ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General
LANGSTON M. EDWARDS
Deputy Attorney General
State Bar No. 237926
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6371
Facsimile: (916) 731-2126
E-mail: Langston.Edwards@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **AMERICAN HOME IMPROVEMENT, INC., MOSHE BEN NISSAN, RMO/CEO/PRES** **20335 Ventura Blvd. #422** **Woodland Hills, CA 91364** **Contractor's License No. 835537 B** Respondent.	Case No. N2024-274 OAH No. **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 or about April 6, 2004, the Registrar of Contractors (Registrar) issued Contractor's License Number 835537 to American Home Improvement, Inc., Moshe Ben Nissan, RMO/CEO/PRES (Respondent). The Contractor's License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Registrar 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 7121.5 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.

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

STATUTORY PROVISIONS

10. Section 7068.1 of the Code states, in pertinent part:

(a) The person qualifying on behalf of an individual or firm … shall be responsible for exercising supervision and control of their employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board.

…

(c)(3) "Supervision and control" means direct supervision or control or monitoring and being available to assist others to whom direct supervision and control has been delegated. The person qualifying on behalf of an individual or firm … shall be responsible for exercising supervision and control of their employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board.

(c)(4) "Direct supervision or control means any of the following:

(A) Supervising construction operations

(B) Managing construction activities by making technical and administrative decisions.

(C) Checking jobs for proper workmanship

(D) Supervision on construction sites.

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

…

(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.

…

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

…

(B) The approximate date of completion.

…

(e) Except as provided in paragraph (8) of subdivision (a) of Section 7159.5, all of the following notices shall be provided to the owner as part of the contract form as specified or, if otherwise authorized under this subdivision, may be provided as an attachment to the contract:

…

(4) A notice with the heading "Mechanics Lien Warning" written as follows:

"MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a 'Preliminary Notice.' This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if he or she is not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB's Internet Web site at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe."

(5) The following notice shall be provided in at least 12-point typeface:

"Information about the Contractors' State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor's employees.

For more information:

Visit CSLB's Internet Web site at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826."

12. Section 7109 of the Code states:

(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.

…

13. Section 7154 of the Code states, in pertinent part:

…

(d) A home improvement contractor who employs a person to sell home improvement contracts while that person is not registered by the registrar as a home improvement salesperson as provided in this article, is subject to disciplinary action by the registrar.

COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

14. 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.

. . .

15. 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.

16. 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.

17. 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.

///

18. 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.

19. 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.

20. 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.

VALLE VISTA AVENUE PROJECT

21. On or about May 13, 2022, Respondent by and through unregistered home improvement salesperson, Raffy Levy (aka Rafi Levy), entered into a contract with N.J. to convert a detached garage on Valle Vista Avenue into an accessory dwelling unit (ADU) for $142,650.00.[1]

22. The scope of work included but was not limited to preparing blueprints, performing demolition, laying foundation, building framing, installing drywall, painting, installing a bathroom and bedroom, plumbing, installing electrical, doors, windows, and air conditioning.

23. The written contract failed to include several required items, including the following:

a. The name and registration number of the home improvement salesperson that solicited or negotiated the contract.

b. The approximate date of completion.

c. A notice with the heading "Mechanics Lien Warning" and relevant required language.

d. Information and notice in 12-point typeface with "Information about the Contractors State License Board" and relevant required language.

24. During the course and scope of constructing the ADU, change orders were proposed which included but were not limited to upgrading water and gas lines, installing a new electrical sub-panel, and building a kitchen with food preparation surfaces, all adding to the total cost.

25. The work commenced on or about November 7, 2022, and ended on or about March 23, 2023.

26. A Board inspection and investigation of the project revealed several deficiencies constituting poor workmanship as follows:

a. Respondent failed to properly slope the sewage line at a minimum of 1/8" per foot from the ADU to the main sewage line to permit waste to move down the drain line into the street.

b. Respondent failed to insulate the water supply lines running through the ADU attic space which caused standing cold water to heat up in the summer and increased the time to receive cold water to the unit.

[1] Initials are used here and throughout to protect consumer confidentiality.

c. Respondent failed to properly install drywall for the bathroom which demonstrated an approximately 5/16" bow within a 32" distance across the wall's surface. The clean-out and plumbing lines within the wall protrude outward thus causing the bowing.

d. Respondent failed to install, seal, and caulk the front door properly, which resulted in an opening on the north side of the front door, through which insects were able to enter.

e. Respondent failed to properly install floor tiling which deflected downward under the weight of footsteps and deflected up without footsteps. The condition resulted from the improper and uneven deviations in the subfloor's concrete slab substrate.

f. Respondent failed to properly install the gas line in the front of the ADU, which poses a danger in the event of an earthquake. Specifically, the galvanized gas line was encased in concrete, which penetrated through the hardscape on the front elevation of the ADU.

27. N.J. attempted to have the workmanship issues corrected, but Respondent repeatedly failed to address them and/or provide reasonable solutions.

