

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

In the Matter of the Accusation Against:

ALEJANDRO CARBAJAL; DIANA CARBAJAL; dba ALEX AUTO DIAGNOSTICS

650 Oller Street

Mendota, CA 93640

Automotive Repair Dealer Registration No. ARD 248849

Smog Check Station License No. RC 248849

Brake Station License No. BS 248849, Class C

Lamp Station License No. LS 248849, Class A

and

ALEJANDRO CARBAJAL

650 Oller Street

Mendota, CA 93640

Smog Check Inspector License No. EO 145004

Smog Check Repair Technician License No. EI 145004

Brake Adjuster License No. BA 145004, Class C

Lamp Adjuster License No. LA 145004, Class A

Respondents.

Case No. 77/21-14654

DECISION

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

This Decision shall become effective on November 22, 2023

DATED: Oct. 11, 2023



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

1 ROB BONTA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 77/21-14654

14 **ALEJANDRO CARBAJAL; DIANA**
15 **CARBAJAL; DBA ALEX AUTO**
16 **DIAGNOSTICS**
650 Oller Street
Mendota, CA 93640

OAH No. 2022080758

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 248849**
19 **Smog Check Station License No. RC 248849**
20 **Lamp Station License No. LS 248849, Class**
21 **A**
22 **Brake Station License No. BS 248849, Class**
23 **C,**

24 **and**

25 **ALEJANDRO CARBAJAL**
26 650 Oller Street
27 Mendota, CA 93640

28 **Smog Check Inspector License No. EO**
145004
Smog Check Repair Technician License No.
EI 145004,
Brake Adjuster License No. 145004, Class C
Lamp Adjuster License No. 145004, Class A

Respondent.

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Steve J. Pyun, Deputy Attorney
7 General.

8 2. Respondents Alejandro Carbajal and Diana Carbajal, a partnership, doing business as
9 Alex Auto Diagnostics and Alejandro Carbajal (Respondents) are represented in this proceeding
10 by attorney William Ferreira, whose address is 580 California Street, Suite 1200, San Francisco,
11 CA 94104.

12 3. On or about January 12, 2007, the Bureau issued Automotive Repair Dealer
13 Registration Number ARD 248849 to Alejandro Carbajal and Diana Carbajal, a partnership,
14 doing business as Alex Auto Diagnostics (Respondent Alex Auto). The Automotive Repair
15 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
16 and will expire on January 31, 2024, unless renewed.

17 4. On or about January 17, 2007, the Bureau issued Smog Check Station License
18 Number RC 248849 to Respondent Alex Auto. The Smog Check Station License was in full
19 force and effect at all times relevant to the charges brought herein and will expire on January 31,
20 2024, unless renewed.

21 5. On or about September 8, 2010, the Bureau issued Lamp Station License Number
22 LS 248849, Class A, to Respondent Alex Auto. The Lamp Station License was in full force and
23 effect at all times relevant to the charges brought herein, expired on January 31, 2023, and has not
24 been renewed.

25 6. On or about September 8, 2010, the Bureau issued Brake Station License Number
26 BS 248849, Class C, to Respondent Alex Auto. The Brake Station License was in full force and
27 effect at all times relevant to the charges brought herein, expired on January 31, 2023, and has not
28 been renewed.

1 7. On a date uncertain in 2003, the Bureau issued Advanced Emission Specialist
2 Technician License No. EA 145004 to Alejandro Carbajal (Respondent Carbajal). Pursuant to
3 California Code of Regulations, title 16 ("CCR"), section 3340.28, subdivision (e), upon
4 Respondent Carbajal's election, effective February 4, 2014, said license was renewed by the
5 Bureau as Smog Check Inspector License Number EO 145004 and Smog Check Repair
6 Technician License Number EI 145004. The Smog Check Inspector and Smog Check Repair
7 Technician Licenses were in full force and effect at all times relevant to the charges brought
8 herein and will expire on February 29, 2024, unless renewed.

9 8. On or about May 17, 2010, the Bureau issued Brake Adjuster License Number
10 145004, Class C, to Respondent Carbajal. The Brake Adjuster License expired on February 28,
11 2022, and has not been renewed.

12 9. On or about June 28, 2010, the Bureau issued Lamp Adjuster License Number
13 145004, Class A, to Respondent Carbajal. The Lamp Adjuster License expired on February 28,
14 2022, and was cancelled on April 3, 2022.

