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

14 In the Matter of the Accusation against:

Case No. N2024-235

15 **MULTITASKR CONSTRUCTION, INC.**
2576 Catamaran Way
16 Chula Vista, CA 91914

ACCUSATION

AND

17 **PATRICIO AMAYA-PADILLA, RMO**
18 **ISMAEL DEL PINO BERMEJO, OFFICER**
19 **GUILLERMO ROBERTSON, OFFICER**
20 **JOSE FRAUSTO, UNDISCLOSED OFFICER**
Contractor License No. 1074209 (B Classif.)

**NOTICE OF AUTOMATIC
LICENSE SUSPENSION**

Respondents.

21 **PARTIES**

22 1. Brian Melvin (Complainant) brings this Accusation solely in his official capacity as
23 the Supervising Special Investigator I of the Contractors State License Board (Board),
24 Department of Consumer Affairs.

25 2. On or about March 23, 2021, the Registrar of Contractors (Registrar) issued
26 Contractor License Number 1074209, in Classification B (General Building Contractor) to
27 Multitaskr Construction, Inc. (Respondent Multitaskr). Patricio Amaya-Padilla (Respondent
28 Amaya-Padilla) associated as the responsible managing officer on March 23, 2021 and

disassociated on July 18, 2024. Ismael Del Pino Bermejo (Respondent Del Pino Bermejo) associated as officer on March 23, 2021. Guillermo Robertson (Respondent Robertson) associated as officer on March 23, 2021 and disassociated on May 4, 2024. The Contractor License expires on March 31, 2025 unless renewed.

Respondent Multitaskr Contractor License Suspension History:

License Suspension Date	Violation	Status
Mar. 18, 2022	Business and Professions Code section 7125.2 (Worker Compensation)	Reinstated Apr. 21, 2022.
Oct. 16, 2024	Business and Professions Code section 7068.2 (Lack of Qualifier)	Suspension remains in effect.
Nov. 2, 2024	Code of Civil Procedure section 996.340 (Contractor Bond)	Suspensions remain in effect.

3. Jose Frausto (Respondent Frausto) is listed as the Chief Executive Officer, Chief Financial Officer, and Secretary of Respondent Multitaskr in the records of the California Secretary of State (SoS) according to Respondent Multitaskr's Statement of Information filed on or about September 9, 2024. Respondent Multitaskr, however, has not disclosed to the Registrar that Respondent Frausto occupies these positions. Respondent Frausto is thus not a member of the personnel of record for Respondent Multitaskr.

JURISDICTION

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

5. Section 118, subdivision (b), of the Code, states:

(b) 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.

6. Section 7076.2, subdivision (a), of the Code states:

(a) Notwithstanding any other provision of law, the failure of a contractor

1 licensed to do business as a corporation or limited liability company in this state to be
2 registered and in good standing with the Secretary of State after notice from the
3 registrar shall result in the automatic suspension of the license by operation of law.
4 The registrar shall notify the licensee in writing of its failure to be registered and in
5 good standing with the Secretary of State and that the licensee shall be suspended 30
6 days from the date of the notice if the licensee does not provide proof satisfactory to
7 the registrar that it is properly registered and in good standing with the Secretary of
8 State. Reinstatement may be made at any time following the suspension by providing
9 proof satisfactory to the registrar that the license is properly registered and in good
10 standing.

11 7. Section 7076.5, subdivision (h), of the Code states:

12 (h) The inactive status of a license shall not bar any disciplinary action by the
13 board against a licensee for any of the causes stated in this chapter.

14 8. Section 7090 of the Code provides that the Registrar may suspend or revoke any
15 license or registration if the licensee or registrant is guilty of or commits any one or more of the
16 acts or omissions constituting cause for disciplinary action.

17 9. Section 7106.5 of the Code states:

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

23 10. Section 7115 of the Code states:

24 Failure in any material respect to comply with the provisions of this chapter, or
25 any rule or regulation adopted pursuant to this chapter [Contractors State License
26 Law], or to comply with the provisions of Section 7106 of the Public Contract Code,
27 constitutes a cause for disciplinary action.

28 11. Section 7121 of the Code 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,

1 qualifying individual, or member of the personnel of record of a licensee, and the
2 employment, election, or association of this type of person by a licensee in any
3 capacity other than as a nonsupervising bona fide employee shall constitute grounds
4 for disciplinary action.

