

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General
NICOLE R. TRAMA
Deputy Attorney General
State Bar No. 263607
110 West "A" Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2143
Facsimile: (619) 645-2061
Attorneys for Complainant

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

In the Matter of the Accusation Against: Case No. N2012-457

SAEID BARADARAN JAMILI
6670 Glade Avenue, Apt. 204
Woodland, CA 91303

Contractor's License No. 960281, C-6

Case No. N2012-457

ACCUSATION

REGAL WOOD WORKS INC.
2664 Saturn Street
Brea, CA 92821

**SAEID BARADARAN JAMILI,
RMO/CEO/PRES**

Contractor's License No. 964063, C-6

Affiliated License.

Complainant alleges:

PARTIES

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

1 2. On or about April 22, 2011, the Registrar of Contractors issued Contractor's License
2 Number 960281, classification C-6 (Cabinet, Millwork and Finish Carpentry) to Saeid Baradaran
3 Jamili, sole owner, (Respondent). The Contractor's License was in full force and effect at all
4 times relevant to the charges brought herein. On March 16, 2012, the Contractor's License was
5 suspended (Contractor's Bond) and on February 19, 2013, the Contractor's License was
6 reinstated. On April 30, 2013, the Contractor's License expired. On October 14, 2013, the
7 license was suspended for failure to satisfy a bond payment of claim.

8 | Affiliated License

9 3. On or about August 3, 2011, the Registrar of Contractors issued Contractor's License
10 Number 964063, classification C-6 (Cabinet, Millwork and Finish Carpentry) to Regal Wood
11 Works Inc., with Saeid Baradaran Jamili, as RMO/CEO/PRES. On June 6, 2013, the
12 Contractor's License was suspended (Contractor's Bond) and on June 26, 2013, the Contractor's
13 License was suspended for failure to obtain or maintain workers' compensation insurance
14 coverage. On August 31, 2013, the Contractor's License expired under suspensions. On October
15 14, 2013, the license was suspended for failure to satisfy a bond payment of claim.

JURISDICTION

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

21 5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license
22 shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the
23 period within which the license may be renewed, restored, reissued or reinstated. Under Code
24 section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees
25 and meets all of the qualifications and requirements for obtaining an original license.

26 6. Section 7076.5 of the Code provides, in pertinent part, that the inactive status of a
27 license shall not bar any disciplinary action for violating provisions of the Contractors' State
28 License Law (Bus. & Prof. Code, § 7000, et seq.).

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

5 8. Code section 7095 provides, in pertinent part, that the Registrar in making his order
6 may:

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

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

11 (c) Impose upon the licensee compliance with such specific conditions as may be just in
12 connection with its operations as a contractor disclosed at the hearing, and may further provide
13 that until such conditions are complied with, no application for restoration of the suspended or
14 revoked licensee shall be accepted by the Registrar.

15 9. Code section 7097 states:

16 Notwithstanding the provisions of Sections 7121 and 7122, when any
17 licensee has been suspended by a decision of the registrar pursuant to an
18 accusation or pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or
19 7090.1, any 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 appearance under the provisions of Section 7068,
may be suspended by the registrar without further notice.

20 10. Code section 7098 states:

21 Notwithstanding the provisions of Sections 7121 and 7122, when any
22 license has been revoked under the provisions of this chapter [the Contractors'
23 State License Law], any additional license issued under this chapter in the name
24 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.

25 11. Section 7106.5 of the Code provides, in pertinent part, that the expiration,
26 cancellation, forfeiture, or suspension of a license by operation of law or by order or decision of
27 the registrar, or a court of law, or the voluntary surrender of the license shall not deprive the

registrar of 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.

12. Code section 7121 states:

Any person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, or associate of any partnership, corporation, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been 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.

13. Code section 7121.5 states:

Any 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, 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 such person by a licensee shall constitute grounds for disciplinary action.

14. Code section 7122.5 states:

The performance by any individual, partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who at the time such act or omission occurred was the responsible managing employee, qualifying partner, responsible managing officer, or qualifying member of such individual, partnership, corporation, firm, or association, whether or not he had knowledge of or participated in the prohibited act or omission."

