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

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

**LOS AMIGOS AUTO
EFRAIN P. HARO, OWNER
57 E. Gridley
Gridley, CA 95948
Automotive Repair Dealer Reg. No. ARD
195692
Smog Check Station License No. RC 195692**

and

**EFRAIN HARO
57 E. Gridley Road
Gridley, CA 95948
Smog Check Inspector License No. EO
142689 (formerly EA 142689)**

Respondent.

Case No. 79/13-21

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 8, 2012, Complainant John Wallauch, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No. 79/13-21 against Los Amigos Auto, Efrain P. Haro

1 (Respondent) before the Director of Consumer Affairs. (Accusation/Petition to Revoke Probation
2 attached as Exhibit A.)

3 2. On or about August 6, 1997, the Director of Consumer Affairs (Director) issued
4 Automotive Repair Dealer Registration Number ARD 195692 (Registration) to Respondent doing
5 business as Los Amigos Auto. On December 9, 2011, Respondent's Registration was revoked;
6 however, the revocation was stayed and Respondent was placed on probation for three (3) years
7 on terms and conditions. Respondent's Registration was also suspended for 15 days effective
8 December 9, 2011. Respondent's Registration will expire on August 31, 2014, unless renewed.

9 3. On or about November 16, 2001, the Director issued Smog Check Station License
10 Number RC 195692 (Station License) to Respondent. On December 9, 2011, Respondent's
11 Station License was revoked; however, the revocation was stayed and Respondent was placed on
12 probation for three (3) years on terms and conditions. Respondent's Station License will expire
13 on August 31, 2014, unless renewed.

14 4. In or about 2003, the Director issued Advanced Emission Specialist Technician
15 License Number EA 142689 (Technician License) to Respondent. On December 9, 2011,
16 Respondent's Technician License was revoked; however, the revocation was stayed and
17 Respondent was placed on probation for three (3) years on terms and conditions. Respondent's
18 Technician License expired on February 28, 2013. Pursuant to California Code of Regulations,
19 Title 16, section 3340.28, subd. (e), Respondent's Technician License was renewed pursuant to
20 Respondent's elections as a Smog Check Inspector License EO 142689 (Inspector License)
21 effective February 28, 2013. Respondent's Inspector License will expire on February 28, 2015,
22 unless renewed.

23 5. On or about October 26, 2012, Respondent was served by Certified and First Class
24 Mail copies of the Accusation/Petition to Revoke Probation No. 79/13-21, Statement to
25 Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government
26 Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant
27 to Business and Professions Code section 136, is required to be reported and maintained with the
28 Bureau. Respondent's address of record was and is: 57 E. Gridley Road, Gridley, CA 95948.

1 Accusation/Petition to Revoke Probation which are supported by the evidence contained in the
2 affidavit of Bureau Representative Kelly Renihan in this case.:

3 a. Respondent's Registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or
5 authorized a statement which he knew or in the exercise of reasonable care should
6 have known to be untrue or misleading.

7 b. Respondent's Registration is subject to disciplinary action pursuant to Bus. &
8 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act
9 that constitutes fraud.

10 c. Respondent's Registration is subject to disciplinary action pursuant to Bus. &
11 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply
12 with section 9884.9, subdivision (a), of that Code.

13 d. Respondent's Registration is subject to disciplinary action pursuant to Bus. &
14 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply
15 with California Code of Regulations, title 16, section 3356, subdivision (1).

16 e. Respondent's Station License is subject to disciplinary action pursuant to
17 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
18 comply with sections 44012 and 44015 of that Code.

19 f. Respondent's Station License is subject to disciplinary action pursuant to
20 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
21 comply with provisions of California Code of Regulations, title 16, sections
22 3340.35, subdivision (c), and 3340.42.

23 g. Respondent's Station License is subject to disciplinary action pursuant to
24 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
25 a dishonest, fraudulent, or deceitful act whereby another is injured.

26 h. Respondent's probation for his Registration, Station License and Inspector
27 License are subject to revocation in that he failed to comply with all statutes,
28 regulations, and rules governing automotive inspections as set forth above.

1 ORDER

2 IT IS SO ORDERED that the Automotive Repair Dealer Registration No. ARD 195692,
3 Smog Check Station License No. RC 195692 and Smog Check Inspector License No. EO
4 142689, heretofore issued to Respondent are revoked.

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

11 This Decision shall become effective on MARCH 25, 2014.

12 It is so ORDERED MAR 04 2014

13
14 
15 DONALD CHANG
16 Assistant Chief Counsel
17 Department of Consumer Affairs

18 11250762.DOC
19 DOJ Matter ID:SA2012106785

20 Attachment:
21 Exhibit A: Accusation/Petition to Revoke Probation
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Exhibit A

Accusation/Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

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

13 **LOS AMIGOS AUTO**
14 **EFRAIN P. HARO, OWNER**
57 E. Gridley
Gridley, CA 95948
15 **Automotive Repair Dealer Reg. No. ARD 195692**
16 **Smog Check Station License No. RC 195692**

17 **and**

18 **EFRAIN HARO**
57 E. Gridley Road
Gridley, CA 95948
19 **Advanced Emission Specialist Technician**
20 **License No. EA 142689**

21 Respondents.

Case No. *19/13-21*

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

(Smog Check)

22 Complainant alleges:

23 **PARTIES**

24 1. John Wallauch ("Complainant") brings this Accusation and Petition to Revoke
25 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair
26 ("Bureau"), Department of Consumer Affairs.

