

DEPARTMENT OF MOTOR VEHICLES

# **OCCUPATIONAL LICENSING & DISCIPLINARY GUIDELINES**



**REVISION 4/2010**

# **OCCUPATIONAL LICENSING AND DISCIPLINARY GUIDELINES**

## **Chapter I GUIDELINES CRITERIA**

### **A. Criteria of Substantial Relationship**

- (1) When considering whether a license should be issued with a warning letter, on a restricted (probationary) basis, denied, suspended or revoked, on the basis of a criminal conviction, or on the basis of commission of an act or engagement in any conduct involving moral turpitude, the crime, act or conduct shall be deemed to be substantially related to the qualifications, functions, or duties of the licensed activity if it involves:
  - (a) The fraudulent taking, obtaining, appropriating or retaining of funds, property, services or labor belonging to another person.
  - (b) Counterfeiting, forging or altering of money, any instrument, or any receipt, or the uttering of any materially false statement.
  - (c) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of any fees, duties, taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state or local government.
  - (d) The use of bribery, fraud, deceit, falsehood, extortion, or misrepresentation to achieve an end.
  - (e) Sexually related conduct causing physical harm or emotional distress to a person who is a witness or non-consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.
  - (f) Importation, transportation, or possession for sale or distribution of any controlled substances, illegal weapons, goods for which duties have not been paid, or other contraband in violation of any laws, rules or ordinances imposed upon the licensee or applicant by federal, state or local government.
  - (g) Willfully violating or failing to comply with any licensing, registration, tax, or regulatory provision of Divisions 3, 3.5, 3.6, 4, or 5 of the Vehicle Code, which has resulted in damage, loss, or harm to any individual, the public, or to the State of California.
  - (h) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.
  - (i) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

- (j) Doing any unlawful act of physical harm or violence which resulted in substantial loss or injury to the person or property of another.
- (2) The conviction of a crime, act or conduct constituting an attempt, solicitation or conspiracy to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions, or duties of a licensee of the department.
- (3) If the crime, act or conduct is substantially related to the qualifications, functions, or duties of a licensee of the department, the context in which the crime, act or conduct were committed shall go only to the questions of the weight to be accorded to the crime, act or conduct, in considering the action to be taken with respect to the applicant or licensee.

**B. Criteria for Rehabilitation (Denial, Suspension, Revocation, Reinstatement or Reduction of Penalty)**

- (1) When considering a license denial, suspension, revocation, reinstatement or reduction of penalty, the department will consider the following criteria:
  - (a) Nature and severity of the criminal conviction(s), act(s), or conduct.
  - (b) Any criminal record and evidence of any act(s) or conduct committed subsequent to the criminal conviction(s), act(s) or conduct under consideration which also could be considered as grounds for denial, suspension or revocation.
  - (c) The time that has elapsed since the criminal conviction(s), act(s) or conduct referred to in subdivision (1) or (2), excluding any time spent incarcerated on such conviction(s).
  - (d) The extent to which the applicant or licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant or licensee.
  - (e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
  - (f) Evidence, if any, of rehabilitation submitted by the applicant or licensee.

**C. Use of Occupational Licensing Guidelines**

These occupational licensing guidelines are intended for use in determining whether to issue or refuse to issue an occupational license on the basis of criminal convictions and prior department actions.

For purposes of analysis, criminal convictions are divided into three categories, which are identified as Class A crimes, Class B crimes and Class C crimes. Attached as Attachment 1 is a list of the more common Class A, B and C crimes. Based on the classifications set out below in this paragraph, an unlisted crime will require analysis to determine if it fits a particular Class. Class A crimes are serious crimes involving moral turpitude which have a substantial connection or relationship to the duties of an occupational licensee. Instead of attempting a lay definition of the complex legal term “crime involving moral turpitude”, a list of such crimes which are serious and have a substantial connection or relationship to the duties of an occupational licensee are listed in Attachment 1 as Class A Crimes. Less serious crimes involving moral turpitude which have a substantial connection or relationship are listed in Attachment 1 as Class B Crimes. Crimes which have a less substantial connection or relationship to the duties of the licensed activity, or which have a connection only if facts not part of the conviction can be independently proven are listed in Attachment 1 as Class C Crimes.