STATUTORY PROVISIONS

15. Section 7068 of the Code states:

(a) The board shall require an applicant to show such degree of knowledge and experience in the classification applied for, and such general knowledge of the

1 building, safety, health, and lien laws of the state and of the administrative
2 principles of the contracting business as the board deems necessary for the safety
3 and protection of the public.

4 (b) An applicant shall qualify in regard to his or her experience and
5 knowledge in one of the following ways:

6 (1) If an individual, he or she shall qualify by personal appearance or by the
7 appearance of his or her responsible managing employee who is qualified for the
8 same license classification as the classification being applied for.

9 (2) If a copartnership or a limited partnership, it shall qualify by the
10 appearance of a general partner or by the appearance of a responsible managing
11 employee who is qualified for the same license classification as the classification
12 being applied for.

13 (3) If a corporation, or any other combination or organization, it shall
14 qualify by the appearance of a responsible managing officer or responsible
15 managing employee who is qualified for the same license classification as the
16 classification being applied for.

17 (c) A responsible managing employee for the purpose of this chapter [the
18 Contractors' State License Law] shall mean an individual who is a bona fide
19 employee of the applicant and is actively engaged in the classification of work for
20 which that responsible managing employee is the qualifying person in behalf of
21 the applicant.

22 (d) The board shall, in addition, require an applicant who qualifies by means
23 of a responsible managing employee under either paragraph (1) or (2) of
24 subdivision (b) to show his or her general knowledge of the building, safety,
25 health, and lien laws of the state and of the administrative principles of the
26 contracting business as the board deems necessary for the safety and protection of
27 the public.

28 (e) Except in accordance with Section 7068.1, no person qualifying on
behalf of an individual or firm under paragraph (1), (2), or (3) of subdivision (b)
shall hold any other active contractor's license while acting in the capacity of a
qualifying individual pursuant to this section.

(f) At the time of application for renewal of a license, the responsible
managing individual shall file a statement with the registrar, on a form prescribed
by the registrar, verifying his or her capacity as a responsible managing individual
to the licensee.

(g) Statements made by or on behalf of an applicant as to the applicant's
experience in the classification applied for shall be verified by a qualified and
responsible person. In addition, the registrar shall, as specified by board
regulation, randomly review a percentage of such statements for their veracity.

(h) The registrar shall review experience gained by applicants from other states to determine whether all of that experience was gained in a lawful manner in that state."

16. Section 7083 of the Code states:

All licensees shall notify the registrar in writing within 90 days of any change to information recorded under this chapter [the Contractors' State License Law]. This notification requirement shall include, but not be limited to, changes in address, personnel, business name, qualifying individual bond exemption pursuant to Section 7071.9, or exemption to qualify multiple licenses pursuant to Section 7068.1.

Failure of the licensee to notify the registrar of any change to information within 90 days shall cause the change to be effective the date the written notification is received at the board's headquarters office.

Failure to notify the registrar of the changes within the 90 days is grounds for disciplinary action.

17. Code section 7107 states:

Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor constitutes a cause for disciplinary action.

18. Code section 7113 states:

Failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for such construction project or operation or in any modification of such contract constitutes a cause for disciplinary action.

19. Code section 7115 states:

Failure in any material respect to comply with the provisions of this chapter, or any rule or regulation adopted pursuant to this chapter, or to comply with the provisions of Section 7106 of the Public Contract Code, constitutes a cause for disciplinary action.

20. Section 7117 of the Code states that "[a]cting in the capacity of a contractor under any license issued hereunder except: (a) in the name of the licensee as set forth upon the license, or (b) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this chapter [the Contractors' License Law], constitutes a cause for disciplinary action."

21. Code Section 7125.4 states:

(a) The filing of the exemption certificate prescribed by this article that is false, or the employment of a person subject to coverage under the workers' compensation laws after the filing of an exemption certificate without first filing a Certificate of Worker's Compensation Insurance or Certification of Self-Insurance in accordance with the provisions of this article, or the employment of a person subject to coverage under the workers' compensation laws without maintaining coverage for that person, constitutes a cause for disciplinary action.

