

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

In the Matter of the Accusation Against:

**QUALITY PLUMBING & REPIPE INC.**  
**278 East Gish Road**  
**San Jose, CA 95112**  
**Domingo De Jesus Garcia, RMO**  
**Sergio Arturo Aguilar Castillo,**  
**CEO/President (Disassoc. 3/29/16)**

**Contractor's License No. 1007379 (Canceled  
3/28/16)**

**Affiliated Licenses:**

**Golden Shark Construction Inc.**  
**Domingo De Jesus Garcia,**  
**RMO/CEO/PRES**  
**323 Commercial St.**  
**San Jose, CA 95112**

**Contractor's License No. 851258 B, C61/D12**

**Unlimited Master Plumbing Inc.**  
**Domingo De Jesus Garcia,**  
**RMO/CEO/PRES**  
**2632 Holstetter Road**  
**San Jose, CA 95132**

**Contractor's License No. 994963 C36**

**Respondent.**

**CASE NO. N2015-488**

**OAH NO. 2017070981**

**ORDER TO ADOPT  
STIPULATED SETTLEMENT**

**(As to License Nos. 851258 and  
994963 Only)**

The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter. The failure to comply with any of the terms and conditions as set forth in the provisions of probation will be deemed a violation of probation.

IT IS FURTHER ORDERED that **Golden Shark Construction Inc.**, License Number **851258**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of \$30,000.00, for a period of not less than three years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that **Unlimited Master Plumbing Inc.**, License Number **994963**, on the effective date of this Decision shall have on file a Disciplinary Bond or post a cash deposit in the amount of \$30,000.00, for a period of not less than three years pursuant to Section 7071.8 of the Business and Professions Code. Any suspension for failing to post a disciplinary bond or a cash deposit, or any suspension for any other reason, shall not relieve the Respondent from complying with the terms and conditions of probation. Furthermore, suspension of the license during the period of probation, for any reason under this chapter, will cause the probationary period to be automatically extended in time equal to the length of time that the license is not in a clear and active status.

IT IS FURTHER ORDERED that Respondents shall jointly and severally pay the investigative costs in the amount of \$6,068.67. Monthly payments are to be made in the amount of \$552.00, until completed. Payments are to be made at the end of each month, commencing the first full month after the effective date of this decision.

IT IS THE responsibility of the Respondents, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of this Decision. No notices or reminders will be sent as to compliance with the terms and conditions. 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.

This Decision shall become effective on February 8, 2018.

IT IS SO ORDERED January 8, 2018.



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David Fogt  
Registrar of Contractors

1 XAVIER BECERRA  
2 Attorney General of California  
3 DIANN SOKOLOFF  
4 Supervising Deputy Attorney General  
5 CARTER OTT  
6 Deputy Attorney General  
7 State Bar No. 221660  
8 1515 Clay Street, 20th Floor  
9 P.O. Box 70550  
10 Oakland, CA 94612-0550  
11 Telephone: (510) 879-1349  
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E-mail: Carter.Ott@doj.ca.gov  
*Attorneys for Complainant*

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BEFORE THE  
REGISTRAR OF CONTRACTORS  
CONTRACTORS' STATE LICENSE BOARD  
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STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. N2015-488

QUALITY PLUMBING & REPIPE INC.  
278 East Gish Road  
San Jose, CA 95112  
Domingo De Jesus Garcia, RMO  
Sergio Arturo Aguilar Castillo,  
CEO/President (Disassoc. 3/29/16)

OAH No. 2017070981

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER

Contractor License No. 1007379 (Canceled  
3/28/16)

Affiliated Licenses:

Golden Shark Construction Inc.  
Domingo De Jesus Garcia,  
RMO/CEO/PRES  
323 Commercial St.  
San Jose, CA 95112

Contractor License No. 851258 B, C61/D12

Unlimited Master Plumbing Inc.  
Domingo De Jesus Garcia,  
RMO/CEO/PRES  
2632 Holstetter Road  
San Jose, CA 95132

Contractor License No. 994963 C36

Respondents.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors'  
5 State License Board ("Board"). He brought this action solely in his official capacity and is  
6 represented in this matter by Xavier Becerra, Attorney General of the State of California, by  
7 Carter Ott, Deputy Attorney General.

