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

In the Matter of the Accusation Against: **O & J ENTERPRISES INC** **dba TOUCH OF CLASS DESIGN & REMODELING,** **3480 Consuelo Drive** **Calabasas, CA 91302** **YIFAT LICHTER, RMO,** **BEN HALIFI, CEO/President,** **ARIEH ADMONY, RMO (5/22/2012 – 5/1/2013)** **Contractor's License No. 899169,** **Respondent.** **O & J ENTERPRISES INC** **dba BULLDOG CONSTRUCTION AND HANDYMAN WORK,** **22425 Ventura Blvd., Ste 122** **Woodland Hills, CA 91364** **BEN HALIFI, CEO/President** **Contractor's License No. 901376,** **HOMFIX INC,** **4924 Balboa Blvd, Number 429** **Encino, CA 91316** **ARIEH ADMONY, RMO,** **SHAY YACOBI, CEO/President,** **OREN ALFASY, CEO/President** **Contractor's License No. 969299,**	Case No. N2014-204 **A C C U S A T I O N**

A & B GENERAL CONSTRUCTION,
11024 Balboa Blvd., #194
Granada Hills, CA 91344
ARIEH ADMONY, RMO/CEO/PRES

Contractor's License No. 898632,

PRESTIGE CALIFORNIA BUILDERS INC,
7833 Vanalden Avenue
Reseda, CA 91335
ARIEH ADMONY, RMO,
MENAHEM ADMONY, CEO/President

Contractor's License No. 992964,

LION GENERAL CONSTRUCTION,
11024 Balboa Boulevard #194
Granada Hills, CA 91344
ARIEH ADMONY, Sole Owner

Contractor's License No. 955582,

and

OMEGA DESIGN INC,
17412 Ventura Blvd., Unit 777
Encino, CA 91316
ARIEH ADMONY, RMO,
SHAY YACOBI, CEO/President

Contractor's License No. 1001739

Affiliated Parties.

Complainant alleges:

PARTIES

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

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License Histories

Respondent:

O & J Enterprises Inc dba Touch of Class Design & Remodeling

2. On or about June 25, 2007, the Registrar of Contractors (Registrar) issued Contractor's License No. 899169 to O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013) (Respondent). The Contractor's License expired on April 30, 2014, and has not been renewed.

Affiliated Parties:

O & J Enterprises Inc dba Bulldog Construction and Handyman Work - Ben Halifi

3. On or about August 2, 2007, the Registrar issued Contractor's License No. 901376 to O & J Enterprises Inc dba Bulldog Construction and Handyman Work, Ben Halifi, CEO/President (Affiliated Party). The Contractor's License expired on August 31, 2011, and has not been renewed.

Homfix Inc - Arieh Admony

4. On or about January 18, 2012, the Registrar issued Contractor's License No. 969299 to Homfix Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President, Oren Alfasy, CEO/President (Affiliated Party). The Contractor's License expired on January 31, 2014, and has not been renewed.

A & B General Construction - Arieh Admony

5. On or about June 16, 2007, the Registrar issued Contractor's License No. 898632 to A & B General Construction, Arieh Admony, RMO/CEO/PRES (Affiliated Party). The Contractor's License expired on August 31, 2014, and has not been renewed.

Prestige California Builders Inc - Arieh Admony

6. On or about May 19, 2014, the Registrar issued Contractor's License No. 992964 to Prestige California Builders Inc, Arieh Admony, RMO, Menahem Admony, CEO/President (Affiliated Party). The Contractor's License will expire on May 31, 2016, unless renewed.

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Lion General Construction - Arieh Admony

7. On or about December 31, 2010, the Registrar issued Contractor's License No. 955582 to Lion General Construction, Arieh Admony, Sole Owner (Affiliated Party). The Contractor's License will expire on March 31, 2017, unless renewed.

Omega Design Inc - Arieh Admony

8. On or about March 9, 2015, the Registrar issued Contractor's License No. 1001739 to Omega Design Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President (Respondents). The Contractor's License will expire on March 31, 2017, unless renewed.

JURISDICTION

9. This Accusation is brought before the Registrar for the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

10. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.

11. Section 7076.5 provides that the inactive status of a license shall not bar any disciplinary action for violating provisions of the Contractors' State License Law (Bus. & Prof. Code, § 7000, et seq.).

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

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

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

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

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

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

15. 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 the license shall not deprive the registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against the license, or to render a decision suspending or revoking the license.

16. Section 7121 states:

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

disciplinary action."

17. Section 7121.5 states:

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

18. Section 7122 states:

"The performance by an individual, partnership, corporation, limited liability company, firm, or association of an act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against a licensee other than the individual qualifying on behalf of the individual or entity, if the licensee was a partner, officer, director, manager, or associate of that individual, partnership, corporation, limited liability company, firm, or association at the time the act or omission occurred, and had knowledge of or participated in the prohibited act or omission."

