

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 MICHAEL B. FRANKLIN
Deputy Attorney General
4 State Bar No. 136524
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA. 94102-7004
Telephone: (415) 703-5622
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
REGISTRAR OF CONTRACTORS
9 **CONTRACTORS' STATE LICENSE BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 **BONNEY PLUMBING LLC, dba BONNEY**
13 **PLUMBING HEATING AIR & ROOTER SERVICE**
14 3054 Gold Canal Dr.
Rancho Cordova, CA 95670
15 **RICHARD MARK BONNEY, RMO,**
CANDACE LYN BONNEY, OFFICER
16 [Disassociated February 8, 2013]
GRAHAM CHARLES WEAVER, OFFICER AND
17 **MANAGER**
18 **JIMMY CRABBE, OFFICER**
COLLIN ROBERTSON HATHAWAY, OFFICER
19 **AND MANAGER**
BRYAN EUGENE HOPKINS, RME
20 **BRADLEY KEITH GREENLEE, RMM**
21 Contractor's License No. 696355, B, C20, C36,
22 And
23 **MARK BONNEY**
24 **RICHARD MARK BONNEY, SOLE OWNER**
25 2912 Sienna Lane
Sacramento, CA 95864
26 Contractor's License No. 397205, B, C20, C36,
27 And
28

Case No. N2013-263
OAH No. 2015020169
**STIPULATED SETTLEMENT
AND ORDER**

1 **BONNEY PLUMBING INC, dba O'CONNELL**
2 **PLUMBING HEATING AIR & ROOTER SERVICE**
3 3906 Kristi Court
4 Sacramento, CA 95827
5 **RICHARD MARK BONNEY, RMO,**
6 **CHRIS ANN SANTA MARIA, OFFICER**
7 **GRAHAM CHARLES WEAVER, OFFICER**
8 **JIMMY CRABBE, CEO/PRESIDENT**
9 **COLLIN ROBERTSON HATHAWAY, OFFICER**

10 Contractor's License No. 983208, B, C20, C36,

11 And

12 **BONNEY PLUMBING LLC, dba O'CONNELL**
13 **PLUMBING HEATING AIR & ROOTER SERVICE**
14 3054 Gold Canal Drive
15 Rancho Cordova, CA 95670
16 **RICHARD MARK BONNEY, RMO,**
17 **BRADLEY KEITH GREENLEE, RMM GRAHAM**
18 **CHARLES WEAVER, OFFICER AND MANAGER**
19 **COLLIN ROBERTSON HATHAWAY, OFFICER**
20 **AND MANAGER**
21 **JIMMY CRABBE, CEO/PRESIDENT**

22 Contractor's License No. 987387, B, C20, C36,

23 Respondents/Affiliated Parties.

24
25 In the interest of a prompt and speedy settlement of this matter, consistent with the public
26 interest and the responsibility of the Registrar of Contractors, Contractors' State License Board of
27 the Department of Consumer Affairs, the parties hereby agree to the following Stipulated
28 Settlement and Order which will be submitted to the Registrar for approval and adoption as the
final disposition of the Accusation.

29 PARTIES

30 I. Wood Robinson ("Complainant") is the Enforcement Supervisor I of the Contractors'
31 State License Board. He brought this action solely in his official capacity and is represented in
32 this matter by Kamala D. Harris, Attorney General of the State of California, by Michael B.
33 Franklin, Deputy Attorney General.

1 2. Respondents/Affiliated Parties Richard Mark Bonney and Candace Lyn Bonney are
2 represented in this proceeding by attorney Robert J. Sullivan, whose address is: 621 Capitol
3 Mall, 25th Floor, Sacramento, CA 95814.

4 3. Respondents/Affiliated Parties Bonney Plumbing LLC, dba Bonney Plumbing
5 Heating Air & Rooter Service and Bonney Plumbing Inc, dba O'Connell Plumbing Heating Air &
6 Rooter Service are represented in this proceeding by attorney M. Bradley Wishek, whose address
7 is: 765 University Avenue, Sacramento, CA 95825.

