

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES¹
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

**RYAN DAVID CORTEZ
3381 La Canada Dr., Suite #1
Cameron Park, CA 95682**

Appliance Service Dealer Registration

Respondent.

Case No.: A1 2018-942

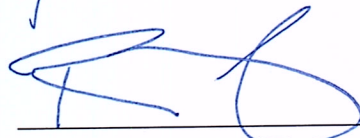
OAH No.: 2018120634

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Bureau of Household Goods and Services as the Decision and Order in the above entitled matter in connection with respondent Ryan D. Cortez's application for an Appliance Service Dealer Registration.

This Decision shall become effective on MAR 04 2019, 2019.

It is so ORDERED February 1, 2019.



RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

¹ Effective January 1, 2019, Senate Bill 1483 (Chapter 578, statutes of 2018) amended various statutory provisions of the Business and Professions Code, to rename the Bureau as the Bureau of Household Goods and Services.

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

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14 In the Matter of the Statement of Issues
Against:
15 **RYAN DAVID CORTEZ**
16 **3381 La Canada Dr., Suite #1**
17 **Cameron Park, CA 95682**
18 **Appliance Service Dealer Registration**
19 Respondent.

Case No. A1 2018-942
OAH No. 2018120634
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Nicholas Oliver ("Complainant") is the Bureau Chief of the Bureau of Electronic and
25 Appliance Repair, Home Furnishings and Thermal Insulation ("Bureau"). He brought this action
26 solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney
27 General of the State of California, by Katelyn E. Docherty, Deputy Attorney General.
28

1 2. Respondent Ryan David Cortez (“Respondent”) is representing himself in this
2 proceeding and has chosen not to exercise his right to be represented by counsel.

3 3. On or about May 16, 2018, Respondent filed an application dated May 10, 2018, with
4 the Bureau to obtain an Appliance Service Dealer Registration.

5 **JURISDICTION**

6 4. Statement of Issues No. A1 2018-942 was filed before the Director, and is currently
7 pending against Respondent. The Statement of Issues and all other statutorily required
8 documents were properly served on Respondent on November 29, 2018. A copy of Statement of
9 Issues No. A1 2018-942 is attached as exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Statement of Issues No. A1 2018-942. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Statement of
25 Issues No. A1 2018-942.

1 9. Respondent agrees that his Appliance Service Dealer Registration is subject to denial
2 and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary
3 Order below.

4 CONTINGENCY

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

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

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

24 13. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the 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 HEREBY ORDERED that the application of Respondent Ryan David Cortez for an
3 Appliance Service Dealer Registration is hereby granted. Upon successful completion of all
4 licensing requirements, a license shall be issued to Respondent. Respondent's license will be
5 issued and immediately revoked, the order of revocation will be stayed and the Respondent
6 placed on three (3) years probation on the following terms and conditions.

7 1. **Obey All Laws.** During the period of probation, Respondent(s) shall comply with all
8 statutes, regulations and rules governing electronic and appliance repair.

9 2. **Comply with Probation Program.** Respondent shall fully comply with the
10 probation established by the Bureau and shall cooperate with the representatives of the Bureau.

11 3. **Submit Quarterly Reports.** Respondent shall submit quarterly reports, under
12 penalty of perjury. The reports shall certify and document compliance with all the conditions of
13 probation.

14 4. **Maintain Valid Registration.** Respondent shall, at all times while on probation,
15 maintain an active current registration with the Bureau, including any period during which
16 suspension or probation is tolled.

17 Should Respondent's registration, by operation of law or otherwise, expire, upon renewal or
18 reinstatement Respondent's registration shall be subject to any and all terms of this probation not
19 previously satisfied.

20 5. **Personal Appearance at Bureau Office.** Report, by personal appearance of
21 Respondent or Respondent's authorized representative, to the Sacramento office on a schedule set
22 by the bureau, but no more frequently than each quarter, on the methods used and success
23 achieved in maintaining compliance with the terms and conditions of probation.

24 6. **Cooperation with Bureau Inspections.** Provide Bureau representatives unrestricted
25 access to inspect all business locations, including business records required to be maintained in
26 accordance with Section 9847 and 9847.5 of the Business and Professions Code.

27 7. **Violation of Probation.** If a Respondent violates the conditions of his probation, the
28 Bureau, after giving the Respondent notice and an opportunity to be heard, may set aside the stay

1 order and impose the stayed discipline revocation of the Respondent's registration.

