

1 XAVIER BECERRA
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANDREW M. STEINHEIMER
Deputy Attorney General
4 State Bar No. 200524
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2899
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 77/16-19319

13 **HOOVERS AUTO REPAIR & SMOG**
14 **GLENN CLARK HOOVER, Owner**
125 Spring Hill Drive, #3
Grass Valley, CA 95945

A C C U S A T I O N

15 **Automotive Repair Dealer Reg. No.**
16 **ARD 271741**
Smog Check Station License No. RC 271741

17 **and**

18 **GLENN CLARK HOOVER**
7460 White Fir Lane
19 Smartsville, CA 95977

20 **Smog Check Inspector License**
21 **No. EO 35212**
Smog Check Repair Technician
22 **License No. EI 35212 (formerly Advanced**
23 **Emission Specialist Technician License**
Number EA 35212)

24 Respondents.

1 Patrick Dorais ("Complainant") alleges:

2 **PARTIES**

3 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
4 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration**

6 2. On or about February 13, 2013, the Director of Consumer Affairs ("Director") issued
7 Automotive Repair Dealer Registration Number ("Registration") ARD 271741 to Glenn Clark
8 Hoover ("Respondent") owner of Hoovers Auto Repair & Smog. The Registration was in full
9 force and effect at all times relevant to the charges brought herein. The license expired on
10 February 29, 2016, and has not been renewed.

11 **Smog Check Station License**

12 3. On or about April 3, 2014, the Director issued Smog Check Station License
13 Number RC 271741 to Respondent. The license expired on February 29, 2016, and has not been
14 renewed.

15 **Smog Check Inspector/Smog Check Repair Technician License**

16 4. In and around 1998, the Director issued Advanced Emission Specialist Technician
17 License Number EA 35212 to Respondent. The license was due to expire on December 31, 2013.
18 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license
19 was renewed, pursuant to Respondent's election, as Smog Check Inspector License
20 number EO 35212 and Smog Check Repair Technician License number EI 35212 ("Technician
21 Licenses"), effective November 21, 2013¹. Respondent's technician licenses expired on
22 December 31, 2015, and have not been renewed.

23 **JURISDICTION**

24 5. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
25 the Director may revoke an automotive repair dealer registration.

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Base Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 6. Bus. & Prof. Code section 9884.7, subdivision (c), states, in pertinent part, that the
2 Director may suspend, revoke, or place on probation the registration for all places of business
3 operated in this state by an automotive repair dealer upon a finding that the automotive repair
4 dealer has, or is, engaged in a course of repeated and willful violations of the laws and regulations
5 pertaining to an automotive repair dealer.

6 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
7 valid registration shall not deprive the director or chief of jurisdiction to proceed with a
8 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a
9 registration temporarily or permanently.

10 8. Bus. & Prof. Code section 22, subdivision (a), states:

11 "Board" as used in any provision of this Code, refers to the board in which the
12 administration of the provision is vested, and unless otherwise expressly provided,
13 shall include "bureau," "commission," "committee," "department," "division,"
14 "examining committee," "program," and "agency."

15 9. Health and Safety ("Health & Saf. Code") section 44002 provides, in pertinent part,
16 that the Director has all the powers and authority granted under the Automotive Repair Act for
17 enforcing the Motor Vehicle Inspection Program.

18 10. Health & Saf. Code section 44072.2 states, in pertinent part:

19 The director may suspend, revoke, or take other disciplinary action against a
20 license as provided in this article if the licensee, or any partner, officer, or director
21 thereof, does any of the following:

22

23 (b) Is convicted of any crime substantially related to the qualifications,
24 functions, or duties of the license holder in question.

25

26 11. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
27 suspension of a license by operation of law, or by order or decision of the Director of Consumer
28 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
of jurisdiction to proceed with disciplinary action.

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1 12. Health & Saf. Code section 44072.8 states that when a license has been revoked or
2 suspended following a hearing under this article, any additional license issued under this chapter
3 in the name of the licensee may be likewise revoked or suspended by the director.

