

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to
Revoke Probation Against:

**HEAUSERS PLAZA TIRE CO., INC.,
dba HEAUSERS PLAZA TIRE & AUTO SERVICE
MARK HEUSER, PRESIDENT/SECRETARY
MICHAEL HEUSER, TREASURER**
531 Searls Avenue
Nevada City, CA 95959-3003

Automotive Repair Dealer Reg. No. ARD 061817
Lamp Station License No. LS 061817
Brake Station License No. BS 061817

and

DANIEL PATRICK OLSON
13256 Long Valley Road
Penn Valley, CA 95946

Brake Adjuster License No. BA 149155
Lamp Adjuster License No. LA 149155

Respondents.

Case No. 77/13-22

OAH No. 2014010009


DECISION

The attached Stipulated Revocation of License and Order Regarding Respondent Daniel Patrick Olson is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Daniel Patrick Olson, Brake Adjuster License No. BA 149155 and Lamp Adjuster License No. LA 149155. The following typographical error is noted:

1. Page 5, line 7: "'Respondent Olsen" is corrected to read "Respondent Olson."

This Decision shall become effective October 13, 2014.

DATED: September 23, 2014


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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2 JANICE K. LACHMAN
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to Revoke
12 Probation Against:

13 **HEAUSERS PLAZA TIRE CO., INC.,**
14 **dba HEAUSERS PLAZA TIRE & AUTO SERVICE**
15 **MARK HEAUSER, PRESIDENT/SECRETARY**
16 **MICHAEL HEAUSER, TREASURER**
17 **531 Searls Avenue**
18 **Nevada City, CA 95959-3003**

19 **Automotive Repair Dealer Reg. No. ARD 061817**
20 **Lamp Station License No. LS 061817**
21 **Brake Station License No. BS 061817**

22 **and**

23 **DANIEL PATRICK OLSON**
24 **13256 Long Valley Road**
25 **Penn Valley, CA 95946**

26 **Brake Adjuster License No. BA 149155**
27 **Lamp Adjuster License No. LA 149155**

28 Respondents.

Case No. 77/13-22

OAH No. 2014010009

**STIPULATED REVOCATION
OF LICENSE AND ORDER
REGARDING RESPONDENT
DANIEL PATRICK OLSON**

29 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
30 entitled proceedings that the following matters are true:

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1 PARTIES

2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Lorrie M. Yost, Deputy Attorney General.

5 2. Daniel Patrick Olson (Respondent Olson) is representing himself in this proceeding
6 and has chosen not to exercise his right to be represented by counsel.

7 3. In or about 2007, the Director issued Brake Adjuster License Number BA 149155 to
8 Daniel Patrick Olson. Respondent's brake adjuster license expired on March 31, 2012, and was
9 renewed on July 2, 2012. Respondent's brake adjuster license will expire again on March 31,
10 2016, unless renewed.

11 4. In or about 2007, the Director issued Lamp Adjuster License Number LA 149155 to
12 Respondent Olson. Respondent's lamp adjuster license expired on March 31, 2012, and was
13 canceled on May 6, 2012. Respondent then reapplied for and received his lamp adjuster license
14 back on July 2, 2012. Respondent's lamp adjuster license will expire again on March 31, 2016,
15 unless renewed.

16 JURISDICTION

17 5. Accusation/Petition to Revoke Probation No. 77/13-22 was filed before the Director
18 of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently
19 pending against Respondent Olsen. The Accusation/Petition to Revoke Probation and all other
20 statutorily required documents were properly served on Respondent Olson on December 3, 2012.
21 Respondent timely filed his Notice of Defense contesting the Accusation/Petition to Revoke
22 Probation. A copy of Accusation/Petition to Revoke Probation No. 77/13-22 is attached as
23 Exhibit A and incorporated by reference.

