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

In the Matter of the Accusation Against: **A S ANICETE CONSTRUCTION** **ARNELO SUNGA ANICETE, SOLE OWNER** **327 Castile Way** **South San Francisco, CA 94080** **Contractor's License No. 780740** Respondent	CASE NO. N2018-366 OAH NO. 2019090244 **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 **A S ANICETE CONSTRUCTION,** License Number **780740**, 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 $5,151.00. Monthly payments are to be made in the amount of $177.62, 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 shall pay restitution in the amount of $25,000.00. An initial payment of $5,008 is to be made with monthly payments thereafter in the amount of $1,666 for 12 months. 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 March 24, 2020.

IT IS SO ORDERED February 24, 2020.

David Fogt
Registrar of Contractors

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

In the Matter of the Accusation Against: **ONE DOT CONSTRUCTION** **KEVIN NGUYEN, CEO/PRES (disassoc. 5/1/18)** **ARNELIO SUNGA ANICETE, RMO** **327 Castile Way** **South San Francisco, CA 94080** **Contractor License No. 1010930** Respondent **A S ANICETE CONSTRUCTION,** **ARNELIO SUNGA ANICETE, SOLE OWNER** **327 Castille Way** **South San Francisco, CA 94080** **Contractor License No. 780740** Affiliated Party.	Case No. N2018-366 OAH No. 2019090244 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO LICENSE NO. 780740**

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 Susana A. Gonzales, Deputy Attorney General.

2. Respondent A S Anicete Construction, Arnelio Sunga Anicete, Sole Owner is represented in this proceeding by attorney Richard Guite, 149 Kentucky Street, 2nd Floor, No. 3, Petaluma, CA 94952.

3. On or about June 23, 2000, the Registrar of Contractors issued Contractor License Number 780740 to As Anicete Construction, Arnelio Sunga Anicete, Sole Owner (Respondent). The license will expire on June 30, 2022, unless renewed.

JURISDICTION

4. Accusation No. N2018-366 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 June 18, 2019. Respondent timely filed its Notice of Defense contesting the Accusation.

5. A copy of Accusation No. N2018-366 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. N2018-366. 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 admits the truth of each and every charge and allegation in Accusation No. N2018-366.

10. Respondent agrees that its Contractor 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

11. 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.

12. 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.

13. 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.

14. 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 No. 1010930 issued to Respondent A S Anicete Construction, Arnelio Sunga Anicete, Sole Owner, 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 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 twenty-five thousand dollars ($25,000.00) to A.V. as restitution in this matter. Respondent agrees to make payments in accordance with its agreement with A.V., which is incorporated herein. Respondent shall directly submit the initial payment and all subsequent monthly payments to A.V., and shall file proof of each payment with the Registrar or designee enforcement representative. Failure to submit proof to the Registrar or designee of each payment of restitution to the victim 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 three years and for such additional time as the registrar may determine, as required by Business and Professions Code section 7071.8.

7. **Cost Recovery.** Respondent shall pay the Registrar its costs of investigation and enforcement in the amount of $5,151.00. Payments shall be made in equal monthly installments beginning thirty (30) days from the effective date of the Decision and Order, and must be paid in full six months prior to the completion of probation

8. **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.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Richard Guite. I understand the stipulation and the effect it will have on my Contractor 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: 01-22-2020

A S ANICETE CONSTRUCTION
ARNELIO SUNGA ANICETE, SOLE OWNER
Respondent

I have read and fully discussed with Respondent A S Anicete Construction, Arnelio Sunga Anicete, Sole Owner, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/22/2020

RICHARD GUITE
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: 1/27/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant