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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 Petition to Revoke  
Probation Against:

Case No. 79/15-78

13 **AAA SPEEDY SMOG**  
14 **590 Saratoga Avenue**  
**San Jose, CA 95129**  
15 **MILUS KIROV SOLAKOV, OWNER**  
16 **Automotive Repair Dealer Registration**  
**No. ARD 229060**  
17 **Smog Check Test Only Station License**  
**No. TC 229060**

PETITION TO REVOKE PROBATION

18 and

19 **ANGEL LUIS BERNABE**  
20 **5471 Don Juan Circle**  
**San Jose, CA 95123**

21 **Advanced Emission Specialist Technician**  
22 **License No. EA 631056**

23 Respondents.

24 Complainant alleges:

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1 PARTIES

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

5 **Automotive Repair Dealer Registration**

6 2. On or about September 2, 2003, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 229060 (registration) to Milus Kirov Solakov doing business as AAA  
8 Speedy Smog (Respondent AAA). The registration expired on August 31, 2013, and has not been  
9 renewed.

10 **Smog Check Test Only Station License**

11 3. On a date uncertain in 2003, the Bureau issued Smog Check Test Only Station  
12 License Number TC 229060 (station license) to Respondent AAA. The station license expired on  
13 August 31, 2013, and has not been renewed.

14 **Advanced Emission Specialist Technician License**

15 4. On or about June 1, 2009, the Bureau issued Advanced Emission Specialist  
16 Technician License Number EA 631056 (technician license) to Angel Luis Bernabe (Respondent  
17 Bernabe). The technician license expired on February 28, 2013, and has not been renewed.

18 JURISDICTION

19 5. This Petition to Revoke Probation is brought before the Bureau of Automotive Repair  
20 (Bureau), Department of Consumer Affairs, under the authority of the following laws. All section  
21 references are to the Business and Professions Code unless otherwise indicated.

22 6. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
23 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
24 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
25 temporarily or permanently.

26 7. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
27 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
28 the Motor Vehicle Inspection Program.





1 May 29, 2014. This deadline has passed and Respondents have not submitted any payments to  
2 the Bureau for the costs of investigation and enforcement.

3 **DISCIPLINARY CONSIDERATIONS AS TO ANGEL LUIS BERNABE**

4 17. In the disciplinary action entitled *In re Accusation Against AAA Speedy Smog, Milus*  
5 *Solakov, and Angel Luis Bernabe*, Case No. 79/11-74, the Bureau of Automotive Repair issued a  
6 decision effective November 29, 2011, in which Respondent Angel Luis Bernabe's (Respondent  
7 Bernabe's) Advanced Emission Specialist Technical License Number EA 631056 was revoked.  
8 However, the revocation was stayed and the license was placed on probation for a period of three  
9 (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and  
10 is incorporated by reference.

11 18. To determine the degree of discipline, if any, to be imposed on Respondent Bernabe,  
12 Complainant alleges that the previous disciplinary action involving similar charges may be  
13 considered.

14 **PETITION TO REVOKE PROBATION AS TO ANGEL LUIS BERNABE**

15 19. Grounds exist for revoking the probation and reimposing the order of revocation of  
16 Respondent Angel Luis Bernabe's Advanced Emission Specialist Technical License Number EA  
17 631056. Condition 15 of the Stipulated Settlement and Disciplinary Order states:

18 **Violation of Probation.** Should the Director of Consumer Affairs determine  
19 that Respondent has failed to comply with the terms and conditions of probation,  
20 the Department may, after giving notice and opportunity to be heard, suspend or  
21 revoke the license.

22 20. Respondent Bernabe has violated the Probation Program, as more particularly set  
23 forth in the following paragraphs:

24 **FIRST CAUSE TO REVOKE PROBATION AS TO ANGEL LUIS BERNABE**

(Obey All Laws)

25 21. At all times after the effective date of Respondent Bernabe's probation, Condition 10  
26 stated:

27 **Obey All Laws.** Comply with all statutes, regulations, and rules governing  
28 automotive inspections, estimates, and repairs.



