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

In the Matter of the Accusation Against:

VIRIDI CONSTRUCTION INC.,
VANESSA PENADO VIVANCO, RMO
(Disassociated on 7/28/2023),
MAIKEL FIGUEREDO, CEO/PRES
9301 Corbin Ave., Suite 1700
Northridge, CA 91324
Contractor’s License No. 1043410

Respondents.

ACCUSATION

PARTIES

1. Brian Melvin (Complainant) brings this Accusation solely in his official capacity as the Supervising Special Investigator I of the Contractors State License Board (Board), Department of Consumer Affairs.

2. On or about August 22, 2018, the Registrar of Contractors (Registrar) issued Contractor’s License No. 1043410 in Classification B (General Building), to Viridi Construction, Inc. (Respondent Viridi Construction); Vaness Penado Vivanco, RMO, disassociated on July 28, 2023 (Respondent Vanessa Penado Vivanco); Maikel Figueredo, CEO/President (Respondent
Maikel Figueredo). The Contractor’s License, which was in full force and effect at all times relevant to the charges brought herein, was canceled on March 27, 2023 at Respondent Viridi Construction’s request, and is therefore no longer able to contract.

**PERSONNEL OF RECORD**

3. “Members of the personnel of record” of an entity that holds a contractor’s license is defined in Business and Professions Code section 7025 and “means every person listed in the records of the registrar as then associated with a licensee.” Respondent Viridi Construction is a corporation organized under the laws of California, and has listed the following individuals as associated personnel, which are of record with the Board and not named as respondents herein:

Marco A. Munoz, Officer.

**JURISDICTION**

4. This Accusation is brought before the Registrar under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 118, subdivision (b), of the Code, states:

   The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

6. Section 7076.5, subdivision (h), of the Code states:

   The inactive status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes stated in this chapter.

7. Section 7090 of the Code provides, in pertinent part, 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.
8. Section 7106.5 of the Code states:

The expiration, cancellation, forfeiture, revocation, 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 license, or to render a decision suspending or revoking the license.

9. Section 7121 of the Code 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.

10. Section 7121.5 of the Code 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, 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.

STATUTORY PROVISIONS

11. Section 7107 of the Code states:

Abandonment 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.

12. Section 7111.1 of the Code states:

The failure of, or refusal by, a licensee to respond to a written request of the registrar to cooperate in the investigation of a complaint against that licensee constitutes a cause for disciplinary action.
13. Section 7113 of the Code states:

   Failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for such construction project or operation or in any modification of such contract constitutes a cause for disciplinary action.

14. Section 7115 of the Code states:

   Failure in any material respect to comply with the provisions of this chapter, or any rule or regulation adopted pursuant to this chapter, or to comply with the provisions of Section 7106 of the Public Contract Code, constitutes a cause for disciplinary action.

15. Section 7116 of the Code states:

   The doing of any willful or fraudulent act by the licensee as a contractor in consequence of which another is substantially injured constitutes a cause for disciplinary action.

16. Section 7117 of the Code states:

   Acting in the capacity of a contractor under any license issued hereunder except: (a) in the name of the licensee as set forth upon the license, or (b) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this chapter, constitutes a cause for disciplinary action.

17. Section 7154 of the Code states, in pertinent part:

   . . .

   (c) A home improvement contractor who employs a registered home improvement salesperson to sell home improvement contracts, but who fails to report to the registrar pursuant to subdivision (a) or (b), is subject to disciplinary action by the registrar.

   (d) A home improvement contractor who employs a person to sell home improvement contracts while that person is not registered by the registrar as a home improvement salesperson as provided in this article, is subject to disciplinary action by the registrar.
18. Section 7158 of the Code states:

(a) Any person who shall accept or receive a completion certificate or other evidence that performance of a contract for a work of improvement, including, but not limited to, a home improvement, is complete or satisfactorily concluded, with knowledge that the document is false and that the performance is not substantially completed, and who shall utter, offer, or use the document in connection with the making or accepting of any assignment or negotiation of the right to receive any payment from the owner, under or in connection with a contract, or for the purpose of obtaining or granting any credit or loan on the security of the right to receive any payment shall be guilty of a misdemeanor and subject to a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000), or to imprisonment in the county jail for a term of not less than one month nor more than one year, or both.

