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7
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 Accusation Against:
12
13 **RAFI AUTOTECH**
14 **AARON BENOR, Owner**
3817 Sepulveda Blvd. #F
Culver City, CA 90230
Automotive Repair Dealer Registration No. ARD 154249
15 Smog Check Station License No. RC 154249
16 Brake Station License No. BS 154249
Lamp Station License No. LS 154249
17 **AARON BENOR, a.k.a. RAFI RENE, a.k.a.**
18 **RONNY MASON, a.k.a. RONY BENOR**
3817 Sepulveda Blvd.
Culver City, CA 90230
19 Smog Check Repair Technician No. EI 313483
Smog Check Inspector No. EO 313483
20 Brake Adjuster License No. BA 313483
Lamp Adjuster License No. LA 313483
21
22 Respondents.

Case No. 79/16-106

ACCUSATION

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24 Complainant alleges:

25 **PARTIES**

26 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
27 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.
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1 **LICENSE INFORMATION**

2 **RAFI AUTOTECH**

3 2. On or about June 15, 1990, the Bureau of Automotive Repair issued Automotive
4 Repair Dealer Registration Number ARD 154249 to Rafi Autotech; Aaron Benor, Owner
5 (Respondent Rafi Autotech). The Automotive Repair Dealer Registration was in full force and
6 effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless
7 renewed.

8 3. On or about July 10, 1990, the Bureau of Automotive Repair issued Smog Check
9 Station License Number RC 154249 to Respondent Rafi Autotech. The Smog Check Station
10 License was in full force and effect at all times relevant to the charges brought herein and will
11 expire on June 30, 2016, unless renewed.

12 4. On or about July 10, 1990, the Bureau of Automotive Repair issued Lamp Station
13 License No. LS 154249, class A, to Respondent Rafi Autotech. The Lamp Station License was in
14 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
15 2016, unless renewed.

16 5. On or about July 10, 1990, the Bureau of Automotive Repair issued Brake Station
17 License No. BS 154249, class A, to Respondent Rafi Autotech. The Brake Station License was
18 in full force and effect at all times relevant to the charges brought herein and will expire on June
19 30, 2016, unless renewed.

20 **AARON BENOR**

21 6. In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist
22 Technician License No. EA 313483 to Aaron Benor, a.k.a. Rafi Rene, a.k.a. Ronny Mason, a.k.a.
23 Rony Benor (Respondent Benor). The Advanced Emission Specialist was cancelled on August
24 29, 2012. Pursuant to California Code of Regulations, title 16, section 3340.28 (e), Respondent's
25 license was redesignated as Smog Check Inspector License No. EO 313483 and Smog Check
26 Repair Technician License No. EI 313483, effective August 29, 2012. The Smog Check
27 Inspector License and the Smog Check Repair Technician License was in full force and effect at
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1 all times relevant to the charges brought herein and will expire on December 31, 2016, unless
2 renewed.

3 7. In 2006, the Bureau of Automotive Repair issued Brake Adjuster License No. BA
4 313483, class A, to Respondent Benor. The Brake Adjuster License was in full force and effect
5 at all times relevant to the charges brought herein and will expire on December 31, 2017, unless
6 renewed.

7 8. In 1990, the Bureau of Automotive Repair issued Lamp Adjuster License No. LA
8 313483, class A, to Respondent Benor. The Lamp Adjuster License was in full force and effect at
9 all times relevant to the charges brought herein and expired on December 31, 2014, and has not
10 been renewed.

11 **JURISDICTION**

12 9. This Accusation is brought before the Director of Consumer Affairs (Director) for the
13 Bureau of Automotive Repair, under the authority of the following laws.

14 10. Section 9884.13 of the Business and Professions Code provides, in pertinent part, that
15 the expiration of a valid registration shall not deprive the director or chief of jurisdiction to
16 proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision
17 invalidating a registration temporarily or permanently.

18 11. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
19 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
20 the Motor Vehicle Inspection Program.

21 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
22 expiration or suspension of a license by operation of law, or by order or decision of the Director
23 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
24 the Director of jurisdiction to proceed with disciplinary action.

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PERTINENT STATUTES & REGULATIONS

13. Section 123 of the Business and Professions Code states, in pertinent part:

“It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

....

“(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf”

14. Section 9884.7 of the Business and Professions Code states, in pertinent part:

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

....

“(4) Any other conduct that constitutes fraud.”

....

15. Section 9889.3 of the Business and Professions Code states, in pertinent part:

“The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee or any partner, officer, or director thereof:

“(a) Violates any section of the Business and Professions Code that relates to his or her licensed activities.

...

1 **CAUSE FOR DISCIPLINE**

2 **(Dishonest Conduct - Subversion of Licensing Examination)**

3 20. Respondent is subject to disciplinary action under Health and Safety Code section
4 44072.2, subdivision (d), and Business and Professions Code sections 9889.3, subdivisions (a)
5 and (d), 9884.7(a)(4) and 496 in conjunction with section 123, subdivision (b) in that Respondent
6 engaged in dishonest conduct when he subverted a licensing examination to obtain a Lamp
7 Adjuster License. The circumstances are that on September 9, 2014, Respondent arrived at the
8 Burbank Test Center to take the California Lamp Adjuster Licensing Examination. When he
9 arrived, he was identified by his California Driver's License as Aaron Benor. During the course
10 of the examination, a proctor observed Respondent reviewing lamp specification notes that he had
11 in his possession. As a result, the notes were confiscated, the examination terminated, and he was
12 asked to leave the testing center.

13 **OTHER MATTERS**

14 21. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
15 probation the registrations for all places of business operated in this state by Aaron Benor, doing
16 business as Rafi Autotech, upon a finding that he has, or is, engaged in a course of repeated and
17 willful violation of the laws and regulations pertaining to an automotive repair dealer.

18 22. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station
19 License Number RC 154249, issued to Aaron Benor, doing business as Rafi Autotech, is revoked
20 or suspended, any additional license issued under this chapter in the name of said licensee may be
21 likewise revoked or suspended by the director.

22 23. Pursuant to Code section 9889.9, if Lamp Station License Number LS 154249,
23 issued to Aaron Benor, doing business as Rafi Autotech, is revoked or suspended, any additional
24 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the
25 name of said licensee may be likewise revoked or suspended by the director.

26 24. Pursuant to Code section 9889.9, if Brake Station License Number BS 154249,
27 issued to Aaron Benor, doing business as Rafi Autotech, is revoked or suspended, any additional
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1 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the
2 name of said licensee may be likewise revoked or suspended by the director.

3 25. Pursuant to Health and Safety Code section 44072.8, if Smog Check Repair
4 Technician License No. EI 313483 and Smog Check Inspector No. EO 313483, issued to Aaron
5 Benor, is revoked or suspended, any additional license issued under this chapter in the name of
6 said licensee may be likewise revoked or suspended by the director.

7 26. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 313483,
8 issued to Aaron Benor, is revoked or suspended, any additional license issued under Articles 5
9 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be
10 likewise revoked or suspended by the director.

11 27. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 313483,
12 issued to Aaron Benor, is revoked or suspended, any additional license issued under Articles 5
13 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be
14 likewise revoked or suspended by the director.

15 **PRAYER**

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

18 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
19 Registration No. ARD 154249, issued to Aaron Benor, doing business as Rafi Autotech;

20 2. Revoking, suspending, or placing on probation any other automotive repair dealer
21 registration issued to Aaron Benor;

22 3. Revoking or suspending Smog Check Station License Number RC 154249, issued
23 to Aaron Benor, doing business as Rafi Autotech;

24 4. Revoking or suspending any additional license issued under chapter 5, of the
25 Health and Safety Code in the name of Aaron Benor;

26 5. Revoking or suspending Brake Station License Number BS 154249, issued to
27 Aaron Benor, doing business as Rafi Autotech;

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