

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

In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No.: 77/16-6155

OAH No.: 2018010637

MICAR INTERNATIONAL, Inc.
dba 905 SMOG & AUTO REPAIR
MIGUEL ANGEL CARRANZA, Pres.
6960 Camino Maquiladora, Unit G
San Diego, CA 92154

Automotive Repair Dealer License No.: ARD
240846
Smog Check and Repair Station License No.:
RC 240846
Lamp Station License No.: LS 240846, Class A
Brake Station License No.: BS 240846, Class C

and

FERNANDO ZUNIGA
1005 Saturn Blvd., Unit B
San Diego, CA 92154

Smog Check Inspector License No.: EO 638563
Brake Adjuster License No.: BA 638563, Class
C
Lamp Adjuster License No.: LA 638563, Class
A


Respondents.

DECISION

The attached Stipulated Settlement and Disciplinary Order AS TO RESPONDENT FERNANDO ZUNIGA 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 November 9, 2018.

DATED: Sept. 28, 2018



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

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

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12 In the Matter of the Accusation and Petition to
Revoke Probation Against:

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14 **MICAR INTERNATIONAL, INC.**
DBA 905 SMOG & AUTO REPAIR;
15 **MIGUEL ANGEL CARRANZA,**
PRESIDENT
16 **6960 Camino Maquiladora #G**
San Diego, CA 92154

17 **Automotive Repair Dealer Registration**
No. ARD 240846
18 **Smog Check Station License No. RC 240846**
19 **Lamp Station License No. LS 240846, Class A**
Brake Station License No. BS 240846, Class C

20 **and**

21 **FERNANDO ZUNIGA**
22 **1005 Saturn Blvd. #B**
San Diego, CA 92154

23 **Smog Check Inspector License No. EO638563**
24 **Brake Adjuster License No. BA 638563,**
Class C
25 **Lamp Adjuster License No. LA 638563,**
Class A

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27 Respondents.
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Case No. 77/16-6155

OAH No. 2018010637

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
FERNANDO ZUNIGA ONLY**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties with respect to
2 the Accusation to the above-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 Ron Espinoza, Deputy Attorney
7 General.

8 2. Fernando Zuniga (Respondent) is represented in this proceeding by attorney Robert
9 Ramirez, Esq., whose address is: Law Offices of Robert Ramirez, 8484 Wilshire Blvd., Suite
10 660, Beverly Hills, CA 90211.

11 3. On or about October 5, 2016, the Bureau issued Smog Check Inspector License
12 Number EO 638563 to Respondent. The Smog Check Inspector License was in full force and
13 effect at all times relevant to the charges brought in Accusation No. 77/16-6155 and will expire
14 on June 30, 2020, unless renewed.

15 4. On or about September 14, 2015, the Bureau issued Brake Adjuster License Number
16 BA 638563, Class C, to Respondent. The Brake Adjuster License was in full force and effect at
17 all times relevant to the charges brought in Accusation No. 77/16-6155 and will expire on June
18 30, 2019, unless renewed.

19 5. On or about November 20, 2015, the Bureau issued Lamp Adjuster License Number
20 LA 638563, Class A, to Respondent. The Lamp Adjuster License was in full force and effect at
21 all times relevant to the charges brought in Accusation No. 77/16-6155 and will expire on June
22 30, 2019, unless renewed.

23 JURISDICTION

24 6. With respect to the Accusation in Case No. 77/16-6155, said Accusation was filed
25 before the Director and is currently pending against Respondent (the Petition to Revoke Probation
26 in Case No. 77/16-6155 was not filed against Respondent Fernando Zuniga). The Accusation and
27 all other statutorily required documents were properly served on Respondent on August 23, 2017.
28 Respondent timely filed his Notice of Defense contesting the Accusation.

1 7. A copy of the Accusation and Petition to Revoke Probation in Case No. 77/16-6155 is
2 attached as Exhibit A and incorporated herein by reference.

3 ADVISEMENT AND WAIVERS

4 8. Respondent has carefully read, fully discussed with counsel, and understands the
5 charges and allegations pertaining to the Accusation in Case No. 77/16-6155. Respondent has
6 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
7 Settlement and Disciplinary Order.

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

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

16 CULPABILITY

17 11. Respondent admits the truth of each and every charge and allegation in the
18 Accusation in Case No. 77/16-6155.

19 12. Respondent agrees that his Brake Adjuster License and Lamp Adjuster License are
20 subject to discipline, and he agrees to be bound by the Director's probationary terms as set forth in
21 the Disciplinary Order below.

22 RESERVATION

23 13. The admissions made by Respondent herein are only for the purposes of this
24 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of
25 Automotive Repair, or other professional licensing agency is involved, and shall not be
26 admissible in any other criminal or civil proceeding.

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1 following terms and conditions.

2 1. **Actual Suspension.** Brake Adjuster License No. BA 638563 and Lamp Adjuster
3 License No. LA 638563 issued to Respondent Fernando Zuniga are suspended for 30 consecutive
4 days beginning on the effective date of the Decision and Order.

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

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

12 4. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
13 of the decision and within 30 days from the date of any request by BAR during the period of
14 probation, report any financial interest in which Respondent may have in any business required to
15 be registered pursuant to Section 9884.6 of the Business and Professions Code.

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

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

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

16 8. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$4,615.00
17 for reasonable costs of the investigation and enforcement of case No. 77/16-6155. Respondent
18 shall make such payment as follows: 48 consecutive, equal monthly payments with the final
19 payment due 12 months before the termination of probation. Respondent shall make payment by
20 check or money order payable to the Bureau of Automotive Repair, and shall indicate on the
21 check or money order that it is for cost recovery payment for case No. 77/16-6155. Any order for
22 payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall
23 not terminate until full cost recovery payment has been made. BAR reserves the right to pursue
24 any other lawful measures in collecting on the costs ordered and past due, in addition to taking
25 action based upon the violation of probation.

26 9. **Completion of Probation.** Upon successful completion of probation, Respondent's
27 affected registrations and/or licenses 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 10. **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 11. **Notification to Employer.** When performing services that fall within the scope of his
16 or her license, Respondent shall provide each of his or her current or future employers a copy of
17 the decision and the underlying Accusation or Statement of Issues before commencing
18 employment. Notification to Respondent's current employer shall occur no later than the effective
19 date of the decision. Respondent shall submit to BAR, upon request, satisfactory evidence of
20 compliance with this term of probation.

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ACCEPTANCE

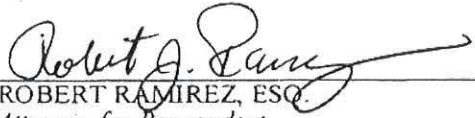
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Ramirez, Esq. I understand the stipulation and the effect it will have on my Brake Adjuster License and Lamp Adjuster License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 7/5/2018


FERNANDO ZUNIGA
Respondent

I have read and fully discussed with Respondent Fernando Zuniga the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/5/2018


ROBERT RAMIREZ, ESQ.
Attorney for Respondent


ENDORSEMENT

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

Dated: 7/6/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


RON ESPINOZA
Deputy Attorney General
Attorneys for Complainant