(b) Any qualifier for a license who, under Section 7068.1 is responsible for assuring that a licensee complies with the provisions of this chapter, is also guilty of a misdemeanor for committing or failing to prevent the commission of any of the acts that are cause for disciplinary action under this section.

22. Code section 7154 states:

A home improvement contractor who employs a person to sell home improvement contracts while such person is not registered by the registrar as a home improvement salesman as provided in this article, is subject to disciplinary action by the registrar.

COST RECOVERY

23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

24. Section 11519, subdivision (d), of the Government Code states, in pertinent part, that the Registrar may require restitution of damages suffered as a condition of probation in the event probation is ordered.

RIC PROJECT

25. R.I.C. Construction Co., Inc., (hereinafter “RIC”) is a general building contractor in California. In 2011, RIC requested from Respondent a bid on a public works project for the County of Riverside. Along with the bid request, RIC sent Respondent a package of forms that specified the requirements a bidding contractor had to meet in order to submit a bid for the cabinetry and countertops for the public works project. One of the specifications required the

1 bidding contractor to have certification through the Woodwork Institute (WI) or a WIC
2 certificate.

3 26. In response to the request for a bid, on or about May 17, 2011, Respondent, through
4 employee David Szeto, submitted a bid for \$64,826 to RIC. On the bid, Respondent listed "Regal
5 Woodworks Inc." as the contractor with Respondent's license number, 960281. On July 13,
6 2011, RIC notified Respondent of RIC's acceptance of the May 17, 2011 bid to provide labor and
7 material to complete the plastic laminate cabinetry and countertop work in the amount of
8 \$64,826.00. Relying on Respondent's bid, RIC submitted a bid to the County of Riverside as the
9 prime contractor. RIC's bid named Respondent as one of the subcontractors on the project. RIC
10 was awarded the prime contract on the public works project by the County of Riverside.

11 27. On or about January 19, 2012, RIC sent copies of the written subcontract based on
12 Respondent's bid, along with a CD containing copies of the plans and specifications that had
13 been previously used by Respondent to bid the job, to Respondent for execution. On or about
14 January 24, 2012, RIC was notified by Sam Abdollahi, an employee for Respondent, that
15 Respondent did not hold the necessary WIC certification. Abadollahi requested a waiver of the
16 requirement for WIC certification.

17 28. On or about February 16, 2012, RIC notified Respondent that the architect would not
18 grant a waiver of the WIC certification. RIC again requested that Respondent execute the written
19 contract. When RIC did not hear back from Respondent, RIC sent notice to Respondent that RIC
20 intended to make a request to the County of Riverside for Respondent's removal from the project
21 for failure to return the written contract. Respondent did not respond to RIC.

22 29. On February 24, 2012, RIC made an official request for substitution of subcontractors
23 to the County of Riverside based on Respondent not being qualified to meet the specifications on
24 the WIC certificate and the failure to return the executed contract. On February 29, 2012, the
25 County of Riverside sent Respondent a notice of the request for substitution and afforded
26 Respondent an opportunity to submit a written objection. No objection was received and the
27 County authorized the substitution. Thereafter, RIC accepted and entered into a contract with
28 another subcontractor in the amount of \$106,666.31. RIC incurred a financial injury in the

1 amount of \$42,837.30. Thereafter, RIC filed a complaint with the Contractors State License
2 Board.

3 30. On or about May 14, 2012, a Board investigator interviewed Respondent.
4 Respondent stated that he remembered receiving a package of forms with the bid request, but that
5 he did not read everything because "there were too many things to read." Respondent was
6 interviewed again on August 23, 2012 by a Board investigator. Respondent stated that he did not
7 prepare the bid documents but that he reviewed them prior to the bid being submitted to RIC.
8 Respondent stated that he allowed his employee, David Szeto, to prepare the bid. Respondent
9 admitted to the investigator that David Szeto and Sam Abdollahi were his salespersons, but they
10 no longer worked for him. Respondent also stated that he believed he was allowed to use his sole
11 license number 960281 because he was in the process of forming a corporation, Regal
12 Woodworks Inc. Respondent stated that he never saw the RIC contract and that he did not have
13 workers compensation. The investigator asked Respondent to confirm his address. Respondent
14 stated he had not been at his address of record (the Woodland Hills address) for a year.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Abandonment)**

17 31. Respondent is subject to disciplinary action pursuant to Code section 7107 in that,
18 Respondent abandoned a construction project or operation engaged in or undertaken by the
19 Respondent without legal excuse, as set forth in paragraphs 25 through 30, above.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Failure to Complete the Project for the Price Stated in Contract)**

22 32. Respondent is subject to disciplinary action pursuant to Code section 7113 for
23 failing in a material respect to complete the construction project or operation for the price stated
24 in the contract, as set forth in paragraphs 25 through 30, above.

