

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ADRIAN R. CONTRERAS
Deputy Attorney General
4 State Bar No. 267200
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2634
7 Facsimile: (619) 645-2061
E-mail: Adrian.Contreras@doj.ca.gov
8 *Attorneys for Complainant*

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 Against:

Case No. 77/15-11

13 **FRANCISCO MEJIA, JR., OWNER,**
14 **DOING BUSINESS AS THE AUTOBAHN**
AUTOMOTIVE GROUP
15 **260 Campillo Avenue Unit B**
Calexico, CA 92231

A C C U S A T I O N

16 **Automotive Repair Dealer Registration No.**
17 **ARD 251494**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
22 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

23 2. On or about July 25, 2007, the Bureau of Automotive Repair issued Automotive
24 Repair Dealer Registration Number ARD 251494 to Francisco Mejia, Jr., Owner, doing business
25 as The Autobahn Automotive Group (Respondent). The Automotive Repair Dealer Registration
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 July 31, 2015, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the
3 Bureau of Automotive Repair, under the authority of the following laws. All section references
4 are to the Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6 surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with
7 a disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
10 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
11 proceeding against an automotive repair dealer or to render a decision invalidating a registration
12 temporarily or permanently.

13 6. Section 9884.22 of the Code states:

14 "(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny
15 at any time any registration required by this article on any of the grounds for disciplinary action
16 provided in this article. The proceedings under this article shall be conducted in accordance with
17 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
18 Code, and the director shall have all the powers granted therein.

19 "..."

20 **STATUTORY PROVISIONS**

21 7. Section 22 of the Code states:

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

26 "(b) Whenever the regulatory program of a board that is subject to review by the Joint
27 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2
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1 (commencing with Section 473), is taken over by the department, that program shall be designated
2 as a 'bureau.'"

3 8. Section 23.7 of the Code states:

4 "Unless otherwise expressly provided, 'license' means license, certificate, registration, or
5 other means to engage in a business or profession regulated by this code or referred to in Section
6 1000 or 3600."

7 9. Section 9884.7 of the Code states:

8 "(a) The director, where the automotive repair dealer cannot show there was a bona fide
9 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
10 dealer for any of the following acts or omissions related to the conduct of the business of the
11 automotive repair dealer, which are done by the automotive repair dealer or any automotive
12 technician, employee, partner, officer, or member of the automotive repair dealer.

13 "...

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

16 "...

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

21 10. Section 9884.11 of the Code states that "[e]ach automotive repair dealer shall maintain
22 any records that are required by regulations adopted to carry out this chapter [the Automotive
23 Repair Act]. Those records shall be open for reasonable inspection by the chief or other law
24 enforcement officials. All of those records shall be maintained for at least three years."

25 REGULATORY PROVISIONS

26 11. California Code of Regulations, title 16, section 3358, states:

27 "Each automotive repair dealer shall maintain legible copies of the following records for not
28 less than three years:

1 **DISCIPLINE CONSIDERATIONS**

2 17. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that in a criminal proceeding entitled *People v. Mejia* in California Superior
4 Court, Imperial County, Case Number JCF33148, the court ordered under Penal Code section 23
5 that effective August 8, 2014, Respondent is prohibited from engaging, either directly or indirectly,
6 in any activity for which an Automotive Repair Dealer Registration is required until the conclusion
7 of that criminal proceeding. The record of that criminal proceeding is incorporated as if fully set
8 forth in this paragraph.

9 **OTHER MATTERS**

10 18. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily
11 or permanently or refuse to validate, the registrations for all places of business operated in this
12 state by Respondent upon a finding that Respondent has engaged in a course of repeated and
13 willful violations of the laws and regulations pertaining to an automotive repair dealer.

14 **PRAYER**

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

- 17 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
18 251494, issued to Francisco Mejia, Jr., Owner, doing business as The Autobahn Automotive
19 Group;
- 20 2. Revoking or suspending the registrations for all places of business operated in this
21 state by Francisco Mejia, Jr., Owner, doing business as The Autobahn Automotive Group;
- 22 3. Ordering Francisco Mejia, Jr. to pay the Bureau of Automotive Repair the reasonable
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
24 section 125.3; and

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

DATED: August 15, 2014

Patrick Dorais

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

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