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

In the Matter of the Accusation Against:

Case No. 77/15-57

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

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 14, 2015, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77/15-57 against Dunn Rite Collision and Automotive; Pedro Duarte Larios, Owner, (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

///
///

1 2. On or about July 13, 2011, the Bureau of Automotive Repair (Bureau) issued
2 Automotive Repair Dealer Registration No. ARD 265867 to Respondent. The Automotive
3 Repair Dealer Registration expired on July 31, 2013, and has not been renewed.

4 3. On or about May 18, 2015, Respondent was served by Certified and First Class Mail
5 copies of the Accusation No. 77/15-57, Statement to Respondent, Notice of Defense, Request for
6 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
7 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
8 required to be reported and maintained with the Bureau. Respondent's address of record was and
9 is:

10 16701 Chestnut Street D3
11 Hesperia, CA 92345.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about June 2, 2015, the aforementioned documents were returned by the U.S.
16 Postal Service marked "Moved, Left No Address." The address on the documents was the same
17 as the address on file with the Bureau. Respondent failed to maintain an updated address with the
18 Bureau and the Bureau has made attempts to serve the Respondent at the address on file.
19 Respondent has not made himself available for service and therefore, has not availed himself of
20 his right to file a notice of defense and appear at hearing.

21 6. On or about June 5, 2015, Respondent was served by Certified and First Class Mail
22 copies of the Accusation No. 77/15-57, Statement to Respondent, Notice of Defense, Request for
23 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
24 the following additional address on file with the Bureau:

25 15012 Bonanza St. Street D3
26 Victorville, CA 92392.

27 ///

28 ///

///

1 are supported by the evidence contained in the affidavit of Bureau Representative Brian Pravica
2 in this case:

3 a. Respondent is subject to disciplinary action under Business and Professions Code
4 sections 9889.3, subdivision(b), and 490, in conjunction with California Code of Regulations,
5 title 16, section 3395.2, in that he was been convicted of the substantially related crime of buying
6 or receiving stolen property.

7 b. Respondent is subject to disciplinary action under Business and Professions Code
8 section 9889.3, subdivision (e), in that he misrepresented a material fact in obtaining a license by
9 failing to disclose all convictions against him on his initial application for licensure.

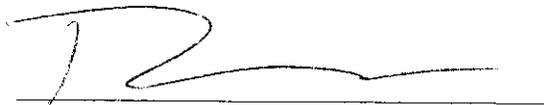
10 ORDER

11 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 265867,
12 heretofore issued to Respondent Dunn Rite Collision and Automotive; Pedro Duarte Larios, is
13 revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
17 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho
18 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on
19 a showing of good cause, as defined in the statute.

20 This Decision shall become effective on April 27, 2016.

21 It is so ORDERED March 29, 2016

22
23
24 

25 TAMARA COLSON
26 Assistant General Counsel
27 Division of Legal Affairs
28 Department of Consumer Affairs

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DOJ Matter ID: LA2014512938

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(DUNN RITE COLLISION AND AUTOMOTIVE; PEDRO DUARTE LARIOS)

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;**

ACCUSATION

15 16701 Chestnut Street D3
Hesperia, CA 92345
PEDRO DUARTE LARIOS, Owner

16 Automotive Repair Dealer Registration
No. ARD 265867

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 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,

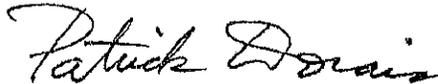
1 2011, a San Bernardino County Sheriff's Deputy attempted to conduct an enforcement stop after
2 observing Respondent driving a quad with no lights; running half way in a lane and half way over
3 the fog line on the shoulder. The deputy activated his overhead lights and siren but Respondent
4 failed 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 DATED: May 14, 2015


23 PATRICK DORAIS
24 Chief
25 Bureau of Automotive Repair
26 Department of Consumer Affairs
27 State of California
28 Complainant

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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
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 77/15-57

11 **DUNN RITE COLLISION AND**
12 **AUTOMOTIVE; PEDRO DUARTE**
13 **LARIOS**

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

14 Respondent.

15 TO RESPONDENT:

16 Enclosed is a copy of the Accusation that has been filed with the Director of Consumer
17 Affairs, Bureau of Automotive Repair (Bureau), and which is hereby served on you.

