S295052

Original Case No. _________

**IN THE SUPREME COURT
OF CALIFORNIA**

Tin Vo,
Petitioner.
v.
Contractors State License Board;
Superior Court of California for the County of Orange
Respondents.

Balfour Beatty Construction, LLC
(Real Party in Interest)

EMERGENCY PETITION FOR WRITS OF MANDATE, PROHIBITION & NON- STATUTORY HABEAS CORPUS (ART. 1 § 11) & APPLICATION FOR IMMEDIATE STAY

*****STAY REQUESTED*****

Emergency request for immediate temporary stay restraining: (1) enforcement of Bus. & Prof. Code § 7071.17 (incl. subd. (j)) by the Contractors State License Board, and (2) all trial-court proceedings implementing the challenged enforcement scheme, including Balfour Beatty's Jan. 29, 2026 motion to amend judgment and authorize levy, in:
American Building Innovation, LP v. Balfour Beatty Construction, LLC
Orange County Superior Court, Case No. 30-2019-01072989
Hon. David Hesseltine, Dept. C23
700 Civic Center Dr. W., Santa Ana, CA 92701 | (657) 622-5233
Pending this Court's adjudication of constitutional authority.
Date statutory suspension authority operative: Jan. 1, 2025**.**

RELATED CASE:
Pier Prenga v. Contractors State License Board
(Derek Taylor and Velerie Taylor, Real Parties in Interest)
Second District Court of Appeal Case No. B352022

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Garden Grove, California 92841
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NOTICE TO COUNSEL AND REAL PARTIES IN INTEREST
(Incorporated Verification Under Penalty of Perjury)

I, Adam Bereki, declare under penalty of perjury under the laws of the State of California as follows:

1. On January 31, 2026, I provided actual notice by email to all known adverse parties and counsel of record that I was filing this Emergency Petition for Writs of Mandate, Prohibition, and Habeas Corpus, together with an Application for Immediate Stay, in the Supreme Court of the State of California.
2. The notice advised that the Petition seeks immediate interim relief restraining: (a) enforcement of Business and Professions Code section 7071.17, including subdivision (j), by the Contractors State License Board; and (b) all trial-court proceedings, orders, or enforcement actions that invoke, implement, or rely upon the challenged statutory enforcement scheme, including Real Party in Interest Balfour Beatty Construction, LLC's January 29, 2026 motion to amend judgment and authorize levy.
3. The notice further advised that statutory punishment is already in effect by operation of law, that additional enforcement is actively pending, and that absent immediate relief from this Court, the resulting deprivations of property, livelihood, and professional standing will become irreversible before any court adjudicates the constitutional authority for the enforcement scheme.
4. The email notice included a complete copy of this Petition and Exhibits Requests for Judicial Notice will be filed separately. A true and correct copy of the notice email, with full headers, is attached as Appendix A. All official parties were also served with a true and correct digital copy of this Petition and the Exhibits as reflected in the forthcoming Proof of Service.
5. Notice was provided to the following:

Contractors State License Board
Attn: David R. Fogt, Registrar of Contractors
9821 Business Park Drive
Sacramento, CA 95827
Telephone: (916) 255-3900
Email: David.fogt@cslb.ca.gov

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Office of the Attorney General of California
300 South Spring Street
Los Angeles, CA 90013-1230
Telephone: (213) 269-6000
Email: piu@doj.ca.gov

Superior Court of California for the County of Orange
Attn: Clerk of Court
700 W. Civic Center Dr.
Santa Ana, CA 92701

I declare that all known adverse parties and counsel of record have been provided actual notice of the emergency nature of this filing and the immediate relief sought, and that no party will be prejudiced by the Court's consideration of interim relief.

Signed on January 31, 2026 at Las Vegas, Nevada.

Adam Bereki

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Petitioner Tin Vo certifies that the following persons or entities (other than the parties themselves) have either (1) a financial interest in the subject matter of this proceeding or (2) any other interest that could be substantially affected by the outcome of this proceeding:

1. American Building Innovation, LP — Holder of contractor license No. 1001740; judgment debtor in the underlying civil action giving rise to enforcement under Business and Professions Code section 7071.17.
2. Balfour Beatty Construction, LLC — Judgment creditor whose enforcement of the ABI judgment triggered mandatory license suspension under Business and Professions Code section 7071.17.
3. Travelers Casualty and Surety Company of America — Surety with a financial interest in the underlying judgment and enforcement proceedings.
4. Liberty Mutual Insurance Company — Surety with a financial interest in the underlying judgment and enforcement proceedings.
5. Fidelity & Deposit Company of Maryland — Surety with a financial interest in the underlying judgment and enforcement proceedings.

No other persons or entities are known to Petitioner to have a financial or other interest in the outcome of this proceeding that would require disclosure under the California Rules of Court.

January 31, 2026

Respectfully filed,

Tin Vo

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

FOREWORD: WHAT IS THIS COURT BEING ASKED TO SANCTION?

This case arises from a legal contradiction that has now become institutional.

In *MW Erectors, Inc. v. Niederhauser*, 36 Cal.4th 412 (2005), this Court acknowledged that Business and Professions Code section 7031 operates as a "stiff all-or-nothing penalty," depriving a contractor of every dollar of earned compensation, regardless of good faith, substantial performance, or absence of harm. The forfeiture is total. It is not remedial. It is punitive in substance.

In *People ex rel. Lockyer v. R.J. Reynolds Tobacco Co.*, 37 Cal.4th 707 (2005), this Court held that the Excessive Fines Clause of the California Constitution applies to civil sanctions that are punitive in character, no less than to criminal penalties. Labels do not control. Substance does.

In *Schomig v. Keiser*, 189 Cal. 596, 599 (1922), this Court held that a statutory scheme authorizing the forfeiture or revocation of a professional license is "highly penal in its nature" and therefore must be strictly construed and may not be extended beyond the authority expressly granted by the Legislature.

Together, those holdings already establish the governing constitutional principle: when the State imposes punishment, the Constitution applies.

Yet in this case—and in the closed enforcement architecture now before this Court—punishment has been imposed, multiplied, and extended without any court ever determining whether it is constitutionally permissible. See *Hale v. Morgan*, 22 Cal.3d 388 (1978).

In 2018, Petitioner's company, American Building Innovation, LP ("ABI"), a duly licensed California contractor, was accused of a lapse in workers' compensation insurance while performing subcontract work on a public project for Real Party in Interest Balfour Beatty Construction, LLC. The lapse was ultimately proven to have resulted from an insurance carrier error, not from any willful misconduct, concealment, or harm to any worker.

No employee was injured.

No consumer was harmed.

No public safety interest was implicated.

Nevertheless, ABI was ordered to forfeit nearly three-quarters of a million dollars in earned compensation, to pay approximately $1.5 million in attorneys' fees to Real Parties, to incur approximately $1.5 million in its own defense costs, and to suffer consequential business damages conservatively exceeding $10 million.

That same unadjudicated judgment then triggered automatic occupational exclusion under Business and Professions Code section 7071.17, suspending both ABI's license and Petitioner Tin Vo's personal license by operation of law, excluding them from their profession and foreclosing any ability to earn a living in California.

Despite years of litigation, Petitioner and ABI continue to be financially decimated while no court has ever determined whether any of this punishment is constitutional.

The Court of Appeal upheld ABI's forfeiture and fee destruction on public policy grounds, and review was denied. Petitioner was denied intervention to protect his personal license and livelihood. Yet the punitive machinery continues to operate, now being extended through alter-ego proceedings and threatened levy, without any forum willing to decide whether the Constitution permits this regime at all. cf. *Ex parte Clark*, 24 Cal. App. 389 (1914); *People v. Estes*, 218 Cal. App. Supp. 4th 14 (2013).

This Petition therefore asks a threshold question that precedes doctrine, procedure, and policy:

> What is the judiciary doing when it punishes people and businesses that no court has ever determined to be lawful?

Even assuming the alleged workers' compensation lapse occurred exactly as claimed, what public interest is served by destroying a functioning business, excluding its owner from his profession, and imposing multi-million-dollar forfeiture where no worker was injured, no consumer was misled, no harm was done, and no safety objective is advanced?

What constitutional value is preserved when the law is used not to protect the public, but to annihilate livelihoods?

This case does not seek sympathy. It seeks adjudication. It asks whether California will continue to enforce penalties it has already acknowledged are punitive, while refusing to decide whether they are constitutional.

That is the question now before this Court.

I. INTRODUCTION

This Petition arises from a self-reinforcing statutory enforcement architecture in which punishment is imposed automatically, while no procedural mechanism exists for a first adjudication of constitutional authority before enforcement becomes irreversible.

Petitioner Tin Vo is the sole owner and controlling principal of American Building Innovation, LP ("ABI"). Through ABI—and then directly against Petitioner—the State of California has imposed penal forfeiture, attorney-fee destruction, automatic license suspension, total occupational destruction and exclusion. These sanctions were enforced without a judicial determination on the constitutional validity of the governing statutes, either facially or as applied. This is a structural constitutional injury: punishment imposed through a regime that contains no mechanism for a first judicial determination of its constitutional lawfulness before sanctions take effect.

The enforcement sequence is undisputed:

1. Business and Professions Code section 7125.2 was applied as self-executing to deem ABI's license suspended by operation of law, without a pre-deprivation hearing and without any judicial determination that the statute itself is constitutional.
2. That assumed suspension was then used as the predicate for forfeiture and fee-shifting under section 7031, resulting in the loss of approximately $711,000 in earned compensation, approximately $1.5 million in adverse attorneys' fees, comparable defense costs, and catastrophic consequential business losses.
3. The resulting judgment—never constitutionally adjudicated—was then enforced through section 7071.17, automatically suspending both ABI's contractor license and Petitioner Tin Vo's personal contractor license, excluding him from his profession even though he was never a party to the underlying action.

When Petitioner sought emergency ex parte relief, appointment of counsel, and intervention—because punishment was already occurring—the Superior Court did not adjudicate the merits, did not address irreparable harm, and did not decide the constitutional questions presented. Instead, it struck the filings, denied reconsideration, and later instructed Petitioner to pursue ordinary motion practice in a procedural posture in which constitutional adjudication has not yet occurred and continues to be denied.

This Petition does not seek error correction. It seeks relief from a structural denial of judicial adjudication, where no forum exists in which constitutional authority is determined before punishment becomes irreversible.

While this Petition was being prepared, Real Party in Interest Balfour Beatty Construction, LLC filed a motion seeking to amend the unadjudicated judgment to impose personal liability on Petitioner and authorize levy against him—further extending the same closed enforcement loop while constitutional adjudication remains unavailable.

Balfour Beatty's own filings confirm that the statutory license suspension is being used as a collection lever—rendering ABI incapable of earning income until the judgment is paid—while simultaneously serving as the basis to extend punishment to Petitioner personally.

This Petition also arises against a documented institutional background. The same structural constitutional challenges to California's contractor-licensing enforcement regime were presented in *Bereki v. Superior Court* (Cal. Supreme Court Case No. S294386) (RJN Ex. 1), which was summarily denied without any adjudication of the constitutional questions raised, and are now pending in *Prenga v. Contractors State License Board* (Second Dist. Court of Appeal Case No. B352022) (RJN Ex. 2). Although those matters are procedurally distinct, they present the same core defect now before this Court: punitive sanctions imposed by operation of statute, while constitutional adjudication is procedurally withheld. Together, they confirm that the closed enforcement loop described herein is not case-specific, but institutional.

II. PARTIES

Petitioner

Petitioner Tin Vo is the sole owner and controlling principal of American Building Innovation, LP. His personal contractor license (No. 1004641) was automatically suspended effective January 21, 2025, solely by operation of Business and Professions Code section 7071.17, without notice, hearing, or judicial determination.

Respondents

Respondent Contractors State License Board is the state agency charged with mandatory enforcement of sections 7125.2 and 7071.17. The CSLB exercises no adjudicatory discretion under these statutes and provides no forum to adjudicate constitutional objections or to stay enforcement pending review.

Respondent Superior Court of California, County of Orange, is named solely for the limited purpose of effecting complete relief and enforcing this Court's supervisory authority, because it is presently entertaining proceedings—including Real Party in Interest's January 29, 2026 motion—that further implement and rely upon the challenged enforcement scheme. The Superior Court is not named as an adverse party on the merits, but as the court whose continued proceedings would otherwise defeat interim relief and render this Court's review advisory.

Real Parties in Interest

Real Parties in Interest include American Building Innovation, LP and Balfour Beatty Construction, LLC. Balfour Beatty is named because it invoked and benefits from the statutory enforcement regime challenged herein and continues to benefit from a judgment under their purported authority.

III. JURISDICTION

This Court has original jurisdiction under Article VI, sections 1 and 10 of the California Constitution to issue writs of mandate, prohibition, and habeas corpus.

This Petition does not seek to reopen, reverse, or relitigate any final judgment. It challenges only the State's continuing reliance on those judgments as statutory predicates for new, automatic deprivations imposed without any prior judicial adjudication of constitutional authority.

Original jurisdiction is required because no lower court has exercised—and no lower court has been procedurally positioned to exercise—jurisdiction to adjudicate the constitutionality of sections 7125.2, 7031, or 7071.17 before or during enforcement. Enforcement occurs automatically by operation of law, not by appealable order. The CSLB lacks authority to adjudicate constitutional questions or to grant a stay.

Trial courts enforced the statutes without reaching their constitutional validity, and appellate review resolved the matter on statutory and policy grounds rather than constitutional analysis. As demonstrated below, even intervention was denied without adjudication.

This Petition arises from ongoing and newly escalated enforcement actions—including the continuing § 7071.17 suspension and the January 29, 2026 motion seeking to impose personal liability and levy—rather than from any request to reopen the prior petition for review.

Absent this Court's intervention, the constitutional injury will continue to cause irreparable harm without any other state forum for Petitioner to obtain a judicial determination of his rights.

A. Transfer is Unavailable to the Fourth District Court of Appeal

Transfer is unavailable because the Fourth District Court of Appeal has already exercised jurisdiction in the ABI proceedings and enforced the same statutory scheme challenged here without adjudicating its constitutional authority. In doing so, it treated the statutory predicates as valid and issued final judgments dependent upon them, while leaving undecided the dispositive question now presented: whether the Legislature may impose punitive forfeiture and occupational exclusion through a regime that provides no forum for constitutional adjudication before punishment becomes irreversible.

This is not a matter of ordinary procedural error. Once a court permits enforcement to proceed while declining to determine whether the asserted authority is constitutionally permissible, the resulting enforcement posture cannot be cured by remand or transfer to that same court. Transfer would require the Court of Appeal to adjudicate the legality and consequences of a prior proceeding in which the constitutional question was not reached.

Accordingly, transfer would not provide a forum capable of performing the non-discretionary duty to decide the constitutional validity of the enforcement predicates. It would perpetuate the same denial of adjudication that has already occurred and would render this Court's intervention and supervision effectively illusory.

Where inferior tribunals have enforced statutory predicates while declining to adjudicate their constitutional authority, and no inferior forum remains available to perform that non-discretionary duty, the obligation to adjudicate devolves upon this Court as a matter of constitutional necessity. *County of Sacramento v. Hickman*, 66 Cal.2d 841, 845 (1967).

B. Adjudication of Constitutional Authority Is Mandatory and Non-Discretionary

Because the constitutional injury alleged here is the absence of any forum willing to decide whether the State possesses lawful authority before punishment is imposed, the jurisdictional question does not turn on prudence or discretion, but on a mandatory duty imposed by California constitutional law.

Once a colorable constitutional challenge to the State's authority is properly raised, a court does not possess discretion to defer, avoid, or decline adjudication of that question while permitting enforcement to proceed. California's void-judgment jurisprudence has, from the State's earliest cases, imposed a non-discretionary judicial duty to decide jurisdiction and constitutional authority before coercive power may be exercised.

Where a court lacks fundamental jurisdiction, its acts are void and must be set aside, and doctrines of finality, waiver, and preclusion do not bar relief from a void judgment. *County of San Diego v. Gorham*, 186 Cal.App.4th 1215, 1226–1227 (2010). Where jurisdiction never lawfully attaches, all subsequent acts are void. *Elliott v. Lessee Piersol*, 26 U.S. 328, 340 (1828) (If a court acts without authority, its judgments and orders are nullities that form no bar to a remedy sought in opposition to them); *Oakland Paving Co. v. Hilton*, 69 Cal. 479, 484 (1886).

Where a court acknowledges the governing constitutional rule yet does not reach whether it has been violated, the result is not an adjudication of constitutional authority. A court has no authority to decline the exercise of jurisdiction once conferred. *Cohens v. Virginia*, 19 U.S. 264, 404 (1821). Once jurisdiction is invoked over a properly presented constitutional claim, the duty to decide is non-delegable and cannot be avoided through procedural dismissal, deference, or abstention. *Committee to Defend Reproductive Rights v. Myers*, 29 Cal.3d 252, 261-2 (1981).

This Court's early cases make clear that when punishment is imposed in substance, the absence of any avenue for constitutional adjudication creates a jurisdictional defect, regardless of labels. In In re Curtis, this Court held that a proceeding imposing removal from office as punishment for a public offense is criminal in substance, and that because the Legislature had provided no avenue for judicial review and the Constitution limited appellate jurisdiction, the Supreme Court was without power to entertain the appeal—leaving the punitive deprivation insulated from any judicial determination of its lawfulness. 108 Cal. 661, 662–663 (1895). Building on that principle, Kilburn v. Law held that where no facts could be alleged that would confer jurisdiction, extraordinary writ relief is not discretionary but required, and that permitting a court to proceed on the theory that it may later determine its own jurisdiction would eviscerate constitutional limits on judicial power. 111 Cal. 237, 242–243 (1896).

The United States Supreme Court has reaffirmed the same rule in the structural context: the injury inheres in being subjected to power before lawful authority is established, and therefore structural constitutional challenges must be resolved at the threshold. *Axon Enterprise, Inc. v. FTC*, 598 U.S. 175 (2023).

Accordingly, enforcement may not proceed while constitutional authority remains unadjudicated. Permitting statutory enforcement to proceed without a determination of constitutional validity departs from the traditional judicial function.

Windsor v. McVeigh, 93 U.S. 274, 277 (1876); *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

C. Alternative Jurisdiction Under the California Habeas Clause

In the alternative, and only if this Court concludes that extraordinary-writ review is otherwise unavailable or discretionary, Petitioner invokes this Court's original habeas jurisdiction under Article I, section 11 of the California Constitution.

This invocation is not premised on physical confinement, but on a continuing restraint of liberty coupled with the foreclosure of any judicial forum to determine whether lawful authority exists to impose that restraint. Habeas is invoked here in its structural role: as a constitutional failsafe when punishment is allowed to operate while adjudication of authority is procedurally withheld.

California's habeas guarantee, like its federal analogue, exists as a structural backstop to ensure that no person is restrained of liberty under color of law while all courts refuse to determine whether constitutional authority exists to impose that restraint. Where punishment is imposed by operation of statute and no inferior court will adjudicate the validity of the statutory predicates before enforcement becomes irreversible, the writ must remain available to prevent the permanent extinguishment of judicial review.

The closed enforcement loop described in this Petition effects a continuing restraint of liberty through automatic occupational exclusion, forfeiture, and civil disability, while foreclosing any forum in which Petitioner may obtain a first judicial determination of constitutional authority. If mandate and prohibition are deemed unavailable, habeas jurisdiction is constitutionally compelled to preserve the right to adjudication and to prevent enforcement of a void regime under color of law.

IV. THE STATUTORY ENFORCEMENT SCHEME: A CLOSED ADJUDICATION LOOP

This case does not arise from the isolated application of any single statute. It arises from the interlocking operation of three statutes—Business and Professions Code sections 7125.2, 7031, and 7071.17—which together form a closed enforcement loop in which punishment is imposed automatically while constitutional adjudication is never permitted to occur.

Each statute depends on the unadjudicated enforcement of the prior statute. Each shifts the consequences forward. None provides a forum in which the constitutional validity of the system can be determined before punishment is complete.

A. Section 7125.2: Automatic Suspension by Operation of Law

Section 7125.2 purports to suspend a contractor's license "by operation of law" when workers' compensation coverage is deemed to have lapsed. Although the statute references notice, it provides no judicial hearing, no pre-deprivation adjudication, and no forum to contest constitutionality before suspension occurs.

The statute is enforced as self-executing. No judicial determination of rights occurs, as required by California Constitution article I, sections 7 and 9, and United

States Constitution article I, section 10, before suspending a person's right to earn a living or treating a contractor's license as summarily void for purposes of later sanctions. Instead of being adjudicated as a legal question, the suspension is assumed as an operative fact and used as a jurisdiction-triggering predicate for downstream punishment.

B. Section 7031: Forfeiture and Fee Shifting Based on Assumed Illegality

Section 7031 uses the assumed suspension under section 7125.2 as a basis to declare a contractor "unlicensed," thereby triggering forfeiture of earned compensation under section(s) 7031 subds. (a) and/or (b) and one-way attorney fee awards.

Although the sanctions are punitive in effect, courts characterize them as "civil" and decline to undertake constitutional analysis, invoking legislative policy rather than adjudicating authority. Thus, section 7031 enforces section 7125.2 without any court ever determining whether it—or 7031— are valid.

C. Section 7071.17: Automatic Occupational Exclusion Without Adjudication

Section 7071.17 then uses the unadjudicated judgment produced by sections 7125.2 and 7031 as a new enforcement trigger. It mandates automatic license suspension of both the judgment debtor and any associated licensees by operation of law, without hearing, without discretion, and without judicial determination, again violating Cal. Const. Art. I, §§ 7, 9 and U.S. Const. Art. I, § 10.

The CSLB is required to suspend. It has no authority to adjudicate. The statute expressly forecloses association with any other license, resulting in automatic professional exclusion.

D. No Forum to Adjudicate Constitutionality

None of these statutes contains a mechanism to adjudicate constitutional validity before enforcement. Trial courts enforce them while declining to rule on their constitutionality. Appellate courts affirm on policy grounds. The CSLB lacks authority to adjudicate. And when affected individuals seek emergency judicial relief, their filings are procedurally deflected.

Thus, the statutory scheme itself ensures that punishment occurs first and adjudication never occurs at all.

This closed enforcement loop is the heart of the constitutional injury presented here.

E. Institutional Consequences of the Closed Enforcement Loop

The closed enforcement loop described above does not merely injure Petitioner. It also effects a structural transformation of the judicial role itself.

California's early jurisprudence recognized that deference to legislative determinations was never absolute. In *Ex parte Miller* (1912), this Court held that legislative findings are not conclusive and remain subject to judicial supervision, and that when a statute operates as a palpable invasion of constitutional rights, "it is the duty of the court so to adjudge."

That constitutional duty defines the judicial function. It cannot be reconciled with a regime in which punishment is acknowledged, yet constitutional review is withheld on the ground that the result reflects a legislative "policy choice."

Modern courts frequently recite that they may not evaluate the "wisdom" of legislative policy. But that restraint presupposes the continued existence of judicial review. It does not authorize courts to decline adjudication altogether, particularly where statutory enforcement results in forfeiture, occupational exclusion, and professional destruction.

The present statutory scheme inverts that constitutional design. Sections 7125.2, 7031, and 7071.17 operate collectively to ensure that sanctions are fully imposed before any court will adjudicate whether the regime itself is constitutionally permissible. The resulting deprivation is then insulated from review by the same policy rationale that accompanied the initial enforcement.

This goes beyond ordinary deference and reflects a structural displacement of judicial review.

Public policy doctrine confirms the same result. This Court has defined public policy as that principle of law which holds that no citizen may lawfully do that which tends to be injurious to the public or destructive of the security of liberty or property.

A judicial posture that enforces automatic forfeiture and professional exclusion while disclaiming authority to adjudicate constitutional limits does not merely defer to policy—it conflicts with the Court's own definition of public policy**.**

Recent decisions of the United States Supreme Court confirm that courts may not permit sanctions to be imposed through an enforcement architecture that prevents timely judicial adjudication of structural constitutional objections. In *Free Enterprise Fund v. Public Co. Accounting Oversight Board*, 561 U.S. 477 (2010), the Court held that statutory review schemes may not be construed to foreclose all meaningful judicial review of constitutional challenges, particularly where the claims are wholly collateral to the enforcement scheme and outside the agency's expertise. In *Axon Enterprise, Inc. v. Federal Trade Commission*, 598 U.S. 175 (2023), the Court reaffirmed that parties need not await the completion of enforcement proceedings to obtain judicial review of structural constitutional defects, because the injury includes being subjected to unconstitutional authority in the first place. In *Seila Law LLC v. Consumer Financial Protection Bureau*, 591 U.S. 197 (2020), the Court likewise held that a litigant challenging the constitutional authority of an enforcement agency need not show that the outcome would have differed in a counterfactual world; it is sufficient that the party was subjected to executive action taken without lawful constitutional authority. And in *Securities and Exchange Commission v. Jarkesy*, 603 U.S. 109 (2024), the Court emphasized that when the government seeks punitive sanctions, constitutional safeguards cannot be displaced by labeling the proceeding "civil" or assigning it to an administrative forum. These principles apply here:

California's statutory scheme imposes severe occupational and property deprivations by operation of law while systematically deflecting any first adjudication of constitutional authority.

The institutional consequences are therefore not abstract. If constitutional adjudication is procedurally deferred until after punishment is complete—and then avoided as a matter of policy—the constitutional role of adjudication is never reached

This Petition does not seek to alter legislative authority. It seeks to preserve the constitutional boundary that defines the judicial role itself.

F. Deprivation of Liberty by Operation of Law

The statutory scheme challenged here does not merely impose economic loss. It deprives Petitioner of protected liberty interests**.**

By mandating automatic license suspension and cross-entity disqualification without hearing, section 7071.17 extinguishes Petitioner's legal capacity to engage in his chosen profession, to contract, and to associate with any licensed entity. This is not a regulatory condition; it is a state-imposed civil disability**.**

California and federal due process recognize that the freedom to pursue a lawful occupation is a protected liberty interest. When the State bars a person from his profession, it restrains liberty no less than property.

Here, that restraint is imposed without notice, without a decisionmaker, and without adjudication. It is triggered solely by operation of statute, based on an unadjudicated predicate judgment.

Thus, the closed enforcement loop effects not only forfeiture of property, but compulsory professional exclusion—a deprivation of liberty that demands constitutional process before it may occur.

The absence of any forum to adjudicate this liberty deprivation before it becomes irreversible is itself a structural violation.

V. FACTUAL AND PROCEDURAL BACKGROUND

A. The ABI Litigation and Systemic Failure to Adjudicate Constitutional Authority

This case began with the enforcement of Business and Professions Code sections 7125.2, 7031, and 7071.17 against Petitioner Vo's company, American Building Innovation, LP through CSLB suspension, trial, appeal, and purportedly discretionary review—without any court ever adjudicating whether those statutes are constitutionally valid before imposing punitive sanctions.

In *American Building Innovation, LP v. Balfour Beatty Construction*, LLC, 104 Cal.App.5th 954 (2024), the Superior Court treated section 7125.2 as a self-executing licensing premise and applied section 7031's forfeiture and fee-shifting provisions without determining whether automatic suspension without a pre-deprivation hearing is constitutional. The statutory scheme was enforced as operative fact, not analyzed as a question of constitutional authority.

That assumed suspension was then used to justify forfeiture of ABI's compensation (approx. $711,000 in performed work), approx. $1.5 million in attorney-fee awards, and the destruction of its business through automatic license suspension for failure to pay the judgment under 7071.17(b).

On appeal, the Court of Appeal affirmed enforcement of the statutory scheme while expressly relying on legislative policy to justify the harsh and punitive operation of section 7031. It did not adjudicate whether the statutes being enforced were constitutionally permissible before affirming the judgment and fee awards, which later invoked 7071.17 by operation of statute.

ABI thereafter petitioned this Court for review, raising constitutional challenges to the punitive licensing–forfeiture regime and to the lower courts' refusal to adjudicate constitutional authority before enforcement. Review was denied. As a result, no forum ever determined the validity of the statutes before punishment continued.

