

COUNTY OF SAN DIEGO
DEPARTMENT OF PARKS AND RECREATION
5510 Overland Avenue, Suite 270
San Diego, California 92123

HEARING OFFICER RECOMMENDATION

I.

INTRODUCTION

Pursuant to the hearing conducted on February 25, 2026, and after considering the briefs, exhibits, testimony, and oral arguments presented by counsel for the requesting contractor De La Fuente Construction, Inc. (“DLF”) and the objecting listed subcontractor Ben’s Dirt Designz Grading Co. (“Dirt Designz”), the Hearing Officer hereby issues this recommendation.

II.

FINDINGS OF FACT

Based on the two-hour hearing and a careful review of the evidence, the following facts are established:

1. Dirt Designz has failed or refused to perform its subcontract obligations.
2. The work performed by Dirt Designz to date is substantially unsatisfactory and fails to comply with the project plans and specifications for the County of San Diego – Calavo Park Project, located in San Diego, California (the “Project”).
3. Dirt Designz is substantially delaying or disrupting the progress of the work at the Project.
4. The evidence presented and marked in the attached Compendium of Exhibits including testimony and exhibits, constitutes substantial evidence to support the substitution of Dirt Designz.
5. The Hearing officer did not consider any evidence, testimony or argument related to substitution premised on allegations that Dirt Designz was not compliant with applicable provisions in the Contractors License Law and the related substitution provision in Public Contract Code section 4107, subdivision (a)(6).

III.

RECOMMENDATION

The Hearing Officer finds that DLF has demonstrated facts warranting substitution under Public Contract Code section 4107. Specifically:

1. Substitution under Section 4107, subdivision (a)(3): Dirt Designz failed or refused to perform the subcontract.
2. Substitution under Section 4107, subdivision (a)(7): Dirt Designz's work was substantially unsatisfactory and not in substantial accordance with the plans and specifications, or the subcontractor is substantially delaying or disputing the progress of the work.

ACCORDINGLY, IT IS RECOMMENDED that DLF's request for substitution be granted.

DATE: February 25, 2026

Kasia Trojanowska

KASIA TROJANOWSKA
Hearing Officer