

1 ROB BONTA  
Attorney General of California  
2 KAREN R. DENVER  
Supervising Deputy Attorney General  
3 DANIEL D. MCGEE  
Deputy Attorney General  
4 State Bar No. 218947  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7895  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case Number N2022-309

13 **KENNETH CHARLES DYE**  
14 **DBA DYE ELECTRIC**  
P.O. Box 33  
Stockton, CA 95201

**ACCUSATION**

15  
16 Contractor's License Number 981527, C-10

17 Respondent.

18  
19 **PARTIES**

20 1. Maha Abraham (Complainant) brings this Accusation solely in her official capacity  
21 as the Supervising Special Investigator II of the Contractors State License Board (Board),  
22 Department of Consumer Affairs.

23 2. On or about March 2, 2013, the Registrar of Contractors (Registrar) issued  
24 Contractor's License Number 981527, in classification C-10 (Electrical Contractor) to Kenneth  
25 Charles Dye, doing business as Dye Electric (Respondent). On or about February 28, 2023, the  
26 license was suspended pursuant to Code of Civil Procedure section 996.340 (contractor's bond)  
27 and reinstated on March 9, 2023. The Contractor's license will expire on March 31, 2025, unless  
28 renewed.

**JURISDICTION**

3. Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, 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.

4. Code section 7076.5, subdivision (h) provides that the inactive status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes stated in this chapter.

5. 7090 provides, in pertinent part, that the Registrar may suspend or revoke any license or registration if the licensee or registrant is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.

6. Code section 7106.5 states:

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

7. Code section 7121 states:

A person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a partner, officer, director, manager, or associate of any partnership, corporation, limited liability company, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a partner, officer, director, manager, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action.

//

1 **STATUTORY PROVISIONS**

2 8. Code section 7107 states:

3 Abandonment without legal excuse of any construction project or operation  
4 engaged in or undertaken by the licensee as a contractor constitutes a cause for  
disciplinary action.

5 9. Code section 7109, subdivision (a), states:

6 A willful departure in any material respect from accepted trade standards for  
7 good and workmanlike construction constitutes a cause for disciplinary action, unless  
8 the departure was in accordance with plans and specifications prepared by or under  
the direct supervision of an architect.

9 10. Code section 7113 states:

10 Failure in a material respect on the part of a licensee to complete any  
11 construction project or operation for the price stated in the contract for such  
12 construction project or operation or in any modification of such contract constitutes a  
cause for disciplinary action.

13 11. Code section 7125.4, subdivision (a) states:

14 The filing of the exemption certificate prescribed by this article that is false, or  
15 the employment of a person subject to coverage under the workers' compensation  
16 laws after the filing of an exemption certificate without first filing a Certificate of  
17 Workers' Compensation Insurance or Certification of Self-Insurance in accordance  
with the provisions of this article, or the employment of a person subject to  
coverage under the workers' compensation laws without maintaining coverage for  
that person, constitutes cause for disciplinary action.

18 **COST RECOVERY, RESTITUTION AND OTHER AUTHORITY**

19 12. Code section 125.3, subdivision (a) states:

20 (a) Except as otherwise provided by law, in any order issued in resolution of a  
21 disciplinary proceeding before any board within the department or before the  
22 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
administrative law judge may direct a licentiate 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.

23  
24 13. Government Code section 11519 states:

25 (a) The decision shall become effective 30 days after it is delivered or mailed  
26 to respondent unless: a reconsideration is ordered within that time, or the agency itself  
27 orders that the decision shall become effective sooner, or a stay of execution is  
granted.

28 (b) A stay of execution may be included in the decision or if not included  
therein may be granted by the agency at any time before the decision becomes

1 effective. The stay of execution provided herein may be accompanied by an express  
2 condition that respondent comply with specified terms of probation provided;  
provided, however, that the terms of probation shall be just as reasonable in light of  
the findings and decision.

3 (c) If respondent was required to register with any public officer, a notification  
4 of any suspension or revocation shall be sent to the officer after the decision has  
become effective.