The use of criminal convictions to deny an occupational license, whether Class A, Class B, or Class C, depends to a large degree on when the convictions occurred in relationship to the date of the license application.

#### **(1) Class A Crimes**

Class A crimes, where there is a single conviction within the last five (5) years, should almost always result in the outright denial of an occupational license, even if terms and conditions of parole or probation have been complied with. One of the few exceptions to this rule would be where the applicant has received a Penal Code section 1203.4 dismissal. In those cases, it would be appropriate to treat the conviction to be a Class B crimes for evaluation purposes. If there was a significant period of incarceration, the department should consider the date of release from incarceration as the start of the time to evaluate the conviction and evidence of rehabilitation. Also, if the applicant has failed to disclose the conviction on the application, such failure to disclose is an independent wrongful act which should result in license denial.

A conviction for a single Class A crime which occurred more than five (5) years from the date of the application for occupational license should not be viewed as requiring an automatic denial of a license or the granting of a probationary license. Care should be exercised to attempt to determine whether the applicant, although having committed a serious crime, has attempted and successfully achieved rehabilitation. All the factors set out in the above **Criteria for Rehabilitation** should be viewed in making such a determination. If the applicant has failed to disclose the conviction or other material fact (for example, use of other names or employment by a dealer previously disciplined) on the application, such failure to disclose is an independent wrongful act and a strong indication that rehabilitation has not been successful.

#### **(2) Class B Crimes**

A conviction for a single Class B crime within three (3) years from the date of the application for occupational license requires the exercise of judgment. In considering the above **Criteria for Rehabilitation** factors, one should particularly consider factors such as the facts and circumstances of the crime, and whether the sentence of the court has been fulfilled in every respect. Again, if the conviction is within three (3) years from the date of the application, a failure to disclose it on the application should result in a license denial.

For a conviction for a single Class B crime which occurred more than three (3) years from the date of the application the focus should be on determining whether the applicant, although having committed a crime, has attempted and successfully achieved rehabilitation. Again, all the factors set out in the above **Criteria for Rehabilitation** should be viewed in making such a determination. If the applicant has failed to disclose the conviction or other material fact (for example, use of other names or employment by a dealer previously disciplined) on the application, such failure to disclose is an independent wrongful act and a strong indication that rehabilitation has not been successful.

### **(3) Class C Crimes**

Since Class C crimes as stated above have a less substantial connection or relationship to the duties of the licensed activity or have a connection only if facts not part of the conviction can be independently proven, particular care needs to be used in analyzing them after reviewing Attachment 1 as to Class C crimes. A conviction for a single Class C crime within the last three (3) years from the date of the application for occupational license again (like a Class B crime) is an area which requires the exercise of judgment.

Certain Class C crimes that do not involve moral turpitude as a matter of law pose problems with license applications. Examples of these crimes include theft or controlled substances possession for sale or distribution crimes charged against an applicant which as a result of a compromise or plea bargain became lesser criminal convictions such as: (1) Disturbing the Peace; (2) Trespassing; (3) Tampering with a Vehicle; or (4) Possession of Marijuana or Controlled Substances.

These criminal convictions cannot be alleged without determining the true underlying facts and circumstances leading to the actual convictions. For instance, if the department believes that an individual charged with possessing marijuana actually possessed it for sale, it has the responsibility to independently prove the additional facts establishing possession for sale before an administrative law judge. This will usually involve the issuance of a subpoena to a material witness.

Multiple criminal convictions are no different than single criminal convictions, if one of the multiple criminal convictions would ordinarily result in the denial

of a license. If, for example, there is one Class A crime that occurred twelve (12) years ago and another Class A crime four (4) years ago, a license should not be issued because the more recent Class A crime should be itself grounds for refusal. Conversely, if there was a Class A crime 12 years ago, and a Class B crime six (6) years ago, the application may need further review as the Class B crime six (6) years ago, by itself, might not cause the department to refuse the license. However, the two offenses may raise an issue as to whether the applicant is suitable to hold an occupational license, in light of an apparent continuing pattern of criminal conduct.

