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

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| In the Matter of the Accusation Against:<br><br>**COMPLETE SOLAR, INC.**<br>**JOHN FRANCES CAREY, RME C-10, C-46;**<br>**CHRISTOPHER TAVIS BAGLEY, RME B**<br>2500 Executive Pkwy, Suite 450<br>Lehi, UT 84043<br><br>Contractor's License No. 961988, B, C-10, C-46<br><br>Respondents. | Case No. N2023-345<br><br>**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.

2. On October 17, 2017, the Registrar of Contractors (Registrar) reissued Contractor's License Number 961988 in Classifications C-10 (Electrical Contractor) and C-46 Solar Contractor) to Complete Solar, Inc. (Respondent Complete Solar). John Frances Carey (Respondent Carey) associated as Responsible Managing Employee for the C-10 and C-46 Classifications on October 18, 2021, and December 8, 2021, respectively. Classification B

(General Building Contractor) was added to the contractor's license on May 3, 2022, when Christopher Tavis Bagley (Respondent Bagley) associated as the Responsible Managing Employee for the B Classification. The license will expire on October 31, 2025, unless renewed.

3. Thurman John Rodgers is listed as the Chief Executive Officer of Respondent Complete Solar in the records of the California Secretary of State dated June 26, 2024. However, Respondent Complete Solar has not disclosed to the Registrar that Thurman John Rodgers occupies this position.

4. Dan Foley is listed as the Chief Financial Officer of Respondent Complete Solar in the records of the California Secretary of State dated June 26, 2024. However, Respondent Complete Solar has not disclosed to the Registrar that Dan Foley occupies this position.

5. Brian Wuebbels is listed as the Secretary of Respondent Complete Solar in the records of the California Secretary of State dated February 7, 2023, April 3, 2024, and June 26, 2024. However, Respondent Complete Solar has not disclosed to the Registrar that Brian Wuebbels occupies this position.

6. Carol Smith is listed as the Director of Respondent Complete Solar in the records of the California Secretary of State dated February 7, 2023, April 3, 2024, and June 26, 2024. However, Respondent Complete Solar has not disclosed to the Registrar that Carol Smith occupies this position.

**PERSONNEL OF RECORD**

7. "Members of the personnel of record" of an entity that holds a contractor's license is defined in Business and Professions Code section 7025 and "means every person listed in the records of the registrar as then associated with a licensee." Respondent Complete Solar is a corporation organized under the laws of California, and has listed the following individuals as associated personnel, which are of record with the Board and not named as respondents herein: William James Anderson became the Chief Executive Officer and President on October 17, 2017. Carl Widney Jasper became an Officer on October 19, 2021.

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## JURISDICTION

8. 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.

9. Code section 118, subdivision (b), 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.

10. Code section 7076.5, subdivision (h), 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.

11. Code section 7090 provides 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.

12. Code section 7106.5 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.

13. Code section 7121.5 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

14. Code section 7083 states:

(a) Notwithstanding any other law, licensees shall notify the registrar, on a form prescribed by the registrar, in writing within 90 days of any change to information recorded under this chapter. This notification requirement shall include, but not be limited to, changes in business address, personnel, business name, qualifying individual bond exemption pursuant to Section 7071.9, or exemption to qualify multiple licenses pursuant to Section 7068.1.

(b) Failure of the licensee to notify the registrar of any change to information within 90 days shall cause the change to be effective the date the written notification is received at the board's headquarters office.

(c) Failure to notify the registrar of the changes within the 90 days is grounds for disciplinary action.

15. Code section 7111.1 states:

The failure of, or refusal by, a licensee to respond to a written request of the registrar to cooperate in the investigation of a complaint against that licensee constitutes a cause for disciplinary action.

16. Code section 7117 states:

Acting in the capacity of contractor under any license issued hereunder except . . . (b) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this chapter, constitutes a cause for disciplinary action.

17. Code section 7119 states:

Willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence causing material injury to another constitutes a cause for disciplinary action.

18. Code section 7159 states:

(a)(1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

. . .

(5) Failure by the licensee, his or her agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, "home improvement contract" means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant

resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars ($500). "Home improvement contract" also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not he or she is a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or his or her agent or salesperson shall comply with all of the following:

. . .

(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:

. . .

(10) The contract shall address the commencement of work to be performed in substantially the following form:

(A) A statement that describes what constitutes substantial commencement of work under the contract.

(B) The heading: "Approximate Start Date."

(C) The approximate date on which work will be commenced.

. . . .

