

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.;
KEN JOSEPH, RMO/CEO/President
2320 109th Avenue
Oakland, California 94603

Contractor's License Number 849169,
Classification B,

and

JOSEPH BROTHER'S CONSTRUCTION
KEN JOSEPH, Sole Owner
2320 109th Avenue
Oakland, California 94603

Contractor's License Number 719350,
Classification B,

Respondent.

CASE No. N2013-388

OAH No. 2016031120

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Registrar of Contractors as her Decision in the above-entitled matter, except that it is modified as follows:

Item h – Ken Joseph shall take and pass a course in the contractor's license law or a course related to construction law at an accredited community college is **DELETED**.

Number 2 is modified to read: "In accordance with Business and Professions Code sections 7121 and 7121.5, Ken Joseph is prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee other than 719350 or 849169 during the time that discipline is imposed upon contractor's license numbers 719350 and 849169.

The failure to comply with any of the terms and conditions as set forth in the provisions of probation will be deemed a violation of probation.

IT IS FURTHER ORDERED that **JOSEPH BROTHERS ENTERPRISE INC.**, License Number **849169**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of \$15,000.00, for a period of not less than three years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that **JOSEPH BROTHER'S CONSTRUCTION**, License Number **719350**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of \$15,000.00, for a period of not less than three years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that respondent shall pay the investigative costs in the amount of \$ 11,894.75. Monthly payments are to be made in the amount of \$ 410.16, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of this decision.

IT IS THE responsibility of the respondents, named in this Decision, to read and follow the terms and conditions of probation found in the Proposed Decision. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of the Decision. No notices or reminders will be sent, as to the compliance of the terms and conditions. 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.

This Decision shall become effective on May 12, 2017.

IT IS SO ORDERED April 10, 2017.



Cindi A. Christenson
Registrar of Contractors

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

In the Matter of the Amended Accusation Against:

JOSEPH BROTHERS ENTERPRISE INC.;
KEN JOSEPH, RMO/CEO/President,

Contractor's License No. 849169, Classification B

and

JOSEPH BROTHER'S CONSTRUCTION,
KEN JOSEPH, Sole Owner,

Contractors' License No. 719350, Classification B

Respondents.

Case No. N2013-388

OAH No. 2016031120

PROPOSED DECISION

Administrative Law Judge Regina Brown, State of California, Office of Administrative Hearings (OAH), heard this matter on January 30, 2017, in Oakland, California.

Deputy Attorney General Gregory Tuss represented complainant Wood Robinson, Enforcement Supervisor I, Contractors' State License Board, Department of Consumer Affairs.

Patrick J. Whitehorn, Attorney at Law with Last & Faoro Attorneys at Law, represented respondents Joseph Brothers Enterprise, Inc., and Joseph Brother's Construction, Ken Joseph, who was present throughout the hearing.

The record was left open for submission of a certified license history and the filing of closing briefs. On February 13, 2017, complainant filed a closing brief with respondent Ken Joseph's certified license history attached (marked for identification as Exhibit 5). Exhibit 5 was entered into evidence, but complainant's closing brief is considered as argument only.

Respondents filed a closing brief on February 27, 2017 (marked for identification only as Exhibit C). Complainant's reply brief was filed on March 2, 2017 (marked for identification as only Exhibit 6). The record closed on March 2, 2017.

The matter was submitted on March 2, 2017.

FACTUAL FINDINGS

1. On November 1, 2004, the Registrar of Contractors (registrar) issued contractor's license number 849169, classification B (general building contractor), to respondent Joseph Brothers Enterprise Inc.; Ken Joseph, Responsible Managing Officer (RMO)/Chief Executive Officer (CEO)/President (respondent Joseph Brothers Enterprise). This license expired on November 30, 2012, and has not been renewed.

