

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHING AND
THERMAL INSULATION
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

HECTOR PALACIOS
IDOCTOR REPAIRS
aka Hector Galvez Palacios
4940 N. Cedar Avenue
Fresno, CA 93726
Electronic Service Dealer Registration

Respondent

Case No. AN 2011-103

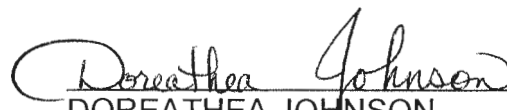
OAH No. 2012050704

DECISION

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

This Decision shall become effective **JUN 17 2013**

DATED: **MAY 17 2013**


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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Attorney General of California
2 JANICE LACHMAN
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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME**
FURNISHING AND THERMAL INSULATION
11 **STATE OF CALIFORNIA**

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15 **aka Hector Galvez Palacios**
4940 N. Cedar Avenue
16 **Fresno, CA 93726**
Electronic Service Dealer Registration

17
18 Respondent.

Case No. AN 2011-103

OAH No. 2012050704

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 PARTIES

23 1. Joanne Mikami (Complainant) is the Operations Manager of the Bureau of Electronic
24 and Appliance Repair, Home Furnishing and Thermal Insulation. She brought this action solely
25 in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
26 the State of California, by Elena L. Almanzo, Deputy Attorney General.

27 2. Respondent Hector Palacios, IDoctor Repairs (Respondent) is representing himself in
28 this proceeding and has chosen not to exercise his right to be represented by counsel.

1 3. On or about January 18, 2011, Respondent filed an application dated January 11,
2 2012, with the Director of Consumer Affairs to obtain an Electronic Service Dealer Registration.

3 JURISDICTION

4 4. Statement of Issues No. AN 2011-103 was filed before the Director of Consumer
5 Affairs (Director), for the Bureau of Electronic and Appliance Repair, Home Furnishing and
6 Thermal Insulation (Bureau), and is currently pending against Respondent. The Statement of
7 Issues and all other statutorily required documents were properly served on Respondent on May
8 16, 2012.

9 5. A copy of Statement of Issues No. AN 2011-103 is attached as exhibit A and
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in
13 Statement of Issues No. AN 2011-103. Respondent has also carefully read, and understands the
14 effects of this Stipulated Settlement and Disciplinary Order.

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

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

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Statement of
26 Issues No. AN 2011-103.

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Hector Palacios, IDoctor Repairs that Electronic Service Dealer Registration will be issued and immediately revoked. The revocation will be stayed and the Respondent placed on three (3) years probation on the following terms and conditions.

1. **Obey All Laws.** During the period of probation, Respondent(s) shall comply with all statutes, regulations and rules governing electronic and appliance repair. A full and detailed account of any and all violations of law shall be reported by Respondent to the Bureau in writing within seventy-two (72) hours of occurrence.

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

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

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

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

5. **Personal Appearance at Bureau Office.** Report, by personal appearance of Respondent, at a location designated by the Bureau on a schedule set by the bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

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

1 7. **Attendance of a 12 step recovery meeting.**

2 Respondent shall be required to attend at least one, but no more than five 12-step recovery
3 meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.). Respondent
4 shall submit dated and signed documentation confirming such attendance to the Bureau during the
5 entire period of probation.

6 8. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall

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

14 9. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a

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

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

26 If Respondent fails to participate in a random, biological fluid testing or drug screening
27 program within the specified time frame, Respondent shall immediately cease operating his
28 business and shall not resume operating his business until notified by the Bureau. After taking

1 into account documented evidence of mitigation, if the Bureau files a petition to revoke probation
2 or an accusation, the Bureau may suspend Respondent from operating his business pending the
3 final decision on the petition to revoke probation or the accusation. This period of suspension will
4 not apply to the reduction of this probationary time period.

5 **10. Violation of Probation.** If a Respondent violates the conditions of his probation, the
6 Bureau, after giving the Respondent notice and an opportunity to be heard, may set aside the stay
7 order and impose the stayed revocation of the Respondent's registration.

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

14 ACCEPTANCE

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

19
20 DATED: 1/2/13 
21 HECTOR PALACIOS, IDOCTOR REPAIRS
22 Respondent

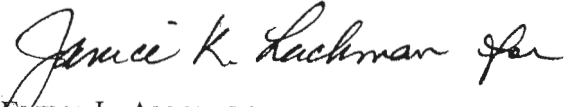
23 ENDORSEMENT

24 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
25 submitted for consideration by the Director of Consumer Affairs.
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Dated: 1/3/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE LACHMAN
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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11 **FURNISHING AND THERMAL INSULATION**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against: Case No. AN 2011-103

14 **HECTOR PALACIOS,**
15 **aka HECTOR GALVEZ PALACIOS,**
16 **dba IDOCTOR REPAIRS**
17 **4940 N. Cedar Avenue**
18 **Fresno, CA 93726**

19 **STATEMENT OF ISSUES**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Joanne Mikami ("Complainant") brings this Statement of Issues solely in her official
24 capacity as the Operations Manager of the Bureau of Electronic and Appliance Repair, Home
25 Furnishings and Thermal Insulation ("Bureau"), Department of Consumer Affairs.

26 2. On or about January 18, 2011, the Bureau received an application for an electronic
27 service dealer registration from Hector Palacios, also known as Hector Galvez Palacios
28 ("Respondent"), doing business as IDoctor Repairs. Respondent certified under penalty of
perjury that all statements, answers, and representations in the application were true and correct.
The Bureau denied the application on November 28, 2011.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 9831 states, in pertinent part, that the Director (Director of Consumer Affairs) shall refuse to validate the registration of an electronic appliance repair dealer if the applicant has committed acts or crimes constituting grounds for denial of licensure under section 480 of that code.

