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

In the Matter of the Accusation Against**:** **BEST SOLAR POWER, INC., ELKANA ARIK AHARONI, RMO/CEO/PRESIDENT** 18375 Ventura Blvd., #48 Tarzana, CA 91356 **Contractor's License No. 988425** Respondents.	Case No. N2023-306 **ACCUSATION**

PARTIES

1. Brian Melvin (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, State of California.

2. On or about November 13, 2013, the Registrar of Contractors (Registrar) issued Contractor's License Number 988425, in Classification B (General Building) and C-10 (Electrical General) to Best Solar Power, Inc. (Respondent BSP). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2025, unless renewed. Elkana Arik Aharoni (Respondent Aharoni) was associated as CEO and President on November 13, 2013. Respondent Aharoni was also associated as Responsible Managing Officer (RMO) on December 11, 2018.

JURISDICTION

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

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 states, 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 7121.5 of the Code states:

> A person who was the qualifying individual on a revoked license, or of a license under suspension, or of a license that was not renewed while it was under suspension, shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of a licensee, whether or not the individual had knowledge of or participated in the prohibited acts or omissions for which the license was revoked, or suspended, and the employment, election, or association of that person by a licensee shall constitute grounds for disciplinary action.

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STATUTORY PROVISIONS

9. Section 7107 of the Code states:

Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor constitutes a cause for disciplinary action.

10. Section 7109 of the Code states, in pertinent part:

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

11. Section 7113 of the Code states:

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

12. Section 7116 of the Code states:

The doing of any wilful or fraudulent act by the licensee as a contractor in consequence of which another is substantially injured constitutes a cause for disciplinary action.

13. Section 7159 of the Code states, in pertinent part:

This section applies to all home improvement contracts, as defined in Section 7151.2, between an owner or tenant and a contractor, whether a general contractor or a specialty contractor, that is licensed or subject to be licensed pursuant to this chapter with regard to the transaction.

. . .

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:

. . .

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

14. Section 7159.5 of the Code states, in pertinent part:

This section applies to all home improvement contracts, as defined in Section 7151.2, between an owner or tenant and a contractor, whether a general contractor or a specialty contractor, that is licensed or subject to be licensed pursuant to this chapter with regard to the transaction.

(a) Failure by the licensee or a person subject to be licensed under this chapter, or by their agent or salesperson, to comply with the following provisions is cause for discipline:

. . .

(5) Except for a downpayment, the contractor shall neither request nor accept payment that exceeds the value of the work performed or material delivered. The prohibition prescribed by this paragraph extends to advance payment in whole or in part from any lender or financier for the performance or sale of home improvement goods or services.

15. Section 7161 of the Code states, in pertinent part:

It is a misdemeanor for any person to engage in any of the following acts, the commission of which shall be cause for disciplinary action against any licensee or applicant:

. . .

(c) Any fraud in the execution of, or in the material alteration of, any contract, trust deed, mortgage, promissory note, or other document incident to a home improvement transaction or other transaction involving a work of improvement.

COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

16. 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 licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

17. 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.

18. 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.

19. Section 7095 of the Code states:

(a) The decision may:

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

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

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

(4) (A) Provide for the stay of execution of the decision pending completion of specified terms and conditions of probation.

(B) Failure to fully comply with the terms and conditions of probation set pursuant to subparagraph (A) may result in automatic termination of the stay of execution without further notice. If a stay of execution is terminated pursuant to this subparagraph, the decision shall be considered a disciplinary action within the meaning of this chapter.

(b) The specific terms and conditions imposed pursuant to paragraph (3) or (4) of subdivision (a) may include, but are not limited to, any of the following:

(1) Payment of restitution to persons injured as a result of the violation.

(2) Payment of the costs of investigation and enforcement pursuant to Section 125.3.

(3) Enrollment in, and completion of, specified administrative or trade-specific coursework.

(4) Successful completion of the board's law and business examination or trade examination, as appropriate.