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1 **Efrain P. Haro dba Los Amigos Auto**

2 2. On or about August 6, 1997, the Director of Consumer Affairs ("Director") issued
3 Automotive Repair Dealer Registration Number ARD 195692 ("registration") to Efrain P. Haro
4 ("Respondent"), doing business as Los Amigos Auto. On December 9, 2011, Respondent's
5 registration was revoked; however, the revocation was stayed and Respondent was placed on
6 probation for three (3) years on terms and conditions, as forth in paragraph 7 below.

7 Respondent's registration was also suspended for 15 days effective December 9, 2011.

8 Respondent's registration will expire on August 31, 2013, unless renewed.

9 3. On or about November 16, 2001, the Director issued Smog Check Station License
10 Number RC 195692 to Respondent. On December 9, 2011, Respondent's smog check station
11 license was revoked; however, the revocation was stayed and Respondent was placed on
12 probation for three (3) years on terms and conditions, as forth in paragraph 7 below.

13 Respondent's smog check station license was also suspended for 15 days effective December 9,
14 2011. Respondent's smog check station license will expire on August 31, 2013, unless renewed.

15 4. On or about September 3, 2003, the Director issued Lamp Station License Number
16 LS 195692 and Brake Station License Number BS 195692 to Respondent. On December 9, 2011,
17 Respondent's lamp and brake station licenses were revoked, as set forth in paragraph 7 below.

18 **Efrain Haro**

19 5. In or about 2003, the Director issued Advanced Emission Specialist Technician
20 License Number EA 142689 ("technician license") to Respondent. On December 9, 2011,
21 Respondent's technician license was revoked; however, the revocation was stayed and
22 Respondent was placed on probation for three (3) years on terms and conditions, as forth in
23 paragraph 7 below. Respondent's technician license was also suspended for 15 days effective
24 December 9, 2011. Respondent's technician license will expire on February 28, 2013, unless
25 renewed.

26 6. In or about 2002, the Director issued Brake Adjuster License Number BA 142689 and
27 Lamp Adjuster License Number LA 142689 to Respondent. On December 9, 2011, Respondent's
28 brake and lamp adjuster licenses were revoked, as set forth in paragraph 7 below.

1 (c) Violates any of the regulations adopted by the director pursuant to this
chapter.

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

4 16. Health & Saf. Code section 44072.8 states that when a license has been revoked or
5 suspended following a hearing under this article, any additional license issued under this chapter
6 in the name of the licensee may be likewise revoked or suspended by the director.

7 **COST RECOVERY**

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

12 **ACCUSATION**

13 **UNDERCOVER OPERATION: 1990 PONTIAC GRAND PRIX**

14 18. On May 24, 2012, a representative of the Bureau, acting in an undercover capacity
15 (“operator”), took the Bureau’s 1990 Pontiac Grand Prix to Respondent’s facility and requested a
16 smog inspection. The exhaust gas recirculation (“EGR”) valve on the Bureau-documented
17 vehicle was defective and the EGR passageway was blocked, preventing the EGR system from
18 functioning. The operator did not sign a work order or receive a written estimate for the
19 inspection. After the inspection was completed, the operator paid the facility \$40 and received
20 copies of an invoice and a vehicle inspection report (“VIR”). The VIR indicated that
21 Respondent’s technician, Jesus Haro, had performed the smog inspection on the vehicle. That
22 same day, electronic smog Certificate of Compliance No. [REDACTED] was issued for the
23 vehicle.

24 19. On June 1 and 7, 2012, the Bureau inspected the vehicle and found that the EGR
25 system still was not functioning.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 20. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
4 Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement which
5 he knew or in the exercise of reasonable care should have known to be untrue or misleading, as
6 follows: Respondent's technician, Jesus Haro, certified under penalty of perjury on the VIR that
7 the Bureau's 1990 Pontiac Grand Prix had passed the inspection and was in compliance with
8 applicable laws and regulations. In fact, the EGR valve on the vehicle was defective and the EGR
9 passageway was blocked, preventing the EGR system from functioning. As such, the vehicle
10 would not pass the inspection required by Health & Saf. Code section 44012.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 21. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
14 Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that constitutes
15 fraud by issuing an electronic smog certificate of compliance for the Bureau's 1990 Pontiac
16 Grand Prix without ensuring that a bona fide inspection was performed of the emission control
17 devices and systems on the vehicle, thereby depriving the People of the State of California of the
18 protection afforded by the Motor Vehicle Inspection Program.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violations of the Bus. & Prof. Code)**

21 22. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
22 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9884.9,
23 subdivision (a), of that Code in the following material respects: Respondent or his employees
24 failed to provide the operator with a written estimate for the smog inspection on the Bureau's
25 1990 Pontiac Grand Prix.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 23. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with California
5 Code of Regulations, title 16, section 3356, subdivision (1), in the following material respects:
6 Respondent failed to show his correct business name and registration number on the invoice in
7 that Respondent listed his business name as "Los Amigos Auto Repair & Sales Inc." and
8 registration number as "AH195692."

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Motor Vehicle Inspection Program)**

11 24. Respondent's smog check station license is subject to disciplinary action pursuant to
12 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the
13 following sections of that Code:

14 a. **Section 44012:** Respondent failed to ensure that the emission control tests, including
15 the EGR functional test, were performed on the Bureau's 1990 Pontiac Grand Prix in accordance
16 with procedures prescribed by the department.

17 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
18 the Bureau's 1990 Pontiac Grand Prix without ensuring that the vehicle was properly tested and
19 inspected to determine if it was in compliance with Health & Saf. Code section 44012.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations Pursuant**
22 **to the Motor Vehicle Inspection Program)**

23 25. Respondent's smog check station license is subject to disciplinary action pursuant to
24 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with
25 provisions of California Code of Regulations, title 16, as follows:

26 a. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate
27 of compliance for the Bureau's 1990 Pontiac Grand Prix even though the vehicle had not been
28 inspected in accordance with section 3340.42.

1 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 and Safety Code in the name of Efrain P. Haro, including, but not limited to, Advanced Emission
3 Specialist Technician License Number EA 142689;

4 7. Ordering Efrain P. Haro, owner of Los Amigos Auto, to pay the Director of
5 Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant
6 to Business and Professions Code section 125.3;

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

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9 DATED: October 8, 2012

John Wallauch by Doug Balatti
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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Accusation Pet to Revoke Probation.rtf

Exhibit A

Decision and Order

Bureau of Automotive Repair, Case No. 77/10-11

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

In the Matter of the First Amended Accusation
Against:

EFRAIN P. HARO
dba **LOS AMIGOS AUTO**
Gridley, CA 95948

Automotive Repair Dealer Registration
No. ARD 195692
Smog Check Station License
No. RC 195692
Official Lamp Station License No. LS 195692
Official Brake Station License No. BS 195692

and

EFRAIN P. HARO
Gridley, CA 95948

Advanced Emission Specialist Technician
License No. EA 142689
Brake Adjuster License No. BA 142689
Lamp Adjuster License No. LA 142689

Respondents.

Case No. 77/10-11

OAH No. 2011030167

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter, except that, pursuant to Government Code section 11517(c)(2)(C), the typographical error on page 4, paragraph 12, line 7, Factual Findings, of the Proposed Decision is corrected as follows:

The word "includeding" is corrected to read "including."

This Decision shall become effective December 9, 2011.

DATED: November 2, 2011


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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

In the Matter of the First Amended Accusation Against:	Case No. 77/10-11
EFRAIN P. HARO DBA LOS AMIGOS AUTO Gridley, CA 95948 Automotive Repair Dealer Registration No. ARD 195692 Smog Check Station License No. RC 195692 Official Lamp Station License No. LS 195692 Official Brake Station License No. BS 195692 and EFRAIN P. HARO Gridley, CA 95948 Advanced Emission Specialist Technician License No. EA 142689 Brake Adjuster License No. BA 142689 Lamp Adjuster License No. LA142689 Respondents.	OAH No. 2011030167

PROPOSED DECISION

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California on September 20, 2011.

Patrick M. Kenady, Deputy Attorney General, represented Sherry Mehl (complainant), Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs (Department).

Attorney Michael B. Levin represented respondent Efrain P. Haro, individually and dba Los Amigos Auto, who was present throughout the hearing.

Evidence was received, the record was closed, and the matter was submitted for decision on September 20, 2011.

SUMMARY

Complainant filed an Accusation seeking to discipline the automotive repair dealer registration and various other licenses issued to respondent Haro individually and dba Los Amigos Auto. At the hearing, the parties stipulated to a factual and legal basis for disciplining the registration and licenses, as well as the advanced emission specialist technician license and smog check station license issued to respondent Haro, individually and dba Los Amigos Auto, respectively. Therefore, cause exists for disciplining the registration and various licenses, and the brake and lamp station licenses issued to respondent Haro dba Los Amigos Auto and the brake adjuster and lamp adjuster licenses issued to respondent Haro are revoked. The registration and smog check station license issued to respondent Haro dba Los Amigos Auto and the advanced emission specialist technician license issued to respondent Haro are placed on probation subject to the terms and conditions specified in the Order below, which include a 15 day actual suspension for each.

