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

In the Matter of the Accusation Against: **GREEN PLANET CONSTRUCTION INC., TAYE VAN NGUYEN, RMO [3/10/2016-6/15/2017]; EVGENI RYBAKOV, OFFICER [3/10/2016-11/1/2017]** 937 Shore Point Court, Apt G117 Alameda, CA 94501 Contractor's License No. 1011992, B, Respondent, **TAYE VAN NGUYEN D.B.A. TRUE BUILDERS** 23126 Nevada Road Hayward, CA 94541 **Contractor's License No. 905867, B,** and **GREENSTAR BUILDERS INC.** **EVGENI RYBAKOV, RMO** 774 Reef Point Ct. Rodeo, CA 94572 **Contractor's License No. 1032991, B,** Affiliated Licenses.	CASE NO. N2018-276 OAH NO. 2019120072 **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 **TAYE BAN NGUYEN D.B.A TRUE BUILDERS**, License Number **905867**, 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 **GREENSTAR BUILDERS INC.**, License Number **1032991**, 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 respondents **TRUE BUILDERS** and **GREENSTAR BUILDERS INC.** shall pay the investigative costs in the amount of $9,2018.78 jointly and severally. Monthly payments are to be made in the amount of $837.16 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 respondents **TRUE BUILDERS** and **GREENSTAR BUILDERS INC.** shall pay restitution amount of $ 17,330.06 jointly and severally. This amount is to be paid within 12 months 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 March 27, 2020.

IT IS SO ORDERED February 27, 2020.

David Fogt
Registrar of Contractors

XAVIER BECERRA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General
BRETT A. KINGSBURY
Deputy Attorney General
State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3472
Facsimile: (415) 703-5480
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: **GREEN PLANET CONSTRUCTION INC., TAYE VAN NGUYEN, RMO [3/10/2016-6/15/2017]; EVGENI RYBAKOV, OFFICER [3/10/2016-11/1/2017]** 937 Shore Point Court, Apt. G117 Alameda, CA 94501 **Contractor's License No. 1011992, B,** Respondent, **TAYE VAN NGUYEN D.B.A. TRUE BUILDERS** 23126 Nevada Road Hayward, CA 94541 **Contractor's License No. 905867, B,** and **GREENSTAR BUILDERS INC.** **EVGENI RYBAKOV, RMO** 774 Reef Point Ct. Rodeo, CA 94572 **Contractor's License No. 1032991, B,** Affiliated Licenses.	Case No. N2018-276 OAH No. 2019120072 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO TAYE VAN NGUYEN D.B.A. TRUE BUILDERS AND GREENSTAR BUILDERS INC., EVGENI RYBAKOV, RMO**

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 Brett A. Kingsbury, Deputy Attorney General.

2. Respondent Green Planet Construction Inc., Taye Van Nguyen, RMO, Evgeni Rybakov, Officer (Respondent); Affiliated Licensee True Builders, Taye Van Nguyen, Sole Owner (True Builders); and Affiliated Licensee Greenstar Builders Inc., Evgeni Rybakov, RMO (Greenstar), are all represented in this proceeding by attorney Jeffrey S. Kravitz, Esq., whose address is: Kravitz & Chan, LLP; 1851 Heritage Lane, Suite 128; Sacramento, CA 95815.

3. On or about March 10, 2016, the Registrar issued Contractor's License Number 1011992, B, to Respondent. Taye Van Nguyen disassociated from the license on June 15, 2017, and Evgeni Rybakov disassociated from the license on November 1, 2017. The contractor's license was cancelled while under suspension on November 1, 2017, and the license was previously revoked by default in this case, effective January 23, 2020.

4. On or about October 31, 2007, the Registrar issued Contractor's License Number 905867, B, to True Builders. The contractor's license is currently renewed inactive and will expire on October 31, 2021, unless renewed.

5. On or about November 15, 2017, the Registrar issued Contractor's License No. 1032991, B, to Greenstar. The contractor's license will expire on November 30, 2021, unless renewed.