1           2.    Revoking or suspending Automotive Repair Dealer Registration Number ARD  
2 229060, issued to Milus Kirov Solakov doing business as AAA Speedy Smog;

3           3.    Revoking the probation that was granted by the Bureau of Automotive Repair in Case  
4 No. 79/11-74 and imposing the disciplinary order that was stayed thereby revoking Smog Check  
5 Test Only Station License Number TC 229060 issued to Milus Kirov Solakov doing business as  
6 AAA Speedy Smog;

7           4.    Revoking or suspending Smog Check Only Station License Number TC229060,  
8 issued to Milus Kirov Solakov doing business as AAA Speedy Smog;

9           5.    Revoking the probation that was granted by the Bureau of Automotive Repair in Case  
10 No. 79/11-74 and imposing the disciplinary order that was stayed thereby revoking Advanced  
11 Emission Specialist Technician License Number EA 631056 issued to Angel Luis Bernabe;

12           6.    Revoking or suspending Advanced Emissions Specialist Technician Registration  
13 Number EA631056, issued to Angel Luis Bernabe; and

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

15 DATED: November 25, 2014

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

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## **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 79/11-74**

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

In the Matter of the Accusation Against:

**AAA SPEEDY SMOG**  
590 Saratoga Avenue  
San Jose, CA 95129  
**MILUS SOLAKOV, Owner**

Automotive Repair Dealer Registration  
No. ARD 229060  
Smog Check , Test Only, Station License  
No. TC 229060

and

**ANGEL LUIS BERNABE**  
5471 Don Juan Circle  
San Jose, CA 95123

Advanced Emission Specialist Technician  
License No. EA 631056

Respondents.

Case No. 79/11-74

OAH No. 2011061330

**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.

This Decision shall become effective \_\_\_\_\_

11/29/11

DATED: October 25, 2011



DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
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Facsimile: (510) 622-2270  
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:

13 **AAA SPEEDY SMOG**  
14 **590 Saratoga Avenue**  
**San Jose, CA 95129**  
**MILUS SOLAKOV, OWNER**

15 **Automotive Repair Dealer Registration**  
16 **No. ARD229060**  
**Smog Check Test Only Station License**  
17 **No. TC229060**

18 **and**

19 **ANGEL LUIS BERNABE**  
20 **5471 Don Juan Circle**  
**San Jose, CA 95123**

21 **Advanced Emission Specialist Technician**  
22 **License No. EA631056**

23 Respondents.

Case No. 79/11-74

OAH No. 2011061330

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

26 ///

27 ///





1 participation by Respondents. By signing the stipulation, Respondents understand and agree that  
2 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the  
3 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision  
4 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except  
5 for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
6 Director shall not be disqualified from further action by having considered this matter.

7 14. The parties understand and agree that facsimile copies of this Stipulated Settlement  
8 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
9 effect as the originals.

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

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

19 **DISCIPLINARY ORDER AS TO MILUS SOLAKOV**

20 **DOING BUSINESS AS AAA SPEEDY SMOG**

21 IT IS HEREBY ORDERED that Automotive Repair Dealer No. ARD229060 and Smog  
22 Check Test Only No. TC229060 issued to Respondent Milus Solakov, doing business as AAA  
23 Speedy Smog, is revoked. However, the revocation is stayed and Respondent is placed on  
24 probation for three (3) years on the following terms and conditions.

25 1. **Actual Suspension.** Automotive Repair Dealer No. ARD229060 and Smog Check  
26 Test Only No. TC229060 issued to Respondent Milus Solakov are suspended for 15 days, with  
27 the suspension to be served beginning the effective date of this stipulation.

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

3           3.    **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
4 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
5 conspicuously displayed in a location open to and frequented by customers and shall remain  
6 posted during the entire period of actual suspension.

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

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

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

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

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

25          9.    **Cost Recovery.** The total costs of investigation and enforcement of this case are  
26 \$7,361.76. These costs are the actual and total costs incurred by the Bureau to investigate and  
27 prosecute the case, pursuant to Business and Professions Code section 125.3, and all Respondents  
28 in these proceedings shall be jointly and severally liable for their payment to the Bureau.