(b) (1) Any person who violates this section as part of a plan or scheme to defraud an owner of a residential or nonresidential structure, including a mobilehome or manufactured home, in connection with the offer or performance of repairs to the structure for damage caused by a natural disaster, shall be ordered by the court to make full restitution to the victim based on the person’s ability to pay, defined as the overall capability of the defendant to reimburse the costs, or a portion of the costs, including consideration of, but not limited to, all of the following:

(A) The defendant’s present financial position.

(B) The defendant’s reasonably discernible future financial position, provided that the court shall not consider a period of more than one year from the date of the hearing for purposes of determining the reasonably discernible future financial position of the defendant.

(C) The likelihood that the defendant will be able to obtain employment within one year from the date of the hearing.

(D) Any other factor that may bear upon the defendant’s financial capability to reimburse the county for costs.

(2) In addition to full restitution, and imprisonment authorized by subdivision (a), the court may impose a fine of not less than five hundred dollars ($500) nor more than twenty-five thousand dollars ($25,000), based upon the defendant’s ability to pay. This subdivision applies to natural disasters for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code or for which an emergency or major disaster is declared by the President of the United States.

19. Section 7159.5 of the Code states, in pertinent part:

(a) Failure by the licensee or a person subject to be licensed under this chapter, or by their agent or salesperson, to comply with the following provisions is cause for discipline:

(3) If a downpayment will be charged, the downpayment shall not exceed one thousand dollars ($1,000) or 10 percent of the contract amount, whichever amount is less.
(5) Except for a downpayment, the contractor shall neither request nor accept payment that exceeds the value of the work performed or material delivered. The prohibition prescribed by this paragraph extends to advance payment in whole or in part from any lender or financier for the performance or sale of home improvement goods or services.

COST RECOVERY, RESTITUTION AND OTHER AUTHORITY

20. Section 125.3 of the Code states, in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may 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.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

21. Section 11519 of the Government Code states:

(a) The decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted.

(b) A stay of execution may be included in the decision or if not included therein may be granted by the agency at any time before the decision becomes effective. The stay of execution provided herein may be accompanied by an express condition that respondent comply with specified terms of probation provided; provided, however, that the terms of probation shall be just as reasonable in light of the findings and decision.

(c) If respondent was required to register with any public officer, a notification of any suspension or revocation shall be sent to the officer after the decision has become effective.

(d) As used in subdivision (b), specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action.
(e) The person to which the agency action is directed may not be required to comply with a decision unless the person has been served with the decision in the manner provided in Section 11505 or has actual knowledge of the decision.

(f) A nonparty may not be required to comply with a decision unless the agency has made the decision available for public inspection and copying or the nonparty has actual knowledge of the decision.

(g) This section does not preclude an agency from taking immediate action to protect the public interest in accordance with Article 13 (commencing with Section 11460.10) of Chapter 4.5.

22. Section 143.5, subdivision (b), of the Code states:

Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

23. Section 7095 of the Code states:

The decision 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 his 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.

24. Section 7097 of the Code states:

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

25. Section 7098 of the Code states:

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.

26. Section 7102 of the Code states:

   After suspension of a license upon any of the grounds set forth in this chapter [the Contractors’ State License Law], the registrar may reinstate the license upon proof of compliance by the contractor with all provisions of the decision as to reinstatement or, in the absence of a decision or any provisions of reinstatement, in the sound discretion of the registrar.

