

**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:

P & S 76,
PIOTR JOSEF BARAN, OWNER
1912 Nevada City Highway
Grass Valley, CA 95945
Mailing Address:
3634 Farm Hill Boulevard
Redwood City, CA 94061

Case No. 79/15-96

Automotive Repair Dealer Registration No.
ARD 242996
Smog Check Station License No. RC 242996

and

ROBERT PAUL EACOBACCI
515 Nimrod Street, Apt-D
Nevada City, CA 95959

Smog Check Inspector License No. EO 001259
Smog Check Repair Technician License
No. EI 001259 (formerly Basic Area Technician
License No. EB 001259)

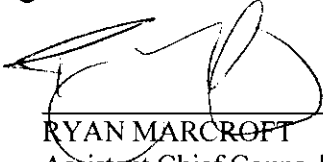
Respondents.

DECISION

The attached Stipulated Revocation of Registration and License and Order 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 respondents P & S 76 and Piotr Josef Baran.

This Decision shall become effective July 12th, 2017.

DATED: June 3, 2017



RYAN MARCROFT
Assistant Chief Counsel
Division of Legal Affairs
Department of Consumer Affairs

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Attorney General of California
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Supervising Deputy Attorney General
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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

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

Case No. 79/15-96

14 **P & S 76**
PIOTR JOSEF BARAN, OWNER
15 **1912 Nevada City Highway**
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16 **Mailing Address:**
3634 Farm Hill Boulevard
Redwood City, CA 94061

STIPULATED REVOCATION OF
REGISTRATION AND LICENSE AND
ORDER FOR RESPONDENT P & S 76;
PIOTR JOSEF BARAN, OWNER, ONLY

17 **Automotive Repair Dealer Reg. No. ARD**
18 **242996**
19 **Smog Check Station License No. RC 242996**

20 **and**

21 **ROBERT PAUL EACOBACCI**
515 Nimrod Street, Apt-D
22 **Nevada City, CA 95959**

23 **Smog Check Inspector License No. EO**
001259
24 **Smog Check Repair Technician License No.**
EI 001259 (formerly Basic Area Technician
25 **License No. EB 001259)**

26
27 **Respondents.**
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IT IS STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

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

2. P & S 76, Piotr Josef Baran, owner, (Respondent) is represented in this proceeding by attorney Michael Levin, whose address is

3727 Camino Del Rio South, Suite 200

San Diego, CA 92108

3. On or about January 30, 2006, the Bureau issued Automotive Repair Dealer Registration No ARD 242996 to Respondent P & S 76, Piotr Josef Baran, Owner. Respondent's Automotive Repair Dealer Registration expired on December 31, 2015 and was cancelled on February 2, 2015. Pursuant to Business & Professions Code section 9884.13 the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

4. On or about March 3, 2006, the Director issued Smog Check Station License Number RC 242996 to Respondent P & S 76; Piotr Josef Baran, Owner. The smog check station license was in effect at all times relevant to the charges brought herein. The license expired on December 31, 2015 and is now delinquent. Pursuant to Health & Safety Code section 44072.6 the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

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1 **JURISDICTION**

2 5. Accusation/Petition to Revoke Probation No. 79/15-96 was filed before the Director
3 of Consumer Affairs (Director), for the Bureau, and is currently pending against Respondent.
4 The Accusation/Petition to Revoke Probation and all other statutorily required documents were
5 properly served on Respondent on December 8, 2015. Respondent filed a Notice of Defense
6 contesting the Accusation/Petition to Revoke Probation. A copy of Accusation/Petition to
7 Revoke Probation No. 79/15-96 is attached as Exhibit A and incorporated by reference.

8 **ADVISEMENT AND WAIVERS**

9 6. Respondent has carefully read, fully discussed with counsel, and understands the
10 charges and allegations in Accusation/Petition to Revoke Probation No. 79/15-96. Respondent
11 also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
12 Revocation of Registration and License and Order.

