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7

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. N2020-263

14 **WOODBIDGE CONSTRUCTION;**  
15 **OSCAR VEGA-MORALES,**  
16 **RMO/OFFICER [Disassociated as RMO**  
17 **6/3/2021]**  
18 **ROLAND ANDREW MIRELES,**  
19 **CEO/PRES**  
20 P.O. Box 70848  
21 Point Richmond, CA 94807

**ACCUSATION**

22 Contractor's License No. 1005921, B

23 **OSCAR VEGA-MORALES,**  
24 **DBA CA BEAR CONSTRUCTION**  
25 1041A Folger Ave  
26 Berkeley, CA 94710

27 Contractor's License No. 1029414, B

28 Respondents.

1 **PARTIES**

2 1. Christina Delp (Complainant) brings this Accusation solely in her official capacity as  
3 the Supervising Special Investigator II of the Contractors State License Board (Board),  
4 Department of Consumer Affairs.

5 2. On or about July 28, 2015, the Registrar of Contractors (Registrar) issued  
6 Contractor's License Number 1005921, Classification B (General Building) to Woodbridge  
7 Construction (Respondent Woodbridge), Oscar Vega-Morales (Respondent Morales),  
8 RMO/Officer [disassociated as RMO June 3, 2021], and Roland Andrew Mireles (Respondent  
9 Mireles), CEO/Pres. The Contractor's License was in full force and effect at all times relevant to  
10 the charges brought herein and expired on July 31, 2021, and has not been renewed.

11 3. On or about July 27, 2017, the Registrar of Contractors (Registrar) issued  
12 Contractor's License Number 1029414, Classification B (General Building) to Oscar Vega-  
13 Morales (Respondent Morales), dba CA Bear Construction. The Contractor's License was in full  
14 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
15 2023, unless renewed.

16 **JURISDICTION**

17 4. This Accusation is brought before the Registrar under the authority of the following  
18 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
19 indicated.

20 5. Section 118, subdivision (b), of the Code, states:

21 The suspension, expiration, or forfeiture by operation of law of a license issued  
22 by a board in the department, or its suspension, forfeiture, or cancellation by order of  
23 the board or by order of a court of law, or its surrender without the written consent of  
24 the board, shall not, during any period in which it may be renewed, restored, reissued,  
25 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
26 proceeding against the licensee upon any ground provided by law or to enter an order  
27 suspending or revoking the license or otherwise taking disciplinary action against the  
28 licensee on any such ground.

26 6. Section 7076.5, subdivision (h), of the Code states:

27 The inactive status of a license shall not bar any disciplinary action by the  
28 board against a licensee for any of the causes stated in this chapter.

///

1           7.     Section 7090 of the Code provides, in pertinent part, that the Registrar may suspend  
2 or revoke any license or registration if the licensee or registrant is guilty of or commits any one or  
3 more of the acts or omissions constituting cause for disciplinary action.

4           8.     Section 7106.5 of the Code states:

5                 The expiration, cancellation, forfeiture, revocation, or suspension of a license  
6 by operation of law or by order or decision of the registrar or a court of law, or the  
7 voluntary surrender of a license by a licensee, shall not deprive the registrar of  
8 jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
9 against the license, or to render a decision suspending or revoking the license.

10          9.     Section 7121 of the Code states:

11                 A person who has been denied a license for a reason other than failure to  
12 document sufficient satisfactory experience for a supplemental classification for an  
13 existing license, or who has had his or her license revoked, or whose license is under  
14 suspension, or who has failed to renew his or her license while it was under  
15 suspension, or who has been a partner, officer, director, manager, or associate of any  
16 partnership, corporation, limited liability company, firm, or association whose  
17 application for a license has been denied for a reason other than failure to document  
18 sufficient satisfactory experience for a supplemental classification for an existing  
19 license, or whose license has been revoked, or whose license is under suspension, or  
20 who has failed to renew a license while it was under suspension, and while acting as a  
21 partner, officer, director, manager, or associate had knowledge of or participated in  
22 any of the prohibited acts for which the license was denied, suspended, or revoked,  
23 shall be prohibited from serving as an officer, director, associate, partner, manager,  
24 qualifying individual, or member of the personnel of record of a licensee, and the  
25 employment, election, or association of this type of person by a licensee in any  
26 capacity other than as a nonsupervising bona fide employee shall constitute grounds  
27 for disciplinary action.