Given the record and the nature of the questions presented—challenging the constitutionality of Business and Professions Code section 7031, subdivision (a), in the absence of any prior judicial determination of rights—the discretionary character ordinarily associated with a petition for review was, as applied here, transformed into a constitutional duty to provide a forum for adjudication under California

Constitution, Article I, sections 7 and 9, and United States Constitution, Article I, section 10.

B. The ABI Case and Assumed Constitutionality of section 7125.2

In *American Building Innovation, LP v. Balfour Beatty Construction*, LLC, 104 Cal.App.5th 954 (2024) the courts assumed the constitutionality of section 7125.2, treating license suspension as automatic and self-executing. No court determined whether automatic suspension without a pre-deprivation hearing is constitutional. The statute was enforced as a premise, not analyzed as a question of law.

That assumed suspension was then used to trigger forfeiture and fee-shifting under section 7031 subd. (a), resulting in the denial of ABI's compensation, massive attorney-fee awards, and business destruction. Although constitutional objections were raised, the courts declined to adjudicate them, invoking legislative policy rather than constitutional analysis.

C. Automatic Enforcement of section 7071.17

The unadjudicated ABI judgment was then used as the sole basis for mandatory license suspension under section 7071.17 against ABI and Petitioner.

By operation of section 7071.17, both licenses were suspended automatically. Ex. A– CSLB Suspension Letters. No hearing was provided. No court determined whether section 7071.17 is constitutional as applied including to a nonparty individual licensee.

D. Ex Parte Application: Request for Counsel, Intervention, and Stay

After his personal license was suspended pursuant to the ABI judgment, Petitioner filed a verified Ex parte Application in the ABI case (Superior Court of California for the County of Orange, Case No. 30-2019-01072989) seeking appointment of counsel, intervention to protect his personal rights, and temporary restraint of ongoing enforcement resulting from the ABI judgment. (RJN Ex. 3). Real Parties Opposed. (RJN Ex. 4). Petitioner Replied to the Opposition. (RJN Ex. 5).

Petitioner explained that punishment was already occurring, harm was irreparable, and no court had ever adjudicated the constitutionality of the statutes being enforced. He sought counsel due to the highly penal nature of the proceedings and punishment imposed against him without ever including him as a party and without any of the heightened protections required in criminal proceedings.

The Superior Court did not conduct a merits hearing, made no findings on irreparable harm, did not appoint counsel and did not adjudicate the constitutional issues presented. Instead, it struck the papers and denied relief on procedural grounds. (RJN Ex. 6– Minute Order).

E. Reconsideration: Explicit Request for Adjudication, Explicit Refusal

Petitioner then filed a verified Ex parte Request for Reconsideration, expressly identifying ongoing irreparable harm, automatic statutory punishment already in effect, the absence of any prior constitutional adjudication, and the necessity of judicial review before enforcement continues. (RJN Ex. 7– Request for Reconsideration).

The reconsideration request did not seek to relitigate error. It sought initial adjudication of constitutional authority.

The Superior Court again denied relief without adjudicating the merits, without addressing irreparable harm, and without determining whether sections 7125.2, 7031, or 7071.17 are constitutional. (RJN Ex. 8– Minute Order Denying Request for Reconsideration).

F. Post-Reconsideration Request for Intervention and Final Procedural Foreclosure

After the Superior Court denied reconsideration, Petitioner filed a Verified Ex Parte Application for Intervention as of Right and Stay of Enforcement on July 21, 2025, expressly invoking Code of Civil Procedure section 387 and the constitutional right to be heard where one is personally assailed. (RJN Ex. 9).

In that filing, Petitioner explained under penalty of perjury that his personal contractor's license had already been automatically suspended as a result of the ABI judgment; that he faced personal liability for ABI's debts as general partner; that he held a $2 million personal claim against ABI; and that no existing party represented those personal interests. Petitioner further explained that his prior Ex parte Application and reply and Request for Reconsideration had all been stricken or denied without any adjudication of the merits, and that the court had mischaracterized his filings as an attempt to represent ABI rather than to protect his own rights.

Real and Interested Parties opposed intervention not by disputing that Petitioner's license had been suspended or that he faced personal liability, but by arguing that the request was untimely, that his interests were "aligned" with ABI, and that he must instead proceed by noticed motion with a proposed complaint in intervention. Real Parties Opposed. (RJN Ex. 10). Petitioner Replied to the Opposition. (RJN Ex. 11).

On July 28, 2025, the Superior Court denied the Ex parte Application without prejudice to filing a noticed motion. (RJN Ex. 12). The court again did not adjudicate the merits, did not address irreparable harm, and did not determine whether any of the statutes being enforced were constitutional. The court also denied Petitioner's Fee Waiver Request. Enforcement continues.

The trial court's "without prejudice to a noticed motion" direction did not cure the absence of a forum for a first adjudication of constitutional authority. By the time the court issued that instruction, the § 7071.17 suspension and associated occupational exclusion were already operative by operation of law (and had been since January 2025), and Petitioner had already been procedurally barred from being heard on the merits through striking and summary denials. ABI's constitutional claims remained non-adjudicated. A noticed motion is not an adjudication; it is a request for one—subject to delay, discretionary scheduling, procedural objections, and the same merits deflection already repeatedly shown in this record. Where punishment is ongoing and irreparable, directing an affected nonparty to pursue ordinary motion practice while enforcement continues effecting livelihood does not provide constitutionally adequate process or preserve meaningful judicial review.

G. Real Parties' January 29, 2026 Motion to Add Tin Vo Personally Confirms the Closed Enforcement Loop is Being Actively Extended

While Petitioner remains excluded from his profession by automatic operation of Business and Professions Code section 7071.17, and while no court has ever adjudicated the constitutionality of the statutes being enforced, Real Party in Interest Balfour Beatty Construction, LLC has now sought to escalate punishment further by rewriting the unadjudicated judgment itself.

On January 29, 2026, Balfour Beatty filed a motion in the Superior Court of California, County of Orange, seeking to amend the judgment in *American Building Innovation, LP v. Balfour Beatty Construction*, LLC (Case No. 30-2019-01072989) to name Petitioner Tin Vo personally as an alter ego and to permit levy of execution against him. (RJN Ex. 13).

This motion does not initiate a new action. It does not provide Petitioner with a jury, a trial, or any adjudication of constitutional authority. Instead, it seeks to retroactively convert an unadjudicated statutory forfeiture into direct personal punishment, while continuing to rely on the same closed statutory scheme already described in this Petition. Nothing in Balfour Beatty's motion provides any mechanism for a first adjudication of constitutional authority before new punishment is imposed.

The motion therefore operates as the next step in the same enforcement sequence:

1. Assumed suspension under section 7125.2;
2. Forfeiture and fee destruction under section 7031;
3. Automatic occupational exclusion under section 7071.17;
4. Now, personal execution and civil liability—

all without any judicial determination that the governing statutes are constitutionally permissible.

Rather than cure the absence of a forum, the January 29, 2026 motion extends the same structural defect downstream, attempting to impose new punishment while continuing to deny Petitioner any forum in which the constitutionality of the regime may be adjudicated.

