

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

In the Matter of the Accusation Against:

**H&L CONCRETE CONSTRUCTION, INC.  
LAMONA ETEAKI LELENOA,  
RMO/CEO/PRES  
2260 47<sup>TH</sup> Avenue  
Oakland, CA 94601**

Contractor's License No. 1043967, C-8

**LAMONA ETEAKI LELENOA,  
DBA A&L CONCRETE CONTRACTORS  
2260 47<sup>TH</sup> Avenue  
Oakland, CA 94601**

Contractor's License No. 845438, C-8

Respondent.

CASE NO. N2020-205

ORDER TO ADOPT  
DEFAULT DECISION

[Gov. Code, § 11520]

The attached Default Decision is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter.

Contractor's License Number **1043967** issued to **H&L CONCRETE CONSTRUCTION, 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 **H&L CONCRETE CONSTRUCTION, INC.** Contractor's License No **1043967**, shall not apply for reissuance or reinstatement of said license for three year(s) from the effective date of this Decision.

Contractor's License Number **845438** issued to **LAMONA ETEAKI LELENOA DBA A&L CONCRETE CONTRACTORS** 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 **LAMONA ETEAKI LELENOA DBA A&L CONCRETE CONTRACTORS Contractor's** License No **845438** , shall not apply for reissuance or reinstatement of said license for three year(s) from the effective date of this Decision.

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 October 25, 2021.

IT IS SO ORDERED September 24, 2021.

  
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David Fogt  
Registrar of Contractors

## **INFORMATION PURSUANT TO §11521 OF THE GOVERNMENT CODE**

If you wish to file a Petition for Reconsideration pursuant to Government Code §11521, the Petition must be received prior to the effective date of the Decision. However, please be aware that the Contractors State License Board needs approximately five (5) working days to process a Petition. Petitions should be sent to the following address: CONTRACTORS STATE LICENSE BOARD, P.O. BOX 269121, SACRAMENTO, CA 95826, ATTN: LEGAL ACTION DEPUTY. Fax documents can be sent to (916) 255-3933.

**11521.** (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The agency shall notify a petitioner of the time limits for petitioning for reconsideration. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to a respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

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INC.  
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2260 47th Avenue  
Oakland, CA 94601**  
  
Contractor's License No. 1043967, C-8,  
**LAMONA ETEAKI LELENOA,  
DBA A&L CONCRETE CONTRACTORS  
2260 47th Avenue  
Oakland, CA 94601**  
  
Contractor's License No. 845438, C-8  
  
Respondent.

Case No. N2020-205  
  
**DEFAULT DECISION**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about July 30, 2021, Accusation No. N2020-205 was filed against H&L Concrete Construction with Lamona Eteaki Lelena as RMO, CEO and President (Respondent H&L) and Lamona Eteaki Lelena doing business as A&L Concrete Contractors (Respondent

1 Lelenoa) before the Registrar of Contractors (Registrar) for the Contractors' State License Board  
2 (Board). (Accusation attached as Exhibit A.)

3 2. On or about September 5, 2018, the Registrar issued Contractor's License No.  
4 1043967 to Respondent H&L. The Contractor's License was in full force and effect at all times  
5 relevant to the charges brought in Accusation No. N2020-205 and will expire on September 30,  
6 2022, unless renewed.

7 3. On or about August 26, 2004, the Registrar issued Contractor's License  
8 Number 845438 to Respondent Lelenoa doing business as A&L Concrete Contractors. The  
9 Contractor's License expired on August 31, 2018, and has not been renewed.

10 4. On or about August 4, 2021, Respondent H&L and Respondent Lelenoa were served  
11 by Certified and First Class Mail copies of the Accusation No. N2020-205, Statement to  
12 Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government  
13 Code sections 11507.5, 11507.6, and 11507.7) at Respondents' address of record which, pursuant  
14 to Business and Professions Code section 136, is required to be reported and maintained with the  
15 Board. Respondents' address of record was and is:

16 2260 47th Avenue  
17 Oakland, CA 94601.

18 5. Service of the Accusation was effective as a matter of law under the provisions of  
19 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
20 124.

21 6. Government Code section 11506(c) states, in pertinent part:

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

27 7. The Registrar takes official notice of the Board's records and the fact that  
28 Respondents failed to file a Notice of Defense within 15 days after service upon them of the  
Accusation, and therefore waived their right to a hearing on the merits of Accusation No. N2020-  
205.

