

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

In the Matter of the Accusation Against:

GREEN BAY REMODELING INC.
NICHOLAS RAYMOND GARCIA, RMO
AVICHAH HAZAN, CEO / PRESIDENT
JOEL GOMEZ, RMO (6/12/14 – 7/20/17)
1170 Burnett Avenue, Ste. S
Concord, CA 94520

Contractor's License No. 993580

Respondent.

CAL CONSTRUCTION
JOEL GOMEZ, SOLE OWNER
34 Niantic Avenue
San Francisco, CA 94132

Contractor's License No. 909060

Affiliated License.

CASE NO. N2016-384

OAH NO. 2018100759

ORDER TO ADOPT
STIPULATED SETTLEMENT

(AS TO LICENSE NUMBER 909060
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 **CAL CONSTRUCTION**, License Number **909060**, 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 License Cal Construction; Joel Gomez, Sole Owner shall pay the investigative costs in the amount of \$8,984.47, to be paid, jointly and severally. Monthly payments are to be made in the amount of \$528.50, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of this decision.

IT IS THE responsibility of the respondents, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of this Decision. No notices or reminders will be sent as to compliance with the terms and conditions. Proof of payments of restitution and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

This Decision shall become effective on May 6, 2019.

IT IS SO ORDERED April 5, 2019.



David Fogt
Registrar of Contractors

1 XAVIER BECERRA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CARTER OTT
Deputy Attorney General
4 State Bar No. 221660
455 Golden Gate Avenue, Suite 11000
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
REGISTRAR OF CONTRACTORS
10 **CONTRACTORS' STATE LICENSE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. N2016-384

14 **GREEN BAY REMODELING INC.**
15 **NICHOLAS RAYMOND GARCIA, RMO**
16 **AVICHAH HAZAN, CEO / PRESIDENT**
17 **JOEL GOMEZ, RMO (6/12/14 - 7/20/17)**
18 **1170 Burnett Avenue, Ste. S**
19 **Concord, CA 94520**

***STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER AS TO CAL
CONSTRUCTION; JOEL GOMEZ,
SOLE OWNER ONLY

20 Contractor License No. 993580

21 Respondent.

22 **CAL CONSTRUCTION**
23 **JOEL GOMEZ, SOLE OWNER**
24 **34 Niantic Avenue**
25 **San Francisco, CA 94132**

26 Contractor License No. 909060

27 Affiliated License.
28

1 IT IS HEREBY STIPULATED AND AGREED by and between Complainant and
2 Affiliated License Cal Construction; Joel Gomez, Sole Owner, that the following matters are true:

3 **PARTIES**

4 1. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors'
5 State License Board ("Board"). He brought this action solely in his official capacity and is
6 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
7 Carter Ott, Deputy Attorney General.

8 2. Affiliated License Cal Construction; Joel Gomez, Sole Owner is represented in this
9 proceeding by Efrat Levy, The Law Offices of Efrat Levy, 4500 Woodman Ave. Ste E, Sherman
10 Oaks, CA 91423.

11 3. On or about June 12, 2014, the Registrar of Contractors ("Registrar") issued
12 Contractor License Number 993580 to Respondent Green Bay Remodeling Inc. ("Respondent")
13 with Avichai Hazan as CEO / President and Joel Gomez as RMO. On or about July 20, 2017,
14 Joel Gomez disassociated from the license. On or about July 20, 2017, Nicholas Raymond Garcia
15 associated as RMO on the license. The license was in full force and effect at all times relevant to
16 the charges brought in First Amended Accusation No. N2016-384 and will expire on June 30,
17 2020, unless renewed.

18 4. On or about January 14, 2008, the Registrar issued Contractor License Number
19 909060 to Affiliated License Cal Construction with Joel Gomez as sole owner. The license was
20 in full force and effect at all times relevant to the charges brought in First Amended Accusation
21 No. N2016-384, expired on January 31, 2018, and has not been renewed.

22 **JURISDICTION**

23 5. Accusation No. N2016-384 was filed before the Registrar, and the Accusation and all
24 statutorily required documents were properly served on April 4, 2018. Affiliated License Cal
25 Construction; Joel Gomez, Sole Owner timely filed his Notice of Defense contesting the
26 Accusation. Subsequently, First Amended Accusation No. N2016-384 was filed before the
27 Registrar and served on July 31, 2018, and is currently pending against Affiliated License Cal
28 Construction; Joel Gomez, Sole Owner.

1 6. A copy of First Amended Accusation No. N2016-384 is attached as Exhibit A and
2 incorporate herein by reference.

