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

11 In the Matter of the Accusation Against:

Case No. N2013-189

12 **LATENT MECHANICAL, OSAMA**
13 **AHMAD TAMIMI, SOLE OWNER**
14 **1365 Terra Nora Boulevard**
Pacifica, CA 94044

A C C U S A T I O N

15 **General Contractors License No. 958041**

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about February 23, 2011, the Registrar of Contractors issued General
24 Contractors License Number 958041, Classification C20 (warm-air heating, ventilating, and air-
25 conditioning) to Latent Mechanical, Osama Ahmad Tamimi, Sole Owner (Respondent). The
26 Contractors License was in full force and effect at all times relevant to the charges brought in this
27 Accusation and will expire on February 28, 2015, unless renewed.
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1 9. Section 7110 of the Code states:

2 “Willful or deliberate disregard and violation of the building laws of the state, or of any
3 political subdivision thereof, or of Section 8505 or 8556 of this code, or of Sections 1689.5 to
4 1689.8, inclusive, or Sections 1689.10 to 1689.13, inclusive, of the Civil Code, or of the safety
5 laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state,
6 or violation by any licensee of any provision of the Health and Safety Code or Water Code,
7 relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section
8 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for
9 disciplinary action.”

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

14 11. Section 7159 of the Code states, in pertinent part:

15 ...

16 “(d) A home improvement contract and any changes to the contract shall be in writing and
17 signed by the parties to the contract prior to the commencement of any work covered by the
18 contract or applicable change order and, except as provided in paragraph (8) of subdivision (a) of
19 Section 7159.5, shall include or comply with all of the following:

20 “(1) The name, business address, and license number of the contractor.”

21 12. Section 7125.4, subdivision (a) of the Code states:

22 “(a) The filing of the exemption certificate prescribed by this article that is false, or the
23 employment of a person subject to coverage under the workers' compensation laws after the filing
24 of an exemption certificate without first filing a Certificate of Workers' Compensation Insurance
25 or Certification of Self-Insurance in accordance with the provisions of this article, or the
26 employment of a person subject to coverage under the workers' compensation laws without
27 maintaining coverage for that person, constitutes cause for disciplinary action.”

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1 COST RECOVERY

2 13. Section 125.3 of the Code provides, in pertinent part, that the Registrar may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 14. Section 11519, subdivision (d) of the Government Code provides, in pertinent part,
7 that the Registrar may require restitution of damages suffered as a condition of probation in the
8 event probation is ordered.

9 HOPKINS PROJECT

10 15. In November 2012, James W. Hopkins (“Hopkins”) entered into a verbal contract
11 with Respondent to complete a new heating, ventilation, and air conditioning (“HVAC”) system
12 installation at his residence located at 46 Wabash Terrace in San Francisco, for a contract price of
13 \$4,500.00 (“Hopkins Project”). Work began on November 10, 2012, and ceased on November
14 12, 2012. Respondent hired a sub-contractor, Raymond Lui, and employed three additional
15 individuals to work on the project. On or about November 12, 2012, Respondent provided
16 Hopkins with an invoice for services rendered. The invoice did not contain Respondent’s
17 contractor’s license number or the address of record for Latent Mechanical. Hopkins paid
18 Respondent \$4,500.00 by check, which Respondent cashed two days later.

19 FIRST CAUSE FOR DISCIPLINE

20 (Willful Departure from Accepted Trade Standard)
21 (Bus. & Prof. Code, § 7109, subd. (a))

22 16. Respondent has subjected his Contractor’s License to disciplinary action in that his
23 work on the Hopkins Project departed from accepted trade standards in many respects. (Bus. &
24 Prof. Code, § 7109, subd. (a).) Respondent’s work on the Hopkins Project departed from
25 accepted trade standards as follows:

26 a. The insulation on the exterior condensing unit was installed with open, unsealed
27 joints and without exterior coating;

28 b. The exterior condensing unit is not properly charged with refrigerant and lacks
necessary vacuum pump valves;

1 c. The exterior electrical wiring was installed in flexible conduit when it should have
2 been installed in a rigid conduit. There is no permanent electrical grounding to the condensing
3 unit, as required;

4 d. The interior refrigerant piping as installed is exposed when it should be installed in a
5 ceiling area or covered. The piping is also not straight or plumb, as required;

6 e. The interior wall penetrations are not properly sealed, textured, or finished.

