

1 ROB BONTA
2 Attorney General of California
3 ARMANDO ZAMBRANO
4 Supervising Deputy Attorney General
5 MARISSA N. HAMILTON
6 Deputy Attorney General
7 State Bar No. 322489
8 300 So. Spring Street, Suite 1702
9 Los Angeles, CA 90013
10 Telephone: (213) 269-6701
11 Facsimile: (916) 731-2126
12 E-mail: Marissa.Hamilton@doj.ca.gov
13 *Attorneys for Complainant*

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against: Case No. N2021-202

**LOUIS LEONARD CUEVAS,
DBA PRIDE HOMES**
14603 Norwalk Blvd
Norwalk, CA 90650

ACCUSATION

Contractor's License No. 655057, B

Respondent.

PARTIES

1. Thomas Jager (Complainant) brings this Accusation solely in his official capacity as
the Supervising Special Investigator I of the Contractors State License Board (Board),
Department of Consumer Affairs.

2. On or about September 25, 1992, the Registrar of Contractors (Registrar) issued
Contractor's License Number 655057, in classification B (general building), to Louis Leonard
Cuevas, dba Pride Homes (Respondent). The Contractor's License was in full force and effect at
all times relevant to the charges brought herein and will expire on July 31, 2022, unless renewed.

///

JURISDICTION

3. This Accusation is brought before the Registrar under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b), of the Code, states:

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.

5. Section 7076.5, subdivision (h), of the Code states:

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.

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

7. Section 7106.5 of the Code states:

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

8. Section 7121 of the Code states:

A person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a partner, officer, director, manager, or associate of any partnership, corporation, limited liability company, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a partner, officer, director, manager, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, manager,

qualifying individual, or member of the personnel of record of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action.

STATUTORY PROVISIONS

9. Section 7114 of the Code states:

(a) Aiding or abetting an unlicensed person to evade the provisions of this chapter or combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person with the intent to evade the provisions of this chapter constitutes a cause for disciplinary action.

(b) A licensee who is found by the registrar to have violated subdivision (a) shall, in accordance with the provisions of this article, be subject to the registrar's authority to order payment of a specified sum to an injured party, including, but not limited to, payment for any injury resulting from the acts of the unlicensed person.

COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

10. Section 125.3 of the Code states, in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

3

11. Section 11519 of the Government Code states:

(a) The decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted.

(b) A stay of execution may be included in the decision or if not included therein may be granted by the agency at any time before the decision becomes effective. The stay of execution provided herein may be accompanied by an express condition that respondent comply with specified terms of probation provided; provided, however, that the terms of probation shall be just as reasonable in light of the findings and decision.

(c) If respondent was required to register with any public officer, a notification of any suspension or revocation shall be sent to the officer after the decision has become effective.

(d) As used in subdivision (b), specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action.

(e) The person to which the agency action is directed may not be required to comply with a decision unless the person has been served with the decision in the manner provided in Section 11505 or has actual knowledge of the decision.

(f) A nonparty may not be required to comply with a decision unless the agency has made the decision available for public inspection and copying or the nonparty has actual knowledge of the decision.

(g) This section does not preclude an agency from taking immediate action to protect the public interest in accordance with Article 13 (commencing with Section 11460.10) of Chapter 4.5.

12. Section 143.5, subdivision (b), of the Code states:

Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

13. Section 7095 of the Code states:

The decision may:

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

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

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

14. Section 7097 of the Code states:

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

111

111

15. Section 7098 of the Code states:

2 Notwithstanding the provisions of Sections 7121 and 7122, when any license
3 has been revoked under the provisions of this chapter [the Contractors' State License
4 Law], any additional license issued under this chapter in the name of the licensee or
for which the licensee furnished qualifying experience and appearance under the
provisions of Section 7068, may be revoked by the registrar without further notice.

16. Section 7102 of the Code states:

6 After suspension of a license upon any of the grounds set forth in this chapter
7 [the Contractors' State License Law], the registrar may reinstate the license upon
proof of compliance by the contractor with all provisions of the decision as to
reinstatement or, in the absence of a decision or any provisions of reinstatement, in
8 the sound discretion of the registrar.

9 After revocation of a license upon any of the grounds set forth in this chapter,
10 the license shall not be reinstated or reissued and a license shall not be issued to any
11 member of the personnel of the revoked licensee found to have had knowledge of or
participated in the acts or omissions constituting grounds for revocation, within a
12 minimum period of one year and a maximum period of five years after the final
decision of revocation and then only on proper showing that all loss caused by the act
or omission for which the license was revoked has been fully satisfied and that all
13 conditions imposed by the decision of revocation have been complied with.

14 The board shall promulgate regulations covering the criteria to be considered
when extending the minimum one-year period. The criteria shall give due
15 consideration to the appropriateness of the extension of time with respect to the
following factors:

- 16 (a) The gravity of the violation.
- 17 (b) The history of previous violations.
- 18 (c) Criminal convictions.

