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7

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

13 **ACCUSATION**

14 In the Matter of the Accusation Against:

15 **DAVID BARNES**  
16 5405 Penfield Ave  
17 Woodland Hills, CA 91364

Case No. N2012-277

18 Home Improvement Salesperson Registration No. 80636  
19 HA

20 **and**

21 **MICHAEL G. PENTLAND CONSTRUCTION,**  
22 2024 N. Fairview Street  
23 Burbank, CA 91505

Case No. N2012-278

24 **MICHAEL GEORGE PENTLAND,** Sole Owner

25 Contractor's License No. 623866

26 Respondents.

27 **TOP DESIGN INC.**  
28 16134 Hart Street  
Van Nuys, CA 91406  
DAVID BARNES, CEO-President  
MICHAEL EUGENE RICHIUSA, RMO,  
ITZCHAK ZAHAVI, RMO  
RAMI VILDORF, RMO

Contractor's License No. 966819

1 **DAVID BARNES**  
5405 Panfield Ave.  
Woodland Hills, CA 91364

2 &

3  
4 6441 Aldea Ave.  
Van Nuys, CA 91406

5 Home Improvement Salesperson Registration No. 80636  
6 AA

7 Home Improvement Salesperson Registration No. 80636  
8 EA

9 Home Improvement Salesperson Registration No. 80636  
10 FA

11 Home Improvement Salesperson Registration No. 80636  
12 GA

13 Home Improvement Salesperson Registration No. 80636  
14 IA

15 Affiliated Parties.

16 Complainant alleges:

17 **PARTIES**

18 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
19 as the Enforcement Supervisor I of the Contractors State License Board, Department of  
20 Consumer Affairs (Board).

21 **Registration History**

22 **David Barnes and Liberty Construction**

23 2. On or about January 13, 2009, the Registrar of Contractors (Registrar) issued Home  
24 Improvement Salesperson Registration No. 80636 AA to David Barnes (Respondent Barnes).  
25 The registration was set to expire on January 31, 2011. The Home Improvement Salesperson  
26 Registration No. 80636 AA was attached to Arnold Surnow's contractor license (License Number  
27 640562). Arnold Surnow was the owner of Liberty Construction. On July 14, 2009, Respondent  
28 Barnes' Registration No. 80636 AA was cancelled by Mr. Surnow. On April 8, 2010,  
Respondent Barnes re-applied for the Home Improvement Salesperson Registration No. 80636

1 AA attached to Mr. Surnow's contractor license. On June 1, 2010, Respondent Barness's  
2 Registration No. 80636 AA was cancelled by Mr. Surnow.

3 David Barness and Platinum Remodeling, Inc.

4 3. On or about January 13, 2009, the Registrar issued Home Improvement Salesperson  
5 Registration No. 80636 BA to Respondent Barness. The Home Improvement Salesperson  
6 Registration No. 80636 BA was attached to Robert Luce's contractor license (License Number  
7 217872). Mr. Luce was the owner of Platinum Remodeling, Inc. On or about July 14, 2009,  
8 Respondent Barness' Registration No. 80636 BA was cancelled by Mr. Luce.

9 David Barness and TLC Remodeling, Inc.

10 4. On or about January 13, 2009, the Registrar issued Home Improvement Salesperson  
11 Registration No. 80636 CA to Respondent Barness. The Home Improvement Salesperson  
12 Registration No. 80636 CA was attached to James Wong's contractor license (License Number  
13 371992). Mr. Wong was the owner of TLC Remodeling, Inc. On or about July 14, 2009,  
14 Respondent Barness' Registration No. 80636 CA was cancelled by Mr. Wong.

15 David Barness and Unique Home Design & Remodeling

16 5. On or about April 23, 2009, the Registrar issued Home Improvement Salesperson  
17 Registration No. 80636 DA to Respondent. The Home Improvement Salesperson Registration  
18 No. 80636 DA was attached to John Edson Hollenbeck's contractor license (License Number  
19 441931). Mr. Hollenbeck was the owner of Unique Home Design & Remodeling. On or about  
20 July 14, 2009, Respondent Barness' Registration No. 80636 DA was cancelled by  
21 Mr. Hollenbeck. Mr. Hollenbeck's disassociated from the license on or about December 2, 2011.

22 David Barness and Dreamworks Construction & Remodeling, Inc.

23 6. On or about June 17, 2009, the Registrar issued Home Improvement Salesperson  
24 Registration No. 80636 EA to Respondent. The Home Improvement Salesperson Registration No.  
25 80636 EA was attached to Sagi Zadok's contractor license (License Number 916475). Mr. Zadok  
26 was the owner of Dreamworks Construction & Remodeling, Inc. On or about May 2, 2011,  
27 Respondent Barness' Registration No. 80636 EA was cancelled by Mr. Zadok. Mr. Zadok's  
28 license expired on or about May 31, 2012.

1           David Barness and V I P Home Design, Inc.

2           7.     On or about May 1, 2010, the Registrar issued Home Improvement Salesperson  
3 Registration No. 80636 FA to Respondent. The Home Improvement Salesperson Registration No.  
4 80636 FA was attached to Henry Jacobs' contractor license (License Number 383579). Mr. Jacob  
5 was the owner of V I P Home Design, Inc. On or about June 1, 2010, Respondent Barness'  
6 Registration No. 80636 FA was cancelled by Mr. Jacobs.

7           David Barness and Universal Remodeling Inc.

8           8.     On or about May 10, 2010, the Registrar issued Home Improvement Salesperson  
9 Registration No. 80636 GA to Respondent. The Home Improvement Salesperson Registration  
10 No. 80636 GA was attached to William Littlefield's contractor license (License Number 617830).  
11 Mr. Littlefield was the owner of Universal Remodeling Inc. On or about June 1, 2010,  
12 Respondent Barness' Registration No. 80636 GA was cancelled by Mr. Littlefield.

13           David Barness and Michael G. Pentland Construction

14           9.     On or about January 7, 2011, the Registrar issued Home Improvement Salesperson  
15 Registration No. 80636 HA to Respondent Barness. The Home Improvement Salesperson  
16 Registration No. 80636 HA was attached to Respondent Pentland's contractor license (License  
17 Number 623866). Respondent Pentland was the owner of Michael G. Pentland Construction. On  
18 or about October 1, 2011, Respondent Barness' Registration No. 80636 HA was cancelled by  
19 Respondent Pentland and Respondent Barness.

20           David Barness and Silverstar Construction Inc.

21           10.    On or about January 30, 2012 the Registrar issued Home Improvement Salesperson  
22 Registration No. 80636 IA to Respondent. The Home Improvement Salesperson Registration No.  
23 80636 IA was attached to Joele Cohen's contractor license (License Number 915922). Ms. Cohen  
24 was the owner of Silverstar Construction Inc. (Silverstar). On or about October 28, 2012,  
25 Respondent's Registration No. 80636 IA was cancelled by Ms. Cohen and Respondent.

26           11.    Respondent Barness' Home Improvement Salesperson Registration No. 90636 HA  
27 was in full force and effect at all times relevant to the charges brought herein.

28



1 Code, § 7000, et seq.).

2 18. Section 7090 provides that the Registrar may suspend or revoke any license or  
3 registration if the licensee or registrant is guilty of or commits any one or more of the acts or  
4 omissions constituting cause for disciplinary action.

5 19. Section 7095 states that the Registrar in making his order may:

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

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

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

14 20. Sections 7097 and 7098 provides that when any license has been suspended or  
15 revoked following a hearing, the Registrar may suspend or revoke any additional license issued in  
16 the name of the licensee or for which the licensee furnished qualifying experience and appearance  
17 under the provisions of 7068, without further notice.

18 21. Section 7106.5 provides that the expiration, cancellation, forfeiture, or suspension of  
19 a license by operation of law or by order or decision of the registrar, or a court of law, or the  
20 voluntary surrender of the license shall not deprive the registrar of jurisdiction to proceed with  
21 any investigation of or action or disciplinary proceeding against the license, or to render a  
22 decision suspending or revoking the license.

