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

12 In the Matter of the Accusation Against:

Case No. N2011-424

13 **PRO-CRAFT CONSTRUCTION, INC.**
dba PRO - CRAFT CONSTRUCTION INC
14 **31597 Outer Hwy 10 S Ste B**
Redlands, CA 92373

A C C U S A T I O N

15 **CHRISTOPHER LEE MC FAYDEN, RME**
16 **TIMOTHY JAMES MC FAYDEN, RMO/CEO/PRES**
SUSAN DENICE MC FAYDEN, OFFICER
17 **Contractor's License No. 467234, A/B/C2/C34/C36/C42**

Respondent.

18 **FRED HELD AND SON, INC.**
dba HELD FRED & SON INC
19 **8148 State Street**
South Gate, CA 90280

20 **TIMOTHY JAMES MC FAYDEN, OFFICER**
21 **ARTHUR ALBERT MAYFIELD, RMO**
FREDRICK ALAN MAYFIELD, CEO/PRESIDENT
22 **ELIZABETH JANE THOMAS, OFFICER**
Contractor's License No. 107793, C20/C36/C43

23 **A-MAC'S PLUMBING INC.**
24 **dba A-MAC'S PLUMBING INC**
20609 Deloraine Drive
25 **Walnut, CA 91789**

26 **TIMOTHY JAMES MC FAYDEN, CEO/PRESIDENT**
SUSAN DENICE MC FAYDEN, OFFICER
27 **MILTON ALFRED LAKE, RMO**
Contractor's License No. 418922, C20/C36/C43

28 **Affiliated Licenses.**

1 Complainant alleges:

2 **PARTIES**

3 1. Wood Robinson (Complainant) brings this Accusation solely in his official
4 capacity as the Enforcement Supervisor I of the Contractors' State License Board, Department of
5 Consumer Affairs.

6 **License History**

7 2. On December 20, 1984, the Registrar of Contractors issued Contractor's License
8 Number 467234, plumbing classification (C36) to Timothy James Mc Fayden (Timothy) as sole
9 owner. On December 31, 1996, Timothy disassociated as sole owner without replacement. On
10 October 27, 2003, Timothy associated as sole owner with classification C36 and Home
11 Improvement Certification (HIC). On January 1, 2004, Timothy disassociated as sole owner for
12 classification HIC. On June 28, 2006, Timothy associated as sole owner with the additional
13 pipeline classification (C34) until February 22, 2007. On February 22, 2007, the Registrar of
14 Contractors reissued Contractor's License Number 467234, classifications C34 and C36 to Pro-
15 Craft Construction, Inc., doing business as Pro – Craft Construction Inc (Respondent) with
16 Timothy as responsible managing officer (RMO), chief executive officer (CEO), and president
17 (President) and Susan Denice Mc Fayden (Susan) as an officer (Officer). On March 24, 2008, the
18 Registrar of Contractors added to the license general building contractor classification (B) with
19 Timothy as RMO, CEO, and President. On August 25, 2009, Christopher Lee Mc Fayden
20 (Christopher) associated with Respondent as the responsible managing employee (RME)
21 providing the qualifying experience for general engineering contractor classification (A). On
22 October 1, 2009, the Registrar of Contractors added to the license sanitation system classification
23 (C42) with Timothy as RMO, CEO, and President. On August 17, 2010, the Registrar of
24 Contractors also added to the license insulation and acoustical classification (C-2) with Timothy
25 as RMO, CEO, and President. The Contractor's License with Susan as Officer, Timothy as
26 classifications B/C-2/C34/C36/C42 RMO/CEO/President, and Christopher as classification A
27 RME was in full force and effect at all times relevant to the charges brought herein and will
28 expire on February 28, 2013, unless renewed.

1 **Affiliated Licenses History**

2 **HELD FRED & SON INC**

3 3. On or about December 4, 1948, the Registrar of Contractors issued Contractor's
4 License Number 107793, classification C36 to Fred Held and Son, Inc. doing business as Held
5 Fred & Son Inc (Fred & Son). On February 18, 1964, Albert Brantsford Mayfield (Albert)
6 associated as RMO, CEO, and President with additional classifications, sheet metal (C43) and
7 warm-air heating, ventilating, and air-conditioning (C20). On July 2, 1971, Arthur Albert
8 Mayfield (Arthur) associated as Officer. On July 24, 1975, Lucille E. Mayfield (Lucille) also
9 associated as Officer. On September 20, 1977, Arthur and Albert disassociated as Officer and
10 classifications C20/C36/C43 RMO/CEO/President, respectively, and associated as classifications
11 C20/C36/C43 RMO and as CEO/President, respectively. On November 4, 1980, Lucille
12 disassociated as Officer and was replaced by Elizabeth Jane Thomas, also known as Downing
13 Elizabeth Jane (Elizabeth) while Albert disassociated as CEO and President and was replaced by
14 Fredrick Alan Mayfield (Fredrick). On the same date, Arthur associated as RMO with
15 supplemental classification solar (C44) and disassociated on May 28, 1982, while Timothy
16 associated as Officer and disassociated on June 21, 2010, both without replacements. On July 12,
17 1984, Fred & Son's Contractor's Bond was cancelled. The Contractor's License with Fredrick as
18 CEO/President, Arthur as classifications C20/C36/C43 RMO, and Elizabeth and Timothy as
19 Officers, expired on September 30, 1984, and has not been renewed.

20 **A-MAC'S PLUMBING INC**

21 4. On March 4, 1982, the Registrar of Contractors issued Contractor's License
22 Number 418922, classification C36 to A-Mac's Plumbing Inc. doing business as A-Mac's
23 Plumbing Inc (A-Mac's) with Timothy as CEO and President, Susan as Officer, and Milton
24 Alfred Lake (Milton) as RMO. On June 24, 1982, Milton disassociated as C36 RMO without
25 replacement. On September 22, 1982, the license was automatically suspended pursuant to
26 Business and Professions Code section 7068.2 (failure to replace the qualifier within 90 days).
27 On May 13, 1983, A-Mac's Contractor's Bond was cancelled. On June 21, 2010, Timothy and

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1 Susan disassociated as CEO/President and as Officer, respectively. The Contractor's License
2 expired on March 31, 1984, and has not been renewed.

3 **JURISDICTION**

4 5. This Accusation is brought before the Registrar of Contractors (Registrar) for the
5 Contractors' State License Board, Department of Consumer Affairs, under the authority of the
6 following laws. All section references are to the Business and Professions Code unless otherwise
7 indicated.

8 6. Section 7076.5 of the Code provides, in pertinent part, that the inactive status of a
9 license shall not bar any disciplinary action for violating provisions of the Contractors' State
10 License Law (Business & Professions Code, § 7000, et seq.).

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

14 8. Section 7091 of the Code states:

15

16 (d) With respect to a licensee who has been convicted of a crime and, as a
17 result of that conviction is subject to discipline under Section 7123, the
18 disciplinary action shall be filed within two years after the discovery of the
19 conviction by the registrar or by the board.

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21 9. Section 7095 of the Code provides, in pertinent part, that the Registrar in making
22 his order may:

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

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

27 (c) Impose upon the licensee compliance with such specific conditions as
28 may be just in connection with its 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 license shall be accepted
by the Registrar.

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1 10. Section 7098 of the Code states:

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

6 11. Section 7106.5 of the Code provides, in pertinent part, that the expiration,
7 cancellation, forfeiture, or suspension of a license by operation of law or by order or decision of
8 the registrar, or a court of law, or the voluntary surrender of the license shall not deprive the
9 registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
10 against the license, or to render a decision suspending or revoking the license.

11 12. Section 7121 of the Code states:

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

12 13. Section 7121.5 of the Code states:

13 A person who was the qualifying individual on a revoked license, or of a
14 license under suspension, or of a license that was not renewed while it was under
15 suspension, shall be prohibited from serving as an officer, director, associate,
16 partner, manager, or qualifying individual of a licensee, whether or not the
17 individual had knowledge of or participated in the prohibited acts or omissions for
18 which the license was revoked, or suspended, and the employment, election, or
19 association of that person by a licensee shall constitute grounds for disciplinary
20 action.

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1 19. Section 7124 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea of *nolo*
3 *contendere* is deemed to be a conviction within the meaning of this article. The
4 board may order the license suspended or revoked, or may decline to issue a
5 license, when the time for appeal has elapsed, or the judgment of conviction has
6 been affirmed on appeal or when an order granting probation is made suspending
7 the imposition of sentence, irrespective of a subsequent order under the provisions
8 of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
9 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
10 dismissing the accusation, information or indictment.