8 2. On or about September 16, 2015, the Registrar of Contractors ("Registrar") issued  
9 Contractor License Number 1007379 to Respondent Quality Plumbing & Repipe Inc.  
10 Respondent Quality Plumbing & Repipe Inc. designated Domingo De Jesus Garcia as its  
11 Responsible Managing Officer ("RMO") and Sergio Arturo Aguilar Castillo as its Chief  
12 Executive Officer ("CEO") and President (disassociated 3/29/16). The Contractor License  
13 expired on March 28, 2016, and subsequently was cancelled on March 28, 2016.

14 3. On or about December 14, 2004, the Registrar issued Contractor License Number  
15 851258 to Respondent Golden Shark Construction Inc. Respondent Golden Shark Construction  
16 Inc. designates Domingo De Jesus Garcia as its RMO, CEO, and President. The Contractor  
17 License was in full force and effect at all times relevant to the charges in Accusation No. N2015-  
18 488 and will expire on February 28, 2018, unless renewed.

19 4. On or about July 21, 2014, the Registrar issued Contractor License Number 994963  
20 to Respondent Unlimited Master Plumbing Inc. Respondent Unlimited Master Plumbing Inc.  
21 designates Domingo De Jesus Garcia as its RMO, CEO, and President. The Contractor License  
22 was in full force and effect at all times relevant to the charges in Accusation No. N2015-488 and  
23 will expire on July 31, 2018, unless renewed.

24 5. Respondents Quality Plumbing & Repipe Inc., Domingo De Jesus Garcia; Golden  
25 Shark Construction Inc., Domingo De Jesus Garcia; and Unlimited Master Plumbing Inc.,  
26 Domingo De Jesus Garcia are represented by Manuel Rivas, Jr., Law Office of Manuel Rivas, Jr.,  
27 1 Sansome Street, Ste 3500, San Francisco, CA 94104.

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## JURISDICTION

6. Accusation No. N2015-488 was filed before the Registrar, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 22, 2017. Respondent timely filed its Notice of Defense contesting the Accusation.

7. A copy of Accusation No. N2015-488 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

9       8. Respondents have carefully read, fully discussed with counsel, and understand the  
10 charges and allegations in Accusation No. N2015-488. Respondents have also carefully read,  
11 fully discussed with counsel, and understand the effects of this Stipulated Settlement and  
12 Disciplinary Order.

13        9. Respondents are fully aware of their legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
15 the witnesses against them; the right to present evidence and to testify on their own behalf; the  
16 right to the issuance of subpoenas to compel the attendance of witnesses and the production of  
17 documents; the right to reconsideration and court review of an adverse decision; and all other  
18 rights accorded by the California Administrative Procedure Act and other applicable laws.

19        10. Respondents voluntarily, knowingly, and intelligently waives and gives up each and  
20 every right set forth above.

## CULPABILITY

22        11. Respondents understand and agree that the charges and allegations in Accusation No.  
23 N2015-488, if proven at a hearing, constitute cause for imposing discipline upon their Contractor  
24 Licenses.

25        12. For the purpose of resolving the Accusation without the expense and uncertainty of  
26 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
27 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest  
28 those charges.

13. Respondents agree that their Contractors Licenses are subject to discipline and they agree to be bound by the Registrar's probationary terms as set forth in the Disciplinary Order below.

## RESERVATION

14. The admissions made by Respondents in this stipulation are only for the purposes of this proceeding, or any other proceedings in which the Registrar of Contractors, Contractors' State License Board, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

10        15. This stipulation shall be subject to approval by the Registrar of Contractors or the  
11 Registrar's designee. Respondents understand and agree that counsel for Complainant and the  
12 staff of the Contractors' State License Board may communicate directly with the Registrar  
13 regarding this stipulation and settlement, without notice to or participation by Respondents or its  
14 counsel. By signing the stipulation, Respondents understand and agree that they may not  
15 withdraw their agreement or seek to rescind the stipulation prior to the time the Registrar  
16 considers and acts upon it. If the Registrar fails to adopt this stipulation as its Decision and  
17 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
18 this paragraph, it shall be inadmissible in any legal action between the parties, and the Registrar  
19 shall not be disqualified from further action by having considered this matter.