15 **JURISDICTION**

16 10. Accusation No. 77/21-14654 was filed before the Director of the Department of
17 Consumer Affairs (Director), and is currently pending against Respondents. The Accusation and
18 all other statutorily required documents were properly served on Respondents on June 16, 2022.
19 Respondents timely filed a Notice of Defense contesting the Accusation.

20 11. A copy of Accusation No. 77/21-14654 is attached as exhibit A and incorporated
21 herein by reference.

22 **ADVISEMENT AND WAIVERS**

23 12. Respondents have carefully read, fully discussed with counsel, and understand the
24 charges and allegations in Accusation No. 77/21-14654. Respondents have also carefully read,
25 fully discussed with counsel, and understand the effects of this Stipulated Settlement and
26 Disciplinary Order.

27 13. Respondents are fully aware of their legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against them; the right to present evidence and to testify on their own behalf; the
2 right to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

5 14. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 CULPABILITY

8 15. Respondents understand and agree that the charges and allegations in Accusation No.
9 77/21-14654, if proven at a hearing, constitute cause for imposing discipline upon their
10 Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station License,
11 Brake Station License, Smog Check Inspector License, Smog Check Repair Technician License,
12 Brake Adjuster License, and Lamp Adjuster License.

13 16. For the purpose of resolving the Accusation without the expense and uncertainty of
14 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
15 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest
16 those charges.

17 17. Respondents agree that their Automotive Repair Dealer Registration, Smog Check
18 Station License, Lamp Station License, Brake Station License, Smog Check Inspector License,
19 Smog Check Repair Technician License, Brake Adjuster License, and Lamp Adjuster License are
20 subject to discipline and they agree to be bound by the Director's probationary terms as set forth
21 in the Disciplinary Order below.

22 CONTINGENCY

23 18. This stipulation shall be subject to approval by the Director or the Director's designee.
24 Respondents understand and agree that counsel for Complainant and the staff of the Bureau of
25 Automotive Repair may communicate directly with the Director and staff of the Department of
26 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by
27 Respondents or their counsel. By signing the stipulation, Respondents understand and agree that
28 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the

1 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
2 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
3 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
4 Director shall not be disqualified from further action by having considered this matter.

5 19. The parties understand and agree that Portable Document Format (PDF) and facsimile
6 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
7 signatures thereto, shall have the same force and effect as the originals.

8 20. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
9 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
10 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
11 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
12 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
13 writing executed by an authorized representative of each of the parties.

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

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 248849,
19 Smog Check Station License No. RC 248849, Lamp Station License No. LS 248849, Class A,
20 and Brake Station License No. BS 248849, Class C, issued to Respondent Alejandro Carbajal and
21 Diana Carbajal, a partnership, doing business as Alex Auto Diagnostics, as well as Smog Check
22 Inspector License No. EO 145004, Smog Check Repair Technician License No. EI 145004, Brake
23 Adjuster License No. BA 145004, Class C, and Lamp Adjuster License No. LA 145004, Class A,
24 issued to Respondent Alejandro Carbajal, are revoked. However, the revocations are stayed and
25 Respondents are placed on probation for four (4) years on the following terms and conditions:

26 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 248849,
27 Smog Check Station License No. RC 248849, Lamp Station License No. LS 248849, Class A,
28 and Brake Station License No. BS 248849, Class C, issued to Respondent Alejandro Carbajal and

1 Diana Carbajal, a partnership, doing business as Alex Auto Diagnostics, as well as Smog Check
2 Inspector License No. EO 145004, Smog Check Repair Technician License No. EI 145004, Brake
3 Adjuster License No. BA 145004, Class C, and Lamp Adjuster License No. LA 145004, Class A,
4 issued to Respondent Alejandro Carbajal, are suspended for seven (7) consecutive days beginning
5 on the effective date of the Decision and Order.

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

9 3. **Posting of Sign.** During the period of suspension, Respondents shall prominently
10 post a sign or signs, provided by BAR, indicating the beginning and ending dates of the
11 suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously
12 displayed in a location or locations open to and frequented by customers. The location(s) of the
13 sign(s) shall be approved by BAR and shall remain posted during the entire period of actual
14 suspension.