8 REGULATORY PROVISIONS

9 20. Title 16 California Code of Regulations section 868 states:

10 For the purposes of denial, suspension, or revocation of a license pursuant
11 to Division 1.5 (commencing with Section 475) of the code, a crime or act, as
12 defined in Section 480 of the code, shall be considered to be substantially related
13 to the qualifications, functions, or duties of a licensee (under Division 3, Chapter
14 9 of the code) if it evidences present or potential unfitness of an applicant or
15 licensee to perform the functions authorized by the licensee in a manner
16 consistent with the public health, safety, and welfare. The crimes or acts shall
17 include, but not be limited to, the following:

15 (a) Any violation of the provisions of Chapter 9 of Division 3 of the code.

16 (b) Failure to comply with the provisions of the California Administrative
17 Code, Chapter 8, Title 16.

17 (c) Crimes or acts involving dishonesty, fraud, deceit, or theft with the
18 intent to substantially benefit oneself or another or to substantially harm another.

18 (d) Crimes or acts involving physical violence against persons.

19 (e) Crimes or acts that indicate a substantial or repeated disregard for the
20 health, safety, or welfare of the public.

21 21. Title 16 California Code of Regulations section 869 states:

22 (a) When considering the denial, suspension, or revocation of a license
23 pursuant to Division 1.5 (commencing with Section 475) of the code, the Board in
24 evaluating the applicant's or licensee's rehabilitation and present eligibility for a
25 license will consider the following criteria:

24 (1) Subject to the provisions of subsection (a)(2), an applicant or licensee
25 may be determined to be rehabilitated if he or she meets the following criteria:

26 (A) For felony convictions that are substantially related to the
27 qualifications, functions, or duties of a licensee as defined in Section 868, seven
28 (7) years have passed from the time of release from incarceration or completion of
probation if no incarceration was imposed, without the occurrence of additional
criminal activity or substantially-related acts.

1 (B) For misdemeanor convictions that are substantially related to the
2 qualifications, functions, or duties of a licensee as defined in Section 868, three
3 (3) years have passed from the time of release from incarceration or completion of
4 probation if no incarceration was imposed, without the occurrence of additional
5 criminal activity or substantially-related acts.

6 (C) For acts that are substantially related to the qualifications, functions,
7 or duties of a licensee as defined in Section 868, three (3) years have passed from
8 the time of commission of the act(s), without the occurrence of criminal activity
9 or additional substantially-related acts.

10 (2) The amount of time needed to demonstrate rehabilitation under
11 subsection (a)(1) may be increased or decreased by taking into account the
12 following:

13 (A) The nature and severity of the crime(s) or act(s) that are under
14 consideration as, or that were, the grounds for denial, suspension, or revocation.

15 (B) Evidence of any crime(s) or act(s) committed subsequent to the
16 crime(s) or act(s) that are under consideration as, or that were, the grounds for
17 denial, suspension, or revocation, which also could be considered as grounds for
18 denial, suspension, or revocation.

19 (C) The time that has elapsed since commission of the crime(s) or act(s)
20 that are under consideration as, or that were, the grounds for denial, suspension,
21 or revocation.

22 (D) The extent to which the applicant or licensee has complied with any
23 terms of parole, probation, restitution, or any other sanctions lawfully imposed
24 against the applicant or licensee.

25 (E) Consistent work history subsequent to the release from incarceration,
26 or the completion of probation if no incarceration was imposed, or subsequent to
27 the time of commission of the act(s).

28 (F) Documents or testimony from credible individuals who have personal
knowledge of the applicant's or licensee's life and activities subsequent to the time
of commission of the crime(s) or act(s) who can attest to the applicant's or
licensee's present fitness for licensure.

(G) If applicable, evidence of expungement proceedings pursuant to
Section 1203.4 of the Penal Code.

(H) Other relevant evidence, if any, of rehabilitation submitted by the
applicant or licensee. For example, relevant evidence may include evidence of
recovery from drug and/or alcohol addiction or abuse or completion of a drug
and/or alcohol aversion program if the crime(s) or act(s) related to or involved
drug and/or alcohol use; or evidence of completion of an anger management
program if the crime(s) or act(s) demonstrated the applicant's or licensee's
inability to control one's temper. . . .