2 If during the period of probation, an accusation or petition to revoke probation has been
3 filed against Respondent's registration or the Attorney General's Office has been requested to
4 prepare an accusation or petition to revoke probation against the Respondent's registration, the
5 probationary period shall automatically be extended and shall not expire until the accusation or
6 petition has been acted upon by the Bureau. Upon successful completion of probation, the
7 Respondent's registration will be fully restored.

8 **8. Abstain from Use of Psychotropic (Mood Altering) Drugs:** Respondent shall
9 completely abstain from the possession, injection or consumption by any route of all controlled
10 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
11 are ordered by a health care professional legally authorized to do so as part of documented
12 medical treatment. Respondent shall have sent to the Bureau, in writing and within fourteen (14)
13 days, by a prescribing health professional, a report identifying the medication, dosage, the date
14 the medication was prescribed, Respondent's prognosis, the date the medication will no longer be
15 required, and the effect on the recovery plan, if appropriate.

16 **9. Submit to Tests and Samples:** Respondent, at his expense, shall participate in a
17 random biological fluid testing or a drug screening program which the Bureau approves. The
18 length of time frequency will be subject to approval by the Bureau. Respondent is responsible for
19 keeping the Bureau informed of Respondent's current telephone number at all times. Respondent
20 shall also ensure that messages may be left at the telephone number when he is not available and
21 ensure that reports are submitted directly by the testing agency to the Bureau as directed. Any
22 confirmed positive finding shall be reported immediately to the Bureau by the program and
23 Respondent shall be considered in violation of probation.

24 In addition, Respondent, at any time during the period of probation shall fully cooperate
25 with the Bureau or any of its representatives, and shall, when requested, submit to such tests and
26 samples as the Bureau or its representatives may require for the detection of alcohol, narcotics,
27 hypnotics, dangerous drugs, or other controlled substances.

28 If Respondent fails to participate in a random, biological fluid testing or drug screening

1 program within the specified time frame, Respondent shall immediately cease operating his
2 business and shall not resume operating his business until notified by the Bureau. After taking in
3 to account documented evidence of mitigation, if the Bureau files a petition to revoke probation
4 or an accusation, the Bureau may suspend Respondent from operating his business pending the
5 final decision on the petition to revoke probation or the accusation. This period of suspension will
6 not apply to the reduction of this probationary time period.

7 10. **Tolling of Probation:** Respondent's probationary period is tolled, if and when he
8 fails to own and operate a Bureau-licensed business in California. Respondent must provide
9 written notice to the Bureau within fifteen (15) days of any such change of license status.

10 These terms and conditions are intended to protect the public from continued illegal
11 behavior and to facilitate the rehabilitation of the probationer without being unduly burdensome
12 or anti-competitive.

13 11. **Surrender of License:** During probation, if Respondent ceases practicing due to
14 retirement, health reasons, or is otherwise unable to satisfy the conditions of probation,
15 Respondent may surrender his license to the Bureau. The Bureau reserves the right to evaluate
16 Respondent's request and to exercise its discretion whether to grant the request without further
17 hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to
18 the conditions of probation.

19 Surrender of Respondent's license shall be considered a disciplinary action and shall
20 become a part of Respondent's license history with the Bureau. A licensee who surrenders his
21 license may petition the Board for reinstatement no sooner than one (1) year from the effective
22 date of the disciplinary decision for the surrender.

23 12. **Licenses for Other Locations:** So long as Respondent is compliant with these
24 probationary conditions, Respondent may be licensed for any other locations during his
25 probationary term. Any future licenses applied for by Respondent and conditions as stated herein.

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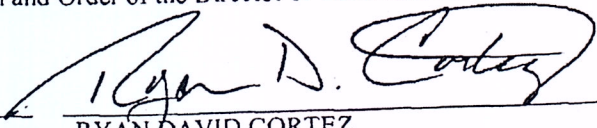
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Appliance Service Dealer Registration. 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 Consumer Affairs.

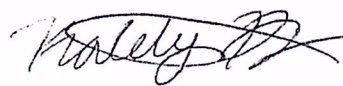
DATED: 1.15.19 
RYAN DAVID CORTEZ
Respondent

ENDORSEMENT

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

Dated: January 15, 2019

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


KATELYN E. DOCHERTY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. A1 2018-942

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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.

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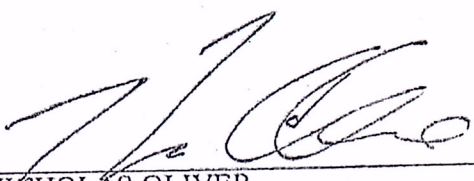
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PRAYER

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

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