4. Code section 9841 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.

....

(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 . . .

5. Code section 480 states, in pertinent part:

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

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

(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.

....

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

4 6. California Code of Regulations, title 16, section 2767 states, in pertinent part:

5 For the purposes of denial, suspension, or revocation of the registration of
6 a repair service dealer pursuant to Division 1.5 (commencing with Section 475) of the
7 Business and Professions Code, a crime or act shall be considered to be substantially
8 related to the qualifications, functions or duties of a service dealer if to a substantial
9 degree it evidences present or potential unfitness of a service dealer to perform the
10 functions authorized by his registration in a manner consistent with the public health,
11 safety, or welfare . . .

12 FIRST CAUSE FOR DENIAL

13 (Criminal Convictions)

14 7. Respondent's application is subject to denial pursuant to Code sections 9841,
15 subdivision (a)(7), and 480, subdivisions (a)(1) and (a)(3)(A), in that Respondent was convicted
16 of crimes which are substantially related to the qualifications, functions and duties of an
17 electronic service dealer as follows:

18 a. On or about July 29, 2003, in the criminal proceeding titled *People v. Hector Galves*
19 *Palacios* (Super. Ct. Tulare County, 2003, Case No. VCF112686-03), Respondent pled guilty to
20 violating Health and Safety Code sections 11377, subdivision (a) (possession of a controlled
21 substance), a felony, and 11364 (possession of a smoking device), a misdemeanor. The
22 circumstances of the crimes are as follows: On or about July 13, 2003, Respondent possessed the
23 controlled substance methamphetamine as well as a smoking device.

24 b. On or about March 16, 2009, in the criminal proceeding titled *People v. Hector*
25 *Galves Palacios* (Super. Ct. Fresno County, 2009, Case No. M08920196), Respondent pled nolo
26 contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a .08% or
27 higher blood alcohol level), a misdemeanor. The imposition of Respondent's sentence was
28 suspended and Respondent was placed on probation for 3 years on terms and conditions,
including that Respondent obey all laws. The circumstances of the crime are as follows: On or
about May 24, 2008, Respondent drove a vehicle while having a blood alcohol level of 0.14%.

c. On or about March 29, 2010, in the criminal proceeding titled *People v. Hector*
Galves Palacios (Super. Ct. Fresno County, 2010, Case No. M10000363), Respondent pled nolo

1 contendere to violating Penal Code section 647, subdivision (f) (public intoxication), a
2 misdemeanor. The imposition of Respondent's sentence was suspended and Respondent was
3 placed on probation for 3 years on terms and conditions. The circumstances of the crime are as
4 follows: On or about October 17, 2009, Respondent was unlawfully in a public place while under
5 the influence of intoxicating liquor, a drug, a controlled substance, and/or toluene in such a
6 condition that he was unable to exercise care for his own safety and the safety of others and
7 interfered with, obstructed, and prevented the free use of a street, sidewalk, and other public way.
8 The incident occurred while Respondent was on probation for his conviction of March 16, 2009.

9 **SECOND CAUSE FOR DENIAL**

10 **(False or Misleading Statements)**

11 8. On or about January 18, 2011, Respondent submitted an application for electronic
12 service dealer registration to the Bureau, as set forth in paragraph 2 above. Respondent indicated
13 in his response to Item 10 on the application that he had been convicted of a felony or
14 misdemeanor. Question 13 on the application stated, "If you answered YES to having ever been
15 convicted of a felony or misdemeanor in Items 10 or 11, give the particulars of each, including
16 penal code numbers or criminal case numbers".

17 9. Respondent's application is subject to denial pursuant to Code sections 9841,
18 subdivision (a)(1), and 480, subdivision (a)(3)(A), in that Respondent made statements which he
19 knew, or in the exercise of reasonable care should have known, to be untrue or misleading, as
20 follows: Respondent certified under penalty of perjury on his application that he had been
21 convicted of possession of a controlled substance in 2003 and DUI (driving under the influence)
22 in 2008, but failed to disclose his March 29, 2010, conviction for public intoxication, set forth in
23 subparagraph 7 (c) above. Further, Respondent concealed the fact that he had also been convicted
24 of possession of a smoking device in 2003, as set forth in subparagraph 7 (a) above.

25 **THIRD CAUSE FOR DENIAL**

26 **(Dishonest Acts)**

27 10. Respondent's application is subject to denial pursuant to Code section 480,
28 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with

1 the intent to substantially benefit himself or another, or substantially injure another, as set forth in
2 paragraph 9 above.

3 **FOURTH CAUSE FOR DENIAL**

4 **(False Statement in Respondent's Application for Registration)**


5 11. Respondent's application is subject to denial pursuant to Code section 480,
6 subdivision (c), in that Respondent knowingly made false statements of fact required to be
7 revealed in his application for registration as an electronic service dealer, as set forth in paragraph
8 9 above.

9 **PRAYER**

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

- 12 1. Denying the application of Hector Palacios, also known as Hector Galvez Palacios,
13 doing business as IDoctor Repairs, for an electronic service dealer registration;
14 2. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 4/5/12


17 JOANNE MIKAMI
18 Operations Manager
19 Bureau of Electronic and Appliance Repair, Home
20 Furnishing And Thermal Insulation
21 Department of Consumer Affairs
22 State of California
23 Complainant

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