

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

In the Matter of Accusation Against:

CESAR ORTIZ dba ABC SPEEDEE LUBE

4551 E. Gage Avenue

Bell, CA 90201

Mailing Address:

3875 E. 3rd Street

Los Angeles, CA 90063

Automotive Repair Dealer Registration No. ARD 252076

Brake Station License No. BS 252076, Class C

Lamp Station License No. LS 252076, Class A

and

FRANCISCO J. BRAMBILA

13143 Foxley Drive

Whittier, CA 90602

Smog Check Inspector No. EO 33342

Smog Check Repair Technician License No. EI 33342

Brake Adjuster License No. BA 33342, Class C

Lamp Adjuster License No. LA 33342, Class A

Respondents.

Case No. 77/17-16353

OAH No. 2019080180

DECISION

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

This Decision shall become effective on December 31, 2020.

DATED: November 20, 2020

/s/

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
WILLIAM D. GARDNER
Deputy Attorney General
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Los Angeles, CA 90013
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Attorneys for Complainant

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Class C
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Class A,**

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**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

(As to Francisco J. Brambila Only)

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
6 Xavier Becerra, Attorney General of the State of California, by William D. Gardner, Deputy
7 Attorney General.

8 2. Respondent Francisco J. Brambila is represented in this proceeding by attorney
9 William D. Ferreira, whose address is: 580 California Street, Ste. 1200, San Francisco, CA
10 94104.

11 3. Respondent Francisco J. Brambila ("Respondent") previously held Advanced
12 Emission Specialist Technician EA 33342, which was scheduled to expire in December 2012.
13 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon
14 Respondent's election, said license was renewed by the Bureau of Automotive Repair on
15 November 13, 2012, as Smog Check Inspector License Number EO 33342 and Smog Check
16 Repair Technician License Number EI 33342. The Smog Check Inspector License was in full
17 force and effect at all times relevant to the charges brought in Accusation No. 77/17-16353 and
18 will expire on December 31, 2020, unless renewed. The Smog Check Repair Technician License
19 expired on December 31, 2014, and has not been renewed.

20 4. In 2007, the Bureau of Automotive Repair issued Brake Adjuster License Number
21 BA 33342, class C, to Respondent. The Brake Adjuster License was in full force and
22 effect at all times relevant to the charges brought in Accusation No. 77/17-16353, expired on
23 December 31, 2019, and has not been renewed.

24 5. In 2007, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA
25 33342, class A, to Respondent. The Lamp Adjuster License was in full force and effect
26 at all times relevant to the charges brought in Accusation No. 77/17-16353, expired on December
27 31, 2019, and has not been renewed.

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12. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

13. Respondent agrees that his Brake Adjuster License, Lamp Adjuster License, Smog Check Repair Technician License and his Smog Check Inspector License are subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

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Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Brake Adjuster License Number BA 33342, class C, and Lamp Adjuster License Number LA 33342, class A, are revoked.

1. The revocation of Respondent's licenses and the acceptance of the revoked licenses by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Bureau of Automotive Repair.

2. Respondent shall lose all rights and privileges as a licensed Brake Adjuster and a licensed Lamp Adjuster in the State of California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau his pocket licenses and, if issued, his wall certificates on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 77/17-16353 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny any such petition.

IT IS HEREBY FURTHER ORDERED that Smog Check Inspector License Number EO 33342 and Smog Check Repair Technician License EI 33342 are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

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1 1. **Obey All Laws.** During the period of probation, Respondent shall comply with all
2 federal and state statutes, regulations and rules governing all BAR registrations and licenses held
3 by Respondent.

4 2. **Quarterly Reporting.** During the period of probation, Respondent shall report either
5 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no
6 more frequently than once each calendar quarter, on the methods used and success achieved in
7 maintaining compliance with the terms and conditions of probation.

8 3. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
9 of the decision and within 30 days from the date of any request by BAR during the period of
10 probation, report any financial interest which any Respondent or any partners, officers, or owners
11 of any Respondent facility may have in any other business required to be registered pursuant to
12 Section 9884.6 of the Business and Professions Code.

13 4. **Access to Examine Vehicles and Records.** Respondent shall provide BAR
14 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
15 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
16 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

17 5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
18 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
19 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
20 and return, and of the dates of cessation and resumption of business in California. All provisions
21 of probation other than cost reimbursement requirements, restitution requirements, training
22 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
23 time of 30 days or more in which Respondent is not residing or engaging in business within the
24 jurisdiction of California. All provisions of probation shall recommence on the effective date of
25 resumption of business in California. Any period of time of 30 days or more in which Respondent
26 is not residing or engaging in business within the jurisdiction of California shall not apply to the
27 reduction of this probationary period or to any period of actual suspension not previously

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completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

6. **Violation of Probation.** If Respondent violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the decision. Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

7. **Maintain Valid License.** Respondent shall, at all times while on probation, maintain a current and active registration and/or license(s) with BAR, including any period during which suspension or probation is tolled. If Respondent's registration or license is expired at the time the decision becomes effective, the registration or license must be renewed by Respondent within 30 days of that date. If Respondent's registration or license expires during a term of probation, by operation of law or otherwise, then upon renewal Respondent's registration or license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration and/or license during the period of probation shall also constitute a violation of probation.

8. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$6,375.00 for the reasonable costs of the investigation and enforcement of case No. 77/17-16353. Respondent shall be permitted to pay said costs in twenty-three (23) equal and consecutive monthly installments of \$265.62, beginning the month that the decision becomes effective, and one (1) final payment of \$265.74. Respondent shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 77/17-16353. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

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9. **Completion of Probation.** Upon successful completion of probation, Respondent's affected registration and/or license(s) will be fully restored or issued without restriction, if Respondent meets all current requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to BAR.

License Surrender. Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate the Respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision. Respondent may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If Respondent applies to BAR for a registration or license at any time after that date, Respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira. I understand the stipulation and the effect it will have on my Brake Adjuster License, Lamp Adjuster License, Smog Check Inspector License Number, and my Smog Check Repair Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: August 18, 2020

signed copy on file
FRANCISCO J. BRAMBILA
Respondent

1 I have read and fully discussed with Respondent Francisco J. Brambila the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: August 18, 2020 signed copy on file
5 WILLIAM D. FERREIRA
6 Attorney for Respondent

7 **ENDORSEMENT**

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

10 DATED: August 19, 2020

11 Respectfully submitted,

12 XAVIER BECERRA
13 Attorney General of California
14 MARC D. GREENBAUM
15 Supervising Deputy Attorney General

16 /s/

17 WILLIAM D. GARDNER
18 Deputy Attorney General
19 *Attorneys for Complainant*

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