5 (d) As used in subdivision (b), specified terms of probation may include an  
6 order of restitution. Where restitution is ordered and paid pursuant to the provisions  
of this subdivision, the amount paid shall be credited to any subsequent judgment in a  
7 civil action.

8 (e) The person to which the agency action is directed may not be required to  
9 comply with a decision unless the person has been served with the decision in the  
manner provided in Section 11505 or has actual knowledge of the decision.

10 (f) A nonparty may not be required to comply with a decision unless the  
11 agency has made the decision available for public inspection and copying or the  
nonparty has actual knowledge of the decision.

12 (g) This section does not preclude an agency from taking immediate action to  
13 protect the public interest in accordance with Article 13 (commencing with Section  
11460.10) of Chapter 4.5.

14 14. Code section 143.5, subdivision (b) states:

15 Any board, bureau, or program within the Department of Consumer Affairs that  
16 takes disciplinary action against a licensee or licensees based on a complaint or  
report that has also been the subject of a civil action and that has been settled for  
17 monetary damages providing for full and final satisfaction of the parties may not  
18 require its licensee or licensees to pay any additional sums to the benefit of any  
plaintiff in the civil action.

19 15. Code section 7095 states:

20 The decision may:

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

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

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

27 16. Code section 7097 states:

28 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee

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

7  
8 17. Code section 7098 states:

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

14  
15 18. Code section 7102 states:

16 After suspension of a license upon any of the grounds set forth in this chapter  
17 [the Contractors' State License Law], the registrar may reinstate the license upon  
18 proof of compliance by the contractor with all provisions of the decision as to  
19 reinstatement or, in the absence of a decision or any provisions of reinstatement, in  
20 the sound discretion of the registrar.

21 After revocation of a license upon any of the grounds set forth in this chapter,  
22 the license shall not be reinstated or reissued and a license shall not be issued to any  
23 member of the personnel of the revoked licensee found to have had knowledge of or  
24 participated in the acts or omissions constituting grounds for revocation, within a  
25 minimum period of one year and a maximum period of five years after the final  
26 decision of revocation and then only on proper showing that all loss caused by the act  
27 or omission for which the license was revoked has been fully satisfied and that all  
28 conditions imposed by the decision of revocation have been complied with.

The board shall promulgate regulations covering the criteria to be considered  
when extending the minimum one-year period. The criteria shall give due  
consideration to the appropriateness of the extension of time with respect to the  
following factors:

- (a) The gravity of the violation.
- (b) The history of previous violations.
- (c) Criminal convictions.

When any loss has been reduced to a monetary obligation or debt, however, the  
satisfaction of the monetary obligation or debt as a prerequisite for the issuance,  
reissuance, or reinstatement of a license shall not be required to the extent the  
monetary obligation or debt was discharged in a bankruptcy proceeding. However,  
any nonmonetary condition not discharged in a bankruptcy proceeding shall be  
complied with prior to the issuance, the reissuance, or reinstatement of the license.

///

///

///

1 **FACTUAL ALLEGATIONS**

2 **VINETO PROJECT**

3 19. On or about June 29, 2021, T.B. entered into a contract with Respondent to install 17  
4 LED street lights on three foot concrete bases at predesignated points at Il Vineto Trailer Park,  
5 located on Ham Lane, Lodi, California, for \$164,900 (hereinafter, the “Vineto project”). T.B.  
6 paid Respondent a total of \$80,000.

7 20. Respondent began work on or about June 29, 2021. On or about July 8, 2021, T.B.  
8 paid Respondent \$30,000 for permits, design, engineering, certifications, materials, and trenching.  
9 On or about April 8, 2022, T.B. paid Respondent \$50,000 for poles and lights. Despite receipt of  
10 these payments, Respondent performed only minimal work on the Vineto project (trenching),  
11 which was improperly done, as set forth below. In so doing, Respondent used at least one  
12 employee while not having any worker’s compensation insurance. Work ceased on or about July  
13 20, 2022. Respondent did not complete the Vineto project or provide the lights.