12. Section 7121.5 of the Code states:

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

12 **STATUTORY PROVISIONS**

13. Section 7083 of the Code states:

11 (a) Notwithstanding any other law, licensees shall notify the registrar, on a
12 form prescribed by the registrar, in writing within 90 days of any change to
13 information recorded under this chapter. This notification requirement shall include,
14 but not be limited to, changes in business address, personnel, business name,
15 qualifying individual bond exemption pursuant to Section 7071.9, or exemption to
16 qualify multiple licenses pursuant to Section 7068.1.

15 (b) Failure of the licensee to notify the registrar of any change to information
16 within 90 days shall cause the change to be effective the date the written notification
17 is received at the board's headquarters office.

17 (c) Failure to notify the registrar of the changes within the 90 days is grounds
18 or disciplinary action.

14. Section 7107 of the Code states:

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

15. Section 7108 of the Code states:

22 Diversion of funds or property received for prosecution or completion of a
23 specific construction project or operation, or for a specified purpose in the
24 prosecution or completion of any construction project or operation, or failure
25 substantially to account for the application or use of such funds or property on the
26 construction project or operation for which such funds or property were received
27 constitutes a cause for disciplinary action.

16. Section 7111.1 of the Code states:

27 The failure of, or refusal by, a licensee to respond to a written request of the
28 registrar to cooperate in the investigation of a complaint against that licensee
constitutes a cause for disciplinary action.

1 17. Section 7116 of the Code states:

2 The doing of any willful or fraudulent act by the licensee as a contractor in
3 consequence of which another is substantially injured constitutes a cause for
4 disciplinary action.

5 18. Section 7117 of the Code states:

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

11 19. Section 7159.5, subdivision (a), of the Code states, in part:

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

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

19 ...

20 (3) If a downpayment will be charged, the downpayment may not exceed
21 one thousand dollars (\$1,000) or 10 percent of the contract amount,
22 whichever is less.

23 ...

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

27

28 20. Subdivisions (b) and (f) of section 7161 of the Code state:

 It is a misdemeanor for any person to engage in any of the following acts, the
 commission of which is cause for disciplinary action against any licensee or
 applicant:

 ...

 (b) Making any substantial misrepresentation in the procurement of a contract
 for a home improvement or other work of improvement or making any false promise
 of a character likely to influence, persuade, or induce any person to enter into the
 contract.

 ...

1 (f)(1) Any person who violates subdivision (b), (c), (d), or (e) as part of a plan
2 or scheme to defraud an owner of a residential or nonresidential structure, including a
3 mobilehome or manufactured home, in connection with the offer or performance of
4 repairs to the structure for damage caused by a natural disaster, shall be ordered by
the court to make full restitution to the victim based on the person's ability to pay,
defined as the overall capability of the defendant to reimburse the costs, or a portion
of the costs, including consideration of, but not limited to, all of the following:

5 (A) The defendant's present financial position.

6 (B) The defendant's reasonably discernible future financial position,
provided that the court shall not consider a period of more than one year
7 from the date of the hearing for purposes of determining the reasonably
discernible future financial position of the defendant.

8 (C) The likelihood that the defendant will be able to obtain employment
within one year from the date of the hearing.

9 (D) Any other factor that may bear upon the defendant's financial
capability to reimburse the county for costs.

10 (2) In addition to full restitution and imprisonment as authorized by this
11 section, the court may impose a fine of not less than five hundred dollars
(\$500) nor more than twenty-five thousand dollars (\$25,000), based upon the
12 defendant's ability to pay. This subdivision applies to natural disasters for
13 which a state of emergency is proclaimed by the Governor pursuant to
Section 8625 of the Government Code or for which an emergency or major
disaster is declared by the President of the United States.

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

15 21. Subdivisions (a) and (b) of section 125.3 of the Code state:

16 (a) Except as otherwise provided by law, in any order issued in resolution of a
17 disciplinary proceeding before any board within the department or before the
18 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
19 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
20 the investigation and enforcement of the case.

21 (b) In the case of a disciplined licentiate that is a corporation or a partnership,
the order may be made against the licensed corporate entity or licensed partnership.

22 22. Section 11519 of the Government Code states:

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

26 (b) A stay of execution may be included in the decision or if not included therein
27 may be granted by the agency at any time before the decision becomes effective. The
stay of execution provided herein may be accompanied by an express condition that
28 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.

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

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

6 (e) The person to which the agency action is directed may not be required to
7 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.

