2/29/16) Contractor's License No. 925746, Respondent.	CASE NO. N2016-300 OAH NO. 2018060670 ORDER TO ADOPT STIPULATED SETTLEMENT (AS TO LICENSE NUMBERS 856999 AND 1009759 ONLY)
DESIGN MANAGEMENT AND CONSTRUCTION SERVICES 24307 Magic Mountain Parkway, Ste 542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, Sole Owner Contractor's License No. 856999, **and** **SOLARFLEX CONTRACTING, INC.** **dba FLEX CONTRACTING,** 24307 Magic Mountain Parkway, Suite #542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, RMO, PHILLIP HEE MIN KWON, Officer Contractor's License No. 1009759 Affiliated Parties.	

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 **DESIGN MANAGEMENT AND CONSTRUCTION SERVICES**, License Number **856999**, 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 two 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 **SOLARFLEX CONTRACTING, INC. dba FLEX CONTRACTING**, License Number **1009759**, 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 two 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 Affiliated Parties shall jointly and severally pay the investigative costs in the amount of $4,162.50, within 60 days from 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 June 4, 2019.

IT IS SO ORDERED May 3, 2019.

David Fogt
Registrar of Contractors

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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: **E & J CONSTRUCTION LANDSCAPE, INC.** 16441 Delone Street Santa Clarita, CA 91387 HUGO HERNANDEZ, CEO/PRES, JOSHUA MARTIN HERNANDEZ, RMO, IVAN RODOLFO HERNANDEZ VIDAL, RMO/CEO/PRES (disassociated 2/29/16) Contractor's License No. 925746, Respondent. **DESIGN MANAGEMENT AND CONSTRUCTION SERVICES** 24307 Magic Mountain Parkway, Ste 542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, Sole Owner Contractor's License No. 856999, **and** **SOLARFLEX CONTRACTING, INC.** **dba FLEX CONTRACTING,** 24307 Magic Mountain Parkway, Suite #542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, RMO, PHILLIP HEE MIN KWON, Officer Contractor's License No. 1009759 Affiliated Parties.	Case No. N2016-300 OAH No. 2018060670 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDERS AS TO DESIGN MANAGEMENT AND CONSTRUCTION SERVICES (CSLB No. 856999) AND SOLARFLEX CONTRACTING, INC., DBA FLEX CONTRACTING (CSLB No. 1009759) ONLY**

IT IS HEREBY STIPULATED AND AGREED by and between Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, sole owner, Contractor's License Number 856999 ("Design Management and Construction Services") and Solarflex Contracting, Inc., dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, officer, Contractor's License Number 1009759 ("SolarFlex Contracting"), which collectively are referred to throughout this agreement as the Affiliated Parties, that the following matters are true:

PARTIES

1. Wood Robinson (Complainant) is the Enforcement Supervisor I of the Contractors' State License Board (Board). 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 Matthew A. King, Deputy Attorney General.

A. E & J Construction Landscape, Inc.

2. On or about December 5, 2008, the Registrar of Contractors (Registrar) issued Contractor's License Number 925746 to E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal (disassociated February 29, 2016) (Respondent). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2018, unless it is renewed.

B. Design Management and Construction Services

3. On or about April 6, 2005, the Registrar issued Contractor's License Number 856999 to Design Management and Construction Services. 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 it is renewed. Design Management and Construction Services is represented in this proceeding by Seth Weinstein, Law Office of Seth Weinstein, P.C.

C. Solarflex Contracting, Inc., dba Flex Contracting

4. On or about December 15, 2015, the Registrar issued Contractor's License Number 1009759 to SolarFlex Contracting. The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2021, unless it is

renewed. Said license is currently inactive for want of a contractor's bond. Solarflex Contracting is represented in this proceeding by Seth Weinstein, Law Office of Seth Weinstein, P.C.

JURISDICTION

5. Accusation Number N2016-300 was filed before the Registrar, and is currently pending against Respondent E&J Construction Landscape, Inc. and the Affiliated Parties. The Accusation and all other statutorily required documents were properly served on Respondent and the Affiliated Parties on October 12, 2017. A Notice of Defense was timely filed contesting the Accusation.

6. A copy of Accusation Number N2016-300 is attached as exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. The Affiliated Parties have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation Number N2016-300. The Affiliated Parties have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

8. The Affiliated Parties are fully aware of their 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 their 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. The Affiliated Parties voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. The Affiliated Parties admit the truth of each and every charge and allegation in Accusation Number N2016-300.