23 22. Section 7121 states:

24 "A person who has been denied a license for a reason other than failure to document  
25 sufficient satisfactory experience for a supplemental classification for an existing license, or who  
26 has had his or her license revoked, or whose license is under suspension, or who has failed to  
27 renew his or her license while it was under suspension, or who has been a partner, officer,  
28 director, manager, or associate of any partnership, corporation, limited liability company, firm, or

1 association whose application for a license has been denied for a reason other than failure to  
2 document sufficient satisfactory experience for a supplemental classification for an existing  
3 license, or whose license has been revoked, or whose license is under suspension, or who has  
4 failed to renew a license while it was under suspension, and while acting as a partner, officer,  
5 director, manager, or associate had knowledge of or participated in any of the prohibited acts for  
6 which the license was denied, suspended, or revoked, shall be prohibited from serving as an  
7 officer, director, associate, partner, manager, qualifying individual, or member of the personnel of  
8 record of a licensee, and the employment, election, or association of this type of person by a  
9 licensee in any capacity other than as a nonsupervising bona fide employee shall constitute  
10 grounds for disciplinary action."

11 23. Section 7121.5 states:

12 "A person who was the qualifying individual on a revoked license, or of a license under  
13 suspension, or of a license that was not renewed while it was under suspension, shall be  
14 prohibited from serving as an officer, director, associate, partner, manager, or qualifying  
15 individual of a licensee, whether or not the individual had knowledge of or participated in the  
16 prohibited acts or omissions for which the license was revoked, or suspended, and the  
17 employment, election, or association of that person by a licensee shall constitute grounds for  
18 disciplinary action."

19 24. Section 7141 states:

20 "Except as otherwise provided in this chapter [the Contractors' State License Law], a  
21 license that has expired may be renewed at any time within five years after its expiration by filing  
22 an application for renewal on a form prescribed by the registrar, and payment of the appropriate  
23 renewal fee. Renewal under this section shall be effective on the date an acceptable renewal  
24 application is filed with the board. The licensee shall be considered unlicensed and there will be  
25 a break in the licensing time between the expiration date and the date the renewal becomes  
26 effective. If the license is renewed after the expiration date, the licensee shall also pay the  
27 delinquency fee prescribed this chapter [the Contractors' State License Law]. If so renewed, the  
28 license shall continue in effect through the date provided in Section 7140 which next occurs after

1 the effective date of the renewal, when it shall expire if it is not again renewed.

2 "If a license is not renewed within five years, the licensee shall make application for a  
3 license pursuant to Section 7066."

4 **STATUTORY PROVISIONS**

5 25. Section 7028, subdivision (a), states "[i]t is a misdemeanor for a person to engage in  
6 the business or act in the capacity of a contractor within this state without having a license  
7 therefor, unless the person is particularly exempted from the provisions of this chapter."

8 26. Section 7107 states that "[a]bandonment without legal excuse of any construction  
9 project or operation engaged in or undertaken by the licensee as a contractor constitutes a cause  
10 for disciplinary action."

11 27. Section 7113 states that "[f]ailure in a material respect on the part of a licensee to  
12 complete any construction project or operation for the price stated in the contract for such  
13 construction project or operation or in any modification of such contract constitutes a cause for  
14 disciplinary action."

15 28. Section 7115 provides that failure in any material respect to comply with the  
16 provisions of the Contractors' State License Law (Business and Professions Code, § 7000, et  
17 seq.), or any rule or regulation adopted pursuant to this chapter, constitutes a cause for  
18 disciplinary action.

19 29. Section 7116 states that "[t]he doing of any willful or fraudulent act by the licensee as  
20 a contractor in consequence of which another is substantially injured constitutes a cause for  
21 disciplinary action."

22 30. Section 7155 states:

23 "Violation of any provision of this chapter by a home improvement salesperson constitutes  
24 cause for disciplinary action. The registrar may suspend or revoke the registration of the home  
25 improvement salesperson if he or she is found to be in violation. The disciplinary proceedings  
26 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of  
27 Division 3 of Title 2 of the Government Code."

28

1 31. Section 7155.5 states:

2 "Violations of any provisions of this chapter by a home improvement salesperson, likewise  
3 constitutes a cause for disciplinary action against the contractor, whether or not he or she had  
4 knowledge of or participated in the act or omission constituting violations of this chapter."

5 32. Section 7161 states, in pertinent part:

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

8 . . . .

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

12 33. Section 7157 states, in pertinent part:

13 "(c) No salesperson or contractor's agent may accept any compensation of any kind, for,  
14 or on account of a home improvement transaction, or any other transaction involving a work of  
15 improvement, from any person other than the contractor whom he or she represents with respect  
16 to the transaction, nor shall the salesperson or agent make any payment to any person other than  
17 his or her employer or account of the sales transaction.

18 ...

