

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:
MEXICO AUTO SALES & REPAIR
3711 Didcot Circle
Sacramento, California 95838
MARTIN VAZQUEZ, OWNER

Automotive Repair Dealer Reg. No. 252812
Lamp Station License No. LS252812, Class A
Brake Station License No. BS252812, Class C

and

MARTIN GUIZAR VAZQUEZ,
AKA MARTIN VAZQUEZ
3711 Didcot Circle
Sacramento, California 95838

Lamp Adjuster License No. LA 149636, Class A
Brake Adjuster License No. BA 149636, Class C

Respondents..

Case No. 77/14-01

OAH No. 2013070847

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

///

FINDINGS OF FACT

1
2 1. On or about July 3, 2013, Complainant Patrick Dorais, in his official capacity as the
3 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
4 No. 77/14-01 against Mexico Auto Sales and Repair, and Martin G. Vazquez, Owner
5 (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

6 2. On or about November 9, 2007, the Bureau of Automotive Repair (Bureau) issued
7 Automotive Repair Dealer Registration No. 252812 to Respondent. The Automotive Repair
8 Dealer Registration was in full force and effect at all times relevant to the charges brought in
9 Accusation No. 77/14-01 and will expire on November 30, 2014, unless renewed.

10 3. On or about April 2, 2008, the Bureau of Automotive Repair issued Lamp Station
11 License No. LS252812 to Respondent. The Lamp Station License was in full force and effect at
12 all times relevant to the charges brought in Accusation No. 77/14-01 and expired on November
13 30, 2013. This lapse in licensure, however, pursuant to Business and Professions Code section
14 118(b) and/or Business and Professions Code section 9889.7 does not deprive the Bureau of its
15 authority to institute or continue this disciplinary proceeding.

16 4. On or about March 3, 2008, the Bureau of Automotive Repair issued Brake Station
17 License No. BS252812 to Respondent. The Brake Station License was in full force and effect at
18 all times relevant to the charges brought in Accusation No. 77/14-01 and expired on November
19 30, 2013. This lapse in licensure, however, pursuant to Business and Professions Code section
20 118(b) and/or Business and Professions Code section 9889.7 does not deprive the Bureau of its
21 authority to institute or continue this disciplinary proceeding.

22 5. On or about March 4, 2008, the Bureau of Automotive Repair issued Lamp Adjuster
23 License No. LA 149636 to Respondent. The Lamp Adjuster License was expired from January
24 31, 2012 to April 10, 2013, which is relevant to the charges brought in Accusation No. 77/14-01,
25 and will expire on January 31, 2017, unless renewed. This lapse in licensure, however, pursuant

26 ///

27 ///

28 ///

1 to Business and Professions Code section 118(b) and/or Business and Professions Code section
2 9889.7 does not deprive the Bureau of its authority to institute or continue this disciplinary
3 proceeding.

4 6. In 2008, the Bureau of Automotive Repair issued Brake Adjuster License No.
5 BA 149636 to Respondent. The Brake Adjuster License was expired from January 31, 2012 to
6 February 27, 2014, which is relevant to the charges brought in Accusation No. 77/14-01, and will
7 expire on January 31, 2017, unless renewed. This lapse in licensure, however, pursuant to
8 Business and Professions Code section 118(b) and/or Business and Professions Code section
9 9889.7 does not deprive the Bureau of its authority to institute or continue this disciplinary
10 proceeding.

11 7. On or about July 3, 2013, Respondent was served by Certified and First Class Mail
12 copies of the Accusation No. 77/14-01, Statement to Respondent, Notice of Defense, Request for
13 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
14 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
15 required to be reported and maintained with the Bureau. Respondent's address of record was and
16 is:

17 3711 Didcot Circle
18 Sacramento, CA 95838.

19 8. Service of the Accusation was effective as a matter of law under the provisions of
20 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
21 124.

22 9. On or about July 18, 2013, Respondent signed and returned a Notice of Defense,
23 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
24 address of record and it informed him that an administrative hearing in this matter was scheduled
25 for February 3, 2014. (Notice of Hearing attached as Exhibit B.) A Certified Mail Receipt was
26 returned signed by Maricela Vazquez. Respondent failed to appear at that hearing.

27 10. Government Code section 11506 states, in pertinent part:

28 (c) The respondent shall be entitled to a hearing on the merits if the respondent
files a notice of defense, and the notice shall be deemed a specific denial of all parts
of the accusation not expressly admitted. Failure to file a notice of defense shall

1 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
2 may nevertheless grant a hearing.

3 11. California Government Code section 11520 states, in pertinent part:

4 (a) If the respondent either fails to file a notice of defense or to appear at the
5 hearing, the agency may take action based upon the respondent's express admissions
6 or upon other evidence and affidavits may be used as evidence without any notice to
7 respondent.

8 12. Pursuant to its authority under Government Code section 11520, the Director after
9 having reviewed the proof of service dated July 3, 2013, signed by Nickell Mosely, and the
10 Certified Mail Receipt signed by Respondent, finds Respondent is in default. The Director will
11 take action without further hearing and, based on Accusation, No. 77/14-01, proof of service and
12 on the Affidavit of Bureau Representative Carl Holmes, finds that the allegations in Accusation
13 are true.

14 **DETERMINATION OF ISSUES**

15 1. Based on the foregoing findings of fact, Respondent Mexico Auto Sales and Repair,
16 Martin G. Vazquez, Owner has subjected his Automotive Repair Dealer Registration No. 252812
17 to discipline.

18 2. Based on the foregoing findings of fact, Respondent Mexico Auto Sales and Repair,
19 Martin G. Vazquez, Owner has subjected his Lamp Station License No. LS 252812 to discipline.

20 3. Based on the foregoing findings of fact, Respondent Mexico Auto Sales and Repair,
21 Martin G. Vazquez, Owner has subjected his Brake Station License No. BS 252812 to discipline.

22 4. Based on the foregoing findings of fact, Respondent Mexico Auto Sales and Repair,
23 Martin G. Vazquez, Owner has subjected his Lamp Adjuster License No. LA 149636 to
24 discipline.

25 5. Based on the foregoing findings of fact, Respondent Mexico Auto Sales and Repair,
26 Martin G. Vazquez, Owner has subjected his Brake Adjuster License No. BA 149636 to
27 discipline.

28 6. The agency has jurisdiction to adjudicate this case by default.

7. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
Repair Dealer Registration based upon the following violations alleged in the Accusation which

1 are supported by the evidence contained in the affidavit of Bureau Representative Carl Holmes in
2 this case:

3 a. Violation of Code section 9884.7, subdivision (a)(1), making untrue or misleading
4 statements by certifying 207 lamp and brake certificates while his lamp and brake adjuster
5 licenses were expired.

6 b. Violation of Code section 9884.7, subdivision (a)(6), by failing to comply with Code
7 sections 9887.1 and 9888.3 and issuing lamp and brake certificates after his lamp and brake
8 adjuster licenses expired.

9 c. Violation of Code section 9884.7, subdivision (a)(6), by failing to comply with
10 regulations by issuing lamp and brake certificates after his lamp and brake adjuster licenses
11 expired, failing to display his official lamp and brake station licenses, failing to pose a list of
12 prices for lamp inspections, and failing to display his registration as an automotive repair dealer.

13 8. The Director of Consumer Affairs is authorized to revoke Respondent's Lamp and
14 Brake Station Licenses based upon the following violations alleged in the Accusation which are
15 supported by the evidence contained in the affidavit of Bureau Representative Carl Holmes in this
16 case:

17 a. Violation of Code section 9889.3, subdivisions (a) and (h), by failing to comply with
18 Code sections 9887.1 and 9888.3, by issuing lamp and brake certificates after his lamp and brake
19 adjuster licenses expired.

20 b. Violation of Code section 9889.3, subdivision (c), by failing to comply with
21 regulations by issuing lamp and brake certificates after his lamp and brake adjuster licenses
22 expired, failing to display his official lamp and brake station licenses, failing to pose a list of
23 prices for lamp inspections, and failing to display his registration as an automotive repair dealer.

24 9. The Director of Consumer Affairs is authorized to revoke Respondent's Lamp and
25 Brake Adjuster Licenses based upon the following violations alleged in the Accusation which are
26 supported by the evidence contained in the affidavit of Bureau Representative Carl Holmes in this
27 case:

28 ///

1 a. Violation of Code section 9889.3, subdivisions (a) and (h), by failing to comply with
2 Code sections 9887.1 and 9888.3, by issuing lamp and brake certificates after his lamp and brake
3 adjuster licenses expired.

4 b. Violation of Code section 9889.3, subdivision (c), by failing to comply with
5 regulations by issuing lamp and brake certificates after his lamp and brake adjuster licenses
6 expired.

7 **ORDER**

8 IT IS SO ORDERED that Automotive Repair Dealer Registration No. 252812, Lamp
9 Station License No. LS 252812, Brake Station License No. BS 252812, Lamp Adjuster License
10 No. LA 149636, and Brake Adjuster License No. BA 149636, heretofore issued to Respondent
11 Mexico Auto Sales and Repair, Martin G. Vazquez, Owner, are revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
15 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho
16 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing
17 on a showing of good cause, as defined in the statute.

