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

In the Matter of the Accusation Against: **THERMOVIEW OF CALIFORNIA** 9865 Business Park Avenue San Diego, CA 92131 ALAN CARL HOLSAPPLE, RMO/CEO/Pres. ANNE MARIE HOLSAPPLE, Officer License No. **798232**, B Respondent	CASE NO. N2012-416 DEFAULT DECISION AND ORDER [Gov. Code, § 11520]

Respondent **THERMOVIEW OF CALIFORNIA**, having been served with Accusation, Case No. N2012-416, Statement to Respondent, and a Notice of Defense form as provided by Sections 11503 and 11505 of the Government Code; having failed to file a Notice of Defense, the Agency has determined that the respondent is in default. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable cost for Investigation and Enforcement is $6,826.97 as of September 26, 2013.

This agency will take action on the Accusation and documents on file herein without a hearing as provided by Sections 11505(a) and 11520 of the Government Code and makes the following findings of fact:

FINDINGS OF FACT

1. On or about August 28, 2013, Accusation, Case No. N2012-416, was filed against **THERMOVIEW OF CALIFORNIA** before the Contractors State License Board (Board). A true and correct copy of the Accusation, Case No. N2012-416, is attached as Exhibit "1" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein.

2. On or about August 9, 2001, the Board issued Contractor's License No. **798232** to **THERMOVIEW OF CALIFORNIA**. Said License was in full force and effect at all times relevant to the charges and allegations contained in Accusation, Case No. N2012-416. The license expired on August 31, 2013. This lapse in licensure, however, pursuant to business and professions code section 118(b), does not deprive the board of its authority to institute or continue this disciplinary proceeding. A true and correct copy of the Certificate of Licensure is attached as Exhibit "2" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein.

3. On or about August 29, 2013, Respondent was served by certified and first class mail with a true and correct copy of Accusation, Case No. N2012-416, together with copies of all statutorily required documents, at his address of record on file with the Board, which was: 9865 Business Park Avenue, San Diego, CA 92131. A true and correct copy of the Statement to Respondent and Declaration of Service are attached as Exhibit "3" to the separate accompanying "Default Decision Evidence Packet" and incorporated by reference as if fully set forth herein. Service of Accusation, Case No. N2012-416, was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

4. Government Code section 11506 states, in pertinent part:

> "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

5. Respondent failed to file a Notice of Defense within 15 days after service upon him of a true and correct copy of Accusation, Case No. N2012-416, and has therefore waived his right to a hearing on the merits of the charges and allegations contained therein.

6. Government Code section 11520, subdivision (a), states, in pertinent part:

> "If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

DETERMINATION OF ISSUES

7. Pursuant to its authority under California Government Code section 11520, and based on the relevant evidence before it as contained in the Default Decision Evidence Packet, the Board hereby finds, by clear and convincing evidence, that the charges and allegations contained in Accusation, Case No. N2012-416, Business and Professions Code sections 7109 (a), 7110 (a), 7113, 7117.5 (b), 7118, 7119, 7125.4, 7154, 7161 (b), 7159, (d8A), (d8B), (d8C), (d9A), (d9B), (d9C), (d10A), (d10B), (d10C), (d11A), (d11B), (d13), (e1), (e1A), (e1B), (e1C), (e2), (e2A), (e2B), (e3A), (e3B), (e3C), (e4), 7159.5 (a3), (a5), and the Findings of Fact contained in paragraphs 1 - 6 above, and each of them, separately and severally, are true and correct.

ORDER

IT IS SO ORDERED THAT:

License Number **798232** issued to **THERMOVIEW OF CALIFORNIA** is revoked.

IT IS FURTHER ORDERED that pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, title 16, Respondent **THERMOVIEW OF CALIFORNIA**, License No. **798232**, shall not apply for reissuance or reinstatement of said license for four year(s) from the effective date of this Decision.

IT IS FURTHER ORDERED that Respondent shall pay the investigative and restitution costs prior to issuance of a new or reinstated license.

IT IS THE responsibility of the respondents, named in this Decision, to read and follow the terms and conditions of the Order. Proof of payments of restitution, and payments for the Cost of Investigation and Enforcement if ordered, are to be sent to CSLB, Sacramento Case Management, Post Office Box 26888, Sacramento, CA 95826.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 12, 2013.

IT IS SO ORDERED October 8, 2013.

Stephen P. Sands
Registrar of Contractors