19 Commission of any act prohibited by this section is a misdemeanor and constitutes a cause  
20 for disciplinary action."

21 **COST RECOVERY / RESTITUTION**

22 34. Section 125.3 provides that the Registrar may request the administrative law judge to  
23 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
24 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

25 35. Government code section 11519, subdivision (d), provides that the Registrar may  
26 require restitution of damages suffered as a condition of probation in the event probation is  
27 ordered.

28

**GORDILLO PROJECT**

1  
2       36. On or about July 26, 2011, Respondent Barness, as a home improvement salesperson,  
3 entered into written contract. The contract was made on behalf of Respondent Pentland with  
4 homeowner Robert Gordillo to remodel his residence located in Sunland, California 91040, for  
5 the amount of \$49,000.00 (Gordillo Project). The circumstances are as follows:

6       a. Mr. Gordillo paid Respondent Barness a \$1,000.00 deposit on July 26, 2011.

7       b. Respondent Barness told the homeowners he would be overseeing the project. The  
8 homeowners never met or spoke to Respondent Pentland.

9       c. Work began on or about July 27, 2011.

10       d. On July 29, 2011, Respondent Barness asked for \$7,000.00 after the demolition,  
11 which the homeowners paid.

12       e. The electrician told the homeowners the can lights Respondent Barness provided  
13 could not be used. The homeowners paid the electrician \$507.00 on August 2, 2011. The  
14 electrician never finished the job of installing the lights.

15       f. On August 8, 2011, Respondent Barness asked the homeowners to pay \$14,000.00 for  
16 Respondents' employees. The homeowners paid Respondent Barness.

17       g. Respondent Barness and Respondent Pentlands' employees installed the travertine  
18 flooring. The floor cracked and was a half an inch higher than the existing floor. The homeowners  
19 notified Respondent Barness of the flooring issues. Respondent Barness failed to correct the  
20 flooring problem.

21       h. Half-way through the project, Respondent Barness admitted to the homeowners that  
22 things were not going the way he promised. Respondent Barness asked for \$10,000.00 to replace  
23 the electrical panel. Respondent Barness had not previously informed the homeowners that the  
24 panel would need to be replaced. Respondent Barness told the homeowners he failed to include  
25 this item in his estimate. After negotiating the price, Respondent Barness and the homeowners  
26 agreed to split the cost of the panel. Respondent Barness and Respondent Pentland failed to  
27 replace the electrical panel.

28       i. On August 15, 2011, all work stopped because the electrical panel was not replaced.

1           j.       Respondent Barness and Respondent Pentland failed to furnish and install the  
2 bathroom tub.

3           k.       On August 29, 2011, Ms. Gordillo spoke to Respondent Barness about the bathroom  
4 vanity. Respondent Barness asked her to pay for the vanity. Ms. Gordillo told Respondent  
5 Barness the vanity was included in the contract. At that point, Ms. Gordillo told Respondent  
6 Barness she did not want him in her house anymore because the completion date was August 31,  
7 2011, and no one had worked at the house for the past two weeks.

8           l.       On August 29, 2011, Respondent Barness came to speak to Mr. Gordillo.  
9 Mr. Gordillo said he would have to take action because of the state of the project. Respondent  
10 Barness threatened Mr. Gordillo with a lawsuit and lien. When Mr. Gordillo told Respondent  
11 Barness he was going to contact the Contractor's State Board, Respondent Barness backed down  
12 and said he would do the right thing from now on. The homeowners told Respondent Barness  
13 they did not want him to continue on the project.

14           m.       On or about August 31, 2011, a representative from Respondents' office contacted the  
15 homeowners to set up a meeting. Two (2) people showed up to the meeting to discuss the  
16 problems with the project. Mr. Gordillo told them he had no problem paying for the project, but  
17 he wanted the project completed. Mr. Gordillo asked to speak with Respondent Pentland. He was  
18 told Respondent Pentland was out of the country, but that Respondent Pentland would be  
19 informed about the problems with the project.

20           n.       Five days later, the same people showed up to Mr. Gordillo's home. A female  
21 representative told Mr. Gordillo they were willing to finish the job, but the homeowners would be  
22 required to pay an additional \$20,000 before restarting the project. The homeowners asked the  
23 representatives to leave. The representatives told the homeowners they had already bought the  
24 kitchen cabinets. Mr. Gordillo asked the representatives to show him the cabinets. The female  
25 representative stated she would call the homeowners to set up a time to see the cabinets. The  
26 homeowners never heard from them again.

