

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

In the Matter of the Accusation Against:

**CORTES CONSTRUCTION**  
**JAIME RUBEN GUTIERREZ, Qualifying Partner**  
**LUIS ALBERTO CORTES-GARCIA, General**  
**Partner**  
**P.O. Box 636**  
**Diamond Springs, CA 95619**  
**Contractor's License No. 950178, B**

**JAIME RUBEN GUTIERREZ**  
**dba OAK CREEK CONSTRUCTION**  
**P.O. Box 1633**  
**Shingle Springs, CA 95682**  
**Contractor's License No. 623148, B**

Respondents.

CASE NO. N2014-131

ORDER TO ADOPT  
STIPULATED SETTLEMENT  
(As to License No. 950178 Only)

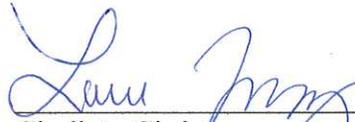
The attached Stipulated Settlement is hereby adopted by the Registrar of Contractors as her Decision in the above-entitled matter.

IT IS FURTHER ORDERED pursuant to Section 7102 of the Business and Professions Code and Section 870 of the Code of Regulations, that Respondent, **CORTES CONSTRUCTION** License Number, **950178** shall not apply for reissuance or reinstatement of any license for one year(s) from the effective date of this Decision.

IT IS THE responsibility of the Respondent, named in this Order, to read and follow the Order. The deadlines for meeting the terms and conditions are based upon the EFFECTIVE DATE of the Order to Adopt Stipulation and Waiver. No notices or reminders will be sent, as to the compliance of the terms and conditions. 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.

This Order shall become effective on March 27, 2016.

IT IS SO ORDERED April 25, 2016.

  
Cindi A. Christenson  
Registrar of Contractors

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 DAVID E. BRICE  
Deputy Attorney General  
4 State Bar No. 269443  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-8010  
Facsimile: (916) 327-8643  
7 E-mail: David.Brice@doj.ca.gov  
*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. N2014-131

13 **CORTES CONSTRUCTION**  
14 **JAIME RUBEN GUTIERREZ, Qualifying**  
**Partner**  
15 **LUIS ALBERTO CORTES-GARCIA,**  
**General Partner**  
16 **P.O. Box 636**  
17 **Diamond Springs, CA 95619**  
**Contractor's License No. 950178, B**

OAH No. 2015110242

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18  
19 **JAIME RUBEN GUTIERREZ**  
**dba OAK CREEK CONSTRUCTION**  
20 **P.O. Box 1633**  
21 **Shingle Springs, CA 95682**  
**Contractor's License No. 623148, B**

22 Respondents.  
23

24 ///

25 ///

26 ///

27  
28

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors'  
5 State License Board. He brought this action solely in his official capacity and is represented in  
6 this matter by Kamala D. Harris, Attorney General of the State of California, by David E. Brice,  
7 Deputy Attorney General.

8 2. Respondents Cortes Construction and Jaime Ruben Gutierrez are representing  
9 themselves in this proceeding and have chosen not to exercise their right to be represented by  
10 counsel.

11 3. On or about July 20, 2010, the Registrar of Contractors issued Contractor License  
12 Number 950178, classification B (General Building Contractor) to Cortes Construction with  
13 Jaime Ruben Gutierrez as the Qualifying Partner and Luis Alberto Cortes-Garcia as a General  
14 Partner. On or about August 31, 2013, the license was suspended pursuant to Business and  
15 Professions Code ("Code") section 7125.2 (workers' compensation), and reinstated on November  
16 27, 2013. The license expired on July 31, 2014, and renewed on August 5, 2014. The license  
17 was cancelled on August 25, 2014, when the Qualifying Partner disassociated.

18 4. On or about July 18, 1991, the Registrar of Contractors issued Contractor License  
19 Number 623148, classification B (General Building Contractor) to Jaime Ruben Gutierrez, doing  
20 business as Oak Creek Construction. The license will expire on July 31, 2017, unless renewed.