   After revocation of a license upon any of the grounds set forth in this chapter, the license shall not be reinstated or reissued and a license shall not be issued to any member of the personnel of the revoked licensee found to have had knowledge of or participated in the acts or omissions constituting grounds for revocation, within a minimum period of one year and a maximum period of five years after the final decision of revocation and then only on proper showing that all loss caused by the act or omission for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with.

   The board shall promulgate regulations covering the criteria to be considered when extending the minimum one-year period. The criteria shall give due consideration to the appropriateness of the extension of time with respect to the following factors:

   (a) The gravity of the violation.

   (b) The history of previous violations.

   (c) Criminal convictions.

   When any loss has been reduced to a monetary obligation or debt, however, the satisfaction of the monetary obligation or debt as a prerequisite for the issuance, reissuance, or reinstatement of a license shall not be required to the extent the monetary obligation or debt was discharged in a bankruptcy proceeding. However, any nonmonetary condition not discharged in a bankruptcy proceeding shall be complied with prior to the issuance, the reissuance, or reinstatement of the license.

**WILEY CANYON ROAD PROJECT**

27. On or about November 14, 2020, consumer complainant D.P. entered into a written home improvement contract (contract) with Respondent Viridi Construction, which included a conversion of a garage into a single-story Accessory Dwelling Unit (ADU) at D.P.’s home on Wiley Canyon Road in Newhall, California (Wiley Canyon Road Project). The contract was sold by Luis Paz De La Vega, an unregistered salesperson working on behalf of Respondent Viridi Construction, according to Board records. The contract was negotiated in the amount of
$72,000.00 and agreed to by D.P. To date, Respondent Viridi Construction has received payments totaling $72,000.00.

28. Upon entering into the contract, D.P. facilitated a loan through Mosaic, which remitted an initial deposit to Respondent Viridi Construction in the amount of $55,000.00. Work commenced in or around January of 2022. Work ceased in or around June of 2022, when Respondent Viridi Construction refused to return to the project to complete the agreed upon work, despite expressly promising D.P. that it would do so.

29. On or about July 19, 2023, the Board retained an industry expert to inspect the project who confirmed that Respondent Viridi Construction did not complete the agreed upon work under the contract. The industry expert further determined that it would cost D.P. $26,575.00 to complete the project. Accordingly, the Board investigator determined that Respondent Viridi Construction caused D.P. to sustain a financial injury in the amount of $26,575.00 in connection with the Wiley Canyon Road Project.

30. During the course of the investigation, the Board investigator in this matter made a good faith effort to contact Respondent Viridi Construction regarding the project, to no avail. To date, Respondent Viridi Construction has failed to cooperate with the Board’s investigation.

31. Respondent Vanessa Panedo Vivanco and Respondent Maikel Figueredo had knowledge of and/or participated in the Wiley Canyon Road Project.

**FIRST CAUSE FOR DISCIPLINE**

(Abandonment)

32. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7107, in that on the Wiley Canyon Road Project, it abandoned the project without legal excuse, as follows:

a. Respondent Viridi Construction did not install flooring throughout the ADU. Trade standard is to install flooring as specified in the plans and contract.

b. Respondent Viridi Construction did not install ceiling light trims, switches, receptacles, smoke detectors, the bathroom fan, exterior lights, sub panel breakers, new house...
panel, wiring from the new panel to the existing panel. Trade standard is to complete electrical
installation as specified in the plans and contract.

c. Respondent Viridi Construction did not install interior doors. Trade standard is to
install all doors, jambs, casings and hardware as specified in the plans and contract.
d. Respondent Viridi Construction did not install the bathroom shower tile, shower
valve, shower door, toilet, vanity, vanity faucet, and vanity countertop. Trade standard is to
complete the bathroom as specified in the plans and contract.
e. Respondent Viridi Construction did not install kitchen cabinets, sink and countertops.
The gas valve for the stove was not installed. Trade standard is to install the kitchen as specified
in the plans and contract.
f. Respondent Viridi Construction did not install the kitchen active window sash. Trade
standard is to completely install all windows as received from the distributor of the windows.
g. Respondent Viridi Construction did not install the mini split AC unit in the bedroom.