28          10.    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.

### STATUTORY PROVISIONS

11.    Section 7068.1 of the Code states:

(a) The person qualifying on behalf of an individual or firm under paragraph  
(1), (2), (3), or (4) of subdivision (b) of Section 7068 shall be responsible for  
exercising that direct supervision and control of his or her employer's or principal's  
construction operations to secure compliance with this chapter and the rules and  
regulations of the board. This person shall not act in the capacity of the qualifying  
person for an additional individual or firm unless one of the following conditions

exists:

1  
2 (1) There is a common ownership of at least 20 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

3 (2) The additional firm is a subsidiary of or a joint venture with the first.  
4 "Subsidiary," as used in this subdivision, means any firm at least 20 percent of the equity of which is owned by the other firm.

5 (3) With respect to a firm under paragraph (2), (3), or (4) of subdivision (b) of  
6 Section 7068, the majority of the partners, officers, or managers are the same.

7 (b) Notwithstanding paragraphs (1) to (3), inclusive, of subdivision (a), a  
8 qualifying individual may act as the qualifier for no more than three firms in any one-year period.

9 (c) The following definitions shall apply for purposes of this section:

10 (1) "Firm" means a partnership, a limited partnership, a corporation, a limited  
11 liability company, or any other combination or organization described in Section  
12 7068.(2) "Person" is limited to natural persons, notwithstanding the definition of  
13 "person" in Section 7025.

14 (d) The board shall require every applicant or licensee qualifying by the  
15 appearance of a qualifying individual to submit detailed information on the qualifying  
16 individual's duties and responsibilities for supervision and control of the applicant's  
17 construction operations.

18 (e) Violation of this section shall constitute a cause for disciplinary action and  
19 shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed  
20 six months, by a fine of not less than three thousand dollars (\$3,000), but not to  
21 exceed five thousand dollars (\$5,000), or by both the fine and imprisonment.

22 12. Section 7159 of the Code states:

23 (a)(1) This section identifies the projects for which a home improvement  
24 contract is required, outlines the contract requirements, and lists the items that shall  
25 be included in the contract, or may be provided as an attachment.

26 ...

27 (5) Failure by the licensee, his or her agent or salesperson, or by a person  
28 subject to be licensed under this chapter, to provide the specified information, notices,  
and disclosures in the contract, or to otherwise fail to comply with any provision of  
this section, is cause for discipline.

...

(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:

...

1 (5) The heading: "Contract Price," followed by the amount of the contract in  
dollars and cents.

2 ...

3 13. Section 7159.5 of the Code states:

4 This section applies to all home improvement contracts, as defined in Section  
5 7151.2, between an owner or tenant and a contractor, whether a general contractor or  
6 a specialty contractor, that is licensed or subject to be licensed pursuant to this  
chapter with regard to the transaction.

7 (a) Failure by the licensee or a person subject to be licensed under this chapter,  
8 or by his or her agent or salesperson, to comply with the following provisions is cause  
for discipline:

9 ...

10 (1) The contract shall be in writing and shall include the agreed contract amount  
11 in dollars and cents. The contract amount shall include the entire cost of the contract,  
including profit, labor, and materials, but excluding finance charges.

12 ...

13 (3) If a downpayment will be charged, the downpayment may not exceed one  
thousand dollars (\$1,000) or 10 percent of the contract amount, whichever is less.

14 ...

