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8 **BEFORE THE**
9 **REGISTRAR OF CONTRACTORS**
10 **CONTRACTORS' STATE LICENSE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2017-306

14 **ULIMEZA CONCRETE RESTORATION**
15 **541 Maple Street**
16 **West Sacramento, CA 95691**
17 **ULISES FRANK MEZA, Sole Owner**
18 **aka: ULISES FRANK MEZA AVENIO**
19 **Contractor License No. 1011267**

A C C U S A T I O N

Respondent.

20 Wood Robinson ("Complainant") alleges:

21 **PARTIES**

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

24 2. On or about February 17, 2016, the Registrar of Contractors (Registrar) issued
25 Contractor License number 1011267 to Ulimeza Concrete Restoration, Ulises Frank Meza also
26 known as (aka) Ulises Frank Meza Avenio, sole owner ("Respondent"). On or about March 14,
27 2017, the license was suspended pursuant to Business and Professions Code ("Code") section
28 7125.2 (workers' compensation). On or about May 31, 2017, the license was reinstated. The

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1 license was in full force and effect at all times relevant to the charges brought herein and will
2 expire on February 29, 2020, unless renewed.

3 **JURISDICTION**

4 This Accusation is brought before the Registrar of the Board under the authority of the
5 following laws. All section references are to the Business and Professions Code ("Code") unless
6 otherwise indicated.

7 3. Code section 118, subsection (b) states:

8 The suspension, expiration, or forfeiture by operation of law of a license
9 issued by a board in the department, or its suspension, forfeiture, or cancellation by
10 order of the board or by order of a court of law, or its surrender without the written
11 consent of the board, shall not, during any period in which it may be renewed,
12 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

13 4. Code section 7090 provides, in pertinent part, that the Registrar may suspend or
14 revoke any license or registration if the licensee or registrant is guilty of or commits any one or
15 more of the acts or omissions constituting cause for disciplinary action.

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

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

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

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

24 6. Code section 7096 states:

25 For the purposes of this chapter, the term "licensee" shall include an
26 individual, copartnership, corporation, joint venture, or any combination or
organization licensed under this chapter, and shall also include any named responsible
27 managing officer or member of the personnel of such licentiate whose appearance has
qualified the licentiate under the provisions of Section 7068.

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1 7. Code section 7097 states:

2 Notwithstanding the provisions of Sections 7121 and 7122, when any license
3 has been suspended by a decision of the registrar pursuant to an accusation or
4 pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any
5 additional license issued under this chapter [the Contractors' State License Law] in
6 the name of the licensee or for which the licensee furnished qualifying experience and
7 appearance under the provisions of Section 7068, may be suspended by the registrar
8 without further notice.

9 8. Code section 7098 states:

10 Notwithstanding the provisions of Sections 7121 and 7122, when any license
11 has been revoked under the provisions of this chapter [the Contractors' State License
12 Law], any additional license issued under this chapter in the name of the licensee or
13 for which the licensee furnished qualifying experience and appearance under the
14 provisions of Section 7068, may be revoked by the registrar without further notice.

15 9. Code section 7106.5 states:

16 The expiration, cancellation, forfeiture, or suspension of a license by
17 operation of law or by order or decision of the registrar or a court of law, or the
18 voluntary surrender of a license by a licensee shall not deprive the registrar of
19 jurisdiction to proceed with any investigation of or action or disciplinary proceeding
20 against the license, or to render a decision suspending or revoking the license.

21 10. Code section 7076.5 provides, in pertinent part, that the inactive status of a license
22 shall not bar any disciplinary action for violating provisions of the Contractors' State License Law
23 (Bus. & Prof. Code, § 7000, et seq.).

24 11. Code section 7121 states:

25 Any person who has been denied a license for a reason other than failure to
26 document sufficient satisfactory experience for a supplemental classification for an
27 existing license, or who has had his or her license revoked, or whose license is under
28 suspension, or who has failed to renew his or her license while it was under
29 suspension, or who has been a member, officer, director, or associate of any
30 partnership, corporation, firm, or association whose application for a license has been
31 denied for a reason other than failure to document sufficient satisfactory experience
32 for a supplemental classification for an existing license, or whose license has been
33 revoked, or whose license is under suspension, or who has failed to renew a license
34 while it was under suspension, and while acting as a member, officer, director, or
35 associate had knowledge of or participated in any of the prohibited acts for which the
36 license was denied, suspended, or revoked, shall be prohibited from serving as an
37 officer, director, associate, partner, or qualifying individual of a licensee, and the
38 employment, election, or association of this type of person by a licensee in any
39 capacity other than as a non-supervising bona fide employee shall constitute grounds
40 for disciplinary action.

