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8
9 **BEFORE THE**
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. N2022-287

14 **VES VEASNA CHHEANG,**
15 **DBA J N S A ROOFING CO**
11614 Hallwood Dr
El Monte, CA 91732

ACCUSATION

16 Contractor's License No. 791430, C39

17 Respondent.
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20 **PARTIES**

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

24 2. On or about February 16, 2001, the Registrar of Contractors (Registrar) issued
25 Contractor's License Number 791430 in Classification C39 (Roofing Contractor) to Ves Veasna
26 Chheang, dba J N S A Roofing Co (Respondent). The Contractor's License was in full force and
27 effect at all times relevant to the charges brought herein and will expire on February 28, 2025,
28 unless renewed.

JURISDICTION

3. This Accusation is brought before the Registrar for the Board 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,

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

5 STATUTORY PROVISIONS

6 9. Section 7109, subdivision (a), of the Code states:

7 (a) A willful departure in any material respect from accepted trade standards for
8 good and workmanlike construction constitutes a cause for disciplinary action, unless
9 the departure was in accordance with plans and specifications prepared by or under
10 the direct supervision of an architect.

11 10. Section 7113 of the Code states:

12 Failure in a material respect on the part of a licensee to complete any
13 construction project or operation for the price stated in the contract for such
14 construction project or operation or in any modification of such contract constitutes a
15 cause for disciplinary action.

16 COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

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

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

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

26 ...

27 12. Section 11519 of the Government Code states:

28 (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.

1 (d) As used in subdivision (b), specified terms of probation may include an
2 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.

3 (e) The person to which the agency action is directed may not be required to
4 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.

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

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

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

10 Any board, bureau, or program within the Department of Consumer Affairs that
11 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
12 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
13 civil action.

14 14. Section 7095 of the Code states:

15 The decision may:

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

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

19 (c) Impose upon the licensee compliance with such specific conditions as may
20 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
21 restoration of the suspended or revoked licensee shall be accepted by the registrar.

22 15. Section 7097 of the Code states:

23 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee
24 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
25 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
26 appearance under the provisions of Section 7068, may be suspended by the registrar
without further notice.

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1 16. 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.

5 17. 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
8 reinstatement or, in the absence of a decision or any provisions of reinstatement, in
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
member of the personnel of the revoked licensee found to have had knowledge of or
11 participated in the acts or omissions constituting grounds for revocation, within a
minimum period of one year and a maximum period of five years after the final
12 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.

23 FACTUAL ALLEGATIONS

24 18. On or about April 23, 2019, Respondent entered into a written contract with P.F. and
25 M.F., on behalf of the CAR Family Trust, to re-roof a warehouse on a commercial property
26 located on West Live Oak Avenue in Arcadia, California for the amount of \$23,500 (West Live
27 Oak Avenue Project). Work commenced in May 2019, and ceased in May 2019. Respondent
28 was paid \$23,500 on the project.

1 19. An industry expert inspected the project and determined that Respondent's work was
2 substandard and incomplete, with an estimated \$82,000 to correct and complete.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Departure From Accepted Trade Standards)**

5 20. Respondent has subjected his license to disciplinary action under Code section 7109,
6 subdivision (a), in that on the West Live Oak Avenue Project, Respondent willfully departed in a
7 material respect from accepted trade standards for good and workmanlike construction, in that
8 Respondent applied the silicone coating on the roof over existing blisters without first repairing
9 all existing blisters. Complainant refers to and by this reference incorporates the allegations set
10 forth above in paragraphs 18-19, as though set forth fully herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Failure to Complete Project for Contract Price Stated)**

13 21. Respondent has subjected his license to disciplinary action under Code section 7113,
14 in that on the West Live Oak Avenue Project, Respondent failed in a material respect to complete
15 the project for the contract price and the owners are required to spend a substantial amount in
16 excess of the contract price to complete the project in accordance with the contract. Complainant
17 refers to and by this reference incorporates the allegations set forth above in paragraphs 18-19, as
18 though set forth fully herein.

19 **CAUSE FOR OTHER ACTION**

20 **(Restrictions on Respondent Ves Veasna Chheang)**

21 22. Pursuant to Code section 7121, if License Number 791430, issued to Respondent Ves
22 Veasna Chheang is revoked or suspended, Respondent Ves Veasna Chheang shall be prohibited
23 from serving as an officer, director, associate, partner, manager, qualifying individual, or member
24 of the personnel of record of a licensee.

25 **PRAYER**

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

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- 1 1. Ordering the revocation or suspension of Contractor's License Number 791430 issued
- 2 to Respondent Ves Veasna Chheang, dba J N S A Roofing Co, pursuant to Code section 7090;
- 3 2. Ordering restitution of all damages according to proof suffered by P.F., M.F. and/or
- 4 the CAR Family Trust, as a condition of probation in the event probation is order for Respondent
- 5 Ves Veasna Chheang, dba J N S A Roofing Co pursuant to Government Code section 11519,
- 6 subdivision (d);
- 7 3. If revocation of Contractor's License Number 791430 issued to Respondent Ves
- 8 Veasna Chheang, dba J N S A Roofing Co is ordered, an order for restitution of all damages
- 9 suffered by P.F., M.F. and/or the CAR Family Trust as a result of Respondent Ves Veasna
- 10 Chheang, dba J N S A Roofing Co's conduct as a contractor as a condition precedent to any
- 11 future restoration of Contractor's License Number 791430, or before any new license is issued;
- 12 4. Ordering Respondent Ves Veasna Chheang, dba J N S A Roofing Co to pay the
- 13 Registrar costs for the investigation and enforcement of the case according to proof at the hearing,
- 14 pursuant to Code section 125.3;
- 15 5. Ordering that Respondent Ves Veasna Chheang is prohibited from serving as an
- 16 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of
- 17 record of a licensee, pursuant to Code section 7121;
- 18 6. Ordering Respondent Ves Veasna Chheang, dba J N S A Roofing Co to provide the
- 19 Registrar with a listing of all contracting projects in progress and the anticipated completion date
- 20 of each, pursuant to Code section 7095; and
- 21 7. Taking such other and further action deemed proper.

