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

In the Matter of the Accusation Against:

A & L DEVELOPERS, INC.
DBA ALEX & SONS CONSTRUCTION,
AVIRAN BAR-LEV RMO/CEO/PRES,
ALEXANDER BAR-LEV OFFICER

1927 McCormack Lane Placentia, CA 92870

Contractor's License No. 945922, B

AVIRAN BAR-LEV DBA R G I REMODELING

5838 E. Wildrose Drive Orange, CA 92867

Contractor's License No. 920625, B

AVIRAN BAR-LEV

5838 E. Wildrose Drive Orange, CA 92867

Home Improvement Salesperson Registration No. 75703 SP

Respondents.

CASE NO. N2018-116

OAH NO. 2020030524

ORDER TO ADOPT STIPULATED SETTLEMENT

As to License 945922 Only

The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as his Decision in the above-entitled matter.

IT IS FURTHER ORDERED pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, that Respondent, A & L DEVELOPERS, INC. DBA ALEX & SONS CONSTRUCTION License Number 945922 shall not apply for reissuance or reinstatement of any license for <u>four</u> year(s) from the effective date of this Decision.

IT IS THE responsibility of the Respondent, 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 the Order to Adopt Stipulation and Waiver. No notices or reminders will be sent, as to the compliance of 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 Order shall become effective on May 19, 2022.

IT IS SO ORDERED April 19, 2022.

David Fogt

Registrar of Contractors

1	ROB BONTA		
2	Attorney General of California THOMAS L. RINALDI		
3	Supervising Deputy Attorney General M. TRAVIS PEERY		
	Deputy Attorney General		
4	State Bar No. 261887 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 269-6309		
6	Facsimile: (916) 731-2126 Attorneys for Complainant		
7			
8	BEFORE THE REGISTRAR OF CONTRACTORS		
9	CONTRACTORS STATE LICENSE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11			
12			
13	In the Matter of the Accusation Against:	Case No. N2018-116	
14	A & L DEVELOPERS, INC. DBA ALEX & SONS CONSTRUCTION,	OAH No. 2020030524	
15	AVIRAN BAR-LEV RMO/CEO/PRES, ALEXANDER BAR-LEV, OFFICER	STIPULATED SETTLEMENT AND	
16	1927 McCormack Lane Placentia, CA 92870	DISCIPLINARY ORDER	
17	Contractor's License No. 945922, B		
18	Contractor's Effense No. 943922, B		
19	AVIRAN BAR-LEV DBA R G I		
20	REMODLING 5838 E. Wildrose Drive		
21	Orange, CA 92867		
22	Contractor's License No. 920625, B		
23	AVIRAN BAR-LEV		
24	5838 E. Wildrose Drive Orange, CA 92867		
25	Home Improvement Salesperson Registration		
26	No. 75703 SP		
27	Respondents.		
28			
		_	

28 II

III

///

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the aboveentitled proceedings that the following matters are true:

PARTIES

- 1. Wood Robinson brought this action solely in his then official capacity as the Enforcement Supervisor I of the Contractors' State License Board (Board). Thomas Jager (Complainant) continues this action solely in his official capacity as the Supervising Special Investigator I of the Board, Department of Consumer Affairs, and is represented in this matter by Rob Bonta, Attorney General of the State of California, by M. Travis Peery, Deputy Attorney General.
- 2. Respondent A & L Developers, Inc. dba Alex & Sons Construction, Aviran Bar-Lev, RMO/CEO/PRES, Alexander Bar-Lev, Officer, and Respondent Aviran Bar-Lev dba R G I Remodeling are represented in this proceeding by attorney Bruce D. Rudman Esq., whose address is: 6454 Coldwater Canyon Avenue, North Hollywood, CA 91606.
- 3. On or about April 19, 2010, the Registrar of Contractors (Registrar) issued Contractor's License No. 945922 to A & L Developers, Inc. doing business as Alex & Sons Construction (Respondent A & L Developers). The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2018-116, expired on May 31, 2020, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 7106.5, does not deprive the Registrar of his authority to institute or continue this disciplinary proceeding.
- 4. On or about August 11, 2008, the Registrar issued Contractor's License No. 920625 to Aviran Bar-Lev, dba R G I Remodeling (Respondent Aviran Bar-Lev). The Contractor's License was in full force and effect at all times relevant to the charges brought in Accusation No. N2018-116 and will expire on August 31, 2022, unless renewed.

