

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

In the Matter of the Accusation Against:

**DAVIS BROTHERS CONSTRUCTION, INC.,
TIMOTHY WILLIAM DAVIS, RMO/CEO/Pres.
GRACE EMILY DAVIS, OFFICER
112 Laurel Dr.**

Contractor's License No. 966188, B

Respondent.

CASE NO. N2021-223

**ORDER TO ADOPT
DEFAULT DECISION**

[Gov. Code, § 11520]

The attached Default Decision is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter.

Contractor's License Number **966188** issued to **DAVIS BROTHERS CONSTRUCTION, INC.**, is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, title 16, Respondent **DAVIS BROTHERS CONSTRUCTION, INC.**, Contractor's License No **966188**, shall not apply for reissuance or reinstatement of said license for four year(s) from the effective date of this Decision.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 19, 2022.

IT IS SO ORDERED July 19, 2022.



David Fogt
Registrar of Contractors

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8 **BEFORE THE**
9 **REGISTRAR OF CONTRACTORS**
10 **CONTRACTORS STATE LICENSE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2021-223

14 **DAVIS BROTHERS CONSTRUCTION, INC.,**
15 **TIMOTHY WILLIAM DAVIS, RMO/CEO/Pres.**
16 **GRACE EMILY DAVIS, OFFICER**
17 112 Laurel Dr.
18 Altadena, CA 91001

DEFAULT DECISION

[Gov. Code, §11520]

Contractor's License No. 966188, B

Respondent.

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21 **FINDINGS OF FACT**

22 1. On or about April 15, 2022, Accusation No. N2021-223 was filed against Davis
23 Brothers Construction, Inc., Timothy William Davis, Grace Emily Davis (Respondent Davis
24 Brothers) before the Registrar of Contractors (Registrar) for the Contractors' State License Board
25 (Board). (Accusation attached as Exhibit A.)

26 2. On or about September 29, 2011, the Registrar issued Contractor's License No.
27 966188 to Respondent. The Contractor's License expired on March 23, 2021, and has not been
28 renewed. This lapse in licensure, however, pursuant to Business and Professions Code section

1 7106.5 does not deprive the Board of its authority to institute or continue this disciplinary
2 proceeding.

3 3. On or about April 20, 2022, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. N2021-223, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
7 section 136, is required to be reported and maintained with the Board. Respondent's address of
8 record was and is: 112 Laurel Dr., Altadena, CA 91001.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506(c) states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense . . . and the notice shall be deemed a specific denial of all
15 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
16 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
17 discretion may nevertheless grant a hearing.

18 6. The Registrar takes official notice of the Board's records and the fact that Respondent
19 failed to file a Notice of Defense within 15 days after service upon it of the Accusation, and
20 therefore waived its right to a hearing on the merits of Accusation No. N2021-223.

21 7. California Government Code section 11520(a) states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense . . . or to appear at
23 the hearing, the agency may take action based upon the respondent's express
24 admissions or upon other evidence and affidavits may be used as evidence without
25 any notice to respondent. . . .

26 8. Pursuant to its authority under Government Code section 11520, the Registrar finds
27 Respondent is in default. The Registrar will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No.

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1 N2021-223, finds that the charges and allegations in Accusation No. N2021-223, are separately
2 and severally, found to be true and correct by clear and convincing evidence.

3 9. The Registrar finds that the actual costs for investigation and prosecution are
4 \$6,613.02 as of June 30, 2022.

5 10. The Registrar finds that the loss to A.S. and D. G. caused by the acts or omissions of
6 Respondent is \$503,811.34.

7 11. The Registrar finds that the loss to D.M. and S.P. caused by the acts or omissions of
8 Respondent is \$480,819.53.

9 12. The Registrar finds that the loss to M.A. and J.T. caused by the acts or omissions of
10 Respondent is \$479,482.61.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent Davis Brothers Construction,
13 Inc., Timothy William Davis, Grace Emily Davis has subjected its Contractor's License No.
14 966188 to discipline.

15 2. The agency has jurisdiction to adjudicate this case by default.

16 3. The Registrar of Contractors is authorized to revoke Respondent's contractor's license
17 based upon the following violations alleged in the Accusation which are supported by the
18 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

19 a. Business and Professions Code section 7107, in that on the Grandview Project,
20 Respondent abandoned the project without legal excuse.

21 b. Business and Professions Code section 7108, in that on the Grandview Project,
22 Respondent Davis Brothers failed to account for funds received for the project and / or diverted
23 construction funds.

24 c. Business and Professions Code section 7120, in that on the Grandview Avenue
25 Project, Respondent Davis Brothers willfully and deliberately failed to make payments for
26 materials and / or services after receiving sufficient funds to do.

27 d. Business and Professions Code section 7159, in that on the Grandview Project,
28 Respondent Davis Brothers violated home improvement contract drafting requirements.

