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

13 In the Matter of the Accusation Against:

Case No. N2025-150

14 **NONNA ADU AND CONSTRUCTION**  
15 **INC.; RONALD SHERIDAN**  
16 **CLAYBORNE JR., RMO; DAVID RAY**  
17 **SIMMONS, CEO/PRES; RAYMOND**  
18 **AGUSTINE GUANILL JR., OFFICER**  
19 2941 Sunrise Blvd #120  
20 Rancho Cordova, CA 95742

**ACCUSATION**

Contractor's License No. 1115116, B

21 **RONALD SHERIDAN CLAYBORNE JR**  
22 **DBA CLAYBORNE HVAC & SHEET**  
23 **METAL**  
24 9037 Warm Springs Cir  
25 Stockton, CA 95210

Contractor's License No. 1002373, B, C20,  
C43

Respondents.

26 **PARTIES**

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



1           7.     Section 7090 of the Code provides, in pertinent part, that the Registrar may suspend  
2 or revoke any license or registration if the licensee or registrant is guilty of or commits any one or  
3 more of the acts or omissions constituting cause for disciplinary action.

4           8.     Section 7106.5 of the Code states:

5                 The expiration, cancellation, forfeiture, revocation, or suspension of a license  
6 by operation of law or by order or decision of the registrar or a court of law, or the  
7 voluntary surrender of a license by a licensee, shall not deprive the registrar of  
8 jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
9 against the license, or to render a decision suspending or revoking the license.

10          9.     Section 7121 of the Code states:

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

28          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, 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.

**STATUTORY PROVISIONS**

11.    Section 143.5, subdivision (a), of the Code states:

               No licensee who is regulated by a board, bureau, or program within the  
Department of Consumer Affairs, nor an entity or person acting as an authorized  
agent of a licensee, shall include or permit to be included a provision in an agreement  
to settle a civil dispute, whether the agreement is made before or after the  
commencement of a civil action, that prohibits the other party in that dispute from  
contacting, filing a complaint with, or cooperating with the department, board,  
bureau, or program within the Department of Consumer Affairs that regulates the

1 licensee or that requires the other party to withdraw a complaint from the department,  
2 board, bureau, or program within the Department of Consumer Affairs that regulates  
3 the licensee. A provision of that nature is void as against public policy, and any  
4 licensee who includes or permits to be included a provision of that nature in a  
5 settlement agreement is subject to disciplinary action by the board, bureau, or  
6 program.

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12. Section 7068.1 of the Code 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 supervision and control of their 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.

(3) "Supervision and control" means direct supervision or control or monitoring and being available to assist others to whom direct supervision and control has been delegated.

(4) "Direct supervision or control" means any of the following:

(A) Supervising construction operations.

(B) Managing construction activities by making technical and administrative decisions.

(C) Checking jobs for proper workmanship.

(D) Supervision on construction sites.

(d) The board shall require every applicant or licensee qualifying by the appearance of a qualifying individual to submit detailed information on the qualifying

1 individual's duties and responsibilities for supervision and control of the applicant's  
2 construction operations.

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

7 13. Section 7108 of the Code states:

8 Diversion of funds or property received for prosecution or completion of a  
9 specific construction project or operation, or for a specified purpose in the  
10 prosecution or completion of any construction project or operation, or failure  
11 substantially to account for the application or use of such funds or property on the  
12 construction project or operation for which such funds or property were received  
13 constitutes a cause for disciplinary action.

14 14. Section 7108.5 of the Code states:

15 (a) A prime contractor or subcontractor shall pay to any subcontractor, not later  
16 than seven days after receipt of each progress payment, unless otherwise agreed to in  
17 writing, the respective amounts allowed the contractor on account of the work  
18 performed by the subcontractors, to the extent of each subcontractor's interest therein.  
19 In the event that there is a good faith dispute over all or any portion of the amount due  
20 on a progress payment from the prime contractor or subcontractor to a subcontractor,  
21 the prime contractor or subcontractor may withhold no more than 150 percent of the  
22 disputed amount.

23 (b) Any violation of this section shall constitute a cause for disciplinary action  
24 and shall subject the licensee to a penalty, payable to the subcontractor, of 2 percent  
25 of the amount due per month for every month that payment is not made.

26 (c) In any action for the collection of funds wrongfully withheld, the prevailing  
27 party shall be entitled to his or her attorney's fees and costs.

28 (d) The sanctions authorized under this section shall be separate from, and in  
addition to, all other remedies, either civil, administrative, or criminal.

(e) This section applies to all private works of improvement and to all public  
works of improvement, except where Section 10262 of the Public Contract Code  
applies.

15. Section 7112 of the Code states:

Omission or misrepresentation of a material fact by an applicant or a licensee in  
obtaining, or renewing a license, or in adding a classification to an existing license  
constitutes a cause for disciplinary action.

16. 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.

17. Section 7116 of the Code states:

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

4 18. Section 7119 of the Code states:

5 Wilful failure or refusal without legal excuse on the part of a licensee as a  
6 contractor to prosecute a construction project or operation with reasonable diligence  
7 causing material injury to another constitutes a cause for disciplinary action.

8 19. Section 7120 of the Code states:

9 Willful or deliberate failure by any licensee or agent or officer thereof, to pay  
10 any moneys, when due for any materials or services rendered in connection with his  
11 operations as a contractor, when he has the capacity to pay or when he has received  
12 sufficient funds therefor as payment for the particular construction work, project, or  
13 operation for which the services or materials were rendered or purchased constitutes a  
14 cause for disciplinary action, as does the false denial of any such amount due or the  
15 validity of the claim thereof with intent to secure for himself, his employer, or other  
16 person, any discount upon such indebtedness or with intent to hinder, delay, or  
17 defraud the person to whom such indebtedness is due.

18 20. Section 7122.5 of the Code states:

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

26 21. Section 7154, subdivision (d), of the Code states:

27 (d) A home improvement contractor who employs a person to sell home  
28 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.

22 22. Section 7159.5 of the Code states:

23 This section applies to all home improvement contracts, as defined in Section  
24 7151.2, between an owner or tenant and a contractor, whether a general contractor or  
25 a specialty contractor, that is licensed or subject to be licensed pursuant to this  
26 chapter with regard to the transaction.

27 (a) Failure by the licensee or a person subject to be licensed under this chapter,  
28 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**

23. 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.

...

24. 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.

1 (g) This section does not preclude an agency from taking immediate action to  
2 protect the public interest in accordance with Article 13 (commencing with Section  
3 11460.10) of Chapter 4.5.

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

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

11 26. Section 7095 of the Code states:

12 (a) The decision may:

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

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

17 (3) Impose upon the licensee compliance with such specific terms and  
18 conditions as may be just in connection with the licensee's operations as a contractor  
19 disclosed at the hearing and may further provide that until those terms and conditions  
20 are complied with no application for restoration of the suspended or revoked license  
21 shall be accepted by the registrar.

22 (4)

23 (A) Provide for the stay of execution of the decision pending completion of  
24 specified terms and conditions of probation.

25 (B) Failure to fully comply with the terms and conditions of probation set  
26 pursuant to subparagraph (A) may result in automatic termination of the stay of  
27 execution without further notice. If a stay of execution is terminated pursuant to this  
28 subparagraph, the decision shall be considered a disciplinary action within the  
meaning of this chapter.

(b) The specific terms and conditions imposed pursuant to paragraph (3) or (4) of  
subdivision (a) may include, but are not limited to, any of the following:

(1) Payment of restitution to persons injured as a result of the violation.

(2) Payment of the costs of investigation and enforcement pursuant to Section  
125.3.

(3) Enrollment in, and completion of, specified administrative or trade-specific  
coursework.

(4) Successful completion of the board's law and business examination or trade  
examination, as appropriate.

(5) Any further terms and conditions as are set forth for specified violations in  
the board's disciplinary guidelines in Section 871 of Title 16 of the California Code

of Regulations.

1  
27. Section 7097 of the Code states:

2  
3 Notwithstanding the provisions of Sections 7121 and 7122, when any licensee  
4 has been suspended by a decision of the registrar pursuant to an accusation or  
5 pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any  
6 additional license issued under this chapter [the Contractors' State License Law] in  
7 the name of the licensee or for which the licensee furnished qualifying experience and  
8 appearance under the provisions of Section 7068, may be suspended by the registrar  
9 without further notice.

10  
28. Section 7098 of the Code states:

11  
12 Notwithstanding the provisions of Sections 7121 and 7122, when any license  
13 has been revoked under the provisions of this chapter [the Contractors' State License  
14 Law], any additional license issued under this chapter in the name of the licensee or  
15 for which the licensee furnished qualifying experience and appearance under the  
16 provisions of Section 7068, may be revoked by the registrar without further notice.

17  
29. Section 7102 of the Code states:

18  
19 After suspension of a license upon any of the grounds set forth in this chapter  
20 [the Contractors' State License Law], the registrar may reinstate the license upon  
21 proof of compliance by the contractor with all provisions of the decision as to  
22 reinstatement or, in the absence of a decision or any provisions of reinstatement, in  
23 the sound discretion of the registrar.

24  
25 After revocation of a license upon any of the grounds set forth in this chapter,  
26 the license shall not be reinstated or reissued and a license shall not be issued to any  
27 member of the personnel of the revoked licensee found to have had knowledge of or  
28 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.

1 **RADCLIFFE COURT PROJECT**

2 30. On or about August 8, 2024, Respondent Nonna entered into a written contract with  
3 EH to construct an accessory dwelling unit (ADU) at her residence on Radcliffe Court in  
4 Martinez, California for \$195,000.00 (Radcliffe Court Project).

5 31. On or about the same day, Respondent Nonna requested from EH an initial payment  
6 for \$19,500.00. EH paid Respondent Nonna \$19,500.00 on or about August 15, 2024, at which  
7 time no materials had been delivered to the project site, and no work had been performed.

8 32. Respondent Nonna never began work on the Radcliffe Court Project. On or about  
9 January 20, 2025, after over four months of attempting to get Respondent Nonna to initiate work,  
10 EH terminated her contract with Respondent Nonna and requested reimbursement of the  
11 \$19,500.00 payment.

12 33. On or about March 26, 2025, Respondent Nonna showed up at EH's home  
13 unannounced while EH met with a news crew to discuss her concerns about Respondent Nonna  
14 and another contractor that had been hired previously. Respondent Nonna handed EH a cashier's  
15 check for \$19,500.00.

16 34. On or about August 11, 2025, Respondent Clayborne, RMO for Respondent Nonna,  
17 stated that he had no knowledge or involvement in specific projects for Respondent Nonna.  
18 Respondent Clayborne further confirmed that he did not, in any material respect, fulfill the  
19 responsibilities of the license qualifier to supervise construction performed under the license,  
20 manage construction activities through technical or administrative decisions for Respondent  
21 Nonna, regularly inspect the Radcliffe Court Project for compliance with workmanship and trade  
22 standards, or directly supervise the project site.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Failure of RMO to Supervise and Control Construction Operations)**

25 35. Respondent Nonna has subjected its license to disciplinary action under Code section  
26 7068.1, in that Respondent Nonna did not exercise direct supervision and control of operations on  
27 the Radcliffe Court Project, as set forth above.

28

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Excessive Down Payment)**

3 36. Respondent Nonna has subjected its license to disciplinary action under Code section  
4 7159.5, subdivision (a)(3), in that on the Radcliffe Court Project, Respondent Nonna requested or  
5 received a downpayment in excess of \$1,000.00 or 10% of the contract price, whichever was less,  
6 as set forth above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Excessive Payment)**

9 37. Respondent Nonna has subjected its license to disciplinary action under Code section  
10 7159.5, subdivision (a)(5), in that on the Radcliffe Court Project, Respondent Nonna requested or  
11 received payments that exceeded the value of the work performed or materials delivered, as set  
12 forth above.

13 **PARK BOULEVARD PROJECT**

14 38. On or about August 19, 2024, homeowners SS and JS entered into a written contract  
15 with Respondent Nonna to construct an accessory dwelling unit (ADU) in the backyard of their  
16 home on Park Boulevard in Millbrae, California, for a total contract price of \$248,000.00 (Park  
17 Blvd. Project).

18 39. Prior to signing the contract with Respondent Nonna, SS and JS met with a  
19 salesperson from Respondent Nonna at their home, Allen Miranda, who solicited SS and JS into  
20 signing the ADU contract with Respondent Nonna. Allen Miranda was not registered as a Home  
21 Improvement Salesperson (HIS) by the Board or listed as personnel on the license.

22 40. On August 22, 2024, prior to any work being done, Respondent Nonna collected  
23 \$20,880.00, consisting of a \$1,000.00 down payment and a 7% “progress payment” of  
24 \$19,880.00, due “upon signing.” On October 1, 2024, SS and JS paid Respondent Nonna an  
25 additional \$8,500.00 for material draw and site preparations; no work had begun at that time.

26 41. On or about January 31, 2025, Respondent Nonna requested and received a  
27 \$42,600.00 progress payment from SS and JS for the completion of framing on the project,  
28 despite framing not having been fully completed at the time of receiving payment.

1           42. Respondent Nonna failed to pay for materials and services after having received  
2 sufficient funds to do so. Specifically:

3           43. On or about August 11, 2025, Respondent Clayborne, RMO for Respondent Nonna,  
4 stated that he had no knowledge or involvement in specific projects for Respondent Nonna.  
5 Respondent Clayborne further confirmed that he did not, in any material respect, fulfill the  
6 responsibilities of the license qualifier to supervise construction performed under the license,  
7 manage construction activities through technical or administrative decisions for Respondent  
8 Nonna, regularly inspect the Park Boulevard Project for compliance with workmanship and trade  
9 standards, or directly supervise the project site.

10           44. Respondent Nonna retained the services of subcontractors and work began on the  
11 Park Boulevard Project on or about November 5, 2024. Work continued until on or about  
12 February 26, 2025. SS and JS paid Respondent Nonna a total of \$129,014.17 for work on the  
13 Park Boulevard Project.

14           45. SS and JS terminated Respondent Nonna from the Park Boulevard Project on or about  
15 May 13, 2025, due to Respondent Nonna's failure to pay subcontractors and material suppliers,  
16 misrepresentation by Respondent Nonna in securing the \$42,600.00 progress payment for framing  
17 completion, and Respondent Nonna's negligence in exercising oversight and control of the  
18 project.

19           46. **Subcontractor Monabbat.** Respondent Nonna entered into a written subcontract  
20 agreement with Ali Monabbat dba All Purpose Home Improvement LLC dba Aphi Constnution  
21 and Plumbing (Contractor's License No. 1059979) for construction of the ADU for \$220,000.00.

22           47. On or about November 5, 2024, Subcontractor Monabbat began work on the ADU.

23           48. On December 11, 2024, Respondent Nonna requested and received payment from JS  
24 and SS in the amount of \$56,800.00 as a progress payment for the completion of the foundation  
25 and underground plumbing. Monabbat completed the foundation, the foundation's framing and  
26 insulation, the underground plumbing, and part of the structural framing and sheer wall that  
27 passed inspection by the city.  
28

1 49. Sometime after beginning the framing, Monabbat left the project due to lack of  
2 payment. Respondent Nonna failed to pay any amount to Monabbat.

3 50. On January 31, 2025, Respondent Nonna requested and received a progress payment  
4 from SS and JS in the amount of \$42,600.00 for the completion of framing, despite framing being  
5 incomplete. Subcontractor Monabbat sent invoices to Respondent Nonna totaling \$61,000.00 for  
6 the work he completed. Respondent Nonna failed to pay Monabbat for any work he did on the  
7 project.

8 51. **Subcontractor Melchner.** Respondent Nonna entered into a written subcontract  
9 agreement with Andrei Melchner dba AD Melchner General Contractor (Contractor's License  
10 No. 1077314) to complete the ADU construction after Subcontractor Monabbat left the project.

11 52. Subcontractor Melchner began work on the framing on February 15, 2025, and ceased  
12 work on February 17, 2025, due to lack of payment. Subcontractor Melchner billed Respondent  
13 Nonna \$5,250.00 for materials and labor furnished. Despite being paid in full for the framing by  
14 SS and JS, Respondent Nonna failed to pay any amount to Subcontractor Melchner.

15 53. In or about April 2025, Subcontractors Monabbat and Melchner picketed the offices  
16 of Respondent Nonna, demanding they be paid. Respondent Guanill came out and lifted his shirt,  
17 revealing a firearm.

18 54. On or about May 19, 2025, JS and SS entered into a written contract with  
19 Subcontractor Melchner to complete the Park Boulevard Project for \$125,000.00.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Failure of RMO to Supervise and Control Construction Operations)**

22 55. Respondent Nonna has subjected its license to disciplinary action under Code section  
23 7068.1, in that Respondent Clayborne did not exercise direct supervision and control of  
24 operations on the Park Boulevard Project, as set forth above.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Failure to Pay Subcontractor Ali Monabbat)**

27 56. Respondent Nonna has subjected its license to disciplinary action under Code section  
28 7108.5, in that Respondent Nonna failed to pay Subcontractor Monabbat on the Park Boulevard

1 Project within seven days after receipt of each progress payment, or as agreed upon by the parties.

2 **SIXTH CAUSE FOR DISCIPLINE**

3 **(Failure to Pay Subcontractor Andrei Melchner)**

4 57. Respondent Nonna has subjected its license to disciplinary action under Code section  
5 7108.5, in that Respondent Nonna failed to pay Subcontractor Melchner on the Park Boulevard  
6 Project within seven days after receipt of each progress payment, or as agreed upon by the parties.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Employed an Unregistered Home Improvement Salesperson)**

9 58. Respondent Nonna has subjected its license to disciplinary action under Code section  
10 7154, subdivision (d), in that on the Park Boulevard Project, Respondent Nonna employed one or  
11 more persons to sell home improvement contracts while that person was not registered by the  
12 Registrar as a home improvement salesperson, as set forth above.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Excessive Down Payment)**

15 59. Respondent Nonna has subjected its license to disciplinary action under Code section  
16 7159.5, subdivision (a)(3), in that on the Park Boulevard Project, Respondent Nonna requested or  
17 received a downpayment in excess of \$1,000.00 or 10% of the contract price, whichever was less,  
18 as set forth above.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Excessive Payment)**

21 60. Respondent Nonna has subjected its license to disciplinary action under Code section  
22 7159.5, subdivision (a)(5), in that on the Park Boulevard Project, Respondent Nonna requested or  
23 received payments that exceeded the value of the work performed or materials delivered, as set  
24 forth above.

25 **SOUTH COURT PROJECT**

26 61. On or about October 7, 2023, ZL and SL entered into a written contract with  
27 Respondent Guanill doing business as Nonna ADU and Solar Inc., an unlicensed entity, to  
28

1 construct an accessory dwelling unit (ADU) at their residence on South Court in Palo Alto,  
2 California for \$272,000.00 (South Court Project).

3 62. On or about April 2, 2024, ZL and SL signed a contract addendum to transfer the  
4 South Court Project from Respondent Guanill doing business as Nonna ADU and Solar Inc. to  
5 Respondent Nonna. The contract addendum additionally reduced the size of the ADU and added  
6 extra work to the scope of work. An additional change order for window upgrades resulted in a  
7 final contract price of \$252,217.49.

8 63. Respondent Guanill requested, and on or about November 18, 2023, received from  
9 ZL and SL payment for a \$1,000.00 deposit, as well as a progress payment for “Floor Plan –  
10 Design Deposit” of \$27,200.00. At the time payment was made and received, Respondent Guanill  
11 had not performed any work and had not delivered any materials to the job site.

12 64. On or about December 23, 2023, SL and ZL made, and Respondent Guanill accepted,  
13 a subsequent progress payment of \$35,587.30 for the building permit approval and a material  
14 draw, despite no materials having been delivered to the project site and no physical work having  
15 been started on the project.

16 65. On or about February 5, 2025, SL and ZL made, and Respondent Guanill accepted, a  
17 payment of \$7,500.00 for a change order to the foundation, despite not performing any of the  
18 work outlined in the change order.

19 66. Respondent Nonna retained the services of subcontractors and work began on the  
20 South Court Project on or about January 23, 2025. Work continued until on or about May 15,  
21 2025. SL and ZL paid Respondent Nonna a total of \$127,642.67 for work on the South Court  
22 Project. ZL and SL terminated Respondent Nonna from the South Court Project on or about July  
23 3, 2025, due to Respondent Nonna’s delays and failure to pay subcontractors that resulted in  
24 Mechanic’s Liens filed on the property.

25 67. On or about August 11, 2025, Respondent Clayborne, RMO for Respondent Nonna,  
26 stated that he had no knowledge or involvement in specific projects for Respondent Nonna.  
27 Respondent Clayborne further confirmed that he did not, in any material respect, fulfill the  
28 responsibilities of the license qualifier to supervise construction performed under the license,

1 manage construction activities through technical or administrative decisions for Respondent  
2 Nonna, regularly inspect the South Court Project for compliance with workmanship and trade  
3 standards, or directly supervise the project site.

4 68. On or about November 7, 2025, Respondent Clayborne informed the Board  
5 investigator that he did not retain any ownership stake in Respondent Nonna. This statement  
6 directly contradicted information certified by Respondent Clayborne on an application to replace  
7 Respondent Nonna's license qualifying individual submitted to the Board on or about May 14,  
8 2024.

9 69. **Subcontractor Melchner.** On or about January 23, 2025, Respondent Nonna entered  
10 into a written subcontractor agreement with Andrei Melchner dba A D Melchner General  
11 Contractor (Contractor's License No. 1077314) to perform the construction of ZL and SL's ADU  
12 for a total contract price of \$135,000.00, which included a progress payment of \$10,000.00 for  
13 the start of excavation.

14 70. Subcontractor Melchner performed site preparation, demolition, debris removal,  
15 excavation, soil removal, soil compaction for the foundation on the South Court Project from  
16 about January 23, 2025, until March 4, 2025. Subcontractor Melchner ceased work after  
17 Respondent Nonna failed to pay any money to Subcontractor Melchner, including the \$10,000.00  
18 which was due upon starting work.

19 71. On or about May 20, 2025, Subcontractor Melchner served ZL and SL with a  
20 recorded Mechanic's Lien for \$10,000.00.

21 72. **Subcontractor Hurtado.** On or about March 12, 2025, Respondent Nonna entered  
22 into a written subcontractor agreement with Alexis Hurtado Preciado dba Hurtado Concrete Inc.  
23 (Contractor's License No. 1094132) to perform the concrete foundation work on the South Court  
24 Project for a total contract price of \$35,000.00, which outlined a 14-day payment processing  
25 timeline after invoice submission. Subcontractor Hurtado began work on or about March 12,  
26 2025, and completed the foundation work.

27 73. On or about May 19, 2024, Respondent Nonna requested and received from ZL and  
28 SL a \$55,287.37 progress payment for the completion of the foundation.



1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure of RMO to Supervise and Control Construction Operations)**

3 79. Respondent Nonna has subjected its license to disciplinary action under Code section  
4 7068.1, in that Respondent Clayborne did not exercise direct supervision and control of  
5 operations on the South Court Project, as set forth above.

6 **TWELFTH CAUSE FOR DISCIPLINE**

7 **(Diversion or Misapplication of Construction Funds)**

8 80. Respondent Nonna has subjected its license to disciplinary action under Code section  
9 7108, in that Respondent Nonna received funds for the completion of the South Court Project and  
10 diverted such funds, and/or failed to substantially account for the application or use of such funds.

11 **THIRTEENTH CAUSE FOR DISCIPLINE**

12 **(Failure to Pay Subcontractor Andrei Melchner)**

13 81. Respondent Nonna has subjected its license to disciplinary action under Code section  
14 7108.5, in that Respondent Nonna failed to pay Subcontractor Melchner on the South Court  
15 Project within seven days after receipt of each progress payment, or as agreed upon by the parties.

16 **FOURTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Pay Subcontractor Alexis Hurtado)**

18 82. Respondent Nonna has subjected its license to disciplinary action under Code section  
19 7108.5, in that Respondent Nonna failed to pay Subcontractor Hurtado on the South Court Project  
20 within seven days after receipt of each progress payment, or as agreed upon by the parties.

21 **FIFTEENTH CAUSE FOR DISCIPLINE**

22 **(Misrepresentation)**

23 83. Respondent Nonna has subjected its license to disciplinary action under Code section  
24 7112, in that Respondent Clayborne omitted or misrepresented whether he had any ownership  
25 stake in Respondent Nonna, a material fact in obtaining or renewing its license, as set forth above.

26 **SIXTEENTH CAUSE FOR DISCIPLINE**

27 **(Willful or Fraudulent Act – Owners ZL and SL)**

28 84. Respondent has subjected its license to disciplinary action under Code section 7116,

1 in that Respondent willfully and/or fraudulently accepted a down payment and progress payments  
2 for work it never performed on the South Court Project, and never returned the payments, thereby  
3 substantially injuring ZL and SL, as set forth above.

4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

5 **(Willful or Fraudulent Act – Subcontractor Andrei Melchner)**

6 85. Respondent Nonna has subjected its license to disciplinary action under Code section  
7 7116, in that Respondent Nonna willfully and/or fraudulently accepted a down payment and/or  
8 progress payments from ZL and SL for work on the South Court Project, and never made  
9 payments to Subcontractor Melchner for work Subcontractor Melchner performed, thereby  
10 substantially injuring Subcontractor Melcher, as set forth above.

11 **EIGHTEENTH CAUSE FOR DISCIPLINE**

12 **(Willful or Fraudulent Act – Subcontractor Alexis Hurtado)**

13 86. Respondent Nonna has subjected its license to disciplinary action under Code section  
14 7116, in that Respondent Nonna willfully and/or fraudulently accepted a down payment and/or  
15 progress payments from ZL and SL for work on the South Court Project, and never made  
16 payments to Subcontractor Hurtado for work Subcontractor Hurtado performed, thereby  
17 substantially injuring Subcontractor Hurtado, as set forth above.

18 **NINETEENTH CAUSE FOR DISCIPLINE**

19 **(Willful Failure or Refusal to Prosecute Construction Project with Reasonable Diligence)**

20 87. Respondent Nonna has subjected its license to disciplinary action under Code section  
21 7119, in that Respondent Nonna willfully failed and/or refused without legal excuse to prosecute  
22 the South Court Project with reasonable diligence causing material injury to ZL and SL, as set  
23 forth above.

24 **TWENTIETH CAUSE FOR DISCIPLINE**

25 **(Failure to Pay for Materials or Service)**

26 88. Respondent Nonna has subjected its license to disciplinary action under Code section  
27 7120, in that Respondent Nonna willfully or deliberately failed to pay moneys when due for  
28 services and materials rendered in connection with his operations as the prime contractor for the

1 South Court Project, specifically as to Subcontractor Melchner, Subcontractor Hurtado, and  
2 Subcontractor Topete, when Respondent Nonna had the capacity to pay and/or had received  
3 sufficient funds from the project owner to pay, as set forth above.

4 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

5 **(Excessive Down Payment)**

6 89. Respondent Nonna has subjected its license to disciplinary action under Code section  
7 7159.5, subdivision (a)(3), in that on the South Court Project, Respondent Nonna requested or  
8 received a downpayment in excess of \$1,000.00 or 10% of the contract price, whichever was less,  
9 as set forth above.

10 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

11 **(Excessive Payment)**

12 90. Respondent Nonna has subjected its license to disciplinary action under Code section  
13 7159.5, subdivision (a)(5), in that on the South Court Project, Respondent Nonna requested or  
14 received payments that exceeded the value of the work performed or materials delivered, as set  
15 forth above.

16 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

17 **(Cause for Discipline for Qualifier – Respondent Clayborne)**

18 91. Pursuant to section 7122.5 of the Code, the causes for discipline established as to  
19 Respondent Nonna constitute cause for discipline against Respondent Ronald Sheridan Clayborne  
20 Jr doing business as Clayborne HVAC & Sheet Metal, under license number 1002373, regardless  
21 of whether Respondent Clayborne had knowledge of or participated in the acts or omissions  
22 which constitute cause for discipline against Respondent Nonna.

23 **CAUSE FOR OTHER ACTION**

24 **FIRST CAUSE FOR OTHER ACTION**

25 **(Restrictions on Qualifier – Respondent Ronald Sheridan Clayborne Jr.)**

26 92. Pursuant to Code section 7121.5, if license number 1115116, issued to Respondent  
27 Nonna is revoked or suspended, Respondent Ronald Sheridan Clayborne Jr. shall be prohibited  
28 from serving as an officer, director, associate, partner, manager, or qualifying individual of a

1 licensee during the time the discipline is imposed, whether or not he had knowledge of or  
2 participated in the acts or omissions constituting grounds for discipline as alleged in the causes  
3 for discipline, above, and any licensee which employs, elects, or associates Respondent Ronald  
4 Sheridan Clayborne Jr. other than as a bona fide nonsupervising employee shall be subject to  
5 disciplinary action.

6 **SECOND CAUSE FOR OTHER ACTION**

7 **(Restrictions on Respondent David Ray Simmons)**

8 93. Pursuant to Code section 7121, if license number 1115116, issued to Respondent  
9 Nonna is revoked or suspended, Respondent David Ray Simmons shall be prohibited from  
10 serving as an officer, director, associate, partner, manager, qualifying individual, or member of  
11 the personnel of record of a licensee in that, while serving as CEO/President of Respondent  
12 Nonna, he had knowledge of or participated in the acts or omissions constituting grounds for  
13 discipline as alleged in the causes for discipline, above.

14 **THIRD CAUSE FOR OTHER ACTION**

15 **(Restrictions on Respondent Raymond Agustine Guanill, Jr.)**

16 94. Pursuant to Code section 7121, if license number 1115116, issued to Respondent  
17 Nonna is revoked or suspended, Respondent Raymond Agustine Guanill, Jr. shall be prohibited  
18 from serving as an officer, director, associate, partner, manager, qualifying individual, or member  
19 of the personnel of record of a licensee in that, while serving as an Officer of Respondent Nonna,  
20 he had knowledge of or participated in the acts or omissions constituting grounds for discipline as  
21 alleged in the causes for discipline, above.

22 **PRAYER**

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

25 1. Ordering the revocation or suspension of Contractor's License Number 1115116  
26 issued to Nonna ADU and Construction Inc., pursuant to Code section 7090;

27 2. Ordering the revocation or suspension of Contractor's License Number 1002373  
28 issued to Ronald Sheridan Clayborne Jr. doing business as Clayborne HVAC & Sheet Metal,

1 pursuant to Code section 7090;

2 3. Ordering restitution of all damages according to proof suffered by JS and SS, and ZL  
3 and SL, as a condition of probation in the event probation is ordered for Respondent Nonna ADU  
4 and Construction Inc. and/or Respondent Ronald Sheridan Clayborne Jr., pursuant to Government  
5 Code section 11519, subdivision (d);

6 4. If revocation of Contractor's License Number 1115116, issued to Nonna ADU and  
7 Construction Inc., is ordered, an order for restitution of all damages suffered by JS and SS, and  
8 ZL and SL, as a result of Nonna ADU and Construction Inc.'s conduct as a contractor, as a  
9 condition precedent to any future restoration of Contractor's License Number 1115116, or before  
10 any new license is issued;

11 5. Ordering Respondent Nonna ADU and Construction Inc. and Respondent Ronald  
12 Sheridan Clayborne Jr. to pay the Registrar costs for the investigation and enforcement of the  
13 case according to proof at the hearing, pursuant to Code section 125.3;

14 6. Ordering Respondent Nonna ADU and Construction Inc. and Respondent Ronald  
15 Sheridan Clayborne Jr. to provide the Registrar with a listing of all contracting projects in  
16 progress and the anticipated completion date of each, pursuant to Code section 7095;

17 7. Ordering that Respondent Ronald Sheridan Clayborne Jr. is prohibited from serving  
18 as an officer, director, associate, partner, manager or qualifying individual of a licensee, pursuant  
19 to Code section 7121.5;

20 8. Ordering that Respondent David Ray Simmons is prohibited from serving as an  
21 officer, director, associate, partner, manager, qualifying individual or member of the personnel of  
22 record of a licensee, pursuant to Code section 7121;

23 9. Ordering that Respondent Raymond Augustine Guanill, Jr. is prohibited from serving  
24 as an officer, director, associate, partner, manager, qualifying individual or member of the  
25 personnel of record of a licensee, pursuant to Code section 7121;

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10. Taking such other and further action deemed proper.

DATED: 2/25/2026

*Brian Melvin*  
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BRIAN MELVIN  
Supervising Special Investigator I  
Contractors' State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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