19. Code section 7159.5 states:

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 his or her agent or salesperson, to comply with the following provisions is cause for discipline:

. . .

(5) Except for a downpayment, the contractor may neither request nor accept payment that exceeds the value of the work performed or material delivered.

. . . .

## COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

20. Code section 125.3 states:

(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.

. . . .

21. Government Code section 11519 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.

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22. Code section 143.5, subdivision (b), 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.

23. Code section 7095 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.

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24. Code section 7097 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.

25. Code section 7098 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.

26. Code section 7102 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.

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## FACTUAL ALLEGATIONS

### Menifee Project

27. On September 19, 2022, J.M. (the homeowner) entered a home improvement contract with Respondent Complete Solar for installation of a 30-panel, 10.95 Kw solar system on the roof of J.M.'s residence, located on Tremont Drive in Menifee (Menifee project), for the price of $36,557.50. The contract was deficient because it did not include the beginning and ending dates for the project as required by law. Two change orders were added but they did not change the amount of the contract: Change Order #1 dated February 16, 2023, to switch from generation meter adapter to a main breaker derate; and Change Order #2 dated February 23, 2023, for the removal of line side tap and addition of a main breaker derate.

28. The solar panels were installed in December of 2022; however, Respondent Complete Solar did not submit the correct application to the utility company to obtain a Permission To Operate (PTO).

29. The utility company received three different applications from Respondent Complete Solar for the PTO, and the utility company required that Respondent Complete Solar cancel two of the applications before the utility company could review the correct one. It took approximately 16 months and several efforts by the homeowner to have Respondent Complete Solar cancel the incorrect applications with the utility company. The utility company approved the PTO on April 29, 2024, approximately 18 months after the contract was entered.

30. Respondent Complete Solar willfully failed or refused without legal excuse to prosecute the Menifee project with reasonable diligence because of its delay in obtaining a PTO from the utility company. This caused material injury to J.M., who did not have a functioning solar system.

31. Respondent Complete Solar requested and accepted full payment before completing the Menifee project, before providing a Generation Meter Adapter to connect the solar system to the utility grid, and before obtaining a final inspection and PTO.

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**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Prosecute Project Diligently – Respondent Complete Solar)**

32. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7119, because it willfully failed or refused without legal excuse to prosecute the Menifee project with reasonable diligence, as set forth above.

**SECOND CAUSE FOR DISCIPLINE**

**(Violation of the Home Improvement Contract Provisions – Respondent Complete Solar)**

33. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7159, subdivision (d)(10), because its home improvement contract for the Menifee project did not include beginning and ending dates of the project.

**THIRD CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Home Improvement Contract Requirements – Respondent Complete Solar)**

34. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7159.5, subdivision (a)(5), because Respondent Complete Solar requested and received payment in full before completion of the Menifee project.

**Santa Rosa Project**

35. On October 18, 2022, D.W.M. (the homeowner) entered into a home improvement contract with Respondent Complete Solar for the installation of roof solar panels and a new electrical panel at D.W.M.'s residence on Hall Road in Santa Rosa (Santa Rosa project), for the price of $52,720.

36. Respondent Complete Solar began work on the Santa Rosa project on January 9, 2023, and last worked on it in August of 2023. Due to disagreements about performance of the contract, D.W.M. completed the project himself by fixing the breaker, cleaning up debris, and working with the City of Santa Rosa Building Department to complete final inspection.

37. On November 9, 2023, a Board investigator called Respondent Complete Solar's Responsible Managing Employees (RME), who were Respondent Carey and Respondent Bagley. The investigator got no answer at either of their numbers and was unable to leave a voicemail

with either RME. On that same date, the investigator sent a letter to Respondent Complete Solar and Respondent Bagley which detailed the investigator's attempt to make contact, requested a call to discuss a complaint, and gave notice that failure to cooperate in an investigation constitutes cause for disciplinary action. The investigator got no response to the letter. On December 12, 2023, the investigator called Respondent Carey and Respondent Bagley again, got no answer at either number, and was only able to leave a voice mail message for Respondent Bagley. On February 13, 2024, the investigator attempted to call the C.E.O. and President of Respondent Complete Solar, William Anderson, but the telephone number was disconnected. On February 26, 2024, the investigator made a fourth and final attempt to contact Respondent Complete Solar, to no avail. On February 29, 2024, the investigator called Respondent Bagley, got no answer, and left a voicemail. The investigator never received a response from any respondent. Respondent Complete Solar thus failed to cooperate in the Board's investigation.