FACTUAL FINDINGS

1. On August 23, 2010, complainant, acting solely in her official capacity as Chief of the Bureau, filed an Accusation seeking to discipline the automotive repair dealer registration, lamp station license, and brake station license issued to respondent Haro dba Los Amigos Auto. The Accusation also seeks to discipline the lamp adjuster license and brake adjuster license issued to respondent Haro.

2. At the administrative hearing, the parties stipulated to a factual and legal basis for disciplining the automotive repair dealer registration, smog check station license, lamp station license, and brake station license issued to respondent Haro dba Los Amigos Auto and the advanced emission specialist technician license, lamp adjuster license, and brake adjuster license issued to respondent Haro. They also stipulated to the discipline specified in the Order below. The use of the parties' stipulation was expressly limited to this and any future proceedings before the Bureau of Automotive Repair. The reliance on any discipline imposed as a result of the stipulation, however, is not limited in any manner.

3. The Accusation was amended to include allegations seeking to discipline the smog check station license issued to respondent Haro dba Los Amigos Auto and the advanced emission specialist technician license issued to respondent Haro in order to accommodate the parties' stipulation.¹

¹ While the parties did not expressly request that the Accusation be amended, such request was implicitly included in the stipulation since there would otherwise be no factual basis for disciplining the smog check station license or advanced emission specialist technician license since no such basis was alleged in the Accusation. (See, *Wheeler v. State Board of Forestry* (1983) 144 Cal.App.3d 522, 526-527 [order of

Registration and Licenses Issued to Respondent Haro dba Los Amigos Auto

4. On August 6, 1997, the Bureau issued Automotive Repair Dealer Registration No. ARD 195692 (registration) to Efrain P. Haro dba Los Amigos Auto. The registration expired on August 31, 2010.²

5. On November 16, 2001, the Bureau issued Smog Check Station License No. RC 195692 (smog check station license) to Efrain P. Haro dba Los Amigos Auto. The smog check station license expired on August 31, 2010.³

6. On September 3, 2003, the Bureau issued Lamp Station License No. LS 195692 (lamp station license) to Efrain P. Haro dba Los Amigos Auto. The lamp station license expired on August 31, 2010.⁴

7. On September 3, 2003, the Bureau issued Brake Station License No. BS 195692 (brake station license) to Efrain P. Haro dba Los Amigos Auto. The brake station license expired on August 31, 2010.

Licenses Issued to Respondent Haro Individually

8. In 2002, the Bureau issued Advanced Emission Specialist Technician License No. EA 142689 (advanced technician license) to Mr. Haro. The license expires on February 28, 2013, unless renewed or revoked.

9. In 2002, the Bureau issued Brake Adjuster License No. BA 142689 (brake adjuster license) to Mr. Haro. The license expired on February 28, 2006. Mr. Haro reapplied and was issued the same license on May 15, 2009. The license expires on February 28, 2013, unless renewed or revoked.

discipline must be based on law and facts alleged in the accusation].) Respondent's stipulation to a factual and legal basis for discipline constitutes a judicial admission. (See, *Gonzales v. Pacific Greyhound Lines* (1950) 34 Cal.2d 749, 754-758.) "A judicial admission is a party's unequivocal concession of the truth of the matter, and removes the matter as an issue in the case." (*Gelfo v. Lockheed Martin Corp.* (2006) 140 Cal.App.4th 34, 48.)

² The expiration of the registration does not divest the Bureau of jurisdiction to discipline the registration. (Bus. & Prof. Code, § 9884.13.)

³ The expiration of the license does not divest the Bureau of jurisdiction to discipline the license. (Health & Saf. Code, § 44072.6.)

⁴ The expiration of the lamp station license and brake station license does not divest the Bureau of jurisdiction to discipline either or both licenses. (Bus. & Prof. Code, § 9889.7.)

10. In 2002, the Bureau issued Lamp Adjuster License No. LA 142689 (lamp adjuster license) to Mr. Haro. The license expired on February 28, 2006. Mr. Haro reapplied and was issued the same license on May 15, 2009. The license expires on February 28, 2013, unless renewed or revoked.

Bureau's Investigation of Los Amigos Auto

11. On April 2, 2009, Bureau representative Carl Holmes performed an inspection of Los Amigos Auto because Mr. Haro had relocated his smog check station from Vallejo, California to Gridley, California. Mr. Holmes discovered that Mr. Haro was the only licensed adjuster at Los Amigos Auto and that his lamp and brake adjuster licenses had expired on February 28, 2006. Mr. Holmes obtained Los Amigos Auto's unused brake and lamp certificates, a book of 50 brake certificates numbered sequentially from BC783351 to BC783400 and a book of 50 lamp certificates numbered sequentially from LC771501 to LC771550. He told Mr. Haro that the books would be held by the Bureau until further notice, that Mr. Haro's lamp and brake adjuster licenses had expired, and that Mr. Haro could not perform lamp and brake inspections without valid adjuster licenses.