21 JURISDICTION

22 5. Accusation No. N2014-131 was filed before the Registrar of Contractors (Registrar)  
23 for the Contractors' State License Board, Department of Consumer Affairs, and is currently  
24 pending against Respondents. The Accusation and all other statutorily required documents were  
25 properly served on Respondents on August 24, 2015. Respondents timely filed a Notice of  
26 Defense contesting the Accusation.

27 6. A copy of Accusation No. N2014-131 is attached as exhibit A and incorporated  
28 herein by reference.



1 regarding this stipulation and settlement, without notice to or participation by Respondents. By  
2 signing the stipulation, Respondents understand and agree that they may not withdraw their  
3 agreement or seek to rescind the stipulation prior to the time the Registrar considers and acts upon  
4 it. If the Registrar fails to adopt this stipulation as its Decision and Order, the Stipulated  
5 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall  
6 be inadmissible in any legal action between the parties, and the Registrar shall not be disqualified  
7 from further action by having considered this matter.

8 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
9 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
10 signatures thereto, shall have the same force and effect as the originals.

11 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Registrar may, without further notice or formal proceeding, issue and enter the following  
19 Disciplinary Order:

20 ///

21 ///

22 ///

23

24

25

26

27

28



1 funds of \$1,106.67 on the 15th of each month for thirty (30) months or until \$33,200.00 is paid in  
2 full. Respondent shall directly submit this initial payment and all subsequent monthly payments  
3 to Bradford Wolfman at P.O. Box 835, Altaville, CA, 95221, and shall file proof of each payment  
4 to CSLB-CM (North); 9821 Business Park Drive, Sacramento, CA, 95827. Failure to submit  
5 proof to CSLB-CM of each payment of restitution to the victim shall automatically terminate the  
6 stay of the order of revocation and Respondent's license shall be revoked effective thirty (30)  
7 days from the due date of the delinquent payment without further notice or hearing.

8       7.    **Disciplinary Bond.** Not later than the effective date of the decision, Respondent  
9 shall file or have on file a disciplinary contractor's bond in a sum to be fixed by the registrar  
10 based upon the seriousness of the violation, but which sum shall not be less than fifteen thousand  
11 dollars (\$15,000) nor more than 10 times that amount required by Business and Professions Code  
12 section 7071.6. The disciplinary bond is in addition to, may not be combined with, and does not  
13 replace any other type of contractor's bond. The disciplinary bond shall remain on file with the  
14 registrar for a period of at least two years and for such additional time as the registrar may  
15 determine, as required by Business and Professions Code section 7071.8.

16       8.    **Construction Contracts.** Respondent shall submit copies of all construction  
17 contracts to the Registrar or designee for approval upon demand during the probationary period.

18       9.    **Cost Recovery.** Respondent shall pay to the Registrar pursuant to Business and  
19 Professions Code section 125.3 the costs of investigation and enforcement in this matter in the  
20 amount of \$3,115.60 by six months before the end of the probationary period. Payments may be  
21 made in equal monthly installments beginning thirty (30) days from the effective date of the  
22 Decision and Order.

23       10.   **Response to Written Inquiry.** Respondent shall respond in writing within twenty  
24 (20) calendar days of any written inquiry or demand from the Registrar or authorized designee  
25 (Probation Monitor) during the probation period. Failure to respond within the allotted timeframe  
26 shall be considered a violation of the terms of probation.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on Contractor License No. 950178 and Contractor License No. 623148. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of Contractors, Contractors' State License Board.

DATED: 3/18/2016

  
\_\_\_\_\_  
JAI ME RUBEN GUTIERREZ  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Registrar of Contractors, Contractors' State License Board.

Dated: 3/18/2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

  
DAVID E. BRICE  
Deputy Attorney General  
Attorneys for Complainant

SA2014117451  
12183739.doc