15 14. Section 7122 of the Code states:

16 The performance by an individual, partnership, corporation, limited liability  
17 company, firm, or association of an act or omission constituting a cause for  
disciplinary action, likewise constitutes a cause for disciplinary action against a  
18 licensee other than the individual qualifying on behalf of the individual or entity, if  
the licensee was a partner, officer, director, manager, or associate of that individual,  
19 partnership, corporation, limited liability company, firm, or association at the time the  
act or omission occurred, and had knowledge of or participated in the prohibited act  
20 or omission.

21 15. Section 7122.5 of the Code states:

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

26  
27 **COST RECOVERY, RESTITUTION AND OTHER AUTHORITY**

28 16. Section 125.3 of the Code states, in pertinent part:

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

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

9 ...

10 17. Section 11519 of the Government Code states:

11 (a) The decision shall become effective 30 days after it is delivered or mailed to  
12 respondent unless: a reconsideration is ordered within that time, or the agency itself  
13 orders that the decision shall become effective sooner, or a stay of execution is  
14 granted.

15 (b) A stay of execution may be included in the decision or if not included  
16 therein may be granted by the agency at any time before the decision becomes  
17 effective. The stay of execution provided herein may be accompanied by an express  
18 condition that respondent comply with specified terms of probation provided;  
19 provided, however, that the terms of probation shall be just as reasonable in light of  
20 the findings and decision.

21 (c) If respondent was required to register with any public officer, a notification  
22 of any suspension or revocation shall be sent to the officer after the decision has  
23 become effective.

24 (d) As used in subdivision (b), specified terms of probation may include an  
25 order of restitution. Where restitution is ordered and paid pursuant to the provisions  
26 of this subdivision, the amount paid shall be credited to any subsequent judgment in a  
27 civil action.

28 (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.

18. 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.

1 19. Section 7095 of the Code states:

2 The decision may:

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

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

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

11 20. Section 7097 of the Code states:

12 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee  
13 has been suspended by a decision of the registrar pursuant to an accusation or  
14 pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any  
15 additional license issued under this chapter [the Contractors' State License Law] in  
16 the name of the licensee or for which the licensee furnished qualifying experience and  
17 appearance under the provisions of Section 7068, may be suspended by the registrar  
18 without further notice.

19 21. Section 7098 of the Code states:

20 Notwithstanding the provisions of Sections 7121 and 7122, when any license  
21 has been revoked under the provisions of this chapter [the Contractors' State License  
22 Law], any additional license issued under this chapter in the name of the licensee or  
23 for which the licensee furnished qualifying experience and appearance under the  
24 provisions of Section 7068, may be revoked by the registrar without further notice.

25 22. Section 7102 of the Code states:

26 After suspension of a license upon any of the grounds set forth in this chapter  
27 [the Contractors' State License Law], the registrar may reinstate the license upon  
28 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.

**FACTUAL ALLEGATIONS**

23. On or about June 18, 2020, Respondent Woodbridge entered into a contract with D.S. to demolish and build a deck at her home in Oakland, California (D.S. project). The contract did not list a project price.

24. On or about June 23, 2020, Respondent Woodbridge asked for and received an excessive down payment of \$2000.00. Work began on or about June 24, 2020. D.S. was not happy with the progress of the project and terminated Respondent Woodbridge on or about July 27, 2020. Respondent Woodbridge received a total of \$10,000.00 for the D.S. project.

**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Exercise Direct Supervision)**

25. Respondent Woodbridge has subjected its license to disciplinary action under Code section 7068.1, in that on the D.S. project, Respondent Morales failed to exercise direct supervision and control over the contracting activities on the D.S. project.

**SECOND CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Provisions of the Contractors' State License Law)**

26. Respondent Woodbridge has subjected its license to disciplinary action under Code section 7159 in that on the D.S. project, Respondent did not comply with the following provision regarding home improvement contracts:

a. Subdivision (d)(5). Failed to include the contract price in dollars and cents in the contract.

///



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Contract Violations)**

3 27. Respondent Woodbridge has subjected its license to disciplinary action under Code  
4 section 7159.5 in that on the D.S. project, Respondent failed to comply with the following  
5 provisions:

6 a. **Subdivision (a)(1)**: Respondent failed to include a total contract price within the  
7 contract.

8 b. **Subdivision (a)(3)**: Respondent requested and received an excessive down payment of  
9 \$2,000.00.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Cause for Discipline for Officer – Respondent Morales)**

12 28. Pursuant to section 7122 of the Code, the causes for discipline established as to  
13 Respondent Woodbridge constitute cause for discipline against Respondent Morales, dba CA  
14 Bear Construction, under license number 1029414, in that Respondent Morales had knowledge of  
15 or participated in the acts or omissions which constitute cause for discipline against Respondent  
16 Woodbridge.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Cause for Discipline for Qualifier – Respondent Morales)**

19 29. Pursuant to section 7122.5 of the Code, the causes for discipline established as to  
20 Respondent Woodbridge constitute cause for discipline against Respondent Morales, dba CA  
21 Bear Construction, under license number 1029414, regardless of whether Respondent Morales  
22 had knowledge of or participated in the acts or omissions which constitute cause for discipline  
23 against Respondent Woodbridge.

24 **CAUSES FOR OTHER ACTION**

25 **FIRST CAUSE FOR OTHER ACTION**

26 **(Restrictions on Qualifier – Respondent Oscar Vega-Morales)**

27 30. Pursuant to Code section 7121.5, if license number 1005921, issued to Respondent  
28 Woodbridge is revoked or suspended, Respondent Morales shall be prohibited from serving as an

1 officer, director, associate, partner, manager, or qualifying individual of a licensee during the time  
2 the discipline is imposed, whether or not he had knowledge of or participated in the acts or  
3 omissions constituting grounds for discipline as alleged in the causes for discipline, above, and  
4 any licensee which employs, elects, or associates Respondent Morales other than as a bona fide  
5 nonsupervising employee shall be subject to disciplinary action.

6 **SECOND CAUSE FOR OTHER ACTION**

7 **(Restrictions on Officer Respondent Oscar Vega-Morales)**

8 31. Pursuant to Code section 7121, if license number 1005921, issued to Respondent  
9 Woodbridge is revoked or suspended, Respondent Morales shall be prohibited from serving as an  
10 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of  
11 record of a licensee in that, while serving as Officer of Respondent Woodbridge, he had  
12 knowledge of or participated in the acts or omissions constituting grounds for discipline as  
13 alleged in the causes for discipline, above.

14 **THIRD CAUSE FOR OTHER ACTION**

15 **(Restrictions on Officer Respondent Roland Andrew Mireles)**

16 32. Pursuant to Code section 7121, if license number 1005921, issued to Respondent  
17 Woodbridge is revoked or suspended, Respondent Mireles shall be prohibited from serving as an  
18 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of  
19 record of a licensee in that, while serving as CEO/Pres of Respondent Woodbridge, he had  
20 knowledge of or participated in the acts or omissions constituting grounds for discipline as  
21 alleged in the causes for discipline, above.

22 **PRAYER**

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

25 1. Ordering the revocation or suspension of Contractor's License Number 1005921  
26 issued to Respondent Woodbridge, pursuant to Code section 7090;

27 2. Ordering the revocation or suspension of Contractor's License Number 1029414  
28 issued to Respondent Morales, pursuant to Code section 7090;

1 3. Ordering Respondent Woodbridge and Respondent Morales to pay the Registrar costs  
2 for the investigation and enforcement of the case according to proof at the hearing, pursuant to  
3 Code section 125.3;

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

7 5. Ordering that Respondent Morales is prohibited from serving as an officer, director,  
8 associate, partner, manager or qualifying individual of a licensee, pursuant to Code section 7121  
9 and 7121.5;

10 6. Ordering that Respondent Mireles is prohibited from serving as an officer, director,  
11 associate, partner, manager or qualifying individual of a licensee, pursuant to Code section 7121;

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

13 DATED: 9/16/2021

14  FOR  
CHRISTINA DELP  
Supervising Special Investigator II  
Contractors State License Board  
Department of Consumer Affairs  
State of California  
Complainant

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