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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

GT DAVE, Plaintiff and Respondent, v. JEFFREY BAESSLER et al., Defendants and Appellants.	B265514 (Los Angeles County Super. Ct. No. SC099283)

APPEAL from a judgment of the Superior Court of Los Angeles County, Lisa Hart Cole, Judge. Affirmed.

Jeffrey Baessler, in pro. per.; Spitz Law Group and Jeffrey Spitz for Defendants and Appellants.

Dinsmore and Sandelmann, Scott Dinsmore and Brett A. Stroud for Plaintiff and Respondent.

GT Dave (Plaintiff) sued defendants Jeffrey Baessler, Baessler Incorporated and Baessler Consulting Inc. (collectively Baessler) for fraud in connection with the construction and remodeling of his home. Among other things, Plaintiff claimed that Baessler had fraudulently overcharged him millions of dollars in vendor costs and project management fees. After a 10-day bench trial, the trial court found in favor of Plaintiff and awarded him $2.4 million in compensatory damages, $850,000 in punitive damages, and almost $879,000 in attorney fees.

On appeal, Baessler advances the following arguments: the trial court erred by admitting improper impeachment evidence; the improper impeachment evidence caused the trial judge to be biased against him; the fraud finding was not supported by substantial evidence of Plaintiff's reliance on Baessler's purported status as a licensed contractor; and substantial evidence did not support the award of attorney fees. We are not persuaded by any of Baessler's arguments. Accordingly, the judgment is affirmed.

BACKGROUND

I. The Project and the parties' dispute

In September 2006, Plaintiff hired Baessler to remodel, and later build a completely new residence at 540 Vick Place, Beverly Hills, California (the Project). Specifically, Plaintiff retained Baessler to "[m]anage the construction" of the Project. At that time the parties estimated that the Project would cost $1 million and take 10 months to complete.

Prior to entering into their written contract for the Project, Plaintiff and Baessler had been friends for several years. "They saw each other socially and Plaintiff confided in Baessler with respect to personal issues, including Plaintiff's relationship issues. Plaintiff placed great trust and confidence in Baessler."

In late July 2008, after having paid Baessler more than $4.4 million for supplies and subcontractors, and after more than 20 months of work and with the Project still not completed, Plaintiff terminated his contract with Baessler.

In August 2008, Plaintiff sued Baessler and his companies for fraud and conversion, among other things. In connection with the fraud claim, Plaintiff alleged, inter alia, that, at the time the parties entered into their contract for the Project, Baessler had represented to Plaintiff that he was a licensed general contractor. Plaintiff further alleged that in mid-July 2008, he had asked Baessler for proof that he was in fact a licensed general contractor and was advised by Baessler's counsel that Baessler "did not have any contractor's license."

II. The trial court's findings

On May 18, 2015, after hearing 10 days of testimony, and after considering the parties' written closing arguments, the trial court issued a 43-page statement of decision in favor of Plaintiff.

The trial court found, inter alia, that Baessler had "groomed" Plaintiff's trust in him so that he might commit numerous acts of fraud. Among other things, Baessler

intentionally and fraudulently represented to Plaintiff (and others working on the Project) that he was a qualified and licensed general contractor and that he would hire licensed subcontractors. "But for Baessler's misrepresentations that he was a qualified general contractor, Plaintiff would not have hired him and would not have incurred the repair costs for defective construction," which, after offsets, totaled more than $500,000.

In addition, the trial court found that Baessler fraudulently overcharged Plaintiff for subcontractors and suppliers, and for his management fee by $1.9 million. In connection with those overcharges, Baessler created deceptive accounting records to misrepresent the actual charges and to conceal his fraud. The trial court expressly rejected Baessler's claim that the overcharges were innocent errors to make up for Plaintiff's purported failure to pay certain bills or to pay them in a timely manner; the overcharges, in other words, were the "result of intentional and fraudulent misrepresentations made by Baessler" during his time working on the Project and afterwards: "The evidence of Baessler's fraud and the grand scale of his lies during the Project, in discovery, and in his testimony at trial soundly defeat his contentions that he made a mistake or was somehow accounting for allegedly unpaid invoices." For the trial court, the "massive scale and preposterous nature of perjury committed by Baessler during discovery, and while testifying at trial, [were] compelling evidence that he committed fraud. If Baessler truly made innocent

accounting errors or overcharged to properly balance the accounts, there would have been no reason for him to lie."