24 ADVISEMENT AND WAIVERS

25 6. Respondent Olson has carefully read, and understands the charges and allegations in
26 Accusation/Petition to Revoke Probation No. 77/13-22. Respondent also has carefully read, and
27 understands the effects of this Stipulated Revocation of License and Order.

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1 7. Respondent Olson is fully aware of his legal rights in this matter, including the right
2 to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the
3 right to be represented by counsel, at his own expense; the right to confront and cross-examine
4 the witnesses against them; the right to present evidence and to testify on his own behalf; the right
5 to the issuance of subpoenas to compel the attendance of witnesses and the production of
6 documents; the right to reconsideration and court review of an adverse decision; and all other
7 rights accorded by the California Administrative Procedure Act and other applicable laws.

8 8. Respondent Olson voluntarily, knowingly, and intelligently waives and gives up each
9 and every right set forth above.

CULPABILITY

11 9. Respondent Olson admits the truth of each and every charge and allegation in
12 Accusation/Petition to Revoke Probation No. 77/13-22, agrees that cause exists for discipline and
13 hereby surrenders his Brake Adjuster License No. BA 149155 and his Lamp Adjuster License
14 No. LA 149155 for the Bureau's formal acceptance.

15 10. Respondent Olson understands that by signing this stipulation he enables the Director
16 to issue an order accepting the surrender and revocation of his Brake Adjuster License No. BA
17 149155 and his Lamp Adjuster License No. LA 149155 without further process.

CONTINGENCY

19 11. This stipulation shall be subject to approval by the Director or the Director's designee.
20 Respondent Olson understands and agrees that counsel for Complainant and the staff of the
21 Bureau of Automotive Repair may communicate directly with the Director and staff regarding
22 this stipulation and revocation, without notice to or participation by Respondent. By signing the
23 stipulation, Respondent Olson understands and agrees that he may not withdraw his agreement or
24 seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the
25 Director fails to adopt this stipulation as the Decision and Order, the Stipulated Revocation and
26 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
27 in any legal action between the parties, and the Director shall not be disqualified from further
28 action by having considered this matter.

1 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
2 revoked license in effect at the time the petition is filed, and all of the charges and allegations
3 contained in Accusation/Petition to Revoke Probation No. 77/13-22 shall be deemed to be true,
4 correct and admitted by Respondent when the Director determines whether to grant or deny the
5 petition.

6 5. In the event that Respondent applies for the reinstatement of either his lamp and brake
7 adjuster license, Respondent Olsen shall be jointly and severally liable with Respondent Heausers
8 Plaza Tire Co., Inc., for the payment of the agency's costs of investigation and enforcement in the
9 amount of \$7,135.20, prior to issuance of a new or reinstated license.

10
11 ACCEPTANCE

12 I have carefully read the Stipulated Revocation of License and Order. I understand the
13 stipulation and the effect it will have on my brake adjuster license and my lamp adjuster license.
14 I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and
15 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
16 Affairs.

17
18 DATED: 7-14-14



19 DANIEL PATRICK OLSON
20 Respondent
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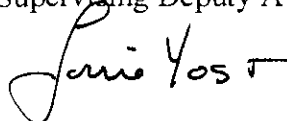
ENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: Aug. 19, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation/Petition to Revoke Probation No. 77/13-22

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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to Revoke
Probation Against:

Case No. *77/13-28*

13 **HEAUSERS PLAZA TIRE CO., INC.,**
14 **dba HEAUSERS PLAZA TIRE & AUTO SERVICE**
15 **MARK HEAUSER, PRESIDENT/SECRETARY**
16 **MICHAEL HEAUSER, TREASURER**
17 **531 Searls Avenue**
18 **Nevada City, CA 95959-3003**

**ACCUSATION AND PETITION
TO REVOKE PROBATION**

19 **Automotive Repair Dealer Reg. No. ARD 061817**
20 **Lamp Station License No. LS 061817**
21 **Brake Station License No. BS 061817**

22 **and**

23 **DANIEL PATRICK OLSON**
24 **13256 Long Valley Road**
25 **Penn Valley, CA 95946**

26 **Brake Adjuster License No. BA 149155**
27 **Lamp Adjuster License No. LA 149155**

28 Respondents.

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1 Complainant alleges:

2 PARTIES

3 1. John Wallaich ("Complainant") brings this Accusation and Petition to Revoke
4 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair
5 ("Bureau"), Department of Consumer Affairs.

