

1 KAMALA D. HARRIS  
2 Attorney General of California  
3 FRANK H. PACOE  
4 Supervising Deputy Attorney General  
5 MICHAEL B. FRANKLIN  
6 Deputy Attorney General  
State Bar No. 136524  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5622  
Facsimile: (415) 703-5480

*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. N2012-502

12 T I SOURCE INC  
13 GLEN ALLEN GRUNER, RMO  
14 JAY ALLEN KNUDSON, CEO/PRES  
4659 Christanson Street  
Brentwood, CA 94513,

## ACCUSATION

16 Contractor's License No. 850182, B.

17 | And

18 ABG GENERAL CONTRACTORS &  
19 MANAGEMENT GROUP INC.  
20 GLEN ALLEN GRUNER, RMO  
21 JANELL MARIE GRUNER, OFFICER  
P.O. Box 441  
Brentwood, CA 94513

22 Contractor's License No. 671845, B.

23

1                   **IMAGE CONSTRUCTION &  
2                   MANAGEMENT INC.**

3                   **GLEN ALLEN GRUNER, RMO**  
4                   9020 Brentwood Blvd, Ste A  
5                   Brentwood, CA 94513,

6                   Contractor's License No. 884380, B,

7                   5                   Respondent and Affiliated  
8                   6                   Parties.

9                   Complainant alleges:

10                   **PARTIES**

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

14                   2.       On or about November 19, 2004, the Registrar of Contractors issued Contractor's  
15                   License Number 850182, B, to T I Source Inc, Glen Allen Gruner, RMO, Jay Allen Knudson,  
16                   CEO/Pres (Respondent). This Contractor's License will expire on November 30, 2013, unless  
17                   renewed.

18                   3.       On or about May 25, 1993, the Registrar of Contractors issued Contractor's License  
19                   Number 671845, B, to ABG General Contractors & Management Group Inc, Glen Allen Gruner,  
20                   RMO/CEO/Pres, Janell Marie Gruner, Officer (Affiliated Party). The Contractor's License  
21                   expired on May 31, 2007 and has not been renewed.

22                   4.       On or about September 18, 2006, the Registrar of Contractors issued Contractor's  
23                   License Number 884380, B, to Image Construction & Management Inc, Glen Allen Gruner,  
24                   RMO/ CEO/Pres (Affiliated Party). This Contractor's License will expire on September 30,  
25                   2014, unless renewed.

26                   **JURISDICTION**

27                   5.       This Accusation is brought before the Registrar of Contractors (Registrar) for the  
28                   Contractors' State License Board, Department of Consumer Affairs, under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise  
2 indicated.

3 **STATUTORY PROVISIONS**

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

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

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

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

21 10. Section 7107 of the Code states that "[a]bandonment without legal excuse of any  
22 construction project or operation engaged in or undertaken by the licensee as a contractor  
23 constitutes a cause for disciplinary action."

24 11. Section 7110 of the Code states:

25 "Willful or deliberate disregard and violation of the building laws of the state, or of any  
26 political subdivision thereof, or of Section 8505 or 8556 of this code, or of Sections 1689.5 to  
27 1689.8, inclusive, or Sections 1689.10 to 1689.13, inclusive, of the Civil Code, or of the safety  
28 laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state,

1 or violation by any licensee of any provision of the Health and Safety Code or Water Code,  
2 relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section  
3 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for  
4 disciplinary action."

5 12. Section 7113 of the Code states that "[f]ailure in a material respect on the part of a  
6 licensee to complete any construction project or operation for the price stated in the contract for  
7 such construction project or operation or in any modification of such contract constitutes a cause  
8 for disciplinary action."

9 13. Section 7159.5 of the Code states:

10 "This section applies to all home improvement contracts, as defined in Section 7151.2,  
11 between an owner or tenant and a contractor, whether a general contractor or a specialty  
12 contractor, who is licensed or subject to be licensed pursuant to this chapter with regard to the  
13 transaction.

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

16 ...

17 (5) Except for a downpayment, the contractor may neither request nor accept payment that  
18 exceeds the value of the work performed or material delivered.

19 ... "

#### COST RECOVERY/RESTITUTION

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

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

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## KLEINHEINZ PROJECT

2       16. On or about November 4, 2011, Respondent entered into a contract with Jolene  
3 Kleinheinz to repair and remodel her fire damaged home in Hayward, California (hereinafter  
4 “Kleinheinz project”). The contract price was for \$90,669.00. Work began on or about  
5 November 7, 2011 and was abandoned on or about June 8, 2012. Respondent received payments  
6 in the amount of \$70,446.37 prior to abandoning the project. Respondent failed to obtain a  
7 building permit prior to the work starting.