20       16. The parties understand and agree that Portable Document Format (PDF) and facsimile  
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
22 signatures thereto, shall have the same force and effect as the originals.

23        17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
28 writing executed by an authorized representative of each of the parties.

18. In consideration of the foregoing admissions and stipulations, the parties agree that the Registrar may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Contractor License No. 1007379, issued to Respondent Quality Plumbing & Repipe Inc., is revoked. If Respondent Quality Plumbing & Repipe Inc. ever files an application for licensure or a petition for reinstatement in the State of California, it must comply with all laws, regulations, and procedures for reinstatement or a revoked license in effect at the time the petition is filed, as well as paragraph 7, below

IT IS HEREBY FURTHER ORDERED that Contractor License No. 851258, issued to Respondent Golden Shark Construction Inc., and Contractor License No. 994963, issued to Respondent Unlimited Master Plumbing Inc., are revoked. However, the revocation of these licenses is stayed and Respondents Golden Shark Construction Inc. and Unlimited Master Plumbing Inc. are placed on probation for three years on the following terms and conditions:

1. **Obey All Laws.** Respondents Golden Shark Construction Inc. and Unlimited Master Plumbing Inc. shall comply with all federal, state and local laws, including all building laws and uniform codes, governing the activities of a licensed contractor in California.

2. **Interviews with Enforcement Representative.** Respondents Golden Shark Construction Inc. and Unlimited Master Plumbing Inc. and any of Respondents' personnel of record shall appear in person for interviews with the Registrar or designee upon request and reasonable notice during the probationary period.

**3. Completion of Probation.** Upon successful completion of probation, the Contractor License Nos. 851258 and 994963 will be fully restored.

4. **Violation of Probation.** If Respondent Golden Shark Construction Inc. or Respondent Unlimited Master Plumbing Inc. violates probation or any condition of probation in any respect, the Registrar, after giving notice and opportunity to be heard, may revoke probation and impose the disciplinary order that is stayed. If an accusation or petition to revoke probation is filed against Respondent Golden Shark Construction Inc. or Respondent Unlimited Master

1 Plumbing Inc. during the probationary period, then the Registrar shall have continuing  
2 jurisdiction of this matter until the subsequent matter is final, and the period of probation and all  
3 the conditions of probation in this matter shall be extended until the subsequent matter is final. If  
4 there is an order to make restitution or pay cost recovery and Respondent Golden Shark  
5 Construction Inc. or Respondent Unlimited Master Plumbing Inc. fails to comply with the  
6 restitution or cost recovery order and make a payment, the Registrar may immediately lift the stay  
7 and reimpose the disciplinary order without giving Respondent Golden Shark Construction Inc. or  
8 Respondent Unlimited Master Plumbing Inc. an opportunity to be heard.

9       **5. Disciplinary Bond.** Not later than the effective date of the decision, Respondents  
10 Golden Shark Construction Inc. and Unlimited Master Plumbing Inc. shall file or have on file a  
11 disciplinary contractor's bond in a sum to be fixed by the Registrar based upon the seriousness of  
12 the violation, but which sum shall not be less than fifteen thousand dollars (\$15,000) nor more  
13 than 10 times that amount required by Business and Professions Code section 7071.6. The  
14 disciplinary bond is in addition to, may not be combined with, and does not replace any other type  
15 of contractor's bond. The disciplinary bond shall remain on file with the Registrar for a period of  
16 at least two years and for such additional time as the Registrar may determine, as required by  
17 Business and Professions Code section 7071.8.

18       **6. Production of Documents.** Respondents Golden Shark Construction Inc. and  
19 Unlimited Master Plumbing Inc. shall submit copies of documents directly related to construction  
20 operations to the Registrar or designee upon demand during the probationary period.