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

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

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

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

14 **8. Violation of Probation.** If Respondents violate or fail to comply with the terms and
15 conditions of probation in any respect, the Director, after giving notice and opportunity to be
16 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
17 Once Respondents are served notice of BAR's intent to set aside the stay, the Director shall
18 maintain jurisdiction, and the period of probation shall be extended until final resolution of the
19 matter.

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

1 10. **Cost Recovery.** Respondents shall pay the Bureau of Automotive Repair \$7,540.94
2 for the reasonable costs of the investigation and enforcement of Case No. 77/21-14654.
3 Respondents shall make forty-two (42) monthly payments in the amount of \$179.54. Full
4 payment must be completed no later than six (6) months before probation terminates.
5 Respondents shall make payment by check or money order payable to the Bureau of Automotive
6 Repair and shall indicate on the check or money order that it is for cost recovery payment for
7 Case No. 77/21-14654. Any order for payment of cost recovery shall remain in effect whether or
8 not probation is tolled. Probation shall not terminate until full cost recovery payment has been
9 made. BAR reserves the right to pursue any other lawful measures in collecting on the costs
10 ordered and past due, in addition to taking action based upon the violation of probation.

11 11. **Completion of Probation.** Upon successful completion of probation, Respondents'
12 affected registration and/or license will be fully restored or issued without restriction, if
13 Respondents meet all current requirements for registration or licensure and have paid all
14 outstanding fees, monetary penalties, or cost recovery owed to BAR.

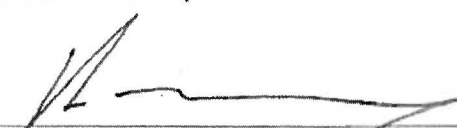
15 12. **License Surrender.** Following the effective date of a decision that orders a stay of
16 invalidation or revocation, if Respondents cease business operations or are otherwise unable to
17 satisfy the terms and conditions of probation, Respondents may request that the stay be vacated.
18 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
19 to evaluate the Respondents' request and to exercise discretion whether to grant the request or
20 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
21 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
22 provided in the decision. Respondents may not petition the Director for reinstatement of the
23 surrendered registration and/or license, or apply for a new registration or license under the
24 jurisdiction of BAR at any time before the date of the originally scheduled completion of
25 probation. If Respondents apply to BAR for a registration or license at any time after that date,
26 Respondents must meet all current requirements for registration or licensure and pay all
27 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

28 //

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will
4 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
5 License, Brake Station License, Smog Check Inspector License, Smog Check Repair Technician
6 License, Brake Adjuster License, and Lamp Adjuster License. I enter into this Stipulated
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
8 bound by the Decision and Order of the Director of the Department of Consumer Affairs.

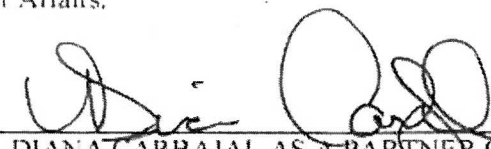
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10 DATED: 5 24 2023


11 ALEJANDRO CARBAJAL, AS AN INDIVIDUAL
12 AND AS A PARTNER OF ALEJANDRO
13 CARBAJAL AND DIANA CARBAJAL, A
14 PARTNERSHIP DBA ALEX AUTO DIAGNOSTICS
15 *Respondents*

16 ACCEPTANCE

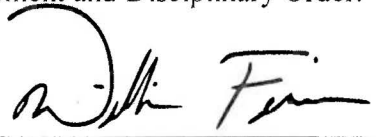
17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
18 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will
19 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
20 License, and Brake Station License. I enter into this Stipulated Settlement and Disciplinary Order
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
22 Director of the Department of Consumer Affairs.

23 DATED: 5/24/2023


24 DIANA CARBAJAL AS A PARTNER OF
25 ALEJANDRO CARBAJAL AND DIANA
26 CARBAJAL, A PARTNERSHIP DBA ALEX AUTO
27 DIAGNOSTICS
28 *Respondent*

1
2 I have read and fully discussed with Respondents the terms and conditions and other
3 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
4 and content.

5 DATED: 5-24-23


6 WILLIAM FERREIRA
Attorney for Respondents

7
8 **ENDORSEMENT**

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

11
12
13 DATED: May 25, 2023

Respectfully submitted,

14 ROB BONTA
Attorney General of California
15 DAVID E. BRICE
Supervising Deputy Attorney General

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17 STEVE J. PYUN
18 Deputy Attorney General
Attorneys for Complainant
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