

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
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**

11 In the Matter of the Accusation Against:
12 **ROY'S AUTO REPAIR**
13 **ROY LEE VESSELS, OWNER**
6717 Auburn Boulevard
Citrus Heights, California 95621
14 **Automotive Repair Dealer Registration**
15 **No. ARD 148013**
Smog Check Test Only Station License
16 **No. RC 148013**
17 and
18 **ROY LEE VESSELS**
7879 Dracena Drive
Citrus Heights, California 95610
19 **Advanced Emission Specialist Technician**
20 **License No. EA 306614**
(to be redesignated upon renewal as
21 **EO 306614 and/or E1 306614)**
22 Respondent.

Case No. **79/14-02**
ACCUSATION
(SMOG CHECK)

23 John Wallauch ("Complainant") alleges:

24 **PARTIES**

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Pay Administrative Fine)**

3 14. Respondent's station license is subject to discipline pursuant to Health and Safety
4 Code section 44050, subdivision (e), in that on or about May 28, 2010, the Bureau issued Citation
5 No. C2010-1213 to Respondent against his station license for violations of Health and Safety
6 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
7 control devices), and California Code of Regulations, title 16, section 3340.35, subdivision (c)
8 (issuing a certificate of compliance to a vehicle improperly tested). On July 15, 2010, the Bureau
9 personally served Respondent with the citation. The Bureau assessed an administrative fine in the
10 amount of \$1,500. Respondent failed to file a timely appeal and the citation became effective on
11 August 15, 2010. Respondent has yet to pay the administrative fine for this citation.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Failure to Complete Training)**

14 15. Respondent's technician license is subject to discipline pursuant to Health and Safety
15 Code section 44045.6, subdivision (c), in that on or about May 28, 2010, the Bureau issued
16 Citation No. M2010-1214 to Respondent against his technician license for violations of Health
17 and Safety Code section 44032, (qualified technicians shall perform tests of emission control
18 systems and devices in accordance with Health and Safety Code section 44012) and California
19 Code of Regulations, title 16 "(Regulations)", section 3340.30, subdivision (a) (qualified
20 technicians shall inspect, test, and repair vehicles in accordance with Health and Safety Code
21 sections 44012 and 44035, and Regulation section 3340.42). On July 15, 2010, the Bureau
22 personally served Respondent with the citation, which required Respondent to complete a 16-hour
23 training course. Respondent failed to file a timely appeal and the citation was deemed final on
24 August 15, 2010. Respondent has yet to submit proof of completion of remedial training
25 prescribed by the citation.

26 **OTHER MATTERS**

27 16. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
28 Number RC 148013, issued to Roy Lee Vessels, owner of Roy's Auto Repair is revoked or

1 suspended, any additional license issued under this chapter in the name of Roy Lee Vessels may
2 be likewise revoked or suspended by the Director.

3 17. Pursuant to Health and Safety Code section 44072.8, if the Advanced Emission
4 Specialist Technician License issued to Roy Lee Vessels, currently designated as EA 306614, but
5 upon renewal will be redesignated as EO 306614 and/or E1 306614, is revoked or suspended, any
6 additional license issued under this chapter in the name of said licensee may be likewise revoked
7 or suspended by the Director.

8 **PRAYER**

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

- 11 1. Revoking or suspending Smog Check Station License Number RC 148013, issued to
12 Roy Lee Vessels, owner of Roy's Auto Repair;
- 13 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
14 and Safety Code in the name of Roy Lee Vessels;
- 15 3. Revoking or suspending the Advanced Emission Specialist Technician License issued
16 to Roy Lee Vessels, License Number EA 306614, and if renewed, redesignated License Number
17 EO 306614 and/or E1-306614;
- 18 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
19 and Safety Code in the name of Roy Lee Vessels;
- 20 5. Ordering Roy Lee Vessels, to pay the Bureau of Automotive Repair the reasonable
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions
22 Code section 125.3; and,
- 23 6. Taking such other and further action as deemed necessary and proper.

24
25 DATED: July 3, 2013


26 JOHN WALLAUCH
27 Chief
28 Bureau of Automotive Repair - (I/M Smog)
Department of Consumer Affairs
State of California
Complainant

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