

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

In the Matter of the Accusation Against:

ECMB SERVICES, INC. dba 1ST STOP CAR CARE & SMOG

MIGUEL BELTRAN, PRESIDENT/TREASURER

EMMA IRENE CASTILLO LIMON, SECRETARY

3008 N. 2nd Avenue

Chula Vista, CA 91910

Automotive Repair Dealer Registration No. ARD 283712

Smog Check Station License No. RC 283712

Brake Station License No. BS 283712, Class C

Lamp Station License No. LS 283712, Class A

Respondent.

Case No. 77/20-3281

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OAH No. 2022020022

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 October 12, 2022.

DATED: Aug. 29, 2022 _____
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Attorney General of California
2 ERIN M. SUNSERI
Supervising Deputy Attorney General
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9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
12 **STATE OF CALIFORNIA**

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14 In the Matter of the Accusation Against:

15 **ECMB SERVICES, INC.,**
16 **DBA 1ST STOP CAR CARE & SMOG**
17 **MIGUEL BELTRAN, PRESIDENT/TREASURER**
3008 N. 2nd Ave.
Chula Vista, CA 91910

18 **Automotive Repair Dealer Registration No. ARD**
283712
19 **Smog Check Station License No. RC 283712**
20 **Brake Station License No. BS 283712, Class A**
Lamp Station License No. LS 283712, Class A

21 Respondent.

Case No. 77/20-3281

OAH No. 2022020022

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

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

25 **PARTIES**

26 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
27 (referred to as "Bureau" or "BAR" herein), Department of Consumer Affairs. He brought this
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1 action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney
2 General of the State of California, by Shannon M. Brubaker, Deputy Attorney General.

3 2. ECMB Services, Inc., dba 1st Stop Car Care & Smog; Miguel Beltran,
4 President/Treasurer (Respondent) is represented in this proceeding by attorney William D.
5 Ferreira, whose address is 580 California Street, Suite 1200, San Francisco, CA 94104.

6 3. On or about May 24, 2016, the Bureau issued Automotive Repair Dealer Registration
7 No. ARD 283712 to Respondent. The Automotive Repair Dealer Registration was in full force
8 and effect at all times relevant to the charges brought in Accusation No. 77/20-3281, and will
9 expire on May 31, 2023, unless renewed.

10 4. On or about May 17, 2021, the Bureau issued Smog Check Station License No. RC
11 283712 to Respondent. The Smog Check Station License was in full force and effect at all times
12 relevant to the charges brought in Accusation No. 77/20-3281, and will expire on May 31, 2023,
13 unless renewed.

14 5. On or about May 17, 2021, the Bureau issued Lamp Station License No. LS 283712,
15 class A, to Respondent. The Lamp Station License was in full force and effect at all times
16 relevant to the charges brought in Accusation No. 77/20-3281, and will expire on May 31, 2023,
17 unless renewed.

18 6. On or about May 17, 2021, the Bureau issued Brake Station License No. BS 283712,
19 class A, to Respondent. The Brake Station License was in full force and effect at all times
20 relevant to the charges brought in Accusation No. 77/20-3281, and will expire on May 31, 2023,
21 unless renewed.

22 JURISDICTION

23 7. Accusation No. 77/20-3281 was filed before the Director of the Department of
24 Consumer Affairs (Director) for the Bureau, and is currently pending against Respondent. The
25 Accusation and all other statutorily required documents were properly served on Respondent on
26 October 26, 2021. Respondent timely filed its Notice of Defense contesting the Accusation.

