

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME
FURNISHINGS AND THERMAL INSULATION
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

GABE ZAMBRANA,
AKA GABRIEL MICAH ZAMBRANA,
AKA GABRIEL ZAMBRANA

Electronic Service Dealer Registration Applicant

Respondent.

Case No. AN 2013-142

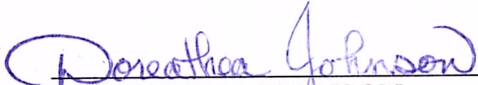
OAH No. 201400610

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs as the Decision and Order in the above entitled matter.

This Decision shall become effective on JUN 22 2015.

IT IS SO ORDERED MAY 21 2015.


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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7 *Attorneys for Complainant*

ORIGINAL

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

12 In the Matter of the Statement of Issues Against:

Case No. AN 2013-142

13 **GABE ZAMBRANA,**
14 **AKA GABRIEL MICAH ZAMBRANA,**
15 **AKA GABRIEL ZAMBRANA**

OAH No. 2014100610

15 **Electronic Service Dealer Registration Applicant**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

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

21 **PARTIES**

22 1. Justin Paddock ("Complainant") is the Bureau Chief of the Bureau of Electronic and
23 Appliance Repair, Home Furnishings and Thermal Insulation, ("Bureau"), Department of
24 Consumer Affairs. He brought this action solely in his official capacity and is represented in this
25 matter by Kamala D. Harris, Attorney General of the State of California, by Leslie A.
26 Burgermyer, Deputy Attorney General.

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Statement of
3 Issues No. AN 2013-142.

4 10. Respondent agrees that his Electronic Service Dealer Registration is subject to denial
5 and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary
6 Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Director of the Department of
9 Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for
10 Complainant and the staff of the Bureau of Electronic and Appliance Repair, Home Furnishings
11 and Thermal Insulation may communicate directly with the Director and staff of the Department
12 of Consumer Affairs regarding this stipulation and settlement, without notice to or participation
13 by Respondent. By signing the stipulation, Respondent understands and agrees that he may not
14 withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers
15 and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the
16 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
17 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall
18 not be disqualified from further action by having considered this matter.

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

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

1 the Bureau, but no more frequently than each quarter, on the methods used and success achieved
2 in maintaining compliance with the terms and conditions of probation.

3 6. **Cooperation with Bureau Inspections.** Respondent shall provide Bureau
4 representatives unrestricted access to inspect all business locations, including business records
5 required to be maintained in accordance with Section 9847 and 9847.5 of the Business and
6 Professions Code.

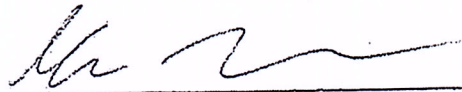
7 7. **Violation of Probation.** If the Respondent violates the conditions of his probation,
8 the Bureau, after giving the Respondent notice and an opportunity to be heard, may set aside the
9 stay order and impose the stayed discipline (revocation) of the Respondent's registration.

10 If during the period of probation, an accusation or petition to revoke probation has been
11 filed against Respondent's registration or the Attorney General's Office has been requested to
12 prepare an accusation or petition to revoke probation against the Respondent's registration, the
13 probationary period shall automatically be extended and shall not expire until the accusation or
14 petition has been acted upon by the Bureau. Upon successful completion of probation, the
15 Respondent's registration will be fully restored.

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Electronic Service Dealer Registration. I enter into
19 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
20 agree to be bound by the Decision and Order of the Director of Consumer Affairs.

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22 DATED: 4-27-15


23 GABE ZAMBRANA, AKA GABRIEL MICAH
24 ZAMBRANA, AKA GABRIEL ZAMBRANA
Respondent

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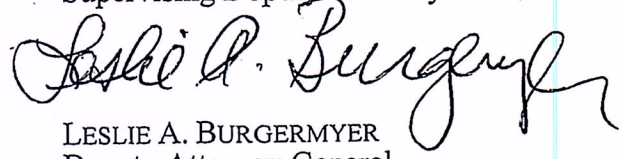
ENDORSEMENT

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

Dated: 4-27-2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. AN 2013-142

1 KAMALA D. HARRIS
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2 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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14 **aka GABRIEL MICAH ZAMBRANA**
15 **aka GABRIEL ZAMBRANA**

STATEMENT OF ISSUES

15 **Electronic Service Dealer Registration Applicant**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Sonja Merold ("Complainant") brings this Statement of Issues solely in her official
20 capacity as the Acting Bureau Chief of the Bureau of Electronic and Appliance Repair, Home
21 Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

22 2. On or about January 28, 2013, the Bureau received an application for an Electronic
23 Service Dealer Registration from Gabe Zambrana, also known as Gabriel Micah Zambrana and
24 Gabriel Zambrana, ("Respondent"). On or about January 12, 2013, Respondent certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Bureau denied the application on February 7, 2014.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Director of the Department of
3 Consumer Affairs ("Director") for the Bureau under the authority of the following laws. All
4 section references are to the Business and Professions Code ("Code") unless otherwise indicated.

5 4. Section 9841 of the Code states, in pertinent part:

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

10 (3) Any other conduct that constitutes fraud or dishonest dealing.

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

14 (b) The director may also deny, or may suspend, revoke, or place on
15 probation, the registration of a service dealer if the applicant or registrant, as the
16 case may be, has committed acts or crimes constituting grounds for denial of
17 licensure under Section 480.

18 5. Section 480 of the Code states, in pertinent part:

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

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

28 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession
in question, would be grounds for suspension or revocation of license.

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

(b) Notwithstanding any other provision of this code, no person shall be denied
a license solely on the basis that he or she has been convicted of a felony if he or she
has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with
Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
convicted of a misdemeanor if he or she has met all applicable requirements of the

criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of Crime)

6. Respondent's application is denied under Code sections 9841, subdivisions (a)(7) and (b), and 480, subdivision (a)(1), in that on or about November 6, 2007, in the case titled *People v. Gabriel Micah Zambrana*, Fresno County Superior Court Case No. F07907424, Respondent was convicted on his plea of guilty to two counts of violating Penal Code sections 459 and 460, subdivision (b), [unlawful entry of a locked motor vehicle, the property of another, with the intent to commit larceny or any felony], both felonies. Said crimes are substantially related to the licensed profession. The underlying circumstances are as follows:

a. On or about September 20, 2007, in Fresno County, California, Respondent unlawfully entered the locked motor vehicles of owners K.J.A. and W.E.B, with the intent to commit larceny or any felony.

SECOND CAUSE FOR DISCIPLINE

(Committed Acts of Dishonesty, Fraud or Deceit –

Intention of Substantially Benefiting Himself)

7. Respondent's application is denied under Code sections 9841, subdivision (b), and 480, subdivision (a)(2), in that on or about September 20, 2007, in Fresno County, California, Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another, as set forth in paragraph 6, subparagraph "a," above, incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Committed Acts if Done by Licensee – Grounds for Discipline)

8. Respondent's application is denied under Code sections 9841, subdivision (a)(3), and 480, subdivisions (a)(3)(A) and (B), in that on or about September 20, 2007, in Fresno County, California, Respondent committed acts constituting fraud or dishonest dealing, which acts, if done by a licentiate would be grounds from suspension or revocation of a license, as set forth in paragraph 6, subparagraph "a," above, incorporated herein by reference. Said acts are

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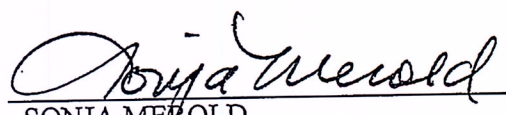
substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

PRAYER

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

1. Denying the application of Gabe Zambrana, also known as Gabriel Micah Zambrana and Gabriel Zambrana, for a Electronic Service Dealer Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: SEP 03 2014



SONJA MEROLD
Acting Bureau Chief
Bureau of Electronic and Appliance Repair, Home
Furnishings and Thermal Insulation
Department of Consumer Affairs
State of California
Complainant

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