12. On June 18, 2009, Bureau representative Kelly Renihan performed a follow up lamp and brake station inspection of Los Amigos Auto. Mr. Renihan had with him an inventory sheet of lamp and brake certificates that Mr. Haro had purchased from the Bureau between April 10, 2008, and December 16, 2008. Mr. Renihan asked Mr. Haro for the lamp and brake certificate books listed on the inventory sheet. Mr. Haro provided Mr. Renihan with the certificate books as requested, including 50 lamp certificates numbered sequentially from LC771551 to LC771600 and 50 brake certificates numbered sequentially from BC783401 to BC783450, all of which were purchased on December 16, 2008. Mr. Renihan browsed through the certificates and found that Mr. Haro had issued certain certificates after Mr. Holmes' inspection on April 2, 2009. Mr. Renihan asked Mr. Haro why he had issued the certificates when his adjuster licenses were invalid. Mr. Haro stated that he had taken and passed his lamp and brake adjuster license tests and provided Mr. Renihan with copies of the test results. Mr. Renihan told Mr. Haro that Los Amigos Auto had not been approved by the Bureau as an official lamp and brake station at its current location and that he did not have valid lamp and brake adjuster licenses posted at his location. Mr. Renihan warned Mr. Haro not to operate as a lamp and brake station until Los Amigos Auto passed the Bureau's inspection.

13. Later that same day, Mr. Renihan reviewed the lamp and brake certificate books he had obtained from Mr. Haro and discovered that Mr. Haro had issued the following certificates on the following dates while his adjuster licenses were expired:

<u>Lamp Certificate No.</u>	<u>Date of Issuance</u>
LC771551	February 2, 2009
LC771552	April 28, 2009
LC771553	May 11, 2009
LC771554	April 1, 2009
LC771555	April 2, 2009
LC771556	April 3, 2009
LC771557	April 4, 2009
LC771558	March 21, 2009
LC771559	May 1, 2009

<u>Brake Certificate No.</u>	<u>Date of Issuance</u>
BC783401	February 2, 2009
BC783402	April 28, 2009
BC783403	May 11, 2009
BC783404	March 19, 2009
BC783405	March 20, 2009
BC783406	March 20, 2009
BC783407	April 20, 2009
BC783408	March 21, 2009
BC783409	May 1, 2009

14. On July 31, 2009, Mr. Renihan returned to Los Amigos Auto and requested invoices for the lamp and brake inspections identified in the certificate books numbers BC783401 to BC783450 and LC771551 to LC771600. Mr. Haro stated that those customers were from the Vallejo area and had not requested invoices, and that he had not created invoices relating to those inspections. Mr. Renihan asked why Mr. Haro issued lamp and brake certificates after Mr. Holmes warned him not to perform inspections without valid adjuster licenses. Mr. Haro said he needed the cash and knew he was violating the law when he issued the certificates.

Costs of Investigation and Enforcement

15. Pursuant to Business and Professions Code section 125.3, complainant requested costs of investigation and enforcement in the total amount of \$4,238.70. That amount consists of costs incurred directly by the Bureau (\$908.70), as well as costs incurred by the Office of the Attorney General and billed to the Bureau (\$3,330). At the hearing, A Certification of Prosecution Costs; Declaration of Patrick M. Kenady was introduced. Attached as Exhibit A to that Certification is a document entitled Matter Time Activity by Professional Type, which shows that the Bureau has incurred costs in the amount of \$3,300 for work performed by the Attorney General's Office in this matter. A Certification of Investigative and Other Costs in support of the investigation costs incurred directly by the Bureau was also submitted.

Pursuant to the parties' stipulation, costs in the amount of \$3,179.03 are reasonable in light of the issues involved in this matter as discussed in Legal Conclusion 23 below.

LEGAL CONCLUSIONS

Cause to Discipline Registration and Licenses Issued to Respondent Haro dba Los Amigos Auto

1. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has made or authorized in any manner or by any means any written or oral statement which is untrue or misleading when the person knew, or through the exercise of reasonable care should have known, that the statement was untrue or misleading. (Bus. & Prof. Code, § 9884.7, subd. (a)(1).) By signing each of the brake certificates identified in Factual Finding 13, Mr. Haro certified under penalty of perjury that he inspected each brake system in accordance with the Automotive Repair Act and all regulations adopted pursuant to it, including those which required him to have a brake adjuster license in order to issue such certificates. (Bus. & Prof. Code, § 9888.3 [official brake certificate must be issued by licensed brake adjuster; Cal. Code Regs., tit. 16, § 3305, subd. (a) [accord].) But each certificate was issued after his brake adjuster license had expired and before it was reissued. (Factual Findings 9 and 13.) Therefore, he made an untrue or misleading statement about the manner in which he inspected each brake system, being fully aware that he did not have a valid brake adjuster license, when he issued each brake certificate identified in Factual Finding 13, and cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(1).

2. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has made or authorized in any manner or by any means any written or oral statement which is untrue or misleading when the person knew, or through the exercise of reasonable care should have known, that the statement was untrue or misleading. (Bus. & Prof. Code, § 9884.7, subd. (a)(1).) By signing each of the lamp certificates identified in Factual Finding 13, Mr. Haro certified under penalty of perjury that he inspected each lamp system in accordance with the Automotive Repair Act and all regulations adopted pursuant to it, including those which required him to have a lamp adjuster license in order to issue such certificates. (Bus. & Prof. Code, § 9888.3 [official lamp certificate must be issued by licensed lamp adjuster; Cal. Code Regs., tit. 16, § 3305, subd. (a) [accord].) But each certificate was issued after his lamp adjuster license had expired and before it was reissued. (Factual Findings 10 and 13.) Therefore, he made an untrue or misleading statement about the manner in which he inspected each lamp system, being fully aware that he did not have a valid lamp adjuster license, when he issued each lamp certificate identified in Factual Finding 13, and cause exists to

discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(1).

3. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has failed in a material manner to comply with any provision of the Automotive Repair Act or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).) An invoice must be prepared for all work performed at an automotive repair dealer. (Bus. & Prof. Code, § 9884.8.) No invoices were prepared for any of the brake or lamp inspections identified in Factual Finding 13. (Factual Finding 14.) Therefore, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), as that statute relates to Business and Professions Code section 9884.8.

4. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has failed in a material manner to comply with any provision of the Automotive Repair Act or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).) No person may issue an official brake or lamp certificate without having the appropriate adjuster's license. (Bus. & Prof. Code, § 9888.3.) And a licensee whose brake or lamp adjuster license has expired shall immediately stop issuing official brake or lamp certificates. (Bus. & Prof. Code, § 9887.1.) Mr. Haro's brake adjuster and lamp adjuster licenses initially expired on February 29, 2006, and were not reissued until May 15, 2009. (Factual Findings 9 and 10.) Nonetheless, he issued the official brake and lamp certificates identified in Factual Finding 13 during the period his licenses were expired. Therefore, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), as that statute relates to Business and Professions Code sections 9887.1 and 9888.3, jointly and severally.

5. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has failed in a material manner to comply with any provision of the Automotive Repair Act or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).) Business and Professions Code section 9889.22 prohibits the willful making of any false statement or entry on a certificate. For the reasons discussed in Legal Conclusions 1 and 2, jointly and severally, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), as that statute relates to Business and Professions Code section 9889.22.

6. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has failed in a material manner to comply with any provision of the Automotive Repair Act or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).)

Work performed on a vehicle's brake or lamp system for the purpose of issuing an official brake or lamp certificate must be performed by a licensed brake adjuster or licensed lamp adjuster, respectively. (Cal. Code of Regs., tit. 16, § 3305, subd. (a).) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), as that statute relates to California Code of Regulations, title 16, section 3305, subdivision (a).

7. An automotive repair dealer registration may be disciplined when the dealer or a technician, employee, partner, officer, or member of the dealer has failed in a material manner to comply with any provision of the Automotive Repair Act or any regulation adopted pursuant to the Act. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).) An official brake or lamp station shall cease performing services when it no longer has the services of a licensed adjuster. (Cal. Code of Regs., tit. 16, § 3308.) Mr. Hare was the only licensed brake and lamp adjuster at Los Amigos Auto. (Factual Finding 11.) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), as that statute relates to California Code of Regulations, title 16, section 3308.

8. An automotive repair dealer registration may be disciplined when the dealer has engaged in a course of repeated and willful violations of the Automotive Repair Act or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (c).) For the reasons discussed in Legal Conclusions 1 through 7, individually and collectively, cause exists to discipline Automotive Repair Dealer Registration No. ARD 195692 pursuant to Business and Professions Code section 9884.7, subdivision (c).

9. An official brake and lamp station license may be disciplined when the licensee violates any provision of the Business and Professions Code that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (a).) For the reasons discussed in Legal Conclusion 3, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (a), as that statute relates to Business and Professions Code section 9884.8.

10. An official brake and lamp station license may be disciplined when the licensee violates any provision of the Business and Professions Code that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (a).) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (a), as that statute relates to Business and Professions Code sections 9887.1 and 9888.3, jointly and severally.

11. An official brake and lamp station license may be disciplined when the licensee violates any provision of the Business and Professions Code that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (a).) For the reasons discussed in Legal Conclusion 5, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (a), as that statute relates to Business and Professions Code section 9889.22.

12. An official brake and lamp station license may be disciplined when the licensee violates or attempts to violate any provision of the Automotive Repair Act that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (h).) For the reasons discussed in Legal Conclusion 3, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (h), as that statute relates to Business and Professions Code section 9884.8.

13. An official brake and lamp station license may be disciplined when the licensee violates or attempts to violate any provision of the Automotive Repair Act that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (h).) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (h), as that statute relates to Business and Professions Code sections 9887.1 and 9888.3, jointly and severally.

14. An official brake and lamp station license may be disciplined when the licensee violates or attempts to violate any provision of the Automotive Repair Act that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (h).) For the reasons discussed in Legal Conclusion 5, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. LS 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (h), as that statute relates to Business and Professions Code section 9889.22.

15. An official brake and lamp station license may be disciplined when the licensee violates or attempts to violate any regulation adopted pursuant to the Automotive Repair Act. (Bus. & Prof. Code, § 9889.3, subd. (c).) For the reasons discussed in Legal Conclusion 6, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (c), as that statute relates to California Code of Regulations, title 16, section 3305, subdivision (a). And for the reasons discussed in Legal Conclusion 7, cause exists to discipline Brake Station License No. BS 195692 and Lamp Station License No. 195692, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (c), as that statute relates to California Code of Regulations, title 16, section 3308.

16. A smog check station license may be disciplined if the licensee commits an act involving dishonesty, fraud, or deceit whereby another is injured. (Health & Saf. Code, § 44072.2, subd. (c).) For the reasons discussed in Legal Conclusions 1 and 2, jointly and severally, cause exists to discipline Smog Check Station License No. RC 195692 pursuant to Health and Safety Code section 44072.2, subdivision (c).

Cause to Discipline Licenses Issued to Respondent Haro Individually

17. A brake adjuster license and lamp adjuster license may be disciplined when the licensee violates any provision of the Business and Professions Code that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (a).) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Brake Adjuster License No. BA 142689 and Lamp Adjuster License No. LA 142689, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (a), as that statute relates to Business and Professions Code sections 9887.1 and 9888.3, jointly and severally.

18. A brake adjuster license and lamp adjuster license may be disciplined when the licensee violates any provision of the Business and Professions Code that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (a).) For the reasons discussed in Legal Conclusion 5, cause exists to discipline Brake Adjuster License No. BA 142689 and Lamp Adjuster License No. LA 142689, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (a), as that statute relates to Business and Professions Code section 9889.22.

19. A brake adjuster license and lamp adjuster license may be disciplined when the licensee violates or attempts to violate any provision of the Automotive Repair Act that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (h).) For the reasons discussed in Legal Conclusion 4, cause exists to discipline Brake Adjuster License No. BA 142689 and Lamp Adjuster License No. LA 142689, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (h), as that statute relates to Business and Professions Code sections 9887.1 and 9888.3, jointly and severally.

20. A brake adjuster license and lamp adjuster license may be disciplined when the licensee violates or attempts to violate any provision of the Automotive Repair Act that relates to his licensed activities. (Bus. & Prof. Code, § 9889.3, subd. (h).) For the reasons discussed in Legal Conclusion 5, cause exists to discipline Brake Adjuster License No. BA 142689 and Lamp Adjuster License No. LA 142689, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (h), as that statute relates to Business and Professions Code section 9889.22.

21. A brake adjuster license and lamp adjuster license may be disciplined when the licensee violates or attempts to violate any regulation adopted pursuant to the Automotive Repair Act. (Bus. & Prof. Code, § 9889.3, subd. (c).) For the reasons discussed in Legal Conclusion 6, cause exists to discipline Brake Adjuster License No. BA 142689 and Lamp Adjuster License No. LA 142689, individually and collectively, pursuant to Business and Professions Code section 9889.3, subdivision (c), as that statute relates to California Code of Regulations, title 16, section 3305, subdivision (a).

22. Business and Professions Code section 9889.9 provides that the discipline of any license constitutes grounds for discipline of all other licenses issued to the same licensee pursuant to Articles 5 and 6 of the Automotive Repair Act (Bus. & Prof. Code, div. 3, ch. 20.3, § 9880 et seq.). For the reasons discussed in Legal Conclusions 17 through 21, individually and collectively, cause exists to discipline Advanced Emission Specialist Technician License No. EA 142689 pursuant to Business and Professions Code section 9889.9.

Cost Recovery

23. Pursuant to Business and Professions Code section 125.3, a licensee found to have violated a licensing act may be ordered to pay the reasonable costs of investigation and prosecution of a case. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include: 1) whether the licensee has been successful at hearing in getting charges dismissed or reduced; 2) the licensee's subjective good faith belief in the merits of his or her position; 3) whether the licensee has raised a colorable challenge to the proposed discipline; 4) the financial ability of the licensee to pay; and 5) whether the scope of the investigation was appropriate in light of the alleged misconduct.

As set forth in Factual Finding 15, the parties stipulated to investigation and prosecution costs in the amount of \$3,179.03. Therefore, complainant's request for prosecution costs in the amount of \$3,179.03 is reasonable and is awarded against respondent Efrain P. Haro, individually and dba Los Amigos Auto, as set forth in the Order below.