JURISDICTION

6. Accusation No. N2018-276 was filed before the Registrar on June 10, 2019. The Accusation and all other statutorily required documents were properly served on Respondent and True Builders. True Builders timely filed its Notice of Defense contesting the Accusation, and Respondent defaulted due to Respondent's status with the Secretary of State. On January 14,

2020, First Amended Accusation No. N2018-276 was filed before the Registrar and served on True Builders and Greenstar. The First Amended Accusation and all other statutorily required documents were properly served on the parties, and Greenstar timely filed its Notice of Defense contesting the First Amended Accusation. No further pleading in response to the First Amended Accusation was required or permitted for True Builders.

7. A copy of First Amended Accusation No. N2018-276 is attached as Exhibit A and incorporated herein by reference.

PRIOR DEFAULT REVOCATION OF RESPONDENT

8. The Registrar previously revoked Respondent's license by default, effective January 23, 2020. The Registrar's Order to Adopt Default Decision As to Green Planet Construction Inc. Only, dated November 22, 2019, is attached hereto as Exhibit B and incorporated herein by reference. The related Order Granting Stay of Effective Date, dated December 17, 2019, and January 22, 2020 letter denying reconsideration, are collectively attached hereto as Exhibit C and incorporated herein by reference.

9. Respondent, Taye Van Nguyen, and Evgeni Rybakov hereby agree to relinquish and give up any right to appeal or to challenge the default revocation of Respondent that they may have.

ADVISEMENT AND WAIVERS

10. True Builders and Greenstar have carefully read, fully discussed with counsel, and understand the charges and allegations in First Amended Accusation No. N2018-276. True Builders and Greenstar have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

11. True Builders and Greenstar 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.

12. True Builders and Greenstar voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

13. True Builders and Greenstar admit the truth of each and every charge and allegation in First Amended Accusation No. N2018-276.

14. True Builders and Greenstar 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 Order below.

CONTINGENCY

15. This stipulation shall be subject to approval by the Registrar or the Registrar's designee. True Builders and Greenstar 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 True Builders, Greenstar, or their counsel. By signing this stipulation, True Builders and Greenstar 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, this 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.

16. 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.

17. 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.

18. 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 Orders:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the Registrar's previous default decision as to Respondent Green Planet Construction Inc., Taye Van Nguyen, RMO; Evgeni Rybakov, Officer (Respondent), attached hereto as Exhibit B, is modified with respect to the employment prohibition imposed on Taye Van Nguyen and Evgeni Rybakov therein. Paragraphs 4, 5, and 6 of the Default Decision as to Green Planet Construction Inc. Only, which prohibited Taye Van Nguyen and Evgeni Rybakov from serving as officers, directors, associates, partners, managers, or qualifying individuals of a licensee, and which made the employment, election, or association of Taye Van Nguyen or Evgeni Rybakov grounds for discipline, are hereby nullified.

Respondent, Taye Van Nguyen, and Evgeni Rybakov relinquish and give up any right to appeal or to challenge the default revocation of Respondent that they may have.

FURTHER DISCIPLINARY ORDER AS TO TRUE BUILDERS

IT IS FURTHER ORDERED that Contractor's License No. 905867, B, issued to True Builders, Taye Van Nguyen, Sole Owner (True Builders) is revoked. However, the revocation is stayed and True Builders is placed on probation for three (3) years on the following terms and conditions.

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

3. **Completion Of Probation.** Upon successful completion of probation, the

Contractor's License will be fully restored.

4. **Violation Of Probation.** If True Builders 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 True Builders 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 True Builders fails to comply with the restitution or cost recovery order, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving True Builders an opportunity to be heard.

5. **Documents.** True Builders shall promptly submit copies of documents related to True Builders' construction operations to the Registrar or designee upon demand during the probation period.