19 When any loss has been reduced to a monetary obligation or debt, however, the
20 satisfaction of the monetary obligation or debt as a prerequisite for the issuance,
reissuance, or reinstatement of a license shall not be required to the extent the
21 monetary obligation or debt was discharged in a bankruptcy proceeding. However,
any nonmonetary condition not discharged in a bankruptcy proceeding shall be
22 complied with prior to the issuance, the reissuance, or reinstatement of the license.

FACTUAL ALLEGATIONS

24 17. Respondent Louis Leonard Cuevas, doing business as Pride Homes, Contractor's
25 License Number 655057, is a sole owner licensee. Respondent admitted that he allowed Tommy
26 Burnstein (Burnstein) the use of his license number by giving Burnstein his Contractors State
27 License Board pocket card and changing the address on record with the Contractors State License
28 Board to Burnstein's address. Tommy Burnstein does not hold a valid contractor's license.

MARINA VIEW PLACE PROJECT

2 18. Homeowner D.N. found Tommy Burnstein, doing business as Pride Homes and MK
3 Roofing & Construction, through a friend who had found Burnstein's advertising on Craigslist to
4 do some work at his property located on Marina View Place in Huntington Beach, California
5 (Marina View Place Project). In or around November 2019, D.N. met with Burnstein to get an
6 estimate for a remodeling work on his front yard. Burnstein represented that he was the owner of
7 Pride Homes and MK Roofing & Construction, and provided D.N. with a business card that
8 indicated he was licensed, bonded, and insured. Burnstein also presented D.N. with a pocket card
9 listing Contractor's License Number 655057 and the business name Pride Homes.

10 19. On or about November 29, 2019, D.N. entered into a contract with Tommy Burnstein,
11 doing business as Pride Homes, to remove the existing driveway, correct the slope of the
12 driveway, pour concrete, remodel the right side of the front yard, and level out a part of the front
13 yard for a total of \$40,000. The contract included Contractors License Number 655057, issued to
14 Pride Homes.

15 20. During the project, a change order was entered, which included additional work to
16 D.N.'s front yard, construction of a parapet wall, and roofing work for a total of \$43,500. The
17 change order included the business name MK Roofing & Construction, and listed Contractor's
18 License Number 931324. However, Contractor's License Number 931324 is actually issued to
19 Aqual Corp, and was revoked effective April 30, 2021.

20 21. Work commenced on the Marina View Place Project on or about December 2, 2019,
21 and ceased on or about February 5, 2020, when D.N. found out that Burnstein was not validly
22 licensed. When the work ceased, the parapet wall and roofing work were left uncompleted. D.N.
23 made payments to Burnstein totaling \$69,000 on the project. D.N. hired another contractor to
24 complete the parapet wall and roofing work for a total of \$43,572.21, resulting in a financial
25 injury to D.N. of \$24,072.21.

26 | //

27 | //

28 | //

CAUSE FOR DISCIPLINE

(Aiding and Abetting or Allowing License to be Used by Unlicensed Contractor)

22. Respondent has subjected his Contractor's License to disciplinary action under Code section 7114, subdivision (a), in that he aided and abetted an unlicensed contractor and/or allowed his license to be used by an unlicensed person. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 17 through 21 above, as though set forth fully herein.

CAUSE FOR OTHER ACTION

(Restrictions on Respondent Louis Leonard Cuevas)

23. Pursuant to Code section 7121, if License Number 655057, issued to Respondent is revoked or under suspension, Respondent Louis Leonard Cuevas shall be prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Registrar issue a decision:

1. Ordering the revocation or suspension of Contractor's License Number 655057 issued to Respondent Louis Leonard Cuevas, dba Pride Homes, pursuant to Code section 7090;

2. Ordering restitution of all damages according to proof suffered by D.N., as a condition of probation in the event probation is order for Respondent Louis Leonard Cuevas, dba Pride Homes pursuant to Government Code section 11519, subdivision (d), and Code section 7114, subdivision (b);

3. Ordering Respondent Louis Leonard Cuevas, dba Pride Homes to pay the Registrar costs for the investigation and enforcement of the case according to proof at the hearing, pursuant to Code section 125.3:

4. Ordering that Respondent Louis Leonard Cuevas is prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee, pursuant to Code section 7121;

1 5. Ordering Respondent Louis Leonard Cuevas, dba Pride Homes to provide the
2 Registrar with a listing of all contracting projects in progress and the anticipated completion date
3 of each, pursuant to Code section 7095; and

4 6. Taking such other and further action deemed proper.

5
6 DATED: 12-2022

7 
8 THOMAS JAGER
9 Supervising Special Investigator I
10 Contractors State License Board
11 Department of Consumer Affairs
12 State of California
13 *Complainant*

11 LA2021604901
12 64845829.docx

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28