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

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 77/08-27

13 **LAWRENCE & PETTY, INC., DBA**
14 **BLACKSTONE TIRE & SERVICE**
4764 N. Blackstone
15 **Fresno, CA 93726-0104**
16 **RICK L. PETTY, PRESIDENT**
Automotive Repair Dealer Registration
No. ARD 113077

PETITION TO REVOKE PROBATION

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Sherry Mehl ("Complainant") brings this Petition to Revoke Probation solely in her
22 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of
23 Consumer Affairs.

24 **Automotive Repair Dealer Registration**

25 2. On a date uncertain in 1984, the Bureau issued Automotive Repair Dealer
26 Registration Number ARD 113077 ("registration") to Lawrence & Petty, Inc., ("Respondent")
27 doing business as Blackstone Tire & Service with Rick L. Petty as President. The registration
28

1 was in effect at all times relevant to the charges brought herein and will expire on October 31,
2 2011, unless renewed.

3 **Prior Discipline**

4 3. In a disciplinary action entitled "In the Matter of Accusation Against Lawrence &
5 Petty, Inc., dba Blackstone Tire & Service," Case No. 77/08-27, the Director of Consumer Affairs
6 for the Bureau of Automotive Repair, issued a decision, effective September 30, 2010, in which
7 Respondent's Automotive Repair Dealer Registration No. ARD 113077 was revoked. However,
8 the revocation was stayed and Respondent's registration was placed on probation for a period of
9 three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A
10 and is incorporated by reference.

11 **STATUTORY PROVISIONS**

12 4. Section 9884.13 of the Business and Professions Code provides, in pertinent part, that
13 the expiration of a valid registration shall not deprive the director or chief of jurisdiction to
14 proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision
15 invalidating a registration temporarily or permanently.

16 5. Grounds exist for revoking the probation and reimposing the order of revocation of
17 Respondent's Automotive Repair Dealer Registration No. ARD 113077. Condition 7 of the
18 Decision states:

19 If the director determines that respondent has failed to comply with a
20 condition of probation, the department may, after giving notice and an opportunity to
be heard, permanently revoke respondent's registration.

21 6. Respondent has violated the Probation Program, as more particularly set forth in the
22 following paragraphs:

23 **CAUSE TO REVOKE PROBATION**

24 **(Failure to Appear for a Scheduled Probation Conference)**

25 7. At all times after the effective date of Respondent's probation, Condition 3 stated:

26 Respondent must report in person or in writing as prescribed by the
27 bureau, on a schedule set by the bureau, but no more frequently than once each
28 quarter, on the methods used and success achieved in complying with the conditions
of probation.

1 8. Respondent's probation is subject to revocation because Respondent failed to comply
2 with Probation Condition 3, referenced above. The facts and circumstances regarding this
3 violation are that Respondent failed to appear for a probation conference scheduled for January 4,
4 2011.

5 **OTHER MATTERS**

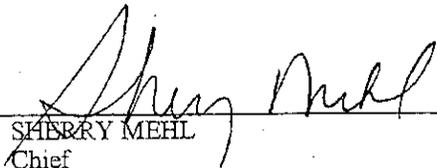
6 9. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
7 or permanently, the registrations for all places of business operated in this state by Lawrence &
8 Petty, Inc., doing business as Blackstone Tire & Service, upon a finding that it has, or is, engaged
9 in a course of repeated and willful violations of the laws and regulations pertaining to an
10 automotive repair dealer.

11 **PRAYER**

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

- 14 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
15 No. 77/08-27 and imposing the disciplinary order that was stayed thereby revoking Automotive
16 Repair Dealer Registration No. ARD 113077, issued to Lawrence & Petty, Inc., doing business as
17 Blackstone Tire & Service;
- 18 2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 113077,
19 issued to Lawrence & Petty, Inc., doing business as Blackstone Tire & Service; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 8/25/11


23 SHERRY MEHL
Chief

24 Bureau of Automotive Repair
25 Department of Consumer Affairs
26 State of California
27 Complainant

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