

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

Received in BAR EPO
SEP 14 2015

In the Matter of the STAR Certification
Invalidation Against:

**JEFF MARSHALL, OWNER/PRESIDENT,
dba ARDEN HIGH TECH AUTO REPAIR
INC.**

2620 Arden Way
Sacramento, CA 95864

Automotive Repair Dealer Registration No.
223290

Smog Check Test & Repair Station No. RC
223290

STAR Certified

Respondent.

Case No. 201414729

OAH No. 2014110358

DECISION

The attached Stipulated Settlement and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective October 2, 2015.

DATED: September 9, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

ORIGINAL

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

11 In the Matter of the STAR Certification Invalidation
12 Against:

13 **JEFF MARSHALL, OWNER/PRESIDENT,**
14 **dba ARDEN HIGH TECH AUTO REPAIR INC.**
2620 Arden Way
Sacramento, CA 95864

15 **Automotive Repair Dealer Registration No.**
16 **223290**

17 **Smog Check Test & Repair Station No. RC**
18 **223290**

18 **STAR Certified**

19 Respondent.

Case No. 201414729

OAH No. 2014110358

**STIPULATED SETTLEMENT AND
ORDER**

21 In the interest of a prompt and speedy settlement of this matter, consistent with the public
22 interest and the responsibilities of the Director of the Department of Consumer Affairs and the
23 Bureau of Automotive Repair, the parties hereby agree to the following Stipulated Settlement and
24 Order which will be submitted to the Director for the Director's approval and adoption as the
25 final disposition of the STAR Certification Invalidation Appeal.

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27 ///

28 ///

1 **PARTIES**

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair,
3 Department of Consumer Affairs, ("Bureau"). He brought this action solely in his official
4 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
5 California, by Leslie A. Burgermyer, Deputy Attorney General.

6 2. Respondent Jeff Marshall, Owner and President, doing business as Arden High Tech
7 Auto Repair Inc., ("Respondent") is representing himself in this proceeding and has chosen not to
8 exercise his right to be represented by counsel.

9 3. On or about September 20, 2002, the Bureau issued Smog Check Test and Repair
10 Station License Number RC 223290 to Respondent. The Smog Check Test License and Repair
11 Station License was in full force and effect at all times relevant to the charges brought in STAR
12 Certification Invalidation Appeal No. 201414729 and will expire on August 31, 2015, unless
13 renewed. On or about January 2, 2013, the Smog Check Test and Repair Station License was
14 certified as a STAR station

15 **JURISDICTION**

16 4. Invalidation of STAR Certification Case Number 201414729 was filed before the
17 Director of the Department of Consumer Affairs ("Director") for the Bureau and is currently
18 pending against Respondent. The Invalidation of STAR Certification and all other statutorily
19 required documents were properly served on Respondent on August 6, 2014. Respondent timely
20 filed his request for an appeal hearing contesting the Invalidation of STAR Certification Case
21 Number 201414729.

22 5. A copy of Invalidation of STAR Certification Case Number 201414729 is attached
23 hereto, marked Exhibit A, and incorporated herein by reference.

24 **ADVISEMENT AND WAIVERS**

25 6. Respondent has carefully read and understands the charges and allegations in
26 Invalidation of STAR Certification Case Number 201414729. Respondent has also carefully read
27 and understands the effects of this Stipulated Settlement and Disciplinary Order on his STAR
28 Certification.

1 4. **Violation of Decision and Order.** If Respondent violates any term and condition of
2 this Decision and Order, then the violation shall constitute a cause to discipline Respondent's
3 Smog Check Test and Repair Station License Number RC 223290 and any other Bureau-issued
4 license(s) and/or registration(s).

5 **ACCEPTANCE**

6 I have carefully read the Stipulated Settlement and Order. I understand the stipulation and
7 the effect it will have on my Smog Check Test and Repair Station License Number RC 223290. I
8 enter into this Stipulated Settlement and Order voluntarily, knowingly, and intelligently, and
9 agree to be bound by the Decision and Order of the Director of the Department of Consumer
10 Affairs.

11
12 DATED: 4-20-2015


13 JEFF MARSHALL, OWNER/PRESIDENT,
14 dba ARDEN HIGH TECH AUTO REPAIR INC.
Respondent

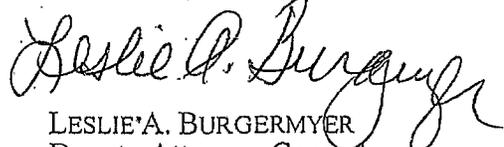
15 **ENDORSEMENT**

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

18
19 DATED: 4-22-2015

Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 KENT D. HARRIS
Supervising Deputy Attorney General



23
24 LESLIE A. BURGERMYER
25 Deputy Attorney General
Attorneys for Complainant

26
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EXHIBIT A

STAR Certification Invalidation Case No. 201414729

(Station, Invalidation #2014-0047)



EXECUTIVE OFFICE

10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (916) 403-8600 F (916) 464-3424 | www.bar.ca.gov



August 6, 2014

INVALIDATION # 2014-0047

Jeff Marshall
Arden High Tech Auto Repair, Inc.
2620 Arden Way
Sacramento, CA 95864

ARD/RC 223290

Re: Decision on Proposed STAR Invalidation, UPHELD

Jeff Marshall:

On July 2, 2014, the Bureau informed you that your station's STAR certification is subject to invalidation pursuant to section 3392.5.1 of Title 16 of the California Code of Regulations (CCR) for failure to meet one or more of the STAR Program performance measures.

On July 30, 2014, the Bureau received a request from your station for a hearing on the proposed STAR invalidation. The request for a hearing contained information or arguments contrary to the proposed invalidation.

On August 4, 2014, at the Bureau's headquarters, located at 10949 North Mather Boulevard, Rancho Cordova, California 95670, the above referenced matter was reviewed by Michael Lafferty of the Bureau of Automotive Repair, who is authorized as the Chief's designee under CCR section 3392.6.1 to issue a decision on this matter.

Based on a thorough review of the station's performance reports, and due consideration given to the information provided, the cause(s) for invalidation are confirmed and the proposed invalidation of STAR certification of the station is **upheld**. Effective September 6, 2014, your station will no longer be authorized to perform the functions of a STAR certified station. The invalidation does not affect your station's ability to perform Smog Check tests or repair services consistent with the type of licensed held by your station.

Pursuant to CCR section 3392.6.1(e), if you wish to contest the decision of this informal review, you must submit a written request for an administrative hearing to the address below, no later than September 6, 2014.

Bureau of Automotive Repair Licensing unit
STAR Appeals
10949 North Mather Boulevard
Rancho Cordova, CA 95670

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Lafferty', is written over the typed name.

Michael Lafferty
Program Manager II
Bureau of Automotive Repair

cc: Licensing Unit

ML/jb



LICENSING UNIT

10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (855) 736.0462 F (888) 421-7798 | www.bar.ca.gov



July 1, 2014

Invalidation #2014-0047

Jeff Marshall
Arden High Tech Auto Repair Inc
2620 Arden Way
Sacramento, CA 95864

ARD/RC 223290

RE: Notice of STAR Certification Invalidation—Station Citation(s)

Jeff Marshall:

The Bureau of Automotive Repair (Bureau) is hereby notifying you that on July 15, 2014, the Bureau will invalidate your STAR certification, pursuant to the California Code of Regulations (CCR) Section 3392.5.1 for the following finding(s):

- Your station, Arden High Tech Auto Repair Inc was issued citation number C2014-585 on February 26, 2014.
- The citation was not appealed and became effective May 9, 2014.
- The California Code of Regulations (CCR) Section 3392.5.1 (a) states, "It shall be cause for the bureau to invalidate the certification of a STAR station if any of the following occur:"
 - CCR Section 3392.5.1. (a) (1) states, "The STAR station, manager, or any licensed technician employed by the station receives an order of suspension, a probationary order, or a citation that is final and non-appealable..."

Based on the information above, the Bureau is invalidating your STAR certification, effective July 15, 2014. After invalidation of STAR certification, your station may continue to perform smog check tests or repair services, pursuant to the type of license held by your station (Test-Only or Test and Repair).

If you choose to appeal this action, fill-out the enclosed Request to Appeal STAR Invalidation form. This form must be received by the Bureau Headquarters no later than July 15, 2014. Send your appeal to:

Bureau of Automotive Repair Licensing Unit
STAR Appeals
10949 North Mather Boulevard
Rancho Cordova, CA 95670

Page 2 of 2

Should you choose not to appeal to this notification, for any reason, your STAR Certification will be invalidated without further notice. Your STAR Appeal Form must be received no later than July 15, 2014 to be evaluated.

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Thomas", with a long horizontal flourish extending to the right.

Bill Thomas
Program Manager I
Enforcement Planning and Oversight
Bureau of Automotive Repair

cc: Licensing Unit

Attachment: STAR Appeal Form

BT/ab

EXHIBIT B

STAR Certification Invalidation Case No. 201414729

(Technician, Invalidation #2014-0048)



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
EXECUTIVE OFFICE
10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (916) 403-8600 F (916) 464-3424 | www.bar.ca.gov



August 6, 2014

INVALIDATION # 2014-0048

Jeff Marshall
Arden High Tech Auto Repair, Inc.
2620 Arden Way
Sacramento, CA 95864

ARD/RC 223290

Re: Decision on Proposed STAR Invalidation, UPHELD

Jeff Marshall:

On July 2, 2014, the Bureau informed you that your station's STAR certification is subject to invalidation pursuant to section 3392.5.1 of Title 16 of the California Code of Regulations (CCR) for failure to meet one or more of the STAR Program performance measures.