6 **Heausers Plaza Tire Co., Inc. dba Heausers Plaza Tire & Auto Service**

7 2. On or about January 27, 1978, the Director of Consumer Affairs ("Director") issued
8 Automotive Repair Dealer Registration Number ARD 061817 ("registration") to Heausers Plaza
9 Tire Co., Inc. ("Respondent HPTC"), doing business as Heausers Plaza Tire & Auto Service, with
10 Mark Heauser as president and secretary and Michael Heauser as treasurer. On July 25, 2005,
11 Respondent's registration was revoked; however, the revocation was stayed and Respondent was
12 placed on probation for 2 years on terms and conditions, as set forth in subparagraph 36 (a)
13 below. On January 22, 2009, pursuant to the Proposed Decision of the Administrative Law Judge
14 adopted by the Director as the Decision in the disciplinary proceeding titled "In the Matter of the
15 Accusation and Petition to Revoke Probation Against: Heausers Plaza Tire Co. Inc. dba Heausers
16 Plaza Tire & Auto Service", et al., Case No. 79/08-03, the Director permanently invalidated
17 (revoked) Respondent's registration effective March 2, 2009.¹ The revocation was stayed and
18 Respondent was placed on probation for 4 years on terms and conditions. A true and correct copy
19 of the Decision and Order is attached hereto as **Exhibit A** and incorporated herein. Respondent's
20 registration will expire on January 31, 2013, unless renewed.

21 3. On or about February 11, 1999, the Director issued Lamp Station License Number
22 LS 061817 to Respondent HPTC. Respondent's lamp station license will expire on January 31,
23 2013, unless renewed.

24 4. On or about April 27, 1999, the Director issued Brake Station License Number
25 BS 061817 to Respondent HPTC. Respondent's brake station license will expire on January 31,
26 2013, unless renewed.

27 _____
28 ¹ The Director also revoked Respondent's Smog Check Station License No. RC 061817.

1 **Daniel Patrick Olson**

2 5. In or about 2007, the Director issued Brake Adjuster License Number BA 149155 to
3 Daniel Patrick Olson ("Respondent Olson" or "Olson"). Respondent's brake adjuster license
4 expired on March 31, 2012, and was renewed on July 2, 2012. Respondent's brake adjuster
5 license will expire again on March 31, 2016, unless renewed.

6 6. In or about 2007, the Director issued Lamp Adjuster License Number LA 149155 to
7 Respondent Olson. Respondent's lamp adjuster license expired on March 31, 2012, and was
8 canceled on May 6, 2012. Respondent then reapplied for and received his lamp adjuster license
9 back on July 2, 2012. Respondent's lamp adjuster license will expire on March 31, 2016, unless
10 renewed.

11 **JURISDICTION**

12 7. Business and Professions Code ("Code") section 9884.7 provides that the Director
13 may revoke an automotive repair dealer registration.

14 8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
15 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
16 against an automotive repair dealer or to render a decision temporarily or permanently
17 invalidating (suspending or revoking) a registration.

18 9. Code section 9889.1 provides, in pertinent part, that the Director may suspend or
19 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
20 Automotive Repair Act.

21 10. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a
22 license by operation of law or by order or decision of the Director or a court of law, or the
23 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any
24 disciplinary proceedings.

25 **STATUTORY PROVISIONS**

26 11. Code section 9884.7 states, in pertinent part:

27 (a) The director, where the automotive repair dealer cannot show there
28 was a bona fide error, may deny, suspend, revoke or place on probation the
 registration of an automotive repair dealer for any of the following acts or omissions

1 related to the conduct of the business of the automotive repair dealer, which are done
2 by the automotive repair dealer or any automotive technician, employee, partner,
officer, or member of the automotive repair dealer.

3 (i) Making or authorizing in any manner or by any means whatever any
4 statement written or oral which is untrue or misleading, and which is known, or which
by the exercise of reasonable care should be known, to be untrue or misleading.

5

6 (6) Failure in any material respect to comply with the provisions of this
7 chapter or regulations adopted pursuant to it.

8

9 (c) Notwithstanding subdivision (b), the director may revoke, suspend, or
10 place on probation the registration for all places of business operated in this state by
an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
11 engaged in a course of repeated and willful violations of this chapter, or regulations
adopted pursuant to it.

12 12. Code section 9889.3 states, in pertinent part:

13 The director may suspend, revoke, or take other disciplinary action
14 against a license as provided in this article [Article 7 (commencing with section
9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
15 director thereof:

16 (a) Violates any section of the Business and Professions Code which
relates to his or her licensed activities.

17

18 (c) Violates any of the regulations promulgated by the director pursuant
19 to this chapter.

20

21 (h) Violates or attempts to violate the provisions of this chapter relating to
the particular activity for which he or she is licensed . . .

22 13. Bus. & Prof. Code section 9887.1 states, in pertinent part:

23 The director shall have the authority to issue licenses for official lamp
24 and brake adjusting stations and shall license lamp and brake adjusters. The licenses
shall be issued in accordance with this chapter and regulations adopted by the director
25 pursuant thereto . . . Licenses may be renewed upon application and payment of the
renewal fees if the application for renewal is made within the 30-day period prior to
26 the date of expiration. Persons whose licenses have expired shall immediately cease
the activity requiring a license . . .

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1 14. Code section 9888.3 states:

2 No person shall operate an "official" lamp or brake adjusting station
3 unless a license therefore has been issued by the director. No person shall issue, or
4 cause or permit to be issued, any certificate purporting to be an official lamp
5 adjustment certificate unless he or she is a licensed lamp adjuster or an official brake
6 adjustment certificate unless he or she is a licensed brake adjuster.

7 15. Bus. & Prof. Code section 9889.16 states:

8 Whenever a licensed adjuster in a licensed station upon an inspection or
9 after an adjustment, made in conformity with the instructions of the bureau,
10 determines that the lamps or the brakes upon any vehicle conform with the
11 requirements of the Vehicle Code, he shall, when requested by the owner or driver of
12 the vehicle, issue a certificate of adjustment on a form prescribed by the director,
13 which certificate shall contain the date of issuance, the make and registration number
14 of the vehicle, the name of the owner of the vehicle, and the official license of the
15 station.

16 16. Code section 9889.9 states that "[w]hen any license has been revoked or suspended
17 following a hearing under the provisions of this article [Article 7 (commencing with section
18 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of
19 this chapter in the name of the licensee may be likewise revoked or suspended by the director."

20 17. Code section 22, subdivision (a), states:

21 "Board" as used in any provision of this Code, refers to the board in
22 which the administration of the provision is vested, and unless otherwise expressly
23 provided, shall include "bureau," "commission," "committee," "department,"
24 "division," "examining committee," "program," and "agency."

25 18. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes
26 "registration" and "certificate."

27 COST RECOVERY

28 19. Code section 125.3 provides, in pertinent part, that a Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

BACKGROUND

20. On May 18, 2012, a representative of the Bureau conducted a Periodic Brake and
Lamp Station inspection at Respondent HPTC's facility and met with manager Ron Lackey

1 ("Lackey") and Respondent Olson. During the inspection, the representative discovered that
 2 Olson's brake and lamp adjuster licenses had expired on March 31, 2012, and advised Lackey to
 3 cover or remove the facility's brake and lamp station signs. The representative then reviewed the
 4 facility's brake certificate books, containing Certificate Nos. BC1307601 to BC1307650, and
 5 lamp certificate books, containing Certificate Nos. LC1288201 to LC1288250, and found that
 6 Olson had issued eight brake and eight lamp certificates after his brake and lamp adjuster licenses
 7 had expired, as set forth below.