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

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

22 **CULPABILITY**

23 9. Respondent admits the truth of each and every charge and allegation in
24 Accusation/Petition to Revoke Probation No. 79/15-96, agrees that cause exists for discipline and
25 hereby stipulates to an order revoking Automotive Repair Dealer Registration
26 No. ARD 242996 and Smog Check Station License No. RC 242996. Any admissions, be they
27 general or specific, express or implied, do not constitute admissions for any other purpose or
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1 proceeding to which the Department of Consumer Affairs or the Bureau of Automotive Repair is
2 not a party, including but not limited to third party criminal, civil or administrative proceedings.

3 10. Respondent understands that by signing this stipulation he enables the Director to
4 issue an order revoking Respondent's Automotive Repair Dealer Registration No.
5 ARD 242996 and Smog Check Station License No. RC 242996 without further process.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Director or the Director's designee.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau may
9 communicate directly with the Director and staff regarding this stipulation and revocation,
10 without notice to or participation by Respondent or his counsel. By signing the stipulation,
11 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
12 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
13 this stipulation as the Decision and Order, the Stipulated Revocation of Registration and License
14 and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any
15 legal action between the parties, and the Director shall not be disqualified from further action by
16 having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Revocation of Registration and License and Order, including Portable
19 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as
20 the originals.

21 13. This Stipulated Revocation of Registration and License and Order is intended by the
22 parties to be an integrated writing representing the complete, final, and exclusive embodiment of
23 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
24 discussions, negotiations, and commitments (written or oral). This Stipulated Revocation of
25 Registration and License and Order may not be altered, amended, modified, supplemented, or
26 otherwise changed except by a writing executed by an authorized representative of each of the
27 parties.
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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 242996 and Smog Check Station License No. RC 242996 to Respondent P & S 76, Piotr Josef Baran, Owner, are revoked by the Director of Consumer Affairs.

1. The revocation of the Automotive Repair Dealer Registration and Smog Check Station License by the Director shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Bureau of Automotive Repair.

2. Respondent shall lose all rights and privileges of an Automotive Repair Dealer and Smog Check Station in California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau Automotive Repair Dealer Registration No. ARD 242996 and Smog Check Station No. RC 242996 pocket licenses and, if issued, wall certificates on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Bureau shall treat it as a new application. Respondent must comply with all the laws, regulations and procedures for a new license in effect at the time the application is filed, and all of the charges and allegations contained in Accusation/Petition to Revoke Probation No. 79/15-96 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application.

5. Respondent is jointly and severally responsible with Robert Paul Eacobacci to pay the agency its costs of investigation and enforcement in the amount of \$8,297.00 prior to application for a new license.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Revocation of Registration and License and
3 Order and have fully discussed it with my attorney, Michael Levin. I understand the stipulation
4 and the effect it will have on my Automotive Repair Dealer Registration and Smog Station
5 License. I enter into this Stipulated Revocation of Registration and License and Order
6 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
7 Director of Consumer Affairs.

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9 DATED: 8-15-2016


10 P & S 76; Piotr Josef Baran, Owner
11 Respondent

12 I have read and fully discussed with Respondent P & S 76; Piotr Josef Baran, Owner, the
13 terms and conditions and other matters contained in this Stipulated Revocation of Registration
14 and License and Order. I approve its form and content.

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16 DATED: 8/15/16


17 Michael Levin
18 Attorney for Respondent

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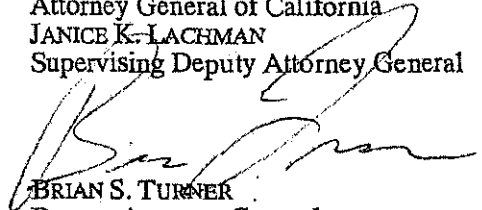
ENDORSEMENT

The foregoing Stipulated Revocation of Registration and License and Order for Respondent P & S 76, Piotr Josef Baran, Owner, is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 8/16/16

Respectfully submitted,

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


BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

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