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

In the Matter of the Accusation Against: **ENERGY ROOFING INC.,** **ARTURO SUAREZ, RMO,** **NADAV MARCIANO, CEO/PRES** 24007 Ventura Blvd #240 Calabasas, CA 91302 **Contractor's License No. 1033650, C-39** **ARTURO SUAREZ** **DBA WEST ROOFING** 4777 w. 191st Street Torrance, CA 90503 **Contractor's License No . 943843, C-39** Respondents.	CASE NO. N2019-315 OAH NO. 2021020826 **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 **ENERGY ROOFING INC**, License Number **1033650**, 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 **ARTURO SUAREZ DBA WEST ROOFING**, License Number **943843**, 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 shall pay the investigative costs in the amount of $ 7,500.00. Monthly payments are to be made in the amount of $ 258.63, 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 amount of $ 2,675.00. This amount is to be paid within 30 days of effective date.

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 August 9, 2021.

IT IS SO ORDERED July 9, 2021.

David Fogt
Registrar of Contractors

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
MARISSA N. HAMILTON
Deputy Attorney General
State Bar No. 322489
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6701
Facsimile: (916) 731-2126
E-mail: Marissa.Hamilton@doj.ca.gov
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: **ENERGY ROOFING INC., ARTURO SUAREZ, RMO, NADAV MARCIANO, CEO/PRES** **24007 Ventura Blvd., #240** **Calabasas, CA 91302** **Contractor's License No. 1033650, C-39,** **and** **ARTURO SUAREZ, DBA WEST ROOFING** **4777 W. 191st Street** **Torrance, CA 90503** **Contractor's License No. 943843, C-39,** Respondents.	Case No. N2019-315 OAH No. 2021020826 **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. Christina Delp (Complainant) is the Supervising Special Investigator II of the Contractors State License Board (Board). She brought this action solely in her official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy Attorney General.

2. Respondent Energy Roofing Inc., Arturo Suarez, RMO, Nadav Marciano, CEO/PRES and Respondent Arturo Suarez, dba West Roofing are represented in this proceeding by attorney Jeffrey S. Schuller, whose address is: 12307 Ventura Boulevard, Suite 200, Studio City, CA 91604-2510.

3. On or about December 5, 2017, the Registrar of Contractors (Registrar) issued Contractor's License No. 1033650 to Energy Roofing Inc., Arturo Suarez, RMO, Nadav Marciano, CEO/PRES (Respondent Energy Roofing). The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2019-315, and will expire on December 31, 2021, unless renewed. At all times relevant to the charges brought in Accusation No. N2019-315, Arturo Suarez was the responsible managing officer (RMO) and Nadav Marciano was the Chief Executive Officer (CEO) and President.

4. On or about February 25, 2010, the Registrar issued Contractor's License No. 943843, in classification C-39 (roofing), to Arturo Suarez, dba West Roofing (Respondent Arturo Suarez). The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2019-315, and will expire on December February 28, 2022, unless renewed.

JURISDICTION

5. Accusation No. N2019-315 was filed before the Registrar, and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on December 16, 2020. Respondents timely filed their Notice of Defense contesting the Accusation.

6. A copy of Accusation No. N2019-315 is attached as exhibit A and incorporated herein by reference.

///

ADVISEMENT AND WAIVERS

7. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. N2019-315. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondents are fully aware of their 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 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.

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

CULPABILITY

10. Respondents understand and agree that the charges and allegations in Accusation No. N2019-315, if proven at a hearing, constitute cause for imposing discipline upon their respective Contractor's Licenses.

11. For the purpose of resolving the 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 Accusation, and that Respondents hereby gives up their right to contest those charges.

12. Respondents agree their respective 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.

///

///

///

///

RESERVATION

13. The admissions made by Respondents herein are only for the purposes of this proceeding, or any other proceedings in which the Registrar of Contractors, Contractors State License Board, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

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.

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. 1033650 issued to Respondent Energy Roofing Inc., Arturo Suarez, RMO, Nadav Marciano, CEO/PRES, and Contractor's License No. 943843 issued to Respondent Arturo Suarez, dba West Roofing, are revoked. However, the revocation is stayed and Respondents are placed on probation for three (3) 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 Respondents violate 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 Respondents 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 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 Respondents an opportunity to be heard.

5. **Restitution.** Respondents shall jointly and severally pay the sum of $2,675 to G.W. as restitution in this matter. Full payment is due within thirty (30) days of the effective date of the Decision and Order. Upon full payment to G.W., Respondents shall file proof of payment with the Contractors State License Board, Probation Monitor at P.O. Box 26888, Sacramento, CA

95826. Failure to pay the restitution to G.W. or failure to timely submit proof of payment to the Board shall automatically terminate the stay of the order of revocation and Respondents' licenses 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, Respondents 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.** Respondents shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.

8. **Law and Business Examination.** Respondent Energy Roofing shall take and pass within 180 days of the effective date of the Decision and Order the Contractors' State License Board's law and business examination. Respondent Energy Roofing has the burden of applying for, scheduling, and making arrangements to take the exam.

9. **Trade Examination.** Respondent Energy Roofing shall take and pass within 180 days of the effective date of the Decision and Order the Contractors' State License Board's trade C-39 roofing examination. Respondent Energy Roofing has the burden of applying for, scheduling, and making arrangements to take the exam.

10. **Cost Recovery.** Respondents shall be jointly and severally responsible to pay the Registrar pursuant to Business and Professions Code section 125.3 the costs of investigation and enforcement in this matter in the amount of $7,500. Payments shall be made in twenty-nine (29) equal monthly installments beginning thirty (30) days from the effective date of the Decision and Order, until paid in full.

11. **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 timeframe shall be considered a violation of the terms of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey S. Schuller. 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: 6/22/21

Nadav Marciano (Jun 22, 2021 16:07 PDT)

ENERGY ROOFING INC., ARTURO SUAREZ, RMO, NADAV MARCIANO, CEO/PRES
Respondent Energy Roofing

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey S. Schuller. 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: June 22,2021

arturo suarez
arturo suarez (Jun 22, 2021 15:57 PDT)

ARTURO SUAREZ, DBA WEST ROOFING
Respondent Arturo Suarez

I have read and fully discussed with Respondent Energy Roofing Inc., Arturo Suarez, RMO, Nadav Marciano, CEO/PRES, and Respondent Arturo Suarez, dba West Roofing, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form.

DATED: June 22, 2021

Jeffrey Schuller

JEFFREY S. SCHULLER
Attorney for Respondents

ENDORSEMENT

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

DATED: 6/22/2021

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

LA2020602205
64306234_2.docx