

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**GOLDEN STATE SMOG, INC.
DANIEL AGUSTIN DELATORRE,
PRESIDENT
DBA GOLDEN STATE SMOG, INC.**

27860 Del Rio Road #C
Temecula, CA 92590-2618

Automotive Repair Dealer Registration No.
ARD 214593
Smog Check Station License No. RC
214593
Lamp Station License No. LS 214593
Brake Station License No. BS 214593

and

DANIEL AGUSTIN DELATORRE
27860 Del Rio Road #C
Temecula, CA 92590-2618

Brake Adjuster License No. BA 631486
Lamp Adjuster License No. LA 631486
Smog Check Inspector License No. EO
31910
Smog Check Repair Technician License
No. EI 31910 (formerly Advanced
Emission Specialist Technician License
No. EA 31910)

Respondents.

Case No. 77/16-07

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in

the above-entitled matter; except that the following typographical errors are corrected as follows:

1. Page 2, lines 17, 22, and 26: The expiration date of "January 31, 2016" is corrected to "January 31, 2017".
2. Page 3, line 4: The expiration date of "January 31, 2016" is corrected to "January 31, 2017".

This Decision shall become effective June 21, 2016.

DATED: May 23, 2016



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 MANUEL ARAMBULA
Deputy Attorney General
4 State Bar No. 289718
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 77/16-07

13 **GOLDEN STATE SMOG, INC.**
14 **DANIEL AGUSTIN DELATORRE,**
PRESIDENT
15 **DBA GOLDEN STATE SMOG, INC.**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **27860 Del Rio Road #C**
Temecula, CA 92590-2618

17 **Automotive Repair Dealer Registration No.**
ARD 214593
18 **Smog Check Station License No. RC 214593**
19 **Lamp Station License No. LS 214593**
Brake Station License No. BS 214593

20 **and**

21 **DANIEL AGUSTIN DELATORRE**
27860 Del Rio Road #C
22 **Temecula, CA 92590-2618**

23 **Brake Adjuster License No. BA 631486**
24 **Lamp Adjuster License No. LA 631486**
Smog Check Inspector License No. EO
31910
25 **Smog Check Repair Technician License No.**
26 **EI 31910 (formerly Advanced Emission**
Specialist Technician License No. EA 31910)

27 Respondents.
28

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Manuel Arambula, Deputy Attorney
7 General.

8 2. Respondents Golden State Smog Inc. dba Golden State Smog, Inc. and Daniel
9 Agustin Dela Torre (Respondents) are represented in this proceeding by attorney John Pozza,
10 whose address is: Attorney at Law, PLC

11 29995 Technology Dr., Suite 204

12 Murrieta, CA 92563

13 3. On or about February 2, 2001, the Bureau of Automotive Repair issued Automotive
14 Repair Dealer Registration No. ARD 214593 to Golden State Smog Inc. dba Golden State Smog,
15 Inc. and Daniel Agustin Delatorre. The Automotive Repair Dealer Registration was in full force
16 and effect at all times relevant to the charges brought in Accusation No. 77/16-07 and will expire
17 on January 31, 2016, unless renewed.

18 4. On or about February 7, 2001, the Bureau of Automotive Repair issued Smog Check
19 Station License No. RC 214593 to Golden State Smog Inc. dba Golden State Smog, Inc. and
20 Daniel Agustin Delatorre. The Smog Check Station License was in full force and effect at all
21 times relevant to the charges brought in Accusation No. 77/16-07 and will expire on January 31,
22 2016, unless renewed.

23 5. On or about February 18, 2004, the Bureau of Automotive Repair issued Lamp
24 Station License No. LS 214593 to Golden State Smog Inc. dba Golden State Smog, Inc. and
25 Daniel Agustin Delatorre. The Lamp Station License was in full force and effect at all times
26 relevant to the charges brought in Accusation No. 77/16-07 and will expire on January 31, 2016,
27 unless renewed.

28

1 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
2 or participation by Respondents or their counsel. By signing the stipulation, Respondents
3 understand and agree that they may not withdraw their agreement or seek to rescind the
4 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
5 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Director shall not be disqualified from further action by having
8 considered this matter.

9 19. The parties understand and agree that Portable Document Format (PDF) and facsimile
10 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
11 signatures thereto, shall have the same force and effect as the originals.

12 20. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
17 writing executed by an authorized representative of each of the parties.

18 21. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Director may, without further notice or formal proceeding, issue and enter the following
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 214593,
23 Smog Check Station License No. RC 214593, and Lamp Station License No. LS 214593 issued to
24 Respondent Golden State Smog Inc. dba Golden State Smog, Inc. and Daniel Agustin Delatorre,
25 and Brake Adjuster License No. BA 631486, Lamp Adjuster License No. LA 631486, Smog
26 Check Inspector License No. EO 31910, Brake Station License No. BS 214593, and Smog Check
27 Repair Technician License No. EI 31910 issued to Respondent Daniel Agustin Delatorre, are
28

1 revoked. However, the revocations are stayed and Respondents are placed on probation for three
2 (3) years on the following terms and conditions.

3 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
4 automotive inspections, estimates and repairs.

5 2. **Reporting.** Respondent or Respondent's authorized representative must report in
6 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
7 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
8 maintaining compliance with the terms and conditions of probation.

9 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report
10 any financial interest which any partners, officers, or owners of the Respondent facility may have
11 in any other business required to be registered pursuant to Section 9884.6 of the Business and
12 Professions Code.

13 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
14 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

15 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
16 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
17 until the final decision on the accusation, and the period of probation shall be extended until such
18 decision.

19 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
20 Respondent has failed to comply with the terms and conditions of probation, the Department may,
21 after giving notice and opportunity to be heard temporarily or permanently invalidate the
22 registration and suspend or revoke Respondent's licenses.

23 7. **False and Misleading Advertising.** If the accusation involves false and misleading
24 advertising, during the period of probation, Respondent shall submit any proposed advertising
25 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

26 8. **Continuing Education Courses.** During the period of probation, Respondent shall
27 attend and successfully complete a 68 hour Bureau certified training course in diagnosis and
28 repair of emission systems failures and engine performance, applicable to the class of license held

1 by the Respondent. Said course shall be completed and proof of completion submitted to the
2 Bureau within 180 days of the effective date of this decision and order. If proof of completion of
3 the course is not furnished to the Bureau within the 180-day period, Respondents' license shall be
4 immediately suspended until such proof is received.

5 9. **Restrictions.** During the period of probation, Respondent shall not perform any form
6 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
7 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
8 properly perform such work, and BAR has been given 10 days notice of the availability of the
9 equipment for inspection by a BAR representative.

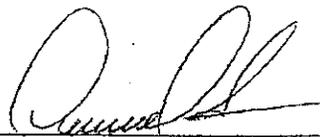
10 10. **Cost Recovery.** Payment to the Bureau of full cost recovery in the amount of
11 \$13,402.49 shall be paid in 24 equal monthly installments, the final payment of which shall be
12 received no later than 12 months before probation terminates. Failure to complete payment of cost
13 recovery within this time frame shall constitute a violation of probation which may subject
14 Respondent's license and registration to outright revocation; however, the Director or the
15 Director's Bureau of Automotive Repair designee may elect to continue probation until such time
16 as reimbursement of the entire cost recovery amount has been made to the Bureau.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, John Pozza. I understand the stipulation and the effect it will have
20 on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
21 License, Brake Station License, Brake Adjuster License, Lamp Adjuster License, and Smog
22 Check Inspector License. I enter into this Stipulated Settlement and Disciplinary Order
23 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
24 Director of Consumer Affairs.

25
26 DATED: _____

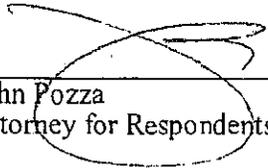
1/26/16



27 GOLDEN STATE SMOG INC. DBA GOLDEN
STATE SMOG, INC. AND DANIEL AGUSTIN
28 DELATORRE
Respondents

1 I have read and fully discussed with Respondent Golden State Smog Inc. dba Golden State
2 Smog, Inc. and Daniel Agustin Dela Torre the terms and conditions and other matters contained
3 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED: 1/26/16


6 John Pozza
7 Attorney for Respondents

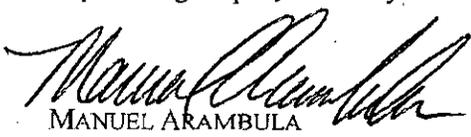
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Director of Consumer Affairs

11 Dated: 1/27/16

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 GREGORY J. SALUTE
15 Supervising Deputy Attorney General


16 MANUEL ARAMBULA
17 Deputy Attorney General
18 *Attorneys for Complainant*

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21 81234423.docx

Exhibit A

Accusation No. 77/16-07

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9 **BEFORE THE**
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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 77/16-07

13 **GOLDEN STATE SMOG, INC.**
14 **DANIEL AGUSTIN DELATORRE, PRESIDENT**
DBA GOLDEN STATE SMOG, INC.

A C C U S A T I O N

15 27860 Del Rio Road #C
16 Temecula, CA 92590-2618

17 Automotive Repair Dealer Registration No. ARD
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18 Smog Check Station License No. RC 214593
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19 Brake Station License No. BS 214593

20 and

21 **DANIEL AGUSTIN DELATORRE**
27860 Del Rio Road #C
22 Temecula, CA 92590-2618

23 Brake Adjuster License No. BA 631486
Lamp Adjuster License No. LA 631486
24 Smog Check Inspector License No. EO 31910
Smog Check Repair Technician License No. EI
25 31910 (formerly Advanced Emission Specialist
Technician License No. EA 31910)

26
27 Respondents.
28

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

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

5 **Golden State Smog Inc.; Daniel Agustin Delatorre, President**

6 2. On or about February 2, 2001, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration Number ARD 214593 to Golden State Smog, Inc, Daniel Agustin
8 Delatorre, President, dba Golden State Smog, Inc. The Automotive Repair Dealer Registration
9 was in full force and effect at all times relevant to the charges brought herein and will expire on
10 January 31, 2016, unless renewed.

11 3. On or about February 7, 2001, the Bureau of Automotive Repair issued Smog Check
12 Station License Number RC 214593 to Golden State Smog, Inc, Daniel Agustin Delatorre,
13 President, dba Golden State Smog, Inc. The Smog Check Station License was in full force and
14 effect at all times relevant to the charges brought herein and will expire on January 31, 2016,
15 unless renewed.

16 4. On or about February 18, 2004, the Bureau of Automotive Repair issued Lamp
17 Station License Number LS 214593 to Golden State Smog, Inc, Daniel Agustin Delatorre,
18 President, dba Golden State Smog, Inc., Daniel Agustin Delatorre, President, dba Golden State
19 Smog, Inc. The Lamp Station License was in full force and effect at all times relevant to the
20 charges brought herein and will expire on January 31, 2016, unless renewed.

21 5. On or about February 18, 2004, the Bureau of Automotive Repair issued Brake
22 Station License Number BS 214593 to Golden State Smog Inc. The Brake Station License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on January
24 31, 2016, unless renewed.

25 **Daniel Agustin Delatorre**

26 6. On or about November 9, 2009, the Bureau of Automotive Repair issued Brake
27 Adjuster License Number BA 631486 to Daniel Agustin Delatorre (Delatorre). The Brake
28

1 Adjuster License was in full force and effect at all times relevant to the charges brought herein
2 and will expire on November 30, 2017, unless renewed.

3 7. On or about December 9, 2009, the Bureau of Automotive Repair issued Lamp
4 Adjuster License Number LA 631486 to Daniel Agustin Delatorre (Delatorre). The Lamp
5 Adjuster License was in full force and effect at all times relevant to the charges brought herein
6 and will expire on November 30, 2017, unless renewed.

7 8. In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist
8 Technician License No. EA 31910 to Delatorre and was due to expire on November 30, 2012, but
9 was cancelled on October 22, 2012. Under California Code of Regulations, title 16, section
10 3340.28, subdivision (e), the license was renewed, under Delatorre's election, as Smog Check
11 Inspector License No. EO 31910 and Smog Check Repair Technician License No. EI 31910,
12 effective October 22, 2012. The Smog Check Inspector License and Smog Check Repair
13 Technician License (collectively technician licenses) were in full force and effect at all times
14 relevant to the charges brought herein and will expire on November 30, 2016, unless renewed.¹

15 JURISDICTION

16 9. This Accusation is brought before the Director of the Department of Consumer
17 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.
18 All section references are to the Business and Professions Code unless otherwise indicated.

19 10. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
20 surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed
21 with a disciplinary action during the period within which the license may be renewed, restored,
22 reissued or reinstated.

23 11. Section 9884.20 of the Code states:

24 All accusations against automotive repair dealers shall be filed within three
25 years after the performance of the act or omission alleged as the ground for
disciplinary action, except that with respect to an accusation alleging fraud or

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 Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and and/or Smog Check Repair Technician (EI) license.

1 misrepresentation as a ground for disciplinary action, the accusation may be filed
2 within two years after the discovery, by the bureau, of the alleged facts
3 constituting the fraud or misrepresentation.

4 12. Section 9884.22 of the Code states:

5 (a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny
6 at any time any registration required by this article on any of the grounds for disciplinary action
7 provided in this article. The proceedings under this article shall be conducted in accordance with
8 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
9 Code, and the director shall have all the powers granted therein.

10

11 13. Section 9884.7 of the Code states:

12 (a) The director, where the automotive repair dealer cannot show there was
13 a bona fide error, may deny, suspend, revoke, or place on probation the registration
14 of an automotive repair dealer for any of the following acts or omissions related to
15 the conduct of the business of the automotive repair dealer, which are done by the
16 automotive repair dealer or any automotive technician, employee, partner, officer,
17 or member of the automotive repair dealer.

18 (1) Making or authorizing in any manner or by any means whatever any
19 statement written or oral which is untrue or misleading, and which is known, or
20 which by the exercise of reasonable care should be known, to be untrue or
21 misleading.

22

23 (3) Failing or refusing to give to a customer a copy of any document
24 requiring his or her signature, as soon as the customer signs the document.

25 (4) Any other conduct which constitutes fraud.

26

27 (6) Failure in any material respect to comply with the provisions of this
28 chapter or regulations adopted pursuant to it.

29

30 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
31 place on probation the registration for all places of business operated in this state
32 by an automotive repair dealer upon a finding that the automotive repair dealer
33 has, or is, engaged in a course of repeated and willful violations of this chapter, or
34 regulations adopted pursuant to it.

35 14. Section 9884.9, subsection (a), of the Code states:

36 The automotive repair dealer shall give to the customer a written estimated
37 price for labor and parts necessary for a specific job. No work shall be done and no
38 charges shall accrue before authorization to proceed is obtained from the customer.
39 No charge shall be made for work done or parts supplied in excess of the estimated
40 price without the oral or written consent of the customer that shall be obtained at
41 some time after it is determined that the estimated price is insufficient and before
42 the work not estimated is done or the parts not estimated are supplied. Written

1 consent or authorization for an increase in the original estimated price may be
2 provided by electronic mail or facsimile transmission from the customer. The
3 bureau may specify in regulation the procedures to be followed by an automotive
4 repair dealer if an authorization or consent for an increase in the original estimated
5 price is provided by electronic mail or facsimile transmission. If that consent is
6 oral, the dealer shall make a notation on the work order of the date, time, name of
7 person authorizing the additional repairs, and telephone number called, if any,
8 together with a specification of the additional parts and labor and the total
9 additional cost, and shall do either of the following:

10 (1) Make a notation on the invoice of the same facts set forth in the
11 notation on the work order.

12 (2) Upon completion of the repairs, obtain the customer's signature or
13 initials to an acknowledgment of notice and consent, if there is an oral consent of
14 the customer to additional repairs, in the following language:

15 "I acknowledge notice and oral approval of an increase
16 in the original estimated price.

17 (signature or initials)

18

19 15. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend
20 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
21 Automotive Repair Act.

22 16. Section 9889.3 of the Code states:

23 The director may suspend, revoke, or take other disciplinary action against
24 a license as provided in this article if the licensee or any partner, officer, or
25 director thereof:

26 (a) Violates any section of the Business and Professions Code that relates
27 to his or her licensed activities.

28

(c) Violates any of the regulations promulgated by the director pursuant to
this chapter.

....

(h) Violates or attempts to violate the provisions of this chapter relating to
the particular activity for which he or she is licensed.

....

17. Section 9889.5 of the Code states:

"The director may take disciplinary action against any licensee after a hearing as provided
in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license."

1 18. Section 9889.7 of the Code states:

2 The expiration or suspension of a license by operation of law or by order or
3 decision of the director or a court of law, or the voluntary surrender of a license by
4 a licensee shall not deprive the director of jurisdiction to proceed with any
5 investigation of or action or disciplinary proceedings against such licensee, or to
6 render a decision suspending or revoking such license.