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

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

12 23. Section 143.5, subdivision (b), of the Code states:

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

17 24. Section 7095 of the Code states:

18 (a) The decision may:

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

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

22 (3) Impose upon the licensee compliance with such specific terms and
23 conditions as may be just in connection with the licensee's operations as a
contractor disclosed at the hearing and may further provide that until those
24 terms and conditions are complied with no application for restoration of the
suspended or revoked license shall be accepted by the registrar.

25 (4)

26 (A) Provide for the stay of execution of the decision pending completion
of specified terms and conditions of probation.

27 (B) Failure to fully comply with the terms and conditions of probation
28 set pursuant to subparagraph (A) may result in automatic termination of
the stay of execution without further notice. If a stay of execution is
terminated pursuant to this subparagraph, the decision shall be considered

1 a disciplinary action within the meaning of this chapter.

2 (b) The specific terms and conditions imposed pursuant to paragraph (3) or (4)
3 of subdivision (a) may include, but are not limited to, any of the following:

4 (1) Payment of restitution to persons injured as a result of the violation.

5 (2) Payment of the costs of investigation and enforcement pursuant to
6 Section 125.3.

7 (3) Enrollment in, and completion of, specified administrative or trade-
8 specific coursework.

9 (4) Successful completion of the board's law and business examination or
10 trade examination, as appropriate.

11 (5) Any further terms and conditions as are set forth for specified violations
12 in the board's disciplinary guidelines in Section 871 of Title 16 of the
13 California Code of Regulations.

14 25. Section 7097 of the Code states:

15 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee
16 has been suspended by a decision of the registrar pursuant to an accusation or
17 pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any
18 additional license issued under this chapter [the Contractors State License Law] in the
19 name of the licensee or for which the licensee furnished qualifying experience and
20 appearance under the provisions of Section 7068, may be suspended by the registrar
21 without further notice.

22 26. Section 7098 of the Code states:

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

28 27. Section 7102 of the Code states:

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

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

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

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

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

14 **FACTUAL ALLEGATIONS**

15 **Suspension of Corporate Status**

16 28. Effective February 3, 2025, the SoS's records reflect that Respondent Multitaskr's
17 corporate status is "Suspended – FTB," and that its powers, rights, and privileges are suspended
18 in California.

19 **Poway Project**

20 29. On or about October 5, 2022, homeowners with property in Poway, California
21 (Poway Project homeowners) entered into a written contract with Respondent Multitaskr for the
22 design, permits, and construction of a detached two-bedroom accessible dwelling unit (ADU),
23 and a one-bedroom junior accessible dwelling unit (JADU), on their property located in Poway,
24 California (Poway project). The total price was \$399,187.00 and due, per the contract terms,
25 upon execution of the contract. The contract was under the namestyle Modern Market
26 Technologies, dba Multitaskr, a Delaware corporation, such that Respondent Multitaskr
27 contracted out of namestyle because its contractor license is issued in the name of Multitaskr
28 Construction, Inc. The homeowners signed the contract electronically.

30. Before signing, the homeowners met with Respondent Multitaskr's sales manager SS.
SS reviewed the contract with the homeowners and explained that Respondent Multitaskr had its
own lenders for financing Respondent Multitaskr's projects, and that Respondent Multitaskr
wanted the homeowners to use the preferred lenders. After this meeting with SS, the

1 homeowners declined to hire Respondent Multitaskr because they found another contractor. SS
2 called the homeowners a few days later to offer project completion within one year if the
3 homeowners hired Respondent Multitaskr for their project. If Respondent Multitaskr did not
4 complete the project in under one year, SS offered that Respondent Multitaskr would pay the
5 homeowners the estimated rental value of the ADUs for each month the project was delayed, or
6 \$4,500.00 in monthly payments, and offered to defer payments to Respondent Multitaskr's loan
7 plan, which enticed the homeowners to go with Respondent Multitaskr instead of other
8 contractors. After contract signing, the homeowners paid Respondent Multitaskr \$399,187.00—
9 the full contract price—before any work had been performed or materials delivered.

