BEFORE THE DIRECTOR OF THE

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU OF AUTOMOTIVE REPAIR

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RODOLFO MONTANO COBIAN aka RODOLFO COBIAN MONTANO dba

CONTINENTAL AUTO REPAIR

19469 Grangeville Blvd.

Lemoore, CA 93245

Automotive Repair Dealer Registration No. ARD 256824

Smog Check Station License No. RC 256824

and

RODOLFO MONTANO COBIAN aka RODOLFO COBIAN MONTANO

17739 Iona Ave.

Lemoore, CA 93245

Smog Check Inspector License No. EO 632544

Smog Check Repair Technician License No. EI 632544

Respondents.

Case No. 77/22-14892

OAH No. 2024010418

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 September 11, 2024.

IT IS SO ORDERED August 5, 2024.

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

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General
PHILLIP L. ARTHUR
Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **RODOLFO MONTANO COBIAN** **aka RODOLFO COBIAN MONTANO** **dba CONTINENTAL AUTO REPAIR** 19469 Grangeville Blvd. Lemoore, CA 93245 **Automotive Repair Dealer Registration No. ARD 256824** **Smog Check Station License No. RC 256824** **RODOLFO MONTANO COBIAN** **aka RODOLFO COBIAN MONTANO** 17739 Iona Ave. Lemoore, CA 93245 **Smog Check Inspector License No. EO 632544** **Smog Check Repair Technician License No. EI 632544** Respondent.	Case No. 77/22-14892 OAH No. 2024010418 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

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PARTIES

1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Phillip L. Arthur, Deputy Attorney General.

2. Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as Continental Auto Repair (Respondent Continental) and Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano (Respondent Cobian), are represented in this proceeding by attorney Nicole Weil, whose address is: 9474 Kearny Villa Rd., Ste. 101, San Diego, CA 92126.

Automotive Repair Dealer Registration – Continental Auto Repair

3. On or about December 3, 2008, the Bureau issued Automotive Repair Dealer Number 256824 to Respondent Continental. The registration was in full force and effect at all times relevant to the charges brought in Accusation No. 77/22-14892, and will expire on November 30, 2024, unless renewed.

Smog Check Station License – Continental Auto Repair

4. On or about December 12, 2008, the Bureau issued Smog Check Station License Number RC 256824 to Respondent Continental. The license was in full force and effect at all times relevant to the charges brought in Accusation No. 77/22-14892, and expires on November 30, 2024, unless renewed.

Smog Check Repair Technician License – Rodolfo Montano Cobian

5. On or about August 13, 2012, the Bureau issued Smog Check Repair Technician License Number EI 632544 to Respondent Cobian. The license was in full force and effect at all times relevant to the charges brought in Accusation No. 77/22-14892, and will expire August 31, 2024, unless renewed.

Smog Check Inspector License – Rodolfo Montano Cobian

6. On or about August 13, 2012, the Bureau issued Smog Check Inspector License Number EO 632544 to Respondent Cobian. The license was in full force and effect at all times

relevant to the charges brought in Accusation No. 77/22-14892, and will expire August 31, 2024, unless renewed.

JURISDICTION

7. Accusation No. 77/22-14892 was filed before the Director of the Department of Consumer Affairs (Director), and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on January 4, 2024. Respondents timely filed their Notice of Defense contesting the Accusation.

8. A copy of Accusation No. 77/22-14892 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

9. Respondents have carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 77/22-14892. Respondents have also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

12. Respondents understand and agree that the charges and allegations in Accusation No. 77/22-14892, if proven at a hearing, constitute cause for imposing discipline upon their Automotive Repair Dealer Registration, Smog Check Station License, Smog Check Repair Technician License, and Smog Check Inspector License.

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

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

CONTINGENCY

15. This stipulation shall be subject to approval by the Director or the Director's designee. Respondents understand and agree that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. 256824, issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as Continental Auto Repair (Respondent Continental), Smog Check Station License No. RC 256824, issued to Respondent Continental, Smog Check Repair Technician License No. EI 632544, issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano (Respondent Cobian), and Smog Check Inspector License No. EO 632544, issued to Respondent Cobian, are revoked. However, the revocation is stayed and Respondents are placed on probation for four (4) years on the following terms and conditions:

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

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

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

4. **Report Financial Interests.** Respondents shall, within 30 days of the effective date of the Decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any Respondent or any partners, officers, or owners

of any Respondent facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

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

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

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

8. **Maintain Valid License.** Respondents shall, at all times while on probation, maintain a current and active registration and/or license(s) with BAR, including any period during

which suspension or probation is tolled. If Respondents' registration or license is expired at the time the Decision becomes effective, the registration or license must be renewed by Respondents within 30 days of that date. If Respondents' registration or license expires during a term of probation, by operation of law or otherwise, then upon renewal Respondents' registration or license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration and/or license during the period of probation shall also constitute a violation of probation.

9. **Cost Recovery.** Respondents shall pay the Bureau of Automotive Repair $15,000 for the reasonable costs of the investigation and enforcement of case no. 77/22-14892. Respondents shall make such payment as follows: in 54 equal monthly payments of $277.78 beginning on the effective date of this order. Respondents shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case no. 77/22-14892. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

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

11. **License Surrender.** Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondents cease business operations or are otherwise unable to satisfy the terms and conditions of probation, Respondents may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate Respondents' request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order

provided in the decision. Respondents may not petition the Director for reinstatement of the surrendered registration and/or licenses, or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If Respondents apply to BAR for a registration or license at any time after that date, Respondents must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

12. **Actual Suspension.** Automotive Repair Dealer Registration No. 256824, issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as Continental Auto Repair (Respondent Continental), Smog Check Station License No. RC 256824, issued to Respondent Continental, Smog Check Repair Technician License No. EI 632544, issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano (Respondent Cobian), and Smog Check Inspector License No. EO 632544, issued to Respondent Cobian, are suspended for 30 consecutive days beginning on the effective date of the Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Nicole Weil. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Smog Check Repair Technician License, and Smog Check Inspector License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: 06/25/2024

Rodolfo Cobian
Rodolfo Cobian (Jun 25, 2024 22:33 PDT)

RODOLFO MONTANO COBIAN, aka RODOLFO COBIAN MONTANO, dba CONTINENTAL AUTO REPAIR
Respondent

DATED: 06/25/2024

Rodolfo Cobian
Rodolfo Cobian (Jun 25, 2024 22:33 PDT)

RODOLFO MONTANO COBIAN, aka RODOLFO COBIAN MONTANO
Respondent

I have read and fully discussed with Respondents Rodolfo Montano Cobian, aka Rodolfo Cobian Montano, dba Continental Auto Repair, and Rodolfo Montano Cobian, aka Rodolfo Cobian Montano, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 06/26/2024 Nicole Weil

NICOLE WEIL
Attorney for Respondents

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

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

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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I have read and fully discussed with Respondents Rodolfo Montano Cobian, aka Rodolfo Cobian Montano, dba Continental Auto Repair, and Rodolfo Montano Cobian, aka Rodolfo Cobian Montano, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

NICOLE WEIL
Attorney for Respondents

ENDORSEMENT

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

DATED: June 28, 2024

Respectfully submitted,

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

Phillip L. Arthur

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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