7 19. Section 9889.8 of the Code states:

8 All accusations against licensees shall be filed within three years after the
9 act or omission alleged as the ground for disciplinary action, except that with
10 respect to an accusation alleging a violation of subdivision (d) of Section 9889.3,
11 the accusation may be filed within two years after the discovery by the bureau of
12 the alleged facts constituting the fraud or misrepresentation prohibited by that
13 section.

14 20. Section 9889.16 of the Code states:

15 Whenever a licensed adjuster in a licensed station upon an inspection or
16 after an adjustment, made in conformity with the instructions of the bureau,
17 determines that the lamps or the brakes upon any vehicle conform with the
18 requirements of the Vehicle Code, he shall, when requested by the owner or driver
19 of the vehicle, issue a certificate of adjustment on a form prescribed by the
20 director, which certificate shall contain the date of issuance, the make and
21 registration number of the vehicle, the name of the owner of the vehicle, and the
22 official license of the station.

23 21. Section 44002 of the Health and Safety Code states:

24 The department shall have the sole and exclusive authority within the state
25 for developing and implementing the motor vehicle inspection program in
26 accordance with this chapter.

27 For the purposes of administration and enforcement of this chapter, the
28 department, and the director and officers and employees thereof, shall have all the
powers and authority granted under Division 1 (commencing with Section 1) and
Division 1.5 (commencing with Section 475) and Chapter 20.3 (commencing with
Section 9880) of Division 3 of the Business and Professions Code and under
Chapter 33 (commencing with Section 3300) of Title 16 of the California Code of
Regulations. Inspections and repairs performed pursuant to this chapter, in
addition to meeting the specific requirements imposed by this chapter, shall also
comply with all requirements imposed pursuant to Division 1 (commencing with
Section 1) and Division 1.5 (commencing with Section 475) and Chapter 20.3
(commencing with Section 9880) of Division 3 of the Business and Professions
Code and Chapter 33 (commencing with Section 3300) of Title 16 of the
California Code of Regulations.

22. Section 44072.4 of the Health and Safety Code states:

“The director may take disciplinary action against any licensee after a hearing as provided
in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

1 (b) Suspending the license.

2 (c) Revoking the license.”

3 23. Section 44072.6 of the Health and Safety Code states:

4 The expiration or suspension of a license by operation of law or by order or
5 decision of the director or a court of law, or the voluntary surrender of a license by
6 a licensee shall not deprive the director of jurisdiction to proceed with any
7 investigation of, or action or disciplinary proceedings against, the licensee, or to
8 render a decision suspending or revoking the license.

9 24. Section 44072.7 of the Health and Safety Code states:

10 All accusations against licensees shall be filed within three years after the
11 act or omission alleged as the ground for disciplinary action, except that with
12 respect to an accusation alleging a violation of subdivision (d) of Section 44072.2,
13 the accusation may be filed within two years after the discovery by the bureau of
14 the alleged facts constituting the fraud or misrepresentation prohibited by that
15 section.

16 25. Section 44072.8 of the Health and Safety Code states:

17 “When a license has been revoked or suspended following a hearing under this article, any
18 additional license issued under this chapter in the name of the licensee may be likewise revoked
19 or suspended by the director.”

20 STATUTORY PROVISIONS

21 26. California Code of Regulations, title 16, section 3305, states:

22 (a) All adjusting, inspecting, servicing, and repairing of brake systems and
23 lamp systems for the purpose of issuing any certificate of compliance or
24 adjustment shall be performed in official stations, by official adjusters, in
25 accordance with the following, in descending order of precedence, as applicable:

26 (1) Vehicle Manufacturers’ current standards, specifications and
27 recommended procedures, as published in the manufacturers’ vehicle service and
28 repair manuals.

(2) Current standards, specifications, procedures, directives, manuals,
bulletins and instructions issued by vehicle and equipment or device
manufacturers.

(3) Standards, specifications and recommended procedures found in current
industry-standard reference manuals and periodicals published by nationally
recognized
repair information providers.

(4) The bureau’s Handbook for Brake Adjusters and Stations, February
2003, which is hereby incorporated by reference.

(5) The bureau’s Handbook for Lamp Adjusters and Stations, February
2003, which is hereby incorporated by reference.

(b) The specific activities for which an official station is licensed shall be
performed only in an area of the station that has been approved by the bureau.

1 Other work may be performed in the approved area, as desired. The work area
2 shall be within a building and shall be large enough to accommodate the motor
3 vehicle being serviced. The bureau may make an exception to the preceding
4 requirement by approving a work area adjacent to a building for purposes of
5 inspecting and adjusting equipment and devices on buses, trucks, truck tractors,
6 trailers, and semitrailers. The work area shall be kept clean and orderly.

7 (c) The services of an officially licensed adjuster appropriate to each type
8 and class of station license held shall be available at each official station, except a
9 fleet owner station, not less than 40 hours weekly or not less than half of the hours
10 the station is open for business weekly, whichever is less. Fleet owner stations are
11 required to provide the services of a licensed adjuster only for certification
12 procedures.

13 27. California Code of Regulations, title 16, section 3316, subdivision (d)(2), states:

14 The operation of official lamp adjusting stations shall be subject to the
15 following provisions:

16
17 (d) Effective April 1, 1999, licensed stations shall purchase certificates of
18 adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) each
19 and shall not purchase or otherwise obtain such certificates from any other source.
20 Full payment is required at the time certificates are ordered. Certificates are not
21 exchangeable following delivery. A licensed station shall not sell or otherwise
22 transfer unused certificates of adjustment. Issuance of a lamp adjustment
23 certificate shall be in accordance with the following provisions:

24
25 (2) Where all of the lamps, lighting equipment, and related electrical
26 systems on a vehicle have been inspected and found to be in compliance with all
27 requirements of the Vehicle Code and bureau regulations, the certificate shall
28 certify that the entire system meets all of those requirements.