Balfour Beatty's own motion papers confirm that the statutory license-suspension regime is being used as a collection lever rather than as a public-protection measure. Balfour Beatty asserts that ABI's contractor license was suspended on January 21, 2025 as a result of ABI's failure to pay the Judgment, and that the suspension renders ABI incapable of doing revenue-producing construction work until ABI pays the Judgment and restores its license.

Balfour Beatty further relies on that same occupational deprivation as the basis to justify extending punishment to Petitioner personally, arguing that ABI's inability to generate revenue demonstrates it will never have the funds to satisfy the Judgment, and using that disability to support alter-ego liability and levy.

This confirms that section 7071.17 is not merely operating automatically, but is being affirmatively deployed as a coercive enforcement mechanism: the deprivation of the right to earn a living is used to force payment of a private civil judgment, while the affected licensee is denied any forum to be heard on the validity or proportionality of the punishment itself.

H. The January 29, 2026 Motion Relies on—and Contradicts—the Prior Procedural Foreclosure, Necessitating Immediate Stay Relief

Balfour Beatty's January 29, 2026 motion is premised on the same procedural record in which Petitioner was barred from appearing, denied intervention, and redirected away from constitutional adjudication, even while automatic statutory punishment was already occurring.

Having successfully argued that Petitioner had no standing to appear, no right to intervene, and no judicial forum in which to contest the statutory scheme, Balfour Beatty now asserts that Petitioner was nevertheless "virtually represented" and therefore may be personally bound by the very judgment that has already destroyed his livelihood.

These positions cannot be reconciled.

The contradiction is structural:

- Balfour Beatty previously argued that Petitioner could not be heard because he was not a party;
- It then argued that he could not become a party because his interests were "aligned" with ABI;
- It further argued that any challenge to automatic license suspension lay with the CSLB, not the courts;
- It now asserts that Petitioner was adequately represented and may be personally bound without ever having been heard.

A party cannot be both procedurally excluded and virtually represented. This is not a litigation inconsistency. It is proof that the statutory regime and its judicial enforcement operate as a closed loop that both imposes and insulates punishment.

Because the Superior Court has already refused to adjudicate constitutional authority and has denied Petitioner any forum in which to be heard, allowing the alter-ego proceedings to go forward would irreversibly extend the same unconstitutional enforcement scheme downstream. Once the judgment is amended and levy is authorized, the loss of property, livelihood, and professional standing will be complete, rendering this Court's review advisory only.

For that reason, the stay requested in this Petition must reach not only administrative enforcement by the CSLB, but also any trial-court proceedings, orders, or enforcement actions, including the January 29, 2026 motion, that further implement or rely upon the challenged statutory scheme pending this Court's adjudication of constitutional authority.

I. Real Party in Interest Acts Under Color of State Law

Although Balfour Beatty Construction, LLC is a nominally private party, its actions here are properly attributable to the State.

Under *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982), a private party acts under color of state law when: (1) the deprivation is caused by the exercise of a right or privilege created by the State; and (2) the private party is a willful participant in joint activity with the State or its agents.

Both elements are satisfied.

First, every deprivation inflicted upon Petitioner arises solely from state-created statutory authority, including Business and Professions Code sections 7125.2, 7031 and 7071.17, and their mandatory enforcement by the Contractors State License Board. But for those statutes, no forfeiture, occupational exclusion, or cross-entity license suspension could occur.

Second, Balfour Beatty has been a willful participant in the enforcement process. It invoked the statutory forfeiture regime, obtained the unadjudicated judgment, had actual knowledge that statutory license suspensions had been triggered, opposed Petitioner's attempts to obtain judicial review, disclaimed any court forum for contesting automatic license suspension, and now seeks further court orders to extend the same punishment through alter-ego liability and levy of execution.

This proceeding involves joint participation in a statutory enforcement mechanism. It is joint participation in a state enforcement mechanism that operates by statute, is carried out by a state agency, and is insulated from constitutional adjudication by procedural foreclosure.

Accordingly, Real Party in Interest's conduct is properly deemed to have been taken under color of state law and is subject to the same constitutional constraints as the State itself.

VI. STRUCTURAL DENIAL OF ADJUDICATION

The closed enforcement loop described above did not merely result in unconstitutional sanctions; it foreclosed every procedural avenue by which Petitioner could obtain a first judicial determination of constitutional authority.

California law recognizes only two categories of judicial proceedings: civil (remedial) and criminal (punitive). There is no third category permitting punishment while denying constitutional safeguards.

The sanctions imposed here are punitive in substance and effect:

- Forfeiture of earned compensation, untethered to any proven harm;
- Massive one-way fee shifting, untethered to any compensatory or regulatory purpose;

- Destruction of a going business, untethered to public protection or consumer redress; and
- Automatic occupational exclusion, imposed by operation of law.

Yet at every stage—trial, appeal, ex parte, and reconsideration—courts have enforced the statutes while refusing to adjudicate their constitutionality. This is not an adverse merits ruling. It is procedural deflection that allows punishment to proceed without adjudication.

A. Parallel Institutional Non-Adjudication in *Bereki v. Superior Court* Confirms a Systemic Failure

This Court has already been presented with materially identical constitutional challenges arising from the same statutory enforcement architecture in *Bereki v. Superior Court* (S294386) (RJN Ex. 1), in which Petitioner raised the same structural claims now before the Court: that sections 7031 and 7071.17 impose punitive sanctions without any forum for first constitutional adjudication, and that inferior courts refuse to decide whether the statutes are valid before enforcing their penalties. In that case, the Court of Appeal expressly acknowledged that res judicata and law-of-the-case doctrines do not bar relief from a void judgment, yet dismissed the appeal without deciding whether the judgment was void—thereby refusing to perform the non-discretionary judicial duty to adjudicate jurisdiction.

This Court's summary denial of review in S294386 did not resolve those constitutional questions on the merits. It left intact a record in which constitutional adjudication was never performed. The present Petition demonstrates that the same closed enforcement loop is now being used against Tin Vo—confirming that the defect is not case-specific, but institutional.

B. Parallel Proceedings Confirm Systemic Non-Adjudication

A materially identical enforcement posture is now pending in *Prenga v. Contractors State License Board (Taylor)*, Second District Court of Appeal Case No. B352022, transferred from this Court on January 23, 2026, (S294924) (RJN Ex. 2) in which Petitioner seeks emergency restraint of Business and Professions Code section 7071.17 before automatic occupational punishment occurs. That petition alleges—and the record confirms—that enforcement proceeds by operation of statute while inferior courts decline to adjudicate the constitutional limits of the regime before sanctions become irreversible.

As in this case, the Prenga petition demonstrates that section 7071.17 operates as a self-executing enforcement mechanism that effects cascading license suspensions—including cross-entity suspension against nonparty licensees—without any adjudicative act by any branch. The petition further establishes that bonding is not a constitutionally adequate substitute for adjudication, and that enforcement is being used as coercive leverage in private civil litigation.

VII. RIGHT TO COUNSEL AND FINANCIAL INABILITY CAUSED BY THE ENFORCEMENT SCHEME

The statutory enforcement regime challenged in this Petition has itself rendered Petitioner Tin Vo and American Building Innovation, LP financially incapable of securing counsel, thereby compounding the denial of any judicial forum.

