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

In the Matter of the Accusation Against: **DAVE'S REMODELING INC.** **17734 Ludlow St.** **Granada Hills, Ca 91344** **DAVID YEHIEL TELEM-RMO** **EINAV TELEM-CEO/PRESIDENT** **Contractor's License No. 962447, B** Respondent.	CASE NO. N2016-323 ORDER TO ADOPT STIPULATED SETTLEMENT

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 **DAVE'S REMODELING INC**, License Number **962447**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of $15,000.00, for a period of not less than three years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that respondent shall pay the investigative costs in the amount of $5,369.00. Monthly payments are to be made in the amount of $447.42, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of the order.

IT IS FURTHER ORDERED that respondent shall pay restitution in the amount of $16,360.00 to Elizabeth Russell. This amount is to be paid within 30 days of the effective date of the order.

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 February 8, 2018.

IT IS SO ORDERED January 8, 2018.

David Fogt
Registrar of Contractors

XAVIER BECERRA
Attorney General of California
FRANK H. PACOE
Supervising Deputy 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: **DAVE'S REMODELING INC.** **17734 Ludlow St.** **Granada Hills, Ca 91344** **DAVID YEHIEL TELEM-RMO** **EINAV TELEM-CEO/PRESIDENT** **Contractor's License No. 962447, B** Respondent.	Case No. N2016-323 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Wood Robinson (Complainant) is the Enforcement Supervisor I of the Contractors' State License Board (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 Justin R. Surber, Deputy Attorney General.

2. Respondent Dave's Remodeling Inc. (Respondent) is represented in this proceeding by attorney David Mayes, whose address is:

David Mayes
Gabriel Salomons, LLP
16311 Ventura Blvd Ste 970
Encino, CA 91436-4303

3. On or about June 22, 2011, the Registrar issued Contractor's License No. 962447, B to Dave's Remodeling Inc. (Respondent). The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2016-323, and will expire on June 30, 2019, unless renewed.

JURISDICTION

4. Accusation No. N2016-323 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 May 30, 2017. Respondent timely filed its Notice of Defense contesting the Accusation.

5. A copy of Accusation No. N2016-323 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. N2016-323. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. N2016-323, if proven at a hearing, constitute cause for imposing discipline upon its Contractor's License.

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

11. 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

12. 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.

13. 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.

14. 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.

15. 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. 962447, B issued to Respondent Dave's Remodeling Inc. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall comply with all federal, state and local laws, including all building laws and uniform codes, governing the activities of a licensed contractor in California.

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

3. **Completion Of Probation.** Upon successful completion of probation, the Contractor's License 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. **Restitution.** Respondent agrees to pay the sum of $16,350 restitution to Elizabeth

Russell within 30 days of the effective date of the decision as restitution in this matter. Respondent shall submit proof of payment to the Registrar or his designee. Failure to submit proof to the Registrar shall automatically terminate the stay of the order of revocation and Respondent's license shall be revoked effective thirty (30) days from the due date of the delinquent payment without further notice or hearing.

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

7. **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.

8. **Construction Contracts.** Respondent shall submit copies of all construction contracts to the Registrar or designee for approval upon demand during the probationary period.

9. **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 $5,369.00 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.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David Mayes. 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: 12/4/17

DAVID YEHIEL TELEM as RMO of and on behalf of *Respondent Dave's Remodeling Inc.*

I have read and fully discussed with Respondent Dave's Remodeling Inc. and David Yehiel Telem the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/4/17

DAVID MAYES
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
FRANK H. PACOE
Supervising Deputy Attorney General

JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors, Contractors' State License Board.

DATED: _____

DAVID YEHIEL TELEM as RMO of and on behalf of *Respondent Dave's Remodeling Inc.*

I have read and fully discussed with Respondent Dave's Remodeling Inc. and David Yehiel Telem the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

DAVID MAYES
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: 12/4/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. N2016-323

XAVIER BECERRA
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FRANK H. PACOE
Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
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In the Matter of the Accusation Against: **DAVE'S REMODELING INC.** **17734 Ludlow St.** **Granada Hills, Ca 91344** **DAVID YEHIEL TELEM-RMO** **EINAV TELEM-CEO/PRESIDENT** **Contractor's License No. 962447, B** Respondent.	Case No. N2016-323 **ACCUSATION**

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.

2. On or about June 22, 2011, the Registrar of Contractors issued Contractor's License Number 962447, B to Dave's Remodeling Inc. (Respondent); David Yehiel Telem-Responsible Managing Officer (RMO) and Einav Telem- CEO/President. 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, 2019, unless renewed.

JURISDICTION

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

4. Section 7076.5 of the Code 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 (Business & Professions Code, § 7000, et seq.).

5. Section 7090 of the Code 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.

6. Sections 7097 and 7098 of the Code provide, in pertinent part, 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 of the Code, without further notice.

7. Section 7106.5 of the Code provides, in pertinent part, that the expiration 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 disciplinary action.

8. Section 7109 of the Code 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."

9. Section 7111 of the Code states:

"(a) Failure to make and keep records showing all contracts, documents, records, receipts, and disbursements by a licensee of all of his or her transactions as a contractor, and failure to have those records available for inspection by the registrar or his or her duly authorized representative for a period of not less than five years after completion of any construction project or operation to which the records refer, or refusal by a licensee to comply with a written request of the registrar to make the records available for inspection constitutes a cause for disciplinary action.

"(b) Failure of a licensee, applicant, or registrant subject to the provisions of this chapter [the Contractors' State License Law], who without lawful excuse, delays, obstructs, or refuses to comply with a written request of the registrar or designee for information or records, to provide that information or make available those records, when the information or records are required in the attempt to discharge any duty of the registrar, constitutes a cause for disciplinary action."

10. Section 7113 of the Code 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."

11. Section 7116 of the Code states that "[t]he doing of any wilful or fraudulent act by the licensee as a contractor in consequence of which another is substantially injured constitutes a cause for disciplinary action."

12. Section 7117.6 of the Code states that "[a]cting in the capacity of a contractor in a classification other than that currently held by the licensee constitutes a cause for disciplinary action."

13. Section 7121 of the Code 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 of the Code 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 of the Code 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 of the Code 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."

17. Section 7154 of the Code states:

"(a) A home improvement contractor licensed under this chapter shall notify the registrar in writing, on a form prescribed by the registrar, about the employment of a registered home improvement salesperson, pursuant to the terms of this article. This notification requirement shall include, but not be limited to, the name and registration number of the home improvement salesperson who is employed by the contractor. The form shall be submitted prior to the home improvement salesperson beginning work for the contractor.

"(b) A home improvement contractor shall notify the registrar in writing, on a form prescribed by the registrar, when a registered home improvement salesperson ceases to be employed by the contractor. This notification requirement shall include, but not be limited to, the name and registration number of the home improvement salesperson who had been employed by the contractor. The form shall be submitted within 90 days after the home improvement salesperson ceases to be employed by the contractor.

"(c) A home improvement contractor who employs a registered home improvement salesperson to sell home improvement contracts, but who fails to report to the registrar pursuant to subdivision (a) or (b), is subject to disciplinary action by the registrar.

"(d) A home improvement contractor who employs a person to sell home improvement contracts while that person is not registered by the registrar as a home improvement salesperson as provided in this article, is subject to disciplinary action by the registrar."

18. Section 7155.5 of the Code states:

"Violations of any provisions of this chapter by a home improvement salesperson likewise constitute cause for disciplinary action against the contractor by whom he or she was employed at the time the violation occurred, whether or not the contractor had knowledge of or participated in the act or omission constituting violations of this chapter."

19. Section 7159.5 of the Code states:

"This section applies to all home improvement contracts, as defined in Section 7151.2, between an owner or tenant and a contractor, whether a general contractor or a specialty contractor, who is licensed or subject to be licensed pursuant to this chapter with regard to the transaction.

"(a) Failure by the licensee or a person subject to be licensed under this chapter, or by his or her agent or salesperson to comply with the following provisions is cause for discipline:

. . .

(5) Except for a downpayment, the contractor may neither request nor accept payment that exceeds the value of the work performed or material delivered.

20. Section 7161 of the Code states:

"It is a misdemeanor for any person to engage in any of the following acts, the commission of which shall be cause for disciplinary action against any licensee or applicant:

. . .

"(c) Any fraud in the execution of, or in the material alteration of any contract, trust deed, mortgage, promissory note, or other document incident to a home improvement transaction or other transaction involving a work of improvement. . ."

COSTS/RESTITUTION

21. Section 125.3 of the Code provides, in pertinent part, that the Board 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

22. Section 11519(d) of the Government Code provides that the Registrar may require restitution of damages suffered as a condition of probation in the event probation is ordered.

FACTUAL BACKGROUND

23. On or about August 14, 2014, Asher Turgeman, unregistered salesperson for Respondent, entered Respondent into a contract with an 83 year-old homeowner, "E.R.", to re-roof her house for $48,130.00. ("E.R. Project"). The scope of the work included demolition of the existing roof, installation of black paper and plywood sheet, installation of new gutters, and installation of new shingles. This project requires a class C-39 license. Respondent is licensed as a class B contractor, not a C-39 contractor.

24. Respondent placed the value of the project at $12,000 on the City of Dixon permit. This was the actual fair market value of the E.R. project. The homeowner, E.R., paid a total of $47,500.00 to Respondent. The timing and amount of the payments made did not comport with the contracted payment plan. Payments were requested before work had been commenced and/or completed.

25. Respondent subcontracted with Saul's Roofing to perform the work on the E.R. Project. Saul's Roofing was an unlicensed contractor.

26. The work on the projected deviated from and failed to meet accepted trade standards in the following respects:

a. Respondent failed to remove the dry-rot that it contracted to remove.

b. Respondent failed to ensure that one of the flashing tops was secure and not broken.

c. Respondent failed replace boards that Respondent cut out and removed from the roof.

27. The work performed did not conform to the plans and/or specifications in that respondent failed to remove and replace all of the dry rot wood and as indicated in the contract.