18 Unless a written request for a hearing signed by you or on your behalf is delivered or
19 mailed to the Bureau, represented by Deputy Attorney General M. Travis Peery, within fifteen
20 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
21 be deemed to have waived your right to a hearing in this matter and the Bureau may proceed upon
22 the Accusation without a hearing and may take action thereon as provided by law.

23 The request for hearing may be made by delivering or mailing one of the enclosed forms
24 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
25 section 11506 of the Government Code, to

26 **M. Travis Peery**
27 **Deputy Attorney General**
Ronald Reagan Building
28 **300 South Spring Street, Suite 1702**
Los Angeles, CA 90013

1 If you are interested in pursuing this alternative to a formal administrative hearing, or if you
2 have any questions, you or your attorney should contact Deputy Attorney General M. Travis
3 Peery at the earliest opportunity.

4
5 Dated: May 18, 2015

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

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M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Attorney General of California
2 THOMAS L. RINALDI
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8 **BEFORE THE**
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11 **STATE OF CALIFORNIA**

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Case No. 77/15-57

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14 **AUTOMOTIVE;**
16701 Chestnut Street D3
14 Hesperia, CA 92345
15 PEDRO DUARTE LARIOS, Owner

ACCUSATION

16 Automotive Repair Dealer Registration
No. ARD 265867

17 Respondent.

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19 Complainant alleges:

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13 **(Misrepresentation to Licensing Authority)**

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16 by failing to disclose all convictions against him on his initial application for licensure.
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18 information he provided on his application for licensure was true and correct yet failed to disclose
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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.

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28 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The*

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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
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22 [obstructing/resisting officer] and one misdemeanor count of Vehicle Code section 23152,
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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
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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 DATED: May 14, 2015

Patrick Dorais

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

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1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
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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:
13 DUNN RITE COLLISION AND
AUTOMOTIVE; PEDRO DUARTE LARIOS
14 Respondent.

Case No. 77/15-57

REQUEST FOR DISCOVERY

15 TO RESPONDENT:

16 Under section 11507.6 of the Government Code of the State of California, parties to an
17 administrative hearing, including the Complainant, are entitled to certain information concerning
18 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
19 concerning such rights is included among the papers served.

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE
21 HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
23 including, but not limited to, those intended to be called to testify at the hearing, and
- 24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
25 following in the possession or custody or under control of the Respondent:
 - 26 a. A statement of a person, other than the Respondent, named in the
27 initial administrative pleading, or in any additional pleading, when it is claimed that
28

1 the act or omission of the Respondent as to this person is the basis for the
2 administrative proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made
4 by any party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the
6 Respondent and of other persons having personal knowledge of the acts, omissions or
7 events which are the basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical
9 and blood examinations and things which the Respondent now proposes to offer in
10 evidence;

11 e. Any other writing or thing which is relevant and which would be
12 admissible in evidence, including but not limited to, any patient or hospital records
13 pertaining to the persons named in the pleading;

14 f. Investigative reports made by or on behalf of the Respondent
15 pertaining to the subject matter of the proceeding, to the extent that these reports (1)
16 contain the names and addresses of witnesses or of persons having personal
17 knowledge of the acts, omissions or events which are the basis for the proceeding, or
18 (2) reflect matters perceived by the investigator in the course of his or her
19 investigation, or (3) contain or include by attachment any statement or writing
20 described in (a) to (e), inclusive, or summary thereof.

21
22 For the purpose of this Request for Discovery, "statements" include written statements by
23 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
24 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
25 summaries of these oral statements.

26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
27 should be deemed to authorize the inspection or copying of any writing or thing which is
28

1 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
2 product.

3 Your response to this Request for Discovery should be directed to the undersigned attorney
4 for the Complainant at the address on the first page of this Request for Discovery within 30 days
5 after service of the Accusation.

6 Failure without substantial justification to comply with this Request for Discovery may
7 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
8 Government Code.