22
23 DATED: 5-12-23



THOMAS JAGER
Supervising Special Investigator I
Contractors State License Board
Department of Consumer Affairs
State of California
Complainant

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13 In the Matter of the Accusation Against:

Case No. N2022-287

14 **VES VEASNA CHHEANG,**
15 **DBA J N S A ROOFING CO**
11614 Hallwood Dr
16 El Monte, CA 91732

**NOTICE TO POTENTIALLY
IMPACTED NON-RESPONDENT**

17 Contractor's License No. 791430, C 39

18 Respondent.

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21 **NOTICE TO POTENTIALLY IMPACTED NON-RESPONDENT:**

22 1. Thomas Jager, Supervising Special Investigator I of the Contractors State License
23 Board, Department of Consumer Affairs (Complainant), acting solely in his official capacity,
24 hereby provides notice to JNSAA Roofing Co Inc. that an Accusation has been filed, before the
25 Registrar of Contractors of the Contractors State License Board (Registrar), against Ves Veasna
26 Chheang, dba J N S A Roofing Co.

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1 2. JNSAA Roofing Co Inc. has NOT been named as a Respondent in that Accusation, is
2 NOT directly subject to license discipline in that Accusation proceeding, and may NOT appear in
3 that Accusation proceeding to offer a defense to the charges and allegations in the Accusation.

4 3. However, JNSAA Roofing Co Inc. may be indirectly or derivatively impacted by the
5 outcome of those Accusation proceedings, pursuant to Business and Professions Code section
6 7121, if the license issued to Ves Veasna Chheang, dba J N S A Roofing Co is disciplined as a
7 result of the charges and allegations in the Accusation proceedings.

8 4. Business and Professions Code section 7121 provides:

9 A person who has been denied a license for a reason other than failure to document
10 sufficient satisfactory experience for a supplemental classification for an existing license, or who
11 has had his or her license revoked, or whose license is under suspension, or who has failed to
12 renew his or her license while it was under suspension, or who has been a partner, officer,
13 director, manager, or associate of any partnership corporation, limited liability company, firm, or
14 association whose application for a license has been denied for a reason other than failure to
15 document sufficient satisfactory experience for a supplemental classification for an existing
16 license, or whose license has been revoked, or whose license is under suspension, or who has
17 failed to renew a license while it was under suspension, and while acting as a partner, officer,
18 director, manager, or associate had knowledge of or participated in any of the prohibited acts for
19 which the license was denied, suspended, or revoked, shall be prohibited from serving as an
20 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of
21 record of a licensee, and the employment, election, or association of this type of person by a
22 licensee in any capacity other than as a nonsupervising bona fide employee shall constitute
23 grounds for disciplinary action.

24 Due to your affiliated relationship with Ves Veasna Chheang, under Code section 7121, if
25 the license issued to Ves Veasna Chheang, dba J N S A Roofing Co is suspended or revoked as a
26 result of the charges and allegations in the Accusation, your license may also be suspended or
27 revoked if you continue to remain affiliated with Ves Veasna Chheang in one of the ways set
28 forth in Code section 7121.

1 5. Because of your indirect interest, you are hereby given notice of these Accusation
2 proceedings. You may not appear to directly contest or defend against the charges and
3 allegations in the Accusation. However, you may complete the form below, to receive
4 information about the case and any resolution thereof.

5
6
7 DATED: 5-12-23



Thomas Jager
Supervising Special Investigator I
Contractors State License Board
Department of Consumer Affairs
State of California
Complainant

1 COMPLETE THE FOLLOWING AND RETURN WITHIN 30 DAYS TO:

2 Marissa N. Hamilton, Deputy Attorney General
3 300 South Spring Street, Suite 1702
4 Los Angeles, CA 90013
5 Marissa.Hamilton@doj.ca.gov

6 JNSAA Roofing Co Inc. hereby acknowledges receipt of the above Notice to Potentially
7 Impacted Non-Respondent, and the Accusation filed against Ves Veasna Chheang, dba J N S A
8 Roofing Co. I am aware of the Accusation proceedings against Ves Veasna Chheang, dba J N S A
9 Roofing Co.

10 Date:

11 Print Your Name:

12 Your Signature:

13 Mailing Address:

14 Phone:

15 E-mail

16 **Check all that apply:**

17 ☐ I am represented by counsel, whose name, address and telephone number appear below:

18 Counsel's Name

19 Counsel's Mailing Address

20 Phone:

21 E-mail:

22 ☐ I am not now represented by counsel.

23 ☐ I would like to be kept apprised of developments in the proceedings against Ves Veasna
24 Chheang, dba J N S A Roofing Co and afforded the opportunity to participate in any
25 resolution thereof.

26 ☐ I do not wish to be kept apprised of developments in the proceedings against Ves Veasna
27 Chheang, dba J N S A Roofing Co. Please remove me from your service/notification
28 list.

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