14 21. On or about September 14, 2022, T.B. hired Gary Wert of Environmental Enterprises,  
15 Inc. (Wert) to correct and complete the Vineto project for \$224,325. T.B. paid Wert a total of  
16 \$227,541.25. Wert assessed the Vineto project and determined the following: 1) Respondent  
17 failed to complete the project; 2) Respondent left open trenches, and they were not properly  
18 backfilled, secure, or deep enough; 3) The conduit was not installed correctly, in that each box  
19 had more cord than what is allowed; and 4) The rebar cages for the light post bases were circular  
20 (18 inches in diameter) and did not fit into the concrete form tubes that were square.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Abandonment)**

23 22. Respondent has subjected his license to disciplinary action under Code section 7107,  
24 in that on or about July 20, 2022, he abandoned the Vineto project without legal excuse, leaving it  
25 incomplete, as more particularly set forth above in paragraphs 19 and 20.

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Departure from Accepted Trade Standards)**

3 23. Respondent has subjected his license to disciplinary action under Code section 7109,  
4 subdivision (a), in that on the Vineto project, Respondent willfully departed from accepted trade  
5 standards for good and workmanlike construction, as more particularly set forth above in  
6 paragraph 21.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Complete Project for Contract Price)**

9 24. Respondent has subjected his license to disciplinary action under Code section  
10 7113, in that he failed in a material respect to complete the Vineto project for the contract price,  
11 and the property owner will be required to spend a sum in excess of the contract price to complete  
12 the project in accordance with the contract, as more particularly set forth above in paragraphs 19-  
13 21.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Failure to Obtain Workers' Compensation Insurance)**

16 25. Respondent has subjected his license to disciplinary action under Code section  
17 7125.4, in that he failed to obtain a Certificate of Workers' Compensation Insurance upon the  
18 employment of an employee, who was subject to coverage under the workers' compensation  
19 laws, as more particularly set forth above in paragraph 20.

20 **FIRST CAUSE FOR OTHER ACTION**

21 **(Restrictions on Qualifier - Respondent Dye)**

22 26. Pursuant to section 7121 of the Code, if license number 981527, issued to Respondent  
23 Kenneth Charles Dye (Respondent) is revoked or suspended, Respondent shall be prohibited from  
24 servicing as an officer, director, associate, partner, manager, or qualifying individual of a licensee  
25 during the time the discipline is imposed, whether or not he had knowledge of or participated in  
26 the acts or omissions constituting grounds for discipline as alleged in the causes for discipline  
27 above, and any licensee which employs, elects, or associates Respondent other than as a bona fide  
28 nonsupervising employee shall be subject to disciplinary action.

**PRAYER**

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

1. Ordering the revocation or suspension of Contractor’s License Number 981527, issued to Respondent Kenneth Charles Dye, doing business as Dye Electric, pursuant to Code section 7090;

2. Ordering restitution of all damages according to proof suffered by T.B. as a condition of probation in the event probation is ordered for Respondent pursuant to Government Code section 11519, subdivision (d);

3. If revocation of License Number 981527, issued to Respondent Kenneth Charles Dye, doing business as Dye Electric is ordered, an order for restitution of all damages suffered by T.B. as a result of Respondent’s conduct as a contractor, as a condition precedent to any future restoration of license Number 981527, or before any new license is issued;


4. Ordering Respondent Kenneth Charles Dye to pay the Registrar costs for the investigation and enforcement of the case according to proof at the hearing, pursuant to Code section 125.3;

5. Ordering that Respondent Kenneth Charles Dye is prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual or member of the personnel of a licensee, pursuant to 7121;

6. Ordering Respondent Kenneth Charles Dye to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each, pursuant to Code section 7095; and,

7. Taking such other and further action deemed proper.

DATED: June 28, 2023

  
\_\_\_\_\_  
MAHA ABRAHAM  
Supervising Special Investigator II  
Contractors State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*