

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 SUMMER D. HARO
Deputy Attorney General
4 State Bar No. 245482
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7510
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME**
12 **FURNISHINGS AND THERMAL INSULATION**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Statement of Issues
15 Against:

16 **RYAN DAVID CORTEZ**

17 **Appliance Service Dealer Registration**
18 **Applicant**

19 Respondent.

Case No. A1 2018-942

STATEMENT OF ISSUES

20
21 Complainant alleges:

22 **PARTIES**

23 1. Nicholas Oliver ("Complainant") brings this Statement of Issues solely in his official
24 capacity as the Bureau Chief of the Bureau of Electronic and Appliance Repair, Home
25 Furnishings and Thermal Insulation, Department of Consumer Affairs ("Bureau").

26 2. On or about May 16, 2018, the Bureau received an application for an Appliance
27 Service Dealer Registration from Ryan David Cortez ("Respondent"). On or about May 10,
28 2018, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,

1 and representations in the application. The Bureau denied the application on August 27, 2018.

2 **JURISDICTION**

3 3. This Statement of Issues is brought before the Bureau, under the authority of the
4 following laws. All section references are to the Business and Professions Code ("Code") unless
5 otherwise indicated.

6 4. Code section 480 states, unless otherwise expressly provided, "license" means
7 license, certificate, registration, or other means to engage in a business or profession regulated by
8 this code or referred to in Section 1000 or 3600.

9 5. Code section 480 states, in pertinent part:

10 (a) A board may deny a license regulated by this code on the grounds that the
11 applicant has one of the following:

12 (1) Been convicted of a crime. A conviction within the meaning of this
13 section means a plea or verdict of guilty or a conviction following a plea of nolo
14 contendere. Any action that a board is permitted to take following the establishment
15 of a conviction may be taken when the time for appeal has elapsed, or the judgment
16 of conviction has been affirmed on appeal, or when an order granting probation is
17 made suspending the imposition of sentence, irrespective of a subsequent order under
18 the provisions of Section 1203.4, 1203.4 a, or 1203.41 of the Penal Code.

19 ...

20 (B) The board may deny a license pursuant to this subdivision only
21 if the crime or act is substantially related to the qualifications, functions, or duties of
22 the business or profession for which application is made.

23 6. Code section 9841 states, in pertinent part:

24 (a) The director may deny, suspend, revoke, or place on probation the
25 registration of a service dealer for any of the following acts or omissions done by
26 himself or herself or any employee, partner, officer, or member of the service dealer
27 and related to the conduct of his or her business:

28 ...

(7) Conviction of a crime that has a substantial relationship to the
qualifications, functions and duties of a registrant under this chapter, in which event
the record of the conviction shall be conclusive evidence thereof.

7. Code section 9853 states, in pertinent part:

(a) A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions, and
duties of a service dealer or service contractor is deemed to be a conviction within the
meaning of this article. The director may suspend, revoke, or place on probation a
registration, or may deny registration, when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting
2 probation is made suspending the imposition of sentence, irrespective of a subsequent
3 order under Section 1203.4 of the Penal Code, allowing that person to withdraw his or
4 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
5 guilty, or dismissing the accusation, information, or indictment.

6 **CAUSE FOR DENIAL OF APPLICATION**

7 **(Conviction of Crimes)**

8 8. Respondent's application is subject to denial under Code sections 480 and 9841,
9 subdivision (a)(7), in that Respondent was convicted of the following crimes which are
10 substantially related to the qualifications, functions and/or duties of an Appliance Service Dealer:

11 a. On or about November 14, 2010, in the case of *People v. David Ryan Cortez*
12 (Super. Ct. County of El Dorado Case No. P10CRM0796), Respondent was convicted on his
13 pleas of no contest of violating Vehicle Code section 23152(a) (driving under the influence of
14 alcohol or drugs), and Vehicle Code 14601.1(A) (driving while license is suspended), both
15 misdemeanors.

16 b. On or about December 11, 2003, in the case of *People v. David Ryan Cortez*
17 (Super. Ct. Placer County Case No. 62-039183), Respondent was convicted on his pleas of nolo
18 contendere of violating Vehicle Code section 23152(a) (driving under the influence of alcohol or
19 drugs), a misdemeanor, and Penal Code section 273A(A) (child abuse/endangerment – great
20 bodily injury or death likely), a felony.

21 c. On or about October 24, 2001, in the case of *People v. Ryan David Cortez*
22 (Super. Ct. El Dorado County), Respondent was convicted of violating Penal Code section 459
23 (burglary), a felony.

24 d. On or about December 11, 2000, in the case of *People v. Ryan David Cortez*
25 (Super. Ct. Placer County Case No. P00CRM1496), Respondent was convicted of violating Penal
26 Code section 148(A)(1) (obstruct a public officer), a misdemeanor.

27 e. On or about August 30, 2000, in the case of *People v. Ryan David Cortez*
28 (Super. Ct. Placer County Case No. P00CRM0902), Respondent was convicted of violating Penal
Code section 243(E)(1) (battery of spouse/ex-spouse), a misdemeanor.

///

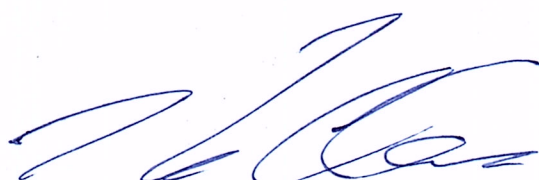
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Denying the application of Respondent Ryan David Cortez for an Appliance Service Dealer Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: **NOV 19 2018**



NICHOLAS OLIVER
Bureau Chief
Bureau of Electronic and Appliance Repair, Home
Furnishings and Thermal Insulation
Department of Consumer Affairs
State of California
Complainant

SA2018103218
13332420