The trial court further found that "Baessler used the fraudulently obtained funds for his personal benefit, including the construction of a luxury home in Texas, the purchase and remodeling of two condominiums in Los Angeles, the purchase of cars and boats, retirement investment accounts and the payment of personal property taxes. Baessler's bank records show he had no other source of funds to pay for all of these items. In fact Baessler's account was overdrawn in the sum of $7,193.05 in September 2006 when the Project began."

The trial court awarded Plaintiff compensatory damages in the amount of $2,422,995.12. "Given the breath of the wrongful conduct and outright lies by Baessler," the trial court found that "deterrence of future fraud" was a "very significant concern." Since Plaintiff had established by clear and convincing evidence that Baessler had engaged in "rampant fraud," the trial court awarded Plaintiff $850,000 in punitive damages. The amount of punitive damages was less than what the court believed was warranted based on Baessler's conduct, but was justified by the evidence presented regarding Baessler's financial condition.

The trial court entered judgment on May 18, 2015. In addition to the compensatory and punitive damages awarded to Plaintiff, the judgment also awarded Plaintiff an unspecified amount of attorney fees.

On July 17, 2015, Baessler filed a timely notice of appeal.

On October 16, 2015, pursuant to Business and Professions Code section 7160, the trial court awarded Plaintiff $878, 910.48 in attorney fees.

DISCUSSION

I. No abuse of discretion regarding the admission of impeachment evidence

At trial, Baessler, whom Plaintiff called as his very first witness, testified that he had only two years of college education and did not graduate from college. Plaintiff's counsel then challenged Baessler's character for honesty by producing a print-out of Baessler's then-current business website, which represented that he had received a bachelor of science degree in business administration from the University of New Hampshire. The trial court overruled Baessler's objection to the website evidence and subsequent testimony. On appeal, pursuant to Evidence Code section 352,[1] Baessler argues that the trial court erred by allowing him to be impeached on a collateral matter. We are not persuaded.

A. STANDARD OF REVIEW AND GUIDING PRINCIPLES

"No evidence is admissible except relevant evidence" (§ 350) and "all relevant evidence is admissible." (§ 351.) Relevant evidence means "evidence, including evidence

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[1] All further statutory references are to the Evidence Code unless otherwise indicated.

relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." (§ 210.)

The Evidence Code further provides that "in determining the credibility of a witness" the trier of fact "may consider . . . [¶] . . . [¶] (e) His character for honesty or veracity or their opposites. [¶] . . . [¶] (h) A statement made by him that is inconsistent with his testimony at the hearing. [¶] (i) The existence or nonexistence of any fact testified to by him." (§ 780.)

However, our Supreme Court has recognized that, while "collateral matters are admissible for impeachment purposes," the trial court must proceed with care when determining whether to admit such evidence because "the collateral character of the evidence reduces its probative value and increases the possibility that it may prejudice or confuse the jury." (*People v. Lavergne* (1971) 4 Cal.3d 735, 742 (*Lavergne*).) " '[C]ollateral and irrelevant matter[s] . . . may not be used for impeachment. . . . "[A] party cannot cross-examine his adversary's witness upon irrelevant matters, for the purpose of eliciting something to be contradicted." . . . " '[I]f a question is put to a witness on cross-examination which is collateral or irrelevant to the issue, his answer cannot be contradicted by the party who asked him the question.' " ' " (*Winfred D. v. Michelin North America, Inc.* (2008) 165 Cal.App.4th 1011, 1033.) For example, in *Bowman v. Wyatt* (2010), 186 Cal.App.4th 286,

an automotive personal injury case, the Court of Appeal found that the trial court had erroneously admitted impeachment evidence—the suspension of the defendant dump truck operator's motor carrier permit; this evidence was "not proper impeachment evidence" because it "was not relevant to any claim or defense." (*Id.* at p. 327.)

Accordingly, the admissibility of collateral impeachment evidence is subject "to the trial court's 'substantial discretion' under section 352 to exclude prejudicial and time-consuming evidence." (*Lavergne*, *supra*, 4 Cal.3d at p. 742.) Under section 352, although the proffered evidence may have some relevance, "[t]he [trial] court in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury."