As a direct result of the unadjudicated enforcement of sections 7125.2, 7031, and 7071.17, ABI was stripped of approximately $711,000 in earned compensation, ordered to pay approximately $1.5 million in attorneys' fees to Real Party in Interest, and incurred approximately $1.5 million in its own defense fees. The resulting automatic license suspensions, forfeiture, and exclusion from the industry have further caused catastrophic consequential damages, conservatively exceeding $10 million.

These penalties were imposed before any court determined whether the statutes authorizing them are constitutionally valid. The same enforcement scheme that imposed punishment has also destroyed the financial capacity of Petitioner and ABI to retain counsel to challenge that punishment. This is not a private hardship; it is a structural deprivation caused by the State's own enforcement architecture and Real Parties' unlawful enforcement actions.

Where the State imposes sanctions that are punitive in effect and simultaneously extinguishes the ability to obtain counsel to challenge their legality, the right to due process is not merely burdened—it is nullified. Under these circumstances, appointment of counsel is constitutionally necessary to preserve meaningful access to a judicial forum. It is constitutionally required to preserve any meaningful access to a judicial forum and to prevent the continued enforcement of a regime that operates without adjudication.

Petitioner therefore respectfully requests appointment of assistant counsel for himself, and for ABI to the extent required, solely for purposes of litigating the constitutional issues presented in this Petition.

VIII. QUESTIONS PRESENTED

1. May California courts acknowledge constitutional limits on their power, yet continue to enforce statutory punishments while refusing to adjudicate whether the statutes authorizing those punishments are themselves constitutional?
2. Where a statutory enforcement regime imposes forfeiture, fee destruction, and automatic occupational exclusion by operation of law, may courts decline to decide whether that regime is constitutionally permissible before allowing the sanctions to become irreversible?
3. When inferior courts have already enforced the statutory predicates while expressly or implicitly refusing to adjudicate their constitutional authority, does the non-discretionary duty to decide that question devolve upon this Court?
4. Once a court has breached its mandatory jurisdictional duty to decide constitutional authority, and that breach has resulted in continuing enforcement and reliance interests, is transfer or remand to that same court constitutionally unavailable?

5. May trial courts and executive agencies continue to invoke and extend statutory punishments—including through amendment of judgment, alter-ego findings, or authorization of levy—while the constitutional authority for the enforcement scheme remains unadjudicated?

IX. APPLICATION FOR IMMEDIATE STAY

Absent immediate relief, the challenged enforcement scheme will continue to inflict irreparable and compounding constitutional injury. Petitioner is already excluded from his profession by automatic operation of Business and Professions Code section 7071.17, without any judicial determination of constitutional authority. But enforcement is now being actively extended through pending trial-court proceedings—most notably Real Party in Interest's January 29, 2026 motion to amend the judgment, impose alter-ego liability, and authorize levy—thereby threatening immediate and irreversible loss of property, livelihood, and legal standing.

If these proceedings are allowed to continue, this Court's review will be rendered advisory. Once alter-ego liability is imposed and levy authorized, the statutory scheme will have completed its final enforcement stage.

Petitioner therefore seeks a temporary stay restraining (1) all enforcement of Business and Professions Code section 7071.17 against Petitioner, and (2) all trial-court proceedings, orders, or enforcement actions that invoke, implement, or rely upon the challenged statutory regime, solely to preserve this Court's ability to adjudicate the constitutional questions presented.

X. INCORPORATION OF RELATED RECORDS

The full record in *Bereki v. Superior Court* (California Supreme Court Case No. S294386), including all underlying actions, petitions, orders, exhibits, and Requests for Judicial Notice, and the full record in *American Building Innovation, LP v. Balfour Beatty Construction*, LLC, 104 Cal.App.5th 954 (2024), review denied, including the trial-court and appellate proceedings giving rise to the judgment now being used as a statutory enforcement predicate, are incorporated by reference as if fully set forth herein.

In addition, the record in *Pier Prenga v. Contractors State License Board*, originally filed in this Court as Case No. S294924 and transferred on January 23, 2026 to the Second District Court of Appeal as Case No. B352022, is incorporated by reference as if fully set forth herein.

These records are incorporated for the limited purpose of demonstrating the common statutory architecture and enforcement posture presented across these proceedings: automatic statutory punishment imposed or threatened by operation of Business and Professions Code sections 7031 and/or 7071.17 while constitutional adjudication is procedurally withheld, deferred, or rendered unavailable before the injury becomes complete and irreversible. Upon request of this Court, Petitioner will promptly lodge the complete records or any portion thereof.

XI. RELIEF REQUESTED

Petitioner respectfully requests that this Court grant the following relief in a manner sufficient to preserve this Court's jurisdiction and the constitutional right to a forum, while expressly preserving all remedial rights for later determination.

A. Interim and Jurisdiction-Preserving Relief

1. Issue a temporary stay restraining Respondent Contractors State License Board from enforcing Business and Professions Code sections 7125.2 and 7071.17, including subdivision (j), against Petitioner Tin Vo and American Building Innovation, LP, pending this Court's determination of the constitutional questions presented.
2. Issue an order restraining all parties from invoking, implementing, or relying upon the challenged statutory enforcement scheme in any pending or future proceeding, including but not limited to any effort to amend judgment, assert alter-ego liability, or authorize levy, while this Court considers the merits of this Petition.
3. Restrain all trial-court proceedings, administrative actions, and enforcement efforts that would extend or compound the challenged deprivations, solely to preserve the availability of meaningful judicial review.

Because the deprivation is ongoing by operation of law and is being actively extended through pending superior-court proceedings, interim relief from this Court is necessary to preserve any meaningful judicial review.

These orders are requested only to maintain the status quo and do not seek any adjudication of the merits.

B. Merits Adjudication

4. After issuance of the interim relief described above, determine whether Business and Professions Code sections 7125.2, 7031, and 7071.17 are constitutionally permissible in design, effect, and as applied in the circumstances presented.
5. In the alternative, and only if this Court concludes that extraordinary writ relief is unavailable or discretionary, issue a writ of habeas corpus under article I, section 11 of the California Constitution vacating and restraining enforcement of the challenged statutory scheme as applied to Petitioner, because the closed enforcement loop effects a continuing restraint of liberty through automatic occupational exclusion and civil disability by operation of law, while foreclosing any forum in which constitutional authority may be adjudicated before punishment becomes irreversible.

C. Preserved Remedial Relief (Expressly Reserved)

5. In the event this Court determines that the challenged statutory enforcement scheme is constitutionally impermissible, Petitioner Tin Vo and American Building Innovation, LP expressly preserve and reserve all claims for appropriate remedial relief, including:

a. Vacatur of all enforcement acts, administrative actions, and collateral consequences that depend upon the challenged statutory scheme, including CSLB suspensions, cross-entity disqualifications, bond calls, and trial-court enforcement orders;

b. Restitution of all sums forfeited, collected, or retained by Respondents or Real Parties in Interest pursuant to the challenged statutory scheme;

c. All damages, including those pursuant to Code of Civil Procedure section 1095 for the unconstitutional deprivation of property, liberty, livelihood, and contractual rights, including lost income, business destruction, reputational harm, emotional distress, and defense costs.

