



## RECLAMATION DISTRICT 900

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### MEMORANDUM

**To: RD 900 Board**  
**From: Blake Johnson, General Manager**  
**Date: October 25, 2022**  
**Subject: Dragon Demolition (License No. 763896) – Consideration of Contractor Responsibility under Public Contract Code 1103**

The information set forth in this memorandum provides the background for the October 26, 2022, Special Meeting of the RD 900 Board concerning the potential award of a public contract to Dragon Demolition for the Southport Levee Crack Investigation project. The Board should consider this information and the information from the contractor received prior to or at the meeting.

Dragon Demolition is the low bidder on the subject project. The only issue before the Board is whether Dragon Demolition is a responsible bidder. “Responsible bidder” is defined by statute and “means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.” (Pub. Contract Code, § 1103.) The California Supreme Court echoed that standard in a 2017 case:

[T]o be awarded the contracts, plaintiffs were required to meet the criteria for responsible bidders and responsive bids. (Pub. Contract Code, § 1103 [defining responsible bidder]; *MCM Construction, Inc. v. City and County of San Francisco* (1998) 66 Cal.App.4th 359, 368 (*MCM Construction*) [defining responsive bid].) Determining whether a certain bidder is “responsible” generally entails an evaluation of the bidder's **trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract in question.** (Pub. Contract Code, § 1103; accord, *Inglewood-L.A. County Civic Center Auth. v. Superior Court* (1972) 7 Cal.3d 861, 867.) It “is a complex matter dependent, often, on information received outside the bidding process and requiring, in many cases, an application of subtle judgment.” (*Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341–1342.)

(*Roy Allan Slurry Seal, Inc. v. American Asphalt South, Inc.* (2017) 2 Cal.5th 505, 519 [emphasis added].)

### **Background**

Dragon Demolition is the d/b/a of Tom Carpenter. The Contractor’s License number for Dragon Demolition/Carpenter is 763896. The license is active, and bears a re-issue date of July 17, 2014. The license expires July 31, 2024. According to the CSLB website, Dragon Demolition/Carpenter is currently licensed, insured, and bonded. Other than as stated below, a

search of publicly-available records reveals no similar or related incidents, proceedings, or other issues related to Dragon Demolition/Carpenter.

### **CSLB Public Record Regarding License 763896**

According to the California State Licensing Board website <https://www.cslb.ca.gov/OnlineServices/CheckLicenseII/ComplaintDisclosure.aspx?LicType=LIC&LicNum=763896>, Dragon's license was revoked in 2011 per Complaint No. N 2009 000220, Dated 05/23/2011, based on a single complaint. The details state:

<b>CODE</b>	<b>Business &amp; Professions Code</b>
<b>VIOLATION</b>	<b>7112</b>
<b>DESCRIPTION</b>	<b>Misrepresented facts on application</b>

<b>CODE</b>	<b>Business &amp; Professions Code</b>
<b>VIOLATION</b>	<b>7123</b>
<b>DESCRIPTION</b>	<b>Conviction of a substantially related crime</b>

Moreover, in 2015, there is a record of citation in Case 2 2015 1038, dated September 11, 2015. The details are as follows:

<b>CODE</b>	<b>Business &amp; Professions Code</b>
<b>VIOLATION</b>	<b>7123</b>
<b>DESCRIPTION</b>	<b>Conviction of a substantially related crime</b>

No further information or details about the 2011 or 2015 cases is available from the CSLB website. There is no record of other citations or cases.

### **Publicly Available Report Concerning License Revocation**

According to a *Chico Enterprise Record* news report from 2011 (<https://www.chicoer.com/2011/04/20/chico-contractor-loses-license-over-river-dumping/>), which details events that lead to a five-year revocation of Dragon Demolition/Carpenter's license. The report details a 2008 Water Code misdemeanor conviction (no contest) stemming from dumping concrete and other materials into the Sacramento River in 2006, and a no contest conviction to misdemeanor charges arising from a March 2009 attempt to bury plastic drums containing hydraulic and transmission fluids on Carpenter's property:

*A state board is revoking the license of a contractor twice convicted of dumping materials in or near the Sacramento River. Earlier this month, the Registrar of Contractors with the Contractors' State License Board announced it would revoke the license for Carpenter Excavation, owned by Thomas Carpenter of Chico. The decision lasts for five years and is set to go into effect May 9, although Carpenter can ask the board to reconsider the matter. As part of its ruling, the registrar noted Carpenter had several convictions related to the duties of a licensed contractor. Prior convictions included driving under the influence of alcohol, using a GPS tracking device on a hound dog and illegal dumping.*

*In July 2008, Carpenter pleaded no contest to three misdemeanor counts of violating the*

*water code for dumping 3,200 tons of concrete, piping material and other debris into the Sacramento River in November 2006.*

*Most of the material was dumped on his property near the river south of Highway 32 adjacent to the Sacramento River National Wildlife Refuge. Carpenter was a subcontractor for the construction of Chico State University's Wildcat Recreation Center. The material came from a warehouse and gas plant building demolished at the site at West Second and Cherry streets. At the time, he was given three years of probation in the case and ordered to pay for the site cleanup.*

*Carpenter appeared in Butte County Superior Court again on March 29 for sentencing after pleading no contest to misdemeanor charges stemming from a March 2009 attempt to bury plastic drums containing hydraulic and transmission fluids on his property during the cleanup process. Officials searching the property reportedly also found two assault weapons and a mounted mountain lion Carpenter didn't have permission to possess in California. Carpenter had faced a maximum sentence of five years in county jail. Judge Clare Keithley sentenced him to three years of formal probation, which included conditions barring the possession of alcohol or weapons. The judge also sentenced Carpenter to 180 days in jail, but it was stayed pending successful completion of probation including treatment programs. Carpenter also received 30 days in jail for violating probation in the 2006 case. During last month's hearing, defense attorney James Berglund noted Carpenter did not want the material to go into the river. He said Carpenter's career was in jeopardy and he had already lost his property to a short sale. Deputy district attorney Hal Thomas said Tuesday that Carpenter's property had been in foreclosure, prompting the short sale. The county had a lien on the property, but it was released so the property could be sold and back taxes paid. Thomas said Carpenter still faced \$44,000 in state fines for the dumping. Thomas said he believed the sentence was disproportionately light in regard to jail time, but the probation restrictions were appropriate. He said all known violations have been cleaned up on the site. Thomas said the case underscored the importance of honesty. "In the end, this sort of dishonesty and cheating your neighbors and your fellow competitors ends up hurting all of us as a group," he said.*