We review a trial court's evidentiary rulings for an abuse of discretion. (See *Red Mountain, LLC v. Fallbrook Public Utility Dist.* (2006) 143 Cal.App.4th 333, 358; *People v. Geier* (2007) 41 Cal.4th 555, 585.)

B. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION

As a preliminary matter, Plaintiff argues that Baessler forfeited his right to raise this issue on appeal. Specifically, Plaintiff contends that because Baessler's counsel initially did not object to the admission of the website document and then only belatedly objected to its admission after it was shown that the website misrepresented Baessler's

educational accomplishments, he failed to preserve the issue for appeal.[2] We agree.

Our highest court has held that a subsequent objection to the admission of a document is inadequate to preserve for review the issue of admissibility concerning a witness's preceding testimony and explanation of the document. (See *People v. Barnett* (1998) 17 Cal.4th 1044, 1122; see also *id*. at p. 1130 [relevancy objection does not preserve § 352 challenge]; see generally *People v. Farnam* (2002) 28 Cal.4th 107, 153.)

Even if Baessler's claim had been preserved, we would conclude that there was no error. Viewed narrowly, evidence about what degrees Baessler obtained or did not obtain after high school is arguably a collateral matter. However, when such evidence is viewed in the context of Plaintiff's fraud-based allegations, evidence about Baessler's character for honesty and his professional qualifications was relevant and admissible unless it should have been excluded under section 352. (*Lavergne*, *supra*, 4 Cal.3d at p. 742.)

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[2] Plaintiff also contends that the belated objection by Baessler's counsel failed to preserve the issue for appeal because the objection was not based on the exact ground being raised on appeal—that is, the objection was "based on when the website was made, not based on the collateral impeachment of Baessler." We are unconvinced by this argument. Baessler's counsel objected expressly on "relevance" grounds, which, arguably, raised the issue of whether the representations made on a website created after Plaintiff fired Baessler constitutes a collateral matter.

Although Baessler contends that the admission of the website and his contradictory testimony about his education should have been excluded under section 352, he does not support that contention with any explanation of how the testimony consumed an undue amount of time or created a substantial danger of undue prejudice, confusing the issues or misleading the trier of fact. Baessler does not present evidence of undue delay or undue prejudice because there is none.

Baessler cannot show that the cross-examination about the website and his education took up an inordinate amount of time at trial, because the testimony at issue takes up only a little more than two pages out of a trial transcript extending for more than a thousand pages.

Moreover, the fact that the testimony was somewhat damaging to Baessler's defense does not mean that it was "undu[ly] prejudicial" as required by section 352. " 'Prejudice' as contemplated by section 352 is not so sweeping as to include any evidence the opponent finds inconvenient. Evidence is not prejudicial, as that term is used in a section 352 context, merely because it undermines the opponent's position or shores up that of the proponent. The ability to do so is what makes evidence relevant." (*Vorse v. Sarasy* (1997) 53 Cal.App.4th 998, 1008.) Rather, undue prejudice tends to evoke an emotional bias and has very little effect on the issues. (*Ibid.*) "In other words, evidence should be excluded as unduly prejudicial when it is of such nature as to inflame the emotions of the jury, motivating

them to use the information, not to logically evaluate the point upon which it is relevant, but to reward or punish one side because of the jurors' emotional reaction." (*Id.* at p. 1009.) Here, the evidence that Baessler's website was misleading as to his educational accomplishments was unlikely to inflame the trier of fact, which in this instance happened to be a seasoned trial court judge, especially in light of Baessler's more stunning and far more relevant subsequent admissions at trial that "he intentionally lied to Plaintiff by overstating the amount of invoices in order to induce Plaintiff to pay more than was due."

In sum, the record shows that the admission of the website was relevant and not unduly time-consuming or unduly prejudicial; it was, therefore, admissible. Accordingly, even if Baessler had preserved the issue, the trial court did not err by admitting that evidence.

II. Baessler forfeited his claim of judicial bias

On appeal, Baessler claims that the trial court, as a purported result of the evidence that his then-current business website was misleading, exhibited an "improper and prejudicial" attitude toward him throughout the rest of the trial.