21       **7. Cost Recovery.** Respondents Golden Shark Construction Inc. and Unlimited Master  
22 Plumbing Inc. are jointly and severally responsible for and shall pay to the Registrar, pursuant to  
23 Business and Professions Code section 125.3, the costs of investigation and enforcement in this  
24 matter in the amount of \$6,068.67 within one year of the effective date of the Decision and Order.  
25 Payments shall be made in equal monthly installments beginning thirty (30) days from the  
26 effective date of the Decision and Order. If Respondent Quality Plumbing & Repipe Inc. submits  
27 an application for a new license or for reinstatement of a license and, at that time, the costs of  
28 investigation and enforcement (\$6,068.67) have not been paid in full by Respondents Golden

1. Stark Construction Inc. and/or Unlimited Master Plumbing Inc. as provided within this section.  
2. Respondent Quality Plumbing & Repipe Inc. shall also be jointly and severally responsible for  
3. and shall pay to the Registrar, pursuant to Business and Professions Code section 125.3, the costs  
4. of investigation and enforcement in this matter, which shall be paid prior to issuance to  
5. Respondent Quality Plumbing & Repipe Inc. of a new license or reinstated license.

6. **Respond to Inquiry from Probation Monitor.** Respondents shall respond in  
7. writing within 20 calendar days of any written inquiry or demand from the Registrar or authorized  
8. designee (Probation Monitor) during the probation period. Failure to respond within the allotted  
9. timeframe shall be considered a violation of the terms of probation.

10. **ACCEPTANCE**

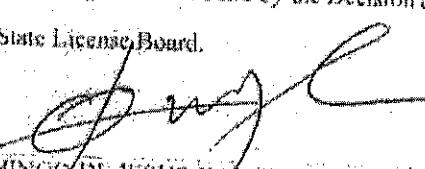
11. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12. discussed it with my attorney, Manuel Rivas, Jr. I understand the stipulation and the effect it will  
13. have on Contractor License No. 4007379. I enter into this Stipulated Settlement and Disciplinary  
14. Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
15. of the Registrar of Contractors, Contractors' State License Board.

16. **DATED:** 11/14/17

17.   
18. DOMINGO DE JESUS GARCIA  
19. Responsible Managing Officer  
20. QUALITY PLUMBING & REPIPE INC.  
21. *Respondent*

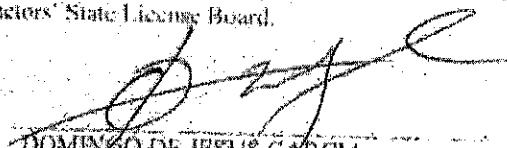
1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
2 discussed it with my attorney, Manuel Rivas, Jr. I understand the stipulation and the effect it will  
3 have on Contractor License No. 851258. I enter into this Stipulated Settlement and Disciplinary  
4 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
5 of the Registrar of Contractors, Contractors' State License Board.

6  
7 DATED: 11/14/17  
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DOMINGO DE JESUS GARCIA  
Responsible Managing Officer, Chief Executive  
Officer, and President  
GOLDEN SHARK CONSTRUCTION INC.  
*Respondent*

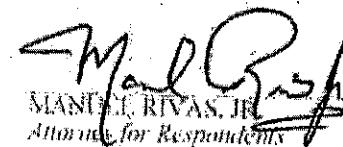
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, Manuel Rivas, Jr. I understand the stipulation and the effect it will  
13 have on Contractor License No. 994963. I enter into this Stipulated Settlement and Disciplinary  
14 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
15 of the Registrar of Contractors, Contractors' State License Board.

16  
17 DATED: 11/14/17  
18

  
DOMINGO DE JESUS GARCIA  
Responsible Managing Officer, Chief Executive  
Officer, and President  
UNLIMITED MASTER PLUMBING INC.  
*Respondent*

22 I have read and fully discussed with Respondents the terms and conditions and other  
23 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
24 and content.

25  
26 DATED: 11/29/17  
27

  
MANUEL RIVAS, JR.  
Attorney for Respondents

## ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

Dated:

11/29/17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

CARTER OTT  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. N2015-488**

1 XAVIER BECERRA  
2 Attorney General of California  
3 DIANN SOKOLOFF  
4 Supervising Deputy Attorney General  
5 CARTER OTT  
6 Deputy Attorney General  
7 State Bar No. 221660  
8 1515 Clay Street, 20th Floor  
9 P.O. Box 70550  
10 Oakland, CA 94612-0550  
11 Telephone: (510) 879-1349  
12 Facsimile: (510) 622-2270  
13 E-mail: Carter.Ott@doj.ca.gov  
14 *Attorneys for Complainant*

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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. N2015-488

**QUALITY PLUMBING & REPIPE INC.**  
278 East Gish Road  
San Jose, CA 95112  
Domingo De Jesus Garcia, RMO  
Sergio Arturo Aguilar Castillo,  
CEO/President (Disassoc. 3/29/16)

ACCUSATION

Contractor License No. 1007379 (Canceled  
3/28/16)

Affiliated Licenses:

Golden Shark Construction Inc.  
Domingo De Jesus Garcia,  
RMO/CEO/PRES  
323 Commercial St.  
San Jose, CA 95112

Contractor License No. 851258 B, C61/D12

Unlimited Master Plumbing Inc.  
Domingo De Jesus Garcia,  
RMO/CEO/PRES  
2632 Holstetter Road  
San Jose, CA 95132

Contractor License No. 994963 C36

Respondent.

1 Complainant alleges:

2 PARTIES

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

6 2. On or about September 16, 2015, the Registrar of Contractors issued Contractor  
7 License Number 1007379 to Quality Plumbing & Repipe Inc. ("Respondent"). The Contractor  
8 License expired on March 28, 2016, and subsequently was cancelled on March 28, 2016.

9 JURISDICTION

10 3. This Accusation is brought before the Registrar of Contractors ("Registrar") for the  
11 Contractors' State License Board, Department of Consumer Affairs, under the authority of the  
12 following laws. All section references are to the Business and Professions Code unless otherwise  
13 indicated.

14 4. Section 118 states, in part:

15 " (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
16 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
17 order of a court of law, or its surrender without the written consent of the board, shall not, during  
18 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
19 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
20 provided by law or to enter an order suspending or revoking the license or otherwise taking  
21 disciplinary action against the licensee on any such ground."

22 5. Section 7090 states, in part:

23 "The registrar may upon his or her own motion and shall upon the verified complaint in  
24 writing of any person, investigate the actions of any applicant, contractor, or home improvement  
25 salesperson within the state and may deny the licensure or the renewal of licensure of, or cite,  
26 ////

27 ////

28 ////

1 temporarily suspend, or permanently revoke any license or registration if the applicant, licensee,  
2 or registrant, is guilty of or commits any one or more of the acts or omissions constituting causes  
3 for disciplinary action.

4 . . .”

5 RELEVANT STATUTES

6 6. Section 7068 states, in part:

7 “(a) The person qualifying on behalf of an individual or firm under paragraph (1), (2), (3),  
8 or (4) of subdivision (b) of Section 7068 shall be responsible for exercising that direct supervision  
9 and control of his or her employer’s or principal’s construction operations to secure compliance  
10 with this chapter and the rules and regulations of the board. This person shall not act in the  
11 capacity of the qualifying person for an additional individual or firm unless one of the following  
12 conditions exists:

13 . . .

14 “(c) The following definitions shall apply for purposes of this section:

15 “(1) ‘Firm’ means a partnership, a limited partnership, a corporation, a limited liability  
16 company, or any other combination or organization described in Section 7068.

17 “(2) ‘Person’ is limited to natural persons, notwithstanding the definition of ‘person’ in  
18 Section 7025.

19 . . .

20 “(e) Violation of this section shall constitute a cause for disciplinary action and shall be  
21 punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine  
22 of not less than three thousand dollars (\$3,000), but not to exceed five thousand dollars (\$5,000),  
23 or by both the fine and imprisonment.”

24 7. Section 7112 states:

25 “Omission or misrepresentation of a material fact by an applicant or a licensee in obtaining,  
26 or renewing a license, or in adding a classification to an existing license constitutes a cause for  
27 disciplinary action.”

28 ////

8. Section 7117, subdivision (b) states:

“Acting in the capacity of a contractor under any license issued hereunder except: . . . (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, constitutes a cause for disciplinary action.”

## FACTUAL BACKGROUND

9. On or about August 3, 2015, Mr. Garcia submitted to the Board an Application for Original Contractor License as "Quality Plumbing & Repipe Inc.," listing himself as the Responsible Managing Officer ("RMO") and Mr. Castillo as CEO/President. The Board approved this application, and issued a license to Respondent on September 16, 2015.

10. Respondent failed to disclose in its license application the true nature of Mr. Garcia's involvement with Respondent's operations: namely, that Mr. Garcia would not be responsible for exercising direct supervision and control of Respondent's contracting operations as necessary to secure compliance with the Board's rules and regulations.

11. In particular, on or about September 16, 2015, Mr. Garcia presented Mr. Castillo with a contract that, while providing for Mr. Garcia's involvement in some of Respondent's operations, fails to include language reflective of the requirements of an RMO. In addition, and consistent with his proposed contract, Mr. Garcia never exercised direct supervision or control over Respondent or any of Respondent's related construction operations.

12. During the Board's investigation, Mr. Garcia admitted that, since December 2015, Mr. Castillo was contracting using Respondent's license without Mr. Garcia's supervision. Mr. Garcia also admitted that Mr. Castillo has barred his (Mr. Garcia's) access to records and contracts related to Respondent's contracting work.

13. After learning of the Board's investigation, Mr. Garcia voluntarily disassociated Mr. Castillo as Respondent's CEO/President and cancelled Respondent's license. Prior to cancelling Respondent's license, Mr. Garcia received monthly payments from Respondent and/or Mr. Castillo totally \$18,000.00 as compensation for his role as RMO.

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## COST RECOVERY

14. Section 125.3 states, in 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.

## FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with Responsibilities of Personal Qualifying on Behalf of Firm)  
(Bus. & Prof. Code § 7068, subds. (a) and (e))

15. Respondent has subjected its Contractor's License to disciplinary action because the person qualifying on behalf of Respondent was not responsible for exercising that direct supervision and control of Respondent's construction operations to secure compliance with the Contractors' State License Law (Bus. & Prof. Code § 7000 *et seq.*) and relevant rules and regulations. The circumstances are set forth in paragraphs 9 through 13, above.

## SECOND CAUSE FOR DISCIPLINE

(Omission or Misrepresentation in Obtaining License or Adding Classification)  
(Bus. & Prof. Code § 7112)

16. Respondent has subjected its Contractor's License to disciplinary action based the omission or misrepresentation of a material fact, by Respondent in its license application, that Mr. Garcia would serve as RMO in title only. (Bus. & Prof. Code § 7112). The circumstances are set forth in paragraphs 9 through 13, above.

### THIRD CAUSE FOR DISCIPLINE

### (Personnel Variance)

(Bus. & Prof. Code § 7117, subd. (b))

17. Respondent has subjected its Contractor's License to disciplinary action because it failed to act in the capacity of a contractor in accordance with its personnel set forth in its license application. (Bus. & Prof. Code § 7117, subd. (b)). The circumstances are set forth in paragraphs 9 through 13, above.

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## PRAYER

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

1. Revoking or suspending Contractor License Number 1007379 issued to Respondent;
2. Prohibiting Domingo De Jesus Garcia from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license number 1007379, issued to Respondent;
3. Revoking or suspending any other license for which Domingo De Jesus Garcia is furnishing the qualifying experience or appearance;
4. Prohibiting Sergio Arturo Aguilar Castillo from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license number 1007379, issued to Respondent;
5. Revoking or suspending any other license for which Sergio Arturo Aguilar Castillo is furnishing the qualifying experience or appearance;
6. Ordering Respondent to pay the Registrar of Contractors her 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 Respondent to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each; and
8. Taking such other and further action as deemed necessary and proper.

DATED: 03|22|17

WOOD ROBINSON  
Enforcement Supervisor I  
Contractors' State License Board  
Department of Consumer Affairs  
State of California  
*Complainant TCT*

CSLB DSS

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