Prior disciplinary actions taken by the department can to some extent be analogized to criminal convictions. A prior actual license revocation of an applicant for an occupational license is similar to a Class A criminal conviction, while other license discipline may be more analogous to a Class B criminal conviction. If license discipline was imposed and the applicant fully complied with the terms and conditions of probation, it may not be appropriate to treat the prior decision as a basis for refusal to issue a license. If there is any question whether to license an applicant who has suffered prior discipline, whether there is also a criminal conviction or whether there are extenuating circumstances, the question should be referred to a manager or supervisor.

## Chapter II

### STANDARD PROPOSED DECISION LANGUAGE

The following order language, and terms and conditions of probation may be used, as appropriate, in Proposed Decisions and Decisions of the Director in administrative adjudications conducted pursuant to Sections 11500, et seq. of the Government Code.

#### **A. Vehicle Dealers, Distributors, Lessor-Retailers, Manufacturers, Remanufacturers, and Transporters.**

##### **(1) Revocation**

- (a) The ( \_\_\_\_\_ ) license and special plates no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, are hereby revoked.
- (b) The ( \_\_\_\_\_ ) license and special plates no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, are hereby revoked; said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

##### **(2) Suspension**

- (a) The ( \_\_\_\_\_ ) license and special plates no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, are hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The ( \_\_\_\_\_ ) license and special plates no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, are hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that \_\_\_\_ ( ) days of said suspension are stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

##### **(3) Terms and Conditions**

- (a) Respondent's license and special plates shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license and special plates.
- (b) Respondent is further notified that if, in connection with any advertising, representation, or dissemination made to the public or any member thereof during the period of actual suspension, such advertising, representation, or dissemination states or reasonably implies that respondent's dealer's license has been or is suspended for

any reason other than by order of the Department, such advertising, representation, or dissemination shall be deemed to be untrue or misleading advertising within the meaning of Vehicle Code section 11713, subdivision (a), and shall also be a violation of the conditions of probation imposed herein.

- (c) During the period of actual license suspension, Department employees shall post notices of suspension, in accordance with the provisions of Title 13, California Code of Regulations, Section 316.00. Removal of these notices prior to the termination of suspension shall be a violation of the conditions of probation.

#### 1. Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime involving moral turpitude, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

#### 2. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

#### 3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.



- (d) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (e) Should the Director of Motor Vehicles at any time during the existence of said probationary license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution.

- (f) Respondent shall permit free and ready access to business records pertaining to the purchase, sale, rental, or leasing of vehicles at the request of a departmental employee during normal business hours and without prior notice.
- (g) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (h) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (i) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

#### **(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a vehicle (\_\_\_\_\_) license is hereby denied.

- (b) The application of respondent \_\_\_\_\_, for a vehicle  
(\_\_\_\_\_) license is hereby denied; said denial  
is stayed for a period of \_\_\_\_ ( ) years and a probationary license shall  
be issued under the following terms and conditions:

1. Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime involving moral turpitude, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

2. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

4. Any license issued to respondent during a period of \_\_\_\_ ( ) years shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.

5. Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

6. Respondent shall permit free and ready access to business records pertaining to the purchase, sale, rental, or leasing of vehicles at the request of a departmental employee during normal business hours and without prior notice.
7. Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
8. Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

## **B. Vehicle Salespersons and Representatives**

### **(1) Revocation**

- (a) The (\_\_\_\_\_) license no. \_\_\_\_\_, issued to respondent, \_\_\_\_\_, is hereby revoked.
- (b) The (\_\_\_\_\_) license no. \_\_\_\_\_, issued to respondent, \_\_\_, is hereby revoked; provided however, that said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

## **(2) Suspension**

- (a) The ( \_\_\_\_\_ ) license no. \_\_\_\_\_, issued to respondent, \_\_\_\_\_, is hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that \_\_\_\_ ( ) days of said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The ( \_\_\_\_\_ ) license no. \_\_\_\_\_, issued to respondent, \_\_\_\_\_, is hereby disciplined as follows:

## **(3) Terms and Conditions**

- (a) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license.
- (b) Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be considered a violation of the terms and conditions of any probationary license issued to respondent.
- (c) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists. The stay shall become permanent and respondent's license shall be restored as an unrestricted license at the conclusion of the probationary period.
- (d) Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms or conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution.