3 **ADVISEMENT AND WAIVERS**

4 7. Affiliated License Cal Construction; Joel Gomez, Sole Owner has carefully read,
5 fully discussed with his counsel, and understands the charges and allegations in First Amended
6 Accusation No. N2016-384. Affiliated License Cal Construction; Joel Gomez, Sole Owner has
7 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
8 Settlement and Disciplinary Order.

9 8. Affiliated License Cal Construction; Joel Gomez, Sole Owner is fully aware of his
10 legal rights in this matter, including the right to a hearing on the charges and allegations in the
11 First Amended Accusation; the right to confront and cross-examine the witnesses against him; the
12 right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to
13 compel the attendance of witnesses and the production of documents; the right to reconsideration
14 and court review of an adverse decision; and all other rights accorded by the California
15 Administrative Procedure Act and other applicable laws.

16 9. Affiliated License Cal Construction; Joel Gomez, Sole Owner voluntarily, knowingly,
17 and intelligently waives and gives up each and every right set forth above.

18 **CULPABILITY**

19 10. Affiliated License Cal Construction; Joel Gomez, Sole Owner understands and agrees
20 that the charges and allegations in First Amended Accusation No. N2016-384, if proven at a
21 hearing, constitute cause for imposing discipline upon his Contractor License.

22 11. For the purpose of resolving the First Amended Accusation without the expense and
23 uncertainty of further proceedings, Affiliated License Cal Construction; Joel Gomez, Sole Owner
24 agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First
25 Amended Accusation, and that Affiliated License Cal Construction; Joel Gomez, Sole Owner
26 hereby gives up his right to contest those charges.

12. Affiliated License Cal Construction; Joel Gomez, Sole Owner agrees that his Contractor License is subject to discipline and he agrees 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. Affiliated License Cal Construction; Joel Gomez, Sole Owner 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 Affiliated License Cal Construction; Joel Gomez, Sole Owner or his counsel. By signing the stipulation, Affiliated License Cal Construction; Joel Gomez, Sole Owner understands and agrees that he may not withdraw his 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:

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 it 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.

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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 License Number 993580 issued to Respondent Green Bay Remodeling Inc.; Nicholas Raymond Garcia, RMO; Avichai Hazan, CEO/President; Joel Gomez, RMO (6/12/14 – 7/20/17) is revoked. However, the revocation is stayed and

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Contractor License Number 909060 issued to Affiliated License Cal Construction; Joel Gomez, Sole Owner is revoked. However, the revocation is stayed and Contractor License Number 909060 is placed on probation for two years on the following terms and conditions.

1. **Obey All Laws.** Affiliated License Cal Construction; Joel Gomez, Sole Owner 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.** Affiliated License Cal Construction; Joel Gomez, Sole Owner and his personnel of record shall appear in person for interviews 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 License will be fully restored.

4. **Violation of Probation.** If Affiliated License Cal Construction; Joel Gomez, Sole Owner 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 Affiliated License Cal Construction; Joel Gomez, Sole Owner 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 Affiliated License Cal Construction; Joel Gomez, Sole Owner 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 Affiliated License Cal Construction; Joel Gomez, Sole Owner an opportunity to be heard.

5. **Disciplinary Bond.** Not later than the effective date of the decision, Affiliated License Cal Construction; Joel Gomez, Sole Owner 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

1 violation, but which sum shall not be less than fifteen thousand dollars (\$15,000) nor more than
2 10 times that amount required by Business and Professions Code section 7071.6. The
3 disciplinary bond is in addition to, may not be combined with, and does not replace any other type
4 of contractor's bond. The disciplinary bond shall remain on file with the Registrar for a period of
5 at least two years and for such additional time as the Registrar may determine, as required by
6 Business and Professions Code section 7071.8.

7 6. **Cost Recovery.** Affiliated License Cal Construction; Joel Gomez, Sole Owner shall
8 pay to the Registrar pursuant to Business and Professions Code section 125.3 the costs of
9 investigation and enforcement in this matter in the amount of \$8,984.47, to be paid, jointly and
10 severally, in seventeen equal monthly payments with the first payment due within thirty days of
11 the effective date of the Decision.

12 7. **Respond to Inquiry from Probation Monitor.** Affiliated License Cal Construction;
13 Joel Gomez, Sole Owner shall respond in writing within 20 calendar days of any written inquiry
14 or demand from the Registrar or authorized designee (Probation Monitor) during the probation
15 period. Failure to respond within the allotted timeframe shall be considered a violation of the
16 terms of probation.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Efrat Levy. I understand the stipulation and the effect it will have
20 on my Contractor License. I enter into this Stipulated Settlement and Disciplinary Order
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
22 Registrar of Contractors, Contractors' State License Board.

