

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

In the Matter of the Accusation Against:

**JEFFREY EDWARD ORTIZ**

1540 California Ave.

San Pablo, CA 94806

Smog Check Inspector No. EO 638354

Respondents.

Case No. 79/17-1199 & 79/17-1229

**DECISION**

The attached Stipulated Settlement and Disciplinary Order 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 May 20, 2021.

DATED: April 6, 2021

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

1 XAVIER BECERRA  
Attorney General of California  
2 CHAR SACHSON  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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

12  
13 In the Matter of the Accusations Against:

Case Nos. 79/17-1199 & 79/17-1229

14 **JEFFREY EDWARD ORTIZ**  
15 **1540 California Avenue**  
**San Pablo, CA 94806**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Smog Check Inspector License No. EO**  
17 **638354**

18 Respondents.  
19

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

22 **PARTIES**

23 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
24 (Bureau). He brought this action solely in his official capacity and is represented in this matter by  
25 Xavier Becerra, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney  
26 General.

27 2. Respondent Jeffrey Edward Ortiz (Respondent) is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 16, 2015, the Bureau issued Smog Check Inspector License Number EO 638354 to Respondent. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2021, unless renewed.

## JURISDICTION

4. Accusation Nos. 79/17-1199 & 79/17-1229 were filed before the Director of the Department of Consumer Affairs (Bureau), for the Bureau of Automotive Repair, and are currently pending against Respondent. The Accusations and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notices of Defense contesting the Accusations.

5. A copy of Accusation No. 79/17-1199 is attached as exhibit A and incorporated herein by reference. A copy of Accusation No. 79/17-1229 is attached as exhibit B and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation Nos. 79/17-1199 & 79/17-1229. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusations; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4

5  
6  
7  
8

9  
0  
1

## 2

3  
4  
5  
6  
7  
8  
9  
0  
1  
2

3  
4  
5

6  
7  
8

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 638354 issued to  
9 Respondent Jeffrey Edward Ortiz is revoked. However, the revocation is stayed and Respondent  
10 is placed on probation for two (2) years on the following terms and conditions:

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

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

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

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

27 5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of  
28 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction

1 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure  
2 and return, and of the dates of cessation and resumption of business in California. All provisions  
3 of probation other than cost reimbursement requirements, restitution requirements, training  
4 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of  
5 time of 30 days or more in which Respondent is not residing or engaging in business within the  
6 jurisdiction of California. All provisions of probation shall recommence on the effective date of  
7 resumption of business in California. Any period of time of 30 days or more in which Respondent  
8 is not residing or engaging in business within the jurisdiction of California shall not apply to the  
9 reduction of this probationary period or to any period of actual suspension not previously  
10 completed. Tolling is not available if business or work relevant to the probationary license or  
11 registration is conducted or performed during the tolling period.

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

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

26       **8. Completion of Probation.** Upon successful completion of probation, Respondent's  
27 affected registration and/or license will be fully restored or issued without restriction, if  
28 Respondent meets all current requirements for registration or licensure and has paid all

1 outstanding fees, monetary penalties, or cost recovery owed to BAR.

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

15       10.   **Training Course**

16       During the period of probation, Respondent shall attend and successfully complete a 28  
17 hour BAR-specified and -approved training course in inspection, diagnosis and/or repair of  
18 emission systems failures and engine performance, applicable to the class of license held by the  
19 Respondent. Respondent shall provide to the Bureau proof of enrollment in the course within 180  
20 days of the effective date of the decision, and proof of successful course completion within one  
21 year of the effective date of the decision. Failure to provide proof of enrollment and/or successful  
22 course completion to the Bureau within the timeframes specified shall constitute a violation of  
23 probation, and Respondent shall be prohibited from issuing any certificate of compliance or  
24 noncompliance until such proof is received.

25       11.   **Notification to Employer**

26       When performing services that fall within the scope of his or her license, Respondent shall  
27 provide each of his or her current or future employers a copy of the decision and the underlying  
28 Accusation or Statement of Issues before commencing employment. Notification to Respondent's

1 current employer shall occur no later than the effective date of the decision. Respondent shall  
2 submit to BAR, upon request, satisfactory evidence of compliance with this term of probation.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
5 stipulation and the effect it will have on my Smog Check Inspector License. I enter into this  
6 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
7 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

8  
9 DATED: 01-20-2021

10   
11 JEFFREY EDWARD ORTIZ  
12 Respondent

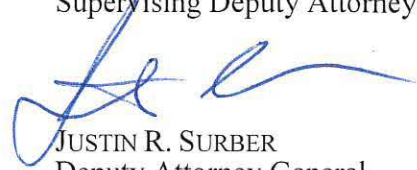
13 **ENDORSEMENT**

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

16 DATED: 1/22/21

17 Respectfully submitted,

18 XAVIER BECERRA  
19 Attorney General of California  
20 CHAR SACHSON  
21 Supervising Deputy Attorney General

22   
23 JUSTIN R. SURBER  
24 Deputy Attorney General  
25 Attorneys for Complainant

26 SF2018200572  
27 42450900.docx  
28