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8 **BEFORE THE**  
9 **REGISTRAR OF CONTRACTORS**  
10 **CONTRACTORS STATE LICENSE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2019-348

14 **A W CONSTRUCTION, INC.; ANTONY**  
15 **LAP WONG, RMO**  
200 Rishell Dr.  
Oakland, CA 94619

**ACCUSATION**

16 Contractor's License No. 961634, B, C-36, C-  
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18 **ANTONEY LAP WONG,**  
19 **DBA A W CONSTRUCTION**  
65 Diablo Drive  
Oakland, CA 94611

20 Contractor's License Number 736205, B

21 Respondents.  
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24  
25 **PARTIES**

26 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
27 as the Supervising Special Investigator I of the Contractors State License Board (Board),  
28 Department of Consumer Affairs.





1 or otherwise, of an unlicensed person with the intent to evade the provisions of this  
chapter constitutes a cause for disciplinary action.

2 (b) A licensee who is found by the registrar to have violated subdivision (a)  
3 shall, in accordance with the provisions of this article, be subject to the registrar's  
4 authority to order payment of a specified sum to an injured party, including, but not  
5 limited to, payment for any injury resulting from the acts of the unlicensed person.

6 13. Section 7122.5 of the Code states:

7 The performance by an individual, partnership, corporation, limited liability  
8 company, firm, or association of an act or omission constituting a cause for  
9 disciplinary action, likewise constitutes a cause for disciplinary action against a  
10 licensee who at the time that the act or omission occurred was the qualifying  
11 individual of that individual, partnership, corporation, limited liability company, firm,  
12 or association, whether or not he or she had knowledge of or participated in the  
13 prohibited act or omission.

14 **COST RECOVERY, RESTITUTION AND OTHER AUTHORITY**

15 14. Section 125.3 of the Code states, in pertinent part:

16 (a) Except as otherwise provided by law, in any order issued in resolution of a  
17 disciplinary proceeding before any board within the department or before the  
18 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
19 administrative law judge may direct a licentiate found to have committed a violation  
20 or violations of the licensing act to pay a sum not to exceed the reasonable costs of  
21 the investigation and enforcement of the case.

22 (b) In the case of a disciplined licentiate that is a corporation or a partnership,  
23 the order may be made against the licensed corporate entity or licensed partnership.

24 . . .

25 15. Section 11519 of the Government Code states:

26 (a) The decision shall become effective 30 days after it is delivered or mailed to  
27 respondent unless: a reconsideration is ordered within that time, or the agency itself  
28 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.

1 (d) As used in subdivision (b), specified terms of probation may include an  
2 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.

3 (e) The person to which the agency action is directed may not be required to  
4 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.

5 (f) A nonparty may not be required to comply with a decision unless the agency  
6 has made the decision available for public inspection and copying or the nonparty has  
actual knowledge of the decision.

7 (g) This section does not preclude an agency from taking immediate action to  
8 protect the public interest in accordance with Article 13 (commencing with Section  
11460.10) of Chapter 4.5.

9 16. Section 143.5, subdivision (b), of the Code states:

10 Any board, bureau, or program within the Department of Consumer Affairs that  
11 takes disciplinary action against a licensee or licensees based on a complaint or report  
12 that has also been the subject of a civil action and that has been settled for monetary  
13 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.

14 17. Section 7095 of the Code states:

15 The decision may:

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

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

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

21 18. Section 7097 of the Code states:

22 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee  
23 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  
24 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  
25 appearance under the provisions of Section 7068, may be suspended by the registrar  
without further notice.

26 19. Section 7098 of the Code states:

27 Notwithstanding the provisions of Sections 7121 and 7122, when any license  
28 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

1 for which the licensee furnished qualifying experience and appearance under the  
2 provisions of Section 7068, may be revoked by the registrar without further notice.

3 20. Section 7102 of the Code states:

4 After suspension of a license upon any of the grounds set forth in this chapter  
5 [the Contractors' State License Law], the registrar may reinstate the license upon  
6 proof of compliance by the contractor with all provisions of the decision as to  
7 reinstatement or, in the absence of a decision or any provisions of reinstatement, in  
8 the sound discretion of the registrar.

9 After revocation of a license upon any of the grounds set forth in this chapter,  
10 the license shall not be reinstated or reissued and a license shall not be issued to any  
11 member of the personnel of the revoked licensee found to have had knowledge of or  
12 participated in the acts or omissions constituting grounds for revocation, within a  
13 minimum period of one year and a maximum period of five years after the final  
14 decision of revocation and then only on proper showing that all loss caused by the act  
15 or omission for which the license was revoked has been fully satisfied and that all  
16 conditions imposed by the decision of revocation have been complied with.

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

- 21 (a) The gravity of the violation.
- 22 (b) The history of previous violations.
- 23 (c) Criminal convictions.

24 When any loss has been reduced to a monetary obligation or debt, however, the  
25 satisfaction of the monetary obligation or debt as a prerequisite for the issuance,  
26 reissuance, or reinstatement of a license shall not be required to the extent the  
27 monetary obligation or debt was discharged in a bankruptcy proceeding. However,  
28 any nonmonetary condition not discharged in a bankruptcy proceeding shall be  
complied with prior to the issuance, the reissuance, or reinstatement of the license.

