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

In the Matter of the Accusation Against:	
ULISES AUTO SMOG AND REPAIR **ULISES GUIZAR, OWNER** 1100 East Market Street Salinas, CA 93905 Automotive Repair Dealer Registration No. ARD 231103 Smog Check Station License No. RC 231103 Lamp Station License No. LS 231103, Class A Brake Station License No. BS 231103, Class C **ULISES GUIZAR** 1100 East Market Street Salinas, CA 93905 Smog Check Inspector License No. EO 141286 Smog Check Repair Technician License No. EI 141286 (formerly Advanced Emission Specialist Technician License No. EA 141286) Lamp Adjuster License No. LA 141286, Class A Brake Adjuster License No. BA 141286, Class C **JUSTINO L. URIBE** P.O. Box 1943 Gonzales, CA 93926 Smog Check Inspector License No. EO 148163 Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist Technician License No. EA 148163) Lamp Adjuster License No. LA 148163, Class A Brake Adjuster License No. BA 148163, Class C Respondents.	Case No. 79/12-106

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 October 31, 2014.

DATED: October 7, 2014

Doreathea Johnson

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General
ASPASIA A. PAPAVASSILIOU
Deputy Attorney General
State Bar No. 196360
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2199
Facsimile: (510) 622-2270
E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **ULISES AUTO SMOG AND REPAIR** **ULISES GUIZAR, OWNER** 1100 East Market Street Salinas, CA 93905 **Automotive Repair Dealer Registration No. ARD 231103** **Smog Check Station License No. RC 231103** **Lamp Station License No. LS 231103, Class A** **Brake Station License No. BS 231103, Class C** **ULISES GUIZAR** 1100 East Market Street Salinas, CA 93905 **Smog Check Inspector License No. EO 141286** **Smog Check Repair Technician License No. EI 141286 (formerly Advanced Emission Specialist Technician License No. EA 141286)** **Lamp Adjuster License No. LA 141286, Class A** **Brake Adjuster License No. BA 141286, Class C** **JUSTINO L. URIBE** P.O. Box 1943 Gonzales, CA 93926 **Smog Check Inspector License No. EO 148163** **Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist Technician License No. EA 148163)** **Lamp Adjuster License No. LA 148163, Class A** **Brake Adjuster License No. BA 148163, Class C** Respondents.	Case No. 79/12-106 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau). He continues this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy Attorney General.

2. Ulises Guizar, as Owner of Ulises Auto Smog and Repair (Respondent Ulises) and as an individual (Respondent Guizar), is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. Justino L. Uribe (Respondent Uribe) is representing himself in this proceeding and has chosen no to exercise his right to be represented by counsel.

Ulises Auto Smog and Repair

4. In 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 231103 to Respondent Ulises. The Automotive Repair Dealer Registration expires on December 31, 2014, unless renewed.

5. On or about January 27, 2004, the Bureau issued Smog Check Station License Number RC 231103 to Respondent Ulises. The Smog Check Station License expires on December 31, 2014, unless renewed.

6. On or about January 30, 2006, the Bureau issued Lamp Station License Number LS 231103, Class A to Respondent Ulises. The Lamp Station License expires on December 31, 2014, unless renewed.

7. On or about January 30, 2006, the Bureau issued Brake Station License Number BS 231103, Class C to Respondent Ulises. The Brake Station License expired on December 31, 2012, and has not been renewed.

Ulises Guizar

8. In 1999, the Bureau issued Basic Area Technician License to Respondent Guizar. On or about April 3, 2009, the Basic Area Technician License was upgraded to Advanced Emission

Specialist Technician License No. EA 141286. In 2013, per Respondent's election, the Advanced Emission Specialist Technician License was redesignated as Smog Check Inspector License No. EO 141286 and Smog Check Repair Technician License No. EI 141286.[1] The Smog Check Inspector License and Smog Check Repair Technician License expire on March 31, 2015, unless renewed.

9. In 2005, the Bureau issued Lamp Adjuster License No. LA 141286, Class A, to Respondent Guizar. The Lamp Adjuster License expired on March 31, 2013, and has not been renewed.

10. In 2005, the Bureau issued Brake Adjuster License No. BA 141286, Class C, to Respondent Guizar. The Brake Adjuster License expires on March 31, 2015, unless renewed.