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1 12. Code section 7121.5 states:

2 A person who was the qualifying individual on a revoked license, or of a
3 license under suspension, or of a license that was not renewed while it was under
4 suspension, shall be prohibited from serving as an officer, director, associate, partner,
5 manager, or qualifying individual of a licensee, whether or not the individual had
6 knowledge of or participated in the prohibited acts or omissions for which the license
7 was revoked, or suspended, and the employment, election, or association of that
8 person by a licensee shall constitute grounds for disciplinary action.

6 **STATUTORY PROVISIONS**

7 13. Code section 7114(a) states:

8 Aiding or abetting an unlicensed person to evade the provisions of this
9 chapter or combining or conspiring with an unlicensed person, or allowing one's
10 license to be used by an unlicensed person, or acting as agent or partner or associate,
11 or otherwise, of an unlicensed person with the intent to evade the provisions of this
12 chapter constitutes a cause for disciplinary action.

11 14. Code section 7117 states:

12 Acting in the capacity of a contractor under any license issued hereunder
13 except: (a) in the name of the licensee as set forth upon the license, or (b) in
14 accordance with the personnel of the licensee as set forth in the application for such
15 license, or as later changed as provided in this chapter, constitutes a cause for
16 disciplinary action.

15 15. Code section 7117.6 states:

16 Acting in the capacity of a contractor in a classification other than that
17 currently held by the licensee constitutes a cause for disciplinary action.

18 16. Code section 7159 states, in pertinent part:

19 (a)(1) This section identifies the projects for which a home improvement
20 contract is required, outlines the contract requirements and lists the items that shall be
21 included in the contract, or may be provided as an attachment.

22 (5) Failure by the licensee, his or her agent or salesperson, or by a person
23 subject to be licensed under this chapter, to provide the specified information, notices,
24 and disclosures in the contract, or to otherwise fail to comply with any provision of
25 this section, is cause for discipline.

26 (c) In addition to the specific requirements listed under this section, every
27 home improvement contract and any person subject to licensure under this chapter or
28 his or her agent or salesperson shall comply with all of the following:

(4) A statement that, upon satisfactory payment being made for any portion
of the work performed, the contractor, prior to any further payment being made, shall
furnish to the person contracting for the home improvement or swimming pool work
a full and unconditional release from any claim or mechanic's lien pursuant to Section
3114 of the Civil Code for that portion of the work for which payment has been
made.

1 (d) A home improvement contract and any changes to the contract shall be in
2 writing and signed by the parties to the contract prior to the commencement of work
3 covered by the contract or an applicable change order and, except as provided in
4 paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of
5 the following:

6 (8) If a downpayment will be charged, the details of the downpayment shall
7 be expressed in substantially the following form, and shall include the text of the
8 notice as specified in subparagraph (C):

9 (C) The following statement in at least 12-point boldface type:

10 "THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10 PERCENT
11 OF THE CONTRACT PRICE, WHICHEVER IS LESS."

12 (9) If payments, other than the downpayment, are to be made before the
13 project is completed, the details of these payments, known as progress payments,
14 shall be expressed in substantially the following form, and shall include the text of the
15 statement as specified in subparagraph (C):

16 (C) The section of the contract reserved for the progress payments shall
17 include the following statement in at least 12-point boldface type:

18 "The schedule of progress payments must specifically describe each phase of
19 work, including the type and amount of work or services scheduled to be supplied in
20 each phase, along with the amount of each proposed progress payment. IT IS
21 AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR
22 WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED.
23 HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT."

24 (10) The contract shall address the commencement of work to be performed
25 in substantially the following form:

26 (A) A statement that describes what constitutes substantial commencement
27 of work under the contract.

28 (C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the
contract in substantially the following form:

(B) The approximate date of completion.

(e) All of the following notices shall be provided to the owner as part of the
contract form as specified or, if otherwise authorized under this subdivision, may be
provided as an attachment to the contract:

(2) A notice concerning workers' compensation insurance. This notice may
be provided as an attachment to the contract if the contract includes the statement: "A
notice concerning workers' compensation insurance is attached to this contract." The
notice shall include the heading "Workers' Compensation Insurance" followed by
whichever of the following statements is correct:

(A) "(The name on the license or 'This contractor') has no employees and is
exempt from workers' compensation requirements.

1 (4) A notice with the heading "Mechanics' Lien Warning" written as follows:

2 "MECHANICS LIEN WARNING:

3 Anyone who helps improve your property, but who is not paid, may record
4 what is called a mechanics' lien on your property. A mechanics' lien is a claim, like a
mortgage or home equity loan, made against your property and recorded with the
county recorder.

5 Even if you pay your contractor in full, unpaid subcontractors, suppliers, and
6 laborers who helped to improve your property may record mechanics' liens and sue
7 you in court to foreclose the lien. If a court finds the lien is valid, you could be
forced to pay twice or have a court officer sell your home to pay the lien. Liens can
also affect your credit.