<u>Lamp Certificate No.</u>	<u>Date of Issuance</u>
LC1288243	April 9, 2012
LC1288244	April 10, 2012
LC1288246	April 24, 2012
LC1288245	April 24, 2012
LC1288247	May 1, 2012
LC1288248	May 8, 2012
LC1288249	May 10, 2012
LC1288250	May 17, 2012

<u>Brake Certificate No.</u>	<u>Date of Issuance</u>
BC1307626	April 9, 2012
BC1307627	April 10, 2012
BC1307628	April 24, 2012
BC1307629	April 25, 2012
BC1307630	May 1, 2012
BC1307631	May 8, 2012
BC1307632	May 10, 2012
BC1307633	May 15, 2012

21 21. On May 22, 2012, the representative returned to the facility and took possession of
 22 two brake certificate books and two lamp certificate books.² The representative found in
 23 reviewing the books that Olson failed to properly prepare or issue Lamp Certificate No.
 24 LC1288246, as set forth in subparagraph 25 (b) below.

25
 26 ² The representative obtained a lamp certificate book containing unissued certificates,
 27 Nos. LC1409401 to LC1409450, a brake certificate book containing unissued certificates, Nos.
 28 BC1431601 to BC1431650, a lamp certificate book containing issued certificates, Nos.
 LC1288201 to LC1288250, and a brake certificate book containing issued certificates, Nos.
 BC1307601 to BC1307633, and unissued certificates, Nos. BC1307634 to BC1307650.

1 22. On May 30, 2012, the representative obtained copies of the facility's work orders and
2 invoices relating to the lamp and brake inspections Olson performed while his brake/lamp
3 adjuster licenses were expired as above, including Invoice No. 3151609 dated April 25, 2012.
4 The invoice indicated that the facility had replaced the right front headlight bulb on a 1992 Honda
5 Civic after the vehicle failed a lamp inspection for an inoperable right front "low beam" (Lamp
6 Certificate No. LC1288246 was issued for the vehicle following the repair).

7 23. On June 6, 2012, the representative went to the facility and returned the certificate
8 books to Mark Heauser ("Heauser"). The representative advised Heauser that the facility was
9 prohibited from functioning as a brake and lamp station until they had a licensed adjuster in their
10 employ, and that if they failed to employ a licensed adjuster by August 3, 2012, the station
11 licenses and unused certificates must be surrendered to the Bureau.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 24. Respondent HPTC's registration is subject to disciplinary action pursuant to Code
15 section 9884.7, subdivision (a)(1), Respondent made or authorized statements which it knew or in
16 the exercise of reasonable care should have known to be untrue or misleading, as follows:

17 a. Respondent HPTC's brake/lamp adjuster, Respondent Olson, certified under penalty
18 of perjury on the lamp certificates, set forth in paragraph 20 above, that he performed the
19 applicable inspections of the lighting systems on the vehicles, identified in the certificates, as
20 specified by the Bureau and in accordance with Title 16 of the California Code of Regulations
21 and the Business and Professions Code. In fact, Olson issued the certificates when his lamp
22 adjuster license had expired, in violation of Code sections 9887.1 and 9888.3 and California Code
23 of Regulations, title 16, section 3305, subdivision (a).

