

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

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

OAKDALE GARAGE INC.

NATHANIAL I. HERRERA, PRESIDENT/SECRETARY/TREASURER

500 East F Street

Oakdale, CA 95361

Automotive Repair Dealer Registration No. ARD 76055

Smog Check Station License No. RC 76055

Brake Station License No. BS 76055, Class C

Lamp Station License No. LS 76055, Class A

and

JORGE LUIS MENDEZ

2131 Laredo Lane

Riverbank, CA 95367

Mailing Address:

6305 Rock Creek Road

Riverbank, CA 95367

Smog Check Inspector License No. EO 148549

Smog Check Repair Technician License No. EI 148549

Brake Adjuster License No. BA 148549, Class C

Lamp Adjuster License No. LA 148549, Class A

Respondents.

Case No. 79/21-16497

OAH No. 2022080294

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Oakdale Garage, Inc., Nathaniel I. Herrera, President/Secretary/Treasurer ONLY 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 January 11, 2023.

DATED: Nov. 9, 2022



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

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

12 In the Matter of the Accusation Against:

Case No. 79/21-16497

13 **OAKDALE GARAGE, INC.**
14 **NATHANIAL I. HERRERA**
15 **PRESIDENT/SECRETARY/TREASURER**
500 East F Street
Oakdale, CA 95361

OAH No. 2022080294

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Automotive Repair Dealer Registration No.
ARD 76055
17 Smog Check Station License No. RC 76055
Brake Station License No. BS 76055, Class C
18 Lamp Station License No. LS 76055, Class A

**[OAKDALE GARAGE, INC.,
NATHANIAL I. HERRERA
PRESIDENT/SECRETARY/
TREASURER ONLY]**

19 and

20 **JORGE LUIS MENDEZ**
21 2131 Laredo Lane
Riverbank, CA 95367

22 Mailing Address
6305 Rock Creek Road
23 Riverbank, CA 95367

24 Smog Check Inspector License No. EO 148549
Smog Check Repair Technician License No. EI
148549
25 Brake Adjuster License No. BA 148549, Class C
26 Lamp Adjusters License No. LA 148549, Class A

27 Respondents:
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1 IT IS HEREBY STIPULATED AND AGREED by and between Complainant and Oakdale
2 Garage, Inc., Nathaniel I. Herrera, President/Secretary/Treasurer that the following matters are
3 true:

4 PARTIES

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

8 2. Respondent Oakdale Garage, Inc., Nathaniel I. Herrera, President/Secretary/Treasurer
9 (Respondent) is representing itself in this proceeding and has chosen not to exercise its right to be
10 represented by counsel.

11 3. On or about January 1, 1980, the Bureau issued Automotive Repair Dealer
12 Registration No. ARD 76055 to Respondent. The Automotive Repair Dealer Registration was in
13 full force and effect at all times relevant to the charges brought in Accusation No. 79/21-16497,
14 and will expire on February 28, 2023, unless renewed.

15 4. On or about January 16, 1990, the Bureau issued Smog Check Station License No.
16 RC 76055 to Respondent. The Smog Check Station License was in full force and effect at all
17 times relevant to the charges brought in Accusation No. 79/21-16497, and will expire on February
18 28, 2023, unless renewed.

19 5. On or about September 9, 2010, the Bureau issued Brake Station License No. BS
20 76055, Class C, to Respondent. The Brake Station License was in full force and effect at all
21 times relevant to the charges brought in Accusation No. 79/21-16497, and will expire on February
22 28, 2023, unless renewed.

23 6. On or about September 9, 2010, the Bureau issued Lamp Station License Number LS
24 76055, Class A, to Respondent. The Lamp Station License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on February 28, 2023, unless
26 renewed.

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

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

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

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

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 76055,
23 Smog Check Station License No. RC 76055, Brake Station License No. BS 76055, Class C, and
24 Lamp Station License No. LS 76055, Class A, issued to Respondent Oakdale Garage, Inc.,
25 Nathaniel I. Herrera President/Secretary/Treasurer are revoked. However, the revocations are
26 stayed and Respondent is placed on probation for four (4) years on the following terms and
27 conditions:

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

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

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

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

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

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

1 jurisdiction of California. All provisions of probation shall recommence on the effective date of
2 resumption of business in California. Any period of time of 30 days or more in which
3 Respondent is not residing or engaging in business within the jurisdiction of California shall not
4 apply to the reduction of this probationary period or to any period of actual suspension not
5 previously completed. Tolling is not available if business or work relevant to the probationary
6 license or registration is conducted or performed during the tolling period.

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

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

21 **9. Cost Recovery.** Respondent hereby acknowledges and agrees that along with
22 Respondent Jorge Luis Mendez, it is jointly and severally liable for costs in the amount of
23 \$6,850.71. Respondent shall pay the Bureau of Automotive Repair \$6,850.71 for the reasonable
24 costs of the investigation and enforcement of case No. 79/21-16497. Any agreement for a
25 scheduled payment plan shall require full payment to be completed no later than six (6) months
26 before probation terminates. Respondent shall make payment by check or money order payable
27 to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for
28 cost recovery payment for case No. 79/21-16497. Any order for payment of cost recovery shall

1 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost
2 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in
3 collecting on the costs ordered and past due, in addition to taking action based upon the violation
4 of probation.

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

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

22 **12. Actual Suspension.** Automotive Repair Dealer Registration No. ARD 76055, Smog
23 Check Station License No. RC 76055, Brake Station License No. BS 76055, Class C, and Lamp
24 Station License No. LS 76055, Class A, issued to Respondent are suspended for five (5)
25 consecutive days beginning on the effective date of this decision and order.

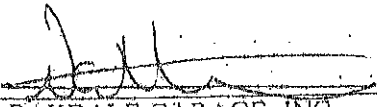
26 **13. Training Course.** Within one-hundred and eighty (180) days of the effective date of
27 a decision, Respondent shall complete ordered coursework or training that is acceptable to BAR
28 and relevant to the adjudicated violation. Respondent shall submit to BAR satisfactory evidence

1 of completion of coursework or training within the timeline specified for completion of the
2 ordered coursework or training.

3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
6 Check Station License, and Brake Station License. I enter into this Stipulated Settlement and
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Director of the Department of Consumer Affairs.

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10 DATED: 9-27-2022


OAKDALE GARAGE, INC.,
By NATHANIAL I. HERRERA
President/Secretary/Treasurer
Respondent

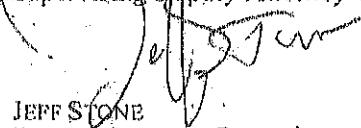
13 ENDORSEMENT

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

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17 DATED: 9/28/22

Respectfully submitted,

18 ROB BONTA
Attorney General of California
19 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

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21 
22 JEFF STONE
Deputy Attorney General
Attorneys for Complainant

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