

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. Travis Peery
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **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. 77/15-57

13 **DUNN RITE COLLISION AND**
14 **AUTOMOTIVE;**
16701 Chestnut Street D3
14 Hesperia, CA 92345
15 PEDRO DUARTE LARIOS, Owner
16 Automotive Repair Dealer Registration
No. ARD 265867

A C C U S A T I O N

17 Respondent.

18
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 (Bureau), Department of Consumer Affairs.

23 2. On or about July 13, 2011, the Bureau issued Automotive Repair Dealer Registration
24 No. ARD 265867 to Dunn Rite Collision and Automotive; Pedro Duarte Larios (Respondent).

25 The Automotive Repair Dealer Registration expired on July 31, 2013, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Bureau under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 STATUTORY PROVISIONS

2 4. Section 490 states, in pertinent part:

3 "(a) In addition to any other action that a board is permitted to take against a licensee, a
4 board may suspend or revoke a license on the ground that the licensee has been convicted of a
5 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
6 or profession for which the license was issued.

7 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
8 discipline a licensee for conviction of a crime that is independent of the authority granted under
9 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
10 of the business or profession for which the licensee's license was issued.

11 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
12 conviction following a plea of nolo contendere. Any action that a board is permitted to take
13 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
14 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
15 made suspending the imposition of sentence, irrespective of a subsequent order under the
16 provisions of Section 1203.4 of the Penal Code."

17 5. Section 9884.13, provides that the expiration of a valid registration shall not deprive
18 the director or chief of jurisdiction to proceed with a disciplinary proceeding against an
19 automotive repair dealer or to render a decision invalidating a registration temporarily or
20 permanently.

21 ~~6. Section 9889.3 states:~~

22 "The director may suspend, revoke, or take other disciplinary action against a license as
23 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division
24 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

25

26 "(b) Is convicted of any crime substantially related to the qualifications, functions and
27 duties of the licenseholder in question.

28

1 serve 252 days in San Bernardino County Jail and placed him on 36 month's probation, with
2 terms and conditions.

3 b. The circumstances surrounding the conviction are that on or about August 1, 2013,
4 during a routine business inspection of Dunn Rite Collision and Automotive by the San
5 Bernardino County Sheriff's Department, deputies found two vehicles which were in the process
6 of being completely dismantled. The deputies ran a records check on both vehicles which
7 revealed they were stolen. Respondent admitted he took possession of the vehicles from other
8 persons and dismantled the vehicles because he needed to make space. Respondent also admitted
9 to selling parts from the vehicles and then cutting up the vehicles for disposal as scrap.
10 Respondent was unable to provide paperwork for the two vehicles. The deputies arrested
11 Respondent for violation of Vehicle Code section 10801 – Chop Shop Ownership or Operation.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Misrepresentation to Licensing Authority)**

14 11. Respondent is subject to disciplinary action under section 9889.3, subdivision (e), in
15 that on or about October 1, 2010, Respondent misrepresented a material fact in obtaining a license
16 by failing to disclose all convictions against him on his initial application for licensure.
17 Respondent signed under penalty of perjury, under the laws of the State of California, that the
18 information he provided on his application for licensure was true and correct yet failed to disclose
19 the following convictions:

20 a. On or about May 22, 2008, after pleading nolo contendere, Respondent was convicted
21 of one felony count of violating Penal Code section 246.3, subdivision (a), [discharge of firearm
22 with gross negligence] in the criminal proceeding entitled *The People of the State of California v.*
23 *Pedro Larios* (Super. Ct. L.A. County, 2008, No. MA041620). The Court sentenced Respondent
24 to serve 270 days in Los Angeles County Jail and placed him on 3 years probation, with terms and
25 conditions.

26 b. On or about November 18, 2008, after pleading guilty, Respondent was convicted of
27 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b), [driving while
28 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The*

1 *People of the State of California v. Pedro Larios* (Super. Ct. San Bernardino County, 2008, No.
2 TVI059282). The Court sentenced Respondent to serve 180 days in San Bernardino County Jail
3 and placed him on 36 months probation, with terms and conditions.

4 c. On or about August 2, 2006, after pleading nolo contendere, Respondent was
5 convicted of one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (b),
6 [driving while driving privileges are suspended or revoked with knowledge] in the criminal
7 proceeding entitled *The People of the State of California v. Pedro Larios* (Super. Ct. L.A. County,
8 2006, No. 5AT04719). The Court sentenced Respondent to serve 10 days in Los Angeles County
9 Jail and placed him on 36 months probation, with terms and conditions.

10 d. On or about February 20, 2001, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a),
12 [driving under the influence of alcohol], one misdemeanor count of violating Vehicle Code
13 section 14601.2, subdivision (a), [driving while driving privileges are suspended and revoked
14 with knowledge], and one misdemeanor count of violating Vehicle Code section 23152,
15 subdivision (b), [driving while having 0.08% or more, by weight, of alcohol in his blood] in the
16 criminal proceeding entitled *The People of the State of California v. Pedro Larios* (Super. Ct. San
17 Bernardino County, 2001, No. TVI46730). The Court sentenced Respondent to serve 180 days in
18 San Bernardino County Jail and placed him on 3 years probation, with terms and conditions.

19 **DISCIPLINARY CONSIDERATION**

20 12. On or about June 4, 2013, after pleading nolo contendere, Respondent was convicted
21 of one misdemeanor count of violating Penal Code section 148, subdivision (a)(1),
22 [obstructing/resisting officer] and one misdemeanor count of Vehicle Code section 23152,
23 subdivision (b), [driving while having 0.08% or more, by weight, of alcohol in his blood] in the
24 criminal proceeding entitled *The People of the State of California v. Pedro Larios* (Super. Ct. San
25 Bernardino County, 2013, No. TVI1100938). The Court sentenced Respondent to serve 20 days
26 in San Bernardino County Jail and placed him on 36 months probation, with terms and
27 conditions. On or about April 4, 2014, the Court modified Respondent's probation by extending
28 it to July 15, 2017. The circumstances surrounding the conviction are that on or about April 28,

1 2011, a San Bernardino County Sheriff's Deputy attempted to conduct an enforcement stop after
2 observing Respondent driving a quad with no lights, running half way in a lane and half way over
3 the fog line on the shoulder. The deputy activated his overhead lights and siren but Respondent
4 failed to stop. The deputy followed Respondent into a yard where the quad stopped. Numerous
5 commands were given to Respondent to get off the vehicle. He refused, tightening his grip and
6 clenching his arms in an attempt to hold on to the handle bars as the deputy grabbed his arm and
7 pulled him off the quad. Respondent's eyes were red, bloodshot, and watery and he smelled
8 heavily of an alcoholic beverage. Respondent admitted to drinking earlier in the day and
9 borrowing the quad from a family member to take a ride with his girlfriend. When asked why he
10 did not stop when he saw the red and blue lights of the deputy's patrol car, Respondent said he
11 panicked and was scared because of prior bad exposure to law enforcement. Respondent was
12 subsequently arrested for driving under the influence of alcohol.

13 **PRAYER**

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

- 16 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 265867,
17 issued to Dunn Rite Collision and Automotive; Pedro Duarte Larios;
- 18 2. Ordering Pedro Duarte Larios to pay the Bureau the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: May 14, 2015



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

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