D. Further Relief as Warranted

6. Grant such other and further relief as this Court deems just, proper, and consistent with its determination on the merits.

Respectfully filed,

Tin Vo

VERIFICATION

I, Tin Vo, declare:

1. I am the Petitioner in this proceeding. I have personal knowledge of the facts stated in this verification and, if called as a witness, could and would testify competently thereto.
2. I have read the foregoing Emergency Petition for Writs of Mandate, Prohibition, and Habeas Corpus, and Application for Immediate Stay ("Petition"). The factual statements in the Petition are true and correct of my own personal knowledge.
3. To the extent the Petition contains legal argument, citations, characterizations of legal effect, or contentions regarding constitutional or statutory meaning, I understand those portions are not statements of fact and are not verified as factual matters, except insofar as they accurately quote or describe the contents of identified documents.
4. . The Exhibits and any appendix materials submitted with this Petition consist of true and correct copies of documents they purport to be.
5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed on January 31, 2026 in Orange County, California.

Tin Vo

CERTIFICATE OF WORD COUNT

Pursuant to California Rules of Court, rule 8.204(c)(1), I certify that this Emergency Petition for Writs of Mandate, Prohibition & Habeas Corpus, and Application for Immediate Stay contains approximately 9116 words. The word count was determined using the word-count function of Microsoft Word.

Tin Vo

Appendix A

Gmail **Adam Bereki <abereki@gmail.com>**

Emergency Petition Filed – Tin Vo v. CSLB et al. (Immediate Stay Requested)

1 message

Adam <abereki@gmail.com> Sat, Jan 31, 2026 at 11:19 AM
To: tin vo <tinvo35@gmail.com>, piu@doj.ca.gov, sbennett@ftblaw.com, dscholz@ftblaw.com, jthornton@ftblaw.com, "Fogt, David@CSLB" <David.fogt@cslb.ca.gov>, dkirkner@lienlawatty.com, "Whitestone Builders inc." <Pier@whitestonebuildersinc.com>, "wbissell wgb-law.com" <wbissell@wgb-law.com>, Henry Paloci <hpaloci@hotmail.com>

Dear Counsel and Parties:

Please be advised that today, January 31, 2026, an Emergency Petition for Writs of Mandate, Prohibition, and Non-Statutory Habeas Corpus (Cal. Const., art. I, § 11), together with an Application for Immediate Stay, has been filed in the Supreme Court of the State of California in the matter:

Tin Vo v. Contractors State License Board;
Superior Court of California, County of Orange;
Balfour Beatty Construction, LLC (Real Party in Interest)

This emergency filing seeks immediate interim relief restraining:

1. Enforcement of Business and Professions Code section 7071.17, including subdivision (j), by the Contractors State License Board; and

2. All trial-court proceedings, orders, or enforcement actions that invoke, implement, or rely upon the challenged statutory enforcement scheme, including Balfour Beatty Construction, LLC's January 29, 2026 motion to amend judgment and authorize levy in:

American Building Innovation, LP v. Balfour Beatty Construction, LLC
Orange County Superior Court, Case No. 30-2019-01072989

The Petition explains that statutory punishment is already in effect by operation of law and that additional enforcement is actively pending. Absent immediate relief, the resulting deprivations of property, livelihood, and professional standing will become irreversible before any court adjudicates the constitutional authority for the enforcement scheme.

Attached to this email are a complete copy of the Emergency Petition and Application for Immediate Stay, together with the Exhibits. Requests for Judicial Notice will be filed separately.

This email provides actual notice of the emergency nature of the filing and the immediate interim relief requested.

Please direct any correspondence regarding this emergency filing to Tin Vo at the contact information listed on the Petition.

Respectfully,

Adam Bereki

TIN VO V STATE PETITIONS FINAL.pdf
519K

Exhibit A

CONTRACTORS STATE LICENSE BOARD
9821 Business Park Drive, Sacramento, California 95827
Mailing Address: P.O. Box 26000, Sacramento, CA 95826
800.321.CSLB (2752) | *www.cslb.ca.gov* | *CheckTheLicenseFirst.com*

STATE OF CALIFORNIA
Governor Gavin Newsom

T-J-AUTO-SUSP

AMERICAN BUILDING INNOVATION LP
P O BOX 4566
GARDEN GROVE, CA 92842

DATE: 01/23/2025

LICENSE: 1001740

NOTICE OF AUTOMATIC LICENSE SUSPENSION FOR UNPAID JUDGMENT

Subject: BALFOUR BEATTY CONSTRUCTION LLC, TRAVELORS CASUALTY CO OF AMERICA vs. AMERICAN BUILDING INNOVATION LP
Case no. 30-2019-01072989-C

We have been notified that there is a construction related judgment against you in the amount of $1,821,873.08. The judgment became final in ORANGE COUNTY SUPERIOR COURT on October 06, 2023.

Section 7071.17 of the Business and Professions Code requires the licensee to notify the Registrar of Contractors within 90 days from the date of the final judgment. Failure to notify the Registrar within 90 days results in the automatic suspension of the license.

Because you failed to notify the Registrar within 90 days from the final judgment date, your license was automatically suspended effective January 21, 2025. The license can only be reinstated by submitting one of the following:

1. Submit proof that the judgment has been paid; or
2. Submit proof that the debtor filed bankruptcy. We must have a copy of the Voluntary Petition filed in bankruptcy court and the creditors list naming the judgment creditor; or
3. Submit a notarized copy of a payment agreement and schedule signed by both you and the above judgment creditor; or
4. Submit a court endorsed appeal with proof of stay of enforcement or an order to vacate the judgment.

Section 7071.17 also prohibits any person who is listed on this license from being associated with any other license while this license is suspended for an unsatisfied judgment. The following licenses were suspended on January 21, 2025 because this judgment remains unsatisfied:

1004641 VO TIN TRUNG

(continued on next page)

TIN TRUNG VO
PO BOX 4566
GARDEN GROVE, CA 92842

DATE: 01/23/2025

LICENSE: 1004641

NOTICE OF LICENSE SUSPENSION FOR ASSOCIATED LICENSE

Subject: BALFOUR BEATTY CONSTRUCTION LLC, TRAVELORS CASUALTY CO OF AMERICA vs. AMERICAN BUILDING INNOVATION LP
Case no. 30-2019-01072989-C

Personnel: TIN TRUNG VO, SOLE OWNER

On January 21, 2025, the license #1001740 was suspended for failure to satisfy the construction related civil court judgment as noted above. A notice was sent to that license explaining the consequences of not resolving the judgment.

Section 7071.17 of the Business and Professions Code prohibits anyone who is listed on a license that is under judgment suspension from being listed on any other license. Therefore, this license #1004641 was suspended effective January 21, 2025, and will remain suspended until the judgment is satisfied or until the person(s) listed on the judgment debtor's license disassociate(s) from license #1004641. **Disassociating from the judgment debtor's license will not protect the associated license from suspension.** Disassociating from a license may have other consequences. Please see the back information sheet for further details.

If the judgment is satisfied, the suspension will be lifted.

Please send any judgment related documents to the Judgment Unit. Judgments and related documents can only be processed in the Judgment Unit at the address listed in the letterhead.