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

In the Matter of the Accusation Against: **TITAN BUILDERS & REMODELING INC.** 4872 Topanga Canyon Blvd, #4 Woodland Hills, CA 91364 **HERBERT ENRIQUE FLORES, RMO** **MOTI MALKA, CEO/PRES** **MICKEY GANNOT, SECRETARY** (as of January 3, 2018; undisclosed) **UDI GANNOT, SECRETARY** (from July 22, 2014-January 3, 2018; undisclosed) **STEPHANE ALBERT DRAI** **ASSOCIATE/ MANAGER and HOME IMPROVEMENT SALESPERSON** Contractor's License No. 1002561, B **HERBERT ENRIQUE FLORES,** **DBA SAFE QUAKE CONSTRUCTION** 2168 S. Atlantic BL. PMB 291 Monterey Park, CA 91754 Contractor's License No. 571102, B **MOTI MALKA** 5645 Hesperia Ave. Encino, CA 91364 Home Improvement Salesperson Registration Number 89138 SP Respondents.	CASE NO. N2018-171 OAH NO. 2020100237 **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 **TITAN BUILDERS & REMODELING INC**, License Number **1002561**, 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 four years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that respondent shall pay jointly and severally the investigative costs in the amount of $11,000.00. Monthly payments are to be made in the amount of $305.55, 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 FURTHER ORDERED that **HERBERT ENRIQUE FLORES, DBA SAFE QUAKE CONSTRUCTION**, License Number **571102**, 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 four years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that respondent shall pay jointly and severally the investigative costs in the amount of $11,000.00. Monthly payments are to be made in the amount of $305.55, 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 FURTHER ORDERED that Home Improvement Registration Number 89138 SP issued to MOTI MALKA, is hereby revoked.

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 April 16, 2021.

IT IS SO ORDERED March 16, 2021.

David Fogt
Registrar of Contractors

XAVIER BECERRA
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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: **TITAN BUILDERS & REMODELING, INC.** 4872 Topanga Canyon Blvd, #4 Woodland Hills, CA 91364 **HERBERT ENRIQUE FLORES, RMO** **MOTI MALKA, CEO/PRES.** **MICKEY GANNOT, SECRETARY** (as of January 3, 2018; undisclosed) **UDI GANNOT, SECRETARY** (from July 22, 2014 – January 3, 2018; undisclosed) **STEPHANE ALBERT DRAI, ASSOCIATE/ MANAGER and UNREGISTERED HOME IMPROVEMENT SALESPERSON** Contractor's License No. 1002561, B **HERBERT ENRIQUE FLORES, DBA SAFE QUAKE CONSTRUCTION** 2168 S. Atlantic BL. PMB 291 Monterey Park, CA 91754 Contractor's License No. 571102, B	Case No. N2018-171 OAH No. 2020100237 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

MOTI MALKA
5645 Hesperia Ave.
Encino, CA 91364

Home Improvement Salesperson Registration
No. 89138 SP

Respondents.

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 Supervising Special Investigator 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 William D. Gardner, Deputy Attorney General.

2. On or about April 1, 2015, the Registrar of Contractors (Registrar) issued Contractor's License Number 1002561 to Titan Builders & Remodeling, Inc. (Respondent Titan). Herbert Enrique Flores associated as the responsible managing officer (RMO) on April 1, 2015. Moti Malka associated as the Chief Executive Officer and President on April 1, 2015. 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, 2021, unless it is renewed.

3. On or about June 19, 1989, the Registrar issued Contractor's License Number 571102 to Herbert Enrique Flores, dba Safe Quake Construction (Respondent Flores). 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, 2021, unless it is renewed.

4. On or about November 28, 2012, the Registrar issued Home Improvement Salesperson Registration No. 89138 SP to Moti Malka (Respondent Malka). The registration expired on November 30, 2016 and has not been renewed.

5. Respondents Titan, Respondent Flores and Respondent Malka (collectively hereinafter, "Respondents") are represented in this proceeding by attorney Shai Oved, whose address is: 7445 Topanga Cyn. Blvd., Suite 220, Canoga Park, California 91303.