1 Payment to the Bureau of the full amount of cost recovery shall be received no later than 6  
2 months before probation terminates. Failure to complete payment of cost recovery within this  
3 time frame shall constitute a violation of probation which may subject Respondent's license and  
4 registration to outright revocation; however, the Director or the Director's Bureau of Automotive  
5 Repair designee may elect to continue probation until such time as reimbursement of the entire  
6 cost recovery amount has been made to the Bureau.

7 **DISCIPLINARY ORDER AS TO ANGEL LUIS BERNABE**

8 IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA  
9 631056 issued to Respondent Angel Luis Bernabe, is revoked. However, the revocation is stayed  
10 and Respondent is placed on probation for three (3) years on the following terms and conditions.

11 10. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
12 automotive inspections, estimates and repairs.

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

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

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

23 14. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
24 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
25 until the final decision on the accusation, and the period of probation shall be extended until such  
26 decision.

27 ///

28 ///

1           15.   **Violation of Probation.** Should the Director of Consumer Affairs determine that  
2 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
3 after giving notice and opportunity to be heard, suspend or revoke the license.

4           16.   **Continuing Education Courses.** During the period of probation, Respondent shall  
5 attend and successfully complete a Bureau certified Basic Clean Air Car Course (68 hours) Said  
6 course shall be completed and proof of completion submitted to the Bureau within 180 days of  
7 the effective date of this decision and order. If proof of completion of the course is not furnished  
8 to the Bureau within the 180-day period, Respondents' license shall be immediately suspended  
9 until such proof is received. Proof of completion shall be provided to: the Bureau of Automotive  
10 Repair, Case Management Unit, 10220 Systems Parkway, Suite B, Sacramento, CA 95827/

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

16           18.   **Cost Recovery.** The total costs of investigation and enforcement of this case are  
17 \$7,361.76. These costs are the actual and total costs incurred by the Bureau to investigate and  
18 prosecute the case, pursuant to Business and Professions Code section 125.3, and all Respondents  
19 in these proceedings shall be jointly and severally liable for their payment to the Bureau.  
20 Payment to the Bureau of the full amount of cost recovery shall be received no later than 6  
21 months before probation terminates. Failure to complete payment of cost recovery within this  
22 time frame shall constitute a violation of probation which may subject Respondent's license to  
23 outright revocation; however, the Director or the Director's Bureau of Automotive Repair  
24 designee may elect to continue probation until such time as reimbursement of the entire cost  
25 recovery amount has been made to the Bureau.

26    ///

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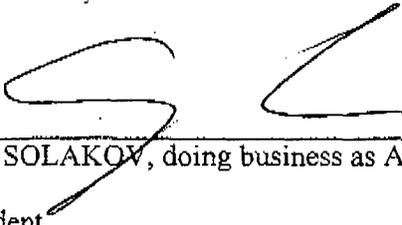
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ACCEPTANCE

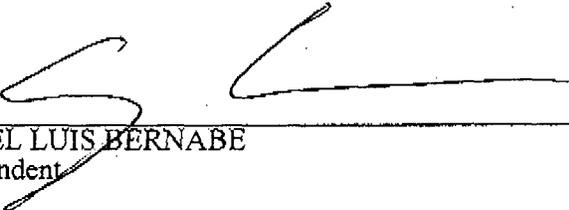
I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog Check Test Only License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 9-20-11

  
MILUS SOLAKOV, doing business as AAA SPEEDY  
SMOG  
Respondent

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 9-20-11

  
ANGEL LUIS BERNABE  
Respondent

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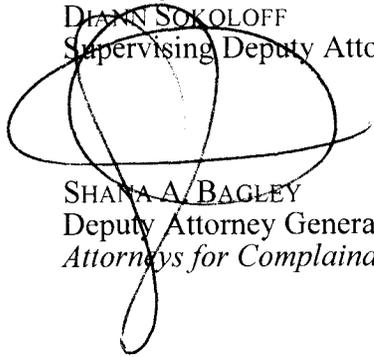
ENDORSEMENT

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

Dated: 19 September, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General



SHANA A. BAGLEY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/11-74**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
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Facsimile: (510) 622-2270  
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:

13 **AAA SPEEDY SMOG**  
590 Saratoga Avenue  
San Jose, CA 95129  
14 **MILUS SOLAKOV, OWNER**  
Automotive Repair Dealer Registration  
15 No. 229060  
Smog Check Test Only Station License  
16 No. TC 229060

17 and

18 **ANGEL LUIS BERNABE**  
5471 Don Juan Circle  
19 San Jose, CA 95123  
Advanced Emission Specialist Technician  
20 License No. EA 631056

21 Respondents.

Case No. 79 111-74

**ACCUSATION**

**SMOG CHECK**

22  
23 Complainant alleges:

24 **PARTIES**

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

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28 ///



1 the specific place of business which has violated any of the provisions of this chapter.  
2 This violation, or action by the director, shall not affect in any manner the right of the  
3 automotive repair dealer to operate his or her other places of business.