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THIRD CAUSE FOR DISCIPLINE

(Failure to Exercise Direction and Control Over License and Employees)

33. Respondent is subject to disciplinary action pursuant to Code section 7115 for violating Code section 7068, in that Respondent failed to exercise direction and control over his license and his employees, as set forth in paragraphs 25 through 30, above.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Notify Registrar of Change of Address)

34. Respondent is subject to disciplinary action pursuant to Code section 7115 for violating Code section 7083, in that Respondent failed to notify the Registrar of Respondent's change in address, as evidenced by his admission, as set forth in paragraph 30, above.

FIFTH CAUSE FOR DISCIPLINE

(Failed to Include Proper Namestyle)

35. Respondent is subject to disciplinary action pursuant to Code section 7117 in that, he failed to include the name style of his business on the bid exactly as it appears in the Board's records as set forth in paragraphs 25 through 30, above.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Maintain a Valid and Current Worker's Compensation Insurance Coverage)

36. Respondent is subject to disciplinary action pursuant to Code section 7125.4, subdivision (a) in that, he failed to maintain on file with the Board at all times a current and valid Workers' Compensation Insurance certification in violation of worker's compensation laws, as set forth in paragraphs 25 through 30, above.

OTHER MATTERS

37. Pursuant to sections 7097 and 7098 of the Code, if license number 960281 issued to Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any other license issued in the name of Saeid Baradaran Jamili or for which Saeid Baradaran Jamili furnished the qualifying experience and appearance.

38. Pursuant to section 7121 of the Code, if discipline is imposed on license number 960281 issued to Respondent, Saeid Baradaran Jamili shall be prohibited from serving as an

officer, director, associate, partner, manager, or qualifying individual, or member of the personnel of record of a licensee of any licensee during the time the discipline is imposed, and any licensee which employs, elects, or associates Saeid Baradaran Jamili shall be subject to disciplinary action.

39. Pursuant to Section 7121.5 of the Code, if discipline is imposed on license number 960281 issued to Respondent, Saeid Baradaran Jamili shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of any licensee during the time the discipline is imposed, whether or not he had knowledge or participated in the acts or omissions constituting grounds for discipline, and any licensee which employs, elects, or associates Saeid Baradaran Jamili shall be subject to disciplinary action.

40. Pursuant to Code section 7122.5, the causes for discipline established as to Respondent constitute causes for discipline against Contractor's License Number 960281 issued to Respondent, and any other license issued to its officers regardless of whether they had knowledge of or participated in the acts or omissions alleged above which constitute cause for discipline against Respondent.

PRAYER

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

1. Revoking or suspending Contractor's License Number 960281 issued to Saeid Baradaran Jamili;

2. Prohibiting Saeid Baradaran Jamili from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license Number 960281, issued to Saeid Baradaran Jamili;

3. Revoking or suspending any other license for which Saeid Baradaran Jamili is furnishing the qualifying experience or appearance;

4. Ordering restitution of all damages according to proof suffered by R.I.C. Construction Co., Inc., as a condition of probation in the event probation is ordered;

5. Ordering restitution of all damages suffered by R.I.C. Construction Co., Inc., as a result of Saeid Baradaran Jamili's conduct as a contractor, as a condition of restoration of license Number 960281, issued to Saeid Baradaran Jamili;

6. Ordering Saeid Baradaran Jamili to pay the Registrar of Contractors his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3;

7. Ordering Saeid Baradaran Jamili to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

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

DATED: November 25, 2013 for Heather Henderson
WOOD ROBINSON
Enforcement Supervisor I
Contractors' State License Board
Department of Consumer Affairs
State of California
Complainant

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