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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. 77/15-20

13 **ANATOLIY BUTKEVICH, DBA**
FOREIGN AUTO CARE
14 6315 Watt Avenue, #123
North Highlands, California 95660
15 **Automotive Repair Dealer Registration**
No. ARD 225813

PETITION TO REVOKE PROBATION

16 Respondent.

17
18 Patrick Dorais ("Complainant") alleges:

19 **PARTIES**

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

22 **Automotive Repair Dealer Registration**

23 2. On or about March 6, 2003, the Bureau issued Automotive Repair Dealer Registration
24 Number ARD 225813 to Anatoliy Butkevich ("Respondent"), doing business as Foreign Auto
25 Care. The automotive repair dealer registration was in effect at all times relevant to the charges
26 brought herein and will expire on January 31, 2015, unless renewed.

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1 **PRIOR DISCIPLINARY ACTION**

2 3. In a disciplinary action entitled *In the Matter of Accusation Against Foreign Auto*
3 *Care, Anatoliy Butkevich, Owner*, Case No. 77/10-40, the Director of Consumer Affairs for the
4 Bureau accepted and adopted a *Stipulated Settlement and Disciplinary Order*, effective
5 December 21, 2011 (the *Decision and Order*), in which Respondent's Automotive Repair Dealer
6 Registration was revoked. However, the revocation was stayed and Respondent's Automotive
7 Repair Dealer Registration was placed on probation for a period of three years with certain terms
8 and conditions.

9 **JURISDICTION**

10 4. Probation Term and Condition Number 8 of the *Decision and Order* states:

11 Should the Director of Consumer Affairs determine that Respondent has
12 failed to comply with the terms and conditions of probation, the Department may,
after giving notice and opportunity to be heard, revoke the registration.

13 **FIRST CAUSE TO REVOKE PROBATION**

14 (Failure to Make Payment)

15 5. At all times after the effective date of Respondent's probation, Condition 11 of the
16 *Decision and Order* stated:

17 Payment to the Bureau of the full amount of cost recovery of \$10,935.75
18 shall be paid in twenty four (24) monthly installments and is due in full, twelve
19 (12) months before probation terminates. Failure to complete payment of cost
20 recovery within this time frame shall constitute a violation of probation which
21 may subject Respondent's registration to outright revocation; however, the
Director or the Director's Bureau of Automotive Repair designee may elect to
continue probation until such time as reimbursement of the entire cost recovery
amount has been made to the Bureau.

22 6. Respondent's probation is subject to revocation because he failed to comply with
23 Probation Condition 11, referenced above. The facts and circumstances regarding this violation
24 are as follows:

25 a. On or about January 24, 2012, Respondent was provided a copy of the *Decision and*
26 *Order* at a probation conference. He was notified that he was required to make 24 payments in the
27 amount of \$455.66 monthly and that the total sum was due by December 21, 2013.

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1 b. By on or about December 21, 2013, Respondent failed to pay the Bureau recovery
2 costs in full. On or about February 11, 2014, Respondent informed the Bureau at a probation
3 conference that he could not make the recovery cost payments.

4 d. On or about March 27, 2014, the Bureau proposed a revised payment plan whereby
5 Respondent was to pay \$2,000.00 by on or before April 25, 2014, and to make monthly payments
6 commencing May 21, 2014, in the amount of \$547.17, until paid in full, by June 21, 2015.
7 Respondent's probation was extended to December 21, 2015.

8 e. Respondent paid the initial \$2000.00, but failed to pay the Bureau \$547.17 by
9 May 21, 2014, as required, and failed to make any payment thereafter. The outstanding balance
10 due to the Bureau is \$7,113.11.

11 f. Respondent attended eight probation conferences. He was notified at each conference
12 that his failure to comply with the Automotive Repair Act and other applicable laws and
13 regulations may jeopardize his Registration. At each conference Respondent was given
14 instructions to make payments and/or was notified of the payment requirement.

15 **SECOND CAUSE TO REVOKE PROBATION**

16 (Failure to Comply With the Terms and Conditions of Probation)

17 7. At all times after the effective date of Respondent's probation, Condition 8 of the
18 *Decision and Order* stated:

19 Should the Director of Consumer Affairs determine that Respondent has
20 failed to comply with the terms and conditions of probation, the Department may,
after giving notice and opportunity to be heard, revoke the registration.

21 8. Respondent's probation is subject to revocation for failing to comply with
22 Condition 8, referenced above, in that Respondent failed to fully comply with the Board's
23 Probation Program, as set forth in paragraph 6, above.

24 **PRAYER**

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

27 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
28 No. 77/10-40 and imposing the disciplinary order that was stayed thereby revoking Automotive

1 Repair Dealer Registration No. ARD 225813, issued to Anatoliy Butkevich, doing business as
2 Foreign Auto Care; and,

3 2. Taking such other and further action as deemed necessary and proper.

4
5 DATED: October 13, 2014 Patrick Dorais

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

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