SECOND CAUSE FOR DISCIPLINE

(Employed Unregistered Home Improvement Salesperson)

33. Respondent Viridi Construction has subjected its license to disciplinary action under
section 7154, subdivision (d), in that on the Wiley Canyon Road Project, it utilized an
unregistered home improvement salesperson to procure and execute the home improvement
contract in question. Complainant hereby incorporates paragraphs 27-31 above as though set
forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Excessive Deposit Accepted and/or Received)

34. Respondent Viridi Construction has subjected its license to disciplinary action under
Code section 7159.5, subdivision (a)(3), in that on the Wiley Canyon Road Project, it requested
and/or accepted a deposit that exceeded one thousand dollars ($1,000) or 10 percent of the contract amount, whichever amount is less. Complainant hereby incorporates paragraph 27-31 above as though set forth fully herein.

**FOURTH CAUSE FOR DISCIPLINE**

*(Requested and/or Accepted Payments that Exceeded Value of Work Performed)*

35. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7159.5, subdivision (a)(5), in that on the Wiley Canyon Road Project, it requested and/or accepted payments that exceeded the value of the work performed or material delivered. Complainant hereby incorporates paragraphs 27-31 above as though set forth fully herein.

**FIFTH CAUSE FOR DISCIPLINE**

*(Failure to Complete Project for Contract Price Stated)*

36. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7113, in that on the Wiley Canyon Road Project, it failed to complete the project for the contract price stated. As a result thereof, D.P. will be obligated to pay one or more contractors the amount of $26,575.00 to complete the project, and the Board determined that Respondent Viridi Construction caused D.P. to sustain a financial injury in the amount of $26,575.00 in connection with the Wiley Canyon Road Project. Complainant hereby incorporates paragraphs 27-31 above as though set forth fully herein.

**SIXTH CAUSE FOR DISCIPLINE**

*(Willful or Fraudulent Act Injuring Another)*

37. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7116, in that on the Wiley Canyon Road Project, it committed a willful or fraudulent act causing substantial injury to D.P. Complainant hereby incorporates paragraphs 27-31 above as though set forth fully herein.

**SEVENTH CAUSE FOR DISCIPLINE**

*(Failure to Cooperate with Board Investigation)*

38. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7111.1, in that on the Wiley Canyon Road Project, it failed to cooperate in the
Board’s investigation. Complainant hereby incorporates paragraphs 27-31 above as though set forth fully herein.

HUBBARD STREET PROJECT

39. On, or about January 5, 2021, consumer complainant G.L. entered into a written home improvement contract (contract) with Respondent Viridi Construction, which included a conversion of a garage into a single-story Accessory Dwelling Unit (ADU) at G.L.’s home on Hubbard Street in Sylmar, California (Hubbard Street Project). The contract was sold by Luis Paz De La Vega, an unregistered salesperson working on behalf of Respondent Viridi Construction, according to Board records. The contract was negotiated in the amount of $79,500.00 and agreed to by G.L. To date, Respondent Viridi Construction has received payments totaling $55,000.00, leaving a balance of $24,500.00 on the contract.

40. Upon entering into the contract, G.L. facilitated a loan through Mosaic, which remitted an initial deposit to Respondent Viridi Construction in the amount of $55,000.00. Work commenced on or about September 1, 2022. Work ceased on or about December 1, 2022, when Respondent Viridi Construction refused to return to the project to complete the agreed upon work, despite expressly promising G.L. that it would do so.

41. On or about June 22, 2023, the Board retained an industry expert to inspect the project who confirmed that Respondent Viridi Construction did not complete the agreed upon work under the contract. The industry expert further determined that it would cost G.L. $72,486.00 to complete the project. Accordingly, the Board investigator determined that Respondent Viridi Construction caused G.L. to sustain a financial injury in the amount of $47,986.00 in connection with the Hubbard Street Project.