29 28. California Code of Regulations, title 16, section 3321, subdivision (c)(2), states:

30 The operation of official brake adjusting stations shall be subject to the
31 following provisions:

32
33 (c) Effective April 1, 1999, licensed stations shall purchase certificates of
34 adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) and
35 shall not purchase or otherwise obtain such certificates from any other source. A
36 licensed station shall not sell or otherwise transfer unused certificates of
37 adjustment. Full payment is required at the time certificates are ordered.
38 Certificates are not exchangeable following delivery. Issuance of a brake
39 adjustment certificate shall be in accordance with the following provisions:

40
41 (2) Where the entire brake system on any vehicle has been inspected or
42 tested and found to be in compliance with all requirements of the Vehicle Code
43 and bureau regulations, and the vehicle has been road-tested, the certificate shall
44 certify that the entire system meets all such requirements.

45 29. California Code of Regulations, title 16, section 3353, subsection (a), states:

1 "No work for compensation shall be commenced and no charges shall accrue without
2 specific authorization from the customer in accordance with the following requirements:

3 (a) Estimate for Parts and Labor. Every dealer shall give to each customer a written
4 estimated price for parts and labor for a specific job."

5

6 30. California Code of Regulations, title 16, section 3371, states:

7 No dealer shall publish, utter, or make or cause to be published, uttered, or
8 made any false or misleading statement or advertisement which is known to be
9 false or misleading, or which by the exercise of reasonable care should be known
10 to be false or misleading. Advertisements and advertising signs shall clearly show
11 the following:

12

13 31. California Code of Regulations, title 16, section 3373, states:

14 No automotive repair dealer or individual in charge shall, in filling out an
15 estimate, invoice, or work order, or record required to be maintained by section
16 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
17 information which will cause any such document to be false or misleading, or
18 where the tendency or effect thereby would be to mislead or deceive customers,
19 prospective customers, or the public.

20 COST RECOVERY

21 32. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

27 **FIRST UNDERCOVER RUN – 2002 HONDA**

28 33. On May 9, 2014, a Bureau undercover operator drove a Bureau-documented 2002
Honda to the Golden State Smog Inc.'s (Golden State) facility for an inspection. The undercover
operator drove to the facility and spoke with an unidentified Golden State employee. The
following introduced malfunctions were placed on the vehicle: the left front brake rotor and left
rear brake rotor were measured and found to be under the minimum thickness; the vehicle's
lighting system had an open circuit created in the ground wire of the right high beam and the high

1 mount break light; and the license plate lamps had a faulty marked bulb installed in the license
2 plate housing which made the lights inoperable. Tamper seals were installed on the vehicle's
3 wheel and tire assemblies in order to detect their removal. For the vehicle to pass a brake and
4 lamp inspection, it needed the left front and rear brake rotors replaced; the vehicle's lighting
5 system repaired; and the bulb in the license plate housing replaced.

6 34. The undercover operator requested a smog inspection and a brake and lamp
7 inspection. The undercover operator did not sign a work order or receive a written estimate before
8 the work began. After the inspections were completed, the undercover operator paid the Golden
9 State employee \$145.00. The Golden State employee then gave the undercover operator a copy of
10 invoice [REDACTED], a Vehicle Inspection Report, a copy of Certificate of Adjustment # [REDACTED]
11 for the brake inspection, and Certificate of Adjustment # [REDACTED] for the lamp inspection. The
12 undercover operator then left the facility and transferred custody of the vehicle to a Bureau
13 representative.

14 35. On May 20, 2014, the Bureau-documented 2002 Honda was re-inspected and the
15 following was found: 1) the tamper seals on the vehicle's wheel and tire assemblies were still
16 present and not broken; 2) both left rotors were found to have the inspector's identification marks
17 and were below the manufacturer's minimum thickness specifications; 3) the vehicle's high
18 mount stop light was inoperative; and 4) the vehicle's right high-beam was inoperative. Based on
19 these findings, the inspector concluded that the vehicle should not have passed inspection and
20 been issued brake and lamp certificates.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Violation of Estimate Requirements)**

23 36. Complainant re-alleges and incorporates by reference the allegations set forth above
24 in paragraphs 33 through 35.

25 37. Golden State's Registration is subject to disciplinary action under Code section
26 9884.9, subsection (a), and California Code of Regulations, title 16, section 3353, subdivision (a),
27 in that Golden State failed to obtain specific authorization from the undercover operator and
28 failed to give a written estimate of labor and parts before beginning the inspections.

1 SECOND CAUSE FOR DISCIPLINE

2 (Fraud)

3 38. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 33 through 35.

5 39. Golden State's registration is subject to disciplinary action pursuant to Code section
6 9884.7, subdivision (a)(4), Respondent committed acts constituting fraud, as follows:
7 Respondent obtained payment from the operator for performing the applicable inspections,
8 adjustments, or repairs of the brake and lighting systems on the Bureau's 2002 Honda as specified
9 by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to perform
10 the necessary inspections, adjustments, and repairs in compliance with Bureau Regulations or the
11 Vehicle Code.

12 Golden State misrepresented to the undercover operator that Golden State had inspected the
13 brake and lamp systems on the vehicle and that they were in passable condition; Golden State
14 knew that in fact and in truth these systems had not been properly inspected, adjusted, or repaired;
15 Golden State intended the undercover operator to rely on these misrepresentations; Golden State
16 charged for these services and accepted payment.

17 THIRD CAUSE FOR DISCIPLINE

18 (Failure to Comply with Auto Repair Provisions)

19 40. Complainant re-alleges and incorporates by reference the allegations set forth above
20 in paragraphs 33 through 35.

21 41. Golden State's registration is subject to disciplinary action pursuant to Code section
22 9884.7, subdivision (a)(6), in that Golden State failed to comply with section 9889.16 of that
23 Code in the following material respects: Respondent issued Brake Certificate [REDACTED]
24 and Lamp Certificate [REDACTED] as to the Bureau's 2002 Honda when the vehicle was not in
25 compliance with Bureau Regulations or the requirements of the Vehicle Code.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 42. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 33 through 35.

5 43. Golden State's brake and lamp station licenses are subject to disciplinary action
6 pursuant to Code section 9889.3, subdivision (c), in that Golden State failed to comply with the
7 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
8 subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and (a)(2)(B).

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Violation of Regulations)**

11 44. Complainant re-alleges and incorporates by reference the allegations set forth above
12 in paragraphs 33 through 35.

13 45. Golden State's registration is subject to disciplinary action under Code section
14 9884.7, subdivision (a)(6), and Golden State's brake and lamp station licenses are subject to
15 discipline under Code section 9889.3, subdivision (c), in that Golden State violated the following
16 regulations promulgated by the Director:

17 a. **Code of Regulations, title 16, section 3305, subdivision (a)(1)**: failure to
18 inspect a brake system and lamp system for the purpose of issuing any certificate of compliance
19 or adjustment in accordance with the Vehicle Manufacturers' current standards, specifications and
20 recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

21 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.
22 [REDACTED] as to the Bureau's 2002 Honda car when all of the lamps, lighting equipment, or
23 related electrical systems on the vehicle were not in compliance with Bureau regulations.

24 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.
25 [REDACTED] as to the Bureau's 2002 Honda when the brake system on the vehicle had not been
26 completely tested or inspected.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit)**

3 46. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 33 through 35.

5 47. Golden State's brake and lamp station licenses are subject to disciplinary action
6 pursuant to Code section 9889.3, subdivision (d), in that Respondent committed acts involving
7 dishonesty, fraud, or deceit whereby another was injured.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Certificate Issued to Nonconforming Vehicle)**

10 48. Complainant re-alleges and incorporates by reference the allegations set forth above
11 in paragraphs 33 through 35.

12 49. Golden State's lamp and brake station licenses are subject to disciplinary action under
13 Code sections 9889.3, subdivisions (a) and (c), and 9889.16 and Title 16, California Code of
14 Regulations, sections 3316, subdivision (d)(2), and 3321, subdivision (c)(2), in that upon an
15 inspection or after an adjustment purportedly made in conformity with the instructions of the
16 Bureau, Golden State issued a brake and lamp certificate of adjustment to a vehicle that
17 purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when
18 in fact and in truth the vehicle did not conform with these requirements.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 **(Making Misleading or Untrue Statements)**

21 50. Complainant re-alleges and incorporates by reference the allegations set forth above
22 in paragraphs 33 through 35.

23 51. Golden State's registration is subject to disciplinary action pursuant to Code section
24 9884.7, subdivision (a)(1), Respondent made or authorized statements which he knew or in the
25 exercise of reasonable care should have known to be untrue or misleading, as follows:

26 a. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
27 that the applicable inspection was performed on the brake system on the Bureau's 2002 Honda
28 car. In fact, Respondent failed to inspect the brakes on the vehicle.

1 b. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
2 that the left front brake rotor and rear brake rotor on the Bureau's 2002 Honda were in a
3 satisfactory condition. In fact, the left front brake rotor and the left rear brake rotor had been
4 machined below the manufacturer's discard specifications.

5 c. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
6 that the Bureau's 2002 Honda had a stopping distance of 8 feet from a speed of 20 miles per hour
7 as a result of a road-test. In fact, Respondent never road tested the vehicle.

8 d. Respondent certified under penalty of perjury on Lamp Certificate [REDACTED]
9 that the applicable adjustment had been performed on the lighting system on the Bureau's 2002
10 Honda. In fact, the vehicle's lighting system had an open circuit in the ground wire of the right
11 high beam and the high mount break light, and the license plate lamps had a faulty bulb.

12 **NINTH CAUSE FOR DISCIPLINE**

13 **(Creating False or Misleading Records)**

14 52. Complainant re-alleges and incorporates by reference the allegations set forth above
15 in paragraphs 33 through 35.

16 53. Golden State's lamp and brake station licenses are subject to disciplinary action under
17 Code section 9889.3, subsection (c), and Title 16, California Code of Regulations, sections 3373,
18 in that upon the completion of Golden State's inspection of an undercover vehicle, a Golden State
19 employee issued a false and misleading invoice, Vehicle Inspection Report, Certificate of
20 Adjustment- Brake Adjustment, and a Certificate of Lamp Adjustment-Lamp Adjustment.

21 **TENTH CAUSE FOR DISCIPLINE**

22 **(Certificate Issued to Nonconforming Vehicle)**

23 54. Complainant re-alleges and incorporates by reference the allegations set forth above
24 in paragraphs 33 through 35.

25 55. Delatorre's brake adjuster and lamp adjuster licenses are subject to disciplinary action
26 under Code sections 9889.3, subsections (a) and (c), and 9889.16, and title 16, California Code of
27 Regulations, sections 3321, subdivision (c)(2), and 3316, subdivision (d)(2), in that upon an
28 inspection or after an adjustment purportedly made in conformity with the instructions of the

1 Bureau, he issued a brake and lamp certificate of adjustment to a vehicle that purportedly
2 conformed with the requirements of the Vehicle Code and Bureau regulations, when in fact and in
3 truth the vehicle did not conform with these requirements.

4 **ELEVENTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud, or Deceit)**

6 56. Complainant re-alleges and incorporates by reference the allegations set forth above
7 in paragraphs 33 through 35.

