

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

In the Matter of the Accusation Against:

**DANIEL AYALA DBA D A
CONSTRUCTION COMPANY**
4900 California Ave, Ste 305 A
Bakersfield, CA 93309

Contractor's License No. 1024166

Respondent.

CASE NO. N2023-215

**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 **1024166** issued to **DANIEL AYALA DBA D A CONSTRUCTION COMPANY** 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 **DANIEL AYALA DBA D A CONSTRUCTION COMPANY** Contractor's License No **1024166** shall not apply for reissuance or reinstatement of said license for one year(s) from the effective date of this Decision.

IT IS FURTHER ORDERED that unless **DANIEL AYALA**, disassociates from **2ND GENERATION BUILDERS INC**, on or before the effective date of this Decision, License Number **1097642** shall be revoked pursuant to and in accordance with Sections 7097 and 7098 of the Contractors' License Law.

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 July 19, 2024.

IT IS SO ORDERED June 19, 2024.



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. N2023-215

14 **DANIEL AYALA DBA D A**
15 **CONSTRUCTION COMPANY**
16 4900 California Ave., Ste. 305
Bakersfield, CA 93309

DEFAULT DECISION

[Gov. Code, §11520]

17
18 Contractor's License No. 1024166

19
20 Respondent.
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22 **FINDINGS OF FACT**

23 1. On or about April 30, 2024, Accusation No. N2023-215 was filed against Daniel
24 Ayala dba D A Construction Company (Respondent) before the Registrar of Contractors
25 (Registrar) for the Contractors State License Board (Board). (Accusation attached as Exhibit A.)

26 2. On or about February 28, 2017, the Registrar issued Contractor's License No.
27 1024166 to Respondent. The Contractor's License was in full force and effect at all times
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1 relevant to the charges brought in Accusation No. N2023-215 and will expire on February 28,
2 2025, unless renewed.

3 3. On or about May 1, 2024, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. N2023-215, 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 current address of record which, pursuant to Business and Professions
7 Code section 136, is required to be reported and maintained with the Board. Respondent's
8 address of record was and is:

9 **Daniel Ayala dba D A Construction Company**
10 **4900 California Ave., Ste. 305**
11 **Bakersfield, CA 93309**

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

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

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

21 6. The Registrar takes official notice of the Board's records and the fact that Respondent
22 failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and
23 therefore waived his right to a hearing on the merits of Accusation No. N2023-215.

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

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

8. Pursuant to its authority under Government Code section 11520, the Registrar finds
Respondent is in default. The Registrar will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
2 as well as taking official notice of all the investigatory reports, exhibits and statements contained
3 therein on file at the Board's offices regarding the allegations contained in Accusation No.
4 N2023-215, finds that the charges and allegations in Accusation No. N2023-215, are separately
5 and severally, found to be true and correct by clear and convincing evidence.

6 9. The Registrar finds that the actual costs for investigation and prosecution are
7 \$7,895.97 as of June 5, 2024.

8 10. The Registrar finds that the loss to R.S. caused by the acts or omissions of
9 Respondent is \$17,262.80.

10 **DETERMINATION OF ISSUES**

11 1. Based on the foregoing findings of fact, Respondent Daniel Ayala dba D A
12 Construction Company has subjected his Contractor's License No. 1024166 to discipline.

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

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

17 a. Business and Professions Code section 7109(a) [Departure from Accepted Trade
18 Standards];

19 b. Business and Professions Code section 7113 [Failure to Complete Project for Price
20 Stated in Contract];

21 c. Business and Professions Code section 7159.5(a)(3) [Excessive Deposit Requested or
22 Received];

23 d. Business and Professions Code section 7125.4(a) [Failure to Obtain Workers'
24 Compensation Insurance];

25 e. Business and Professions Code section 7159 [Failure to Utilize and/or Execute
26 Legally Sufficient Home Improvement Contract];

27 f. Business and Professions Code section 7111.1 [Failure to Cooperate with Board
28 Investigation];

1 g. Business and Professions Code section 7121 [Restrictions on Qualifier – Respondent
2 Daniel Ayala].

3 4. Pursuant to Business and Professions Code section 7122.5, the performance by an
4 individual, partnership, corporation, limited liability company, firm, or association of an act or
5 omission constituting a cause for disciplinary action constitutes a cause for disciplinary action
6 against a licensee who at the time that the act or omission occurred was the qualifying individual
7 of that individual, partnership, corporation, limited liability company, firm, or association,
8 whether or not he or she had knowledge of or participated in the prohibited act or omission.
9 Therefore, pursuant to section 7122.5, Daniel Ayala, Sole owner, is subject to discipline
10 regardless of whether or not he had knowledge of or participated in the act(s) or omissions(s) in
11 Accusation No. N2023-215.

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15 REGISTRAR OF CONTRACTORS
16 CONTRACTORS STATE LICENSE BOARD
17 DEPARTMENT OF CONSUMER AFFAIRS
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27 DOJ Matter ID: LA2024600288

28 Attachment: