

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

In the Matter of the Accusation Against:

RYAN MCNEELY FRAMING CONTRACTOR
RYAN SCOTT MCNEELY, SOLE OWNER
3425 Hardin Way
Soquel, CA 95073

Contractor's License No. 1006339, C-5

Respondent.

CASE NO. N2016-505

DEFAULT DECISION

AND ORDER

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about September 18, 2017, Accusation, Case No. N2016-505, was filed against **RYAN MCNEELY FRAMING CONTRACTOR** before the Contractors State License Board (Board). (Accusation Case No. N2016-505, is attached as Exhibit A).

2. On or about August 13, 2015, the Board issued Contractor's License No. **1006339** to **RYAN MCNEELY FRAMING CONTRACTOR**. Said License was in full force and effect at all times relevant to the charges and allegations contained in the Accusation, Case No. N2016-505. The Contractor's License expired on August 31, 2017 and has not been renewed. 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.

3. On or about September 18, 2017, Respondent was served by Certified and First Class Mail copies of the Accusation, Case No. N2016-505, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record on file with the Board. Respondent's address of record was and is: 3425 Hardin Way, Soquel, CA 95073.

4. Service of Accusation, Case No. N2016-505, was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business and Professions Code section 124.

5. 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."

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."

7. Respondent, **RYAN MCNEELY FRAMING CONTRACTOR**, having been served with Accusation, Case No. N2016-505; having failed to file a Notice of Defense, pursuant to its authority under Government Code section 11520, the Registrar finds Respondent is in default. The Registrar will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Registrar's offices regarding the allegations contained in Accusation No. N2016-505, finds that the charges and allegations in Accusation No. N2016-505, are separately and severally, found to be true and correct by clear and convincing evidence.

8. Taking official notice of its own internal records, it is hereby determined that the actual costs for investigation and enforcement in this matter are \$2,037.33 as of October 12, 2017.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent **RYAN MCNEELY FRAMING CONTRACTOR** has subjected its Contractor's License No. **1006339** to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Registrar is authorized to revoke Respondent's Contractor's License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Business and Professions Code sections 7109(a), 7109(b), 7113, 7110, 7117.6, 7125.4, 7159(d), 7159(e)(2)(A), 7159(e)(2)(B), 7159(e)(4), 7159(e)(5) and 7159(e)(6)(A).

4. Pursuant to Business and Professions Code section 7122.5, the performance by an individual, partnership, corporation, limited liability company, firm, or association of an act or omission constituting a cause for disciplinary action, constitutes a cause for disciplinary action against a licensee who at the time that the act or omission occurred was the qualifying individual of that individual, partnership, corporation, limited liability company, firm, or association, whether or not he or she had knowledge of or participated in the prohibited act or omission. Therefore, pursuant to this section, **RYAN SCOTT MCNEELY, SOLE OWNER**, is subject to discipline regardless of whether or not he had knowledge of or participated in the act(s) or omission(s) alleged in Accusation No. **N2016-505**.

ORDER

IT IS SO ORDERED THAT:

Contractor's License Number **1006339** issued to **RYAN MCNEELY FRAMING CONTRACTOR** 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 **RYAN MCNEELY FRAMING CONTRACTOR** Contractor's License No. **1006339**, shall not apply for reissuance or reinstatement of said license for one year(s) from the effective date of this Decision.

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 January 12, 2018.

IT IS SO ORDERED December 11, 2017.



David Fogt
Registrar of Contractors