8 57. Delatorre's brake adjuster and lamp adjuster licenses are subject to disciplinary action
9 under Code section 9889.3, subdivisions (a) and (d), in that he committed dishonest, fraudulent,
10 or deceitful acts whereby another is injured by issuing certificates of adjustments for a vehicle
11 without performing bona fide inspections of the brake and lamp systems on them, thereby
12 depriving the People of the State of California of the protection afforded by the Automotive
13 Repair Act.

14 **TWELFTH CAUSE FOR DISCIPLINE**

15 **(Certificate Issued to Nonconforming Vehicle)**

16 58. Complainant re-alleges and incorporates by reference the allegations set forth above
17 in paragraphs 33 through 35.

18 59. Delatorre's brake adjuster and lamp adjuster licenses are subject to disciplinary action
19 under Code sections 9889.3, subsections (a) and (c); 9889.16, and Title 16, California Code of
20 Regulations, sections 3321, subdivision (c)(2) and 3316, subdivision (d)(2) in that upon an
21 inspection or after an adjustment purportedly made in conformity with the instructions of the
22 Bureau, he issued a brake and lamp certificate of adjustment to a vehicle that purportedly
23 conformed with the requirements of the Vehicle Code and Bureau regulations, when in fact and in
24 truth the vehicle did not conform with these requirements.

25 **THIRTEENTH CAUSE FOR DISCIPLINE**

26 **(Creating False or Misleading Records)**

27 60. Complainant re-alleges and incorporates by reference the allegations set forth above
28 in paragraphs 33 through 35.

1 the headlight adjustment screws were still present and not broken; 2) the right front brake rotor
2 was out of specification; 3) the right rear brake drum was out of specification; and 4) the vehicle's
3 left front headlight and the right front headlight were out of adjustment. Based on these findings,
4 the inspector concluded that the vehicle should not have passed inspection and been issued brake
5 and lamp certificates.

6 **FOURTEENTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 65. Complainant re-alleges and incorporates by reference the allegations set forth above
9 in paragraphs 62 through 64.

10 66. Golden State's registration is subject to disciplinary action pursuant to Code section
11 9884.7, subdivision (a)(4), Respondent committed acts constituting fraud, as follows:
12 Respondent obtained payment from the operator for performing the applicable inspections,
13 adjustments, or repairs of the brake and lighting systems on the Bureau's 2008 Toyota as
14 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to
15 perform the necessary inspections, adjustments, and repairs in compliance with Bureau
16 Regulations or the Vehicle Code.

17 Golden State misrepresented to the undercover operator that Golden State had inspected the
18 brake and lamp systems on the vehicle and that they were in passable condition; Golden State
19 knew that in fact and in truth these systems had not been properly inspected, adjusted, or repaired;
20 Golden State intended the undercover operator to rely on these misrepresentations; Golden State
21 charged for these services and accepted payment.

22 **FIFTEENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Auto Repair Provisions)**

24 67. Complainant re-alleges and incorporates by reference the allegations set forth above
25 in paragraphs 62 through 64.

26 68. Golden State's registration is subject to disciplinary action pursuant to Code section
27 9884.7, subdivision (a)(6), in that Golden State failed to comply with section 9889.16 of the Code
28 in the following material respects: Respondent issued Brake Certificate [REDACTED] and

1 Lamp Certificate [REDACTED] as to the Bureau's 2008 Toyota when the vehicle was not in
2 compliance with Bureau Regulations or the requirements of the Vehicle Code.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations)**

5 69. Complainant re-alleges and incorporates by reference the allegations set forth above
6 in paragraphs 62 through 64.

7 70. Golden State's brake and lamp station licenses are subject to disciplinary action
8 pursuant to Code section 9889.3, subdivision (c), in that Golden State failed to comply with the
9 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
10 subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and (a)(2)(B).

11 **SEVENTEENTH CAUSE FOR DISCIPLINE**

12 **(Dishonesty, Fraud, or Deceit)**

13 71. Complainant re-alleges and incorporates by reference the allegations set forth above
14 in paragraphs 62 through 64.

15 72. Golden State's brake and lamp station licenses are subject to disciplinary action
16 pursuant to Code section 9889.3, subdivision (d), in that Respondent committed acts involving
17 dishonesty, fraud, or deceit whereby another was injured.

18 **EIGHTEENTH CAUSE FOR DISCIPLINE**

19 **(Certificate Issued to Nonconforming Vehicle)**

20 73. Complainant re-alleges and incorporates by reference the allegations set forth above
21 in paragraphs 62 through 64.

22 74. Golden State's lamp and brake station licenses are subject to disciplinary action under
23 Code sections 9889.3, subsections (a) and (c), and 9889.16, and title 16, California Code of
24 Regulations, sections 3316, subdivision (d)(2), and 3321, subdivision (c)(2), in that upon an
25 inspection or after an adjustment purportedly made in conformity with the instructions of the
26 Bureau, Golden State issued a brake and lamp certificate of adjustment to a vehicle that
27 purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when
28 in fact and in truth the vehicle did not conform with these requirements.

1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Making Misleading or Untrue Statements)**

3 75. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 62 through 64.

5 76. Golden State's registration is subject to disciplinary action pursuant to Code section
6 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which he knew or in
7 the exercise of reasonable care should have known to be untrue or misleading, as follows:

8 a. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
9 that the applicable inspection was performed on the brake system on the Bureau's 2008 Toyota.
10 In fact, Respondent failed to inspect the brakes on the vehicle.

11 b. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
12 that the right front brake rotor and right rear brake drum on the Bureau's 2008 Toyota were in a
13 satisfactory condition. In fact, the right front brake rotor had been machined beyond minimum
14 thickness specification and the right rear brake drum had been machined beyond maximum
15 diameter specification.

16 c. Respondent certified under penalty of perjury on Brake Certificate [REDACTED]
17 that the Bureau's 2008 Toyota had a stopping distance of 8 feet from a speed of 20 miles per hour
18 as a result of a road-test. In fact, Respondent never road tested the vehicle.