42. During the course of the investigation, the Board investigator in this matter made a good faith effort to contact Respondent Viridi Construction regarding the project, to no avail. To date, Respondent Viridi Construction has failed to cooperate with the Board’s investigation.

43. Respondent Vanessa Panedo Vivanco and Respondent Maikel Figueredo had knowledge of and/or participated in the Hubbard Street Project.

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EIGHTH CAUSE FOR DISCIPLINE
(Abandonment)
44. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7107, in that on the Hubbard Street Project, it abandoned the project without legal excuse. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

NINTH CAUSE FOR DISCIPLINE
(Employed Unregistered Home Improvement Salesperson)
45. Respondent Viridi Construction has subjected its license to disciplinary action under section 7154, subdivision (d), in that on the Hubbard Street Project, it utilized an unregistered home improvement salesperson to procure and execute the home improvement contract in question. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

TENTH CAUSE FOR DISCIPLINE
(Excessive Deposit Accepted and/or Received)
46. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7159.5, subdivision (a)(3), in that on the Hubbard Street Project, it requested and/or accepted a deposit that exceeded one thousand dollars ($1,000) or 10 percent of the contract amount, whichever amount is less. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

ELEVENTH CAUSE FOR DISCIPLINE
(Requested and/or Accepted Payments that Exceeded Value of Work Performed)
47. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7159.5, subdivision (a)(5), in that on the Hubbard Street Project, it requested and/or accepted payments that exceeded the value of the work performed or material delivered. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

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TWELFTH CAUSE FOR DISCIPLINE
(Failure to Complete Project for Contract Price Stated)

48. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7113, in that on the Hubbard Street Project, it failed to complete the project for the contract price stated. As a result thereof, G.L. will be obligated to pay one or more contractors the amount of $72,486.00 to complete the project, and the Board determined that Respondent Viridi Construction caused G.L. to sustain a financial injury in the amount of $47,986.00 in connection with the Hubbard Street Project. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

THIRTEENTH CAUSE FOR DISCIPLINE
(Willful or Fraudulent Act Injuring Another)

49. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7116, in that on the Hubbard Street Project, it committed a willful or fraudulent act causing substantial injury to G.L. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

FOURTEENTH CAUSE FOR DISCIPLINE
(Failure to Cooperate with Board Investigation)

50. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7111.1, in that on the Hubbard Street Project, it failed to cooperate in the Board’s investigation. Complainant hereby incorporates paragraphs 39-43 above as though set forth fully herein.

SOUTH “A” STREET PROJECT

51. On or about September 1, 2022, consumer complainant A.V. entered into a written home improvement contract (contract) with Respondent Viridi Construction, which included the construction of an Accessory Dwelling Unit (ADU) on the 2nd story above the attached garage at A.V.’s home on South “A” Street in Oxnard, California (South “A” Street Project). The contract was sold by Roberto Luque-Pelayo, a registered home improvement salesperson who was not reported to the Board to be listed as such by Respondent Viridi Construction as required by law,
according to Board records. The contract was negotiated in the amount of $195,779.00, and agreed to by A.V. To date, Respondent Viridi Construction has received payments totaling $55,000.00 in connection with the South “A” Street Project, leaving a balance of $140,779.00 on the contract.

52. Upon entering into the contract, A.V. facilitated a loan through Mosaic, which remitted an initial deposit to Respondent Viridi Construction in the amount of $55,000.00. However, to-date, Respondent Viridi Construction has willfully done absolutely no work whatsoever on the South “A” Street Project in furtherance of its contract with A.V., despite expressly promising A.V. that it would fulfill the terms of such contract.