10 31. As to financing, the homeowners applied for various loans to fund the Poway project
11 using Respondent Multitaskr's preferred lenders. The loans were approved and transferred to
12 Respondent Multitaskr on the same date of the approval of the loans or soon thereafter. In
13 addition to the loans, the homeowners made cash transfers of over \$100,000.00 to Respondent
14 Multitaskr from their personal bank. Payments by the homeowners included the contract price
15 plus financing fees totaling \$424,953.75 as follows:

- 16 ■ July 22, 2022 – Credit card payment – \$4,541.75 for PDP agreement fees;
- 17 ■ October 4, 2022 – Sunlight Financial loan #355987 – \$100,000;
- 18 ■ October 4, 2022 – Sunlight Financial loan #355989 – \$100,000;
- 19 ■ October 4, 2022 – Mosaic loan #303450 – \$55,000;
- 20 ■ October 4, 2022 – Multitaskr loan – \$60,543.96; and
- 21 ■ October 5, 2022 – Wire transfer from SD County Credit Union – \$104,868.04.

22 Total funds expended: **\$424,953.75**

23 Respondent Multitaskr thus received and accepted an excessive down-payment from the
24 homeowners in excess of work performed or material delivered at the time of payment.

25 32. After the October 2022 contract signing, between January 23, 2023 and May 3, 2024,
26 the homeowners communicated with Respondent Multitaskr's staff including undisclosed officer
27 Respondent Frausto via e-mail, telephone, and video meetings. During the remote meetings,
28 other people were present but did not have their cameras on and did not speak. During these

1 meetings, the homeowners often received excuses regarding the delays in commencing the
2 project, such as delays in the permit process, issues with soil reports, city requirements regarding
3 the septic system, and engineering issues. Additionally, during 2023, the homeowners only
4 received six monthly payments of \$3,500.00 for rental loss, and then the payments ceased.
5 Respondent Frausto continually made excuses for the monthly rental-payment stoppage, claiming
6 that he would talk to his finance department and legal team about it. Eventually, Respondent
7 Frausto and Respondent Multitaskr's staff stopped communicating with the homeowners entirely.
8 Respondent Multitaskr abandoned the Poway project without legal excuse, diverted or
9 misappropriated funds received from the homeowners, committed willful or fraudulent acts
10 injuring the homeowner, made substantial misrepresentations in the procurement of the contract
11 and made false promises to influence, persuade, or induce the homeowners to enter into the
12 Poway project contract.

13 33. Throughout the investigation by the Board, the Board investigator attempted to
14 contact members of Respondent Multitaskr, including calls, e-mails, and certified mailings. The
15 investigator received no responses. Respondent Multitaskr and its officers thus failed to
16 cooperate in the Board's investigation.

17 34. The financial injury was determined to be \$424,953.75.

18 **NOTICE OF AUTOMATIC LICENSE SUSPENSION AND**

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Failure to Maintain Corporate Status in Good Standing)**

21 35. Respondent Multitasker's license is subject to automatic suspension under Section
22 7076.2, subdivision (a), because it failed to do business as a corporation in California while
23 registered and in good standing with the SoS. Respondent Multitaskr's license shall be
24 automatically suspended by operation of law thirty days from the date of this notice if it does not
25 provide proof satisfactory to the Registrar that it is properly registered and in good standing with
26 the SoS.

27 36. Respondent Multitaskr's license is subject to discipline under Section 7115 because it
28 failed to comply in a material respect with Section 7076.2, subdivision (a).

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Abandonment – Poway Project – Respondent Multitaskr)**

3 37. Respondent Multitasker has subjected its contractor license to disciplinary action
4 under Code section 7107, in that Respondent Multitaskr abandoned the Poway project without
5 legal excuse, and failing to commencing the project after receiving most or all of the \$424,953.75
6 paid by the homeowners, as is more fully detailed in the Factual Allegations paragraphs above,
7 which are incorporated here by this reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Diversion or Misapplication of Funds – Poway Project – Respondent Multitaskr)**

10 38. Respondent Multitaskr has subjected its contractor license to disciplinary action under
11 Code section 7108, in that Respondent Multitaskr diverted or misapplied most or all of
12 \$424,953.75 it received for the Poway Project from the homeowners, as is more fully detailed in
13 the Factual Allegations paragraphs above, which are incorporated here by this reference.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Failure to Cooperate in the Board’s Investigation – Poway Project –**
16 **Respondent Multitaskr)**

17 39. Respondent Multitaskr has subjected its contractor license to disciplinary action under
18 Code section 7111.1, in that Respondent Multitaskr’s officers failed to cooperate in the Board’s
19 investigation of the Poway project, as is more fully detailed in the Factual Allegations paragraphs
20 above, which are incorporated here by this reference.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Willful or Fraudulent Act Injuring Another– Poway Project – Respondent Multitaskr)**

23 40. Respondent Multitaskr has subjected its contractor license to disciplinary action under
24 Code section 7116, in that Respondent Multitaskr committed willful and fraudulent acts injuring
25 the Poway Project homeowners when Respondent Multitaskr received most or all of \$424,953.75
26 from the homeowners but never began their project, as is more fully detailed in the Factual
27 Allegations paragraphs above, which are incorporated here by this reference.