On February 27, 1996, the registrar issued contractor's license number 719350, classification B, to respondent Joseph Brother's Construction, Ken Joseph, as sole owner (respondent Joseph). This license expired on November 30, 2012, and has not been renewed.¹

2. Complainant Wood Robinson brought the Amended Accusation in his official capacity as Enforcement Supervisor I, Contractors' State License Board, Department of Consumer Affairs (board). The Amended Accusation arises out of three separate public works projects. The accusation alleges that respondents deliberately violated California labor laws when they failed to pay prevailing wage to employees; failed to pay training fund contributions for apprenticeship employees; and failed to submit certified payroll records to the California Department of Industrial Relations, Division of Labor Standards Enforcement (Division), within the required timeframe in violation of provisions of the Contractors' State License Law. In addition, the Amended Accusation alleges that respondent failed to respond to the board and failed to cooperate with the board's investigation. In addition to seeking discipline against respondents' licenses, complainant seeks an order for satisfaction of judgments issued against respondents in three superior court civil actions.

3. At hearing, respondent Joseph stipulated to all of the facts and causes for discipline alleged in the Amended Accusation.

Walnut Creek project

4. Respondents were engaged on a public works project in Walnut Creek, California.

¹ Respondent Joseph Brothers Enterprise and respondent Joseph will be collectively referred to hereinafter as "respondents."

5. On March 21, 2012, the Division issued Amended Civil Wage and Penalty Assessment No. 40-29867/259 against respondents for failing to pay the prevailing wage to employees in violation of Labor Code section 1774;² failing to pay the training fund contributions for apprenticeship employees to the apprenticeship council in violation of Labor Code section 1777.5;³ and failing to submit certified payroll records to the Division within the required timeframe in violation of Labor Code section 1776.⁴ The Division determined that the total amount of wages due was \$248,539.47, and the total amount of penalties was \$30,175. Respondents' prime contractors paid a portion of the assessed wages.

6. On May 13, 2013, in the Superior Court of California, County of Contra Costa, Case Number N13-0641, a civil judgment in the amount of \$302,253.94, was entered against respondents for the remainder of the assessed wages and penalties and for liquidated damages.

Berkeley Project

7. Respondents were engaged on a public works project in Berkeley, California, for a total contract amount of approximately \$163,209.

8. The prime contractor, Midstate Construction Corporation (Midstate), became concerned that respondents were not acting in the capacity of a responsible contractor and not accurately reporting payroll. Midstate issued joint checks to respondent and the material suppliers. Midstate also estimated the amount that the employees were due and paid them directly, after respondent failed to complete the project for the contract price.

9. On June 7, 2012, the Division issued Civil Wage and Penalty Assessment No. 40-30746/259 against respondents for failing to pay the prevailing wage to employees in violation of Labor Code section 1774, and failing to pay the training fund contributions for its apprenticeship employees to the apprenticeship council in violation of Labor Code section

² "The contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract." (Lab. Code, § 1774.)

³ "A contractor to whom a contract is awarded, who, in performing any of the work under the contract, employs journeyman or apprentices in any apprenticeable craft or trade shall contribute to the California Apprenticeship Council the same amount that the director determines is the prevailing amount of apprenticeship training contributions in the area of the public works site." (Lab. Code, § 1777.5, subd. (m)(1).)

⁴ A contractor or subcontractor must keep accurate payroll records for wages paid to each journeyman, apprentice, worker or other employee employed in connection with the public work. A certified copy of all payroll records must be furnished upon request to a representative of the Division within 10 days after receipt of a written request. (Lab. Code, § 1776.)

1777.5. The Division determined that respondents and Midstate were jointly and severally liable for the total amount of wages due in the amount of \$86,116.84, and the total amount of penalties of \$15,650. Midstate entered into a settlement to pay the wage and penalty assessment and paid \$31,467, to the Division on October 31, 2012. Midstate sustained a total financial injury of approximately \$38,391.72, over the contract amount on the project.

10. On December 17, 2012, in the Superior Court of California, County of Alameda, Case Number RG12660661, a civil judgment in the amount of \$156,415.93, was entered against respondents for the remainder of the assessed wages and penalties and for liquidated damages.