23
24 DATED: 11/30/18


25 JOEL GOMEZ, SOLE OWNER
26 Affiliated License CAL CONSTRUCTION
27
28

1 I have read and fully discussed with Affiliated Licensee Cal Construction; Joel Gomez,
2 Sole Owner the terms and conditions and other matters contained in the above Stipulated
3 Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: 1/18/19


6 EFRAT LEVY
7 The Law Offices of Efrat Levy
8 Attorney for Affiliated Licensee

9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

12 Dated:

Respectfully submitted,

13 XAVIER BECERRA
14 Attorney General of California
15 JOSHUA A. ROOM
16 Supervising Deputy Attorney General

17 CARTER OTT
18 Deputy Attorney General
19 Attorneys for Complainant

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1 I have read and fully discussed with Affiliated Licensee Cal Construction; Joel Gomez,
2 Sole Owner the terms and conditions and other matters contained in the above Stipulated
3 Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: _____

6 EFRAT LEVY
7 The Law Offices of Efrat Levy
8 Attorney for Affiliated Licensee

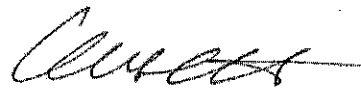
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

12 Dated: 1/25/19

Respectfully submitted,

13 XAVIER BECERRA
14 Attorney General of California
15 JOSHUA A. ROOM
16 Supervising Deputy Attorney General

17 

18 CARTER OTT
19 Deputy Attorney General
20 Attorneys for Complainant

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Exhibit A

First Amended Accusation No. N2016-384

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CARTER OTT
Deputy Attorney General
4 State Bar No. 221660
1515 Clay Street, 20th Floor
5 P.O. Box 70550
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6 Telephone: (510) 879-1349
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7 E-mail: Carter.Ott@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
REGISTRAR OF CONTRACTORS
10 **CONTRACTORS' STATE LICENSE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

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13 **GREEN BAY REMODELING INC.**
14 **NICHOLAS RAYMOND GARCIA, RMO**
15 **AVICHAI HAZAN, CEO / PRESIDENT**
16 **JOEL GOMEZ, RMO (6/12/14 - 7/20/17)**
17 **1170 Burnett Avenue, Ste. S**
18 **Concord, CA 94520**

FIRST AMENDED ACCUSATION

19 Contractor License No. 993580

Respondent.

20 **CAL CONSTRUCTION**
21 **JOEL GOMEZ, SOLE OWNER**
22 **34 Niantic Avenue**
23 **San Francisco, CA 94132**

24 Contractor License No. 909060

Affiliated License.

25 Complainant alleges:

PARTIES

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

2. On or about June 12, 2014, the Registrar of Contractors ("Registrar") issued Contractor License Number 993580 to Green Bay Remodeling Inc. ("Respondent") with Avichai Hazan as CEO / President and Joel Gomez as RMO. On or about July 20, 2017, Joel Gomez disassociated from the license. The license was in full force and effect at all times relevant to the charges brought in this First Amended Accusation and will expire on June 30, 2020, unless renewed.

3. On or about January 14, 2008, the Registrar issued Contractor License Number 909060 to Cal Construction with Joel Gomez as sole owner. The license was in full force and effect at all times relevant to the charges brought in this First Amended Accusation and expired on January 31, 2018, and has not been renewed.

JURISDICTION

4. This First Amended 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.

5. Section 118, subdivision (b) states:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. **Section 7076.5, subdivision (h) states:**

“(h) The inactive status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes stated in this chapter.”

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1 7. Section 7090 provides, in part, that the Registrar may suspend or revoke any license
2 or registration if the licensee or registrant is guilty of or commits any one or more of the acts or
3 omissions constituting cause for disciplinary action.

4 8. Section 7097 states:

5 "Notwithstanding the provisions of Sections 7121 and 7122, when any license has been
6 suspended by a decision of the registrar pursuant to an accusation or pursuant to subdivision (b)
7 of Section 7071.17, Section 7085.6 or 7090.1, any additional license issued under this chapter in
8 the name of the licensee or for which the licensee furnished qualifying experience and appearance
9 under the provisions of Section 7068, may be suspended by the registrar without further notice."

10 9. Section 7098 states:

11 "Notwithstanding the provisions of Sections 7121 and 7122, when any license has been
12 revoked under the provisions of this chapter, any additional license issued under this chapter in
13 the name of the licensee or for which the licensee furnished qualifying experience and appearance
14 under the provisions of Section 7068, may be revoked by the registrar without further notice."

