

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. N2012-402

13 **INFINITY PAINTING**  
14 **1574 West Juno Avenue, Apartment #1**  
**Anaheim, CA 92802**

**A C C U S A T I O N**

15 **DORA MARIA ALVARADO,**  
16 **AKA DORA MARIA JERVIS, RMO/CEO/President**  
17 **GILBERTO ALVARADO, Officer**  
**Contractor's License No. 851300, C33**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On December 15, 2004, the Registrar of Contractors issued Contractor's License  
26 Number 851300, classification C33 (painting and decorating) to Infinity Painting, with Dora  
27 Maria Alvarado, also known as Dora Maria Jervis as RMO, CEO, and President, and Gilberto  
28 Alvarado, as an Officer (Respondent). The Contractor's License was in full force and effect at all

1 times relevant to the charges brought herein and will expire on December 31, 2014, unless  
2 renewed. However, on July 23, 2013, the Contractor's License was inactivated.

### 3 JURISDICTION

4 3. This Accusation is brought before the Registrar of Contractors (Registrar) for the  
5 Contractors' State License Board, Department of Consumer Affairs, under the authority of the  
6 following laws. All section references are to the Business and Professions Code unless otherwise  
7 indicated.

8 4. Section 7076.5 of the Code provides, in pertinent part, that the inactive status of a  
9 license shall not bar any disciplinary action for violating provisions of the Contractors' State  
10 License Law (Business & Professions Code, § 7000, et seq.).

11 5. Section 7090 of the Code states:

12 The registrar may upon his or her own motion and shall upon the verified  
13 complaint in writing of any person, investigate the actions of any applicant,  
14 contractor, or home improvement salesperson within the state and may deny the  
15 licensure or the renewal of licensure of, or cite, temporarily suspend, or  
16 permanently revoke any license or registration if the applicant, licensee, or  
17 registrant, is guilty of or commits any one or more of the acts or omissions  
18 constituting causes for disciplinary action.

19 The registrar may proceed to take disciplinary action as in this article  
20 provided against an applicant or a person licensed or registered under the  
21 provisions of this chapter [the Contractors' State License Law (Bus. & Prof. Code,  
22 § 7000, et seq.)] even though the grounds or cause for such disciplinary action  
23 arose upon projects or while the applicant, licensee, or registrant was acting in a  
24 capacity or under circumstances or facts which, under the provisions of Sections  
25 7044, 7045, 7046, and 7048, would otherwise exempt the person or his or her  
26 operations from the provisions of this chapter.

27 . . . .

28 For the purpose of this section, there shall be a rebuttable presumption  
affecting the burden of proof that construction performed without a permit is a  
willful and deliberate violation.

6. Section 7091 of the Code states:

(a) (1) A complaint against a licensee alleging commission of any patent  
acts or omissions that may be grounds for legal action shall be filed in writing  
with the registrar within four years after the act or omission alleged as the ground  
for the disciplinary action.

///

1           7.       Section 7095 of the Code states, in pertinent part, that the Registrar in making his  
2 order may:

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

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

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

12           8.       Section 7096 of the Code states:

13                   For the purposes of this chapter, the term "licensee" shall include an  
14 individual, partnership, corporation, limited liability company, joint venture, or  
15 any combination or organization licensed under this chapter, and shall also  
16 include any named responsible managing officer, responsible managing manager,  
17 responsible managing member, or personnel of that licentiate whose appearance  
18 has qualified the licentiate under the provisions of Section 7068.

19           9.       Section 7097 of the Code states:

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

27           10.      Section 7098 of the Code states:

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

          11.      Code section 7106.5 provides that the expiration, cancellation, forfeiture, 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

1 license, or to render a decision suspending or revoking the license. Under Code section 7141, a  
2 license may be renewed at any time within five years after its expiration.

3 12. Section 7121 of the Code states:

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

14 13. Section 7121.5 of the Code states:

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

20 14. Section 7122.5 of the Code states:

21 The performance by an individual, partnership, corporation, limited  
22 liability company, firm, or association of an act or omission constituting a cause  
23 for disciplinary action, likewise constitutes a cause for disciplinary action against  
24 a licensee who at the time that the act or omission occurred was the qualifying  
25 individual of that individual, partnership, corporation, limited liability company,  
26 firm, or association, whether or not he or she had knowledge of or participated in  
27 the prohibited act or omission.