Larkspur Project

11. Respondents were engaged on a public works project in Larkspur, California.

12. On September 20, 2012, the Division issued Civil Wage and Penalty Assessment No. 40-30747/259 against respondents for failing to pay the prevailing wage to employees in violation of Labor Code section 1774, and failing to pay the training fund contributions for apprenticeship employees to the apprenticeship counsel in violation of Labor Code section 1777.5. The Division determined that the total amount of wages due was \$77,706.39, and the total amount of penalties was \$9,400. Respondents' prime contractor paid a portion of the assessed wages.

13. On April 30, 2013, in the Superior Court of California, County of Marin, Case Number CV 1301886, a civil judgment in the amount of \$110,538.69, was entered against respondents for the remainder of the assessed wages and penalties and for liquidated damages.

Failure to respond to the board

14. On July 2, 2013, the board sent a certified letter to respondents at the address of record requesting cooperation with the board's investigation of the assessments and judgments against respondents for the public works projects. The board received a signed delivery confirmation for the certified letter sent to respondents' address of record. Respondent Joseph did not contact the board.

15. The board issued an Accusation on October 31, 2014. On March 2, 2015, the board issued an Order Setting Aside Default Decision for good cause. The matter was assigned for hearing before OAH.

16. Respondent Joseph states that he did not receive notice of the board's investigation. Therefore, he should not be disciplined for failure to cooperate with an investigation that he was not aware of and for which he did not receive notice.

17. The evidence was undisputed that the board sent a certified letter and it was received at respondents' address of record on file with the board. As such, respondent Joseph is presumed to have constructive notice of the letter. As owners, respondents are responsible for any failure to respond to correspondence from the board.

Respondent's evidence

18. Respondent Joseph testified credibly at hearing. He stated that he was not paid in full on the Larkspur project. He was only paid for approximately 45 percent of the contract which was valued at approximately \$200,000. He completed approximately 80 percent of the job, over a two-month period hanging sheetrock and taping. He states that initially he paid his employees out of his own business funds. The principal contractor was to pay respondent every 30 days, but failed to make the scheduled payments.

Respondent Joseph also states that he was not paid any money on the Berkeley project where his contract was worth approximately \$163,000. He completed approximately 95 percent of the work over a period of three months hanging sheet rock, taping, and installing metal framing. He explained that when he did not receive payment from Midstate within the first 30 days, he inquired but Midstate provided a valid excuse. He initially made his payroll from his own business funds, but he was not able to pay into the training fund.

19. Overall, respondent Joseph admits that his employees were not paid prevailing wages and payments were not made into the apprenticeship training fund. Respondent Joseph attributes his failure to do so on the prime contractors' failure to make scheduled payments on each of the public works projects. Respondent Joseph's persuasive testimony on these points was not rebutted.

20. Respondent Joseph has been a licensed contractor since 1996. During the period of 2011 through 2012, he worked on approximately 10 construction projects, but not all were public works project that required him to pay prevailing wages. He states that he has not worked as a contractor since 2015, as his license was suspended for having civil judgments and incurring bond payments. His income has been drastically reduced and he drives for Uber and provides home health care assistance.

Effect of bankruptcy proceeding

21. On December 4, 2013, respondent Joseph Brothers Enterprises, Inc., petitioned for bankruptcy under Chapter 7 as a corporation, in the United States Bankruptcy Court, Northern District of California. The final discharge decree was issued on July 25, 2014.

22. According to respondents, the prime contractors' nonpayment on the projects was a significant cause of the bankruptcy filing. Respondents contend that the bankruptcy discharge and the underlying judgments; his nonpayment of the obligations; and operation of the post discharge injunction, cannot be used as a basis for discipline. Furthermore, respondents contend that "[b]ut for the non-payment of these financial obligations, the

payment of wages and the payments to the trust funds, there would be no civil court judgement and no cause for discipline.”