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11. The Affiliated Parties agree that their 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 Orders below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Registrar of Contractors or the Registrar's designee. The Affiliated Parties understand and agree 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 the Affiliated Parties or their counsel. By signing the stipulation, the Affiliated Parties understand and agree that they may not withdraw their 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 Orders shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties to this agreement, and the Registrar shall not be disqualified from further action by having considered this matter.

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

14. This Stipulated Settlement and Disciplinary Order is intended by the Affiliated 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 Orders may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the Affiliated Parties.

15. In consideration of the foregoing admissions and stipulations, the Affiliated Parties agree that the Registrar may, without further notice or formal proceeding, issue and enter the following Disciplinary Orders:

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DISCIPLINARY ORDER AS TO CSLB NO. 856999

IT IS HEREBY ORDERED that Contractor's License Number 856999 issued to Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, sole owner ("Design Management and Construction Services"), is revoked. However, the revocation is stayed and the license is placed on probation for two years on the following terms and conditions:

1. **Obey All Laws**. Design Management and Construction Services 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**. Design Management and Construction Services and any of its personnel of record shall appear in person for interviews with the Registrar or designee upon request and reasonable notice during the probationary period.

3. **Respond to Inquiry from Probation Monitor**. Design Management and Construction Services 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.

4. **Completion of Probation**. Upon successful completion of probation, Contractor's License Number 856999 will be fully restored.

5. **Violation of Probation**. If Design Management and Construction Services 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 Design Management and Construction Services 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 pay cost recovery and Design Management and Construction Services fails to comply with the cost recovery order and make a payment, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving Design Management and Construction

Services an opportunity to be heard.

6. **Disciplinary Bond.** Not later than the effective date of the decision, Design Management and Construction Services 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 ten times the 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.

7. **Production of Documents.** Design Management and Construction Services shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.

8. **Cost Recovery.** Design Management and Construction Services shall be jointly and severally liable with Solarflex Contracting, Inc., dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, officer (Contractor's License Number 1009759) and Respondent (Contractor's License No. 925746) for the costs of investigation and enforcement in this matter in the amount of $4,162.50, and shall pay said amount to the Registrar within 60 days of the effective date of the Decision and Order.

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DISCIPLINARY ORDER AS TO CSLB NO. 1009759

IT IS HEREBY ORDERED that Contractor's License Number 1009759 issued to Solarflex Contracting, Inc. dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, officer ("Solarflex Contracting"), is revoked. However, the revocation is stayed and the license is placed on probation for two years on the following terms and conditions.

1. **Obey All Laws.** SolarFlex Contracting 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.** SolarFlex Contracting and any of its personnel of record shall appear in person for interviews with the Registrar or designee upon request and reasonable notice during the probationary period.

3. **Respond to Inquiry from Probation Monitor.** SolarFlex Contracting 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.

4. **Completion of Probation.** Upon successful completion of probation, Contractor's License Number 1009759 will be fully restored.

5. **Violation of Probation.** If SolarFlex Contracting 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 SolarFlex Contracting 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 pay cost recovery and SolarFlex Contracting fails to comply with the cost recovery order and make a payment, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving SolarFlex Contracting an opportunity to be heard.

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6. **Disciplinary Bond**. Not later than the effective date of the decision, SolarFlex Contracting 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 ten times the 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.

7. **Production of Documents**. SolarFlex Contracting shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.

8. **Cost Recovery**. SolarFlex Contracting shall be jointly and severally liable with Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, sole owner (Contractor's License Number 856999) and Respondent (Contractor's License No. 925746) for the costs of investigation and enforcement in this matter in the amount of $4,162.50, and shall pay said amount to the Registrar within 60 days of the effective date of the Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Orders and have fully discussed them with my attorney. I understand the stipulation and the effect it will have on my Contractor's License(s). I enter into this Stipulated Settlement voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Orders of the Registrar of Contractors, Contractors' State License Board.

DATED: 11/27/2018

IVAN RODOLFO HERNANDEZ VIDAL
Sole Owner
DESIGN MANAGEMENT AND
CONSTRUCTION SERVICES
Contractor's License No. 856999

DATED: 11/27/2018

IVAN RODOLFO HERNANDEZ VIDAL
Responsible Managing Officer
For SOLARFLEX CONTRACTING, INC.
dba FLEX CONTRACTING
Contractor's License No. 1009759

I have read and fully discussed with my clients the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Orders. I approve their form and content.