7 SECOND CAUSE FOR DISCIPLINE
8 (Willful or Deliberate Disregard of Building Laws)
9 (Bus. & Prof. Code, § 7110)

10 17. Respondent has subjected his Contractor's License to disciplinary action in that he
11 willfully disregarded the building laws. (Bus. & Prof. Code, § 7110.) Respondent never applied
12 for a building permit prior to commencing work on the Hopkins Project, and violated the City and
13 County of San Francisco Plumbing Code, Part II, Chapter VII, and the San Francisco Mechanical
14 Code section 103.1.

15 THIRD CAUSE FOR DISCIPLINE
16 (Failure to Complete Construction Project)
17 (Bus. & Prof. Code, § 7113)

18 18. Respondent has subjected his Contractor's License to disciplinary action in that he
19 failed in a material respect to complete or correct the project for the price stated in the contract. It
20 will cost Hopkins \$14,292.80 in excess of the original contract price to hire other individuals to
21 properly complete the work.

22 FOURTH CAUSE FOR DISCIPLINE
23 (False Filing of Exemption Certificate)
24 (Bus. & Prof. Code, § 7125.4, subd. (a))

25 19. Respondent has subjected his Contractor's License to disciplinary action in that he
26 filed a false exemption certificate. (Bus. & Prof. Code § 7125.4, subd. (a).) On or about February
27 4, 2011, Respondent filed a workers compensation exemption that was still in effect at the time of
28 the Hopkins Project, however he employed a subcontractor, Raymond Liu, as well as three other
individuals to work on the Hopkins Project.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Failure to Provide Written Contract Prior to Commencement of Work)
3 (Bus. & Prof Code, § 7159, subd. (d))

4 20. Respondent has subjected his Contractor's License to disciplinary action in that he
5 failed to provide Hopkins with a written contract prior to the commencement of work. (Bus. &
6 Prof. Code, § 7159, subd. (a).)

7 SIXTH CAUSE FOR DISCIPLINE

8 (Failure to Provide License Number or Correct Business Address on Service Order/Invoice)
9 (Bus. & Prof. Code, § 7159, subd. (d)(1))

10 21. Respondent has subjected his Contractor's License to disciplinary action in that he
11 failed to provide a license number and the correct business address on the invoice he provided to
12 Hopkins when he ceased work on and accepted payment for the Hopkins Project. (Bus. & Prof.
13 Code § 7159, subd. (d).)

14 PRAYER

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

- 17 1. Revoking or suspending General Contractors License Number 958041 issued to
18 Latent Mechanical, Osama Ahmad Tamimi, Sole Owner;
- 19 2. Prohibiting Osama Ahmad Tamimi from serving as an officer, director, associate,
20 partner, or qualifying individual of any licensee during the period that discipline is imposed on
21 license Number 958041, issued to Latent Mechanical, Osama Ahmad Tamimi, Sole Owner;
- 22 3. Revoking or suspending any other license for which Osama Ahmad Tamimi is
23 furnishing the qualifying experience or appearance;
- 24 4. Ordering restitution of all damages according to proof suffered by James W. Hopkins
25 as a condition of probation in the event probation is ordered;
- 26 5. Ordering restitution of all damages suffered by James W. Hopkins as a result of
27 Osama Ahmad Tamimi's conduct as a contractor, as a condition of restoration of license Number
28 958041, issued to Latent Mechanical, Osama Ahmad Tamimi, Sole Owner;

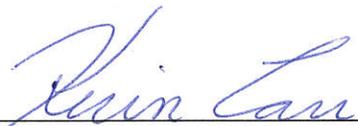
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6. Ordering Latent Mechanical; Osama Ahmad Tamimi, Sole Owner, to pay the Registrar of Contractors his costs in the investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3;

7. Ordering Latent Mechanical, Osama Ahmad Tamimi, Sole Owner, to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

8. Taking such other and further action as deemed necessary and proper.

DATED: 1/09/14


for WOOD ROBINSON
Enforcement Supervisor I
Contractors' State License Board
Department of Consumer Affairs
State of California
Complainant

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