23. Respondents’ bankruptcy discharge does not preclude the board from seeking discipline against their licenses. (*Parker v. Contractors’ State License Bd.* (1986) 187 Cal.App.3d 205.) Under 11 U.S.C. section 362, subdivision (b)(4), an exception exists for the “commencement or continuation of an action or proceeding by a governmental unit . . . to enforce . . . police and regulatory power, including the enforcement of a judgment other than a money judgement. . . . (See *In re Poule* (Bankr. 9th Cir. 1988) 91 B.R. 83 [the board was entitled to proceed with license discipline actions notwithstanding the filing of bankruptcy and stay] and *In re Dunbar* (Bankr. 9th Cir. 1999) 235 B.R. 465, 470-476 [board could proceed with disciplinary action against licensee, but was not entitled to collect money on behalf of homeowners or discipline license based on failure to pay restitution].)

In its closing brief, complainant concedes that it does not seek to collect a debt or enforce restitution against respondents. The alleged causes for discipline are not based on the debts resulting from failure to pay the judgments. Respondent Joseph’s underlying conduct is the basis for discipline including engaging in repeated willful behavior for failing to pay the prevailing wages to employees and making payments into the apprenticeship training fund on three separate public works projects.

Other disciplinary considerations

24. On May 31, 2011, the board issued Citation Number 220102467 against respondents for failing to secure workers’ compensation coverage for employees in violation of Business and Professions Code section 7125.4, subdivision (a). Respondent Joseph paid the \$500 citation.

Costs

25. The board has incurred costs of \$11,894.75, in its investigation and enforcement of this case. Of that amount, \$987.23 was for investigation costs incurred by the board, and \$10,907.50, was incurred for enforcement by the Department of Justice for attorney and paralegal services. These costs are found to be reasonable.

LEGAL CONCLUSIONS

1. The standard of proof applied in this proceeding is clear and convincing evidence to a reasonable certainty. (Bus. & Prof. Code, § 7090.)⁵

⁵ All statutory references are to Business and Professions Code, unless otherwise noted.

2. The purpose of the Contractors' State License Law, section 7000 et seq., is to protect the public from incompetence and dishonesty in those who provide building and construction services, not to punish licensees. The licensing requirements provide minimal assurance that all persons offering such services in California have the requisite skill and character, understand applicable local laws and codes, and know the rudiments of administering a contracting business. (*Smith v. Workers' Comp. Appeals Bd.* (2002) 96 Cal.App.4th 117, 126.)

First cause for discipline (violation of labor laws) - Walnut Creek project

3. Section 7110 provides for cause for disciplinary action for a licensee to willfully or deliberately disregard and violate the labor laws of the state. The term "willful" means an intention to do the act, not a specific intent to do it wrong. (See *Michelson Concrete v. Contractors' State License Board* (1996) 95 Cal.App.3d 631, 634-636 [citing Pen. Code, § 7, subd. 1].)

In their closing brief, respondents contend that there was no evidence of willfulness, deliberateness or fraud and there should be no discipline for the "result of economic forces that were beyond [respondent's] control." However, at hearing, respondents stipulated to the facts and causes for discipline in the Amended Accusation, and therefore admitted that respondent Joseph's conduct was willful. Respondents willfully withheld wages and deliberately disregarded the payments into the apprenticeship training fund which were legally required. By reason of the stipulation, respondents violated Labor Code sections 1774, 1777.5, and 1776, in connection with the Walnut Creek public works project.

4. Cause exists to take disciplinary action against respondents for violation of section 7110, by reason of the matters as set forth in Findings 4, 5, and 6, and Legal Conclusion 3.

Second cause for discipline (willful or fraudulent act causing injury) - Walnut Creek project

5. Section 7116 provides that a licensee doing any willful or fraudulent act as a contractor where another is substantially injured constitutes cause for disciplinary action. Respondents' willful violations of Labor Code sections 1774, 1777.5, and 1776, in connection with the Walnut Creek public works project, caused injury to others, in particular their employees.