19. Section 7122.5 states:

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

20. Section 7141 states:

"(a) Except as otherwise provided in this chapter, a license that has expired may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the registrar and payment of the appropriate renewal fee. Renewal under this section shall be effective on the date an acceptable renewal application is filed with the board. The licensee shall be considered unlicensed and there will be a break in the licensing time between the

expiration date and the date the renewal becomes effective. Except as provided in subdivision (b), if the license is renewed after the expiration date, the licensee shall also pay the delinquency fee prescribed by this chapter.

"(b) An incomplete renewal application that had originally been submitted on or before the license expiration date shall be returned to the licensee by the registrar with an explanation of the reasons for its rejection. If a corrected and acceptable renewal application is not returned within 30 days after the license expiration date, the delinquency fee shall apply. The 30 day grace period shall apply only to the delinquency fee. The license shall reflect an expired status for any period between the expiration date and the date of submission of a correct and acceptable renewal application.

STATUTORY PROVISIONS

21. Section 7068.1 states:

"(a) The person qualifying on behalf of an individual or firm under paragraph (1), (2), (3), or (4) of subdivision (b) of Section 7068 shall be responsible for exercising that direct supervision and control of his or her employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board. This person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following conditions exists:

"(1) There is a common ownership of at least 20 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

"(2) The additional firm is a subsidiary of or a joint venture with the first. "Subsidiary," as used in this subdivision, means any firm at least 20 percent of the equity of which is owned by the other firm.

"(3) With respect to a firm under paragraph (2), (3), or (4) of subdivision (b) of Section 7068, the majority of the partners, officers, or managers are the same.

"(b) Notwithstanding paragraphs (1) to (3), inclusive, of subdivision (a), a qualifying individual may act as the qualifier for no more than three firms in any one-year period.

"(c) The following definitions shall apply for purposes of this section:

"(1) "Firm" means a partnership, a limited partnership, a corporation, a limited liability

company, or any other combination or organization described in Section 7068.

"(2) "Person" is limited to natural persons, notwithstanding the definition of "person" in Section 7025.

"(d) The board shall require every applicant or licensee qualifying by the appearance of a qualifying individual to submit detailed information on the qualifying individual's duties and responsibilities for supervision and control of the applicant's construction operations.

"(e) Violation of this section shall constitute a cause for disciplinary action and shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine of not less than three thousand dollars ($3,000), but not to exceed five thousand dollars ($5,000), or by both the fine and imprisonment.

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

23. Section 7110 states:

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

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

COST RECOVERY / RESTITUTION

25. Section 125.3 provides that the Registrar may request the administrative law judge to

direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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

NAOMI AVENUE PROJECT

27. On or about January 7, 2013, Respondent, through its CEO/President Ben Halifi, entered into a written contract with homeowner R.G. to convert a garage to living quarters for her 88 years old mother, remodel the kitchen and install a carport with new driveway at her residence located at 9633 E. Naomi Avenue, Arcadia, California, with additions and subtractions for $148,750.00 (Naomi Avenue Project). Work began on or about January 9, 2013, and ended on or about May 10, 2013. Ben Halifi, Respondent's CEO/President negotiated the contract and oversaw construction work. Respondent was paid $125,250.00 on the project.

28. In or about October 2013, after the project's only inspection, of the electrical by California Edison, Respondent's subcontractor returned two blank checks marked "void" to homeowner R.G. that she made payable to the Arcadia Building & Safety. On or about July 31, 2014, a Board investigator found that no permits, as required by law, were pulled for the Naomi Avenue Project.

29. On or about July 29, 2014, during a Board investigation, Arieh Admony informed the Board that at a time when he was going through chemotherapy, he agreed to be paid $600.00 per month to be the RMO on Respondent's license. On or about April 17, 2012, Arieh Admony signed the Board's Application for Additional Classification, classification B (general building), for Respondent license. On or about May 1, 2013, Arieh Admony disassociated from the license after Ben Halifi tried to negotiate his payment down to $300.00 per month. Arieh Admony further informed the Board that he had no knowledge of any projects contracted by Respondent, did not review any of Respondent's work, did not know of the Naomi Avenue Project, never saw Respondent's business card, never went into Respondent's business office, and all his RMO contact with Respondent was through telephone calls with Ben Halifi.

FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise Direct Supervision - Duty of Qualifier)

30. Respondent is subject to disciplinary action under section 7068.1, in that on the Naomi Avenue Project, Respondent's RMO Arieh Admony, admittedly, failed to exercise direct supervision and control of construction operations.

SECOND CAUSE FOR DISCIPLINE

(Abandonment)

31. Respondent is subject to disciplinary action under section 7107, in that on the Naomi Avenue Project, Respondent abandoned the project without legal excuse, failing to complete the construction, as follows:

a. Respondent failed to install the driveway to the garage.

b. Respondent failed to install the carport.

c. Respondent failed to install one tree.

d. Respondent failed to install the threshold, or transition piece, at the doorway at the edge of the tile.

THIRD CAUSE FOR DISCIPLINE

(Building Law Violation - No Building Permit)

32. Respondent is subject to disciplinary action under section 7110, in that on the Naomi Avenue Project, Respondent willfully or deliberately disregarded and violated the building codes of the city of Arcadia when it failed to obtain building permit approvals prior to commencement of work.