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

9 6. Code section 118, subdivision (b) states:

10 The suspension, expiration, or forfeiture by operation of law of a license  
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
12 order of the board or by order of a court of law, or its surrender without the written  
13 consent of the board, shall not, during any period in which it may be renewed,  
14 restored, reissued, or reinstated, deprive the board of its authority to institute or  
15 continue a disciplinary proceeding against the licensee upon any ground provided by  
16 law or to enter an order suspending or revoking the license or otherwise taking  
17 disciplinary action against the licensee on any such ground.

18 7. Code section 9884.9 states, in pertinent part:

19 (a) The automotive repair dealer shall give to the customer a written  
20 estimated price for labor and parts necessary for a specific job. No work shall be done  
21 and no charges shall accrue before authorization to proceed is obtained from the  
22 customer. No charge shall be made for work done or parts supplied in excess of the  
23 estimated price without the oral or written consent of the customer that shall be  
24 obtained at some time after it is determined that the estimated price is insufficient and  
25 before the work not estimated is done or the parts not estimated are supplied. Written  
26 consent or authorization for an increase in the original estimated price may be  
27 provided by electronic mail or facsimile transmission from the customer. The bureau  
28 may specify in regulation the procedures to be followed by an automotive repair  
dealer if an authorization or consent for an increase in the original estimated price is  
provided by electronic mail or facsimile transmission. If that consent is oral, the  
dealer shall make a notation on the work order of the date, time, name of person  
authorizing the additional repairs and telephone number called, if any, together with a  
specification of the additional parts and labor and the total additional cost, and shall  
do either of the following:

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

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

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

\_\_\_\_\_  
(signature or initials)"

1           8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
2 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
3 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
4 temporarily or permanently.

5           9. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
6 "commission," "committee," "department," "division," "examining committee," "program," and  
7 "agency." "License" includes certificate, registration or other means to engage in a business or  
8 profession regulated by the Code.

9           10. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
10 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
11 the Motor Vehicle Inspection Program.

12           11. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

16                     (a) Violates any section of this chapter [the Motor Vehicle Inspection  
17 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted  
18 pursuant to it, which related to the licensed activities.

19                     (c) Violates any of the regulations adopted by the director pursuant to  
20 this chapter.

21                     (d) Commits any act involving dishonesty, fraud, or deceit whereby  
22 another is injured.

23           12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
24 expiration or suspension of a license by operation of law, or by order or decision of the Director  
25 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
26 the Director of jurisdiction to proceed with disciplinary action.

27           13. Section 44072.8 of the Health and Safety Code states:

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

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1 d. Section 44059: Respondent AAA willfully made false entries for electronic  
2 Certificate of Compliance No. [REDACTED], certifying that the vehicle had been inspected as  
3 required when, in fact, it had not.

4 SIXTH CAUSE FOR DISCIPLINE

5 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

6 21. Respondent AAA has subjected his station license to discipline under Health and  
7 Safety Code section 44072.2, subdivision (c), in that on or about May 15, 2010, regarding the  
8 1996 Honda Accord, he violated sections of the California Code of Regulations, title 16, as  
9 follows:

10 a. Section 3340.24, subdivision (c): Respondent AAA falsely or fraudulently issued  
11 electronic Certificate of Compliance No. [REDACTED] without performing a bona fide inspection of  
12 the emission control devices and systems on that vehicle as required by Health and Safety Code  
13 section 44012.

14 b. Section 3340.35, subdivision (c): Respondent AAA issued electronic Certificate of  
15 Compliance No. [REDACTED] even though that vehicle had not been inspected in accordance with  
16 section 3340.42 of that Code.