6. **Restitution.** True Builders agrees to pay the sum of $17,330.06 as restitution in this matter to L.A.H., within one year of the effective date of this decision. This amount of $17,330.06 is the total restitution for this case, and it is jointly and severally owed by True Builders and Greenstar, such that any non-payment will result in revocation of both licenses. True Builders and/or Greenstar shall directly submit payment to L.A.H. and shall file proof of payment, within three days thereof, to Probation Monitor; Contractor's State License Board; P.O. Box 26888; Sacramento, CA 95826. Failure to timely submit proof of full payment to the Registrar shall automatically terminate the stay of the order of revocation, and True Builders' license shall be revoked effective thirty (30) days thereafter without further notice or hearing.

7. **Disciplinary Bond.** Not later than the effective date of the decision, True Builders 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.

8. **Cost Recovery.** True Builders 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 $9,208.78 within one year of the effective date of the Decision and Order. This amount is jointly and severally owed by True Builders and Greenstar, such that non-payment will result in the revocation of both licenses.

FURTHER DISCIPLINARY ORDER AS TO GREENSTAR

IT IS FURTHER ORDERED that Contractor's License No. 1032991, B, issued to Greenstar Builders Inc., Evgeni Rybakov, RMO (Greenstar) is revoked. However, the revocation is stayed and Greenstar is placed on probation for three (3) years on the following terms and conditions.

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

3. **Completion Of Probation.** Upon successful completion of probation, the Contractor's License will be fully restored.

4. **Violation Of Probation.** If Greenstar 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 Greenstar 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 Greenstar fails to comply with the restitution or cost recovery order, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving Greenstar an opportunity to be heard.

5. **Documents.** Greenstar shall promptly submit copies of documents related to Greenstar's construction operations to the Registrar or designee upon demand during the probation period.

6. **Restitution.** Greenstar agrees to pay the sum of $17,330.06 as restitution in this matter to L.A.H., within one year of the effective date of this decision. This amount of $17,330.06 is the total restitution for this case, and it is jointly and severally owed by Greenstar and True Builders, such that any non-payment will result in revocation of both licenses. Greenstar and/or True Builders shall directly submit payment to L.A.H. and shall file proof of payment, within three days thereof, to Probation Monitor; Contractor's State License Board; P.O. Box 26888; Sacramento, CA 95826. Failure to timely submit proof of full payment to the Registrar shall automatically terminate the stay of the order of revocation, and Greenstar' license shall be revoked effective thirty (30) days thereafter without further notice or hearing.

7. **Disciplinary Bond.** Not later than the effective date of the decision, Greenstar 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.

8. **Cost Recovery.** Greenstar 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 $9,208.78 within one year of the effective date of the Decision and Order. This amount is jointly and severally owed by Greenstar and True Builders, such that non-payment will result in the revocation of both licenses.

///

///

///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey Kravitz. 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: 2/5/2020

TAYE VAN NGUYEN, SOLE OWNER
TRUE BUILDERS

I am authorized to sign for and bind Greenstar. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey Kravitz. 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: _____

EVGENI RYBAKOV, RMO
GREENSTAR BUILDERS INC.

I have read and fully discussed with Taye Van Nguyen and Evgeni Rybakov the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

JEFFREY KRAVITZ, ESQ.
Attorney for Respondent, True Builders, and Greenstar

///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey Kravitz. 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: _____

TAYE VAN NGUYEN, SOLE OWNER
TRUE BUILDERS

I am authorized to sign for and bind Greenstar. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey Kravitz. 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: 2/6/2020

EVGENI RYBAKOV, RMO
GREENSTAR BUILDERS INC.

I have read and fully discussed with Taye Van Nguyen and Evgeni Rybakov the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/6/2020

JEFFREY KRAVITZ, ESQ.
Attorney for Respondent, True Builders, and Greenstar

///

ENDORSEMENT

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

DATED: 2/19/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General

BRETT A. KINGSBURY
Deputy Attorney General
Attorneys for Complainant

SF2019200246
21794115.docx