8 4. On or about September 23, 1994, the Registrar of Contractors issued Contractor's
9 License Number 696355, C36 to Bonney Plumbing Inc, Richard Mark Bonney, RMO/CEO/Pres,
10 Candace Lyn Bonney, Officer. On or about August 29, 2013, the Registrar of Contractors
11 reissued Contractor's License Number 696355, B, C20, C36 to Bonney Plumbing LLC, dba
12 Bonney Plumbing Heating Air & Rooter Service, Richard Mark Bonney, RMO, [disassociated
13 November 18, 2014], Candace Lyn Bonney, Officer [disassociated February 8, 2013], Jimmy
14 Crabbe, Officer, Graham Charles Weaver, Manager, and Collin Robertson Hathaway, Manager,
15 Allen Wayne Eddy, Officer and Manager [associated August 28, 2014], William Shidler Horbaly,
16 RMM, [associated November 18, 2014]. The Contractor's License was in full force and effect at
17 all times relevant to the charges brought herein and will expire on August 31, 2015, unless
18 renewed.

19 5. On or about January 9, 1981, the Registrar of Contractors issued Contractor's License
20 Number 397205, B, C20, C36 to Mark Bonney, Richard Mark Bonney, sole owner. Contractor's
21 License Number 397205 was reactivated on January 7, 2015, and will expire on January 31, 2017,
22 unless renewed.

23 6. On or about April 25, 2013, the Registrar of Contractors issued Contractor's License
24 Number 983208, B, C20, C36 to Bonney Plumbing Inc, dba O'Connell Plumbing Heating Air &
25 Rooter Service, Richard Mark Bonney, RMO, Chris Ann Santa Maria, Officer, Graham Charles
26 Weaver, Officer, Jimmy Crabbe, CEO/President and Collin Robertson Hathaway, Officer. The
27 Contractor's License was in full force and effect at all times relevant to the charges brought herein
28 and was canceled on January 26, 2015.

1 ORDER

2 1. Complainant Wood Robinson, Enforcement Supervisor I, for the Registrar of
3 Contractors, shall withdraw pending Accusation No. N2013-263 upon the issuance of six (6)
4 identical citations, pursuant to Business and Professions Code section 7099, to each of the
5 following three Contractors' Licenses: (1) Contractor's License No. 696355, B, C20, C36, issued
6 to Bonney Plumbing LLC, dba Bonney Plumbing Heating Air & Rooter Service; (2) Contractor's
7 License No. 397205, B, C20, C36 to Mark Bonney, Richard Mark Bonney, sole owner; and (3)
8 Contractor's License No. 987387, B, C20, C36 to Bonney Plumbing LLC, dba O'Connell
9 Plumbing.

10 2. Respondents/Affiliated Parties and the Board agree that the citations shall list the
11 projects and the code sections alleged for each of the six (6) projects from Accusation No.
12 N2013-263. Fines shall be listed for each code section and the total fine amount due and owing
13 by Respondents/Affiliated Parties shall be \$12,000.00 and shall be payable within 30 days from
14 the issuance of the citations.

15 3. Respondents/Affiliated Parties agree that the citations shall become final upon
16 issuance and Respondents/Affiliated Parties waive their right to appeal the issued citations.

17 4. Failure to timely comply with the issued citations shall give rise to proceedings under
18 Business and Professions Code section 7090.1.

19 5. Pursuant to Business and Professions Code section 125.9(b)(4), payment of the fine
20 amounts shall not constitute an admission of the violations charged.

21 STIPULATED CONDITIONS

22 In addition to the above citations, Respondents/Affiliated Parties further agree to comply
23 with all of the following:

24 1. Develop and submit a business plan within thirty (30) days from the issuance of the
25 citations identified above to ensure that permits are obtained and finalized for each project where
26 a permit is required. This condition does not apply to Richard Mark Bonney and Candace Lyn
27 Bonney.