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Acted as a Contractor Out of Namestyle – Poway Project – Respondent Multitaskr)**

3 41. Respondent Multitaskr has subjected its contractor license to disciplinary action under
4 Code section 7117, subdivision (a) of the Code, in that Respondent Multitasker entered into the
5 Poway Project contract under the namestyle Modern Market Technologies, Inc., dba Multitaskr, a
6 Delaware corporation, when the contractor license is issued under Multitaskr Construction, Inc.,
7 as is more fully detailed in the Factual Allegations paragraphs above, which are incorporated here
8 by this reference.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Contracting with Personnel Not on the License –**

11 **Poway Project – Respondent Multitaskr)**

12 42. Respondent Multitaskr has subjected its contractor license to disciplinary action under
13 Code section 7117, subdivision (b), in that Respondent Multitasker acted as a contractor for the
14 Poway project with personnel not associated with the contractor license, as is more fully detailed
15 in the Factual Allegations paragraphs above, which are incorporated here by this reference.

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Home Improvement Contract**

18 **Requirements – Poway Project – Respondent Multitaskr)**

19 43. Respondent Multitaskr has subjected its contractor license to disciplinary action under
20 Code section 7159.5, as is more fully detailed in the Factual Allegations paragraphs above, which
21 are incorporated here by this reference, in that, on the Poway project, Respondent Multitaskr
22 failed to comply with the provisions of that Code, as follows:

23 a. Subdivision (a)(3): Respondent Multitaskr requested and received a down payment
24 in excess of \$1,000.00 or 10 percent of the contract price, whichever was less.

25 b. Subdivision (a)(5): Respondent Multitaskr requested and accepted progress payments
26 in excess of work performed or material delivered, because, in fact, Respondent Multitaskr never
27 commenced the Poway project.

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Substantial Misrepresentation in the Procurement of Contract –**
3 **Poway Project – Respondent Multitaskr)**

4 44. Respondent Multitaskr has subjected its contractor license to disciplinary action under
5 Code section 7161, subdivision (b), in that Respondent Multitaskr made substantial
6 misrepresentations to the Poway Project homeowners in the procurement of the project contract,
7 as is more fully detailed in the Factual Allegations paragraphs above, which are incorporated here
8 by this reference.

9 **San Marcos Project**

10 45. On or about December 6, 2023, two homeowners (San Marcos homeowners) entered
11 into a written contract with Respondent Multitaskr for the construction of a detached two-story
12 ADU with outdoor covered space at their property located in San Marcos, California (San Marcos
13 project) for the contract price of \$475,582.73. Of this amount, \$75,933.38 was listed for the
14 “Project Advisory Services” portion of the contract, and \$399,649.35 was for the construction of
15 the ADU. Sales director Respondent Amaya-Padilla negotiated the contract with the
16 homeowners, who signed it electronically. Respondent then requested a down payment of
17 \$100,000, an amount in excess of work performed or material delivered at that time.

18 46. Pursuant to the agreement, the San Marcos homeowners applied for loans from
19 Sunlight Financial (two \$50,000.00 loans, totaling \$100,000.00), Service Financial
20 (\$100,000.00), Mosaic (\$100,000.00), and GoodLeap (\$53,000.00). Respondent Multitaskr
21 requested and received an excessive down-payment of (\$190,233.32), approximately 40 percent
22 of the total contract cost, thus an amount in excess of ten percent of the contract price or
23 \$1,000.00, whichever is less. The lenders delivered the funds that the homeowners applied for
24 directly to Respondent Multitaskr upon approval of each loan. The homeowners said they only
25 approved the release of the Sunlight Financial loans to start the project, and did not approve the
26 release of the remainder of the loans. The homeowners later learned that all of the loans had been
27 released to Respondent Multitaskr by the lenders. Respondent Multitaskr accepted these
28 payments though the payments exceeded the value of the work performed or materials delivered.