DATED: 11-28-2018

SETH WEINSTEIN
Attorney for the Affiliated Parties

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Orders are hereby respectfully submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

Dated: December 3, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. N2016-300

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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: **E & J CONSTRUCTION LANDSCAPE, INC** 16441 Delone Street Santa Clarita, CA 91387 HUGO HERNANDEZ, CEO/PRES, JOSHUA MARTIN HERNANDEZ, RMO, IVAN RODOLFO HERNANDEZ VIDAL, RMO/CEO/PRES (disassociated 2/29/16) Contractor's License No. 925746, Respondent.	Case No. N2016-300 **ACCUSATION**
DESIGN MANAGEMENT AND CONSTRUCTION SERVICES 24307 Magic Mountain Parkway, Ste 542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, Sole Owner Contractor's License No. 856999, **and** **SOLARFLEX CONTRACTING, INC.** **dba FLEX CONTRACTING,** 24307 Magic Mountain Parkway, Suite #542 Valencia, CA 91355 IVAN RODOLFO HERNANDEZ VIDAL, RMO, PHILLIP HEE MIN KWON, Officer Contractor's License No. 1009759 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

E & J Construction Landscape, Inc.

2. On or about December 5, 2008, the Registrar of Contractors (Registrar) issued Contractor's License No. 925746 to E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal (diss. 2/29/2016) (Respondent). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2018, unless renewed.

Design Management and Construction Services

3. On or about April 6, 2005, the Registrar issued Contractor's License No. 856999 to Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, 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 April 30, 2019, unless renewed.

Solarflex Contracting, Inc. dba Flex Contracting

4. On or about December 15, 2015, the Registrar issued Contractor's License No. 1009759 to Solarflex Contracting, Inc. dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, Officer (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 December 31, 2017, unless renewed.

JURISDICTION

5. 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.

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6. Section 7090 provides, in pertinent part, 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.

7. Section 118, subdivision (b) provides, in pertinent part, 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 Code 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, in pertinent part, 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 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."

10. Sections 7097 and 7098 provide 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.

11. Section 7106.5 provides, in pertinent part, 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

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proceed with any investigation of or action or disciplinary proceeding against the license, or to render a decision suspending or revoking the license.

12. 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."

13. 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."

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14. 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."

15. 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

16. Section 7107 states that "[a]bandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor constitutes a cause for disciplinary action."

17. Section 7109 states, in pertinent part:

"(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.

18. 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."

COST RECOVERY/RESTITUTION

19. 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.

20. 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.

CARDINAL DRIVE PROJECT

21. On or about October 26, 2015, Respondent entered into a written agreement with homeowner, D.B., to build a swimming pool and spa at her residence located on Cardinal Drive in Canyon Country, CA, for the amount of $80,455.00 including change orders. On or about January 16, 2016 a second contract was signed that called for construction of a pavilion with attached solid tile covered roof for $10,800.00 which brought the total contract price to $91,255.00 (Cardinal Drive Project). Work began on or about October 26, 2015, and ceased on or about March 28, 2016. Respondent was paid a total amount of $78,455.21. D.B. paid others to ultimately correct and complete the project.

FIRST CAUSE FOR DISCIPLINE

(Abandonment)

22. Respondent is subject to disciplinary action under section 7107, in that on the Cardinal Drive Project, Respondent abandoned the project without legal excuse, failing to complete the following items:

a. Respondent failed to build a pavilion with attached solid tile covered roof.

b. Respondent failed to install pool and spa equipment.

c. Respondent failed to install stucco on retaining and planter wall.

d. Respondent failed to install drain covers at all drain lines.

e. Respondent failed to install finish hardware.

f. Respondent filed to install three pool steps.

g. Respondent failed to remove trash and debris from the jobsite.

SECOND CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

23. Respondent is subject to disciplinary action under section 7109, subdivision (a), in that on the Cardinal Drive Project, Respondent willfully departed from accepted trade standards for good and workmanlike construction, as follows:

a. Respondent installed five main drain lines with sloping so water flowed and drained into the backyard rather than out to the street. There was also a cracked T-joint water pipe at drain #2.

b. Respondent failed to clear all drains which allowed for two drains on the south-east side of the house to clog and have standing water.

c. Respondent installed a broken water pressure gauge.

d. Respondent installed a broken pool light.

e. Respondent failed to properly install the quick set and grouting on the pool and spa tiles. There were misplaced tiles, inconsistent spacing and unfinished tiles exposed, allowing the tiles to fall off the pool and spa walls.

f. Respondent installed a retaining wall behind the spa that was too short leaving slope of soil less than 1:1.

g. Respondent installed the gas line without the required sleeve or venting.