28 2. Develop and submit a business plan within thirty (30) days from the issuance of the

1 citations identified above to ensure that all salespersons that enter into Home Improvement
2 Contracts with homeowners are registered as home improvement salespersons with the Board.
3 This condition does not apply to Richard Mark Bonney and Candace Lyn Bonney.

4 3. Respondents/Affiliated Parties agree to periodic random review of contracts and
5 related documents by Board personnel to ensure compliance with service and repair and home
6 improvement contract requirements. Respondents/Affiliated Parties acknowledge that undercover
7 sting operations may be part of the Board's ongoing review of operations.

8 4. Respondents/Affiliated Parties agree that all service and repair calls which become
9 and require a home improvement contract shall include a Three-Day Right to Cancel, as set forth
10 in Business and Professions Code section 7159(e)(6), which shall not be waived unless a bona
11 fide emergency exists.

12 5. Develop and submit a business plan within thirty (30) days from the issuance of the
13 citations identified above to ensure that technicians are registered as home improvement
14 salespersons for contracts that are above \$750.00 and provide a written contract which includes a
15 three day right to cancel. Employees will be trained to identify when a service and repair call has
16 become a home improvement project. Employees will be trained on what constitutes a bona fide
17 emergency that qualifies a waiver of the three day right to cancel. This condition does not apply
18 to Richard Mark Bonney and Candace Lyn Bonney.

19 6. Develop, within thirty (30) days from the issuance of the citations identified above, a
20 consumer-friendly customer service desk with a dedicated contact number. This condition does
21 not apply to Richard Mark Bonney and Candace Lyn Bonney.

22 7. Respondents/Affiliated Parties shall pay to the Registrar pursuant to Business and
23 Professions Code section 125.3 the costs of investigation and enforcement in this matter in the
24 amount of \$12,058.48 within thirty (30) days of the issuance of the citations identified above.

25 8. Respondents/Affiliated Parties agree to resolve all outstanding consumer complaints
26 filed with the Board to date, including restitution if applicable. The Board agrees to provide
27 adequate identifying information for each outstanding complaint. Respondents/Affiliated Parties
28 agree to contact the consumers and settle the disputes in a timely manner. Respondents/Affiliated

1 Parties will work in good faith to resolve the issues to the satisfaction of the customer and the
2 Board. Respondents/Affiliated Parties acknowledge that the Board does not waive the right to
3 seek disciplinary action if the conduct from any of the outstanding complaints warrants such
4 action.

5 9. Respondents/Affiliated Parties agree that a violation of any of the above stipulated
6 conditions may subject Respondents/Affiliated Parties' licenses to disciplinary action.

7 10. Respondents/Affiliated Parties acknowledge that this agreement shall become part of
8 the licensing history of Respondents/Affiliated Parties' licenses and may be considered, as a
9 matter in aggravation, in any future disciplinary action.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
12 with my attorney, Robert J. Sullivan. I understand the stipulation and the effect it will have on
13 my Contractor's Licenses. I enter into this Stipulated Settlement and Order voluntarily,
14 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
15 Contractors, Contractors' State License Board.

16
17 DATED: 3/27/15 Richard Mark Bonney
18 RICHARD MARK BONNEY, RMO AND OWNER
19 Respondent/Affiliated Party

20 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
21 with my attorney, Robert J. Sullivan. I understand the stipulation and the effect it will have on
22 my Contractor's License. I enter into this Stipulated Settlement and Order voluntarily,
23 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
24 Contractors, Contractors' State License Board.

25
26 DATED: 3/27/15 C2 B
27 CANDACE LYN BONNEY, OFFICER
28 Respondent/Affiliated Party

1 I have read and fully discussed with Respondents Richard Mark Bonney and Candace Lyn
2 Bonney the terms and conditions and other matters contained in the above Stipulated Settlement
3 and Order. I approve its form and content.

4
5 DATED: 4/1/15 Robert J. Sullivan
6 ROBERT J. SULLIVAN
7 Attorney for Respondents/Affiliated Parties
8 Richard Mark Bonney and Candace Lyn Bonney

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
11 with my attorney, M. Bradley Wishek. I understand the stipulation and the effect it will have on
12 my Contractor's Licenses. I enter into this Stipulated Settlement and Order voluntarily,
13 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
14 Contractors, Contractors' State License Board.

15
16 DATED: _____
17 JIMMY CRABBE, OFFICER AND CEO/PRES
18 For Respondents/Affiliated Parties Bonney Plumbing
19 LLC, dba Bonney Plumbing Heating Air & Rooter
20 Service [Officer] and Bonney Plumbing LLC, dba
21 O'Connell Plumbing [CEO/PRES]

22 ACCEPTANCE

23 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
24 with my attorney, M. Bradley Wishek. I understand the stipulation and the effect it will have on
25 my Contractor's Licenses. I enter into this Stipulated Settlement and Order voluntarily,
26 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
27 Contractors, Contractors' State License Board.

28 ///
///

1 I have read and fully discussed with Respondents Richard Mark Bonney and Candace Lyn
2 Bonney the terms and conditions and other matters contained in the above Stipulated Settlement
3 and Order. I approve its form and content.

4
5 DATED: _____
6 ROBERT J. SULLIVAN
7 Attorney for Respondents/Affiliated Parties
8 Richard Mark Bonney and Candace Lyn Bonney

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
11 with my attorney, M. Bradley Wishek. I understand the stipulation and the effect it will have on
12 my Contractor's Licenses. I enter into this Stipulated Settlement and Order voluntarily,
13 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
14 Contractors, Contractors' State License Board.

15
16 DATED: 3/31/15 _____
17 JIMMY CRABBE, OFFICER AND CEO/PRES
18 For Respondents/Affiliated Parties Bonney Plumbing
19 LLC, dba Bonney Plumbing Heating Air & Rooter
20 Service [Officer] and Bonney Plumbing LLC, dba
21 O'Connell Plumbing [CEO/PRES]

22 ACCEPTANCE

23 I have carefully read the above Stipulated Settlement and Order and have fully discussed it
24 with my attorney, M. Bradley Wishek. I understand the stipulation and the effect it will have on
25 my Contractor's Licenses. I enter into this Stipulated Settlement and Order voluntarily,
26 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Registrar of
27 Contractors, Contractors' State License Board.

28 ///
///

1 DATED:

3/30/15

Collin R Hatmaway

2 COLLIN ROBERTSON HATMAWAY, OFFICER
AND MANAGER

3 For Respondents/Affiliated Parties Bonney Plumbing
4 LLC, dba Bonney Plumbing Heating Air & Rooter
5 Service and Bonney Plumbing LLC, dba O'Connell
6 Plumbing

7 I have read and fully discussed with Respondents/Affiliated Parties Bonney Plumbing LLC,
8 dba Bonney Plumbing Heating Air & Rooter Service and Bonney Plumbing LLC, dba O'Connell
9 Plumbing the terms and conditions and other matters contained in the above Stipulated Settlement
10 and Order. I approve its form and content.

11 DATED:

3/30/15

M. Bradley Wishek

12 M. BRADLEY WISHEK

13 For Respondents/Affiliated Parties Bonney Plumbing
14 LLC, dba Bonney Plumbing Heating Air & Rooter
15 Service and Bonney Plumbing LLC, dba O'Connell
16 Plumbing

17 ENDORSEMENT

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

20 Dated:

4/1/15

Respectfully submitted,

21 KAMALA D. HARRIS
22 Attorney General of California
23 FRANK H. PACOE
24 Supervising Deputy Attorney General

Michael B. Franklin

25 MICHAEL B. FRANKLIN
26 Deputy Attorney General
27 *Attorneys for Complainant*

28 SF2014407308
41250611.doc