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

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **MICHAEL JOSEPH CURRY**
14 **dba MR CURRY PAINTING**
15 **436 W. 11th Avenue**
Chico, CA 95926
Contractor's License No. 956245

16 Respondent.

Case No. N-2012-390

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17
18 Wood Robinson ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation and Petition to Revoke Probation solely in his
21 official capacity as the Enforcement Supervisor I of the Contractors' State License Board
22 ("Board"), Department of Consumer Affairs.

23 2. On or about January 3, 2011, the Registrar of Contractors issued probationary
24 Contractor License Number 956245, classification C-33 (Painting and Decorating Contractor), to
25 Michael Joseph Curry ("Respondent"), doing business as Mr. Curry Painting, with terms and
26 conditions, as more particularly set forth below in paragraph 15. On or about January 12, 2012,
27 the license was suspended pursuant to California Code of Civil Procedure section 996.340
28 (contractor's bond). On or about May 24, 2012, the license was reinstated. On or about

1 September 24, 2012, the license was suspended pursuant to Business and Professions Code
2 ("Code") section 7125.2 (workers' compensation). On or about September 27, 2012, the license
3 was suspended pursuant to California Code of Civil Procedure section 996.340 (contractor's
4 bond). On or about January 31, 2013, the license expired. On or about April 18, 2013, the
5 license was suspended pursuant to Code section 7071.11 (bond payment of claim).

6 JURISDICTION

7 3. Business and Professions Code ("Code") section 7090 provides, in pertinent part,
8 that the Registrar may suspend or revoke any license or registration if the licensee or registrant is
9 guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary
10 action.

11 4. Code section 7095 provides, in pertinent part, that the Registrar in making
12 his order may:

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

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

16 (c) Impose upon the licensee compliance with such specific conditions as
17 may be just in connection with its operations as a contractor disclosed at the hearing,
18 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.

19 5. Code section 7096 states:

20 For the purposes of this chapter, the term "licensee" shall include an
21 individual, copartnership, corporation, joint venture, or any combination or
organization licensed under this chapter, and shall also include any named responsible
22 managing officer or member of the personnel of such licensee whose appearance has
qualified the licensee under the provisions of Section 7068.

23 6. Code section 7097 states:

24 Notwithstanding the provisions of Sections 7121 and 7122, when any license
25 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
26 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
27 appearance under the provisions of Section 7068, may be suspended by the registrar
without further notice.

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1 7. Code section 7098 states:

2 Notwithstanding the provisions of Sections 7121 and 7122, when any license
3 has been revoked under the provisions of this chapter [the Contractors' State License
4 Law], any additional license issued under this chapter in the name 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.

5 8. Code section 7106.5 states:

6 The expiration, cancellation, forfeiture, or suspension of a license by
7 operation of law or by order or decision of the registrar or a court of law, or the
8 voluntary surrender of a license by a licensee shall not deprive the registrar of
9 jurisdiction to proceed with any investigation of or action or disciplinary proceeding
 against the license, or to render a decision suspending or revoking the license. Under
 Code section 7141, a license may be renewed at any time within five years after its
 expiration.

10 9. Code section 7076.5 provides, in pertinent part, that the inactive status of a license
11 shall not bar any disciplinary action for violating provisions of the Contractors' State License Law
12 (Bus. & Prof. Code, § 7000, et seq.).

13 10. Code section 7121 states:

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

23 11. Code section 7073(e) states:

24 In lieu of denying licensure as authorized under this section, the registrar
25 may issue an applicant a probationary license with terms and conditions. During the
26 probationary period, if information is brought to the attention of the registrar
27 regarding any act or omission of the licensee constituting grounds for discipline or
28 denial of licensure for which the registrar determines that revocation of the
 probationary license would be proper, the registrar shall notify the applicant to show
 cause within 30 days why the probationary license should not be revoked. The
 proceedings shall be conducted in accordance with the provisions of Chapter 5
 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the

Government Code, and the registrar shall have all the powers granted therein. A probationary license shall not be renewed during any period in which any proceeding brought pursuant to this section is pending.

STATUTORY PROVISIONS

12. Code section 7123 states:

"A conviction of a crime substantially related to the qualifications, functions and duties of a contractor constitutes a cause for disciplinary action. The record of the conviction shall be conclusive evidence thereof."

COST RECOVERY

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

PETITION TO REVOKE PROBATION

14. On or about January 3, 2011, the Board issued Respondent probationary Contractor License Number 95624. Respondent was placed on probation, in lieu of denial, for a period of four (4) years with terms and conditions. On or about December 22, 2010, Respondent signed and agreed to the terms and conditions of probation set forth in the Acceptance of a Probationary License, attached hereto as **Exhibit A**. Respondent violated Condition Number 1 (Obey All Laws), as more particularly set forth below:

CAUSE TO REVOKE PROBATION

15. At all times after the effective date of Respondent's probation, Condition 1 stated:

Obey All Laws: Probationary Licensee shall comply with all federal, state, and local laws governing the activities of a licensed contractor in California.

16. Respondent's probation is subject to revocation, in that on or about September 25, 2012, Respondent was convicted of violating Vehicle Code section 23152(a) (driving while under the influence of alcohol), a felony, with four prior convictions of the same, as more particularly set forth below in paragraph 17.

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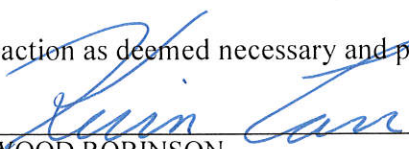
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6. Taking such other and further action as deemed necessary and proper.

DATED: 1/10/14

for 
WOOD ROBINSON

Enforcement Supervisor I
Contractors' State License Board
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Contractors' State License Board Case No. *Case Number of Prior Action*****



CONTRACTORS STATE LICENSE BOARD

9821 Business Park Drive, Sacramento, California 95827
Mailing Address: P.O. Box 26000, Sacramento, CA 95826
800-321-CSLB (2752) or 916-255-3900
www.cslb.ca.gov

20100106069
STATE OF CALIFORNIA
Arnold Schwarzenegger, Governor

**To: Criminal Background Unit
Contractors State License Board**

From: Michael Joseph Curry

AppFee#: 20100106069

Subject: ACCEPTANCE of a Probationary License

I hereby notify the CSLB that:

- I understand that I have been offered a probationary license in lieu of denial.
- I wish to be issued a probationary license.
- I understand that I must submit this notice within 90 calendar days of the offer to the Criminal Background Unit of the Contractors State License Board or my application will become void. I also understand that the preferred method of delivery is by fax.
- I understand that by accepting a probationary license, I am required to comply with the following terms and conditions of probation:
 1. Obey All Laws: Probationary Licensee shall comply with all federal, state, and local laws governing the activities of a licensed contractor in California.
 2. Interviews with Regional Deputy: Probationary Licensee and any of Probationary Licensee's personnel of record shall appear in person for interviews with the Regional Deputy or designee upon request and reasonable notice.
 3. Probationary Licensee shall submit copies of documents directly related to the person's construction operations to the Registrar upon demand during the probation period.
 4. Completion of Probation: Upon successful completion of probation, the probation status shall be removed from the contractor's license.

Print Name: Michael Joseph Curry

Signature: [Handwritten Signature]

Date Signed: 12/22/10