27

28

1 o. The homeowners paid \$22,000.00 on the project:  
2 July 26, 2011, \$1,000.00, check no. 4413;  
3 July 29, 2011, \$7,000.00, check no. 4415; and  
4 August 8, 2011, \$14,000.00, check no. 4419.

5 p. Check Nos. 4413, 4415 and 4419 were marked for bank deposit with the  
6 endorsement: "For Deposit Only TOP DESIGN REMODELING INC. DBA MICHAEL  
7 PENTLAND CONSTRUCTION."

8 q. On October 19, 2011, Silverstar filed a Mechanic's lien on the homeowners' home  
9 for unpaid labor, services, equipment, and materials furnished by Silverstar for remodeling the  
10 homeowner's kitchen and bathroom. The homeowners had never contracted with Silverstar for  
11 any services.

12 r. On or about November 15, 2011, the homeowners' attorney contacted the attorney  
13 representing Silverstar to discuss the lien. Silverstar's attorney represented that Respondent  
14 Barness was willing to just walk away and forget about the project. The lien was subsequently  
15 dropped.

16 s. The homeowners had to hire other contractors to finish the job. To complete the  
17 project, the homeowners spent an additional \$48,077.49.

18 t. Due to Respondents' actions or omissions, the homeowners were unable to use their  
19 kitchen for six months and had to cook outside.

20 u. Subsequently, Mr. Gordillo filed a claim with the bond company for Respondent  
21 Pentland, and received a \$12,500.00 payment on the bond.

22 As to Respondent Barness and Respondent Pentland

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Willful or Fraudulent Acts)**

25 37. Respondent Barness and Respondent Pentland are subject to disciplinary action under  
26 section 7116, in that on the Gordillo Project, Respondents willfully or fraudulently committed an  
27 act causing substantial injury. Complainant refers to, and by this reference incorporates, the  
28 allegations set forth in above paragraph 36, inclusive, as though set forth fully.



1 As to Respondent Barness

2 **FIFTH CAUSE FOR DISCIPLINE**

3 **(Violation of the Contractors' State License Law – Respondent Barness)**

4 41. Respondent Barness is subject to disciplinary action under section 7155, in  
5 conjunction with section 7028, in that on the Gordillo Project, Respondent Barness violated the  
6 provisions of the Contractors' State License Law, in that he acted in the capacity of a contractor  
7 without having a valid contractor's license. Complainant refers to, and by this reference  
8 incorporates, the allegations set forth in above paragraph 36, inclusive, as though set forth fully.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Violation of Home Improvement Salesperson Contract – Respondent Barness)**

11 42. Respondent Barness is subject to disciplinary action under section 7157(c), in  
12 conjunction with section 7028, in that on the Gordillo Project, Respondent Barness violated the  
13 provisions of the Contractors' State License Law, in that he accepted compensation from the  
14 homeowners for the Gordillo project, and made payment to the employees on the Gordillo  
15 project. Complainant refers to, and by this reference incorporates, the allegations set forth in  
16 above paragraph 36, inclusive, as though set forth fully.

17 As to Respondent Pentland

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violation of the Contractors' State License Law)**

20 43. Respondent Pentland is subject to disciplinary action under section 7155.5, in that on  
21 the Gordillo Project, Respondent Pentland's home improvement salesperson, Respondent  
22 Barness, violated provisions of the Contractors' State License Law. Complainant refers to, and by  
23 this reference incorporates, the allegations set forth in above paragraph 36, inclusive, as though  
24 set forth fully.

25 **OTHER MATTERS**

26 As to Respondent Barness

27 44. Pursuant to sections 7097 and 7098, if Home Improvement Salesperson (HIS)  
28 Registration No. 80636 HA issued to Respondent Barness is suspended or revoked, the Registrar

1 may suspend or revoke, without notice, any other license issued in the name of David Barness or  
2 for which David Barness furnished the qualifying experience and appearance.

3 45. Pursuant to sections 7121 and 7121.5, if discipline is imposed on HIS Registration  
4 No. 80636 HA issued to Respondent Barness, David Barness shall be prohibited from serving as  
5 an officer, director, associate, partner, manager, or qualifying individual, or member of the  
6 personnel of record of a licensee of any licensee during the time the discipline is imposed, and  
7 any licensee which employs, elects, or associates David Barness shall be subject to disciplinary  
8 action.

