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

11 In the Matter of the Statement of Issues
Against:

Case No. AN 2012-186

12 **Terry Olgin**
13 **3rd Eye Computer Services**

STATEMENT OF ISSUES

14 Respondent.
15

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about March 21, 2012, the Bureau of Electronic and Appliance Repair, Home
23 Furnishings and Thermal Insulation received an application for an Electronic Service Dealer
24 Registration from Terry Olgin (Respondent). On or about January 26, 2012, Terry Olgin certified
25 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Bureau denied the application on August 10, 2012.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Director of Consumer Affairs
3 (Director) for the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal
4 Insulation, under the authority of the following laws. All section references are to the Business
5 and Professions Code unless otherwise indicated.

6 4. Section 22(a) of the Code states:

7 "(a) 'Board' as used in any provision of this Code, refers to the board in which the
8 administration of the provision is vested, and unless otherwise expressly provided, shall include
9 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and
10 'agency.'"

11 5. Section 9800 of the Code states:

12 "This chapter of the Business and Professions Code constitutes the chapter on electronic
13 and appliance repair dealers. It may be cited as the Electronic and Appliance Repair Dealer
14 Registration Law."

15 6. Section 9814 of the Code states:

16 "The director may establish and enforce regulations as maybe reasonable for the conduct of
17 service dealers and for the general enforcements of the various provisions of this chapter in the
18 protection of the public..."

19 7. Section 9841 of the Code states:

20 "(a) The director may refuse to validate, or may invalidate temporarily or permanently the
21 registration of a service dealer for any of the following acts or omissions done by himself or
22 herself or any employee, partner, officer, or member of the service dealer and related to the
23 conduct of his or her business:

24 . . .

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

1 "(b) The director may also refuse to validate, or may invalidate temporarily or permanently,
2 the registration of a service dealer if the applicant or registrant, as the case may be, has committed
3 acts or crimes constituting grounds for denial of licensure under Section 480.

4 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
9 included in a stipulated settlement.

10 9. Section 480 of the Business and Professions Code provides, in pertinent part, that a
11 board may deny a license if the applicant has been convicted of a crime substantially related to
12 the qualifications, functions or duties of the business or profession for which application is made,
13 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done
14 by a licentiate would be grounds for suspension or revocation of a license, or has knowingly made
15 a false statement of fact required to be revealed in the application.

16 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

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1 CAUSE FOR DENIAL OF APPLICATION

2 (Criminal Conviction)

3 11. Respondent's application is subject to denial under section 480 and 9841 (a)(7) in
4 that on or about June 14, 2004, in a criminal proceeding entitled People v. Terry Olgin in
5 Riverside County Superior Court, Case Number RIF107661, Respondent was convicted by plea
6 of guilty in Penal Code Section 664/288 and 664/286 a felony. The circumstances are as follows:

7 a. On or about January 3, 2003 Respondent did willfully attempt a lewd and
8 lascivious act upon the body and certain parts and members thereof of "S", a child under the age
9 of fourteen years, with the attempt of arousing, appealing to and gratifying the lust, passions and
10 sexual desires.

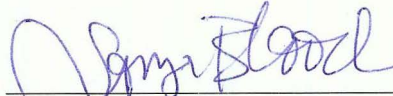
11 b. On or about July 14, 2004, Respondent was sentenced as follows: five (5)
12 years probation; jail time of 365 days; ordered not to associate with non-familial minors; ordered
13 to stay away from locations having children and required to pay a \$200.00 a fine.

14 PRAYER

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Bureau issue a decision:

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18 1. Denying the application of Terry Olgin for a Registration;
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: SEP 26 2013



21 TONYA BLOOD
22 Chief
23 Bureau of Electronic and Appliance Repair, Home
24 Furnishings and Thermal Insulation
25 Department of Consumer Affairs
26 State of California
27 Complainant

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statement of issues.rtf