## **FIRST CAUSE FOR DISCIPLINE**

### (Abandonment)

10        17. Respondent's license is subject to discipline under Code section 7107, in that on the  
11 Kleinheinz project, Respondent abandoned the project, without legal excuse, leaving the  
12 following work incomplete:

- 13 a. Failed to install drip edge flashing at the roof.
- 14 b. Failed to install a vent cap for the bathroom fan.
- 15 c. Failed to install a roof drainage system.
- 16 d. Failed to complete the installation of exterior doors and windows.
- 17 e. Failed to complete the installation of stucco siding and wood trim.
- 18 f. Failed to paint the exterior of the house.
- 19 g. Failed to install a stud at the rear right corner of the kitchen.
- 20 h. Failed to extend the platform at the laundry site to allow laundry appliances to be placed on it.
- 21 i. Failed to complete rough electric.
- 22 j. Failed to install insulation.
- 23 k. Failed to install drywall.
- 24 l. Failed to install baseboards.
- 25 m. Failed to install interior doors and door at the side entrance to the garage.
- 26 n. Failed to paint the interior of the house.
- 27 o. Failed to finish the electrical system.

- p. Failed to install floor coverings.
- q. Failed to complete the installation of the bathroom.
- r. Failed to complete the installation of the kitchen.
- s. Gas piping installation needed to be completed and pressure tested.
- t. Failed to install a heating system.
- u. Failed to install the water heater.

## **SECOND CAUSE FOR DISCIPLINE**

**(Failure to Obtain a Building Permit)**

9       18. Respondent's license is subject to discipline under Code section 7110, in that on the  
10 Kleinheinz project, Respondent failed to obtain a building permit prior to starting the Kleinheinz  
11 project.

### **THIRD CAUSE FOR DISCIPLINE**

#### **(Failure to Complete the Project for the Contract Price)**

14        19. Respondent's license is subject to discipline under Code section 7113, in that on the  
15 Kleinheinz project, Respondent failed in a material respect to complete the project for the contract  
16 price and the owner will be required to spend a substantial sum in excess of the contract price to  
17 complete the project in accordance with the contract.

## **FOURTH CAUSE FOR DISCIPLINE**

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

20        20. Respondent's license is subject to discipline under Code section 7159.5 (a)(5) in that  
21 on the Kleinheinz project, Respondent asked for and received funds in excess of the value of the  
22 work performed.

## **OTHER MATTERS**

24        21. Pursuant to sections 7097 and 7098 of the Code, if license number 850182 issued to  
25        Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any  
26        other license issued in the name of Glen Allen Gruner or for which Glen Allen Gruner furnished  
27        the qualifying experience and appearance.

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1       22. Pursuant to section 7121 of the Code, if discipline is imposed on license number  
2 850182 issued to Respondent, Glen Allen Gruner shall be prohibited from serving as an officer,  
3 director, associate, partner, manager, or qualifying individual, or member of the personnel of  
4 record of a licensee of any licensee during the time the discipline is imposed, and any licensee  
5 which employs, elects, or associates Glen Allen Gruner shall be subject to disciplinary action.

6       23. Pursuant to Section 7121.5 of the Code, if discipline is imposed on license number  
7       850182 issued to Respondent, Glen Allen Gruner shall be prohibited from serving as an officer,  
8       director, associate, partner, manager, or qualifying individual of any licensee during the time the  
9       discipline is imposed, whether or not he had knowledge or participated in the acts or omissions  
10      constituting grounds for discipline, and any licensee which employs, elects, or associates Glen  
11      Allen Gruner shall be subject to disciplinary action.

12        24. Section 7095 of the Code provides, in pertinent part, that the Registrar in making his  
13 order may:

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

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

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

## 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:

25 1. Revoking or suspending Contractor's License Number 850182 issued to T I Source  
26 Inc, Glen Allen Gruner, RMO, Jay Allen Knudson, CEO/Pres;

27       2. Prohibiting Glen Allen Gruner from serving as an officer, director, associate, partner,  
28 or qualifying individual of any licensee during the period that discipline is imposed on license

1      Number 850182, issued to T I Source Inc, Glen Allen Gruner, RMO, Jay Allen Knudson,  
2      CEO/Pres;

3            3.      Revoking or suspending any other license for which Glen Allen Gruner is furnishing  
4      the qualifying experience or appearance;

5            4.      Ordering restitution of all damages according to proof suffered by Jolene Kleinheinz  
6      as a condition of probation in the event probation is ordered;

7            5.      Ordering restitution of all damages suffered by Jolene Kleinheinz as a result of  
8      Respondent's conduct as a contractor, as a condition of restoration of license Number 850182,  
9      issued to T I Source Inc, Glen Allen Gruner, RMO, Jay Allen Knudson, CEO/Pres;

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

13           7.      Ordering Respondent to provide the Registrar with a listing of all contracting projects  
14      in progress and the anticipated completion date of each;

15           8.      Revoking or suspending Contractor's License Number 671845 issued ABG General  
16      Contractors & Management Group Inc, Glen Allen Gruner, RMO/CEO/Pres, Janell Marie Gruner,  
17      Officer (Affiliated Party);

18           9.      Revoking or suspending Contractor's License Number 884380 issued to Image  
19      Construction & Management Inc, Glen Allen Gruner, RMO/ CEO/Pres (Affiliated Party);

20           10.      Taking such other and further action as deemed necessary and proper.

22  
23      DATED: September 19, 2013



24           WOOD ROBINSON  
25      Enforcement Supervisor I  
26      Contractors' State License Board  
27      Department of Consumer Affairs  
28      State of California  
            *Complainant*