9 As to Respondent Pentland

10 46. Pursuant to sections 7097 and 7098, if Contractor's License No. 623866 issued to  
11 Respondent Pentland is suspended or revoked, the Registrar may suspend or revoke, without  
12 notice, any other license issued in the name of Michael George Pentland or for which Michael  
13 George Pentland furnished the qualifying experience and appearance.

14 47. Pursuant to sections 7121 and 7121.5, if discipline is imposed on Contractor's  
15 License No. 623866 issued to Respondent Pentland, Michael George Pentland shall be prohibited  
16 from serving as an officer, director, associate, partner, manager, or qualifying individual of any  
17 licensee during the time the discipline is imposed, whether or not he had knowledge or  
18 participated in the acts or omissions constituting grounds for discipline, and any licensee which  
19 employs, elects, or associates Michael George Pentland shall be subject to disciplinary action.

20 **OTHER DISCIPLINARY CONSIDERATIONS**

21 Liberty Construction

22 48. On November 8, 2012, the Ventura County District Attorney's Office filed nine (9)  
23 felony counts against Mr. Surnow. The nine (9) felony counts included charges such as theft,  
24 fraud, and a conspiracy to rent out his license for a fee to Avi Gozlan. On or about November 13,  
25 2012, Arnold Surnow plead guilty or no contest to all nine (9) felony counts and was sentenced.

26 Platinum Remodeling

27 49. On or about January 24, 2011, the Board filed an accusation against Platinum  
28 Remodeling. The accusation alleged Platinum Remodeling had departed from accepted trade

1 standards, plans or specifications; abandoned the project; and failed to complete the contract for  
2 the price stated. On November 14, 2012, the Board revoked Platinum Remodeling contractor's  
3 license after a representative of the company failed to appear at the administrative hearing.

4 TLC Remodeling, Inc.

5 50. On or about July 8, 2010, the Board filed an accusation against TLC Remodeling, Inc.  
6 The accusation alleged TLC Remodeling, Inc. had departed from accepted trade standards, plan,  
7 or specifications; abandoned the project; and failed to complete the contract for the price stated,  
8 and violating building code statutes or regulations. On or about November 1, 2010, the Board  
9 revoked TLC Remodeling, Inc. contractor's license after a representative of the company failed to  
10 appear at the administrative hearing.

11 V I P Home Design, Inc.

12 51. On October 25, 2012, the Ventura County District Attorney's Office filed 22 felony  
13 counts against Mr. Jacobs, the owner of V I P Home Design, Inc. The 22 felony counts, detail acts  
14 that occurred between 2009 through 2012. The felony charges include violations of theft, fraud,  
15 and a conspiracy to rent out his contractor's license for a fee to Avi Gozlan. On or about  
16 November 5, 2012, Mr. Jacobs plead guilty or no contest to all 22 felony counts and was  
17 sentenced.

18 Universal Remodeling Inc.

19 52. On July 18, 2013, the Ventura County District Attorney's Office filed one (1) felony  
20 count against Mr. Littlefield, the owner of Universal Remodeling, Inc. On March 4, 2014,  
21 Mr. Littlefield pled guilty or no contest to committing conspiracy to commit, with one of the  
22 overt acts being that he rented out his license for a fee to Avi Gozlan.

23 Silverstar Construction, Inc.

24 53. On July 18, 2013, the Ventura County Grand Jury indicted the owner and chief  
25 operating officer of Silverstar Construction, Inc., Simon Cohen for crimes including a conspiracy  
26 to commit a crime. Avi Gozlan was named as one of the co-conspirators.

27  
28

1 **PRAYER**

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

4 **As to Respondent Barness**

5 1. Revoking or suspending Home Improvement Salesperson (HIS) Registration No.  
6 80636 HA issued to David Barness;

7 2. Prohibiting David Barness, from serving as an officer, director, associate, partner, or  
8 qualifying individual of any licensee during the period that discipline is imposed on HIS  
9 Registration No. 80636 HA, issued to David Barness;

10 3. Revoking or suspending any other license or registration for which David Barness, is  
11 furnishing the qualifying experience or appearance;

12 4. Ordering restitution of all damages according to proof suffered by  
13 Mr. and Ms. Gordillo, as a condition of probation in the event probation is ordered;