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1 **COST RECOVERY**

2 22. Section 125.3 of the Code provides, in pertinent part, that the Registrar may
3 request the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(July 14, 2011 Criminal Conviction for Unauthorized Use of**
8 **Personal Identifying Information of Another on April 26, 2010)**

9 23. Respondent is subject to disciplinary action under Code sections 490 and 7123 in
10 that Respondent's RME was convicted of a crime that is substantially related to the
11 qualifications, functions, and duties of a contractor. The circumstances are as follows:

12 24. On or about July 14, 2010, in a criminal proceeding entitled *The People of the*
13 *State of California vs. Christopher Lee McFayden* in County of Riverside Superior Court,
14 Moreno Valley Court, Case Number RIM10009958, Respondent's RME was convicted on his
15 plea of guilty for violation of Penal Code (PC) section 530.5, subdivision (a), unauthorized use
16 of personal identifying information of another, a misdemeanor.

17 25. As a result of the conviction, on or about July 14, 2011, Respondent's RME was
18 sentenced to three years summary probation and ordered committed to the custody of the
19 Riverside County Sheriff for 10 days with credit for one day served and the remaining nine days
20 to be served in the Smith Correctional Facility Work Release Program. Respondent's RME was
21 also ordered to pay a total of \$3,970.00 in fines, fees, and penalty assessment.

22 26. The facts that led to the conviction are that on or about April 26, 2010,
23 Respondent submitted an application for an encroachment permit to the Land Development
24 Division of the City of Moreno Valley, California. Upon review, the City's Transportation
25 Engineering Division noted that the plans were very poorly drawn and appeared to have been cut
26 and pasted from an earlier project elsewhere in the city. Respondent's submitted plan was, in
27 fact, cut and pasted from a plan prepared by a professional engineer, without that engineer's
28 knowledge or authority. Neither did Respondent inform nor asked permission from the

1 engineer's designing firm for the use of the plan that had been submitted to the City and
2 approved on July 15, 2009. Respondent admitted that the submitted traffic control plans were not
3 designed, signed, nor stamped by a civil engineer but were created by its RME by revising
4 previously approved plans for another project in order to obtain a construction project from the
5 City.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct – Wilful or Faudulent Act Injuring Another)**

8 27. Respondent is subject to disciplinary action under Code section 7116 in that it
9 misrepresented the source, sponsorship, approval, and certification of the traffic plans it
10 submitted to the City of Moreno Valley as that of a licensed civil engineer of a legitimate
11 designing firm, in order to fraudulently obtain a government contract, in violation of Civil Code
12 section 1770, deceptive practices, as detailed in paragraph 24, above.

13 **OTHER MATTERS**

14 28. Pursuant to Code sections 7097 and 7098, if Contractor's License Number
15 467234, classifications A/B/C-2/C34/C36/C42 issued to Pro-Craft Construction, Inc., doing
16 business as Pro – Craft Construction Inc is suspended or revoked, the Registrar may suspend or
17 revoke, without notice, Contractor's License Number 467234, issued to; Timothy Mc Fayden,
18 RMO/CEO/President; Christopher Lee Mc Fayden, RME; and Susan Denice Mc Fayden, Officer
19 of Pro-Craft Construction, Inc., doing business as Pro – Craft Construction Inc. Further, the
20 Registrar may suspend or revoke, without notice, any other license issued in the name of either
21 Timothy Mc Fayden, Christopher Lee Mc Fayden, or Susan Denice Mc Fayden for which
22 Timothy Mc Fayden, Christopher Lee Mc Fayden, or Susan Denice Mc Fayden furnished the
23 qualifying experience or appearance.

24 29. Pursuant to Code section 7121, if discipline is imposed on Contractor's License
25 Number 467234, classifications A/B/C-2/C34/C36/C42 issued to Pro-Craft Construction, Inc.,
26 doing business as Pro – Craft Construction Inc, Timothy Mc Fayden, RMO/CEO/President;
27 Christopher Lee Mc Fayden, RME; and Susan Denice Mc Fayden, Officer, shall be prohibited
28 from serving as officers, directors, associates, partners, or qualifying individuals for any licensee

1 during the time the discipline is imposed, if they had knowledge of and participated in the acts or
2 omissions alleged above constituting grounds for discipline against them and any licensee which
3 employs, elects or associates Timothy Mc Fayden, Christopher Lee Mc Fayden, or Susan Denice
4 Mc Fayden in any capacity other than as a nonsupervising bona fide employee shall be subject to
5 disciplinary action.

