

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
MARTINEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,

VS.

ADAN C. RIVAS
AKA - JUAN RANGEL,

DEFENDANT./

NO. 171050-8

DA NO. M 14 000325-1

2ND AMENDED COMPLAINT -
FELONY

01) PC 484b	
02) LC 3700.5	M
03) B&P 7159.5(a) (3)	M
04) PC 484b	
05) LC 3700.5	M
06) B&P 7159.5(a) (3)	M
07) PC 484b	M
08) LC 3700.5	M
09) B&P 7159.5(a) (3)	M
10) PC 484b	M
11) LC 3700.5	M
12) B&P 7159.5(a) (3)	M
13) PC 484b	
14) LC 3700.5	M
15) B&P 7159.5(a) (3)	M
16) B&P 7159.5(a) (3)	M
17) LC 3700.5	M
18) B&P 7159.5(a) (3)	M
19) PC 484b	
20) LC 3700.5	M
21) B&P 7159.5(a) (3)	M
22) PC 484b	
23) LC 3700.5	M
24) B&P 7159.5(a) (3)	M
25) PC 484b	
26) LC 3700.5	M
27) B&P 7159.5(a) (3)	M
28) PC 484b	
29) LC 3700.5	M
30) B&P 7159.5(a) (3)	M
31) PC 484b	
32) B&P 7028	M
33) B&P 7159(a)	M
34) LC 3700.5	M

The undersigned states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about March 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of One Thousand

Two Hundred dollars (\$1,200.00) from David Assell for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT TWO:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about March 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT THREE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about March 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT FOUR:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about April 21, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of One Thousand Four Hundred dollars (\$1,400.00) from David Keyes for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT FIVE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about April 13, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT SIX:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about April 21, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT SEVEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about April 24, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Seven Hundred dollars (\$700.00) from Bradley Crooker for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT EIGHT:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about April 24, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT NINE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about April 24, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT TEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about March 25, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Six Hundred dollars (\$600.00) from Robn Clay for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT ELEVEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about March 25, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT TWELVE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about March 25, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT THIRTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about April 29, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Three Thousand dollars (\$3,000.00) from Omega Collins and Thomas Collins for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT FOURTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about April 26, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT FIFTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about April 26, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT SIXTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about April 29, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT SEVENTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about July 25, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT EIGHTEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about July 25, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT NINETEEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about May 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of One Thousand Five Hundred Dollars dollars (\$1,500.00) from Christopher Stephan for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT TWENTY:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about May 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT TWENTY-ONE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about May 3, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT TWENTY-TWO:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about January 10, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Ten Thousand dollars (\$10,000.00) from Alice McDaniel for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT TWENTY-THREE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about January 10, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT TWENTY-FOUR:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about January 6, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT TWENTY-FIVE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about December 28, 2013, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Fifteen Thousand Twenty Five dollars (\$15,025.00) from Jay Ward for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT TWENTY-SIX:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about December 28, 2013, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT TWENTY-SEVEN:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about December 28, 2013, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT TWENTY-EIGHT:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about February 4, 2014 through March 14, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Two Thousand Seven Hundred Six dollars (\$2,706.00) from Ronald J. Mayo for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT TWENTY-NINE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about February 4, 2014 through March 14, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COUNT THIRTY:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159.5(a)(3) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about February 4, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) and the contract called for a down payment in excess of one thousand dollars (\$1,000.00) or ten percent (10%) of the contract price.

COUNT THIRTY-ONE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a felony, a violation of PENAL CODE SECTION 484b (DIVERTING CONSTRUCTION FUNDS), committed as follows:

On or about December 20, 2014 through February 12, 2015, in Contra Costa County, the Defendant, ADAN C. RIVAS, who had received money in the amount of Nine Thousand Eight Hundred Twenty Five dollars (\$9,825.00) from Andrea Berlin for the purpose of obtaining or paying for services, labor, materials, and equipment, did willfully and unlawfully fail to apply the money for the intended purpose by willfully failing to complete the improvements and willfully failing to pay for services, labor, materials and equipment provided incident to the construction, and did wrongfully and unlawfully divert funds to a use other than that for which the funds were received.

COUNT THIRTY-TWO

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7028 (CONTRACTING WITHOUT LICENSE), committed as follows:

On or about December 20, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully engage in the business of, and act in, the capacity of a contractor, without then and there having a license obtained from the Contractor's State License Board of the State of California.

COUNT THIRTY-THREE:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of BUSINESS & PROFESSIONS CODE SECTION 7159(a) (UNLAWFUL HOME IMPROVEMENT CONTRACT), committed as follows:

On or about December 20, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully enter into a home improvement contract where the contract price exceeded five hundred dollars (\$500.00) without said contract (showing the name, address and license number of the contractor) (and) (showing the name and registration number of the salesman who solicited or negotiated the contract).

COUNT THIRTY-FOUR:

The undersigned further states, on information and belief, that ADAN C. RIVAS, Defendant, did commit a misdemeanor, a violation of LABOR CODE SECTION 3700.5 (FAILURE TO SECURE WORKER'S COMPENSATION INSURANCE), committed as follows:

On or about December 20, 2014 through December 31, 2014, in Contra Costa County, the Defendant, ADAN C. RIVAS, did unlawfully fail to secure worker's compensation insurance as required by law.

COMPLAINANT REQUESTS THAT DEFENDANT(S) BE DEALT WITH ACCORDING TO LAW.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

DATED: February 13, 2015 AT MARTINEZ, CALIFORNIA



WILLIAM J. MURPHY/co
DEPUTY DISTRICT ATTORNEY