In an attempt to substantiate this claim, Baessler identifies two, and only two, examples of the trial court's purported "animosity." In the first example, the trial court appeared to take exception to Baessler's seemingly reticent answers to his own counsel's direct examination of him: "So coordinate, keep site clean, and schedule. Those were going

to be your functions? This is—this is your chance to put on a defense. If you want your lawyer to pull your teeth, that's fine. I got all the time in the world. Okay. It's up to you, pal." In the second example, the trial court, according to Baessler, "harshly admonished" him to pay closer attention to the questions put to him by Plaintiff's counsel as follows: "Okay. You're going to have listen very closely. We cannot have him repeating every single question each time. [¶] . . . [¶] Now, I don't think you're intentionally trying to sabotage his exam, but if I think that you are doing that, we're going to have a problem."

Baessler's claim suffers from two fatal procedural problems. First, Baessler never raised this issue with the trial court. Bias and prejudice are grounds for disqualification of trial judges. (Code Civ. Proc., § 170.1, subd. (a)(6).) And if judges fail to recuse themselves, there is a statutory procedure to litigate the issue. (Code Civ. Proc., § 170.3.) Baessler, however, did not take advantage of these procedures. Nor did Baessler attempt to otherwise preserve his claim of judicial bias for appellate review by objecting to the trial court's allegedly improper remarks or ask the judge to recuse herself. " 'Generally, where bias and prejudice against a trial judge is claimed, *the issue must be raised when the facts first become known, and in any event, before the matter is submitted for decision*. . . . "A party should not be allowed to gamble on a favorable decision and then raise such an objection in the event he is disappointed in the result." ' " (*People v. Tappan* (1968) 266 Cal.App.2d 812,

817, italics added.) Put a little differently, a "defendant's willingness to let the entire trial pass without [a] charge of bias against the judge not only forfeits his claims on appeal but also strongly suggests they are without merit." (*People v. Guerra* (2006) 37 Cal.4th 1067, 1112.) Accordingly, our Supreme Court has repeatedly affirmed that a failure to raise the issue of judicial bias during the trial proceedings results in the forfeiture of such a claim on appeal. (See *People v. Seaton* (2001) 26 Cal.4th 598, 698; *People v. Samuels* (2005) 36 Cal.4th 96, 114; *People v. Farley* (2009) 46 Cal.4th 1053, 1110.)

Second, Baessler failed to support his claim of bias with any meaningful legal argument. Among other things, Baessler failed to cite to any legal authority in his opening brief.

A touchstone legal principle governing appeals is that "the trial court's judgment is presumed to be correct, and the appellant has the burden to prove otherwise by presenting legal authority on each point made and factual analysis, supported by appropriate citations to the material facts in the record; otherwise, the argument may be deemed forfeited. [Citations.] [¶] It is the appellant's responsibility to support claims of error with citation and authority; this court is not obligated to perform that function on the appellant's behalf." (*Keyes v. Bowen* (2010) 189 Cal.App.4th 647, 655–656.) "[A]n appellant must present argument and authorities on each point to which error is asserted or else the issue is waived." (*Kurinij v. Hanna & Morton* (1997) 55

Cal.App.4th 853, 867.) Matters not properly raised or that are lacking in adequate legal discussion will be deemed forfeited. (*Keyes,* at pp. 655–656.)

In other words, it is not this court's role to construct theories or arguments that would undermine the judgment and defeat the presumption of correctness. Rather, an appellant is required to present a cognizable legal argument in support of reversal of the judgment. "When an issue is unsupported by pertinent or cognizable legal argument it may be deemed abandoned and discussion by the reviewing court is unnecessary." (*Landry v. Berryessa Union School Dist*. (1995) 39 Cal.App.4th 691, 699–700.) "Issues do not have a life of their own: if they are not raised or supported by argument or citation to authority, [they are] waived." (*Jones v. Superior Court* (1994) 26 Cal.App.4th 92, 99.)

Moreover, a party is not exempt from the rules of appellate practice, including the requirement that briefs contain arguments supported by proper citations to the record and to legal authority, because the party is representing himself in propria persona, as Baessler is here. "'[S]uch a party is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.'" (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.) In *Nwosu v. Uba*, the court of appeal held that deficiencies in pro. per. appellant's opening brief resulted in waiver of issues on appeal, explaining that "as is the case with attorneys, pro. per.

litigants must follow correct rules of procedure." (*Id.* at p. 1247.)[3]

III. Substantial evidence of reliance supports the fraud finding

Baessler's challenge to the trial court's finding that he was liable for fraud is a narrow one, focused on just one element of Plaintiff's fraud claim. Specifically, he contends that "an examination of the record reveals little evidence to support the claim of reasonable or justifiable reliance" by