26 ///

27 ///

28 ///



1 (1) Subject to the provisions of subsection (a)(2), an applicant or licensee  
2 may be determined to be rehabilitated if he or she meets the following criteria:

3 (A) For felony convictions that are substantially related to the  
4 qualifications, functions, or duties of a licensee as defined in Section 868, seven  
5 (7) years have passed from the time of release from incarceration or completion of  
6 probation if no incarceration was imposed, without the occurrence of additional  
7 criminal activity or substantially-related acts.

8 (B) For misdemeanor convictions that are substantially related to the  
9 qualifications, functions, or duties of a licensee as defined in Section 868, three  
10 (3) years have passed from the time of release from incarceration or completion of  
11 probation if no incarceration was imposed, without the occurrence of additional  
12 criminal activity or substantially-related acts.

13 (C) For acts that are substantially related to the qualifications, functions,  
14 or duties of a licensee as defined in Section 868, three (3) years have passed from  
15 the time of commission of the act(s), without the occurrence of criminal activity  
16 or additional substantially-related acts.

17 (2) The amount of time needed to demonstrate rehabilitation under  
18 subsection (a)(1) may be increased or decreased by taking into account the  
19 following:

20 (A) The nature and severity of the crime(s) or act(s) that are under  
21 consideration as, or that were, the grounds for denial, suspension, or revocation.

22 (B) Evidence of any crime(s) or act(s) committed subsequent to the  
23 crime(s) or act(s) that are under consideration as, or that were, the grounds for  
24 denial, suspension, or revocation, which also could be considered as grounds for  
25 denial, suspension, or revocation.

26 (C) The time that has elapsed since commission of the crime(s) or act(s)  
27 that are under consideration as, or that were, the grounds for denial, suspension,  
28 or revocation.

(D) The extent to which the applicant or licensee has complied with any  
terms of parole, probation, restitution, or any other sanctions lawfully imposed  
against the applicant or licensee.

(E) Consistent work history subsequent to the release from incarceration,  
or the completion of probation if no incarceration was imposed, or subsequent to  
the time of commission of the act(s).

(F) Documents or testimony from credible individuals who have personal  
knowledge of the applicant's or licensee's life and activities subsequent to the time  
of commission of the crime(s) or act(s) who can attest to the applicant's or  
licensee's present fitness for licensure.

(G) If applicable, evidence of expungement proceedings pursuant to  
Section 1203.4 of the Penal Code.

(H) Other relevant evidence, if any, of rehabilitation submitted by the  
applicant or licensee. For example, relevant evidence may include evidence of

1 recovery from drug and/or alcohol addiction or abuse or completion of a drug  
2 and/or alcohol aversion program if the crime(s) or act(s) related to or involved  
3 drug and/or alcohol use; or evidence of completion of an anger management  
4 program if the crime(s) or act(s) demonstrated the applicant's or licensee's  
5 inability to control one's temper.

6 . . . .

#### 7 **COST RECOVERY**

8 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
9 the administrative law judge to direct a licentiate found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
12 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
13 may be included in a stipulated settlement.

#### 14 **CAUSE FOR DISCIPLINE**

##### 15 **(Misrepresentation of Material Facts in Application for License)**

16 20. Respondent is subject to disciplinary action under Code section 7112 in that,  
17 Respondent misrepresented material facts in its application for a license. Respondent's officers  
18 knowingly misrepresented in their application material information regarding social security  
19 numbers authorized to be collected by the Board under Code section 30 and Public Law 94-455  
20 for the purpose of tax enforcement or compliance with any judgment or order for family support  
21 in accordance with Family Code section 17520. The circumstances are as follows:

22 21. On October 11, 2004, under penalty of perjury under the laws of the State of  
23 California, Respondent certified in its application to the Board, for a classification C33 license,  
24 that all statements, answers, and representations made, including all supplementary statements  
25 attached, were true and accurate, and that it had reviewed the entire contents of the application.  
26 In Part 9, on page 1 of form 13A-1a of the application, domestic corporations are required to list  
27 all officers, including the president, secretary, and treasurer. In item number 9a, Part 9, on page 1  
28 under the listed position of president and treasurer, Respondent indicated as the corresponding  
social security number, Dora Maria Alvarado's individual taxpayer identification number. In  
item number 9b, Part 9, on page 1 of the application, under the listed position of secretary and

1 vice-president, Respondent indicated as the corresponding social security number, Gilberto  
2 Alvarado's individual taxpayer identification number. When the Board sent Verification of  
3 Information forms to Respondent's officers, Dora Maria Alvarado responded and attached a  
4 photocopy of her social security identification card showing her social security number, which  
5 was different from that indicated in the application form for Dora Maria Jervis. Respondent was  
6 unable to provide the social security number for Gilberto Alvarado as he did not have a social  
7 security number.

