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

In the Matter of the Petition to Revoke  
Probation Against:

Case No. 79/15-78

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

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

and

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

Respondents.

1 FINDINGS OF FACT

2 1. On or about November 25, 2014, Complainant Patrick Dorais, in his official capacity  
3 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Petition  
4 to Revoke Probation No. 79/15-78 against Milus Solakov, doing business as AAA Speedy Smog,  
5 and Angel Luis Bernabe (Respondents) before the Director of Consumer Affairs. (Petition to  
6 Revoke Probation and accompanying documents, including proof of service, attached as Exhibit  
7 A.)

8 **Automotive Repair Dealer Registration**

9 2. On or about September 2, 2003, the Bureau issued Automotive Repair Dealer  
10 Registration Number ARD 229060 (registration) to Milus Kirov Solakov doing business as AAA  
11 Speedy Smog (Respondent AAA). The registration expired on August 31, 2013, and has not been  
12 renewed. (License history certification regarding Respondent AAA's registration, attached as  
13 Exhibit B.)

14 **Smog Check Test Only Station License**

15 3. On a date uncertain in 2003, the Bureau issued Smog Check Test Only Station  
16 License Number TC.229060 (station license) to Respondent AAA. The station license expired on  
17 August 31, 2013, and has not been renewed. (License history certification regarding Respondent  
18 AAA's station license, attached as Exhibit B.)

19 **Advanced Emission Specialist Technician License**

20 4. On or about June 1, 2009, the Bureau issued Advanced Emission Specialist  
21 Technician License Number EA 631056 (technician license) to Angel Luis Bernabe (Respondent  
22 Bernabe). The technician license expired on February 28, 2013, and has not been renewed.  
23 (License history certification regarding Respondent Bernabe's technician license, attached as  
24 Exhibit C.)

25 5. On or about November 25, 2014, Respondents were served by Certified and First  
26 Class Mail copies of the Petition to Revoke Probation No. 79/15-78, Statement to Respondent,  
27 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections  
28 11507.5, 11507.6, and 11507.7) at Respondents' addresses of record which, pursuant to Business

1 and Professions Code section 136, are required to be reported and maintained with the Bureau.

2 Respondents' addresses of record were and are:

3 Milus Kirov Solakov  
4 doing business as AAA Speedy Smog  
5 590 Saratoga Avenue  
6 San Jose, CA 95129

6 Angel Luis Bernabe  
7 5471 Don Juan Circle  
8 San Jose, CA 95123

8 6. Service of the Petition to Revoke Probation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
10 Code section 124.

11 7. On or about December 8, 2014, the aforementioned documents addressed to Milus  
12 Kirov Solakov, doing business as AAA Speedy Smog, were returned by the United States Postal  
13 Service marked "Addressee Unknown." On or about February 3, 2015, the aforementioned  
14 documents addressed to Angel Luis Bernabe were returned by the United States Postal Service  
15 marked "Addressee Unknown." The addresses on the documents were the same as the addresses  
16 on file with the Bureau. Respondents failed to maintain updated addresses with the Bureau and  
17 the Bureau has made attempts to serve the Respondents at the addresses on file. Respondents  
18 have not made themselves available for service and therefore, have not availed themselves of  
19 their right to file notices of defense and appear at hearing. (Copies of the returned envelopes are  
20 attached as Exhibit D.)

21 8. Government Code section 11506 states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
24 of the accusation not expressly admitted. Failure to file a notice of defense shall  
25 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
26 may nevertheless grant a hearing.

25 9. Respondents failed to file Notices of Defense within 15 days after service upon them  
26 of the Petition to Revoke Probation, and therefore waived their right to a hearing on the merits of  
27 Petition to Revoke Probation No. 79/15-78.

28 10. California Government Code section 11520 states, in pertinent part:

1 (a) If the respondent either fails to file a notice of defense or to appear at the  
2 hearing, the agency may take action based upon the respondent's express admissions  
3 or upon other evidence and affidavits may be used as evidence without any notice to  
4 respondent.

5 11. Pursuant to its authority under Government Code section 11520, the Director after  
6 having reviewed the proof of service dated November 25, 2014, signed by Ann Lauber, and the  
7 returned envelopes, finds Respondents are in default. The Director will take action without  
8 further hearing and, based on the Petition to Revoke Probation, No. 79/15-78, proof of service  
9 and on the Affidavit of Bureau Representative Lance West, finds that the allegations in the  
10 Petition to Revoke Probation are true. (The affidavit of Bureau Representative Lance West is  
11 attached as Exhibit E.)

12 DETERMINATION OF ISSUES AS TO MILUS SOLAKOV DOING BUSINESS AS AAA  
13 SPEEDY SMOG

14 1. Based on the foregoing findings of fact, Respondent Milus Solakov, doing business as  
15 AAA Speedy Smog (Respondent AAA), has subjected his Automotive Repair Dealer Registration  
16 Number ARD 229060 and Smog Check Test Only Station License Number TC 229060 to  
17 discipline.

18 2. The agency has jurisdiction to adjudicate this case by default.

19 3. The Director of Consumer Affairs is authorized to revoke Respondent AAA's  
20 Automotive Repair Dealer Registration and Smog Check Test Only Station License due to  
21 Respondent AAA's violations of the Probation Program established by the Stipulated Settlement  
22 and Disciplinary Order. The violations are alleged in the Petition to Revoke Probation and are  
23 supported by the evidence contained in the affidavit of Bureau Representative Lance West in this  
24 case. Respondent AAA violated Conditions 2 (obey all laws) and 9 (cost recovery) of the  
25 Stipulated Settlement and Disciplinary Order.

26 DETERMINATION OF ISSUES AS TO ANGEL LUIS BERNABE

27 1. Based on the foregoing findings of fact, Respondent Angel Luis Bernabe (Respondent  
28 Bernabe), has subjected his Advanced Emission Specialist Technical License Number EA 631056  
to discipline.



# Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHEILA J. VASANTHARAM  
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*Attorneys for Complainant*  
8

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

12 In the Matter of the Petition to Revoke  
Probation Against:  
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  
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.

Case No. 79/15-78

PETITION TO REVOKE PROBATION

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

5 **DISCIPLINARY CONSIDERATIONS AS TO MILUS SOLAKOV DOING BUSINESS AS**

6 **AAA SPEEDY SMOG**

7 9. In a disciplinary action entitled *In re Accusation Against AAA Speedy Smog, Milus*  
8 *Solakov, and Angel Luis Bernabe*, Case No. 79/11-74, the Bureau of Automotive Repair issued a  
9 decision effective November 29, 2011, in which Respondent Milus Kirov Solakov's, doing  
10 business as AAA Speedy Smog's, (Respondent AAA's) Automotive Repair Dealer Registration  
11 Number ARD 229060 and Smog Check Test Only Station License Number TC 229060 were  
12 revoked. However, the revocations were stayed and the registration and license were placed on  
13 probation for a period of three (3) years with certain terms and conditions. A copy of that  
14 decision is attached as Exhibit A and is incorporated by reference.

15 10. To determine the degree of discipline, if any, to be imposed on Respondent AAA,  
16 Complainant alleges that the previous disciplinary action involving similar charges may be  
17 considered.

18 **PETITION TO REVOKE PROBATION AS TO MILUS SOLAKOV DOING BUSINESS**

19 **AS AAA SPEEDY SMOG**

20 11. Grounds exist for revoking the probation and reimposing the order of revocation of  
21 the Automotive Repair Dealer Registration Number ARD 229060 and Smog Check Test Only  
22 Station License Number TC 229060 issued to Respondent Milus Kirov Solakov, doing business  
23 as AAA Speedy Smog. Condition 7 of the Stipulated Settlement and Disciplinary Order states:

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

27 12. Respondent AAA has violated the Probation Program, as more particularly set forth  
28 in the following paragraphs:

1                    FIRST CAUSE TO REVOKE PROBATION AS TO MILUS SOLAKOV DOING

2                                    BUSINESS AS AAA SPEEDY SMOG

3    (Obey All Laws)

4                    13. At all times after the effective date of Respondent AAA's probation, Condition 2  
5 stated:

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

8                    14. Respondent AAA's probation is subject to revocation because he failed to comply  
9 with Probation Condition 2 by not fulfilling a condition of the Board's Probation Program, the  
10 circumstances of which are set forth below.

11                    SECOND CAUSE TO REVOKE PROBATION AS TO MILUS SOLAKOV DOING

12                                    BUSINESS AS AAA SPEEDY SMOG

13    (Cost Recovery)

14                    15. At all times after the effective date of Respondent AAA's probation, Condition 9  
15 stated:

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

28                    16. Respondent AAA's probation is subject to revocation because he failed to comply  
with Probation Condition 9. Under this condition, Respondents AAA and Bernabe were jointly  
and severally liable for the total costs of investigation and enforcement of this matter in the  
amount of \$7,361.76. Respondents were supposed to pay the Bureau the full amount no later than

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**

25 (Obey All Laws)

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

28 **Obey All Laws.** Comply with all statutes, regulations, and rules governing  
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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20   90451985.doc