9 Dated: May 18, 2015

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

**DUNN RITE COLLISION AND
AUTOMOTIVE; PEDRO DUARTE
LARIOS**

Respondent.

Case No. 77/15-57

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing
Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Respondent's Fax: _____

Respondent's E-mail: _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone: _____

Counsel's Fax: _____

Counsel's E-mail: _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Accusation Against:

**DUNN RITE COLLISION AND
AUTOMOTIVE; PEDRO DUARTE
LARIOS**

Respondent.

Case No. 77/15-57

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing
Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Respondent's Fax: _____

Respondent's E-mail: _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone: _____

Counsel's Fax: _____

Counsel's E-mail: _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Dunn Rite Collision and Automotive; Pedro Duarte Larios**

Case No.: **77/15-57**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 18, 2015, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Respondent

Pedro Duarte Larios
Dunn Rite Collision and Automotive
16701 Chestnut Street D3
Hesperia, CA 92345

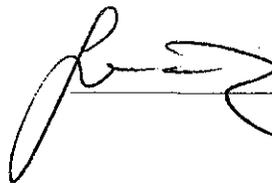
Certified Article Number

9424 7266 9904 2013 5766 83

SENDERS RECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 18, 2015, at Los Angeles, California.

L M. Robinson
Declarant



Signature

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Dunn Rite Collision and Automotive; Pedro Duarte Larios**

Case No.: 77/15-57

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On June 5, 2015, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Respondent

Pedro Duarte Larios
Dunn Rite Collision and Automotive
15012 Bonanza St.
Victorville, CA 92392

Certified Article Number

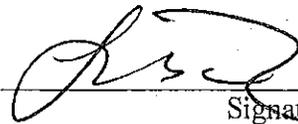
7414 7266 9904 2008 1846 57

SENDERS RECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 5, 2015, at Los Angeles, California.

L M. Robinson

Declarant



Signature

9414 7266 9904 2013 5766 83

TO:
Pedro Duarte Larios
Dunn Rite Collision and Automotive
16701 Chestnut Street D3
Hesperia, CA 92345

SENDER: M. Travis Peery, DAG

REFERENCE: ACC Pckt
LA2014512938

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

<p>USPS® Receipt for Certified Mail®</p> <p><small>No Insurance Coverage Provided Do Not Use for International Mail</small></p>	<p>POSTMARK OR DATE</p> <p><i>5/18/05</i></p>
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9414 7266 9904 2008 1846 57

TO:

Pedro Duarte Larios
Dunn Rite Collision and Automotive
15012 Bonanza St.
Victorville, CA 92392

SENDER: M. Travis Peery, DAG

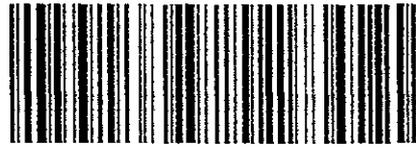
REFERENCE: ACC Pekt
LA2014512938

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
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	Total Postage & Fees	

<p>USPS® Receipt for Certified Mail™</p> <p><small>No Insurance Coverage Provided Do Not Use for International Mail</small></p>	<p>POSTMARK OR DATE</p> <p>6/15/15</p>
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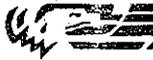
CERTIFIED MAIL®



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U.S. POSTAGE



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FOE
06

M. Travis Peery, DAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

TO

~~Pedro Duarte Laris
Dunn Rite Collision and Automotive
16701 Chestnut Street 103
Hesperia, CA 92345~~

**MOVED, LEFT
NO ADDRESS**



U.S. POSTAGE



ZIP 90013 \$1
02 1W
0001369250M

FOE
06

M. Travis Peery, DAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

TO

Pedro Duarte Larios
Dunn Rite Collision and Automotive
16701 Chestnut Street D3
Hesperia, CA 92345

RETURNED TO SENDER

MOVED - LEFT
NO ADDRESS

FIRST CLASS MAIL
FIRST CLASS MAIL

AFFIDAVIT OF BRIAN PRAVICA

1 I, Brian Pravica, Program Representative II, Bureau of Automotive Repair, Riverside
2 Field Office, hereby affirm the following facts regarding Dunn Rite Collision and Automotive,
3 16701 Chestnut St. #D3 Hesperia, CA Accusation Case No. 77/15-57

4 In the course and scope of my duties as Program Representative II in the Riverside Field
5 Office, I investigated Pedro Duarte Larios, doing business as Dunn Rite Collision and
6 Automotive (Respondent).

