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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES**
STATE OF CALIFORNIA
11

12
13 In the Matter of the Statement of Issues
14 Against:
15 **SEAN CHOQUETTE**
16 **Electronic Service Dealer Registration**
17 **Applicant**
18 Respondent.

Case No. A1 2018-1459

STATEMENT OF ISSUES

19
20 **PARTIES**

21 1. Nicholas Oliver (Complainant) brings this Statement of Issues solely in his official
22 capacity as the Bureau Chief of the Bureau of Household Goods and Services, Department of
23 Consumer Affairs ("Bureau").

24 2. On or about October 18, 2018, the Bureau of Household Goods and Services received
25 an application for an Electronic Service Dealer Registration from Sean Choquette dba Micronet
26 ("Respondent"). On or about October 10, 2018, Respondent certified under penalty of perjury to
27 the truthfulness of all statements, answers, and representations in the application. The Bureau
28 denied the application on March 7, 2019.

JURISDICTION

1
2 3. This Statement of Issues is brought before the Director of Consumer Affairs
3 (Director) for the Bureau of Household Goods and Services, under the authority of the following
4 laws. All section references are to the Business and Professions Code (Code) unless otherwise
5 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 (Convictions 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 February 14, 2014, in the case of *People v. Sean Lee Choquette*
12 (Super. Ct. County of Madera Case No. MCR047237), Respondent was convicted on his plea of
13 guilty of violating Penal Code section 422 (willfully and unlawfully threaten to commit a crime
14 which would result in death and great bodily injury to another), a misdemeanor.

15 b. On or about February 2, 2005, in the case of *State of New Mexico v. Sean Lee*
16 *Choquette* (2nd Dist. Ct. County of Bernalillo, New Mexico Case No. CRCR -'05-00445),
17 Respondent was convicted on his pleas of guilty of violating the following New Mexico Criminal
18 Code sections: 30-28-1 and 30-2-1 (attempt to commit a felony, second degree murder), a third
19 degree felony; section 30-3-5(A) & (C) (aggravated battery with a deadly weapon), a third
20 degree felony; section 30-3-2(c) (aggravated assault w/ intent to commit a felony), a fourth degree
21 felony offense; section 33-3-2(A) (aggravated assault –deadly weapon), a fourth degree felony;
22 section 30-16-20(A) (shoplifting over \$250), a fourth degree felony, section 30-22-5 (tampering
23 with evidence), a fourth degree felony offense; and section 30-4-3 (false imprisonment), a felony
24 in the fourth degree. The court sentenced Respondent to thirteen and one half years of jail time.
25 The court suspended seven and one half years of Respondent's sentence and ordered that at the
26 time Respondent completed his jail sentence, he was to serve five years on parole. On or about
27 March 27, 2014, Respondent's parole was revoked and Respondent was ordered to serve two
28 hundred and forty-eight days in prison. The circumstances of the crime are that on or about
January 16, 2005, Respondent entered a Best Buy with the intent to steal X-Box games.
Respondent concealed eight X-Box Video Games valued at over \$250 underneath his shirt and

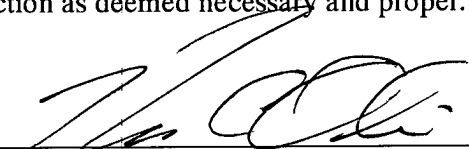
1 left the store without paying for the games. Best Buy employee M.A. was attempting to detain
2 Respondent as he exited the store, when Respondent proceeded to stab M.A. six times.

3 **PRAYER**

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

- 6 1. Denying the application of Sean Choquette for a Electronic Service Dealer
7 Registration;
8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: July 10, 2019


11 NICHOLAS OLIVER
12 Bureau Chief
13 Bureau of Household Goods and Services
14 Department of Consumer Affairs
15 State of California
16 *Complainant*

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