

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

In the Matter of the Petition to Revoke Probation
Against:

**BASSAM S. RADWAN, DBA SAN
DIEGO TOP TUNE**

4485 Parks Ave Unit C
La Mesa, CA 91941

Automotive Repair Dealer Registration
No. ARD 205624

Respondents.

Case No. 77/15-42

OAH No. 2015040774

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective April 8, 2016.

DATED: March 14, 2016



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 LAURO A. PAREDES
Deputy Attorney General
4 State Bar No. 254663
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2091
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

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

14 **BASSAM S. RADWAN, DBA SAN DIEGO**
15 **TOP TUNE**

16 **4485 Parks Ave Unit C**
17 **La Mesa, CA 91941**

18 **Automotive Repair Dealer Registration No.**
19 **ARD 205624**

20 Respondents.

Case No. 77/15-42

OAH No. 2015040774

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

21
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public
23 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of
24 Automotive Repair the parties hereby agree to the following Stipulated Settlement and
25 Disciplinary Order which will be submitted to the Director for the Director's approval and
26 adoption as the final disposition of the Petition to Revoke Probation solely with respect to
27 Bassam S. Radwan.

28 ///

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 Lauro A. Paredes, Deputy Attorney
5 General.

6 2. Respondent Bassam S. Radwan, dba San Diego Top Tune ("Respondent") is
7 representing himself in this proceeding and has chosen not to exercise his right to be represented
8 by counsel.

9 3. In 1999, the Bureau of Automotive Repair issued Automotive Repair Dealer
10 Registration No. ARD 205624 to Bassam S. Radwan, dba San Diego Top Tune (Respondent).
11 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
12 charges brought in Petition to Revoke Probation No. 77/15-42 and will expire on June 30, 2016,
13 unless renewed.

14 **JURISDICTION**

15 4. Petition to Revoke Probation No. 77/15-42 was filed before the Director of Consumer
16 Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending
17 against Respondent. The Petition to Revoke Probation and all other statutorily required
18 documents were properly served on Respondent on March 23, 2015. Respondent timely filed his
19 Notice of Defense contesting the Petition to Revoke Probation.

20 5. A copy of Petition to Revoke Probation No. 77/15-42 is attached as exhibit A and
21 incorporated herein by reference.

22 **ADVISEMENT AND WAIVERS**

23 6. Respondent has carefully read, and understands the charges and allegations in Petition
24 to Revoke Probation No. 77/15-42. Respondent has also carefully read, and understands the
25 effects of this Stipulated Settlement and Disciplinary Order.

26 7. Respondent is fully aware of his legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
28 represented by counsel at his own expense; the right to confront and cross-examine the witnesses

1 against him; the right to present evidence and to testify on his own behalf; the right to the
2 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
3 the right to reconsideration and court review of an adverse decision; and all other rights accorded
4 by the California Administrative Procedure Act and other applicable laws.

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

7 CULPABILITY

8 9. Respondent admits the truth of each and every charge and allegation in Petition to
9 Revoke Probation No. 77/15-42.

10 10. Respondent agrees that his Automotive Repair Dealer Registration is subject to
11 discipline and he agrees to be bound by the Director's probationary terms as set forth in the
12 Disciplinary Order below.

13 CONTINGENCY

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

24 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
26 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

27 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

5 14. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Director may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 205624
10 issued to Respondent Bassam S. Radwan, dba San Diego Top Tune (Respondent) is revoked.
11 However, the revocation and the previously stayed revocation of ARD 205624 based on this
12 action is stayed and Respondent is placed on probation for four years on the following terms and
13 conditions.

14 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
15 automotive inspections, estimates and repairs.

16 2. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
17 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
18 conspicuously displayed in a location open to and frequented by customers and shall remain
19 posted during the entire period of actual suspension.

20 3. **Reporting.** Respondent or Respondent's authorized representative must report in
21 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
22 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
23 maintaining compliance with the terms and conditions of probation.

24 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report
25 any financial interest which any partners, officers, or owners of the Respondent facility may have
26 in any other business required to be registered pursuant to Section 9884.6 of the Business and
27 Professions Code.

28 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect

1 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

2 6. **Jurisdiction.** If an accusation is filed against Respondent during the term of
3 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
4 until the final decision on the accusation, and the period of probation shall be extended until such
5 decision.