8 To preserve their right to record a lien, each subcontractor and material
9 supplier must provide you with a document called a '20-day Preliminary Notice.'
10 This notice is not a lien. The purpose of the notice is to let you know that the person
who sends you the notice has the right to record a lien on your property if he or she is
not paid.

11 BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the
12 subcontractor starts work or the supplier provides material. This can be a big
problem if you pay your contractor before you have received the Preliminary Notices.

13 You will not get Preliminary Notices from your prime contractor or from
14 laborers who work on your project. The law assumes that you already know they are
improving your property.

15 PROTECT YOURSELF FROM LIENS. You can protect yourself from liens
16 by getting a list from your contractor of all the subcontractors and material suppliers
that work on your project. Find out from your contractor when these subcontractors
17 started work and when these suppliers delivered goods or materials. Then wait 20
days, paying attention to the Preliminary Notices you receive.

18 PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a
19 joint check. When your contractor tells you it is time to pay for the work of a
subcontractor or supplier who has provided you with a Preliminary Notice, write a
20 joint check payable to both the contractor and the subcontractor or material supplier.

21 For other ways to prevent liens, visit CSLB's Web site at www.cslb.ca.gov
or call CSLB at 800-321-CSLB (2752):

22 REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN
23 PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face
the forced sale of your home to pay what you owe."

24 (5) The following notice shall be provided in at least 12-point typeface:
25 "Information about the Contractors' State License Board (CSLB): CSLB is the state
consumer protection agency that licenses and regulates construction contractors.
26 Contact CSLB for information about the licensed contractor you are considering,
including information about disclosable complaints, disciplinary actions and civil
27 judgments that are reported to CSLB.

28 Use only licensed contractors. If you file a complaint against a licensed
contractor within the legal deadline (usually four years), CSLB has authority to

1 investigate the complaint. If you use an unlicensed contractor, CSLB may not be able
2 to help you resolve your complaint. Your only remedy may be in civil court, and you
3 may be liable for damages arising out of any injuries to the unlicensed contractor or
4 the unlicensed contractor's employees.

5 For more information:

6 Visit CSLB's Web site at www.cslb.ca.gov

7 Call CSLB at 800-321-CSLB (2752)

8 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.

9 17. Code section 7159.5 states, in part:

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

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

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

19 COST RECOVERY/RESTITUTION

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

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

27 VERNER AVENUE PROJECT

28 20. Respondent entered into a home improvement contract with C.G. on or about
September 29, 2017, to re-roof a residence located on Verner Avenue, in Sacramento, California,
for \$8,550 ("Verner Avenue project"). Respondent entered into the contract using his name and
license number on behalf of a friend, Prisciliano Toledo ("Toledo"), who did not have a valid
contractor's license¹. Respondent also obtained the roofing permit using his name and license

¹ Prisciliano Toledo, doing business as Cal Roof Removal, was issued a sole ownership
license by the Board on August 29, 2000. The license expired on May 31, 2013.

1 number on behalf of Toledo in exchange for money. Respondent had taken Toledo to the Verner
2 Avenue project for purposes of allowing Toledo to measure the roof and to tell the Respondent
3 what amount to bid on the project. Respondent provided the homeowner with a business card that
4 read "Meza's and Clark Paint and Construction Inc." along with an estimate dated September 28,
5 2017, that read "Ulise's & Linda's Home Office Services" at the top. Toledo and four of his
6 employees removed and replaced the roof. Respondent was paid \$5,500.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Aiding and Abetting an Unlicensed Person)**

9 21. Respondent is subject to discipline under Code section 7114, in that on the Verner
10 Avenue project, he aided or abetted, combined or conspired with or acted as agent or partner or
11 associate of an unlicensed person, Prisciliano Toledo, with the intent to evade the provisions of
12 the Contractors' License Law.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Working Out of Classification)**

15 22. Respondent is subject to discipline under Code section 7117.6, in that on or about
16 September 29, 2017, he entered into a written home improvement contract on the Verner Avenue
17 project to perform work within the scope of a C-39 (Roofing Contractor), as defined by California
18 Code of Regulations, title 16, section 832.39, when Respondent had not been issued a license for
19 that classification.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Namestyle Variance)**

22 23. Respondent is subject to discipline under Code section 7117(a), in that he operated
23 in the capacity of a contractor on the Verner Avenue project using the namestyles, "Ulises home
24 construction services," "Ulise's & Linda's Home Office Services," and "Meza's and Clark Paint
25 and Construction Inc.," a name different from that in which the license was issued.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failed to Comply with Provisions of the Home Improvement Contract Form)**

3 24. Respondent is subject to discipline under Code section 7159, in that on or about
4 September 29, 2017, on the Verner Avenue project, he failed to prepare and provide the
5 homeowner with a complete written home improvement contract containing the specific
6 information, notices, and disclosures required.

