

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

In the Matter of the Accusation Against:

GENIE CONSTRUCTION, INC.
26323 Jefferson Avenue, #H
Murrieta, CA 92562
KYOUNG MIN PARK, RMO
KIESUK SHIN, Officer
Contractor's License No. **904401**

Respondent

CASE NO. N2013-121

DEFAULT DECISION
AND ORDER

[Gov. Code, § 11520]

GENIE CONSTRUCTION INC.
dba GENIE'S PAINTING
30383 Savannah Oaks Drive
Murrieta, CA 92563
KYOUNG MIN PARK, RMO
KIESUK SHIN, Officer
YUNSOON KO, Officer
Contractor's License No. **891075**

DREAM PAINTING S D INC.
11750 Sterling Avenue, #G
Riverside, CA 92503
DAVID WON KWAK, RMO
KYOUNG MIN PARK, Officer
JUNE KIM, Officer
Contractor's License No. **877741**

C G K CONSTRUCTION CO.
11815 Spruce Run Drive
San Diego, CA 92131
KYOUNG MIN PARK, Owner
Contractor's License No. **897242**

TOP GOAL INC.,
dba T G I CONSTRUCTION
1818 West 114th Street
Gardena, CA 90249
KYOUNG MIN PARK, RMO
HYO SOON SHIN, Officer
Contractor's License No. **974874**

Affiliated Licenses

Respondent **GENIE CONSTRUCTION, INC.**, having been served with Accusation, Case No. N2013-121, Statement to Respondent, and a Notice of Defense form as provided by Sections 11503 and 11505 of the Government Code; having failed to file a Notice of Defense, the Agency has determined that the respondent is in default. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable cost for Investigation and Enforcement is \$3,311.68 as of January 15, 2014.

This agency will take action on the Accusation and documents on file herein without a hearing as provided by Sections 11505(a) and 11520 of the Government Code and makes the following findings of fact:

FINDINGS OF FACT

1. On or about November 12, 2013, Accusation, Case No. N2013-121, was filed against **GENIE CONSTRUCTION, INC.** before the Contractors State License Board (Board). A true and correct copy of the Accusation, Case No. N2013-121, is attached as Exhibit "1" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein.
2. On or about October 4, 2007, the Board issued Contractor's License No. **904401** to **GENIE CONSTRUCTION, INC.**. Said License was in full force and effect at all times relevant to the charges and allegations contained in Accusation, Case No. N2013-121. This license expired October 31, 2013. This lapse in licensure, however, pursuant to business and professions code section 118(b), does not deprive the board of its authority to institute or continue this disciplinary proceeding. A true and correct copy of the Certificate of Licensure is attached as Exhibit "2" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein.
3. On or about November 13, 2013, Respondent was served by certified and first class mail with a true and correct copy of Accusation, Case No. N2013-121, together with copies of all statutorily required documents, at his address of record on file with the Board, which was: 26323 Jefferson Avenue, #H, Murrieta, CA 92562. A true and correct copy of the Statement to Respondent and Declaration of Service are attached as Exhibit "3" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein. Service of Accusation, Case No. N2013-121, was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
4. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

5. Respondent failed to file a Notice of Defense within 15 days after service upon him of a true and correct copy of Accusation, Case No. N2013-121, and has therefore waived his right to a hearing on the merits of the charges and allegations contained therein.

6. Government Code section 11520, subdivision (a), states, in pertinent part:

"If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

DETERMINATION OF ISSUES

7. Pursuant to its authority under California Government Code section 11520, and based on the relevant evidence before it as contained in the Default Decision Evidence Packet, the Board hereby finds, by clear and convincing evidence, that the charges and allegations contained in Accusation, Case No. N2013-121, Business and Professions Code sections 7109(a), 7113, 7118, 7119, 7159 (e)(1)(2)(4)(5), (e)(6)(A), (d)(8)(A)(B)(C), (d)(9)(A)(B)(C), (d)(10)(A)(B)(C), (d)(11)(A)(B), 7159.5 (a)(5) and the Findings of Fact contained in paragraphs 1 - 6 above, and each of them, separately and severally, are true and correct.

ORDER

IT IS SO ORDERED THAT:

License Number **904401** issued to **GENIE CONSTRUCTION, INC.** is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, title 16, Respondent **GENIE CONSTRUCTION, INC.**, License No. **904401**, shall not apply for reissuance or reinstatement of said license for one year(s) from the effective date of this Decision.

License No. **891075** issued to **GENIE CONSTRUCTION INC. dba GENIE'S PAINTING** is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, Respondent **GENIE CONSTRUCTION INC. dba GENIE'S PAINTING**, License No. **891075**, shall not apply for reissuance or reinstatement of said license for one year(s) from the effective date of this Decision.

License Number **897242** issued to **C G K CONSTRUCTION CO.** is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, Respondent **C G K CONSTRUCTION CO.**, License No. **897242**, shall not apply for reissuance or reinstatement of said license for one year(s) from the effective date of this Decision.

IT IS FURTHER ORDERED that unless **KYOUNG MIN PARK** License Number **904401** disassociates from License Number **974874**, on or before the effective date of this decision, the same penalties imposed upon License Number **904401** shall be imposed upon License Number **974874**, pursuant to and in accordance with Sections 7097 and 7098 of the Contractors' License Law.

IT IS FURTHER ORDERED that Respondent shall pay restitution in the amount of \$3,311.68. This amount is to be paid prior to issuance of a new or reinstated license pursuant to Government Code section 11519, subdivision (d).

IT IS FURTHER ORDERED that Respondent shall pay the investigative costs in the amount of \$3,311.68, prior to issuance of a new or reinstated license pursuant to Business and Professions Code section 125.3.

IT IS THE responsibility of the Respondents, named in this Decision, to read and follow the terms and conditions of the Order. Proof of payments of restitution, and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 10, 2014.

IT IS SO ORDERED February 5, 2014.



Stephen P. Sands
Registrar of Contractors