7 On August 20, 2014, I initiated an investigation into the business practices of Dunn Rite
8 Collision and Automotive due to information received from the San Bernardino County Sheriff's
9 Department (SBSD) and the San Bernardino County Auto Theft Task Force (SANCATT).

10 On August 1, 2013, SBSBD and SANCATT investigators conducted a routine business
11 inspection of Dunn Rite Collision and Automotive and found two vehicles in the process of
12 being completely dismantled. The investigators found both vehicles reported as stolen.
13 Respondent admitted that he took possession of the vehicles from other persons and dismantled
14 them because he needed to make room at his facility. Respondent also admitted to selling parts
15 from the vehicles and cutting up the vehicles for disposal as scrap. Respondent was unable to
16 provide the investigators paperwork for the vehicles. Respondent was arrested for violation of
17 California Vehicle Code section 10801-Chop Shop Ownership or Operation.

18 On April 9, 2014, Respondent, after pleading guilty to Penal Code section 496 (D)(a)-
19 Buys or receives any stolen vehicle or equipment, was sentenced to 252 days in the San
20 Bernardino County Jail with credit for 252 days' time served and was placed on 36 months
21 probation with terms and conditions. The Respondent is subject to disciplinary action in that he
22 was convicted of the substantially related crime of buying or receiving stolen property (motor
23 vehicles).

24 On or about October 1, 2010, Respondent misrepresented a material fact in obtaining a
25 license by failing to disclose all convictions against him on his initial license application for an
26 Automotive Repair Dealer (ARD) registration. Respondent signed the application under penalty
27 of perjury, under the laws of the State of California, that the information provided was true and
28 correct, but failed to disclose the following convictions:

AFFIDAVIT OF BRIAN PRAVICA

1 On or about May 22, 2008, Respondent, after pleading nolo contendere, was convicted of
2 Penal Code section 246.3(a)- Discharge of a firearm with gross negligence. Respondent was
3 sentenced to 270 days in Los Angeles County Jail and was placed on 3-years probation, with
4 terms and conditions.

5 On or about November 18, 2008, after pleading guilty, Respondent was convicted of
6 Vehicle Code section 23152(b)-Driving while having 0.08% or more, by weight, of alcohol in
7 his blood. Respondent was sentenced to 180 days in San Bernardino County Jail and was placed
8 on 36 months probation, with terms and conditions.

9 On or about August 2, 2006, after pleading nolo contendere, Respondent was convicted of
10 Vehicle Code section 14601.2(b)-Driving while driving priveleges are suspended or revoked
11 with knowledge. Respondent was sentenced to 10 days in Los Angeles County Jail and was
12 placed on 36 months probation, with terms and conditions.

13 On or about February 20, 2001, after pleading nolo contendere, Respondent was
14 convicted of: Vehicle Code section 23152(a)-Driving under the influence of alcohol, Vehicle
15 Code section 14601.2(a)- Driving while driving priveleges are suspended or revoked with
16 knowledge, and Vehicle Code section 23152(b)- Driving while having 0.08% or more, by
17 weight, of alcohol in his blood. Respondent was sentenced to 180 days in San Bernardino
18 County Jail and was placed on 3 years probation, with terms and conditions.

19 I have personal knowledge of the facts stated herein and, if called as a witness, I could
20 and would testify competently to those facts and to the facts, evidence, and information
21 contained within the investigation report supporting the violations asserted in the Accusation and
22 mentioned herein.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct to the best of my knowledge.

25 Executed on the 15th day of December, 2015, at Riverside, California.

26 

27 Brian Pravica, Program Representative II

28 Bureau of Automotive Repair