- (e) Employment under the probationary salesperson's license shall be limited to such employing licensed dealer as may be approved by the Department. There shall be no employment change without a written request therefore and prior approval by the Department. Such request shall include a letter from the employing dealer stating that the dealer

has read a copy of this Decision. The request shall be sent to the Occupational Licensing Operations Manager, Occupational Licensing Unit Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.

- (f) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (g) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (h) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

#### **(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a (\_\_\_\_\_) license is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a (\_\_\_\_\_) license is hereby denied; said denial is stayed for a period of \_\_\_\_ ( ) years under the following terms and conditions:
  - 1. Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be considered a violation of the terms and conditions of any probationary license issued to respondent.
  - 2. Any license issued to respondent during a period of \_\_\_\_ ( ) years shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and

conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists. Respondent shall be issued an unrestricted license at the conclusion of the probationary period.

3. Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution.

4. Employment under the probationary salesperson's license shall be limited to such employing licensed dealer as may be approved by the Department. There shall be no employment change without a written request therefore and prior approval by the Department. Such request shall include a letter from the employing dealer stating that the dealer has read a copy of this Decision. The request shall be sent to the Occupational Licensing Operations Manager, Occupational Licensing Unit Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.

## **C. Vehicle Dismantlers**

### **(1) Revocation**

- (a) The dismantler's license and special plates no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, are hereby revoked.
- (b) The dismantler's license and special plates no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, are hereby revoked; said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

### **(2) Suspension**

- (a) The dismantler's license and special plates no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, are hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The dismantler's license and special plates no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, are hereby suspended for a period of \_\_\_\_ ( ) days;

provided however, that \_\_\_\_ ( ) days of said suspension are stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

**(3) Terms and Conditions**

(a) Respondent's license and special plates shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period Respondent shall not exercise any of the privileges granted under the license and special plates.

(b) Respondent's license and special plates shall be suspended for a period of \_\_\_\_ ( ) days and during said period respondent shall not exercise any of the privileges granted under the license and special plates. Said suspension shall commence \_\_\_\_ days from the effective date of the Order.

(c) During the period of actual license suspension, Department employees shall post notices of suspension, in accordance with the provisions of Title 13, California Code of Regulations, Section 316.00. Removal of these notices prior to the termination of suspension shall be a violation of the conditions of probation.

**(d) Respondent Statement**

**1. Sole Owner Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime involving moral turpitude, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

**2. Partnership Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

**3. Corporation Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of

respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (e) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (f) Should the Director of Motor Vehicles at any time during the existence of said probationary license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license. If no such determination is made, the stay shall become permanent and respondent's license shall be restored as an unrestricted license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution.

- (g) Respondent shall permit free and ready access to business records pertaining to the acquisition of vehicles or parts thereof, or the sale of vehicles or parts thereof, at the request of a departmental investigator during normal business hours and without prior notice.
- (h) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (i) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (j) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820,



Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

**(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a vehicle dismantler's license is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a vehicle dismantler's license is hereby denied; said denial is stayed for a period of \_\_\_\_ ( ) years under the following terms and conditions:

**1. Sole Owner Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

**2. Partnership Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

**3. Corporation Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (c) Any license issued to respondent during a period of \_\_\_\_ ( ) years shall

be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.

- (d) Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

- (e) Respondent shall permit free and ready access to business records pertaining to the acquisition of vehicles or parts thereof, or the sale of vehicles or parts thereof, at the request of a departmental employee during normal business hours and without prior notice.
- (f) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (g) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (h) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

#### **D. Traffic Violator School Owners, Operators, and Instructors**

##### **(1) Revocation**

- (a) The traffic violator school [owner's / operator's / instructor's] license no. [TVS-\_\_\_\_ / TVO-\_\_\_\_ / TVI-\_\_\_\_], heretofore issued to respondent, \_\_\_\_\_, is/are hereby revoked.

- (b) The traffic violator school [owner's / operator's / instructor's] license no. [TVS-\_\_\_\_ / TVO-\_\_\_\_ / TVI-\_\_\_\_], heretofore issued to respondent, \_\_\_\_\_, is/are hereby revoked; said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

## **(2) Suspension**

- (a) The traffic violator school [owner's / operator's / instructor's] license no. [TVS-\_\_\_\_ / TVO-\_\_\_\_ / TVI-\_\_\_\_], heretofore issued to respondent, \_\_\_\_\_, is/are hereby suspended for a period \_\_\_\_ ( ) days; provided however, that said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The traffic violator school [owner's / operator's / instructor's] license no. [TVS-\_\_\_\_ / TVO-\_\_\_\_ / TVI-\_\_\_\_], heretofore issued to respondent, \_\_\_\_\_, is/are hereby suspended for a period of \_\_\_\_ ( ) day(s); provided however, that \_\_\_\_ ( ) day(s) of said suspension are stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

## **(3) Terms and Conditions**

- (a) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license.
- (b) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days and during said period respondent shall not exercise any of the privileges granted under the license. Said suspension shall commence \_\_\_\_ days from the effective date of the Order.
- (c) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (d) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (e) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

(f) Respondent Statement

1. Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

2. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

(g) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that Respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.

(h) Respondent shall permit free and ready access to business records

required to be kept pursuant to Vehicle Code section 11212, at the request of a departmental investigator during normal business hours and without prior notice.

- (i) Should the Director of Motor Vehicles at any time during the existence of said probationary license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

#### **(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a traffic violator [school / school operator's / instructor's] license is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a traffic violator [school / school operator's / instructor's] license is hereby denied; said denial is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
  - 1. Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
  - 2. Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
  - 3. Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

#### 4. Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

#### 5. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

#### 6. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (c) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (d) Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall

be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

**E. Driving School Owners, Operators, and Instructors, All-Terrain Vehicle Safety Training Organization Owners and Instructors**

**(1) Revocation**

- (a) The (\_\_\_\_\_) license no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, is hereby revoked.
- (b) The (\_\_\_\_\_) license no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, is hereby revoked; said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

**(2) Suspension**

- (a) The (\_\_\_\_\_) license no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, is hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The (\_\_\_\_\_) license no. \_\_\_\_\_, heretofore issued to respondent, \_\_\_\_\_, is hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that \_\_\_\_ ( ) days of said suspension are stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

**(3) Terms and Conditions**

- (a) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license.
- (b) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days and respondent shall not exercise any of the privileges granted under the license. Said suspension shall commence \_\_\_\_ days from the effective date of the Order.
- (c) Respondent Statement

1. Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If

respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

## 2. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

## 3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (d) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (e) Should the Director of Motor Vehicles at any time during the existence of said probationary license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, the stay shall become permanent and respondent's license shall be restored as an unrestricted license.



- (f) Respondent shall permit free and ready access to the business records required to be kept pursuant to Vehicle Code section 11108, at the request of a departmental investigator during normal business hours and without prior notice.
- (g) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (h) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
- (i) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

**(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a (\_\_\_\_\_) license is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a (\_\_\_\_\_) license is hereby denied; said denial is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (c) Terms and Conditions
  - 1. Respondent shall permit free and ready access to business records required to be kept pursuant to Vehicle Code section 11108 at the request of a departmental investigator during normal business hours and without prior notice.
  - 2. Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
  - 3. Respondent Statement

(A) Sole Owner Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime involving moral turpitude, including a conviction after a plea of not guilty or nolo contendere, which is substantially related to the qualifications, functions, or duties of the licensed activity, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

(B) Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

(C) Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

4. Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
5. Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the

terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

## **F. Vehicle Registration Services**

### **(1) Revocation**

- (a) The vehicle registration service license no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, is hereby revoked.
- (b) The vehicle registration service license no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, is hereby revoked; said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

### **(2) Suspension**

- (a) The vehicle registration service license no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, are hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that said suspension is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The vehicle registration service license no. \_\_\_\_, heretofore issued to respondent, \_\_\_\_, is hereby suspended for a period of \_\_\_\_ ( ) days; provided however, that \_\_\_\_ ( ) days of said suspension are stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

### **(3) Terms and Conditions**

- (a) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license.
- (b) Respondent's license shall be suspended for a period of \_\_\_\_ ( ) days and during said period respondent shall not exercise any of the privileges granted under the license. Said suspension shall commence \_\_\_\_ days from the effective date of the Order.
- (c) Respondent Statement

#### **1. Sole Owner Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If

respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

## 2. Partnership Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent or any of its partners are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

## 3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (d) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (e) Should the Director of Motor Vehicles at any time during the existence of said probationary license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license. If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, the stay shall become permanent and respondent's license shall be restored as an unrestricted license.