15 10. Section 7106.5 states:

16 "The expiration, cancellation, forfeiture, revocation, or suspension of a license by operation
17 of law or by order or decision of the registrar or a court of law, or the voluntary surrender of a
18 license by a licensee, shall not deprive the registrar of jurisdiction to proceed with any
19 investigation of or action or disciplinary proceeding against the license, or to render a decision
20 suspending or revoking the license."

21 STATUTORY PROVISIONS

22 11. Section 7065, subdivisions (b) and (c) state:

23 "(b) Contractors' licenses are to be issued to individual owners, partnerships, corporations,
24 and limited liability companies in accordance with this chapter.

25 "(1) Every person who is an officer, member, responsible manager, or director of a
26 corporation or limited liability company seeking licensure under this chapter shall be listed on the
27 application as a member of the personnel of record.

1 “(2) Every person who is a member of a partnership seeking licensure under this chapter
2 shall be listed on the application as a member of the personnel record.

3 “(c) An applicant shall qualify for licensure in accordance with this subdivision as follows:

4 “(1) An individual owner may qualify by examination for a contractor's license upon the
5 appearance of the owner or a qualifying individual appearing as a responsible managing
6 employee on behalf of the owner.

7 “(2) A partnership may qualify by examination for a contractor's license upon the
8 appearance of a partner or a qualifying individual appearing as a responsible managing employee
9 on behalf of the partnership.

10 “(3) A corporation may qualify by examination for a contractor's license upon the
11 appearance of a qualifying individual appearing either as a responsible managing officer or a
12 responsible managing employee on behalf of the corporation.

13 “(4) A limited liability company may qualify by examination for a contractor's license upon
14 the appearance of a qualifying individual appearing as a responsible managing officer, a
15 responsible managing manager, a responsible managing member, or a responsible managing
16 employee on behalf of the company.”

17 12. Section 7110 states:

18 “Willful or deliberate disregard and violation of the building laws of the state, or of any
19 political subdivision thereof, or of Section 8550 or 8556 of this code, or of Sections 1689.5 to
20 1689.15, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation
21 insurance laws or Unemployment Insurance Code of the state, or of the Subletting and
22 Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of
23 Division 2 of the Public Contract Code), or violation by any licensee of any provision of the
24 Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells,
25 or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the
26 Government Code, constitutes a cause for disciplinary action.”

27 ////

28 ////

1 13. Section 7068.1 states:

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

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

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

13 “(3) With respect to a firm under paragraph (2), (3), or (4) of subdivision (b) of Section
14 7068, the majority of the partners, officers, or managers are the same.

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

17 “(c) The following definitions shall apply for purposes of this section:

18 “(1) ‘Firm’ means a partnership, a limited partnership, a corporation, a limited liability
19 company, or any other combination or organization described in Section 7068.

20 “(2) ‘Person’ is limited to natural persons, notwithstanding the definition of “person” in
21 Section 7025.

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

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

1 14. Section 7117 states:

2 "Acting in the capacity of a contractor under any license issued hereunder except: (a) in the
3 name of the licensee as set forth upon the license, or (b) in accordance with the personnel of the
4 licensee as set forth in the application for such license, or as later changed as provided in this
5 chapter, constitutes a cause for disciplinary action."

6 COST RECOVERY

7 15. Section 125.3 provides, in part, that the Registrar may request the administrative law
8 judge to direct a licensee found to have committed a violation or violations of the licensing act to
9 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10 ARTHUR ROAD PROJECT

11 16. On or about May 25, 2016, C. M. ("Consumer") entered into a written contract with
12 Respondent for \$33,000.00 to remodel her home located on Arthur Drive in Martinez, California
13 ("Arthur Road Project"). Respondent and Consumer agreed to and signed three written change
14 orders for additional work on the home bringing the total amount of the contract to \$42,850.00.

15 17. Respondent started work and installed a tankless water heater, a shower pan, and
16 recessed lighting. Consumer paid \$30,885.00 to Respondent before Consumer terminated the
17 contract. Consumer hired a subcontractor to complete the project.

18 18. Respondent's RMO Joel Gomez never visited the project site. Mr. Gomez did not
19 have any detailed knowledge of the Arthur Road Project. Mr. Gomez reviewed none of the work
20 performed by Respondent at the Arthur Road Project. Consumer never met or communicated
21 with Mr. Gomez. Mr. Gomez is not listed as an officer with the California Secretary of State for
22 the corporation known as Green Bay Remodeling Inc.

23 FIRST CAUSE FOR DISCIPLINE

24 (Failure to Obtain Permit)
25 (Bus. & Prof. Code §§ 7090 and 7110)

26 19. Respondent has subjected its license to discipline in that Respondent failed to comply
27 with the building laws of the State of California or any of its political subdivisions. (Bus. & Prof.
28 Code §§ 7090 and 7110). The circumstances are that Respondent failed to obtain a building
 permit from the City of Martinez for the Arthur Road Project.

1 SECOND CAUSE FOR DISCIPLINE
2 (Failure to Exercise Responsibilities)
3 (Bus. & Prof. Code §§ 7090 and 7068.1)

4 20. Respondent has subjected its license to discipline in that Respondent's RMO Joel
5 Gomez failed to exercise supervision and control over the construction operations of the Arthur
6 Road Project. (Bus. & Prof. Code §§ 7090 and 7068.1). The circumstances are described above
7 in paragraphs 16 through 18.

8 THIRD CAUSE FOR DISCIPLINE
9 (Not Listed as Officer)
10 (Bus. & Prof. Code §§ 7090 and 7117, subd. (b))

11 21. Respondent has subjected its license to discipline in that Respondent's RMO Joel
12 Gomez is not listed as an officer with the California Secretary of State for the corporation known
13 as Green Bay Remodeling Inc. (Bus. & Prof. Code §§ 7090 and 7117, subd. (b)).

14 OTHER MATTERS

15 22. Pursuant to Sections 7097 and 7098, if Contractor License Number 993580 issued to
16 Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any
17 other license issued in the name of Green Bay Remodeling Inc., or for which Joel Gomez
18 furnished the qualifying experience and appearance.

19 23. Avichai Hazan, while serving as CEO/President of Respondent, had knowledge of or
20 participated in the acts or omissions which constitute cause for discipline against said
21 Respondent.

22 24. Pursuant to Section 7121, if discipline is imposed on Contractor License Number
23 993580 issued to Respondent, Joel Gomez and Avichai Hazan shall be prohibited from serving as
24 an officer, director, associate, partner, manager, or qualifying individual, or member of the
25 personnel of record of a licensee of any licensee during the time the discipline is imposed, and
26 any licensee which employs, elects, or associates Joel Gomez and/or Avichai Hazan shall be
27 subject to disciplinary action.

28 25. Pursuant to Section 7121.5, if discipline is imposed on Contractor License Number
 993580 issued to Respondent, Joel Gomez shall be prohibited from serving as an officer, director,
 associate, partner, manager, or qualifying individual of any licensee during the time the discipline

1 is imposed, whether or not he had knowledge or participated in the acts or omissions constituting
2 grounds for discipline, and any licensee which employs, elects, or associates Joel Gomez shall be
3 subject to disciplinary action.

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

8 27. Section 7095 provides, in part, that the Registrar in making his order may:

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

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

13 (c) Impose upon the licensee compliance with such specific conditions as may be just in
14 connection with its operations as a contractor disclosed at the hearing, and may further provide
15 that until such conditions are complied with, no application for restoration of the suspended or
16 revoked licensee shall be accepted by the Registrar.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 First Amended Accusation, and that following the hearing, the Registrar of Contractors issue a
20 decision:

21 1. Revoking or suspending Contractor License Number 993580 issued to Green Bay
22 Remodeling Inc.;

23 2. Prohibiting Joel Gomez and Avichai Hazan from serving as an officer, director,
24 associate, partner, or qualifying individual of any licensee during the period that discipline is
25 imposed on Contractor License Number 993580, issued to Green Bay Remodeling Inc.;

26 3. Revoking or suspending any other license for which Joel Gomez and/or Avichai
27 Hazan is furnishing the qualifying experience or appearance;

1 4. Ordering Green Bay Remodeling Inc. to pay the Registrar of Contractors his costs in
2 the investigation and enforcement of the case according to proof at the hearing, pursuant to
3 Section 125.3;

4 5. Ordering Green Bay Remodeling Inc. to provide the Registrar with a listing of all
5 contracting projects in progress and the anticipated completion date of each;

6 6. Revoking or suspending Contractor License Number 909060 issued to Cal
7 Construction;

8 7. Prohibiting Joel Gomez from serving as an officer, director, associate, partner, or
9 qualifying individual of any licensee during the period that discipline is imposed on Contractor
10 License Number 909060, issued to Cal Construction;

11 8. Revoking or suspending any other license for which Joel Gomez is furnishing the
12 qualifying experience or appearance;

13 9. Ordering Cal Construction to provide the Registrar with a listing of all contracting
14 projects in progress and the anticipated completion date of each; and

15 10. Taking such other and further action as deemed necessary and proper.

16
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18 DATED: 7-31-2018

19 FILED

20 JUL 31 2018

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

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