

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

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

ENRIQUE RAMIREZ dba HENRY'S AUTO REPAIR

15 Davis Ave.

Freedom, CA 95019

Automotive Repair Dealer Registration No. ARD 293167

Smog Check Station License No. RC 293167

ENRIQUE RAMIREZ-ORTIZ

15 Davis Ave.

Freedom, CA 95019

Smog Check Inspector License No. EO 642542

Smog Check Repair Technician License No. EI 642542

Respondents.

Case No. 79/22-5687

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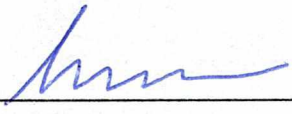
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OAH No. 2023010185

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 August 22, 2023.

DATED: July 12, 2023 
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
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 and Petition to
Revoke Probation Against:

Case No. 79/22-5687
OAH No. 2023010185

14 **ENRIQUE RAMIREZ**
15 **dba HENRY'S AUTO REPAIR**
16 **15 Davis Ave.**
Freedom, CA 95019

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 **Automotive Repair Dealer Registration No.**
ARD 293167
18 **Smog Check Station License No. RC 293167,**

19 **ENRIQUE RAMIREZ-ORTIZ**
20 **15 Davis Ave.**
Freedom, CA 95019

21 **Smog Check Inspector License No.**
EO 642542
22 **Smog Check Repair Technician License No.**
EI 642542,

23
24 Respondents.

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26 IT IS STIPULATED AND AGREED by and between the parties to these proceedings that
27 the following matters are true.

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PARTIES

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2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
3 (Bureau), Department of Consumer Affairs. He brought this action solely in his official capacity
4 and is represented in this matter by Rob Bonta, Attorney General of the State of California, and
5 Gregory Tuss, deputy attorney general.

6 2. Respondents Enrique Ramirez dba Henry’s Auto Repair (Respondent Henry’s
7 Auto Repair) and Enrique Ramirez-Ortiz (Respondent Ramirez-Ortiz.) are represented in this
8 proceeding by attorney Michael Levin, whose address is 8532 Aspect Drive, San Diego, CA
9 92108.

10 3. On January 22, 2019, the Bureau issued Automotive Repair Dealer Registration
11 No. ARD 293167 to Respondent Henry’s Auto Repair.¹ This automotive repair dealer
12 registration was in full force and effect at all times relevant to the charges brought in this
13 accusation and petition to revoke probation, and will expire on January 31, 2024, unless renewed.

14 4. On April 29, 2020, the Bureau issued Smog Check Station License No.
15 RC 293167 to Respondent Henry’s Auto Repair. This smog check station license was in full
16 force and effect at all times relevant to the charges brought in this accusation and petition to
17 revoke probation, and will expire on January 31, 2024, unless renewed.

18 5. On March 26, 2020, the Bureau issued Smog Check Inspector License No.
19 EO 642542 to Respondent Ramirez-Ortiz.² This smog check inspector license was in full force
20 and effect at all times relevant to the charges brought in this accusation and petition to revoke
21 probation, and will expire on June 30, 2024, unless renewed.

22 6. On April 27, 2020, the Bureau issued Smog Check Repair Technician License No.
23 EI 642542 to Respondent Ramirez-Ortiz. This smog check repair technician license was in full
24 force and effect at all times relevant to the charges brought in this accusation and petition to
25 revoke probation, and will expire on June 30, 2024, unless renewed.

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27 ¹ Respondent Henry’s Auto Repair was formerly known as Kike’s Auto Repair.

28 ² Respondent Ramirez-Ortiz is the same person as Enrique Ramirez, the owner of
Respondent Henry’s Auto Repair.

1 **JURISDICTION**

2 7. Accusation and Petition to Revoke Probation No. 79/22-5687 was filed before the
3 Director of the Department of Consumer Affairs (Director) and is currently pending against
4 Respondents. The accusation and petition to revoke probation, and all other statutorily required
5 documents were properly served on Respondents on September 9, 2022. Respondents timely
6 filed their notices of defense contesting the accusation and petition to revoke probation.

7 8. A copy of Accusation and Petition to Revoke Probation No. 79/22-5687 is
8 attached as exhibit 1 and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 9. Respondents have carefully read, fully discussed with counsel, and understand the
11 charges and allegations in Accusation and Petition to Revoke Probation No. 79/22-5687.