1 8. California Government Code section 11520(a) states, in pertinent part:

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

6 9. Pursuant to its authority under Government Code section 11520, the Registrar finds  
7 Respondents are in default. The Registrar will take action without further hearing and, based on  
8 the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this  
9 matter, as well as taking official notice of all the investigatory reports, exhibits and statements  
10 contained therein on file at the Board's offices regarding the allegations contained in Accusation  
11 No. N2020-205, finds that the charges and allegations in Accusation No. N2020-205, are  
12 separately and severally, found to be true and correct by clear and convincing evidence.

13 10. The Registrar finds that the actual costs for investigation and prosecution are  
14 \$8,395.35 as of August 24, 2021.

15 11. The Registrar finds that the loss to RV caused by the acts or omissions of Respondent  
16 is \$179,141.62.

17 **DETERMINATION OF ISSUES**

18 1. Based on the foregoing findings of fact, Respondent H&L Concrete Construction  
19 with Lamona Eteaki Lelenoa as RMO, CEO and President, has subjected Contractor's License  
20 No. 1043967 to discipline.

21 2. Also, based on the foregoing findings of fact, Respondent Lamona Eteaki Lelenoa,  
22 doing business as A&L Concrete Contractors, has subjected Contractor's License No. 845438 to  
23 discipline.

24 3. The agency has jurisdiction to adjudicate this case by default.

25 4. The Registrar of Contractors is authorized to revoke Respondents' contractor's  
26 licenses based upon the following violations alleged in the Accusation which are supported by the  
27 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

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1 a. Respondent H&L violated Business and Professions Code (Code) section 7027.4,  
2 subdivision (a), in that on the CSB project, its contract advertised as being insured without  
3 identifying the type of insurance;

4 b. Respondent H&L violated Code section 7027.4, subdivision (b), in that on the CSB  
5 project, its contract advertised as being bonded in reference to Contractor's License Number  
6 1043967 issued to H&L Concrete Construction, Inc.

7 c. Respondent H&L violated Code section 7107 in that Respondent H&L abandoned the  
8 CSB project without legal excuse and without performing extensive work;

9 d. Respondent H&L violated Code section 7109, subdivision (a), in that on the CSB  
10 project, Respondent H&L willfully departed from accepted trade standards for good and  
11 workmanlike construction;

12 e. Respondent H&L violated Code section 7113, in that on the CSB project, it failed in a  
13 material respect to complete the project for the contract price and the property owner was  
14 required to spend a substantial sum in excess of the contract price to complete the project in  
15 accordance with the contract;

16 f. Respondent H&L violated Code section 7117.6, in that on the CSB project, it  
17 contracted for work that required an A-General Engineering Contractor License while only  
18 licensed as a C-8 Concrete Contractor;

19 g. Respondent H&L violated Code section 7125.4, subdivision (a), in that on the CSB  
20 project it employed several persons while failing to maintain Workers' Compensation Insurance  
21 for employees;

22 h. Respondent H&L violated code section 7117, subdivision (a), in that on the CSB  
23 project, it operated in the capacity of a contractor using a namestyle difference from that in which  
24 the license was issued;

25 i. Respondent Lelena violated Code section 7122.5 based on the Code violations by  
26 Respondent H&L, for which Respondent Lelena was the qualifier.

27 5. Pursuant to its authority under California Government Code section 11520, and based  
28 on the relevant evidence before it contained in the Default Decision Investigatory Evidence

1 Packet, the Registrar hereby finds by clear and convincing evidence that Lamona Eteaki Lelenoa  
2 had knowledge of or participated in the prohibited act(s) or omission(s) that warranted the filing  
3 of Accusation No. N2020-205.

4 6. Pursuant to Business and Professions Code section 7122.5, the performance by an  
5 individual, partnership, corporation, limited liability company, firm, or association of an act or  
6 omission constituting a cause for disciplinary action constitutes a cause for disciplinary action  
7 against a licensee who at the time that the act or omission occurred was the qualifying individual  
8 of that individual, partnership, corporation, limited liability company, firm, or association,  
9 whether or not he or she had knowledge of or participated in the prohibited act or omission.  
10 Therefore, pursuant to section 7122.5, Lamona Eteaki Lelenoa is subject to discipline regardless  
11 of whether or not she had knowledge of or participated in the act(s) or omissions(s) in Accusation  
12 No. N2020-205.

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16 REGISTRAR OF CONTRACTORS  
17 CONTRACTORS STATE LICENSE BOARD  
18 DEPARTMENT OF CONSUMER AFFAIRS  
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20 35401158.DOCX  
21 DOJ Matter ID:SA2021301367  
22 Attachment:  
23 Exhibit A: Accusation  
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