4 **STATUTORY PROVISIONS**

5 13. Bus. & Prof. Code section 490, subdivision (a), states:

6 In addition to any other action that a board is permitted to take against a
7 licensee, a board may suspend or revoke a license on the ground that the licensee has
8 been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

9 14. Bus. & Prof. Code section 477, subdivision (b) states, in pertinent part, that a
10 “license” includes “registration” and “certificate.”

11 **COST RECOVERY**

12 15. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
13 the administrative law judge to direct a licensee found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime)**

18 16. Respondent’s Registration is subject to disciplinary action under Bus. & Prof. Code
19 section 490, subdivision (a), in that on or about September 2, 2016, in the criminal proceeding
20 entitled *People v. Glenn Hoover* (Nevada County Super. Ct., Case No. F16-0073), the court
21 convicted Respondent in his plea of nolo contendere to violating Health and Safety Code
22 section 11379.6, subdivision (a) (manufacturing of a controlled substance), a felony, a crime
23 substantially related to the qualifications, duties and functions of an automotive repair dealer.
24 The imposition of Respondent’s sentence was suspended and was placed on three (3) years
25 formal probation and 180 days of jail or 270 days of alternative sentencing. The circumstances of
26 the crime are as follows: On or about January 7, 2016, Grass Valley Police Department (GVPD)
27 officers responded to a report of a structure fire. An explosion had occurred inside Respondent’s
28 facility, Hoovers Auto Repair and Smog, caused by a water heater and refrigerator that had

1 exploded. The Nevada County Fire Department and GVPD officers observed butane canisters
2 strewn around the refrigerator and tubs containing marijuana remnants. The Nevada County Fire
3 Department determined that the explosion was caused by a butane honey oil lab within the
4 facility.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Conviction of a Crime)**

7 17. Respondent's Smog Check Station License and Technician Licenses are subject to
8 disciplinary action under Health & Saf. Code section 44072.2, subdivision (b), in that Respondent
9 was convicted of a crime substantially related to the qualifications, duties and functions of an
10 automotive repair dealer, as more particularly set forth above in paragraph 16.

11 **OTHER MATTERS**

12 18. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
13 suspend, revoke or place on probation the registration for all places of business operated in this
14 state by Respondent Glenn Clark Hoover, owner of Hoovers Auto Repair & Smog, upon a
15 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the
16 laws and regulations pertaining to an automotive repair dealer.

17 19. Pursuant to Health & Saf. Code section 44072.8, if Respondent's station license is
18 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of
19 the Health and Safety Code in the name of said licensee may be likewise revoked or suspended
20 by the Director.

21 20. Pursuant to Health & Saf. Code section 44072.8, if Respondent's technician licenses
22 are revoked or suspended, any additional license issued under this Chapter 5 of Part 5 of Division
23 26 of the Health and Safety code in the name of said licensee may be likewise revoked or
24 suspended by the director.

25 **PRAYER**

26 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Director issue a decision:

- 28 1. Revoking or suspending Automotive Repair Dealer Number ARD 271741, issued to

1 Glenn Clark Hoover, sole owner of Hoovers Auto Repair & Smog;

2 2. Revoking or suspending any other ARD issued to Glenn Clark Hoover;

3 3. Revoking or suspending the Smog Check Station License Number RC 271741.

4 4. Revoking or suspending Smog Check Inspector Technician License

5 Number EO 35212; and Smog Check Repair Technician License Number EI 35212, issued to
6 Glenn Clark Hoover;

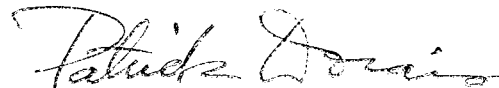
7 5. Revoking or suspending any additional licenses issued under Chapter 5 of Part 5 of
8 Division 26 of the Health and Safety Code in the name of Glenn Clark Hoover;

9 6. Ordering Glenn Clark Hoover, individually, and as owner of Hoovers Auto Repair &
10 Smog to pay the Bureau the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Bus. & Prof. Code section 125.3; and,

12 7. Taking such other and further action as deemed necessary and proper.

13
14 DATED:

July 31, 2017



PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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