14 5. Ordering David Barness to pay the Registrar his costs in the investigation and  
15 enforcement of the case according to proof at the hearing, pursuant to section 125.3;

16 6. Ordering David Barness to provide the Registrar with a listing of all contracting  
17 projects in progress and the anticipated completion date of each;

18 **As to Respondent Pentland**

19 7. Revoking or suspending Contractor's License No. 623866 issued to Michael G.  
20 Pentland Construction, Michael George Pentland, Sole Owner;

21 8. Prohibiting Michael George Pentland from serving as an officer, director, associate,  
22 partner, or qualifying individual of any licensee during the period that discipline is imposed on  
23 Contractor's License No. 623866, issued to Michael G. Pentland Construction, Michael George  
24 Pentland, Sole Owner;

25 9. Revoking or suspending any other contractor's license for which Michael George  
26 Pentland is furnishing the qualifying experience or appearance;

27 10. Ordering restitution of all damages according to proof suffered by  
28 Mr. and Ms. Gordillo, as a condition of probation in the event probation is ordered;

1 11. Ordering restitution of all damages suffered by Mr. and Ms. Gordillo as a result of  
2 Michael George Pentland's conduct as a contractor, as a condition of restoration of Contractor's  
3 License No. 623866, issued to Michael G. Pentland Construction, Michael George Pentland, Sole  
4 Owner;

5 12. Ordering Michael G. Pentland Construction, Michael George Pentland, Sole Owner  
6 to pay the Registrar his costs in the investigation and enforcement of the case according to proof  
7 at the hearing, pursuant to section 125.3;

8 13. Ordering Michael G. Pentland Construction, Michael George Pentland, Sole Owner  
9 to provide the Registrar with a listing of all contracting projects in progress and the anticipated  
10 completion date of each;

11 As to Top Design Inc., Affiliated Party

12 14. Revoking or suspending Contractor's License No. 966819 issued to Top Design Inc.,  
13 with Michael Eugene Richuisa, RMO (disassociated November 1, 2013), Itzchak Zahavi, RMO  
14 (disassociated November 8, 2012) , Rami Vildorf, RMO, and David Barness, CEO-President;

15 15. Prohibiting David Barness, Michael Eugene Richuisa, Itzchak Zahavi, and Rami  
16 Vildorf, from serving as an officer, director, associate, partner, or qualifying individual of any  
17 licensee during the period that discipline is imposed on Contractor's License No. 966819, issued  
18 to Top Design Inc., with Michael Eugene Richuisa, RMO (disassociated November 1, 2013),  
19 Itzchak Zahavi, RMO (disassociated November 8, 2012) , Rami Vildorf, RMO, and David  
20 Barness, CEO-President;

21 16. Revoking or suspending any other license for which David Barness, Michael Eugene  
22 Richuisa, Itzchak Zahavi, and Rami Vildorf is furnishing the qualifying experience or  
23 appearance;

24 17. Ordering restitution of all damages according to proof suffered by  
25 Mr. and Ms. Gordillo as a condition of probation in the event probation is ordered;

26 18. Ordering restitution of all damages suffered by Mr. and Ms. Gordillo, as a condition  
27 of restoration of Contractor's License No. 966819, issued to Top Design Inc. with David Barness,  
28 CEO-President, Michael Eugene Richuisa, RMO (disassociated November 1, 2013), Itzchak

1 Zahavi, RMO (disassociated November 8, 2012), and Rami Vildorf, RMO;

2 19. Ordering Top Design Inc., with David Barness, CEO-President, Michael Eugene  
3 Richuisa, RMO (disassociated November 1, 2013), Itzhak Zahavi, RMO (disassociated  
4 November 8, 2012) , Rami Vildorf, RMO, to provide the Registrar with a listing of all contracting  
5 projects in progress and the anticipated completion date of each; and

6 As to All Respondents and Affiliated Parties

7 20. Taking such other and further action as deemed necessary and proper.

8  
9 DATED: November 14, 2014 Heather Henderson

10  WOOD ROBINSON  
11 Enforcement Supervisor I  
12 Contractors State License Board  
13 Department of Consumer Affairs  
14 State of California  
15 *Complainant*

16 LA2013508855  
17 11.6.14

18 **FILED**  
19 **NOV 14 2014**  
20 **CSLB DSS**

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