18
19 This Decision shall become effective on March 25, 2014.

20
21 It is so ORDERED MAR 04 2014

22
23 
24 _____
DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

25
26 11272276.DOC
DOJ Matter ID:SA2012108164

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. **77/14-01**

12
13 **MEXICO AUTO SALES & REPAIR**
3711 Didcot Circle
14 Sacramento, California 95838
MARTIN VAZQUEZ, OWNER

ACCUSATION

15 Automotive Repair Dealer Reg. No. 252812
16 Lamp Station License No. LS252812, Class A
17 Brake Station License No. BS252812, Class C

18 and

19 **MARTIN GUIZAR VAZQUEZ, AKA**
MARTIN VAZQUEZ
3711 Didcot Circle
20 Sacramento, California 95838

21 Lamp Adjuster License No. LA 149636, Class A
22 Brake Adjuster License No. BA 149636, Class C

23 Respondents.

24
25 John Wallaugh ("Complainant") alleges:

26 **PARTIES**

27 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
28 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

his or her licensed activities.

1
2 (c) Violates any of the regulations promulgated by the director pursuant to this
chapter [the Automotive Repair Act].

3 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is
4 injured.

5 (h) Violates or attempts to violate the provisions of this chapter relating to the
particular activity for which he or she is licensed. . .

6 13. Code section 9887.1 states:

7 The director shall have the authority to issue licenses for official lamp and
8 brake adjusting stations and shall license lamp and brake adjusters. The licenses shall
9 be issued in accordance with this chapter and regulations adopted by the director
10 pursuant thereto. The director shall establish by regulation the terms of adjusters'
11 licenses as are necessary for the practical administration of the provisions relating to
12 adjusters, but those terms shall not be for less than one nor more than four years.
Licenses may be renewed upon application and payment of the renewal fees if the
13 application for renewal is made within the 30-day period prior to the date of
14 expiration. Persons whose licenses have expired shall immediately cease the activity
15 requiring a license . . .

13 14. Code section 9888.3 states:

14 No person shall operate an "official" lamp or brake adjusting station unless a
15 license therefor has been issued by the director. No person shall issue, or cause or
16 permit to be issued, any certificate purporting to be an official lamp adjustment
certificate unless he or she is a licensed lamp adjuster or an official brake adjustment
certificate unless he or she is a licensed brake adjuster.

17 15. Code section 9889.9 states:

18 When any license has been revoked or suspended following a hearing under the
19 provisions of this article, any additional license issued under Articles 5 and 6 of this
20 chapter in the name of the licensee may be likewise revoked or suspended by the
21 director.

21 16. Code section 22 states:

22 "Board," as used in any provision of this code, refers to the board in which the
23 administration of the provision is vested, and unless otherwise expressly provided,
24 shall include "bureau," "commission," "committee," "department," "division,"
"examining committee," "program," and "agency."

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

1 18. Health and Safety Code, section 44072.2, provides, in pertinent part:

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

4 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is
5 injured.

6 19. Health and Safety Code, section 44072.8 states, "When a license has been revoked or
7 suspended following a hearing under this article, any additional license issued under this chapter
8 in the name of the licensee may be likewise revoked or suspended by the director."

9 20. California Code of Regulations, title 16, section ("Regulation") 3305, subdivision (a),
10 states, in pertinent part, that [a]ll adjusting, inspecting, servicing, and repairing of brake systems
11 and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be
12 performed in official stations, by official adjusters. . ."

13 21. Regulation 3307 states, in pertinent part:

14 Official stations shall comply with the following provisions governing display of
15 licenses, maintenance of equipment, and record keeping.

16 (a) An official station license shall be placed under glass or other transparent cover
and prominently displayed in an area of the station frequented by customers.

17 (d) Each official station, except a fleet owner station, may make a reasonable charge
18 for the work performed and shall post conspicuously, in an area frequented by customers, a
list of prices for the specific activities for which it is licensed. . . .

19 22. Regulation 3308 states:

20 An official station shall stop performing the functions for which it has been licensed
21 when it no longer has the services of a licensed adjuster, or when its station license has
expired or has been surrendered, suspended, or revoked. The station must dispose of
22 materials related to its formerly licensed activity according to these provisions.

23 (a) An official station that no longer has the services of a licensed adjuster shall
immediately remove or cover the official station sign in accordance with subsection (b) of
24 this section. If the station does not employ a licensed adjuster within 60 days, the station
shall surrender its official station license to the bureau and shall return to the bureau all
25 unused certificates of adjustments bought by the station to carry out the function for which
it is no longer licensed.