19 d. Respondent certified under penalty of perjury on Lamp Certificate [REDACTED]
20 that the applicable adjustment had been performed on the lighting system on the Bureau's 2008
21 Toyota. In fact, the vehicle's left front headlight was improperly adjusted up and the right front
22 headlight was improperly adjusted down, in the same positions as before the inspection. A
23 defective light bulb, which was installed in the left rear taillight assembly prior to the inspection,
24 was changed for a new one, but never reflected on the work order.

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27 **TWENTIETH CAUSE FOR DISCIPLINE**

28 **(Creating False or Misleading Records)**

1 depriving the People of the State of California of the protection afforded by the Automotive
2 Repair Act.

3 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

4 **(Certificate Issued to Nonconforming Vehicle)**

5 83. Complainant re-alleges and incorporates by reference the allegations set forth above
6 in paragraphs 62 through 64.

7 84. Delatorre's brake adjuster and lamp adjuster licenses are subject to disciplinary action
8 under Code sections 9889.3, subsections (a) and (c), and 9889.16, and title 16, California Code of
9 Regulations, sections 3321, subdivision (c)(2) and 3316, subdivision (d)(2) in that upon an
10 inspection or after an adjustment purportedly made in conformity with the instructions of the
11 Bureau, he issued a brake and lamp certificate of adjustment to a vehicle that purportedly
12 conformed with the requirements of the Vehicle Code and Bureau regulations, when in fact and in
13 truth the vehicle did not conform with these requirements.

14 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

15 **(Creating False or Misleading Records)**

16 85. Complainant re-alleges and incorporates by reference the allegations set forth above
17 in paragraphs 62 through 64.

18 86. Delatorre's brake adjuster and lamp adjuster licenses are subject to disciplinary action
19 under Code section 9889.3, subsections (a) and (c), and title 16, California Code of Regulations,
20 sections 3373, in that upon the completion of his inspection of an undercover vehicle, Delatorre
21 issued a false and misleading invoice, Vehicle Inspection Report, Certificate of Adjustment-
22 Brake Adjustment, and a Certificate of Lamp Adjustment-Lamp Adjustment.

23 **OTHER MATTERS**

24 87. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
25 suspend, revoke or place on probation the registration for all places of business operated in this
26 state by Respondent Daniel Agustin Delatorre, President of Golden State Smog Inc., upon a
27 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the
28 laws and regulations pertaining to an automotive repair dealer.

1 88. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test & Repair
2 Station License Number RC 214593, issued to Respondent Daniel Agustin Delatorre, President of
3 Golden State Smog Inc., is revoked or suspended, any additional license issued under Chapter 5
4 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by
5 the Director.

6 89. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number
7 LS 214593, issued to Respondent Daniel Agustin Delatorre, President of Golden State Smog Inc.,
8 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of
9 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the
10 Director.

11 90. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number
12 BS 214593, issued to Respondent Daniel Agustin Delatorre, President of Golden State Smog Inc.,
13 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of
14 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the
15 Director.

16 91. Pursuant to Health & Saf. Code section 44072.8, if Smog Repair Technician License
17 Number EI 31910 (formerly Advanced Emission Specialist Technician License No. EA 31910),
18 issued to Respondent Daniel Agustin Delatorre, is revoked or suspended, any additional license
19 issued under Chapter 5 of the Health & Saf. Code in the name of said licensee may be likewise
20 revoked or suspended by the Director.

21 92. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
22 Number EO 31910, issued to Respondent Daniel Agustin Delatorre, is revoked or suspended, any
23 additional license issued under Chapter 5 of the Health & Saf. Code in the name of said licensee
24 may be likewise revoked or suspended by the Director.

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27 93. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number
28

1 BA 631486, issued to Respondent Daniel Agustin Delatorre, is revoked or suspended, any
2 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the
3 name of said licensee may be likewise revoked or suspended by the Director.

4 94. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number
5 LA 631486, issued to Respondent Daniel Agustin Delatorre, is revoked or suspended, any
6 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the
7 name of said licensee may be likewise revoked 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 Automotive Repair Dealer Registration Number ARD
12 214593, issued : issued to Golden State Smog, Inc, Daniel Agustin Delatorre, President, dba
13 Golden State Smog, Inc.;
- 14 2. Revoking or suspending Smog Check Station License Number RC 214593, : issued
15 to Golden State Smog, Inc, Daniel Agustin Delatorre, President, dba Golden State Smog, Inc.;
- 16 3. Revoking or suspending Lamp Station License Number LS 214593, issued to Golden
17 State Smog, Inc, Daniel Agustin Delatorre, President, dba Golden State Smog, Inc.;
- 18 4. Revoking or suspending Brake Station License Number BS 214593, issued to Daniel
19 Agustin Delatorre, dba Golden State Smog Inc.;
- 20 5. Revoking or suspending Brake Adjuster License Number BA 631486, issued to
21 Daniel Agustin Delatorre;
- 22 6. Revoking or suspending Lamp Adjuster License Number LA 631486, issued to
23 Daniel Agustin Delatorre;
- 24 7. Revoking or suspending Smog Check Inspector License No. EO 31910 and Smog
25 Check Repair Technician License No. EI 31910, issued to Daniel Agustin Delatorre;
- 26 10. Revoking or suspending any additional license issued under Articles 5 and 6 of
27 Chapter 20.3 of the Business and Professions Code in the name of Daniel Agustin Delatorre;

1 8. Ordering Golden State Smog Inc. and Daniel Agustin Delatorre to pay the Bureau of
2 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3;

4 9. Taking such other and further action as deemed necessary and proper.

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DATED: August 17, 2015

Patrick Dorais

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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