

Citation Review Conference Overview

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Bureau of Automotive Repair

ARD Citation Program

- BAR is implementing a new citation program to address automotive repair dealer (ARD) violations of the Automotive Repair Act (Act) with the goal of:
 - Filling the current gap that exists in BAR's efforts to address compliance issues through either education or formal disciplinary action
 - Addressing violations of a concerning nature that are frequently occurring, but by themselves do not rise to a level warranting disciplinary action
 - Providing information about concerning violations BAR identifies so consumers can make a more informed decision when choosing a repair facility

Citation Review Conference

- AB 471 (Low, Chapter 372, Statutes of 2021), created:
 - An informal appeal process for citations issued for violations of the Act that did not previously exist
 - A 3-member citation review panel to hear informal appeals of these citations
 - The panel consists of a member from the:
 - Public
 - Automotive Repair Industry
 - BAR
 - A remedial training process to allow a cited individual to prevent disclosure of these citations, but only for violations BAR deems to be minor in nature, and only once every 18 months

Panel Members

- The Public and Automotive Repair Industry members of the citation review panel will be selected by the Bureau chief through an application process
- As panel members are volunteers, BAR will endeavor:
 - To keep panel member participation to no more than one day per month
 - Schedule their citation review conferences 4 to 6 weeks in advance
- Panel members serve a 2-year term (may be extended by the Bureau chief up to an additional 2 years)
- Panel members are subject to removal by the Bureau chief at any time for any reason

Conference Scheduling

- When scheduling the citation review conferences:
 - The cited individual will:
 - Be contacted by BAR to arrange the conference date and time
 - Receive an email from BAR with the conference invite
 - Receive a letter verifying the conference date and time with the names of the panel members participating in the conference
 - The panel members will receive:
 - An email from BAR with the conference invite
 - Copies of the BAR issued citations, including the cited individuals' information, that they will be reviewing

Citation Review Conference

- Citation review conferences will be conducted virtually using Microsoft Teams
- BAR personnel will be coordinating and administering the conferences
- Panel members will hear:
 - A verbal summary of the BAR investigation that led to the issuance of the citation
 - Any statement from the cited individual wishes to make regarding the citation
- Panel members may ask clarifying questions of BAR and the cited individual
- No evidence may be presented by BAR or the cited individual
- If a cited individual fails to appear, the conference will proceed without them

Panel Recommendation

- Panel members will make a recommendation to the Bureau chief or their designee, by majority vote, to affirm, modify, or dismiss the citation
- The Bureau chief or their designee shall consider the recommendation of the panel when rendering a decision on the informal citation review
- The cited individual will be sent the decision letter within 10 days of the conclusion of the conference
- The cited individual may request an administrative hearing before an Administrative Law Judge to contest the informal decision
- Remedial training for cited individuals (if eligible*) will continue to be available after issuance of the informal decision

* Eligible if violation deemed minor in nature and have not attended remedial training in the last 18 months

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