28. Respondent charged Homeowner E.R. $305.00 for a Greensky Loan fee even though Greensky Funding was not party to this project.

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FIRST CAUSE FOR DISCIPLINE

(Violation of Trade Standards)

29. Respondent is subject to disciplinary action under section 7109(a) of the code in that Respondent willfully violated trade standards of good and workmanlike construction on the E.R.'s Project. The circumstances are further described in paragraph 26 above.

SECOND CAUSE FOR DISCIPLINE

(Failure to Provide Records)

30. Respondent is subject to disciplinary action under section 7111 of the code in that Respondent failed to have records and/or make those records available for inspection after a written request from the CSLB to do so. A CSLB investigator, on behalf of the Registrar, requested document and records from Respondent concerning the E.R Project. Information and documentation was requested about Saul's Roofing, RSG Roofing Supply, and the Greensky loan fees. Respondent failed to provide the requested information and documents.

THIRD CAUSE FOR DISCIPLINE

(Failure to Complete the Project for the Contract Price)

31. Respondent is subject to disciplinary action under section 7113 of the code in that Respondent failed to complete the E.R. Project for the contract price. The work contracted for was not completed and the work performed failed to meet trade standards. The homeowner will need to spend a substantial amount above the contract price to have the work completed in a manner that meets trade standards for good and workmanlike construction.

FOURTH CAUSE FOR DISCIPLINE

(Willful of Fraudulent Acts)

32. Respondent is subject to disciplinary action under section 7116 of the code in that Respondent committed willful or fraudulent acts in which another was injured. Respondent's contract with E.R., an elderly homeowner, was egregiously overpriced. Respondent collected money in excess of the value of the work performed and did not follow the payment schedule in the contract. Respondent reported an incorrect price on the permit documents to avoid fees. The circumstances are further described in paragraphs 23-28, above.

FIFTH CAUSE FOR DISCIPLINE

(Working Out of Classification)

33. Respondent is subject to disciplinary action under section 7117.6 of the code in that Respondent contracted for and performed work out of its license classification. The contract and work on the E.R Project required a C-39 roofing license. Respondent is only licensed as a B class contractor.

SIXTH CAUSE FOR DISCIPLINE

(Contracting with Unlicensed Contractor)

34. Respondent is subject to disciplinary action under section 7118 of the code in that Respondent entered into a contract with "Saul's Roofing," an unlicensed contractor, to perform the work on the E.R. Project.

SEVENTH CAUSE FOR DISCIPLINE

(Employment of Unregistered Salesperson)

35. Respondent is subject to disciplinary action under section 7154 of the code in that Respondent employed an unregistered salesperson, Asher Turgeman. When Mr. Turgeman executed the contract between E.R and Respondent for the E.R. Project he was not registered as a salesperson with the CSLB.

EIGHTH CAUSE FOR DISCIPLINE

(Receiving Payment in Excess of the Value of the Work)

36. Respondent is subject to disciplinary action under section 7159.5, subsection (a)(5) in that Respondent collected payments for the E.R. project in excess of the value of the work performed on the E.R. project. Respondent did not follow the payment schedule provided in the contract.

NINTH CAUSE FOR DISCIPLINE

(Fraud in Documents)

37. Respondent is subject to disciplinary action under section 7161, subsection (c), of the code in that Respondent committed fraud in the execution of the E.R. project contract and/or in

filing the City of Dixon Permit. On the permit application Respondent claimed the value of the E.R. project was $12,000. However, the contract for the E.R. project was $48,130.00.

OTHER MATTERS

38. Pursuant to Code sections 7097 and 7098, if Contractor's License Number 962447, B issued to Dave's Remodeling Inc. is suspended or revoked by decision of the Registrar, then the Registrar may suspend or revoke without notice, any other license issued in the name of Dave's Remodeling Inc., or for which Dave's Remodeling Inc. or David Yehiel Telem has furnished the qualifying experience and appearance.

39. Pursuant to sections 7121 and 7121.5 of the Code, if discipline is imposed on license number 962447, B issued to Dave's Remodeling Inc., David Yehiel Telem -RMO, then David Yehiel Telem shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the time the discipline is imposed, and any licensee which employs, elects, or associates David Yehiel Telem shall be subject to disciplinary action.

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:

1. Revoking or suspending Contractor's License Number 962447, B issued to Dave's Remodeling Inc.;

2. Prohibiting David Yehiel Telem from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 962447, B, issued to Dave's Remodeling Inc.;

3. Revoking or suspending any other license for which David Yehiel Telem is furnishing the qualifying experience or appearance;

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

5. Ordering restitution of all damages suffered by E.R. as a result of Dave's Remodeling Inc. conduct as a contractor, as a condition of restoration of license Number 962447, B, issued to Dave's Remodeling Inc.;

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6. Ordering Dave's Remodeling Inc. to pay the Registrar of Contractors her 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 Dave's Remodeling Inc. and David Yehiel Telem to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

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

DATED: 5/30/17

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

FILED
MAY 30 2017
CSLB DSS