6 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that
7 Respondent has failed to comply with the terms and conditions of probation, the Department may,
8 after giving notice and opportunity to be heard suspend or revoke Respondent's license(s).

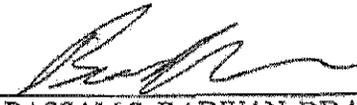
9 8. **False and Misleading Advertising.** If the accusation involves false and misleading
10 advertising, during the period of probation, Respondent shall submit any proposed advertising
11 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

12 9. **Cost Recovery.** Respondent shall pay the full amount of investigation and
13 enforcement costs of \$9,884.06. Payment to the Bureau of the full amount of investigation and
14 enforcement costs shall be made in 42 monthly installments of \$235.34 each. With final payment
15 received no later than 6 months before probation terminates. Failure to complete payment of cost
16 recovery within this time frame shall constitute a violation of probation which may subject
17 Respondent's license to outright revocation; however, the Director or the Director's Bureau of
18 Automotive Repair designee may elect to continue probation until such time as reimbursement of
19 the entire cost recovery amount has been made to the Bureau.

20 **ACCEPTANCE**

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
22 stipulation and the effect it will have on my Automotive Repair Dealer Registration. I enter into
23 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
24 agree to be bound by the Decision and Order of the Director of Consumer Affairs.

25
26 DATED: 8/28/15



BASSAM S. RADWAN, DBA SAN DIEGO TOP
TUNE
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: 8/31/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



LAURO A. PAREDES
Deputy Attorney General
Attorneys for Complainant

SD2015700009
81131824.doc

Exhibit A

Petition to Revoke Probation No. 77/15-42

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2106
Attorneys for Complainant

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

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

Case No. 77/15-42

14 **SAN DIEGO TOP TUNE**
15 **BASSAM S. RADWAN, OWNER**
6982 University Avenue
La Mesa, CA 91941

PETITION TO REVOKE PROBATION

16 **Automotive Repair Dealer Registration**
17 **No. ARD 205624**

18 Respondents.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
23 official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer
24 Affairs.

25 2. In 1999, the Bureau of Automotive Repair issued Automotive Repair Dealer
26 Registration Number ARD 205624 to Bassam S. Radwan, doing business as San Diego Top Tune
27 (Respondent). The Automotive Repair Dealer Registration was in effect at all times relevant to
28 the charges brought herein and will expire on June 30, 2015, unless renewed.

1 CAUSE TO REVOKE PROBATION

2 (Cost Recovery)

3 9. At all times after the effective date of Respondent's probation, Condition 9 stated:

4 Respondent shall pay the BAR, \$13,054.06, jointly and severally with co-
5 Respondent Michael Wayne Jennings, for investigation and enforcement costs in 24
6 monthly installments of \$544.00 each, with the first payment due not later than 30
7 days after the effective date of this Order and the final payment due 12 months prior
8 to the end of the probationary term, i.e., not later than the 24th month of probation.
9 Full payment to the BAR of this amount shall be received no later than 12 months
before probation terminates. Failure to complete payment of cost recovery within this
time frame shall constitute a violation of probation which may subject Respondent's
registration to outright revocation; however, the Director's BAR designee may elect
to continue probation until such time as reimbursement of the entire cost recovery
amount has been made to the BAR.

10 10. Respondent's probation is subject to revocation because he failed to comply with
11 Probation Condition 9, referenced above. Respondent was directed to make twenty-four equal
12 monthly installments of \$544.00 each, with the first payment due no later than August 24, 2014.
13 Respondent made one payment on September 30, 2014, in the amount of \$1,070.00, and one
14 payment on October 21, 2014, in the amount of \$550.00. Respondent has not made any further
15 payments towards cost recovery. The outstanding balance is \$11,434.06.

16 PRAYER

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

19 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
20 No. 79/14-122 and imposing the disciplinary order that was stayed thereby revoking Automotive
21 Repair Dealer Registration No. ARD 205624 issued to Bassam S. Radwan, doing business as San
22 Diego Top Tune;

23 2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 205624,
24 issued to Bassam S. Radwan, doing business as San Diego Top Tune;

25 3. Ordering Respondent to pay the outstanding balance of the cost recovery in the
26 amount of \$11,434.06;

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: March 19, 2015 Patrick Dorais

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SD2015700009
71028940.doc