1 e. Business and Professions Code section 7159.5, subdivision (a)(3), in that on the
2 Grandview Avenue Project, Respondent Davis Brothers requested and received a down payment
3 exceeding the lesser of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract
4 amount.

5 f. Business and Professions Code section 7107, in that on the Grinnell Project,
6 Respondent Davis Brothers abandoned the project without legal excuse.

7 g. Business and Professions Code section 7108, in that on the Grinnell Project,
8 Respondent Davis Brothers failed to account for funds received for the project and / or diverted
9 construction funds.

10 h. Business and Professions Code section 7108.5, in that on the Grinnell Project,
11 Respondent Davis Brothers failed to pay its subcontractor Rodney Overstreet Plumbing within
12 the required ten (10) days even though it had received sufficient funds to do so which resulted in
13 a Mechanics Lien(s) recorded against the project.

14 i. Business and Professions Code section 7110, in that on the Grinnell Project,
15 Respondent Davis Brothers willfully or deliberately disregarded and violated building codes
16 when it failed to obtain required permit approvals prior to commencement of work.

17 j. Business and Professions Code section 7113, in that on the Grinnell Project,
18 Respondent Davis Brothers failed to complete the project for the contract price, and the
19 homeowner is required to spend substantial amounts in excess of the contract price to complete
20 the project in accordance with the contract.

21 k. Business and Professions Code section 7120, in that on the Grinnell Project,
22 Respondent Davis Brothers willfully and deliberately failed to make payments for materials and /
23 or services after receiving sufficient funds to do.

24 l. Business and Professions Code section 7159, in that on the Grinnell Project,
25 Respondent Davis Brothers violated home improvement contract drafting requirements.

26 m. Business and Professions Code section 7159.5, subdivision (a)(3), in that on the
27 Grinnell Project, Respondent Davis Brothers requested and received a down payment exceeding
28 the lesser of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract amount.

1 n. Business and Professions Code section 7159.5, subdivision (a)(5), in that on the
2 Grinnell Project, Respondent Davis Brothers received and / or requested payment(s) in excess of
3 the value of work performed or materials delivered.

4 o. Business and Professions Code section 7107, in that on the Lorain Project,
5 Respondent Davis Brothers abandoned the project without legal excuse.

6 p. Business and Professions Code section 7108, in that on the Lorain Project,
7 Respondent Davis Brothers failed to account for funds received for the project and / or diverted
8 construction.

9 q. Business and Professions Code section 7120, in that on the Lorain Project,
10 Respondent Davis Brothers willfully and deliberately failed to make payments for materials and /
11 or services after receiving sufficient funds to do.

12 r. Business and Professions Code section 7159, in that on the Lorain Project,
13 Respondent Davis Brothers violated home improvement contract drafting requirements.

14 s. Business and Professions Code section 7159.5, subdivision (a)(3), in that on the
15 Lorain Project, Respondent Davis Brothers requested and received a down payment exceeding the
16 lesser of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract amount.

17 t. Business and Professions Code section 7159.5, subdivision (a)(5), in that on the
18 Lorain Project, Respondent Davis Brothers received and / or requested payment(s) in excess of
19 the value of work performed or materials delivered.

20 u. Business and Professions Code section 7121.5, regardless of whether Respondent
21 Timothy William Davis had knowledge of or participated in the acts or omissions constituting
22 grounds for discipline against Respondent Davis Brothers.

23 v. Business and Professions Code section 7121, in that while serving as Officer of
24 Respondent Davis Brothers, Grace Emily Davis had knowledge of or participated in the acts or
25 omissions which constitute cause for discipline against Respondent Davis Brothers.

26 4. Pursuant to Business and Professions Code section 7121.5, the performance by an
27 individual, partnership, corporation, limited liability company, firm, or association of an act or
28 omission constituting a cause for disciplinary action constitutes a cause for disciplinary action

1 against a licensee who at the time that the act or omission occurred was the qualifying individual
2 of that individual, partnership, corporation, limited liability company, firm, or association,
3 whether or not he or she had knowledge of or participated in the prohibited act or omission.
4 Therefore, pursuant to section 7121.5, Timothy William Davis, RMO/CEO/Pres, is subject to
5 discipline regardless of whether or not he had knowledge of or participated in the act(s) or
6 omissions(s) in Accusation No. N2021-223.

7 5. Pursuant to its authority under California Government Code section 11520, and based
8 on the relevant evidence before it contained in the Default Decision Investigatory Evidence
9 Packet, the Registrar hereby finds by clear and convincing evidence that Grace Emily Davis,
10 Officer, had knowledge of or participated in the prohibited act(s) or omission(s) that warranted
11 the filing of Accusation No. N2021-223.

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15 REGISTRAR OF CONTRACTORS
16 CONTRACTORS STATE LICENSE BOARD
17 DEPARTMENT OF CONSUMER AFFAIRS

16 65252736.DOCX
17 DOJ Matter ID:LA2022600189

17 Attachment:
18 Exhibit A: Accusation