26 (b) An official station that is no longer authorized to perform the function for which it
27 has been licensed shall remove or cover the sign pertaining to the licensed function. A
station that has a multipurpose sign shall cover those portions of the sign that pertain to the
28 functions for which it is no longer licensed.

1 (c) When an official station license has expired or has been surrendered, suspended,
2 or revoked, the station shall return to the bureau all unused certificates purchased by the
3 station to carry out the function for which it is no longer licensed.

4 23. Regulation 3351.3 states, in pertinent part:

5 (a) Except as provided in subsection (b), all automotive repair dealers shall display
6 the following in a place and manner conspicuous to their customers:

7 (1) A current and valid certificate of registration as an automotive repair dealer issued
8 by the bureau . .

9 COST RECOVERY

10 24. Code section 125.3 provides, in pertinent part, that a Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 BACKGROUND

15 25. On or about July 10, 2012, a representative of the Bureau conducted a periodic lamp
16 and brake station inspection at Respondent's facility. The representative asked for the facility's
17 official station license and the lamp and brake adjuster licenses that are required to be posted,
18 which Respondent was unable to produce. The representative found that Respondent's lamp and
19 brake adjuster licenses expired on January 31, 2012, and had not been renewed. Respondent
20 informed the representative that he was the only licensed lamp and brake adjuster at the facility.
21 The representative requested the facility's lamp and brake certificate books for review, which
22 Respondent provided. Upon reviewing the books, the representative found that after Respondent's
23 lamp and brake adjuster licenses expired, between February 2, 2012, through July 9, 2012,
24 Respondent issued at the facility 106 Lamp Certificates numbered LC1363972 through
25 LC1364000, LC1412801 through LC1412850, and LC1460901 through LC1460927, and 101
26 Brake Certificates numbered BC1385222 through BC1385250, BC1435051 through BC1435100,
27 and BC1483551 through BC1483572. Respondent admitted that he signed and issued the
28 certificates, but claimed that he did not realize his brake and lamp adjuster licenses were expired
at the time the certificates were issued. The representative took possession of the certificate

1 books. When the representative asked Respondent where the lamp inspection price sign was
2 posted, Respondent located it on the ground between two buildings. The representative instructed
3 Respondent to cover all official lamp and brake inspection signs until a licensed adjuster was
4 employed at the facility.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Untrue or Misleading Statements)

7 26. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
8 subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the
9 exercise of reasonable care should have known to be untrue or misleading, as follows:

10 a. Respondent certified under penalty of perjury on the lamp certificates, identified in
11 paragraph 25, above, that he performed the applicable inspections of the lighting systems on the
12 vehicles, as described in the certificates, as specified by the Bureau and in accordance with
13 Regulations and Code. In fact, Respondent issued the certificates after his lamp adjuster license
14 expired, in violation of Code sections 9887.1 and 9888.3, and Regulation section 3305,
15 subdivision (a).

16 b. Respondent certified under penalty of perjury on the brake certificates, identified in
17 paragraph 25, above, that he performed the applicable inspections of the brake systems on the
18 vehicles, as described in the certificates, as specified by the Bureau and in accordance with
19 Regulations and Code. In fact, Respondent issued the certificates after his brake adjuster license
20 expired, in violation of Code sections 9887.1 and 9888.3, and Regulation section 3305,
21 subdivision (a).

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Failure to Comply with the Code)

24 27. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
25 subdivision (a)(6), in that Respondent failed to comply with sections 9887.1 and 9888.3 of that
26 Code in the following material respects: Respondent issued lamp and brake certificates after his
27 lamp and brake adjuster licenses expired on January 31, 2012.

28 ///

1 8. Revoking or suspending any additional license issued under Division 26, Part 5,
2 Chapter 5, of the Health and Safety Code in the name of Martin Vazquez, also known as Martin
3 Guizar Vazquez;

4 9. Ordering Martin Vazquez, also known as Martin Guizar Vazquez, owner of Mexico
5 Auto Sales and Repair, to pay the Director of Consumer Affairs the reasonable costs of the
6 investigation and enforcement of this case, pursuant to Business and Professions Code section
7 125.3; and,

8 10. Taking such other and further action as deemed necessary and proper.