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1 **CONTINGENCY**

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

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

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

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

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 283712;
26 Smog Check Station License No. RC 283712; Lamp Station License No. LS 283712, class A; and
27 Brake Station License No. BS 283712, class A, issued to Respondent ECMB Services, Inc., dba
28 1st Stop Car Care & Smog; Miguel Beltran, President/Treasurer, are revoked. However, the

1 revocation is stayed, and Respondent is placed on probation for three (3) years on the following
2 terms and conditions:

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

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

10 3. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
11 of the decision and within 30 days from the date of any request by BAR during the period of
12 probation, report any financial interest which any Respondent or any partners, officers, or owners
13 of any Respondent facility may have in any other business required to be registered pursuant to
14 Section 9884.6 of the Business and Professions Code.

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

19 5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
20 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
21 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
22 and return, and of the dates of cessation and resumption of business in California. All provisions
23 of probation other than cost reimbursement requirements, restitution requirements, training
24 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
25 time of 30 days or more in which Respondent is not residing or engaging in business within the
26 jurisdiction of California. All provisions of probation shall recommence on the effective date of
27 resumption of business in California. Any period of time of 30 days or more in which Respondent
28 is not residing or engaging in business within the jurisdiction of California shall not apply to the

1 reduction of this probationary period or to any period of actual suspension not previously
2 completed. Tolling is not available if business or work relevant to the probationary license or
3 registration is conducted or performed during the tolling period.

4 **6. Violation of Probation.** If Respondent violates or fails to comply with the terms and
5 conditions of probation in any respect, the Director, after giving notice and opportunity to be
6 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
7 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
8 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

9 **7. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
10 a current and active registration and/or license(s) with BAR, including any period during which
11 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
12 decision becomes effective, the registration or license must be renewed by Respondent within 30
13 days of that date. If Respondent's registration or license expires during a term of probation, by
14 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
15 subject to any and all terms and conditions of probation not previously satisfied. Failure to
16 maintain a current and active registration and/or license during the period of probation shall also
17 constitute a violation of probation.

18 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$18,579.72
19 for the reasonable costs of the investigation and enforcement of Case No. 77/20-3281.
20 Respondent shall make such payment as follows: Respondent shall pay twenty-nine (29) equal
21 installments of \$619.32, with one (1) final payment of \$619.44, beginning on the effective date of
22 the Decision and due on the first of each month thereafter. Respondent shall make payment by
23 check or money order payable to the Bureau of Automotive Repair and shall indicate on the
24 check or money order that it is for cost recovery payment for Case No. 77/20-3281. Any order
25 for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation
26 shall not terminate until full cost recovery payment has been made. BAR reserves the right to
27 pursue any other lawful measures in collecting on the costs ordered and past due, in addition to
28 taking action based upon the violation of probation.

1 9. **Completion of Probation.** Upon successful completion of probation, Respondent's
2 affected registration and/or license will be fully restored or issued without restriction, if
3 Respondent meets all current requirements for registration or licensure and has paid all
4 outstanding fees, monetary penalties, or cost recovery owed to BAR.

5 10. **License Surrender.** Following the effective date of a decision that orders a stay of
6 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
7 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
8 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
9 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
10 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
11 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
12 provided in the decision. Respondent may not petition the Director for reinstatement of the
13 surrendered registration and/or license, or apply for a new registration or license under the
14 jurisdiction of BAR at any time before the date of the originally scheduled completion of
15 probation. If Respondent applies to BAR for a registration or license at any time after that date,
16 Respondent must meet all current requirements for registration or licensure and pay all
17 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station License, and Brake Station 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.

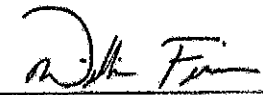
DATED: 7-15-2022



MIGUEL BELTRAN, President
ECMB SERVICES, INC., DBA 1ST STOP CAR
CARE & SMOG
Respondent

I have read and fully discussed with Respondent ECMB Services, Inc., dba 1st Stop Car Care & Smog the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7-15-22



WILLIAM D. FERREIRA
Attorney for Respondent

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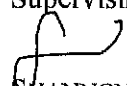
ENDORSEMENT

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

DATED: July 17, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General


SHANNON M. BRUBAKER
Deputy Attorney General
Attorneys for Complainant

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