6 30. Pursuant to Code section 7121.5, if discipline is imposed on Contractor's License
7 Number 467234, classifications A/B/C-2/C34/C36/C42 issued to Pro-Craft Construction, Inc.,
8 doing business as Pro – Craft Construction Inc, Timothy Mc Fayden, Christopher Lee Mc
9 Fayden, and Susan Denice Mc Fayden shall be prohibited from serving as officers, directors,
10 associates, partners, or qualifying individuals for any licensee during the time the discipline is
11 imposed, whether or not they had knowledge of or participated in the acts or omissions
12 constituting grounds for discipline, and any licensee which employs, elects or associates Timothy
13 Mc Fayden, Christopher Lee Mc Fayden, or Susan Denice Mc Fayden shall be subject to
14 disciplinary action.

15 31. Pursuant to Code section 7122.5, the causes for discipline established as to
16 Respondent Pro-Craft Construction, Inc., doing business as Pro – Craft Construction Inc
17 constitute causes for discipline against Contractor's License Number 467234, classifications
18 A/B/C-2/C34/C36/C42 issued to Pro-Craft Construction, Inc., doing business as Pro – Craft
19 Construction Inc, and any other license issued to its officers regardless of whether they had
20 knowledge of or participated in the acts or omissions alleged above which constitute cause for
21 discipline against Respondent Pro-Craft Construction, Inc., doing business as Pro – Craft
22 Construction Inc.

23 PRAYER

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

26 1. Revoking or suspending Contractor's License Number 467234, classifications
27 A/B/C-2/C34/C36/C42 issued to Pro-Craft Construction, Inc., doing business as Pro – Craft
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1 Construction Inc; Timothy Mc Fayden, RMO/CEO/President; Christopher Lee Mc Fayden,
2 RME; and Susan Denice Mc Fayden, Officer;

3 2. Revoking or suspending Contractor's License Number 107793, classifications
4 C20/C36/C43 issued to Fred Held and Son, Inc. doing business as Held Fred & Son Inc; Fredrick
5 Alan Mayfield, CEO/President; Arthur Albert Mayfield, RMO; and Elizabeth Jane Thomas, also
6 known as Downing Elizabeth Jane, and Timothy Mc Fayden, Officers;

7 3. Revoking or suspending Contractor's License Number 418922, classification C36
8 issued to A-Mac's Plumbing Inc. doing business as A-Mac's Plumbing Inc; Timothy Mc Fayden,
9 CEO and President and Susan Denice Mc Fayden, Officer;

10 2. Prohibiting Christopher Lee Mc Fayden from serving as an officer, director,
11 associate, partner, or qualifying individual of any licensee during the period that discipline is
12 imposed on license Number 467234, classifications A/B/C-2/C34/C36/C42 issued to Pro-Craft
13 Construction, Inc., doing business as Pro – Craft Construction Inc; Timothy Mc Fayden,
14 RMO/CEO/President; Christopher Lee Mc Fayden, RME; and Susan Denice Mc Fayden,
15 Officer;

16 3. Revoking or suspending any other license for which Timothy Mc Fayden,
17 Christopher Lee Mc Fayden, or Susan Denice Mc Fayden are furnishing the qualifying
18 experience or appearance;

19 4. Ordering restitution of all damages according to proof suffered by Civil Engineer
20 John O'Doherty and by the traffic control designing firm "A Cone Zone," as a condition of
21 probation in the event probation is ordered;

22 5. Ordering restitution of all damages suffered by Civil Engineer John O'Doherty
23 and by the traffic control designing firm "A Cone Zone," as a result of Pro-Craft Construction,
24 Inc., doing business as Pro – Craft Construction Inc's conduct as a contractor, as a condition of
25 restoration of license Number 467234, classifications A/B/C-2/C34/C36/C42 issued to Pro-Craft
26 Construction, Inc., doing business as Pro – Craft Construction Inc; Timothy Mc Fayden,
27 RMO/CEO/President; Christopher Lee Mc Fayden, RME; and Susan Denice Mc Fayden,
28 Officer;