6. Cause exists to take disciplinary action against respondents under section 7116, by reason of the matters as set forth in Findings 4, 5, and 6, and Legal Conclusions 3 and 5.

Third cause for discipline (violation of labor laws) - Berkeley project

7. Respondents violated Labor Code sections 1774 and 1777.5, in connection with the Berkeley public works project. Cause exists to take disciplinary action against respondents for violation of section 7110, by reason of the matters as set forth in Findings 7 through 10, and Legal Conclusion 3.

Fourth cause for discipline (willful or fraudulent act causing injury) - Berkeley project

8. Respondents' willful violations of Labor Code sections 1774 and 1777.5, in connection with the Berkeley public works project, caused injury to others, in particular their employees. Cause exists to take disciplinary action against respondents under section 7116, by reason of the matters as set forth in Findings 7 through 10, and Legal Conclusions 3 and 5.

Fifth cause for discipline (failure to complete project for contract price) - Berkeley project

9. Section 7113 provides for cause for disciplinary action for a contractor to "[fail] in a material respect . . . to complete any construction project . . . for the price stated in the contract." Respondents failed to complete the Berkeley project for the contract price. Cause exists to take disciplinary action against respondents under section 7113, by reason of the matters as set forth in Findings 7 through 10.

Sixth cause for discipline (violation of labor laws) - Larkspur project

10. Respondents violated Labor Code sections 1774 and 1777.5, in connection with the Larkspur public works project. Cause exists to take disciplinary action against respondents under section 7110, by reason of the matters as set forth in Findings 11 through 13, and Legal Conclusion 3.

Seventh cause for discipline (willful or fraudulent act causing injury) - Larkspur project

11. Respondents' willful violations of Labor Code sections 1774 and 1777.5, in connection with the Larkspur public works project, caused injury to others, namely their employees. Cause exists to take disciplinary action against respondents under section 7116, by reason of the matters as set forth in Findings 11 through 13, and Legal Conclusions 3 and 5.

Eighth cause for discipline (failure to cooperate in investigation)

12. Section 7111.1 provides for cause for disciplinary action for 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." Respondents failed to respond to letters sent by the board requesting cooperation with the board's investigation into the public works projects in Walnut Creek, Berkeley, and Larkspur. Cause exists to take disciplinary action

against respondents under section 7111.1, by reason of the matters as set forth in Findings 14 through 17.

Disciplinary considerations

13. Cause for license discipline has been established. The remaining issue is the appropriate level of discipline to impose.

The board has developed disciplinary guidelines, set forth in California Code of Regulations, title 16, section 871, to assist in that evaluation, including the nature and severity of the acts; actual or potential harm to the public; performed work that was potentially hazardous to the health, safety, or general welfare of the public; prior disciplinary record; number and/or variety of current violations; mitigation evidence; and rehabilitation evidence. The board's highest priority is protecting the public. The recommended discipline ranges from a minimum of three years' probation to revocation. If injury is substantial, outright revocation is appropriate.

It is undisputed that respondents willfully violated the labor laws. This repeated willful behavior and deliberate disregard of the law on three separate public works projects caused harm to employees and the public. The financial injury to the employees was substantial, and outright revocation of the licenses would be appropriate. However, in mitigation, respondents did not receive total payments on the public works projects, and therefore was unable to pay prevailing wages to the employees and make the contributions to the apprenticeship fund. Also, respondent Joseph, as a sole owner, has been a licensed contractor since 1996. It is determined that the public interest will be adequately protected by a three-year term of probation which would allow respondent Ken Joseph to continue to work as a licensed contractor, subject to conditions (among others) that provide for heightened supervision of respondent's contracting activities, and that require respondent to take educational courses as necessary to remedy the deficiencies exposed by this case.

Other matters

14. Pursuant to sections 7097 and 7098, if the licenses issued to respondents are suspended or revoked, the registrar may suspend or revoke any other license issued in the name of respondent Joseph Brothers Enterprises, Inc., or for which respondent Ken Joseph furnished the qualifying experience.