28. Respondent failed to return to the property after N.J. requested that the workmanship concerns be addressed in writing.

29. Prior to leaving the project, Respondent left a piece of equipment in the ADU sewage line which caused the shower and toilet to overflow with sewage and waste.

30. Throughout the duration of the project, Respondent hired a revoked former licensee, Ofir Maimon aka David Myers, to serve in a decision-making capacity, manager, and primary point of contact on behalf of Respondent, in violation of the rules and regulations governing licensees.[2]

31. N.J. never met or spoke with Respondent's RMO, Moshe Ben Nissan.

///

///

///

///

[2] On November 15, 2017, Contractor's License No. 986591, Class B, issued to Hi-Tech Remodeling Group Inc., Ofir Maimon (aka David Myers), CEO/President was revoked.

FIRST CAUSE FOR DISCIPLINE

(Departure from Trade Standards)

32. Respondent American Home Improvement, Inc. has subjected its contractor's license to disciplinary action under Code section 7109, in that it committed acts and omissions constituting poor workmanship and a departure from trade standards. Complainant incorporates paragraphs 21 – 31 by reference as if set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Unregistered Salesperson)

33. Respondent American Home Improvement, Inc. has subjected its contractor's license to disciplinary action under Code section 7154, subdivision (d)(2), in that it employed Raffy Levy (aka Rafi Levy) as an unregistered home improvement salesperson. Complainant incorporates paragraphs 21 – 31 by reference as if set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with Home Improvement Contract Requirements)

34. Respondent American Home Improvement, Inc. has subjected its contractor's license to disciplinary action under Code sections 7159, subdivisions (d)(2), (d)(11)(B), (e)(4) and (e)(5), in that it violated provisions of the rules governing requirements of home improvement contracts. Complainant incorporates paragraphs 21 – 31 by reference as if set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Exercise Responsibility of a Qualifier)

35. Respondent American Home Improvement, Inc. has subjected its contractor's license to disciplinary action under Code section 7068.1, in that it failed to exercise direct supervision and control of construction operations. Specifically, Moshe Ben Nissan failed to act as the Responsible Managing Officer for the Valley Vista Avenue ADU project. Complainant incorporates paragraphs 21 – 31 by reference as if set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Participation in Disqualified Acts)

36. Respondent American Home Improvement, Inc. has subjected its contractor's license to disciplinary action under Code section 7121, in that it participated in disqualifying acts. Specifically, Respondent American Home Improvement, Inc. employed Ofir Maimon (aka David Myers) as its Production Manager and in a supervisory, decision-making capacity. Complainant incorporates paragraphs 21 – 31 by reference as if set forth fully herein.

DISCIPLINE CONSIDERATIONS

37. To determine the degree of discipline, if any, to be imposed on Respondent American Home Improvement, Inc., Complainant alleges that on or about October 25, 2011, in a prior disciplinary action titled *In the Matter of the Accusation Against American Home Improvement Inc. before the Contractors' State License Board*, in Case Number S2008-270, Respondent's license was revoked. Revocation was stayed and Respondent's license was placed on probation for three (3) years with terms and conditions. The underling allegations involved four (4) separate projects and sixteen (16) causes for discipline which included but were not limited to departure from trade standards (Bus. & Prof. Code section 7109), employment of an unregistered home improvement salesperson (Bus. & Prof. Code section 7154) and failure to comply with home improvement contracts (Bus. & Prof. Code section 7159.5). Respondent was ordered to pay restitution to several individuals and cost recovery to the Board in the amount of $28,000. That decision is now final.

CAUSES FOR OTHER ACTION

FIRST CAUSE FOR OTHER ACTION

(Restrictions on Qualifier – Respondent Moshe Ben Nissan)

38. Pursuant to Code section 7121.5, if license number 835537, issued to Respondent American Home Improvement, Inc. is revoked or suspended, Respondent Moshe Ben Nissan 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 Moshe Ben Nissan 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 835537 issued to Respondent American Home Improvement, Inc., pursuant to Code section 7090;

2. Ordering restitution of all damages according to proof suffered by N.J. as a condition of probation in the event probation is ordered for Respondent American Home Improvement, Inc. and/or Respondent Moshe Ben Nissan, pursuant to Government Code section 11519, subdivision (d);

3. If revocation of Contractor's License Number 835537, issued to American Home Improvement, Inc., is ordered, an order for restitution of all damages suffered by N.J. as a result of American Home Improvement, Inc.' conduct as a contractor, as a condition precedent to any future restoration of Contractor's License Number 835537, or before any new license is issued;

4. Ordering Respondent American Home Improvement, Inc. and Respondent Moshe Ben Nissan 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 American Home Improvement, Inc. and Respondent Moshe Ben Nissan 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 Moshe Ben Nissan is prohibited from serving as an officer, director, associate, partner, manager or qualifying individual of a licensee, pursuant to Code section 7121.5;

7. Taking such other and further action deemed proper.

DATED: 8/11/2025

Brian Melvin

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

LA2025600983
67792100