

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

In the Matter of the Accusation Against:

JOSEPH BROTHERS ENTERPRISE INC.;
KENT JOSEPH, RMO/CEO/President
1695 Abram Court, Suite 101
San Leandro, CA 94577

Contractor's License Number 849169,
Classification B

and

JOSEPH BROTHER'S CONSTRUCTION
KENT JOSEPH, Sole Owner
2320 109th Avenue
Oakland, CA 94603

Contractor's License Number 719350,
Classification B

Respondent

CASE NO. N2013-388

DEFAULT DECISION
AND ORDER

[Gov. Code, § 11520]

Respondent, **JOSEPH BROTHERS ENTERPRISE INC.**, having been served with Accusation, Case No. N2013-388, Statement to Respondent and a Notice of Defense form as provided by sections 11503 and 11505 of the Government Code; having failed to file a Notice of Defense, the Agency has determined that the Respondent is in default. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable cost for Investigation and Enforcement in this matter is \$2,963.28 as of January 9, 2015.

This agency will take action on the Accusation and documents on file herein without a hearing as provided by sections 11505(a) and 11520 of the Government Code and makes the following findings of fact:

FINDINGS OF FACT

1. On or about October 31, 2014, Accusation, Case No. N2013-388, was filed against **JOSEPH BROTHERS ENTERPRISE INC.**, before the Contractors State License Board (Board). A true and correct copy of the Accusation, Case No. N2013-388, is attached as Exhibit "1" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein.

2. On or about November 1, 2004, the Board issued Contractor's License No. **849169** to **JOSEPH BROTHERS ENTERPRISE INC.** Said License was in full force and effect at all times relevant to the charges and allegations contained in the Accusations, Case No. N2013-388. Contractor's License No. **849169** expired on November 30, 2012. This lapse in licensure however, pursuant to Business and Professions Code section 118(b), does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3. On or about November 3, 2014, Respondent was served by certified and first class mail with a true and correct copy of Accusation, Case No. N2013-388, together with copies of all statutorily required documents, at his address of record on file with the Board, which was: 1695 Abram Court, Suite 101, San Leandro, CA 94577. A true and correct copy of the Statement to Respondent and Declaration of Service are attached as Exhibit "3" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein. Service of Accusation, Case No. N2013-388, was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

4. Government Code section 11506 states, in pertinent part:

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

5. Respondent failed to file a Notice of Defense within 15 days after service upon him of a true and correct copy of Accusation, Case No. N2013-388, and has therefore waived his right to a hearing on the merits of the charges and allegations contained therein.

6. Government Code section 11520, subdivision (a), states, in pertinent part:

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

DETERMINATION OF ISSUES

7. Pursuant to its authority under California Government Code section 11520, and based on the relevant evidence before it as contained in the Default Decision Evidence Packet, the Board hereby finds by clear and convincing evidence, that the charges and allegations contained in Accusation, Case No. N2013-388, Business and Professions Code sections 7110.5, 7110, 7111.1, 7116 and the Findings of Fact contained in paragraphs 1 - 6 above, and each of them, separately and severally, are true and correct.

ORDER

IT IS SO ORDERED THAT:

Contractor's License Number **849169** issued to **JOSEPH BROTHERS ENTERPRISE INC.**, 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 **JOSEPH BROTHERS ENTERPRISE INC.**, Contractor's License No. **849169**, shall not apply for reissuance or reinstatement of said license for five year(s) from the effective date of this Decision.

Contractor's License No. **719350** issued to **JOSEPH BROTHER'S CONSTRUCTION** 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, Respondent **JOSEPH BROTHER'S CONSTRUCTION**, Contractor's License No. **719350**, shall not apply for reissuance or reinstatement of said license for five year(s) from the effective date of this Decision.

IT IS FURTHER ORDERED that Respondent shall pay the investigative costs in the amount of \$2,963.28, prior to issuance of a new or reinstated license pursuant to Business and Professions Code section 125.3.

IT IS THE responsibility of the Respondent(s) named in this Decision, to read and follow the terms and conditions of the Order. Proof of payments of restitution, and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

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 March 9, 2015.

IT IS SO ORDERED February 5, 2015.



Cindi A. Christenson
Registrar of Contractors