1 Once approved by all lenders, Respondent Amaya-Padilla told the homeowners that “everything
2 was good to go.”

3 47. Respondent Multitaskr never began the San Marcos Project. Between December of
4 2023 when the contract was signed and through May 2024, the homeowners mainly dealt with
5 Respondent Amaya-Padilla and, during this time period, it became more difficult to reach
6 Respondent Amaya-Padilla. EH eventually replaced Respondent Amaya-Padilla as manager of
7 the San Marcos Project, who provided the homeowners with excuses for the delay in the start of
8 the project. The homeowners grew tired of EH’s excuses, so they reached out to Respondent
9 Multitaskr’s CEO, undisclosed officer Respondent Frausto. Respondent Frausto and the
10 homeowners spoke by phone and text between May and August of 2024. Frausto agreed to
11 cancel the contract based on Respondent Multitaskr’s inactivity/delay in starting the San Marcos
12 Project. The homeowners requested a refund of the \$300,000.00 that had been dispersed to
13 Respondent Multitaskr. During the project planning, the homeowners and Multitaskr personnel
14 had several virtual meetings. During these meetings, the homeowners saw that personnel
15 attended the meetings but did not interact with the homeowners, including Respondent Del Pino
16 Bermejo and Respondent Robertson. During these meeting, Respondent Multitaskr told the
17 homeowners to use the lenders Service Finance and Sunlight Financial because the lenders were
18 offering “deferred payments.” Respondent Multitaskr, through Respondent Amaya Padilla,
19 offered the homeowners the monthly fair-market value for the rent of the ADU at \$1,547.00 per
20 month if the homeowners contracted with Respondent Multitaskr and used its lenders, and the
21 project was not completed within one (1) year from the contract signing. The project was never
22 started and thus not timely completed, but Respondent Multitaskr never paid any monthly
23 payments to the San Marcos homeowners.

24 48. Respondent Multitaskr abandoned the San Marcos project without legal excuse after
25 receiving \$300,000.00 from the homeowners. Respondent Multitaskr diverted or misappropriated
26 the funds received from the homeowners, committed willful or fraudulent acts injuring the
27 homeowners, and made substantial misrepresentations in the procurement of the contract and
28 made false promises to influence, persuade, or induce the homeowners to enter into the San

1 Marcos Project contract with Respondent Multitaskr.

2 49. Through the course of the investigation the Board investigator made numerous
3 attempts to contact listed directors, officers, managing members, employees, or representatives of
4 Respondent Multitaskr via phone, regular and certified mail, and e-mail, but never received a
5 reply. Respondent Multitaskr failed to cooperate in the Board's investigation.

6 50. The financial injury was determined to be \$300,000.00.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Abandonment – San Marcos Project – Respondent Multitaskr)**

9 51. Respondent Multitasker has subjected its contractor license to disciplinary action
10 under Code section 7107, in that Respondent Multitaskr abandoned the San Marcos Project
11 without legal excuse, and never commenced the project after receiving \$300,000.00 from the
12 homeowners, as is more fully detailed in the Factual Allegations paragraphs above, which are
13 incorporated here by this reference.

14 **ELEVENTH CAUSE FOR DISCIPLINE**

15 **(Diversion or Misapplication of Funds – San Marcos Project – Respondent Multitaskr)**

16 52. Respondent Multitaskr has subjected its contractor license to disciplinary action under
17 Code section 7108, in that on the San Marcos Project, Respondent Multitaskr diverted or
18 misapplied \$300,000.00 in funds received from the homeowners, as is more fully detailed in the
19 Factual Allegations paragraphs above, which are incorporated here by this reference.

20 **TWELFTH CAUSE FOR DISCIPLINE**

21 **(Failure to Cooperate in the Board's Investigation –**
22 **San Marcos Project – Respondent Multitaskr)**

23 53. Respondent Multitaskr has subjected its contractor license to disciplinary action under
24 Code section 7111.1, in that Respondent Multitaskr's officers failed to cooperate in the Board's
25 investigation of the San Marcos Project, as is more fully detailed in the Factual Allegations
26 paragraphs above, which are incorporated here by this reference.

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THIRTEENTH CAUSE FOR DISCIPLINE)

**(Willful or Fraudulent Act Injuring Another –
San Marcos Project – Respondent Multitaskr)**

54. Respondent Multitaskr has subjected its contractor license to disciplinary action under Code section 7116, in that on the San Marcos Project, Respondent Multitaskr committed willful and fraudulent acts injuring the homeowners when Respondent Multitaskr received \$300,000.00 from the homeowners and never began the San Marcos Project, as is more fully detailed in the Factual Allegations paragraphs above, which are incorporated here by this reference.

