

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

JACK ROBERT HAWKINS
dba J H AUTOMOTIVE
216 N. Milpas Street, Apt. F
Santa Barbara, CA 93103

Case No. 709/03-03S

Applicant for Automotive Repair Dealer
Registration

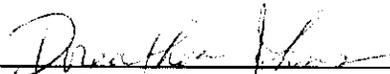
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective June 29, 2012.

DATED: June 8, 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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2 GREGORY J. SALUTE
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 79/03-03S

12 **JACK ROBERT HAWKINS**
13 **d.b.a. J H AUTOMOTIVE**
14 216 N. Milpas Street, Apt. F
Santa Barbara, CA 93103
15 **Applicant for Automotive Repair Dealer**
Registration,

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER

16 Respondent.

17
18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair
23 (Bureau). She brought this action solely in her official capacity and is represented in this matter
24 by Kamala D. Harris, Attorney General of the State of California, by Terrence M. Mason, Deputy
25 Attorney General.

26 2. Respondent Jack Robert Hawkins d.b.a. J H Automotive (Respondent) is representing
27 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.
28

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Director of Consumer Affairs or
3 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
4 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
5 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
6 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
7 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
8 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
9 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
10 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
11 shall not be disqualified from further action by having considered this matter.

12 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
14 effect as the originals.

15 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
20 writing executed by an authorized representative of each of the parties.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Director may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

DISCIPLINARY ORDER

24
25 IT IS HEREBY ORDERED that Respondent Jack Robert Hawkins d.b.a. JH Automotive's
26 application for an Automotive Repair Dealer Registration will be issued and immediately
27 revoked. The revocation will be stayed and the Respondent placed on three (3) years probation
28 on the following terms and conditions.

1 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
2 automotive inspections, estimates and repairs.

3 2. **Reporting.** Respondent or Respondent's authorized representative must report in
4 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
5 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
6 maintaining compliance with the terms and conditions of probation.

7 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report
8 any financial interest which any partners, officers, or owners of the Respondent facility may have
9 in any other business required to be registered pursuant to Section 9884.6 of the Business and
10 Professions Code.

11 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
12 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

13 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
14 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
15 until the final decision on the accusation, and the period of probation shall be extended until such
16 decision.

17 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
18 Respondent has failed to comply with the terms and conditions of probation, the Department may,
19 after giving notice and opportunity to be heard, temporarily or permanently invalidate the
20 registration.

21 7. **Cost Recovery.** Respondent shall submit payment to the Bureau of the full amount
22 of outstanding cost recovery in the amount of \$4,240.00 to be received no later than twelve (12)
23 months before his probation terminates. Respondent shall be permitted to make monthly
24 payments towards the full amount of outstanding costs as follows: no less than \$176.67 per month
25 for each of the initial twenty-four (24) months of probation. Failure to complete payment of cost
26 recovery within this time frame shall constitute a violation of probation which may subject
27 Respondent's registration to outright revocation; however, the Director or the Director's Bureau
28 of Automotive Repair designee may elect to continue probation until such time as reimbursement

1 of the entire cost recovery amount has been made to the Bureau. The monthly payments of no less
2 than \$176.67 should be sent to: Bureau of Automotive Repair, 10220 Systems Parkway, Suite B,
3 Sacramento, CA 95827.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Applicant for Automotive Repair Dealer Registration.
7 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
8 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
9 Affairs.

10
11 Dated:

1-17-2012


12 JACK ROBERT HAWKINS
Respondent

13
14
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Director of Consumer Affairs.

18
19 Dated: 2/29/2012

Respectfully submitted,

20 KAMALA D. HARRIS
Attorney General of California
21 GREGORY J. SALUTE
Supervising Deputy Attorney General



22
23 TERRENCE M. MASON
24 Deputy Attorney General
25 *Attorneys for Complainant*

Exhibit A

Statement of Issues No. 79/03-03S

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2 ALFREDO TERRAZAS
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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 Statement of Issues Against:
13 **J H AUTOMOTIVE**
JACK R. HAWKINS,
14 **a.k.a. JACK ROBERT HAWKINS, OWNER**
502 E. Haley Street
Santa Barbara, CA 93103
15
16 Respondent.

Case No. 79105-38

STATEMENT OF ISSUES

17 Complainant alleges:

18 **PARTIES**

- 19 1. Sherry Mehl ("Complainant") brings this Statement of Issues solely in her official
20 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer
21 Affairs.
22 2. On or about February 18, 2010, the Bureau received an application for an automotive
23 repair dealer registration from Jack R. Hawkins, also known as Jack Robert Hawkins
24 ("Respondent"), owner of J H Automotive. On or about February 14, 2010, Respondent certified
25 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Bureau denied the application on April 21, 2010.