- (f) Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
- (g) Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_ days of the effective date of the Decision.
- (h) Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_ days of the effective date of the Decision.

#### **(4) Application Denial or Issuance of Probationary License**

- (a) The application of respondent \_\_\_\_\_, for a vehicle registration service license is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a vehicle registration service license is hereby denied; said denial is stayed for a period of \_\_\_ ( ) year(s) under the following terms and conditions:

##### **1. Sole Owner Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

##### **2. Partnership Statement**

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If

respondent or any of its partners are convicted of a crime which is substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

### 3. Corporation Statement

Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If any of respondent's officers, directors, or stockholders, if such stockholders are active in the management, direction, or control of respondent's licensed activity, are convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the licensed activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be a violation of the terms and conditions of any probationary license issued to respondent.

- (c) Any license issued to respondent during a period of \_\_\_\_ ( ) year(s) shall be issued as a probationary license and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
- (d) Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said license was issued, the Director may, after notice and hearing, revoke or suspend said license.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted license at the conclusion of the probationary period.

### G. Vehicle Verifiers

#### (1) Revocation

- (a) The vehicle verifier's permit no. VV-\_\_\_\_\_, issued to respondent, \_\_\_, is hereby revoked.
- (b) The vehicle verifier's permit no. VV-\_\_\_\_\_, issued to respondent, \_\_\_, is hereby revoked; provided however, that said revocation is stayed for a period of \_\_\_\_ ( ) year(s) under the following terms and conditions:

#### (2) Suspension

- (a) The vehicle verifier's permit no. VV-\_\_\_\_\_, issued to respondent, \_\_\_, is hereby suspended for a period of \_\_\_ ( ) days; provided however, that \_\_\_ ( ) days of said suspension is stayed for a period of \_\_\_ ( ) year(s) under the following terms and conditions:
- (b) The vehicle verifier's permit no. VV-\_\_\_\_\_, issued to respondent, \_\_\_, is hereby disciplined as follows:
1. Respondent's vehicle verifier's permit shall be suspended for a period of \_\_\_ ( ) days from the effective date of the Order and during said period respondent shall not exercise any of the privileges granted under the license.
  2. Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the permit activity, such conviction shall be considered a violation of the terms and conditions of any probationary permit issued to respondent.
  3. Any permit issued to respondent during a period of \_\_\_ ( ) year(s) shall be issued as a probationary permit and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
  4. Should the Director of Motor Vehicles at any time during the existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms or conditions under which said permit was issued, the Director may, after notice and hearing, revoke or suspend said permit.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, the stay shall become permanent and respondent's permit shall be restored as an unrestricted permit.

5. Utilization of the probationary vehicle verifier's permit shall be limited to such vehicle verifications as may be approved by the Department. There shall be no change without a written request therefore and prior approval by the Department. The request shall be sent to Occupational Licensing Operations Manager, Occupational Licensing Unit Mail Station L-224, Department of

Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.

6. Respondent shall immediately make restitution in accordance with the amounts and to the persons listed in Schedule \_\_\_\_ of the Accusation, who suffered loss or damage by reason of respondent's misconduct. Respondent shall provide documentary proof of the restitution made within thirty (30) days of the effective date of the Decision to the Occupational Licensing Operations Manager, Occupational Licensing Unit, Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.
7. Respondent shall pay the sum of \$\_\_\_\_\_ for attorney fees and costs of prosecution to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.
8. Respondent shall pay the sum of \$\_\_\_\_\_ for investigative costs to the Department of Motor Vehicles, Legal Affairs Division, Mail Station C-128, P.O. Box 932382, Sacramento, CA 94232-3820, Attention: Chief of Staff, within \_\_\_\_ days of the effective date of the Decision.