24 b. Respondent HPTC's brake/lamp adjuster, Respondent Olson, certified under penalty
25 of perjury on the brake certificates, set forth in paragraph 20 above, that he performed the
26 applicable inspections of the brake systems on the vehicles, identified in the certificates, as
27 specified by the Bureau and in accordance with Title 16 of the California Code of Regulations
28 and the Business and Professions Code. In fact, Olson issued the certificates when his brake

1 adjuster license had expired, in violation of Code sections 9887.1 and 9888.3 and California Code
2 of Regulations, title 16, section 3305, subdivision (a).

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code)**

5 25. Respondent HPTC's registration is subject to disciplinary action pursuant to Code
6 section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that
7 Code in the following material respects:

8 a. **Sections 9887.1 and 9888.3:** Respondent HPTC continued to issue lamp and brake
9 certificates at its station despite the fact that Respondent Olson's lamp and brake adjuster licenses
10 had expired on March 31, 2012, and not yet been renewed or reissued.

11 b. **Section 9889.16:** Respondent HPTC failed to ensure that Lamp Certificate No.
12 LC1288246 was properly issued in that Respondent's brake/lamp adjuster, Respondent Olson,
13 failed to indicate on the certificate, by checking the box marked "Repair", that the headlight(s) on
14 the 1992 Honda Civic, identified in paragraph 22 above, had been repaired, as specified in the
15 Bureau's *Handbook for Lamp Adjusters and Stations*.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violations of Regulations)**

18 26. Respondent HPTC's registration is subject to disciplinary action pursuant to Code
19 section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of
20 California Code of Regulations, title 16, in the following material respects:

21 a. **Section 3305, subdivision (a):** Respondent HPTC continued to issue lamp and brake
22 certificates at its station despite the fact that Respondent Olson's lamp and brake adjuster licenses
23 had expired on March 31, 2012, and had not yet been renewed or reissued.

24 b. **Section 3305, subdivision (a)(5):** Respondent HPTC failed to ensure that Lamp
25 Certificate No. LC1288246 was issued in accordance with the Bureau's *Handbook for Lamp*
26 *Adjusters and Stations*.

27 c. **Section 3308:** Respondent HPTC continued to perform its official functions as a
28 lamp and brake station, including issuing lamp and brake certificates, even though Respondent

1 Olson's brake and lamp adjuster licenses had expired on March 31, 2012, and not yet been
2 renewed or reissued.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code)**

5 27. Respondent HPTC's brake and lamp station licenses are subject to disciplinary action
6 pursuant to Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the
7 provisions of Code sections 9887.1, 9888.3, and 9888.16 relating to its licensed activities, as set
8 forth in paragraph 25 above.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations)**

11 28. Respondent HPTC's brake and lamp station licenses are subject to disciplinary action
12 pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with the
13 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3305,
14 subdivision (a)(5), and 3308, as set forth in paragraph 26 above.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Code)**

17 29. Respondent Olson's brake and lamp adjuster licenses are subject to disciplinary action
18 pursuant to Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the
19 provisions of Code sections 9887.1, 9888.3, and 9888.16 relating to his licensed activities, as set
20 forth in paragraph 25 above.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations)**

23 30. Respondent Olson's brake and lamp adjuster licenses are subject to disciplinary action
24 pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
25 California Code of Regulations, title 16, section 3305, subdivisions (a) and (a)(5), and as set forth
26 in paragraph 26 above.

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PETITION TO REVOKE PROBATION

31. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 20 through 28 above.

32. Condition 1 (e) of Respondent HPTC's probation states that should the Director determine that Respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, temporarily or permanently invalidate (suspend or revoke) the registration.

33. Grounds exist to revoke Respondent's probation and reimpose the order of revocation of its registration, as follows:

CAUSE TO REVOKE PROBATION

(Failure to Obey all Laws)

34. Condition 1 (a) of Respondent HPTC's probation states that Respondent shall comply with all statutes, regulations and rules governing automotive inspections and estimates.

35. Respondent's probation is subject to revocation in that Respondent failed to comply with all statutes, regulations, and rules governing automotive inspections, as set forth in paragraphs 24 through 28 above.