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[3] Even if we were able to reach the merits of Baessler's judicial bias claim, we would likely reject it. Based on the two examples of alleged bias identified by Baessler, we do not believe "[a] person aware of the facts might reasonably entertain a doubt that the judge [was] able to be impartial." (Code Civ. Proc., § 170.1, subd. (a)(6)(A)(iii).) "[A] judge is not a mere umpire presiding over a contest of wits between professional opponents, but a judicial officer entrusted with the grave task of determining where justice lies under the law and the facts between the parties who have sought the protection of our courts. Within reasonable limits, it is not only the right but the duty of a trial judge to clearly bring out the facts so that the important functions of his office may be fairly and justly performed. [Citations.] For the same reason the trial judge is not to be unduly or unreasonably hampered in his control and conduct of the trial." (*Estate of Dupont's* (1943) 60 Cal.App.2d 276, 290.) Here, in each of the identified examples of purported bias, the trial court acted merely to insure that all relevant facts were brought to light in an efficient manner.

Plaintiff on Baessler's purported status as a licensed general contractor. We disagree.

A. STANDARD OF REVIEW

In reviewing a judgment based upon a statement of decision following a bench trial, we apply a substantial evidence standard of review to the trial court's findings of fact. (*Niko v. Foreman* (2006) 144 Cal.App.4th 344, 364; *Thompson v. Asimos* (2016) 6 Cal.App.5th 970, 981.) "A judgment or order of a lower court is presumed to be correct on appeal, and all intendments and presumptions are indulged in favor of its correctness." (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.) Specifically, "[u]nder the doctrine of implied findings, the reviewing court must infer, following a bench trial, that the trial court impliedly made every factual finding necessary to support its decision." (*Fladeboe v. American Isuzu Motors Inc.* (2007) 150 Cal.App.4th 42, 48.)

Under the deferential substantial evidence standard, our analysis unfolds in two steps. "First, one must resolve all explicit conflicts in the evidence in favor of the respondent and presume in favor of the judgment all *reasonable* inferences. [Citation.] Second, one must determine whether the evidence thus marshaled is substantial. While it is commonly stated that our 'power' begins and ends with a determination that there is substantial evidence [citation], this does not mean we must blindly seize any evidence in support of the respondent in order to affirm the judgment. . . . '[I]f the word "substantial"

[is to mean] anything at all, it clearly implies that such evidence must be of ponderable legal significance. Obviously the word cannot be deemed synonymous with "any" evidence. It must be reasonable . . . , credible, and of solid value . . . .' [Citation.] The ultimate determination is whether a *reasonable* trier of fact could have found for the respondent based on the *whole* record." (*Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1632–1633, fns. omitted.)

" 'The testimony of a witness, even the party himself, may be sufficient' " to constitute substantial evidence. (*In re Marriage of Mix* (1975) 14 Cal.3d 604, 614; *Consolidated Irrigation Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 201; § 411.) However, a substantial evidence review is not properly a challenge to the weight and credibility of the testimony presented, and this court may not reweigh evidence or reappraise the credibility of witnesses. (*Eidsmore v. RBB, Inc.* (1994) 25 Cal.App.4th 189, 195; *Niko v. Foreman*, *supra*, 144 Cal.App.4th at pp. 364–365.) Moreover, a "trier of fact may accept part of the testimony of a witness and reject another part even though the latter contradicts the part accepted." (*Stevens v. Parke, Davis & Co.* (1973) 9 Cal.3d 51, 67.)[4]

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[4] Although Baessler acknowledges the substantial evidence standard and its limitations, he refuses to abide by it, arguing that the trial court should have found for him based on "contrary evidence apparently ignored" by the trial court. Such an argument is unavailing under the

B. THERE WAS SUBSTANTIAL EVIDENCE THAT PLAINTIFF REASONABLY AND JUSTIFIABLY RELIED ON BAESSLER'S PURPORTED STATUS AS A LICENSED CONTRACTOR

Baessler claims that "no witness, not even [Plaintiff]" testified that Baessler represented himself as a "*licensed* general contractor." (Italics added.) Baessler's claim is at odds with the record.

