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 First Amended Accusation Against: **SARA TRICE,** **DBA JAYE'S CUSTOM COMPUTER SERVICE** **246 E. Caldwell Ave** **Visalia, CA 93277** **Electronic Service Dealer Registration No. 88312** Respondent.	Case No. A1 2013-997 OAH No. 2014100639 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 3, 2014, Complainant Justin Paddock, in his official capacity as the Chief of the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Department of Consumer Affairs, ("Bureau") filed Accusation No. A1 2013-997 against Sara Trice, doing business as Jaye's Custom Computer Services, ("Respondent") before the Director of the Department of Consumer Affairs ("Director").

2. On or about June 10, 2015, Complainant filed First Amended Accusation No. A1 2013-997 against Respondent. The First Amended Accusation superseded the Accusation in all

respects. (A true and correct copy of the First Amended Accusation is attached hereto, marked Exhibit A, and incorporated herein by this reference.)

3. On or about January 29, 2013, the Bureau issued Electronic Service Dealer Registration Number E-88312 to Sara Trice, doing business as Jaye's Custom Computer Service, ("Respondent"). The registration was in full force and effect at all times relevant to the charges brought herein. The registration expired on January 31, 2015, without renewal. This lapse in licensure, however, pursuant to Section 9849 of the Business and Professions Code provides that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with any investigation or hearing or to render a decision to suspend, revoke, or place a registration on probation.

4. On or about September 11, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. A1 2013-997, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: Sara Trice, dba Jaye's Custom Computer Services, 246 E. Caldwell Ave., Visalia, CA 93277. The First Amended Accusation No. A1 2013-997 against Respondent and Supplemental Statement to Respondent were served on June 11, 2015, at her address of record and 645 Lovers Lane, Visalia, CA 93292. On July 1, 2015, a courtesy copy of the First Amended Accusation and Supplemental Statement to Respondent were mailed by Certified and First Class Mail to Respondent at 921 W. Russell, Visalia, CA 93277. The First Amended Accusation superseded the Accusation in all respects.

5. Service of the Accusation and First Amended Accusation were effective as a matter of law under the provisions of Government Code section 11505, subdivision (c), and/or Business & Professions Code section 124.

6. On or about September 26, 2014, Respondent signed and returned a Notice of Defense requesting a hearing in this matter. A Notice of Hearing was served by mail at

Respondent's address of record and it informed her that an administrative hearing in this matter was scheduled for July 27, 2015. Respondent failed to appear at that hearing.

7. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Director finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Director's offices regarding the allegations contained in Accusation No. AI 2013-997, finds that the charges and allegations in Accusation No. AI 2013-997, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $5,117.50 as of July 24, 2015.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Sara Trice, doing business as Jaye's Custom Computer Service, has subjected her Electronic Service Dealer Registration Number E-88312 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Director of the Department of Consumer Affairs ("Director") is authorized to revoke Respondent's Electronic Service Dealer Registration Number E-88312 based upon the

following violations alleged in the First Amended Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent violated Business and Professions Code ("Code") section 9841, subdivision (a)(1), in that she made untrue or misleading statements or advertising on her application for licensure;

b. Respondent violated Code sections 9841, subdivision (a)(3), and 9855.7, subdivision (a), in that she engaged in conduct and committed acts constituting fraud or dishonest dealing;

c. Respondent violated Code section 9841, subdivision (b), in that she committed acts constituting grounds for denial of a license under Code sections 480, subdivisions (a)(2) and (c), that is, acts of dishonesty, fraud, or deceit with the intent to substantially benefit herself, and made a false statement of fact required to be revealed in her application for licensure, respectively;

d. Respondent violated Code section 9855.7, subdivision (c), in that she assisted in or abetted the violation of, or conspired to violate the Electronic and Appliance Repair Dealer Registration Law.

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ORDER

IT IS SO ORDERED that Electronic Service Dealer Registration No. 88312, heretofore issued to Respondent Sara Trice, doing business as Jaye's Custom Computer Service, is REVOKED.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision by vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on SEP 14 2015.

It is so ORDERED AUG 13 2015.

Doreathea Johnson

DOREATHEA JOHNSON
Deputy Director
Division of Legal Affairs
Department of Consumer Affairs

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Attachment:
Exhibit A: First Amended Accusation

Exhibit A

First Amended Accusation No. A1-2013-997

(SARA TRICE)

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BEFORE THE
DIRECTOR OF 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 First Amended Accusation Against: **SARA TRICE,** **DBA JAYE'S CUSTOM COMPUTER SERVICE** **246 E. Caldwell Ave** **Visalia, CA 93277** **Electronic Service Dealer Registration No. 88312** Respondent.	Case No. A1-2013-997 **FIRST AMENDED** **ACCUSATION**

Complainant alleges:

PARTIES

1. Justin Paddock ("Complainant") brings this First Amended Accusation solely in his official capacity as the Bureau Chief of the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

2. On or about January 29, 2013, the Bureau issued Electronic Service Dealer Registration Number E-88312 to Sara Trice, doing business as Jaye's Custom Computer Service, ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

STATUTORY PROVISIONS

3. This First Amended Accusation is brought before the Director of the Department of Consumer Affairs ("Director") for the Bureau under the authority of the Electronic and Appliance Repair Dealer Registration Law (Bus. & Prof. Code sections 9800 et seq.). All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

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

> (a) The director may deny, suspend, revoke, or place on probation the registration of a service dealer for any of the following acts or omissions 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:
>
> (1) Making or authorizing any statement or advertisement that is untrue or misleading, and that is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> ...
>
> (3) Any other conduct that constitutes fraud or dishonest dealing.
>
> ...
>
> (b) The director may also deny, or may suspend, revoke, or place on probation, the registration of a service dealer if the applicant or registrant, as the case may be, has committed acts or crimes constituting grounds for denial of licensure under Section 480.