OTHER MATTERS

33. Pursuant to sections 7097 and 7098, if license No. 899169 issued to Respondent is suspended or revoked, the Registrar may suspend or revoke, without notice, any other license issued in the name of Yafat Lichter, Ben Halif and / or Arieh Admony or for which Yafat Lichter, Ben Halif and / or Arieh Admony furnished the qualifying experience and appearance.

34. Pursuant to sections 7121, 7121.5, 7122 and / or 7122.5, if discipline is imposed on license No. 899169 issued to Respondent, Yafat Lichter, Ben Halif and / or Arieh Admony shall be

prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual, or member of the personnel of record of a licensee of any licensee during the time the discipline is imposed, and any licensee which employs, elects, or associates Yafat Lichter, Ben Halif and / or Arieh Admony shall be subject to disciplinary action.

PRAYER

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

As to O & J Enterprises Inc dba Touch of Class Design & Remodeling

1. Revoking or suspending Contractor's License No. 899169 issued to O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013);

2. Prohibiting Yafat Lichter, Ben Halifi and / or Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 899169, issued to O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013);

3. Revoking or suspending any other license for which Yafat Lichter, Ben Halifi and / or Arieh Admony are furnishing the qualifying experience or appearance;

4. Ordering restitution of all damages according to proof suffered by homeowner R.G., as a condition of probation in the event probation is ordered;

5. Ordering restitution of all damages suffered by homeowner R.G. as a result of Yafat Lichter's, Ben Halifi's and / or Arieh Admony's conduct as a contractor, as a condition of restoration of license No. 899169, issued to O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013);

6. Ordering O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013) to pay the Registrar her costs in the investigation and enforcement of the case according to proof at the

hearing, pursuant to section 125.3;

7. Ordering O & J Enterprises Inc dba Touch of Class Design & Remodeling, Yifat Lichter, RMO, Ben Halifi, CEO/President, Arieh Admony, RMO (5/22/2012 – 5/1/2013) to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

Affiliated Parties:

As to O & J Enterprises Inc dba Bulldog Construction and Handyman Work - Ben Halifi

8. Revoking or suspending Contractor's License No. 901376 issued to O & J Enterprises Inc dba Bulldog Construction and Handyman Work, Ben Halifi, CEO/President;

9. Prohibiting Ben Halifi from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 901376, issued to O & J Enterprises Inc dba Bulldog Construction and Handyman Work, Ben Halifi, CEO/President;

10. Revoking or suspending any other license for which Ben Halifi is furnishing the qualifying experience or appearance;

11. Ordering O & J Enterprises Inc dba Bulldog Construction and Handyman Work, Ben Halifi, CEO/President to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Homfix Inc - Arieh Admony

12. Revoking or suspending Contractor's License No. 969299 issued to Homfix Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President, Oren Alfasy, CEO/President;

13. Prohibiting Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 969299, issued to Homfix Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President, Oren Alfasy, CEO/President;

14. Revoking or suspending any other license for which Arieh Admony is furnishing the qualifying experience or appearance;

15. Ordering Homfix Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President, Oren

Alfasy, CEO/President to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

A & B General Construction - Arieh Admony

16. Revoking or suspending Contractor's License No. 898632 issued to A & B General Construction, Arieh Admony, RMO/CEO/PRES;

17. Prohibiting Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 898632, issued to A & B General Construction, Arieh Admony, RMO/CEO/PRES;

18. Revoking or suspending any other license for which Arieh Admony is furnishing the qualifying experience or appearance;

19. Ordering A & B General Construction, Arieh Admony, RMO/CEO/PRES to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Prestige California Builders Inc - Arieh Admony

20. Revoking or suspending Contractor's License No. 992964 issued to Prestige California Builders Inc, Arieh Admony, RMO, Menahem Admony, CEO/President;

21. Prohibiting Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 992964, issued to Prestige California Builders Inc, Arieh Admony, RMO, Menahem Admony, CEO/President;

22. Revoking or suspending any other license for which Arieh Admony is furnishing the qualifying experience or appearance;

23. Ordering Prestige California Builders Inc, Arieh Admony, RMO, Menahem Admony, CEO/President to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Lion General Construction - Arieh Admony

24. Revoking or suspending Contractor's License No. 955582 issued to Lion General Construction, Arieh Admony, Sole Owner;

25. Prohibiting Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 955582, issued to Lion General Construction, Arieh Admony, Sole Owner;

26. Revoking or suspending any other license for which Arieh Admony is furnishing the qualifying experience or appearance;

27. Ordering Lion General Construction, Arieh Admony, Sole Owner to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each;

As to Omega Design Inc - Arieh Admony

28. Revoking or suspending Contractor's License No. 1001739 issued to Omega Design Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President;

29. Prohibiting Arieh Admony from serving as an officer, director, associate, partner, or qualifying individual of any licensee during the period that discipline is imposed on license No. 1001739, issued to Omega Design Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President;

30. Revoking or suspending any other license for which Arieh Admony is furnishing the qualifying experience or appearance;

31. Ordering Omega Design Inc, Arieh Admony, RMO, Shay Yacobi, CEO/President to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each; and

As to All

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

DATED: 12/15/15

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

FILED
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