### **FACTUAL ALLEGATIONS**

21 21. On or about July 15, 2018, Yao Hong Huang (Huang), acting as an unregistered home  
22 improvement salesperson for Respondent A W Construction, gave a verbal estimate to E.W. to  
23 build a second story to a residence in San Bruno, California (E.W project) for \$180,000.00.

24 22. Huang discussed the project with Respondent Wong, RMO for Respondent A W  
25 Construction. Respondent Wong told Huang the amount offered would not complete the project  
26 and told Huang to offer to do the project for \$320,000.00. Huang did, but E.W. declined. Huang  
27 then offered to do the work himself for \$160,000.00 if E.W. agreed to pay for materials. E.W  
28 agreed and on August 18, 2018, E.W. and Huang entered a contract for \$160,000.00 excluding

1 materials needed for the project. E.W. was not told that Respondent A W Construction was no  
2 longer involved in the project.

3 23. Work began on the E.W. project on or about August 26, 2018. On September 14,  
4 2018, Respondent Wong, on behalf of Respondent A W Construction, applied for a business  
5 registration for out-of-town business in order to add Respondent A W Construction to the owner-  
6 builder permit for the E.W. project and named Huang as the emergency local contact and  
7 foreman. Permit number B1805-0093 listed Respondent A W Construction as the contractor for  
8 the E.W. project.

9 24. Work on the E.W. project continued until the City of San Bruno failed the roof  
10 inspection on or about February 4, 2019. Respondent Wong came to the residence to discuss the  
11 roof with E.W. on or about March 30, 2019. On April 4, 2019, E.W. sent several text messages to  
12 Respondent Wong to resolve the roof issues. Neither Huang nor Respondent A W Construction  
13 addressed the roof or other workmanship issues that E.W. raised with both Huang and  
14 Respondent Wong. On April 6, 2019, Huang stopped all work on the E.W. project. On April 22,  
15 2019, Respondent Wong provided the City of San Bruno a letter stating that Respondent A W  
16 Construction was withdrawing the building permit for the E.W. project.

17 25. The Board's expert witness determined that there were workmanship issues with the  
18 roof as well as other items. The Board's expert witness estimated that it would cost \$49,650.00 to  
19 correct the project.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Aiding and Abetting)**

22 26. Respondent A W Construction has subjected its license to disciplinary action under  
23 Code section 7114(a), in that Respondent A W Construction aided and abetted an unlicensed  
24 person as described in paragraphs 21-25 above. Pursuant to Code section 7114(b), Respondent A  
25 W Construction is responsible for the injury resulting from the acts of the unlicensed person.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Cause for Discipline for Qualifier – Respondent Wong)**

3 27. Pursuant to section 7122.5 of the Code, the causes for discipline established as to  
4 Respondent A W Construction constitute cause for discipline against Respondent Wong, doing  
5 business as A W Construction, under license number 736205, regardless of whether Respondent  
6 Wong had knowledge of or participated in the acts or omissions which constitute cause for  
7 discipline against Respondent A W Construction.

8 **CAUSE FOR OTHER ACTION**

9 **(Restrictions on Qualifier – Respondent Wong)**

10 28. Pursuant to Code section 7121.5, if license number 961634, issued to Respondent A  
11 W Construction is revoked or suspended, Respondent Wong shall be prohibited from serving as  
12 an officer, director, associate, partner, manager, or qualifying individual of a licensee during the  
13 time the discipline is imposed, whether or not he had knowledge of or participated in the acts or  
14 omissions constituting grounds for discipline as alleged in the causes for discipline, above, and  
15 any licensee which employs, elects, or associates Respondent Wong other than as a bona fide  
16 nonsupervising employee shall be subject to disciplinary action.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Registrar issue a decision:

20 1. Ordering the revocation or suspension of Contractor’s License Number 961634 issued  
21 to Respondent A W Construction, pursuant to Code section 7090;

22 2. Ordering the revocation or suspension of Contractor’s License Number 736205 issued  
23 to Respondent Wong, dba A W Construction, pursuant to Code section 7090;

24 3. Ordering restitution of all damages according to proof suffered by E.W. as a  
25 condition of probation in the event probation is ordered for Respondent A W Construction and/or  
26 Respondent Wong, pursuant to Government Code section 11519, subdivision (d);

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1           4.     Ordering Respondent A W Construction and Respondent Wong to pay the Registrar  
2 costs for the investigation and enforcement of the case according to proof at the hearing, pursuant  
3 to Code section 125.3;

4           5.     Ordering Respondent A W Construction and Respondent Wong to provide the  
5 Registrar with a listing of all contracting projects in progress and the anticipated completion date  
6 of each, pursuant to Code section 7095;

7           6.     Ordering that Respondent Wong is prohibited from serving as an officer, director,  
8 associate, partner, manager or qualifying individual of a licensee, pursuant to Code section  
9 7121.5;

10          7.     Taking such other and further action deemed proper.

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DATED: \_\_\_\_\_

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WOOD ROBINSON  
Supervising Special Investigator I  
Contractors State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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