(5) Any further terms and conditions as are set forth for specified violations in the board's disciplinary guidelines in Section 871 of Title 16 of the California Code of Regulations.

20. 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.

21. Section 7098 of the Code states:

Notwithstanding the provisions of Sections 7121 and 7122, when any license has been revoked under the provisions of this chapter [the Contractors' State License 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.

22. Section 7102 of the Code states:

After suspension of a license upon any of the grounds set forth in this chapter [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 the sound discretion of the registrar.

After revocation of a license upon any of the grounds set forth in this chapter, 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 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 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 conditions imposed by the decision of revocation have been complied with.

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

(a) The gravity of the violation.

(b) The history of previous violations.

(c) Criminal convictions.

When any loss has been reduced to a monetary obligation or debt, however, the 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 monetary obligation or debt was discharged in a bankruptcy proceeding. However, any nonmonetary condition not discharged in a bankruptcy proceeding shall be complied with prior to the issuance, the reissuance, or reinstatement of the license.

FACTUAL ALLEGATIONS

23. On or about October 17, 2021, S.W. entered into a written home improvement contract with Respondent BSP. The scope of work under the contract included the construction of an accessory dwelling unit (ADU), installing five solar panels, and installing rain gutters and fascia boards at S.W.'s residence on Autry Avenue in Lakewood, California (Autry Avenue Project).

24. The contract, negotiated for $167,300, was agreed upon by both parties. A written addendum subsequently increased the contract price by $13,000 for exterior painting.

25. Nir Shetrit (Shetrit) negotiated the contract on behalf of Respondent BSP at S.W.'s residence, representing himself as a Project Manager for Respondent BSP. However, Shetrit was actually a home improvement salesperson, and Respondent BSP failed to disclose his role in the contract as required by law.

26. Work on the project proceeded in phases, with solar panel installation beginning between January and February 2022, while ADU construction did not commence until July to August 2022.

27. On or about November 17, 2021, Respondent BSP received a $34,200 advance payment from Home Run Financing for the ADU. Subsequently, on or about December 23, 2021, Respondent BSP received an $80,800 advance from Service Finance Company, LLC for the solar equipment.

28. On June 7, 2022, the solar panel permit was finalized after Respondent BSP installed it. However, on or about December 30, 2022, Respondent BSP had S.W. sign an addendum canceling the solar project and transferring it to third-party contractor Modernize Remodeling, Inc. after it had already been completed. The addendum was created to fraudulently obtain additional funding for a project that had already been finished.

29. Additionally, during the CLSB's investigation, it was discovered that Respondent BSP fraudulently applied for multiple solar loans from two different lending companies for the same solar panel system. Additionally, the landscaping and exterior paint costs were fraudulently financed multiple times through different lending companies for the same work.

30. In or about April 2023, work on the Autry Avenue Project ceased due to a dispute regarding workmanship. Among other issues, Respondent BSP failed to address water drainage issues inside and outside the ADU despite city correction notices issued in November 2022 and January 2023. Respondent BSP abandoned the project by failing to provide proper resources for correction and completion.

31. Respondent BSP has received payments for the Autry Avenue Project totaling $138,800. The funds received were allocated as follows: $14,000 for exterior painting from Sunlight Financial, $43,000 for the ADU remodel from Home Run Financing, $80,800 for solar panels, gutters, and fascia boards from Service Finance Company LLC, and $1,000 for down payment from S.W.

32. On or about December 6, 2023, at the request of the Board, an industry expert inspected the work performed by Respondent BSP. He determined that the project was incomplete and did not meet trade standards, as follows:

a. Respondent BSP did not use approved "rain tight" connectors on the Solar PV System conduits and junction boxes.

b. Respondent BSP did not install the pocket door in the opening of the bathroom area.

c. Respondent BSP did not address the water issues or the related foundation leaks. The existing site conditions included various concrete slabs abutted to the ADU slab, making drainage impossible.

d. Respondent BSP cut off the eaves of ADU, causing more extensive leaking and structural issues with the ADU.

33. The Board's industry expert estimated the cost to complete and/or correct Respondent BPS's work would be $57,250, obligating S.W. to secure the services of other contractors at an additional cost of $15,750 beyond the original contract price.

FIRST CAUSE FOR DISCIPLINE

(Abandonment – Respondent BSP)

34. Respondent BSP has subjected its license to disciplinary action under Code section 7107, in that Respondent BSP abandoned the Autry Avenue Project without legal excuse. S.W. will be obligated to pay one or more contractors $15,750 beyond the original contract price to correct and/or complete the project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud in Execution of Documents – Respondent BSP)

35. Respondent BSP has subjected its license to disciplinary action under section 7161, subdivision (c), in that Respondent BSP committed fraud as to the Autry Avenue Project in executing documents related to the project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Willful or Fraudulent Acts – Respondent BSP)

36. Respondent BSP has subjected its license to disciplinary action under Code section 7116, in that Respondent BSP committed willful and/or fraudulent acts in connection with the Autry Avenue Project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Complete Project for Price Stated in Contract – Respondent BSP)

37. Respondent BSP has subjected its license to disciplinary action under Code section 7113, in that Respondent BSP failed in a material respect to complete the Autry Avenue Project for the price stated in the contract. S.W. will be obligated to pay one or more contractors $15,750 beyond the original contract price to correct and/or complete the project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Requested or Received More Money Than Work Performed or Materials Delivered – Respondent BSP)

38. Respondent BSP has subjected its license to disciplinary action under section 7159.5, subdivision (a)(5), in that Respondent BSP requested or received more money than work performed on the Autry Avenue Project or materials delivered for the project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards – Respondent BSP)

39. Respondent BSP has subjected its license to disciplinary action under Code section 7109, subdivision (a), in that Respondent BSP willfully departed from accepted trade standards for good and workmanlike construction as to the Autry Avenue Project. S.W. will be obligated to pay one or more contractors $15,750 beyond the original contract price to correct and/or complete the project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

SEVENTH CAUSE OF DISCIPLINE

(Violation of Home Improvement Contract Form - Respondent BSP)

40. Respondent BSP has subjected its license to disciplinary action pursuant to Code section 7159, subdivision (d)(2), in that Respondent BSP failed to include the name and registration number of the home improvement salesperson that solicited or negotiated the contract on the Autry Avenue Project. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 23 through 33 above, as though set forth fully herein.

CAUSE FOR OTHER ACTION

(Restrictions on Qualifier – Respondent Elkana Arik Aharoni)

41. Pursuant to section 7121.5 of the Code, if license number 988425, issued to Respondent BSP is revoked or suspended, Respondent Aharoni shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of a licensee during

the time the discipline is imposed, whether or not he had knowledge of or participated in the acts or omissions constituting grounds for discipline as alleged in the causes for discipline, above, and any licensee which employs, elects, or associates Respondent Aharoni other than as a bona fide nonsupervising employee shall be subject to disciplinary action.

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 988425 issued to Respondent Best Solar Power, Inc., pursuant to Code section 7090;

2. Ordering restitution of all damages according to proof suffered by S.W. as a condition of probation in the event probation is ordered for Respondent Best Solar Power, Inc., pursuant to Government Code section 11519, subdivision (d);

3. If revocation of License Number 988425, issued to Respondent Best Solar Power, Inc., is ordered, an order for restitution of all damages suffered by S.W. as a result of Respondent Best Solar Power, Inc.'s conduct as a contractor, as a condition precedent to any future restoration of License Number 988425 or before any new license is issued;

4. Ordering Respondent Best Solar Power, Inc. 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;

5. Ordering Respondent Best Solar Power, Inc. to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each, pursuant to Code section 7095;

6. Ordering that Respondent Elkana Arik Aharoni is prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of a licensee pursuant to Code section 7121.5; and

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7. Taking such other and further action deemed proper.

DATED: 3/17/2025

Brian Melvin
BRIAN MELVIN
Supervising Special Investigator I
Contractors State License Board
Department of Consumer Affairs
State of California
Complainant

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