Plaintiff testified plainly that Baessler told him that he was a general contractor before Plaintiff retained him for the Project and then after being retained he told Plaintiff and others at the Project's kick-off meeting that he was a general contractor. Other witnesses testified similarly. For example, James Magni, the Project's interior designer stated that at the kick-off meeting Plaintiff introduced Baessler to others at the meeting as the Project's general contractor and

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substantial evidence standard. " 'Even in cases where the evidence is undisputed or uncontradicted, if two or more different inferences can reasonably be drawn from the evidence *this court is without power to substitute its own inferences or deductions for those of the trier of fact . . . .*' " (*Jonkey v. Carignan Construction Co.* (2006) 139 Cal.App.4th 20, 24, italics added.) Our job under the substantial evidence standard, in other words, is not to ignore or supplant the conclusions reached by the trier of fact. Rather, we are to determine merely if the trier's findings were supported by substantial evidence. Even if the trier's findings are against the weight of evidence, they will be upheld if supported by evidence that is of ponderable legal significance and reasonable in nature. (*Ibid.*)

that Baessler himself had stated at the meeting that he was the Project's general contractor. Another witness testified that Baessler told him that he was the Project's general contractor "on 10 to 14 occasions." Moreover, as the trial court found, "[t]he evidence that Baessler acted as the general contractor is overwhelming." Among other things, Baessler "handl[ed] the vast majority of funds paid in connection with the Project . . . hir[ed] subcontractors and order[ed] materials, pa[id] subcontractors and suppliers, and direct[ed] and supervis[ed] subcontractors and suppliers, and direct[ed] performance of almost all aspects of the Project."

Since it is illegal for someone not licensed as a general contractor to act as a general contractor (see Bus. & Prof. Code, § 7028), Baessler's representations to Plaintiff and to others, when combined with his actions on the Project consistent with those of a licensed general contractor, and when combined with all reasonable inferences from those facts, constitute substantial evidence of Plaintiff's reasonable and justifiable reliance on Baessler's purported status as a licensed general contractor. Accordingly, we affirm the judgment.

IV. Substantial evidence supports the award of attorney fees

Section 7160 of the Business and Professions Code provides as follows: "Any person who is induced to contract for a work of improvement, including but not limited to a home improvement, in reliance on false or fraudulent

representations or false statements knowingly made, may sue and recover from such contractor or solicitor a penalty of five hundred dollars ($500), *plus reasonable attorney's fees*, in addition to any damages sustained by him by reason of such statements or representations made by the contractor or solicitor." (Italics added.)

One of the purposes underlying this section and related sections (the Contractors' State License Law, Bus. & Prof. Code, § 7000 et seq. (the licensing law)) "is to protect the public from incompetence and dishonesty in those who provide building and construction services. [Citation.] The licensing requirements provide minimal assurance that all persons offering such services in California have the requisite skill and character, understand applicable local laws and codes, and know the rudiments of administering a contracting business." (*Hydrotech Systems, Ltd. v. Oasis Waterpark* (1981) 52 Cal.3d 988, 995; see *Asdourian v. Araj* (1985) 38 Cal.3d 276, 282 [describing licensing law as "comprehensive scheme"].) The licensing law is also designed to "discourage persons who have failed to comply with the licensing law from offering or providing their unlicensed services for pay." (*Hydrotech*, at p. 995.) In short, "California's strict contractor licensing law reflects a strong public policy in favor of protecting the public against unscrupulous and/or incompetent contracting work." (*Vallejo Development Co. v. Beck Development Co.* (1994) 24 Cal.App.4th 929, 938; *Judicial Council of California v. Jacobs Facilities, Inc.* (2015) 239 Cal.App.4th 882, 894.)

On appeal, Baessler contends that the trial court's award of attorney fees was improper because there was "no substantial evidence presented from which the court could conclude that [Plaintiff] entered into the agreement with Baessler based (and in reasonable reliance) on a fraudulent representation." As with his attack on the trial court's fraud finding, Baessler focuses on the fact that Plaintiff never testified that Baessler told him that he was a licensed general contractor only that he was a general contractor.

As discussed above there was substantial evidence that Plaintiff reasonably and justifiably believed both before and after entering into his contract with Baessler that Baessler was a licensed general contractor. Accordingly, we affirm the attorney fees award.

DISPOSITION

The judgment is affirmed. The parties are to bear their own costs on appeal.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J. LUI, J.