15. Pursuant to sections 7121 and 7121.5, if discipline is imposed on the licenses issued to respondents, Ken Joseph shall be prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the time the discipline is imposed, and any licensee which employs, elects or associates the person in any capacity other than as a nonsupervising bona fide employee shall be subject to disciplinary action.

16. In the Amended Accusation, complainant requested that respondents be ordered to satisfy the superior court civil judgments issued against respondents as a condition of probation and a condition of restoration of respondent Joseph Brothers Enterprise, Inc.'s license (number 849169) or respondent Ken Joseph's license (number 719350).

In light of the bankruptcy proceeding and applicable law, as set forth in Findings 21 through 23, and complainant's apparent concession, as set forth in Finding 23, respondents will not be ordered to satisfy the superior court civil judgments as a condition of probation or for the restoration of licenses.

17. All contentions made by complainant and respondents not specifically addressed herein were considered and are found to be without merit.

Cost recovery

18. Section 125.3 provides that a licentiate found to have violated the licensing laws may be ordered to pay the board a sum not to exceed the reasonable costs of its investigation and enforcement of the case. As set forth in Finding 25, it was established that complainant has incurred \$11,894.75, in actual costs in connection with the investigation and enforcement of this matter.

19. The case of *Zuckerman v. Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, sets forth certain standards by which a licensing board must exercise its discretion to reduce or eliminate cost awards to ensure that licensees with potentially meritorious claims are not deterred from exercising their right to an administrative hearing. Those standards include whether the licensee has been successful at hearing in getting the charges dismissed or reduced, the licensee's good faith belief in the merits of his position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Applying the *Zuckerman* factors, the evidence does not support reducing the board's reasonable costs of investigation and enforcement in the amount of \$11,894.75.

ORDER

1. Contractor's License Number 849169, Classification B, issued to respondent Joseph Brothers Enterprise Inc., Ken Joseph, RMO/CEO/President, and Contractor's License Number 719350, Classification B, issued to respondent Joseph Brother's Construction, Ken Joseph, Sole Owner, are revoked. However, the revocations are stayed and the licenses are placed on probation for three years on the following terms and conditions:

- a. Respondents shall comply with all federal, state and local laws governing the activities of a licensed contractor in California.

- b. Respondents and any of respondents' personnel of record shall appear in person for interviews with the regional deputy or designee upon request and reasonable notice.
- c. If respondents violate probation in any respect, the registrar, after giving notice and opportunity to be heard, may revoke probation and impose the disciplinary order that was stayed. If the decision contains an order to make restitution, the registrar may impose the disciplinary order without giving respondents an opportunity to be heard should respondents fail to comply with the restitution order.
- d. Respondents shall submit copies of documents directly related to any construction operations to the registrar upon demand during the probation period.
- e. Respondents shall submit copies of building permits to the registrar upon demand for projects undertaken during the probationary period.
- f. Respondents shall provide the registrar with a listing of all contracting projects in progress and the anticipated completion date of each.
- g. If not taken within the past five (5) years, Ken Joseph shall take and pass the CSLB law and business examination.
- h. Ken Joseph shall take and pass a course in the Contractors' License Law or a course related to construction law at an accredited community college. All courses must be approved in advance by the registrar.
- i. Respondents shall pay the board its costs of investigation and enforcement in the amount of \$11,894.75. Subject to the board's approval, respondents may make monthly payments over the period of probation.
- j. Upon successful completion of probation, the contractor's licenses will be fully restored.

2. In accordance with Business and Professions Code sections 7121 and 7121.5, Ken Joseph is prohibited from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period of time that discipline is imposed upon Contractor's License Number 719350/849169.

Other than 719350/849169

3. In accordance with Business and Professions Code sections 7097 and 7098, all other licenses issued for which Ken Joseph furnishes the qualifying experience are revoked.

DATED: January 24, 2016

DocuSigned by:
Regina Brown
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REGINA BROWN
Administrative Law Judge
Office of Administrative Hearings