11 DATED: July 3, 2013



JOHN WALLAUCH
Chief
Bureau of Automotive Repair (CPO)
Department of Consumer Affairs
State of California
Complainant

15 SA2012108164
16 10999544.doc

17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

MEXICO AUTO SALES & REPAIR
3711 Didcot Circle
Sacramento, California 95838
MARTIN VAZQUEZ, OWNER

Automotive Repair Dealer Reg. No. 252812
Lamp Station License No. LS252812, Class A
Brake Station License No. BS252812, Class C

and

Case No. 77/14-01

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

MARTIN VAZQUEZ
3711 Didcot Circle
Sacramento, California 95838

Lamp Adjuster License No. LA 149636, Class A
Brake Adjuster License No. BA 149636, Class C

Respondents.

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: 7-18-2013
Respondent's Name: Martin G. Vazquez
Respondent's Signature: Martin G. Vazquez
Respondent's Mailing Address: 3711 Didcot Cir Sac Ca 95838
City, State and Zip Code:
Respondent's Telephone: (916) 606 6235
Respondent's Fax: (916) 484 0149
Respondent's E-mail:

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone: _____

Counsel's Fax: _____

Counsel's E-mail: _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

SA2012108164
11121796.DOC

Exhibit B

Notice of Hearing

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **MARTIN G. VAZQUEZ, OWNER**
13 **MEXICO AUTO SALES AND REPAIR**
14 Respondents.
15

Case No.
OAH No. 2013070847
NOTICE OF HEARING
[Gov. Code, § 11509.]
Hearing: Monday, February 3, 2014.

16
17 YOU ARE HEREBY NOTIFIED that a hearing in this matter will commence on Monday,
18 February 3, 2014, at 9:00 a.m. before an Administrative Law Judge at the address listed below.

19 **Office of Administrative Hearings**
20 **Attn: General Jurisdiction**
21 **2349 Gateway Oaks Drive, Suite 200**
22 **Sacramento, CA 95833-4231**

23 The hearing will be conducted before the Director of Consumer Affairs, Bureau of
24 Automotive Repair by an Administrative Law Judge of the Office of Administrative Hearings,
upon the charges made in the Accusation served upon you.

25 If you object to the place of hearing, you must notify the presiding officer within ten (10)
26 days after this notice is served on you. Failure to notify the presiding officer within ten (10) days
27 will deprive you of a change in the place of hearing.

28

1 You may be present at the hearing. You have the right to be represented by an attorney at
2 your own expense. You are not entitled to the appointment of an attorney to represent you at
3 public expense. You are entitled to represent yourself without legal counsel. You may present
4 any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying
5 against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses
6 and the production of books, documents, or other things by applying to the Office of
7 Administrative Hearings, Attn: General Jurisdiction, 2349 Gateway Oaks Drive, Suite 200,
8 Sacramento, CA 95833-4231, telephone: (916) 263-0550.

9 INTERPRETER: Pursuant to section 11435.20 of the Government Code, the hearing shall
10 be conducted in the English language. If a party or a party's witness does not proficiently speak
11 or understand the English language and before commencement of the hearing requests language
12 assistance, an agency subject to the language assistance requirement in section 11435.15 of the
13 Government Code shall provide a certified interpreter or an interpreter approved by the
14 administrative law judge conducting the proceedings. The cost of providing the interpreter shall
15 be paid by the agency having jurisdiction over the matter if the administrative law judge or
16 hearing officer so directs, otherwise by the party for whom the interpreter is provided. If you or a
17 witness requires the assistance of an interpreter, ample advance notice of this fact should be given
18 to the Office of Administrative Hearings so that appropriate arrangements can be made.

19 CONTINUANCES: Under section 11524 of the Government Code, the agency may grant a
20 continuance, but when an administrative law judge of the Office of Administrative Hearings has
21 been assigned to the hearing, no continuance may be granted except by him or her or by the
22 presiding Administrative Law Judge for good cause. When seeking a continuance, a party shall
23 apply for the continuance within ten (10) working days following the time the party discovered or
24 reasonably should have discovered the event or occurrence which establishes good cause for the
25 continuance. A continuance may be granted for good cause after the ten (10) working days have
26 lapsed only if the party seeking the continuance is not responsible for and has made a good faith
27 effort to prevent the condition or event establishing the good cause.

28

1 Continuances are not favored. If you need a continuance, immediately write or call the
2 Office of Administrative Hearings: Attn: General Jurisdiction, 2349 Gateway Oaks Drive, Suite
3 200, Sacramento, CA 95833-4231 telephone: (916) 263-0550.

4 Dated: July 22, 2013

Respectfully submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 JANICE K. LACHMAN
8 Supervising Deputy Attorney General

9 
10 KRISTINA T. JANSEN
11 Deputy Attorney General
12 Attorneys for Complainant

13 SA2012108164
14 11136404.doc