JURISDICTION

6. Accusation No. N2018-171 was filed before the Registrar. The Accusation and all other statutorily required documents were properly served on Respondents on January 14, 2020. Respondents timely filed their Notice of Defense contesting the Accusation. Thereafter, First Amended Accusation No. N2018-171 was filed before the Registrar and is currently pending.

7. A copy of First Amended Accusation No. N2018-171 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in First Amended Accusation No. N2018-171. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended 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.

10. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

11. Respondents understand and agree that the charges and allegations in First Amended Accusation No. N2018-171, if proven at a hearing, constitute cause for imposing discipline upon their respective licenses and registration.

12. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondents hereby give up their right to contest those charges.

13. Respondents agree that their respective licenses and registration are subject to discipline and they agree to be bound by the Registrar's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

14. This stipulation shall be subject to approval by the Registrar of Contractors or the Registrar's designee. Respondents 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 Respondents or their counsel. By signing the stipulation, Respondents 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 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.

15. 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.

16. 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.

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17. 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. 1002561 issued to Respondent Titan Builders & Remodeling, Inc. (Respondent Titan) and Contractor's License No. 571102 issued to Respondent Herbert Enrique Flores dba Safe Quake Construction (Respondent Flores) are revoked. However, the revocations are stayed and Respondent Titan and Respondent Flores (collectively, "Respondents") are placed on probation for four (4) years on the following terms and conditions.

1. **Obey All Laws.** Respondents 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 Special Investigator.** Respondents and any of Respondents' 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's Licenses will be fully restored.

4. **Violation of Probation.** If either Respondent violates probation or any condition of probation in any respect, the Registrar, after giving notice and opportunity to be heard, may revoke probation against the violating Respondent and impose the disciplinary order that is stayed. If an accusation or petition to revoke probation is filed against either 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 Respondents fail to comply with the restitution or cost recovery order and make a payment, the Registrar may immediately lift the stay and re-impose the disciplinary order without giving Respondents an opportunity to be heard.

5. **Disciplinary Bond.** Not later than the effective date of the decision, Respondents shall each 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.

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

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

8. **Respond to Inquiry from Probation Monitor.** Respondents 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 time frame shall be considered a violation of the terms of probation.

9. **Law and Business Examination.** Respondent Flores shall take and pass within two hundred and forty (240) days of the effective date of the Decision and Order the Contractors' State License Board's law and business examination. Respondent has the burden of applying for, scheduling, and making arrangements to take the exam.

10. **Cost Recovery.** Pursuant to Business and Professions Code section 125.3, Respondents shall be jointly and severally liable to pay cost recovery to the Registrar in the amount of $11,000.00 for costs incurred during the investigation and enforcement in this matter. Payments may be made in thirty-five (35) consecutive monthly installments of $305.55 beginning thirty (30) days from the effective date of the Decision and Order, followed by a final monthly payment of $305.75.

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IT IS HEREBY FURTHER ORDERED that Home Improvement Salesperson Registration No. 89138 SP to Moti Malka (Respondent Malka) is revoked.

1. Respondent Malka fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, he must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the application or petition is filed, and all of the charges and allegations contained in First Amended Accusation No. N2018-171 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

2. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Shai Oved. I understand the stipulation and the effect it will have on Titan Builders & Remodeling Inc.'s Contractor's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree that the corporation will be bound by the Decision and Order of the Registrar of Contractors, Contractors State License Board.

DATED: 2/9/2021

MOTI MALKA, PRESIDENT,
TITAN BUILDERS & REMODELING, INC.,
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Shai Oved. I understand the stipulation and the effect it will have on my Contractor's License. I enter into this Stipulated Settlement and Disciplinary Order

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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: 2/9/2021

HERBERT ENRIQUE FLORES dba SAFE QUAKE CONSTRUCTION,
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Shai Oved. I understand the stipulation and the effect it will have on my Home Improvement Salesperson Registration. 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: 2/9/2021

MOTI MALKA,
Respondent

I have read and fully discussed with Respondent Titan Builders & Remodeling, Inc., Respondent Herbert Enrique Flores and Respondent Moti Malka the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/11/2021

SHAI OVED
Attorney for Respondents

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ENDORSEMENT

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

DATED: 2/16/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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