### **(3) Application Denial or Issuance of Probationary Permit**

- (a) The application of respondent \_\_\_\_\_, for a vehicle verifier's permit is hereby denied.
- (b) The application of respondent \_\_\_\_\_, for a vehicle verifier's permit is hereby denied; said denial is stayed for a period of \_\_\_\_ ( ) years under the following terms and conditions:
  1. Respondent shall obey all the laws of the United States, the State of California, or its subdivisions, and the rules and regulations of the Department of Motor Vehicles now or hereafter in effect. If respondent is convicted of a felony or a crime substantially related to the qualifications, functions, or duties of the permit activity, including a conviction after a plea of not guilty or nolo contendere, such conviction shall be considered a violation of the terms and conditions of any probationary permit issued to respondent.
  2. Any permit issued to respondent during a period of \_\_\_\_ ( ) years shall be issued as a probationary permit and then only if it is determined that respondent has fully complied with the terms and conditions hereof and that no cause for refusal to issue, suspend or revoke has intervened or exists.
  3. Should the Director of Motor Vehicles at any time during the



existence of said license or the renewal thereof, determine upon satisfactory evidence that the respondent has violated any of the terms and conditions under which said permit was issued, the Director may, after notice and hearing, revoke or suspend said permit.

If an Accusation is filed against respondent during the probationary period, the Director shall have continuing jurisdiction over this matter until the Accusation is resolved and the period of this probation shall be extended until such resolution. If no such determination is made, respondent shall be issued an unrestricted permit at the conclusion of the probationary period.

4. Respondent shall permit free and ready access to the business required to be maintained pursuant to Vehicle Code section 11307, at the request of a departmental investigator during normal business hours and without prior notice.
5. Utilization of the probationary vehicle verifier's permit shall be limited to such vehicle verifications as may be approved by the Department. There shall be no change without a written request therefore and prior approval by the Department. The request shall be sent to the Occupational Licensing Operations Manager, Occupational Licensing Unit Mail Station L-224, Department of Motor Vehicles, P.O. Box 932342, Sacramento, CA, 94232-3420.

**Class A Crimes**

<b><u>Cite</u></b>	<b><u>Crime</u></b>
67 P.C.	Giving or Offering Bribes to an Executive Officer
67.5 P.C.	Offering Bribes to Public Officers or Employees
118 P.C.	Perjury
136.1 P.C.	Prevent, or Dissuade a Victim Witness
182 P.C.	Criminal Conspiracy
187 P.C.	Murder
203 P.C.	Mayhem
207 P.C.	Kidnapping
209 P.C.	Kidnapping for Gain or To Commit Robbery or Rape
211 P.C.	Robbery
215 P.C.	Carjacking
220 P.C.	Assault with Intent to Commit Mayhem or Specified Sex Offenses
245 P.C.	Assault with Deadly Weapon (Where facts and circumstances show substantial bodily injury or loss)
246 P.C.	Shooting at an Inhabited Dwelling or an Occupied Vehicle
261 P.C.	Rape
288 P.C.	Lewd or Lascivious Acts with a Child Under 14
314 P.C.	Indecent Exposure (This is only classified Class A, if it is for a Driving School or a Traffic Violator School licensee)
451 P.C.	Arson

**Class A Crimes (continued)**

<u>Cite</u>	<u>Crime</u>
459 P.C.	Burglary
470 P.C.	Forgery
475 P.C.	Fraudulent Possession or Receiving of Forged or Unfinished Bills or Notes
477 P.C.	Counterfeiting
487 P.C.	Grand Theft
496 P.C.	Receiving or Concealing Stolen Property
503 P.C.	Embezzlement
518 P.C.	Extortion
530.5 P.C	Unauthorized use of personal identifying information (Identity Theft)
653(f) P.C.	Soliciting the Commission of Certain Crimes
666 P.C.	Petty Theft with a Prior
4324(a) B&P	Forgery or Alteration of a Prescription
25100 Corp.	Offering or Selling Unqualified Securities
25401 Corp.	Untrue Statement or Omission in Sale of Security
25541 Corp.	Fraud or Deceit in Connection with the Purchase or Sale of security
11351 H&S	Possession of a Controlled Substance, Narcotic, for Sale
11352 H&S	Transport/Sale of a Controlled Substance
11358 H&S	Plant/Cultivate Marijuana/Hashish (If underlying facts indicate the cultivation was for the purpose of selling)

**Class A Crimes (continued)**

<u>Cite</u>	<u>Crime</u>
11360 H&S	Transportation, Importation, Sale, or Gift of Marijuana
11361 H&S	Transportation, Sale, or Distribution of Marijuana by or to a Minor
11378 H&S	Possession of a Controlled Substance for Sale
11379 H&S	Transportation, Sale, or Distribution of a Controlled Substance
11383 H&S	Possession of Specified Combinations of Substances with the Intent to Manufacture Controlled Substance
550 P.C.	Presentation of False/Fraudulent Insurance Claim
2101 U.I.	False Statement to Obtain Unemployment Benefits
20 V.C.	Use of False Information on Documents to DMV or CHP (May also be a Class B crime)
4463 V.C.	Forge/Alter a Vehicle Registration
10501 V.C.	False Report, of a Vehicle Theft with the Intent to Deceive
10851 V.C.	Taking a Vehicle without the Owner's Consent
28051 V.C.	Odometer Tampering
10980 W&I	Obtaining Public Assistance by Fraud

**Class B Crimes**

<u>Cite</u>	<u>Crime</u>
32 P.C.	Accessory (May also be a Class A crime depending on the facts and circumstances)
192 P.C.	Manslaughter
236 P.C.	False Imprisonment
332 P.C.	Obtaining Money or Property by Fraudulent Game or Trick
396.5 P.C.	Unlawful Use of Food Stamps
422 P.C.	Making Terrorist Threats (May also be a Class A crime)
466 P.C.	Possession of Burglary Tools
476 P.C.	Non-Sufficient Funds/Checks (May also be a Class A crime)
485 P.C.	Appropriation of Lost Property by Finder
488 P.C.	Petty Theft
499 P.C.	Taking a Vehicle for Temporary Use
529 P.C.	False Personation to Make Another Liable
532 P.C.	Making False Financial Statement (May also be a Class A crime)
537 P.C.	Defrauding Providers of Food, Fuel, Services, or Accommodations (May also be a Class A crime)
646.9 P.C.	Stalking
20 V.C.	Use False Information on Documents to DMV or CHP (May also be a Class A crime)
10852 V.C.	Tampering with a Vehicle
148 P.C.	Resisting Arrest

**Class C Crimes**

<u>Cite</u>	<u>Crime</u>
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OCCUPATIONAL LICENSING AND DISCIPLINARY GUIDELINES

Attachment 1

148.5 P.C.	False Report of a Crime
241 P.C.	Assault on a Peace Officer
314 P.C.	Indecent Exposure (This is classified as a Class A, if for a Driving School or a Traffic Violator School licensee)
452 P.C.	Unlawfully Causing a Fire
594 P.C.	Vandalism
602 P.C.	Trespassing
603 P.C.	Destruction of Property Within or About a Dwelling House
647.6 P.C.	Annoying or Molesting Children (This is classified as a Class A, if for a Driving School or a Traffic Violator School licensee)
653(m) P.C.	Threatening or Annoying Telephone Calls
12025 P.C.	Carrying a Concealed Weapon in Vehicle
12031 P.C.	Carrying a Loaded Firearm in Public
12090 P.C.	Tampering with Marks on Certain Firearms
12303 P.C.	Possession of a Destructive Device
7028 B&P	Contracting without a License
11550 H&S	Using or Being Under the Influence of a Controlled Substance (Classified Class A, if for a Driving School or Traffic Violator School licensee)

**Crimes Equivalent to the Listed Class A, B, or C Crimes**

**Crimes with the same offense elements of Class A, B, or C crimes listed above committed in the State of California, another jurisdiction, either federal or outside the State of California, or identical to or substantially similar to the above listed Class crimes will be treated the same for purposes of evaluation under the Guidelines.**