5. Section 9849 of the Code provides that the expiration of a valid registration shall not deprive the director of jurisdiction to proceed with any investigation or hearing or to render a decision to suspend, revoke, or place a registration on probation.

6. Section 9855.7 of the Code states, in pertinent part:

> The director may refuse to validate, or may temporarily or permanently invalidate the registration of a service contractor for any act, omission, or crime that is committed by the service contractor or any employee, partner, officer, or agent of the service contractor for any of the following reasons:
>
> (a) Any conduct which constitutes fraud or dishonest dealing.
>
> ...
>
> (c) Assisting in or abetting the violation of, or conspiring to violate, any provision of this article, or of regulations adopted under this article"

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

> (a) A board may deny a license regulated by this code on the ground that the applicant has one of the following:
>
> ...

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

. . .

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

8. Code section 477 states:

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

9. Code section 118, subdivision (b), provides that the suspension, expiration, or forfeiture of a registration issued by the Bureau during any period in which the registration may be renewed, restored, reissued, or reinstated, deprive the Bureau of its authority to institute or continue discipline against a licensee.

COST RECOVERY

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

FACTUAL ALLEGATIONS

11. On or about June 7, 2010, a Fictitious Business Name Statement was filed with the Tulare County Recorder's Office stating the business name of Jaye's Custom Computer Service and Jeremiah Trice as the registrant. Said Fictitious Business Name Statement expires on June 7, 2015.

12. On or about July 7, 2011, Jeremiah Trice, owner, doing business as Jaye's Custom Computer Service, applied for registration as an Electronic Service Dealer. The application was denied by the Bureau on or about February 24, 2012.

13. On or about January 9, 2013, Respondent submitted an Application for Registration as an Electronic Service Dealer ("Application") to the Bureau. Respondent swore under penalty of perjury that the information on her application was true and correct, and signed her name directly below that statement. Respondent replied, at question 10 of the Application, that she was the sole proprietorship for Jaye's Custom Computer Service and, directly below that, stated her name, contact, and other information. Respondent stated at question 16 that the business activities were electronic repair, computer repair, and retail sales. Respondent failed to state the name(s) and address(es) of all repair personnel as required by question 19 of the Application.

14. On or about March 25, 2013, the Director issued a Decision and Order, *In the Matter of the Statement of Issues Against: Jeremiah Trice dba Jayes Custom Computer Service,* denying the application of Jeremiah Trice, owner, doing business as Jaye's Custom Computer Service, for a registration as an Electronic Service Dealer, effective April 24, 2013.

15. On or about July 23, 2014, Jaye's Custom Computer Service was listed in "Yelp" stating that "Jeremiah Jaye T" is the business owner. Yelp is an on-line business review site.

FIRST CAUSE FOR DISCIPLINE

(Fraud or Dishonest Acts)

16. Respondent is subject to disciplinary action under Code section 9841, subdivision (a)(1), in that Respondent made a statement on her Application that was untrue or misleading, and was known, or by the exercise of reasonable care should be known, to be untrue or misleading as follows: Respondent stated on her Application that she was the sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is, the owner, as alleged in paragraph s 11, 12, and 15, above, incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Conduct and Acts Constituting Fraud or Dishonest Dealing)

17. Respondent is subject to disciplinary action under Code sections 9841, subdivision (a)(3), and 9855.7, subdivision (a), in that Respondent engaged in conduct and committed acts which constitute fraud or dishonest dealing when she stated on her Application that she was the

sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is , the owner, as set forth in paragraph 11, 12, and 13, above, incorporated herein by reference.

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THIRD CAUSE FOR DISCIPLINE

(Acts of Dishonesty, Fraud, or Deceit - Application)

18. Respondent is subject to disciplinary action under Code sections 9841, subdivision (b), in that Respondent committed acts constituting grounds for denial of a license as follows:

a. Code section 480, subdivision (a)(2): Respondent violated this statute in that she committed acts of dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another, when she stated on her Application that she was the sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is, the owner, as set forth in paragraphs 11, 12, and 13, above, incorporated herein by reference.

b. Code section 480, subdivision (c): Respondent violated this statute in that she (c) A knowingly made a false statement of fact required to be revealed in the Application when she stated on her Application that she was the sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is, the owner, as set forth in paragraphs 11, 12, and 13, above, incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Assisted, Abetted, or Conspired to Violate Law)

19. Respondent is subject to disciplinary action under Code section 9855.7, subdivision (c), in that she assisted in or abetted the violation of, or conspired with Jeremiah Trice to violate the Electronic and Appliance Repair Dealer Registration Law, when she stated on her Application that she was the sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is, the owner, as set forth in paragraphs 11, 12, 13, 14, and 15, above, incorporated herein by reference.

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 when she stated on her

Application that she was the sole owner of Jaye's Custom Computer Service when the truth is Jeremiah Trice was, and is, the owner, Consumer Affairs issue a decision:

1. Revoking or suspending Electronic Repair Service Dealer Registration Number E-88312, issued to Sara Trice, doing business as Jaye's Custom Computer Service;

2. Ordering Sara Trice, doing business as Jaye's Custom Computer Service, to pay the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: JUN 10 2015

JUSTIN PADDOCK
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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