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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 77/16-35

**BETTER BUILT TRANSMISSIONS/
LAMONA SERVICE
STEVE B. CHILDRESS, OWNER
1316 N. First Street
Fresno, CA 93703**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Automotive Repair Dealer Reg. No. ARD
266200**

Respondent.

FINDINGS OF FACT

1. On or about February 1, 2016, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Petition to Revoke Probation No. 77/16-35 against Better Built Transmissions/Lamona Service; Steve B. Childress, Owner (Respondent) before the Director of Consumer Affairs. (Petition to Revoke Probation attached as Exhibit A.)

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1 2. On or about August 10, 2011, the Bureau of Automotive Repair (Bureau) issued
2 Automotive Repair Dealer Registration No. ARD 266200 to Respondent. The Automotive
3 Repair Dealer Registration expired on August 31, 2015, and has not been renewed.

4 3. On or about February 3, 2016, Respondent was served by Certified and First Class
5 Mail copies of Petition to Revoke Probation No. 77/16-35, Statement to Respondent, Notice of
6 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
7 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
8 Professions Code section 136, is required to be reported and maintained with the Bureau.
9 Respondent's address of record was and is:

10 1316 N. First Street
11 Fresno, CA 93703.

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

15 5. On or about February 12, 2016, the aforementioned documents were returned by the
16 U.S. Postal Service marked "Return To Sender; Unable To Forward."

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
22 may nevertheless grant a hearing.

23 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
24 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
25 Petition to Revoke Probation No. 77/16-35.

26 8. California Government Code section 11520 states, in pertinent part:

27 (a) If the respondent either fails to file a notice of defense or to appear at the
28 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

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1 9. Pursuant to its authority under Government Code section 11520, the Director after
2 having reviewed the proof of service dated February 3, 2016, signed by Jessica Sotelo, and the
3 return envelope for the Petition to Revoke Probation, finds Respondent is in default. The Director
4 will take action without further hearing and, based on Petition to Revoke Probation No. 77/16-35,
5 proof of service, and on the Affidavit of Bureau Representative William K. Nicks, finds that the
6 allegations in the Petition to Revoke Probation are true.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Better Built
9 Transmissions/Lamona Service; Steve B. Childress, Owner has subjected his Automotive Repair
10 Dealer Registration No. ARD 266200 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
13 Repair Dealer Registration based upon the following violation alleged in the Petition to Revoke
14 Probation which is supported by the evidence contained in the affidavit of Bureau Representative
15 William K. Nicks in this case:

16 a. Failure to comply with Probation Condition 10 of the Decision in Accusation No.
17 77/14-31, in that since being placed on probation on September 23, 2014, Respondent only made
18 three cost recovery payments to the Bureau, thus leaving an outstanding balance of \$30,274.

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Exhibit A

Petition to Revoke Probation

(BETTER BUILT TRANSMISSIONS/LAMONA SERVICE; STEVE B. CHILDRESS, OWNER)

1 KAMALA D. HARRIS
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2 KENT D. HARRIS
Supervising Deputy Attorney General
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Facsimile: (916) 327-8643
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 Petition to Revoke Probation
Against,

Case No. 77/16-35

13 **BETTER BUILT TRANSMISSIONS/**
14 **LAMONA SERVICE**
15 **STEVE B. CHILDRESS, OWNER**
1316 N. First Street
16 Fresno, CA 93703

**PETITION TO REVOKE
PROBATION**

17 Automotive Repair Dealer Reg. No. ARD 266200

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 10, 2011, the Director of Consumer Affairs ("Director") issued
25 Automotive Repair Dealer Registration Number ARD 266200 ("registration") to Steve B.
26 Childress ("Respondent"), owner of Better Built Transmissions/Lamona Service. The registration
27 expired on August 31, 2015, and has not been renewed.

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1 before probation terminates. Failure to complete payment of cost recovery within this time frame
2 shall constitute a violation of probation, which may subject Respondent's registration to outright
3 revocation.

4 9. Respondent's probation is subject to revocation in that Respondent has made only
5 three (3) cost recovery payments to the Bureau, leaving an outstanding balance of \$30,274.

6 **PRAYER**

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

9 1. Revoking probation and re-imposing the order of revocation of Automotive Repair
10 Dealer Registration Number ARD 266200, issued to Steve B. Childress, owner of Better Built
11 Transmissions/Lamona Service; and

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

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14 DATED:

February 1, 2016

Patrick Dorais

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

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