53. The Board investigator ultimately determined that Respondent Viridi Construction requested and/or received a total of $55,000.00 on the South “A” Street Project without doing any work on the project, and without refunding or returning any of that money it received. Accordingly, the Board investigator determined that Respondent Viridi Construction caused G.L. to sustain a financial injury in the amount of $55,000.00 in connection with the South “A” Street Project. In addition, the Board investigator also confirmed that Respondent Viridi Construction filed a false certificate of completion with Mosaic in order to obtain funds for the South “A” Street Project prior to actually completing the work on the South “A” Street Project.

54. During the course of the investigation, the Board investigator in this matter made a good faith effort to contact Respondent Viridi Construction regarding the project, to no avail. To date, Respondent Viridi Construction has failed to cooperate with the Board’s investigation.

55. Respondent Vanessa Panedo Vivanco and Respondent Maikel Figueredo had knowledge of and/or participated in the South “A” Street Project.

**FIFTEENTH CAUSE FOR DISCIPLINE**

(Abandonment)

56. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7107, in that on the South “A” Street Project, it abandoned the project without legal excuse by failing to complete any work. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.
SIXTEENTH CAUSE FOR DISCIPLINE
(Failed to Report Employment of a Registered Home Improvement Salesperson)

57. Respondent Viridi Construction has subjected its license to disciplinary action under section 7154, subdivision (c), in that on the South “A” Street Project, it utilized a registered home improvement salesperson who was not reported to the Board to be listed as such to procure and execute the home improvement contract in question. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

SEVENTEENTH CAUSE FOR DISCIPLINE
(Working with Personnel Not on License Records)

58. Respondent Viridi Construction has subjected its license to disciplinary action under section 7117, subdivision (b), in that on the South “A” Street Project, it utilized a registered home improvement salesperson who was not reported to the Board to be listed as such to procure and execute the home improvement contract in question. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

EIGHTEENTH CAUSE FOR DISCIPLINE
(Excessive Deposit Accepted and/or Received)

59. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7159.5, subdivision (a)(3), in that on the South “A” Street Project, it requested and/or accepted a deposit that exceeded one thousand dollars ($1,000) or 10 percent of the contract amount, whichever amount is less. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

NINETEENTH CAUSE FOR DISCIPLINE
(Requested and/or Accepted Payments that Exceeded Value of Work Performed)

60. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7159.5, subdivision (a)(5), in that on the South “A” Street Project, it requested and/or accepted payments that exceeded the value of the work performed or material delivered. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

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TWENTIETH CAUSE FOR DISCIPLINE

(Failure to Complete Project for Contract Price Stated)

61. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7113, in that on the South “A” Street Project, it failed to complete the project for the contract price stated. As a result thereof, Respondent Viridi Construction caused A.V. to sustain a financial injury in the amount of $55,000.00 in connection with the South “A” Street Project. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Willful or Fraudulent Act Injuring Another)

62. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7116, in that on the South “A” Street Project, it committed a willful or fraudulent act causing substantial injury to A.V. by receiving and retaining $55,000.00 on the South “A” Street Project without ever performing any work whatsoever on the South “A” Street Project. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Failure to Cooperate with Board Investigation)

63. Respondent Viridi Construction has subjected its license to disciplinary action under Code section 7111.1, in that on the South “A” Street Project, it failed to cooperate in the Board’s investigation. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Filed False Certificate of Completion)

64. Respondent Viridi Construction has subjected its license to disciplinary action under sections 7115 and 7158 of the Code, in that on the South “A” Street Project, it filed a false certificate of completion with Mosaic in order to obtain funds for the South “A” Street Project prior to actually completing the work on the South “A” Street Project. Complainant hereby incorporates paragraphs 51-55 above as though set forth fully herein.