7 **MATTERS IN AGGRAVATION**

8 25. On or about October 17, 2013, the Registrar issued Citation No. 5-2012-2643 to
9 Respondent alleging that he violated Code sections 7028.7 (acting in the capacity of a contractor
10 without a valid license) and 7125.2(d) (failed to maintain a workers' compensation policy). The
11 Board assessed a civil penalty against Respondent in the amount of \$3,750. On or about
12 November 26, 2013, the Board reduced the civil penalty to \$2,000. Respondent complied with
13 the Citation.

14 26. On or about January 30, 2014, in the case of *People v. Ulises Meza*, (Super. Ct.
15 Sacramento County, 2014, Case No. 14M00406), Respondent was convicted by the Court on his
16 plea of nolo contendere of violating Business and Professions Code section 7028(a) (contracting
17 without a valid license), a misdemeanor.

18 27. On or about April 8, 2014, in the case of *People v. Ulises Meza*, (Super. Ct. Placer
19 County, 2013, Case No. 62-128604), Respondent was convicted by the Court on his plea of no
20 contest of violating Business and Professions Code sections 7028(a) (contracting without a valid
21 license), a misdemeanor; and Labor Code section 3700.5 (failure to secure payment workers'
22 compensation).

23 28. On or about April 29, 2015, in the case of *People v. Ulises Meza*, (Super. Ct. Yolo
24 County, 2013, Case No. CRF-2015-685-2), Respondent was convicted by the Court on his plea of
25 no contest of violating Business and Professions Code sections 7027.3 (fraudulent use of a
26 contractor's license), a misdemeanor; and 7028(a) (contracting without a valid license), a
27 misdemeanor.

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1 **OTHER MATTERS**

2 29. Pursuant to Code sections 7097 and 7098, if Contractor's License number
3 1011267, issued to Ulimeza Concrete Restoration, Ulises Frank Meza, aka Ulises Frank Meza
4 Avenio, sole owner is suspended or revoked, then the Registrar may suspend or revoke, without
5 notice, any other license issued in the name of Ulises Frank Meza, aka Ulises Frank Meza
6 Avenio, or for which he furnished the qualifying experience and appearance.

7 30. Pursuant to Code section 7121, if discipline is imposed on Contractor's License
8 number 1011267, issued to Ulimeza Concrete Restoration, Ulises Frank Meza, aka Ulises Frank
9 Meza Avenio, sole owner, then Ulises Frank Meza, aka Ulises Frank Meza Avenio shall be
10 prohibited from serving as an officer, director, associate, partner, or qualifying individual of any
11 licensee during the time the discipline is imposed, and any licensee which employs, elects, or
12 associates him in any capacity other than as a non-supervising bona fide employee shall constitute
13 grounds for disciplinary action.

14 31. Pursuant to Code section 7121.5, if discipline is imposed on Contractor's License
15 number 1011267, issued to Ulimeza Concrete Restoration, Ulises Frank Meza, aka Ulises Frank
16 Meza Avenio, sole owner, then Ulises Frank Meza, aka Ulises Frank Meza Avenio shall be
17 prohibited from serving as an officer, director, associate, partner, manager, or qualifying
18 individual of any other licensee during the time the discipline is imposed, whether or not he had
19 knowledge or participated in the acts or omissions constituting grounds for discipline, and any
20 licensee which employs, elects, or associates him shall be subject to disciplinary action.

21 **PRAYER**

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

24 1. Revoking or suspending Contractor's License number 1011267, issued to Ulimeza
25 Concrete Restoration, Ulises Frank Meza, aka Ulises Frank Meza Avenio, sole owner;

26 2. Prohibiting Ulises Frank Meza aka Ulises Frank Meza Avenio from serving as an
27 officer, director, associate, partner, or qualifying individual of any licensee during the period that
28 discipline is imposed on Contractor's License number 1011267, issued to Ulimeza Concrete

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Restoration, Ulises Frank Meza, aka Ulises Frank Meza Avenio, sole owner;

3. Revoking or suspending any other license for which Ulises Frank Meza aka Ulises Frank Meza Avenio is furnishing the qualifying experience or appearance;

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

5. Ordering restitution of all damages suffered by C.G., as a result of Ulises Frank Meza aka Ulises Frank Meza Avenio's conduct as a contractor, and as a condition of restoration of Contractor's License number 1011267, issued to Ulimeza Concrete Restoration, Ulises Frank Meza, aka Ulises Frank Meza Avenio, sole owner;

6. Ordering Ulises Frank Meza aka Ulises Frank Meza Avenio 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 section 125.3;

7. Ordering Ulises Frank Meza aka Ulises Frank Meza Avenio 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: 8-30-2018



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

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AUG 30 2018
CSLB DSS

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