12 Respondents have also carefully read, fully discussed with counsel, and understand the effects of
13 this Stipulated Settlement and Disciplinary Order.

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

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

23 **CULPABILITY**

24 12. Respondents admit the truth of each and every charge and allegation in Accusation
25 and Petition to Revoke Probation No. 79/22-5687.

26 13. Respondent Henry's Auto Repair agrees that its Automotive Repair Dealer
27 Registration No. ARD 293167 and Smog Check Station License No. RC 293167 are subject to
28 discipline. Respondent Ramirez-Ortiz agrees that his Smog Check Inspector License No.

1 EO 642542 and Smog Check Repair Technician License No. EI 642542 are subject to discipline.
2 Respondents agree to be bound by the probationary terms as set forth in the Disciplinary Order
3 below.

4 **CONTINGENCY**

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

15 15. The parties understand and agree that portable document format (PDF) and
16 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
17 facsimile signatures, shall have the same force and effect as the originals.

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

24 17. In consideration of these admissions and stipulations, the parties agree that the
25 Director may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS ORDERED that Smog Check Station License No. RC 293167 issued to Respondent
3 Henry's Auto Repair, and Smog Check Inspector License No. EO 642542 and Smog Check
4 Repair Technician License No. EI 642542 issued to Respondent Ramirez-Ortiz are revoked.
5 However, the revocations are stayed and the previous probationary order in Case No. 79/19-3838
6 shall be extended by two years. This two-year extension shall take effect immediately upon
7 completion of the original five-year probationary order in Case No. 79/19-3838. Probation shall
8 continue on the same terms and conditions that were imposed in the original order, with the
9 addition of the following condition.

10 **M. Cost Recovery**

11 Respondents shall pay the Bureau \$5,103.54 for the reasonable costs of the investigation
12 and enforcement of Accusation and Petition to Revoke Probation No. 79/22-5687. Respondents
13 are jointly and severally liable for these costs. Costs shall be made in 30 equal payments of
14 \$170.12. Respondents shall make payment by check or money order payable to the Bureau and
15 shall indicate on the check or money order that it is for cost recovery payment for Accusation and
16 Petition to Revoke Probation No. 79/22-5687. Any order for payment of cost recovery shall
17 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost
18 recovery payment has been made. The Bureau reserves the right to pursue any other lawful
19 measures in collecting on the costs ordered and past due, in addition to taking action based upon
20 the violation of probation.

21 IT IS ALSO ORDERED that Automotive Repair Dealer Registration No. ARD 293167
22 issued to Respondent Henry's Auto Repair is revoked. However, the revocation of Respondent
23 Henry's Auto Repair's automotive repair dealer registration is stayed and the registration is
24 placed on probation on the same terms and conditions, including cost recovery, as imposed
25 against Respondent Henry's Auto Repair's smog check station license. The probation against
26 Respondent Henry's Auto Repair's automotive repair dealer registration shall terminate at the
27 same time as the probation against Respondent Henry's Auto Repair's smog check station
28 license.

ACCEPTANCE

I am authorized to sign this stipulation on behalf of Respondent Henry’s Auto Repair. I have carefully read this Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Levin. I understand the stipulation and the effect it will have on Automotive Repair Dealer Registration No. ARD 293167 and Smog Check Station License No. RC 293167 issued to Respondent Henry’s Auto Repair. 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: 6/8/2023 Copy of Signature on File
ENRIQUE RAMIREZ DBA HENRY’S AUTO REPAIR
Respondent Henry’s Auto Repair

I have carefully read this Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Levin. I understand the stipulation and the effect it will have on my Smog Check Inspector License No. EO 642542 and Smog Check Repair Technician License No. EI 642542. 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: 6/8/2023 Copy of Signature on File
ENRIQUE RAMIREZ-ORTIZ
Respondent Ramirez-Ortiz

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

DATED: 6/8/2023 Copy of Signature on File
MICHAEL LEVIN
Attorney for Respondents

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ENDORSEMENT

This Stipulated Settlement and Disciplinary Order is submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: 6/8/2023

Respectfully submitted,

ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General

Copy of Signature on File
GREGORY TUSS
Deputy Attorney General
Attorneys for Complainant

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