17 c. Section 3340.42: Respondent AAA failed to conduct the required smog tests and  
18 inspections on that vehicle in accordance with the Bureau's specifications.

19 SEVENTH CAUSE FOR DISCIPLINE

20 (Dishonesty, Fraud or Deceit)

21 22. Respondent AAA subjected his station license to discipline under Health and Safety  
22 Code section 44072.2, subdivision (d), in that on or about May 15, 2010, regarding the 1996  
23 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another was  
24 injured by issuing electronic Certificate of Compliance No. [REDACTED] for that vehicle without  
25 performing a bona fide inspection of the emission control devices and system on the vehicle,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 23. Respondent Bernabe has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (a), in that on or about May 15, 2010, regarding the  
5 1996 Honda Accord, he violated sections of that Code, as follows:

6 a. Section 44012, subdivision (a): Respondent Bernabe failed to determine that all  
7 emission control devices and systems required by law were installed and functioning correctly in  
8 accordance with test procedures.

9 b. Section 44012, subdivision (f): Respondent Bernabe failed to perform emission  
10 control tests on that vehicle in accordance with procedures prescribed by the department.

11 c. Section 44032: Respondent Bernabe failed to perform tests of the emission control  
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

13 d. Section 44059: Respondent Bernabe willfully made false entries for electronic  
14 Certificate of Compliance No. [REDACTED], certifying that the vehicle had been inspected as  
15 required when, in fact, it had not.

16 NINTH CAUSE FOR DISCIPLINE

17 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

18 24. Respondent Bernabe has subjected his technician license to discipline under Health  
19 and Safety Code section 44072.2, subdivision (c), in that on or about May 15, 2010, regarding the  
20 1996 Honda Accord, he violated sections of the California Code of Regulations, title 16, as  
21 follows:

22 a. Section 3340.24, subdivision (c): Respondent Bernabe falsely or fraudulently issued  
23 electronic Certificate of Compliance No. [REDACTED] without performing a bona fide inspection of  
24 the emission control devices and systems on that vehicle as required by Health and Safety Code  
25 section 44012.

26 b. Section 3340.30, subdivision (a): Respondent Bernabe failed to inspect and test that  
27 vehicle in accordance with Health and Safety Code section 44012.

1 c. Section 3340.41, subdivision (c): Respondent Bernabe entered false information into  
2 the Emission Inspection System for electronic Certificate of Compliance No. [REDACTED] by  
3 entering "Pass" for the visual inspection of the fuel evaporative controls when, in fact, the vehicle  
4 could not pass the visual inspection because the vehicle's EVAP assembly was missing.

5 d. Section 3340.42: Respondent Bernabe failed to conduct the required smog tests and  
6 inspections on that vehicle in accordance with the Bureau's specifications.

7 **TENTH CAUSE FOR DISCIPLINE**

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

9 25. Respondent Bernabe has subjected his technician license to discipline under Health  
10 and Safety Code section 44072.2, subdivision (d), in that on or about May 15, 2010, regarding the  
11 1996 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another  
12 was injured by issuing electronic Certificate of Compliance No. [REDACTED] without performing a  
13 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program.

16 **PRIOR CITATIONS**

17 26. To determine the degree of penalty, if any, to be imposed upon Respondent,  
18 Complainant alleges as follows:

19 a. On October 12, 2005, the Bureau issued Citation No. C06-0202 to Respondent AAA  
20 against his registration and station licenses for violations of Health and Safety Code section  
21 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
22 and California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c)  
23 (issuing a certificate of compliance to a vehicle improperly tested). Respondent AAA issued a  
24 certificate of compliance to a Bureau vehicle with the ignition timing adjusted beyond the  
25 manufacturer's specifications. The Bureau assessed a civil penalty of \$500. Respondent AAA  
26 complied with this citation on November 9, 2005.

27 b. On February 13, 2009, the Bureau issued Citation No. C09-0935 to Respondent AAA  
28 against his registration and station licenses for violations of Health and Safety Code section

1 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
2 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
3 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with  
4 a missing positive crankcase ventilation valve. The Bureau assessed a civil penalty of \$500.  
5 Respondent AAA complied with this citation on March 20, 2009.

6 c. On October 8, 2009, the Bureau issued Citation No. C2010-0343 to Respondent AAA  
7 against his registration and station licenses for violations of Health and Safety Code section  
8 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
9 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
10 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with  
11 the ignition timing adjusted beyond the manufacturer's specifications. The Bureau assessed a  
12 civil penalty of \$1,000. Respondent AAA complied with this citation on November 9, 2009.

13 d. On January 26, 2010, the Bureau issued Citation No. C2010-0727 to Respondent  
14 AAA against his registration and station licenses for violations of Health and Safety Code section  
15 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
16 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
17 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with  
18 a missing pulsed secondary air injection/air suction system. The Bureau assessed a civil penalty  
19 of \$2,000. Respondent AAA complied with this citation on February 18, 2010.

20 e. On October 8, 2009, the Bureau issued Citation No. M2010-0344 to Respondent  
21 Bernabe against his technician license for violations of Health and Safety Code section 44032,  
22 (qualified technicians shall perform tests of emission control systems and devices in accordance  
23 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")  
24 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
25 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
26 3340.42). Respondent Bernabe issued a certificate of compliance to a Bureau vehicle with the  
27 ignition timing adjusted beyond the manufacturer's specifications. Respondent Bernabe was  
28

1 required to attend an 8-hour training course. Respondent Bernabe complied with this citation on  
2 November 11, 2009.

3 f. On January 26, 2010, the Bureau issued Citation No. M2010-0728 to Respondent  
4 Bernabe against his technician license for violations of Health and Safety Code section 44032,  
5 (qualified technicians shall perform tests of emission control systems and devices in accordance  
6 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")  
7 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in  
8 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
9 3340.42). Respondent Bernabe issued a certificate of compliance to a Bureau vehicle with a  
10 missing pulsed secondary air injection/air suction system. Respondent Bernabe was required to  
11 attend a 16-hour training course. Respondent complied with this citation on March 17, 2010.

#### 12 OTHER MATTERS

13 27. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
14 or permanently or refuse to validate, the registrations for all places of business operated in this  
15 state by to Milus K. Solakov doing business as AAA Speedy Smog, upon a finding that he has, or  
16 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to  
17 an automotive repair dealer.

18 28. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station  
19 License Number TC 229060, issued to Milus K. Solakov doing business as AAA Speedy Smog,  
20 is revoked or suspended, any additional license issued under this chapter in the name of said  
21 licensee may be likewise revoked or suspended by the director.

22 29. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
23 Technician License Number EA 631056, issued to Angel Luis Bernabe, is revoked or suspended,  
24 any additional license issued under this chapter in the name of said licensee may be likewise  
25 revoked or suspended by the director.

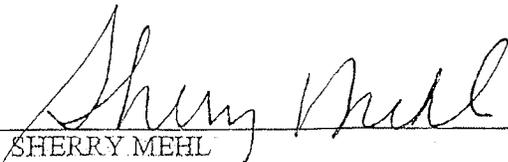
#### 26 PRAYER

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

- 1           1.    Revoking, suspending, or placing on probation Automotive Repair Dealer  
2 Registration Number ARD 229060, issued to Milus K. Solakov doing business as AAA Speedy  
3 Smog;
- 4           2.    Revoking, suspending, or placing on probation any additional automotive repair  
5 dealer registration issued to Milus K. Solakov doing business as AAA Speedy Smog;
- 6           3     Revoking or suspending Smog Check Test Only Station License Number TC 229060,  
7 issued to Milus K. Solakov doing business as AAA Speedy Smog;
- 8           4.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
9 and Safety Code in the name of Milus K. Solakov doing business as AAA Speedy Smog;
- 10          5.    Revoking or suspending Advanced Emission Specialist Technician License Number  
11 EA 631056, issued to Angel Luis Bernabe;
- 12          6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
13 and Safety Code in the name of Angel Luis Bernabe;
- 14          7.    Ordering Milus K. Solakov and Angel Luis Bernabe to pay the Bureau of Automotive  
15 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3; and,
- 17          8.    Taking such other and further action as deemed necessary and proper.

18  
19  
20  
21 DATED: \_\_\_\_\_

3/7/11

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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