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CAUSE FOR OTHER ACTION
FIRST CAUSE FOR OTHER ACTION

(Restrictions on Qualifier – Respondent Vanessa Penado Vivanco)

65. Pursuant to section 7121.5 of the Code, if license number 1043410, issued to Respondent Viridi Construction is revoked or suspended, Respondent Vanessa Penado Vivanco shall be prohibited from serving as an officer, director, associate, partner, manager, or qualifying individual of a licensee during the time the discipline is imposed, whether or not she had knowledge of or participated in the acts or omissions constituting grounds for discipline as alleged in the causes for discipline, above, and any licensee which employs, elects, or associates Respondent Vanessa Penado Vivanco other than as a bona fide nonsupervising employee shall be subject to disciplinary action. Complainant hereby incorporates paragraphs 27-64 above as though set forth fully herein.

SECOND CAUSE FOR OTHER ACTION

(Restrictions on Non-Qualifier – Respondent Maikel Figueredo)

66. Pursuant to section 7121 of the Code, if license number 1043410, issued to Respondent Viridi Construction is revoked or suspended, Respondent Maikel Figueredo shall be prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee in that, while serving as CEO/President of Respondent Viridi Construction, he had knowledge of or participated in the acts or omissions which constitute cause for discipline against Respondent Viridi Construction as alleged in the causes for discipline, above.

DISCIPLINARY CONSIDERATIONS

67. To determine the degree of discipline, if any, to be imposed on Respondent Viridi Construction, Complainant alleges that on or about December 9, 2021, in a previous matter entitled In the Matter of the Citation against Viridi Construction Inc, Contractors State License Board Case No. 2 2021 1624, the Board issued a modified citation and order as to Respondent Viridi Construction, which included payment of an administrative penalty in the amount of $5,000.00 by on or before December 30, 2021, for violating the following: Code section 7068.1
[Failed to exercise direct supervision and control over the contracting activities of the license]; Code section 7116 [Willfully or fraudulently took down payment and failed or refused to start work on the project which caused a substantial injury to N.L and L.L., and which included an order that Respondent Viridi Construction pay restitution in the amount of $26,000.00 to N.L and L.L.]; Code section 7117, subdivision (a) [Used business name of Viridi Construction; license is issued in the business name of Viridi Construction Inc.] Code section 7154, subdivision (d) [Employed unregistered home improvement salesperson] and Code section 7159.5, subdivision (a)(5) [Violated the provisions of the law regarding home improvement contracts by requesting and/or accepting payment that exceeds the value of the work performed or material delivered]. That citation is now final and is incorporated by reference as if fully set forth herein.

**PRAYER**

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

1. Ordering the revocation or suspension of Contractor’s License Number 1043410 issued to Respondent Viridi Construction, Inc., pursuant to Code section 7090;
2. Ordering restitution of all damages according to proof suffered by D.P, G.L., and A.V. as a condition of probation in the event probation is ordered for Respondent Viridi Construction, pursuant to Government Code section 11519, subdivision (d);
3. If revocation of License Number 1043410 issued to Respondent Viridi Construction, is ordered, for an order for restitution of all damages suffered by D.P, G.L., and A.V. as a result of Respondent Viridi Construction’s conduct as a contractor, as a condition precedent to any future restoration of License Number 1043410 or before any new license is issued;
4. Ordering Respondent Viridi Construction to pay the Registrar costs for the investigation and enforcement of the case according to proof at the hearing, pursuant to Code section 125.3;

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5. Ordering Respondent Viridi Construction to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each, pursuant to Code section 7095;

6. Ordering that Respondent Vanessa Penado Vivanco is prohibited from serving as an officer, director, associate, partner, manager or qualifying individual of a licensee pursuant to Code section 7121.5;

7. Ordering that Respondent Maikel Figueredo is prohibited from serving as an officer, director, associate, partner, manager, qualifying individual or member of the personnel of record of a licensee pursuant to Code section 7121,

8. Taking such other and further action deemed proper.

DATED: 4/23/2024

BRIAN MELVIN

Supervising Special Investigator I
Contractors State License Board
Department of Consumer Affairs
State of California

Complainant

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4/23/2024