

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. IN 2013-320

12 **B. J. ENTERPRISES HOLDING CO. INC.**
13 5843 Floyd Court
Weed, California 96094
14 **JONATHAN FISHER, AKA JONATHAN**
PHILLIP FISHER, PRESIDENT
15 **BRENDA FISHER, VICE PRESIDENT**

A C C U S A T I O N

16 Appliance Service Dealer Registration
No. 45385

17 Respondent.

18
19 Tonya Blood ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Chief of the
22 Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation
23 ("Bureau"), Department of Consumer Affairs.

24 **Appliance Service Dealer Registration**

25 2. On or about November 18, 2008, the Bureau issued Appliance Service Dealer
26 Registration Number 45385 to B. J. Enterprises Holding Co. Inc. ("Respondent"), with Jonathan
27 Fisher, also known as Jonathan Phillip Fisher, as President, and Brenda Fisher as Vice President.

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1 The Appliance Service Dealer Registration was in full force and effect at all times relevant to the
2 charges brought herein and will expire on November 30, 2013, unless renewed.

3 STATUTORY PROVISIONS

4 3. Business and Professions Code ("Code") section 118, subdivision (b), provides, in
5 pertinent part, that the expiration of a license shall not deprive the Bureau of jurisdiction to
6 proceed with a disciplinary action during the period within which the license may be renewed,
7 restored, reissued, or reinstated.

8 4. Code section 9849 provides, in pertinent part, that the expiration of a valid
9 registration shall not deprive the Bureau of jurisdiction to render a decision invalidating a
10 registration temporarily or permanently.

11 5. Code section 9841 states, in pertinent part:

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

15 (1) Making or authorizing any statement or advertisement that is untrue
or misleading, and that is known, or which by the exercise of reasonable
16 care should be known, to be untrue or misleading.

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

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

20 COST RECOVERY

21 6. Code section 125.3 provides, in pertinent part, that the Bureau may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

24 FIRST CAUSE FOR DISCIPLINE

25 (Conviction of a Crime)

26 7. Respondent is subject to discipline under Code section 9841, subdivision (a)(7), in
27 that on or about March 5, 2008, in the case of *People v. Jonathan Phillip Fisher* (Superior Court
28

1 of California, County of Siskiyou, Case No. MCYKCRBF060001881), Jonathan Fisher, the
2 President of Respondent B. J. Enterprises Holding Co. Inc., was convicted by the court on his
3 plea of guilty of violating Penal Code sections 288, subdivision (a) (lewd or lascivious acts with
4 child under 14 years); 288a,¹ subdivision (c)(1) (oral copulation of a person under 14 years of
5 age); and 289, subdivision (j) (sexual penetration with a foreign object of a victim under 14), all
6 serious felonies and crimes that are substantially related to the qualifications, functions, or duties
7 of a registered appliance service dealer. The circumstances of the crime are that Jonathan Fisher
8 molested his step daughter and his own daughter. Specifically, from the age of approximately 6
9 years old until she was approximately 11 years old, Jonathan Fisher would, once or twice a week,
10 increasing to four or five times a week continuously as she matured, touch and rub his step
11 daughter's vagina with his hands and penis and, on one occasion, with a foreign object. Jonathan
12 Fisher also orally copulated his step daughter, penetrated her vagina with his finger, had her hold
13 his penis, and rubbed her breasts. Jonathan Fisher touched his own daughter's vagina when she
14 was approximately five or six years old.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Untrue and Misleading Statements)

17 8. Respondent is subject to disciplinary action under Business and Professions Code
18 sections 9841, subdivision (a)(1), in that Jonathan Fisher, President of Respondent B. J.
19 Enterprises

20 Holding Co., Inc., made an untrue or misleading statement on or about October 28, 2008,
21 when he checked "No" on the application for registration as an appliance service dealer in
22 response to question 11, which states, in pertinent part: "Have you ever been convicted of a
23 felony or misdemeanor, other than minor traffic violations?" In fact, Jonathan Fisher was
24 convicted of felony and/or misdemeanor crimes on or about March 5, 2008, as set forth in
25 paragraph 7, above.

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27 _____
28 ¹ Two counts.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Fraudulent Conduct or Dishonest Dealing)

3 9. Respondent is subject to disciplinary action under Business and Professions Code
4 sections 9841, subdivision (a)(3), in that Respondent committed a fraudulent or dishonest act, as
5 set forth in paragraph 8, above.

6 **PRAYER**

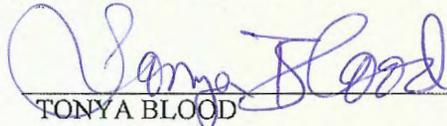
7 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Bureau of Electronic and Appliance Repair, Home Furnishings
9 and Thermal Insulation, issue a decision:

10 1. Revoking or suspending Appliance Service Dealer Registration Number 45385,
11 issued to B. J. Enterprises Holding Co. Inc.;

12 2. Ordering B. J. Enterprises Holding Co. Inc. to pay the Bureau of Electronic and
13 Appliance Repair, Home Furnishings and Thermal Insulation the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: **MAY 17 2013**



18 TONYA BLOOD
19 Chief
20 Bureau of Electronic and Appliance Repair
21 Home Furnishings and Thermal Insulation
22 Department of Consumer Affairs
23 State of California
24 Complainant

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