THIRD CAUSE FOR DISCIPLINE

(Failure to Complete Project for Contract Price Stated)

24. Respondent is subject to disciplinary action under section 7113, in that on the Cardinal Drive Project, Respondent failed in a material respect to complete the project for the price stated in the contract and the home owner is required to spend substantial sums in excess of the contract price to complete the project in accordance with the contract.

OTHER MATTERS

25. Pursuant to sections 7097 and 7098, if license No. 925746 issued to Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any other license

issued in the name of Hugo Hernandez, Joshua Martin Hernandez and/or Ivan Rodolfo Hernandez Vidal or for which Hugo Hernandez, Joshua Martin Hernandez and/or Ivan Rodolfo Hernandez Vidal furnished the qualifying experience and appearance.

26. Pursuant to section 7121, 7121.5, 7122, and/or 7122.5, if discipline is imposed on license No. 925746 issued to Respondent, Hugo Hernandez, Joshua Martin Hernandez and/or Ivan Rodolfo Hernandez Vidal shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual, or member of the personnel of record of any licensee during the time the discipline is imposed, and any licensee which employs, elects, or associates Hugo Hernandez, Joshua Martin Hernandez and/or Ivan Rodolfo Hernandez Vidal shall be subject to disciplinary action.

27. Hugo Hernandez, while serving as CEO/President of Respondent E &J Construction Landscape, 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 of Contractors issue a decision:

As to E & J Construction Landscape, Inc.

1. Revoking or suspending Contractor's License No. 925746 issued to E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal, RMO/CEO/Pres (diss. 2/29/16);

2. Prohibiting Hugo Hernandez, Joshua Martin Hernandez, and/or Ivan Rodolfo Hernandez Vidal from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 925746, issued to E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal, RMO/CEO/Pres (diss. 2/29/2016);

3. Revoking or suspending any other license for which Hugo Hernandez, Joshua Martin Hernandez and/or Ivan Rodolfo Hernandez Vidal is furnishing the qualifying experience or appearance;

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

5. Ordering restitution of all damages suffered by D.B. as a result of Hugo Hernandez, Joshua Martin Hernandez, and/or Ivan Rodolfo Hernandez Vidal's conduct as a contractor, as a condition of restoration of license No. 925746, issued to E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal, RMO/CEO/Pres (diss. 2/29/2016);

6. Ordering E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal, RMO/CEO/Pres (diss. 2/29/2016) to pay the Registrar of Contractors his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3;

7. Ordering E & J Construction Landscape, Inc.; Hugo Hernandez, CEO/President, Joshua Martin Hernandez, RMO, Ivan Rodolfo Hernandez Vidal, RMO/CEO/Pres (diss. 2/29/2016) to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Design Management and Construction Services

8. Revoking or suspending Contractor's License Number 856999 issued to Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, Sole Owner;

9. Prohibiting Ivan Rodolfo Hernandez Vidal from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 856999, issued to Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, Sole Owner;

10. Revoking or suspending any other license for which Ivan Rodolfo Hernandez Vidal is furnishing the qualifying experience or appearance;

11. Ordering Design Management and Construction Services, Ivan Rodolfo Hernandez Vidal, Sole Owner to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Solarflex Contracting, Inc. dba Flex Contracting

12. Revoking or suspending Contractor's License No. 1009759 issued to Solarflex Contracting, Inc. dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, Officer,

13. Prohibiting Ivan Rodolfo Hernandez Vidal, RMO from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 1009759, issued to Solarflex Contracting, Inc. dba Flex Contracting, Ivan Rodolfo Hernandez Vidal, RMO, Phillip Hee Min Kwon, Officer;

14. Revoking or suspending any other license for which Ivan Rodolfo Hernandez Vidal, RMO is furnishing the qualifying experience or appearance;

15. Ordering Solarflex Contracting, Inc. dba Flex Contracting, to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to all

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

DATED: 10/12/17

FILED
OCT 17 2017
CSLB DSS

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

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