FOURTEENTH CAUSE FOR DISCIPLINE

**(Entered Into Contract with Personnel Not on the License –
San Marcos Project – Respondent Multitaskr)**

55. Respondent Multitaskr has subjected its contractor license to disciplinary action under Code section 7117, subdivision (a), in that Respondent Multitasker entered into the San Marcos Project contract under the namestyle Modern Market Technologies, Inc., dba Multitaskr, when the contractor license is issued as Multitaskr Construction, Inc., as is more fully detailed in the Factual Allegations paragraphs above, which are incorporated here by this reference.

FIFTEENTH CAUSE FOR DISCIPLINE

**(Acted as a Contractor with Personnel Not on the License –
San Marcos Project – Respondent Multitaskr)**

56. Respondent Multitaskr has subjected its contractor license to disciplinary action under Code section 7117, subdivision (b), in that on the San Marcos project, Respondent Multitasker acted as a contractor with personnel not listed on the contractor license application or later changed, as is more fully detailed in the Factual Allegations paragraphs above, which are incorporated here by this reference.

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1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Home-Improvement Contract Requirements –**
3 **San Marcos Project – Respondent Multitaskr)**

4 57. Respondent Multitaskr has subjected its contractor license to disciplinary action under
5 Code section 7159.5, in that on the San Marcos Project, as is more fully detailed in the Factual
6 Allegations paragraphs above, which are incorporated here by this reference, Respondent
7 Multitaskr failed to comply with the provisions of that Code, as follows:

8 a. Subdivision (a)(3): Respondent Multitaskr requested and received a down payment
9 in excess of \$1,000 or 10 percent of the contract price, whichever was less.

10 b. Subdivision (a)(5): Respondent Multitaskr accepted progress payments in excess of
11 work performed or material delivered, and in fact, never commenced the San Marcos Project after
12 receiving from the homeowners \$300,000.00.

13 **SEVENTEENTH CAUSE FOR DISCIPLINE**

14 **(Substantial Misrepresentation in the Procurement of Contract –**
15 **San Marcos Project – Respondent Multitaskr)**

16 58. Respondent Multitaskr has subjected its contractor license to disciplinary action under
17 Code section 7161, subdivision (b), in that Respondent Multitaskr made substantial
18 misrepresentations to the homeowners in the procurement of the San Marcos Project contract, as is
19 more fully detailed in the Factual Allegations paragraphs above, which are incorporated here by
20 this reference.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Notify Registrar of Changes in Personnel – Respondent Multitaskr)**

23 59. Respondent Multitaskr has subjected its contractor license to disciplinary action under
24 Code section 7083, in that Respondent Multitaskr failed to notify the Registrar of changes in
25 personnel of record in writing, within ninety days, as is more fully detailed at paragraph 3, which
26 is incorporated here by this reference.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Operation as Corporate Licensee when Not Registered or in Good**
3 **Standing with the Secretary of State – Respondent Multitaskr)**

4 60. Respondent Multitaskr has subjected its contractor license to disciplinary action under
5 Code section 7076.2, subdivision (a), and section 7115, in that Respondent Multitaskr was not
6 registered and was not in good standing with the SoS while doing business as a corporation and
7 was suspended by the SoS as of February 3, 2025, as is more fully detailed at paragraph 3, which
8 is incorporated here by this reference.

9 **CAUSES FOR OTHER ACTION**

10 **FIRST CAUSE FOR OTHER ACTION**

11 **(Restrictions on Qualifier – Respondent Patricio Amaya Padilla)**

12 61. Pursuant to Code section 7121.5, if contractor license number 1074209 issued to
13 Respondent Multitaskr Construction, Inc. is revoked or suspended, Respondent Patricio Amaya
14 Padilla shall be prohibited from serving as an officer, director, associate, partner, manager, or
15 qualifying individual of a licensee during the time the discipline is imposed, whether or not he
16 had knowledge of or participated in the acts or omissions constituting grounds for discipline as
17 alleged in the causes for discipline, above, and any licensee which employs, elects, or associates
18 Respondent Patricio Amaya Padilla other than as a bona fide nonsupervising employee shall be
19 subject to disciplinary action.

