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**STATE OF CALIFORNIA  
BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION**

To: Viridi Construction, Inc.  
17190 Gresham Street,  
Sherwood Forest, CA 91325

C/O: Maikel Figueredo, Viridi Construction, Inc. Chief Executive Officer and Chief Financial Officer

**DESIST AND REFRAIN ORDER  
(For violations of Financial Code sections 22161, 22690)**

The Commissioner (Commissioner) of the Department of Financial Protection & Innovation (Department) finds that:

1. Property Assessed Clean Energy (PACE) is a financing product where homeowners finance certain clean energy projects for their property such as solar panels, water heaters and windows. Homeowners enter assessment contracts with public agencies for voluntary contractual assessments imposed on the real property. Payment for the PACE financing is added onto the homeowner’s property tax as a special assessment, to be paid twice over a one-year span, and the financing entity obtains a lien on the property. If the homeowner does not pay the special assessment, the financing entity can enforce the lien, including through foreclosure.

2. Pursuant to Financial Code §§ 22100.5 and 22150, the Commissioner licenses and regulates PACE Program Administrators in the State of California. A “Program Administrator” means a person administrating a PACE program on behalf of, and with the written consent of, a public agency. A PACE solicitor is a person authorized by a program administrator to solicit a property owner to enter an assessment contract. A “PACE solicitor agent” means an individual who is employed or retained by, and acts on behalf of, a PACE solicitor to solicit a property owner to

1 enter an assessment contract. (A PACE solicitor agent acting on behalf of Viridi Construction Inc.  
2 will be referred to as “Viridi’s solicitor agent” or “solicitor agent for Viridi.”)

3 3. Pursuant to Financial Code §22680, PACE Administrators enroll solicitors, who  
4 enroll solicitor-agents, in the Administrator’s PACE Program. The Administrator is responsible for  
5 notifying the Department when a solicitor or solicitor agent is added or removed from their program.  
6 Solicitors, and solicitor agents, may be enrolled in a PACE program when they agree in writing to  
7 the terms of the Administrator’s PACE program, and after the Administrator has conducted a  
8 background check of each solicitor. Administrators may rely upon the background checks conducted  
9 by the Contractor’s State License Board (CSLB) to satisfy this obligation.

10 4. Pursuant to Financial Code §22680, PACE Administrators shall cancel the enrollment  
11 of a solicitor, or solicitor agent, from their PACE program when they fail to maintain the minimum  
12 qualifications required by this section.

13 5. At all relevant times, Viridi Construction Inc. (Viridi) is and was a construction  
14 contractor licensed in California beginning on August 22, 2018, through March 27, 2023, with the  
15 California CSLB, license number 1043410 holding a B-1 (General Building Contractor)  
16 classification with a business address of 9301 Corbin Ave Ste 1700  
17 Northridge, CA 91324.

18 6. At all relevant times, Maikel Figueredo (Figueredo) is, and was, the Chief Executive  
19 Officer and Chief Financial Officer of Viridi.

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21 **Investigation Of Assessment Contracts**

22 7. On or about December 4, 2018, Viridi executed a “Dealer Agreement,” with a PACE  
23 Administrator (Administrator) to perform work as a PACE Solicitor on behalf of the Administrator.

24 8. On or about December 4, 2018, the Administrator enrolled Figueredo as a solicitor  
25 agent for Viridi.

26 9. In or around May 2023, the Administrator disenrolled Viridi and Figueredo from its  
27 PACE Program due to persistent and material irregularities in Viridi’s paperwork.  
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1           10.           In review of complaints filed by California homeowners (homeowners), the  
2 Department learned that Viridi served as the solicitor for the Administrator while conducting PACE  
3 assessments between 2019 and 2023.

4           11.           The homeowners allege that Viridi solicitor agent(s) represented in their sales  
5 presentation that the energy efficient system to be installed in the homes were part of a “free  
6 government program” and that the homeowners would not have to pay anything.

7           12.           The homeowners allege that Viridi solicitor agents(s) represented in their sales  
8 presentation that the systems to be installed in the homes were part of a “free government program”  
9 and that the homeowner would not have to pay anything. In other scenarios, the solicitor agent(s)  
10 promised that the PACE program would cover an accessory dwelling unit (ADU) and other non-  
11 covered home improvements. In nearly all cases, Viridi’s solicitor agents advised the homeowner  
12 that they would have to sign up very quickly to qualify. At least one complaint has identified a Viridi  
13 employee as the salesperson, who was not an approved solicitor agent in the Administrator’s PACE  
14 Program. The complaints indicate that the Administrator’s Solicitor Viridi, through its owner and  
15 operator Maikel Figueredo, were directly involved in the fraudulent procurement of PACE  
16 Assessments through the Administrator’s PACE program.

17           13.           The complaints reveal that the Viridi solicitor agents would ask the homeowner for  
18 personal financial information such as tax statements, paycheck stubs, and driver’s license to  
19 determine if the homeowners qualified for the “free government program.” After taking a picture of  
20 the documents on a cell phone or iPad, the solicitor agent would leave. Then, the Administrator  
21 would receive an application for PACE financing from the homeowner.

22           14.           Additional complaints assert that Viridi signed PACE Assessments on behalf of  
23 homeowners, without their knowledge or consent, and further submitted those Assessments to the  
24 Administrator for disbursement. Other complaints filed by homeowners who only speak Spanish,  
25 indicate that Viridi’s solicitor agents would conduct their PACE Assessments entirely in Spanish,  
26 only to present the homeowner an exclusively-English-language loan agreement and further failing  
27 to provide a Spanish language agreement to the homeowners for them to review.  
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**The Report Letter Issued May 29, 2024**

15. On May 29, 2024, the Department issued a Report Letter to Viridi regarding the Department’s examination of the complaints filed with the Department. The Department has determined that regarding the PACE assessment contracts entered between the homeowners and the Administrator, it appeared that Viridi violated §22161 by representing that the energy efficient work to the home was part of a “free” government program.

16. §22161 provides in pertinent part:

(a) A person subject to this division shall not do any of the following:

(2) Make a materially false or misleading statement or representation to a property owner about the terms or conditions of an assessment contract. . . .

(7) Commit an act that constitutes fraud or dishonest dealings.

17. The Report Letter requested Viridi, and its solicitor agents cease violating §22161, such as by not:

- Representing to homeowners that the energy efficient product is part of a “free government program.”
- Representing to homeowners that the homeowner will not have to pay for the energy efficient product proposed for their home.
- Creating emails and/or telephone numbers on the assessment contract that are not the homeowners.
- Representing that they were the homeowners on “welcome calls” and/or “completion calls” with PACE administrators.
- Creating and submitting false documents to PACE administrators.

18. Further, the Department determined that it appeared that in making material misrepresentations to the homeowners - that the energy efficient products were part of a “free government program” and that they would not have to pay for it, Viridi breached its contract to the Administrator to represent the contract in a true and correct manner. Furthermore, Viridi breached its contract with the Administrator by not presenting the contract to the homeowners. Therefore, the

1 Department opined that Viridi’s enrollment as a solicitor should be cancelled under §22680, which  
2 provides:

3 (e) A program administrator shall not enroll a PACE solicitor if, because of the  
4 review conducted as part of the program administrator's enrollment process, the program  
5 administrator finds any of the following:

6 (1) A clear pattern of consumer complaints about the PACE solicitor regarding  
7 dishonesty, misrepresentations, or omissions.

8 (2) A high likelihood that the PACE solicitor will solicit assessment contracts in a  
9 manner that does not comply with applicable law....

10 (g) A program administrator shall establish and implement a process, which is  
11 acceptable to the commissioner, for canceling the enrollment of PACE solicitors and  
12 PACE solicitor agents who fail to maintain the minimum qualifications required by  
13 this section, or who violate any provision of this division.

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15 **Viridi’s Response to the Report Letter**

16 19. The Report Letter was issued on May 30, 2024, and requested that Viridi respond to  
17 the findings of the Department and to the complaints filed against it.

18 20. No response was received by the Department before the Department issued the  
19 Demand Letter to Figueredo and Viridi on June 27, 2024.

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21 **The Demand Letter Issued June 27, 2024**

22 21. On June 27, 2024, the Department issued a Demand Letter to Viridi regarding the  
23 Department’s findings as explained in the Report Letter and demanded Viridi desist and refrain from  
24 further violations. The Demand Letter included a request that Figueredo and/or Viridi contact the  
25 Department, to discuss these serious issues directly.

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**Viridi’s Response to the Demand Letter**

22. The Department has continued to receive complaints regarding Viridi, and Viridi’s solicitor agents engaging in conduct which violates the June 27th Demand Letter’s command to desist and refrain from further violations.

23. In response to the foregoing, the Department has received no response from Maikel Figueredo and/or Viridi Construction, Inc. before the issuance of this Order.

**Viridi Committed Fraud Through its Solicitor Agents**

24. The allegations contained in the homeowner complaints are serious and alarming. It appears that Viridi, through its owner Maikel Figueredo and other solicitor agents represented to homeowners that PACE energy efficient products were part of a “free government program” and that they would not have to pay for the products. The number of complaints show a pattern and practice of materially false representation of the PACE program and acts that constitute fraud as was in violation of § 22161.

25. Further, the Department determined that, regarding the PACE assessment contracts between the homeowners and the Administrator, it appeared that Viridi violated its agreement with the Administrator. In dealing with the homeowners, Viridi violated the following terms as it failed to do the following:

- Present the Administrator’s financing options to Property Owners.
- Present Program documents, disclosures and other collateral to Property Owners.
- Present financing documents to Property Owners for review and approval.
- Guide Property Owners through the Administrator’s financing process.
- Ensure that Property Owners have received, read and accepted all applicable documents and disclosures.
- Ensure that all information submitted to the Administrator related to the project, the property and Property Owner(s) is true and correct.
- Install eligible improvements listed on the Assessment Contract.

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- Obtain and maintain all necessary licenses, permits, bonds and insurance required to install improvements listed on the Assessment Contract.
- Ensure that Property Owners are satisfied with the improvements prior to submitting Completion Certificates.
- Present Completion Certificates for Property Owner approval, obtain approved Completion Certificates and submit to the Administrator.

26. It is the opinion of the Commissioner that Viridi’s fraudulent practices in soliciting PACE financing is injurious and unsafe to the public.

27. On June 27, 2024, the Department issued a demand to Viridi to discontinue violating § 22161 and to discontinue engaging in the business of soliciting property owners to enter assessment contracts related to all program administrators indefinitely.

**Order To Desist and Refrain**

28. Based on the foregoing, the Commissioner is of the opinion that Viridi Construction, Inc., through its Chief Executive Officer, Chief Financial Officer Maikel Figueredo has violated § 22161 by making fraudulent statements and/or making material misrepresentations about the PACE program. Pursuant to § 22690(c)(2)(B), Viridi Construction, Inc. is ordered to desist and refrain from engaging in the business of a PACE solicitor.

29. The Commissioner finds that Maikel Figueredo as Viridi Construction Inc.’s Chief Executive Officer, Chief Financial Officer, and solicitor agent, has violated § 22161 by making fraudulent statements and/or making material misrepresentations about the PACE program. Pursuant to § 22690(c)(2)(B), Maikel Figueredo is ordered to desist and refrain from engaging in the business of a PACE solicitor agent.

30. Pursuant to Cal. Fin. Code § 22690(c)(2)(B)(i), this Order is effective immediately as it addresses unsafe or injurious behavior by Viridi Construction, Inc. and it’s Chief Executive Officer and Chief Financial Officer Maikel Figueredo.

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31. This Order is necessary, in the public interest, for the protection of consumers and consistent with the purposes, policies, and provision of the California Financing Law.

Dated: July 31, 2024  
San Francisco, CA

CLOTHILDE V. HEWLETT  
Commissioner  
California Department of  
Financial Protection & Innovation



By \_\_\_\_\_  
Mary Ann Smith  
Deputy Commissioner  
Enforcement Division