ORDER

1. Brake Station License No. BS 195692 issued to respondent Efrain P. Haro dba Los Amigos Auto is REVOKED.

2. Lamp Station License No. LS 195692 issued to respondent Haro dba Los Amigos Auto is REVOKED.

3. Brake Adjuster License No. BA 142689 issued to respondent Haro is REVOKED.

4. Lamp Adjuster License No. LA 142689 issued to respondent Haro is REVOKED.

5. Automotive Repair Dealer Registration No. ARD 195692 and Smog Check Station License No. RC 195692, each of which was issued to respondent Haro dba Los Amigos Auto, and Advanced Emission Specialist Technician License No. EA 142689 issued to respondent Haro are each REVOKED. However, each revocation is STAYED and each registration or license is placed on PROBATION for a period of three years, subject to the following terms and conditions:

a. Each registration or license is suspended for a period of 15 days commencing on the effective date of this Decision.

b. During the period of probation, respondent Haro, individually and dba Los Amigos Auto, shall

i. Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

ii. Post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.

iii. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

iv. Within 30 days of the effective date of this Decision, report any financial interest which any partners, officers, or owners of Los Amigos Auto may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

v. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

vi. If an accusation is filed against respondent individually or dba Los Amigos Auto during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.

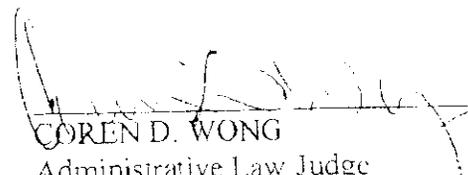
vii. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard temporarily or permanently invalidate the registration and/or suspend or revoke any of the licenses.

c. During the period of probation, respondent Haro shall attend and successfully complete a Bureau certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of license held by the respondent. Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this Decision and Order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, Smog Check Station License No. RC 195692 and Advanced Emission Specialist Technician License No. EA 142689 shall each be immediately suspended until such proof is received.

d. During the period of probation, respondent Haro, individually and dba Los Amigos Auto, shall not perform any form of smog inspection, or emission system diagnosis or repair, until respondent has purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to properly perform such work, and BAR has been given 10 days notice of the availability of the equipment for inspection by a BAR representative.

6. Respondent Haro, individually and dba Los Amigos Auto, shall reimburse the Bureau the sum of \$3,179.03 for costs incurred while investigating and prosecuting this matter. The costs shall be paid over a 30-month period commencing on the effective date of this Decision. Respondent may pay these costs according to a payment plan approved by the Bureau or its designee.

DATED: October 13, 2011


COREN D. WONG
Administrative Law Judge
Office of Administrative Hearings

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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/
12 Petition to Revoke Probation Against:
13 **LOS AMIGOS AUTO**
14 **EFRAIN P. HARO, OWNER**
15 **57 E. Gridley**
Gridley, CA 95948
16 **Automotive Repair Dealer Reg. No. ARD 195692**
Smog Check Station License No. RC 195692
17 **and**
18 **EFRAIN HARO**
19 **57 E. Gridley Road**
Gridley, CA 95948
20 **Advanced Emission Specialist Technician**
License No. EA 142689
21 Respondent.

Case No. 79/13-21
OAH No. 2013040307
NOTICE OF HEARING
[Gov. Code, § 11509.]
Hearing: Monday, December 9, 2013
Tuesday, December 10, 2013

22
23 YOU ARE HEREBY NOTIFIED that a hearing in this matter will commence on **Monday,**
24 **December 9, 2013,** at **9:00 a.m.** and will continue on a day-to-day basis, as necessary **through**
25 **Tuesday, December 10, 2013,** before an Administrative Law Judge at the address listed below.

26 **Office of Administrative Hearings**
27 **Attn: General Jurisdiction**
2349 Gateway Oaks Drive, Suite 200
28 **Sacramento, CA 95833-4231**

1 The hearing will be conducted before the Director of Consumer Affairs, Bureau of
2 Automotive Repair by an Administrative Law Judge of the Office of Administrative Hearings,
3 upon the charges made in the Accusation/Petition to Revoke Probation served upon you.

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

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

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

25 CONTINUANCES: Under section 11524 of the Government Code, the agency may grant a
26 continuance, but when an administrative law judge of the Office of Administrative Hearings has
27 been assigned to the hearing, no continuance may be granted except by him or her or by the
28 presiding Administrative Law Judge for good cause. When seeking a continuance, a party shall

1 apply for the continuance within ten (10) working days following the time the party discovered or
2 reasonably should have discovered the event or occurrence which establishes good cause for the
3 continuance. A continuance may be granted for good cause after the ten (10) working days have
4 lapsed only if the party seeking the continuance is not responsible for and has made a good faith
5 effort to prevent the condition or event establishing the good cause.

6 Continuances are not favored. If you need a continuance, immediately write or call the
7 Office of Administrative Hearings: Attn: General Jurisdiction, 2349 Gateway Oaks Drive, Suite
8 200, Sacramento, CA 95833-4231 telephone: (916) 263-0550.

9 Dated: November 6, 2013

Respectfully submitted,
KAMALA D. HARRIS
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KENT D. HARRIS
Supervising Deputy Attorney General


GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

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