20 **SECOND CAUSE FOR OTHER ACTION**

21 **(Restrictions on Officer – Respondent Ismael del Pio Bermejo)**

22 62. Pursuant to Code section 7121, if contractor license number 1074209 issued to
23 Respondent Multitaskr Construction, Inc. is revoked or suspended, Respondent Ismael Del Pio
24 Bermejo shall be prohibited from serving as an officer, director, associate, partner, manager,
25 qualifying individual, or member of the personnel of record of a licensee in that, while serving as
26 Officer of Respondent Multitaskr Construction, Inc., he had knowledge of or participated in the
27 acts or omissions constituting grounds for discipline as alleged in the causes for discipline, above.

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1 **THIRD CAUSE FOR OTHER ACTION**

2 **(Restrictions on Officer – Respondent Guillermo Robertson)**

3 63. Pursuant to Code section 7121, if contractor license number 1074209 issued to
4 Respondent Multitasker, Inc. is revoked or suspended, Respondent Guillermo Robertson shall be
5 prohibited from serving as an officer, director, associate, partner, manager, qualifying individual,
6 or member of the personnel of record of a licensee in that, while serving as Officer of Respondent
7 Multitaskr Construction, Inc., he had knowledge of or participated in the acts or omissions
8 constituting grounds for discipline as alleged in the causes for discipline, above.

9 **FOURTH CAUSE FOR OTHER ACTION**

10 **(Restrictions on Unregistered Officer – Respondent Jose Frausto)**

11 64. Pursuant to Code section 7121, if contractor license number 1074209 issued to
12 Respondent Multitaskr Construction, Inc. is revoked or suspended, Respondent Jose Frausto shall
13 be prohibited from serving as an officer, director, associate, partner, manager, qualifying
14 individual, or member of the personnel of record of a licensee in that, while serving as
15 undisclosed/unregistered Officer of Respondent Multitaskr Construction, Inc., he had knowledge
16 of or participated in the acts or omissions constituting grounds for discipline as alleged in the
17 causes for discipline, above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Registrar issue a decision:

21 1. Ordering the revocation or suspension of Contractor License Number 1074209 issued
22 to Multitaskr Construction, Inc., pursuant to Code section 7090;

23 2. Ordering restitution of all damages according to proof suffered by the Poway Project
24 homeowners and the San Marcos Project homeowners, as a condition of probation in the event
25 probation is ordered for Respondent Multitaskr Construction, Inc., pursuant to Government Code
26 section 11519, subdivision (d);

27 3. If revocation of Contractor License Number 1074209 issued to Multitaskr
28 Construction, Inc. is ordered, an order for restitution of all damages suffered by the Poway

1 Project homeowners and the San Marcos Project homeowners as a result of Multitaskr
2 Construction, Inc.'s conduct as a contractor shall issue, as a condition precedent to any future
3 restoration of Contractor License Number 1074209, or before any new license is issued;

4 4. Ordering Respondent Multitaskr Construction, Inc. to pay the Registrar costs for the
5 investigation and enforcement of the case according to proof at the hearing, pursuant to Code
6 section 125.3;

7 5. Ordering Respondent Multitaskr to provide the Registrar with a listing of all
8 contracting projects in progress and the anticipated completion date of each, pursuant to Code
9 section 7095;

10 6. Ordering that Respondent Patricio Amaya Padilla is prohibited from serving as an
11 officer, director, associate, partner, manager or qualifying individual of a licensee, pursuant to
12 Code section 7121.5;

13 7. Ordering that Respondent Ismael del Pio Bermejo is prohibited from serving as an
14 officer, director, associate, partner, manager, qualifying individual or member of the personnel of
15 record of a licensee, pursuant to Code section 7121;

16 8. Ordering that Respondent Guillermo Robertson is prohibited from serving as an
17 officer, director, associate, partner, manager, qualifying individual or member of the personnel of
18 record of a licensee, pursuant to Code section 7121;

19 9. Ordering that Respondent Jose Frausto is prohibited from serving as an officer,
20 director, associate, partner, manager, qualifying individual or member of the personnel of record
21 of a licensee, pursuant to Code section 7121; and

22 10. Taking such other and further action deemed proper.

23
24 DATED: 4/9/2025

Brian Melvin

BRIAN MELVIN
Supervising Special Investigator I
Contractors State License Board
Department of Consumer Affairs
State of California
Complainant

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