On July 30, 2014, the Bureau received a request from your station for a hearing on the proposed STAR invalidation. The request for a hearing contained information or arguments contrary to the proposed invalidation.

On August 4, 2014, at the Bureau's headquarters, located at 10949 North Mather Boulevard, Rancho Cordova, California 95670, the above referenced matter was reviewed by Michael Lafferty of the Bureau of Automotive Repair, who is authorized as the Chief's designee under CCR section 3392.6.1 to issue a decision on this matter.

Based on a thorough review of the station's performance reports, and due consideration given to the information provided, the cause(s) for invalidation are confirmed and the proposed invalidation of STAR certification of the station is upheld. Effective September 6, 2014, your station will no longer be authorized to perform the functions of a STAR certified station. The invalidation does not affect your station's ability to perform Smog Check tests or repair services consistent with the type of license held by your station.

Pursuant to CCR section 3392.6.1(e), if you wish to contest the decision of this informal review, you must submit a written request for an administrative hearing to the address below, no later than September 6, 2014.

Bureau of Automotive Repair Licensing unit
STAR Appeals
10949 North Mather Boulevard
Rancho Cordova, CA 95670

Respectfully,


Michael Lafferty
Program Manager II
Bureau of Automotive Repair

cc: Licensing Unit

ML/jb



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

ENFORCEMENT PLANNING AND OVERSIGHT BRANCH
10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (916) 403-8060 F (916) 464-3405 | www.bar.ca.gov



July 1, 2014

Jeff Marshall
Arden High Tech Auto Repair Inc
2620 Arden Way
Sacramento, CA 95864

ARD/RC 223290

Re: Separate STAR Certification Invalidation Cause to Proceed

Jeff Marshall:

This letter is to advise you that the Bureau of Automotive Repair is aware of your first Notice of STAR Certification Invalidation letter sent by the Bureau on July 1, 2014 for Citation Number C2014-585, Invalidation #2014-0047. This previous Notice of STAR Certification Invalidation is unrelated to the current cause for invalidation and will proceed regardless of the outcome of the current invalidation proceedings.

The current cause for your station's STAR Invalidation is detailed in the enclosed Notification of the STAR Certification Invalidation letter dated July 1, 2014, Invalidation #2014-0048. This matter will proceed as a new, separate cause for invalidation, and must be acted upon independently from the previous cause for invalidation.

Please note, the current STAR Invalidation (detailed in the attached letter dated July 1, 2014) is a separate matter and must be responded to pursuant to section 3392.6.1 of Title 16 of the California Code of Regulations (CCR). Failure to respond to the current cause for invalidation may result in the invalidation of your STAR certification without further notice.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Thomas", is written over the word "Respectfully".

William Thomas
Program Manager I
Enforcement Planning and Oversight
Bureau of Automotive Repair

cc: Licensing Unit

Attachment: Letter of STAR Invalidation

BT/ab



LICENSING UNIT

10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (855) 735.0462 F (888) 421-7798 | www.bar.ca.gov



July 1, 2014

Invalidation #2014-0048

Jeff Marshall
Arden High Tech Auto Repair Inc
2620 Arden Way
Sacramento, CA 95864

ARD/RC 223290

RE: Notice of STAR Certification Invalidation—Technician Citation(s)

Jeff Marshall:

The Bureau of Automotive Repair (Bureau) is hereby notifying you that July 15, 2014, the Bureau will invalidate your STAR certification, pursuant to the California Code of Regulations (CCR) Section 3392.5.1 for the following finding(s):

- A technician in your employ, Christopher Deguzman #2703, was issued citation number M2014-586 on February 26, 2014.
- The citation was not appealed and became effective May 9, 2014.
- The California Code of Regulations (CCR) Section 3392.5.1 (a) states, "It shall be cause for the bureau to invalidate the certification of a STAR station if any of the following occur:"
 - CCR Section 3392.5.1. (a) (1) states, "The STAR station, manager, or any licensed technician employed by the station receives an order of invalidation, a probationary order, or a citation that is final and non-appealable..."

Based on the information above, the Bureau is invalidating your STAR certification, effective July 15, 2014. After invalidation of STAR certification, your station may continue to perform smog check tests or repair services, pursuant to the type of license held by your station (Test-Only or Test and Repair).

If you choose to appeal this action, fill-out the enclosed Request to Appeal STAR Invalidation form. This form must be received by the Bureau Headquarters no later than July 15, 2014. Send your appeal to:

Bureau of Automotive Repair Licensing Unit
STAR Appeals
10949 North Mather Boulevard
Rancho Cordova, CA 95670

Page 2 of 2

Should you choose not to appeal to this notification, for any reason, your STAR Certification will be invalidated without further notice. Your STAR Appeal Form must be received no later than July 15, 2014 to be evaluated.

Respectfully,



Bill Thomas, Program Manager I
Enforcement Planning and Oversight
Bureau of Automotive Repair

cc: Licensing Unit

Attachment: STAR Appeal Form

BT/ab