**FOURTH CAUSE FOR DISCIPLINE**

**(Failure to Cooperate in the Board's Investigation – Respondent Complete Solar)**

38. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7111.1, because it failed to cooperate in the Board's investigation of the Santa Rosa project.

**Allegations Regarding Undisclosed Personnel**

39. On February 7, 2023, Respondent Complete Solar changed its list of officers in its Statement of Information with the California Secretary of State. It was required to notify the Registrar in writing, within 90 days, of these personnel changes, but it never did so. Again, on April 3, 2024, and June 26, 2024, Respondent Complete Solar filed Statement of Information forms with the California Secretary of State that listed officers it has not disclosed to the Registrar. Therefore, Respondent Complete Solar has been operating with undisclosed personnel not listed under Contractor's License Number 961988.

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**FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Notify Registrar of Changes in Personnel – Respondent Complete Solar)**

40. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7083, because it failed to notify the Registrar within 90 days after it made changes in its personnel of record, as detailed above in paragraphs 2 through 7 and 39.

**SIXTH CAUSE FOR DISCIPLINE**

**(Operating as Contractor with Undisclosed Personnel – Respondent Complete Solar)**

41. Respondent Complete Solar has subjected its contractor's license to disciplinary action under Code section 7117, subdivision (b), because since at least February 7, 2023, Respondent Complete Solar has been operating with officers that it has not disclosed to the Registrar, as detailed above in paragraphs 2 through 7 and 39.

**DISCIPLINE CONSIDERATIONS**

42. To determine the degree of discipline, if any, to be imposed on Respondent Complete Solar, Complainant alleges the following:

a. On June 9, 2017, Citation No. 2 2016 2875 was issued to Respondent Complete Solar for violation of Code section 7154, subdivision (d) (employment of unregistered home improvement salesperson). The civil penalty was paid, and the citation is final.

b. On June 7, 2018, Citation No. 2 2017 3113 was issued to Respondent Complete Solar for violation of Code sections 7109, subdivision (a) (departure from trade standards); 7109, subdivision (b) (departure from plans and specifications); 7113 (failure to complete contract for contract price); and 7154, subdivision (d) (employment of unregistered home improvement salesperson). The civil penalties were paid, and the citation is final.

c. On June 14, 2018, Citation No. 2 2017 3141 was issued to Respondent Complete Solar for violation of Code sections 7109, subdivision (a) (departure from trade standards); 7154, subdivision (d) (employment of unregistered home improvement salesperson); and 7159 (contract violations). The civil penalties were paid, and the citation is final.

d. On January 31, 2020, Accusation No. N2018-220 was filed against Respondent Complete Solar for violation of Code sections 7109, subdivision (a), departure from trade

standards; 7109, subdivision (b), departure from plans and specifications; 7113, failure to complete contract for contract price; 7154, subdivision (d), employment of unregistered home improvement salesperson; 7159, contract violations; 7161, subdivision (b), making substantial misrepresentation in the procurement of contract; 7162, failure to install the specific goods or materials as represented; and 7163, making obtaining of loan by the buyer a condition precedent to contract. Respondent Complete Solar was placed on probation for four years, effective September 3, 2020, with terms and conditions. That probation is now complete.

**Causes for Other Action**

**FIRST CAUSE FOR OTHER ACTION**

**(Restrictions on Qualifier – Respondent John Frances Carey)**

43. Pursuant to Code section 7121.5, if Respondent Complete Solar's license is revoked or suspended, Respondent Carey 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, and any licensee which employs, elects, or associates Respondent Carey other than as a bona fide nonsupervising employee shall be subject to disciplinary action.

**SECOND CAUSE FOR OTHER ACTION**

**(Restrictions on Qualifier – Respondent Christopher Tavis Bagley)**

44. Pursuant to Code section 7121.5, if Respondent Complete Solar's license is revoked or suspended, Respondent Bagley 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, and any licensee which employs, elects, or associates Respondent Bagley 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:

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1. Ordering the revocation or suspension of Contractor's License Number 961988 issued to Complete Solar, Inc., pursuant to Code section 7090;

2. Ordering Respondent Complete Solar, 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;

3. Ordering Respondent Complete Solar, 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;

4. Ordering that Respondent John Frances Carey is prohibited from serving as an officer, director, associate, partner, manager or qualifying individual of a licensee, pursuant to Code section 7121.5;

5. Ordering that Respondent Christopher Tavis Bagley is prohibited from serving as an officer, director, associate, partner, manager or qualifying individual of a licensee, pursuant to Code section 7121.5; and,

6. Taking such other and further action deemed proper.

DATED: 3/24/2025

Brian Melvin

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

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