8 **OTHER MATTERS**

9 22. Pursuant to Code sections 7097 and 7098, if Contractor's License Number  
10 851300, classification C33 issued to Infinity Painting, with Dora Maria Alvarado, also known as  
11 Dora Maria Jervis as RMO, CEO, and President, and Gilberto Alvarado, as an Officer is  
12 suspended or revoked, the Registrar may suspend or revoke, without notice, any other  
13 contractor's license in the name of Infinity Painting or any license for which Dora Maria  
14 Alvarado, also known as Dora Maria Jervis furnished the qualifying experience.

15 23. Pursuant to Code section 7121, if discipline is imposed on Contractor's License  
16 Number 851300, classification C33 issued to Infinity Painting, with Dora Maria Alvarado, also  
17 known as Dora Maria Jervis as RMO, CEO, and President, and Gilberto Alvarado, as an Officer,  
18 Dora Maria Alvarado, also known as Dora Maria Jervis and Gilberto Alvarado, shall be  
19 prohibited from serving as officers, directors, associates, partners, or qualifying individuals for  
20 any licensee during the time the discipline is imposed, if they had knowledge of or participated  
21 in the acts or omissions alleged above constituting grounds for discipline against them and any  
22 licensee which employs, elects or associates Dora Maria Alvarado, also known as Dora Maria  
23 Jervis or Gilberto Alvarado in any capacity other than as a nonsupervising bona fide employee  
24 shall be subject to disciplinary action.

25 24. Pursuant to Code section 7121.5, if discipline is imposed on Contractor's License  
26 Number 851300, classification C33 issued to Infinity Painting, with Dora Maria Alvarado, also  
27 known as Dora Maria Jervis as RMO, CEO, and President, and Gilberto Alvarado, as an Officer,  
28 any other license for which Dora Maria Alvarado, also known as Dora Maria Jervis provides the

1 qualifying experience is also subject to discipline for the same cause stated herein, whether or  
2 not Dora Maria Alvarado, also known as Dora Maria Jervis had knowledge of or participated in  
3 the acts or omissions constituting grounds for discipline, and any licensee which employs, elects  
4 or associates Dora Maria Alvarado, also known as Dora Maria Jervis shall be subject to  
5 disciplinary action.

6 25. Pursuant to Code section 7122.5, the cause for discipline established as to  
7 Contractor's License Number 851300, classification C33 issued to Infinity Painting, with Dora  
8 Maria Alvarado, also known as Dora Maria Jervis as RMO, CEO, and President, and Gilberto  
9 Alvarado, as an Officer, constitute cause for discipline against any other license issued to its  
10 officers regardless of whether they had knowledge of or participated in the acts or omissions  
11 alleged above.

#### 12 PRAYER

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

15 1. Revoking or suspending Contractor's License Number 851300 issued to Infinity  
16 Painting, with Dora Maria Alvarado, also known as Dora Maria Jervis as RMO, CEO, and  
17 President, and Gilberto Alvarado, as an Officer;

18 2. Prohibiting Dora Maria Alvarado and Gilberto Alvarado from serving as an  
19 officer, director, associate, partner, or qualifying individual of any licensee during the period that  
20 discipline is imposed on license Number 851300, issued to Infinity Painting, with Dora Maria  
21 Alvarado, also known as Dora Maria Jervis as RMO, CEO, and President, and Gilberto  
22 Alvarado, as an Officer;

23 3. Revoking or suspending any other license for which Dora Maria Alvarado is  
24 furnishing the qualifying experience or appearance;

25 4. Ordering Infinity Painting, with Dora Maria Alvarado, also known as Dora Maria  
26 Jervis as RMO, CEO, and President, and Gilberto Alvarado, as an Officer to pay the Registrar of  
27 Contractors his costs in the investigation and enforcement of the case according to proof at the  
28 hearing, pursuant to Business and Professions Code section 125.3;

1           5.       Ordering Infinity Painting, with Dora Maria Alvarado, also known as Dora Maria  
2 Jervis as RMO, CEO, and President, and Gilberto Alvarado, as an Officer to provide the  
3 Registrar with a listing of all contracting projects in progress and the anticipated completion date  
4 of each;

5           6.       Taking such other and further action as deemed necessary and proper.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: August 28, 2013 for Heather Henderson  
WOOD ROBINSON  
Enforcement Supervisor I  
Contractors' State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2013805098  
70732511.doc