27 //
28 //

LICENSE INFORMATION AND DISCIPLINARY HISTORY

1
2 3. On or about September 18, 2000, the Director of Consumer Affairs ("Director")
3 issued Automotive Repair Dealer Registration Number AJ 212670 (hereinafter "registration") to
4 Respondent, owner of J H Automotive Mobile. Respondent's registration expired on September
5 30, 2002. On July 29, 2003, Respondent's registration was revoked, as set forth in paragraph 6
6 below.

7 4. On or about October 10, 2000, the Director issued Smog Check Station License
8 Number RJ 212670 to Respondent. Respondent's smog check station license expired on
9 September 30, 2002. On July 29, 2003, Respondent's smog check station license was revoked, as
10 set forth in paragraph 6 below.

11 5. In or about 1997, the Director issued Basic Area Technician License Number EB
12 121556 (hereinafter "technician license") to Respondent. On July 29, 2003, Respondent's
13 technician license was revoked. The revocation was stayed and Respondent was placed on
14 probation for three (3) years on terms and conditions, as set forth in paragraph 6 below.
15 Respondent's technician license was also suspended for 30 days. On March 11, 2005,
16 Respondent's technician license was revoked, as set forth in paragraph 7 below.

17 6. On July 29, 2003, pursuant to the Stipulated Settlement and Disciplinary Order
18 adopted by the Director as the Decision in the disciplinary proceeding titled *In the Matter of the*
19 *Accusation Against: J H Automotive Mobil and Jack Robert Hawkins*, Case No. 79/03-03, the
20 Director revoked Respondent's registration, smog check station license, and technician license.
21 The revocation as to Respondent's technician license was stayed and Respondent was placed on
22 probation for three (3) years on terms and conditions. Respondent's technician license was also
23 suspended for 30 days. Respondent admitted violating Business and Professions Code ("Code")
24 sections 9884.7, subdivision (a)(1) (false or misleading statements), 9884.7, subdivision (a)(4)
25 (fraud), and subdivision (a)(6) (failure to comply with Code section 9884.9, subdivision (a)) as to
26 his registration.

27 7. On March 11, 2005, pursuant to the Default Decision and Order in the disciplinary
28 proceeding titled *In the Matter of the Accusation and Petition to Revoke Probation Against: Jack*

1 Robert Hawkins, Case No. 79/04-67, the Director revoked Respondent's technician license for,
2 among other things, violating Health and Safety Code section 44072.2, subdivision (a)
3 (dishonesty, fraud, or deceit).

4 STATUTORY PROVISIONS

5 8. Code section 9884.7 states, in pertinent part:

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

12 (1) Making or authorizing in any manner or by any means whatever any
13 statement written or oral which is untrue or misleading, and which is known, or which
14 by the exercise of reasonable care should be known, to be untrue or misleading.

15

16 (4) Any other conduct that constitutes fraud . . .

17 9. Code section 480 states, in pertinent part:

18 (a) A board may deny a license regulated by this code on the grounds that
19 the applicant has one of the following:

20

21 (2) Done any act involving dishonesty, fraud or deceit with the intent to
22 substantially benefit himself or herself or another, or substantially injure another.

23 (3)(A) Done any act that if done by a licentiate of the business or
24 profession in question, would be grounds for suspension or revocation of license.

25 (B) The board may deny a license pursuant to this subdivision only if the
26 crime or act is substantially related to the qualifications, functions, or duties of the
27 business or profession for which application is made . . .

28 10. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
"commission," "committee," "department," "division," "examining committee," "program," and
"agency." "License" includes certificate, registration or other means to engage in a business or
profession regulated by the code.

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1 FIRST CAUSE FOR DENIAL

2 (Acts Warranting Denial of Application: Accusation Nos. 79/03-03 and. 79/04-67)

3 11. Respondent's application is subject to denial pursuant to Code section 480,
4 subdivision (a)(3)(A), in that he committed acts while registered as an automotive repair dealer
5 which were grounds for revocation of his registration, set forth in paragraph 6 above.

6 SECOND CAUSE FOR DENIAL

7 (False or Misleading Statements)

8 12. Respondent's application is subject to denial pursuant to Code section 9884.7,
9 subdivision (a)(1), in that he made or authorized statements which he knew or in the exercise of
10 reasonable care should have known to be untrue or misleading, as set forth in paragraph 6 above.

11 THIRD CAUSE FOR DENIAL

12 (Dishonesty, Fraud or Deceit)

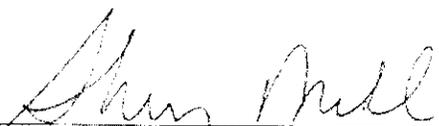
13 13. Respondent's application is subject to denial pursuant to Code sections 9884.7,
14 subdivision (a)(4), and 480, subdivision (a)(2), in that he committed acts involving dishonesty,
15 fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure
16 another, as set forth in paragraphs 6 and 7 above.

17 PRAYER

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

- 20 1. Denying the application of Jack R. Hawkins, also known as Jack Robert Hawkins,
- 21 owner of J H Automotive, for an automotive repair dealer registration;
- 22 2. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 3/15/06



25 SHERRY MEHL
26 Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant