

2415 First Avenue
P. O. Box 1828
Sacramento, CA 95809
Telephone: (916) 445-1888

STATE OF CALIFORNIA

NEW CAR DEALERS POLICY AND APPEALS BOARD

In the matter of)
)
RALPH WILLIAMS FORD,)
(now known as 4 SEASONS FORD),)
A California coporation,)
)
Appellant,) Case No. A-5-69
)
vs.) FILED: March 14, 1974
)
DEPARTMENT OF MOTOR VEHICLES)
OF THE STATE OF CALIFORNIA,)
)
Respondent.)

Time and Place of Reconsideration:

February 13, 1974, 1:00 p.m.
Auditorium (First Floor)
2570 - 24th Street
Sacramento, CA 95818

For Appellant:

Linder, Schurmer, Drane & Bullis
By: Milton Linder
Attorney at Law
10880 Wilshire Blvd., Suite 1000
Los Angeles, CA 90024

For Respondent:

Honorable Evelle J. Younger
Attorney General
State of California
By: Alan Hager
Deputy Attorney General

FINAL ORDER AFTER RECONSIDERATION

This order is filed pursuant to the judgment of the Superior Court of the State of California, for the County of Los Angeles

(No. C980823), the peremptory writ of mandate issued by the same court, dated January 12, 1973, and the unpublished opinion of the Court of Appeal of the State of California, Second Appellate District, Division One (2d Civ. No. 39146) filed July 14, 1972, all related thereto and all incorporated herein by reference.

This board's final order A-5-69, filed June 11, 1970, as amended by its final order dated June 12, 1973, reversed, in pertinent part, the Decision of the Director of Motor Vehicles which affirmed Finding of Fact VII finding that the respondent [appellant] in five instances listed sums, which were properly down payments, as part of the unpaid balance in conditional sale contracts, and Determination of Issues I, determining that a cause for disciplinary action has been established under Section 2982(a) Civil Code and Section 11705 Vehicle Code.

Pursuant to the peremptory writ of mandate, so much of the final order reversing the decision of the director, as set forth above, is set aside. So much of Finding of Fact VII and Determination of Issues I, as set forth above, are hereby affirmed.

In light of our action herein, we have reconsidered the penalty contained in our final order A-5-69, as amended. With the exception of the terms of probation which we deem require some modification, we find that the penalty contained therein providing for revocation, stayed for a period of three years,

with 10 days actual suspension to be appropriate and commensurate with the findings.

WHEREFORE, the following order is hereby made:

The dealers license, certificate and special plates (D-1758) heretofore issued to appellant, RALPH WILLIAMS FORD, INC., are and each is hereby revoked; provided, however, that the effectiveness of said order of revocation shall be stayed for a period of three (3) years from the effective date of this decision, during which time the appellant shall be placed on probation to the Director of Motor Vehicles of the State of California upon the following terms and conditions:

The dealer's license, certificate and special plates (D-1758) heretofore issued to appellant, RALPH WILLIAMS FORD, INC., are suspended for a period of ten (10) days.

Appellant, and its officers, directors and stockholders shall comply with the laws of the United States, the State of California and its political subdivisions, and with the rules and regulations of the Department of Motor Vehicles.

If appellant, or any of appellant's officers, directors or stockholders, is convicted of a crime, including a conviction after a plea of nolo contendere, such conviction shall be considered a violation of the terms and conditions of probation.

In the event appellant shall violate any of the terms and conditions above set forth during the period of the stay,

then the Director of Motor Vehicles, after providing appellant due notice and an opportunity to be heard, may set aside the stay and impose the revocation, or take such other actions as the director deems just and reasonable in his discretion. In the event appellant does comply with the terms and conditions above set forth, then at the end of the three-year period, the stay shall become permanent and appellant's license fully restored.

In view of the foregoing, it is unnecessary to address ourselves herein to the matters of appellant's Request for Hearing and Petition for Relief from Penalty and/or Stay of Execution, both dated November 9, 1973.

This order shall be effective April 12, 1974.

WINFIELD J. TUTTLE

THOMAS KALLAY

GILBERT D. ASHCOM

MELECIO H. JACABAN

AUDREY B. JONES

A-5-69

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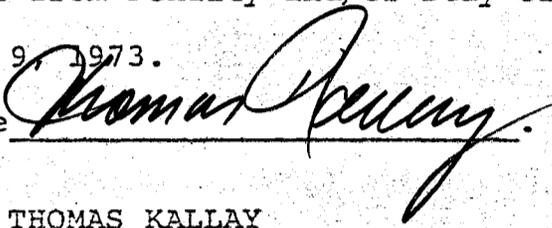
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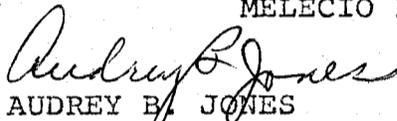
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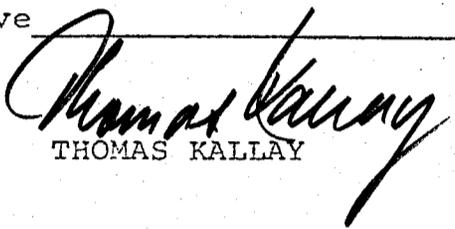
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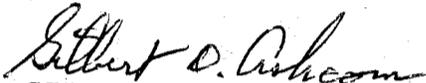
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