MATTERS IN AGGRAVATION

36. To determine the degree of discipline, if any, to be imposed on Respondents HPTC and Olson, Complainant alleges as follows:

Respondent HPTC

a. On June 21, 2005, pursuant to the Stipulated Settlement and Disciplinary Order adopted by the Director as the Decision in the disciplinary proceeding titled "In the Matter of the Accusation Against: Heusers Plaza Tire Co. Inc. dba Heusers Plaza Tire & Auto Service", et al.. Case No. 79/05-10, the Director revoked Respondent's registration effective June 21, 2005. The revocation was stayed and Respondent was placed on probation for 2 years on terms and conditions.

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1 **Respondent Olson**

2 b. On January 22, 2009, pursuant to the Proposed Decision of the Administrative Law
3 Judge adopted by the Director as the Decision in the disciplinary proceeding titled "In the Matter
4 of the Accusation and Petition to Revoke Probation Against: Heausers Plaza Tire Co. Inc. dba
5 Heausers Plaza Tire & Auto Service", et al., Case No. 79/08-03, the Director revoked Basic Area
6 Technician License No. EB 149155, issued to Olson, effective March 2, 2009. The revocation
7 was stayed and Olson was placed on probation for 2 years on terms and conditions.

8 **OTHER MATTERS**

9 37. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or
10 place on probation the registration for all places of business operated in this state by Respondent
11 Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto Service, upon a
12 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the
13 laws and regulations pertaining to an automotive repair dealer.

14 38. Pursuant to Code section 9889.9, if Lamp Station License Number LS 061817, issued
15 to Respondent Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto
16 Service, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter
17 20.3 of the Code in the name of said licensee may be likewise revoked or suspended by the
18 Director.

19 39. Pursuant to Code section 9889.9, if Brake Station License Number BS 061817, issued
20 to Respondent Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto
21 Service, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter
22 20.3 of the Code in the name of said licensee may be likewise revoked or suspended by the
23 Director.

24 40. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 149155,
25 issued to Respondent Daniel Patrick Olson, is revoked or suspended, any additional license issued
26 under Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise
27 revoked or suspended by the Director.

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1 41. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 149155,
2 issued to Respondent Daniel Patrick Olson, is revoked or suspended, any additional license issued
3 under Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise
4 revoked or suspended by the Director.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Director of Consumer Affairs issue a decision:

8 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
9 061817, issued to Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto
10 Service;

11 2. Revoking probation and reimposing the order of revocation of Automotive Repair
12 Dealer Registration Number ARD 061817, issued to Heausers Plaza Tire Co., Inc., doing
13 business as Heausers Plaza Tire & Auto Service;

14 3. Revoking or suspending any other automotive repair dealer registration issued to
15 Heausers Plaza Tire Co., Inc.;

16 4. Revoking or suspending Lamp Station License Number LS 061817, issued to
17 Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto Service;

18 5. Revoking or suspending Brake Station License Number BS 061817, issued to
19 Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto Service;

20 6. Revoking or suspending any additional license issued under Articles 5 and 6 of
21 Chapter 20.3 of the Business and Professions Code in the name of Heausers Plaza Tire Co., Inc.;

22 7. Revoking or suspending Brake Adjuster License Number BA 149155, issued to
23 Daniel Patrick Olson;

24 8. Revoking or suspending Lamp Adjuster License Number LA 149155, issued to
25 Daniel Patrick Olson;

26 9. Revoking or suspending any additional license issued under Articles 5 and 6 of
27 Chapter 20.3 of the Business and Professions Code in the name of Daniel Patrick Olson;

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10. Ordering Heausers Plaza Tire Co., Inc., doing business as Heausers Plaza Tire & Auto Service, and Daniel Patrick Olson to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

11. Taking such other and further action as deemed necessary and proper.

DATED: November 20, 2012 John Wallauch
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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