5. On or about January 10, 2006, the Registrar issued Home Improvement Salesperson Registration No. 75703 SP to Respondent Aviran Bar-Lev. The Home Improvement Salesperson Registration was in full force and effect at tall times relevant to the charges brought in Accusation No. N2018-116 and will expire on September 30, 2023, unless renewed.

JURISDICTION

- 6. First Amended Accusation No. N2018-116 was filed before the Registrar, and is currently pending against Respondents. The First Amended Accusation and all other statutorily required documents were properly served on Respondents on May 17, 2021. Respondents timely filed their Notices of Defense contesting the Accusation.
- 7. A copy of First Amended Accusation No. N2018-116 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 8. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. N2018-116. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.
- 9. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

11. Respondents understand and agree that the charges and allegations in First Amended Accusation No. N2018-116, if proven at a hearing, constitute cause for imposing discipline upon their Contractor Licenses.

III

- 12. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondents hereby give up their right to contest those charges.
- 13. Respondents agree that their Contractor Licenses and Home Improvement Salesperson Registration 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 herein 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

- 15. This stipulation shall be subject to approval by the Registrar of Contractors or the Registrar's designee. Respondents understand and agree that counsel for Complainant and the staff of the Contractors' State License Board may communicate directly with the Registrar regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Registrar considers and acts upon it. If the Registrar fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Registrar shall not be disqualified from further action by having considered this matter.
- 16. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

- 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a 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's License No. 945922 issued to Respondent A & L Developers, Inc. dba Alex & Sons Construction, Aviran Bar-Lev RMO/CEO/PRES, Alexander Bar-Lev, Officer is revoked.

IT IS HERBY FURTHER ORDERED that, should Alexander Bar-Lev apply to the Contractors' State License Board for a Home Improvement Salesperson Registration, this Disciplinary Order shall not constitute cause to deny such an application should he otherwise meet all requirements for issuance of a Home Improvement Salesperson Registration. Should a Home Improvement Salesperson Registration be issued to Alexander Bar-Lev, he shall be prohibited from serving as a Home Improvement Salesperson for both Contractor's License No. 920625 issued to Respondent Aviran Bar-Lev and any other Contractor's License for which Aviran Bar-Lev furnishes the qualifying experience and appearance.

IT IS HEREBY FURTHER ORDERED that Contractor's License No. 920625 issued to Respondent Aviran Bar-Lev dba R G I Remodeling is revoked. However, the revocation is stayed and Respondent Aviran Bar-Lev dba R G I Remodeling (Respondent Aviran Bar-Lev) is placed on probation for four (4) years on the following terms and conditions.

1. **Obey All Laws.** Respondent Aviran Bar Lev 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 Special Investigator. Respondent Aviran Bar Lev and any of Respondent Aviran Bar Lev's personnel of record shall appear in person for interview 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 will be fully restored.
- 4. Violation Of Probation. If Respondent Aviran Bar Lev 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 Aviran Bar Lev during the probationary period, then the Registrar shall have continuing jurisdiction of this matter until the subsequent matter is final, and the period of probation and all the conditions of probation in this matter shall be extended until the subsequent matter is final. If there is an order to make restitution or pay cost recovery and Respondent Aviran Bar Lev fails to comply with the restitution or cost recovery order and make a payment, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving Respondent Aviran Bar Lev an opportunity to be heard.
- 5. **Disciplinary Bond.** Not later than the effective date of the decision, Respondent Aviran Bar-Lev shall file or have on file a disciplinary contractor's bond in a sum to be fixed by the registrar based upon the seriousness of the violation, but which sum shall not be less than fifteen thousand dollars (\$15,000) nor more than 10 times that amount required by Business and Professions Code section 7071.6. The disciplinary bond is in addition to, may not be combined with, and does not replace any other type of contractor's bond. The disciplinary bond shall remain on file with the registrar for a period of at least two years and for such additional time as the registrar may determine, as required by Business and Professions Code section 7071.8.
- 6. **Production of Documents.** Respondent Aviran Bar Lev shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.

2.5

- 7. Cost Recovery. Respondent Aviran Bar Lev and A&E Developers Inc., dba Do It Right Remodeling, Aviran Bar-Lev, RMO/CEO/PRES (Contractor's License No. 908013) shall jointly and severally pay to the Registrar pursuant to Business and Professions Code section 125.3 the costs of investigation and enforcement in this matter in the amount of \$22,870.54 within forty-two (42) months from the effective date of the Decision and Order. Payments shall be made in forty (40) equal monthly installments of \$557.82 and one (1) final monthly installment of \$557.74, beginning thirty (30) days from the effective date of the Decision and Order..
- 8. **License**. Respondent Aviran Bar-Lev shall maintain the disciplined Contractor's license in an active and clear status for the duration of the probation period, or probation shall be tolled.

IT IS HEREBY FURTHER ORDERED that Home Improvement Salesperson Registration No. 75703 SP issued to Aviran Bar-Lev is revoked. However, the revocation is stayed and Aviran Bar-Lev (Respondent Aviran Bar-Lev) is placed on probation for four (4) years on the following terms and conditions.

- 1. **Obey All Laws.** Respondent Aviran Bar Lev 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 Special Investigator. Respondent Aviran Bar Lev and any of Respondent Aviran Bar Lev's personnel of record shall appear in person for interview with the Registrar or designee upon request and reasonable notice during the probationary period.
- 3. **Completion Of Probation.** Upon successful completion of probation, the Home Improvement Salesperson Registration will be fully restored.
- 4. Violation Of Probation. If Respondent Aviran Bar Lev 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 Aviran Bar Lev during the probationary period, then the Registrar shall have continuing jurisdiction of this matter until the subsequent matter is final, and the period of probation and all the conditions of probation in this matter shall

18 19

21 22 23

24

25

20

26 27 28 be extended until the subsequent matter is final. If there is an order to make restitution or pay cost recovery and Respondent Aviran Bar Lev fails to comply with the restitution or cost recovery order and make a payment, the Registrar may immediately lift the stay and reimpose the disciplinary order without giving Respondent Aviran Bar Lev an opportunity to be heard.

- Production of Documents. Respondent Aviran Bar Lev shall submit copies of documents directly related to construction operations to the Registrar or designee upon demand during the probationary period.
- 6. Cost Recovery. Réspondent Aviran Bar Lev and A&E Developers Inc., dba Do It Right Remodeling, Aviran Bar-Lev, RMO/CEO/PRES (Contractor's License No. 908013) shall jointly and severally pay to the Registrar pursuant to Business and Professions Code section 125.3 the costs of Investigation and enforcement in this matter in the amount of \$22,870.54 within forty-two (42) months from the effective date of the Decision and Order. Payments shall be made in forty (40) equal monthly installments of \$557.82 and one (1) final monthly installment of \$557.74, beginning thirty (30) days from the effective date of the Decision and Order.
- License. Respondent Aviran Bar-Lev shall maintain the disciplined Home improvement Salesperson Registration in an active and clear status for the duration of the probation period, or probation shall be tolled.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Bruce D. Rudman Esq. I understand the stipulation and the effect it will have on my Contractor's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors, Contractors' State License Board.

DATED: 3.17.2022

A & L DEVELOPERS, INC. DAA ALEX & SONS CONSTRUCTION, AVIRAN BAR-LEV, RMO/CEO/PRES, ALEXANDER BAR-LEV, OFFICER

Respondent A&L Developer

8

STIPULATED SETTLEMENT (N2018-116)

- 1		
1	I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully	
2	discussed it with my attorney, Bruce D. Rudman Esq. I understand the stipulation and the effect	
3	it will have on my Contractor's License and Home Improvements Salesperson Registration. I	
4	enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and	
5	intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors,	
6	Contractors' State License Board.	
7	(1 Db)	
8	DATED: 3.17. 2022 AVIRAN BAR-LEV DBA R G I REMODELING	
9	AVIKAN BAR-LEV DBA R G I REMODELING Respondent Aviran Bar-Lev	
10	I have read and fully discussed with Respondent A & L Developers and Respondent Aviran	
11	Bar-Lev, the terms and conditions and other matters contained in the above Stipulated Settlement	
12	and Disciplinary Order. I approve its form and content.	
13	247/2002	
14	DATED: 3/17/2022 W BRUCE D. RUDMAN. ESO.	
15	Attorney for Respondents	
16	ENDORSEMENT	
17	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
18	submitted for consideration by the Registrar of Contractors, Contractors State License Board.	
19	DATED: 3-17-22 Respectfully submitted,	
20	ROB BONTA	
21	Attorney General of California THOMAS L. RINALDI	
22	Supervising Deputy Attorney General	
24	ar	
25	M. TRAVIS PREPA Deputy Attorney General	
26	Attorneys for Complainant	
27	LA2019500509 64961262.docx	
28		
-	9	
	STIPULATED SETTLEMENT (N2018-116)	