Justino L. Uribe

11. In 2003, the Bureau issued Basic Area Technician License No. EB 148163 to Respondent Uribe. On or about April 20, 2009, the Basic Area Technician License was upgraded to Advanced Emission Specialist Technician License No. EA 148163. In 2013, the Advanced Emission Specialist Technician License, per Respondent's election, was redesignated as Smog Check Inspector License No. EO 148163 and Smog Check Repair Technician License No. EI 148163. The Smog Check Inspector License and Smog Check Repair Technician License expire on March 31, 2015, unless renewed.

12. In 2003, the Bureau issued Lamp Adjuster License No. LA 148163, Class A, to Respondent Uribe. The Lamp Adjuster license expired on March 31, 2012, and has not been renewed.

13. In 2003, the Bureau issued Brake Adjuster License No. BA 148163, Class C, to Respondent Uribe. The Brake Adjuster License expired on March 31, 2012, and has not been renewed.

JURISDICTION

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

14. Accusation No. 79/12-106 was filed before the Director of Consumer Affairs (Director), for the Bureau, and is pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on May 18, 2012. Respondent timely filed their Notice of Defense contesting the Accusation.

15. A copy of Accusation No. 79/12-106 is attached as exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

16. Respondent understands the charges and allegations in Accusation No. 79/12-106, and that he has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.[2]

17. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

18. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

19. Respondent Ulises Guizar understands and agrees that the charges and allegations in Accusation No. 79/12-106, if proven at a hearing, constitute cause for imposing discipline upon his following Bureau-issued licenses: Automotive Repair Dealer Registration No. ARD 231103; Smog Check Station License No. RC 231103; Lamp Station License No. LS 231103, Class A; Brake Station License No. BS 231103, Class C; Smog Check Inspector License No. EO 141286 and Smog Check Repair Technician License No. EI 141286 (formerly Advanced Emission

[2] Unless otherwise specified, "Respondent" in this stipulation refers to each Respondent signing the stipulation.

Specialist Technician License No. EA 141286); Lamp Adjuster License No. LA 141286, Class A; and Brake Adjuster License No. BA 141286, Class C.

20. Respondent Justine L. Uribe understands and agrees that the charges and allegations in Accusation No. 79/12-106, if proven at a hearing, constitute cause for imposing discipline upon his following Bureau-issued licenses: Smog Check Inspector License No. EO 148163 and Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist Technician License No. EA 148163); Lamp Adjuster License No. LA 148163, Class A; and Brake Adjuster License No. BA 148163, Class C.

21. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

22. Respondent agrees that his above mentioned licenses are subject to discipline and he agrees to be bound by the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

23. Respondent has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

RESERVATION

24. The admissions made by Respondent in this stipulation are only for the purposes of this proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of Automotive Repair, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

25. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees

that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

IT IS ORDERED that Lamp Station License No. LS 231103, Class A, and Brake Station License No. BS 231103, Class C, issued to Respondent Ulises Auto Smog and Repair with Ulises Guizar as Owner, are revoked.

IT IS ORDERED that Lamp Adjuster License No. LA 141286, Class A, and Brake Adjuster License No. BA 141286, Class C, issued to Respondent Ulises Guizar, are revoked.

IT IS ORDERED that Lamp Adjuster License No. LA 148163, Class A, and Brake Adjuster License No. BA 148163, Class C, issued to Respondent Justino L. Uribe, are revoked.

IT IS ORDERED that Automotive Repair Dealer Registration No. ARD 231103 and Smog Check Station License No. RC 231103, issued to Respondent Ulises Auto Smog, with Ulises Guizar, Owner; Smog Check Inspector License No. EO 141286 and Smog Check Repair

Technician License No. EI 141286 (formerly Advanced Emission Specialist Technician License No. EA 141286), issued to Respondent Ulises Guizar; and Smog Check Inspector License No. EO 148163 and Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist Technician License No. EA 148163), issued to Respondent Justino L. Uribe, are invalidated (as to the registration) or revoked (as to the licenses), but that the invalidation or revocation be stayed, and Respondents placed on probation for three (3) years on the terms and conditions below.

1. **Obey All Laws.** Respondent shall comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

2. **Actual Suspension/Post Sign.** Respondent shall serve 15 consecutive days suspension to begin on the effective date of the decision. Respondent Ulises Auto Smog and Repair, with Ulises Guizar as Owner, shall post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.

3. **Reporting.** Respondent shall report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

4. **Report Financial Interest.** Respondent shall, within 30 days of the effective date of this action, report any financial interest in any other business required to be registered under Section 9884.6 of the Business and Professions Code.

5. **Random Inspections.** Respondent shall provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

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

decision.

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

8. **Continuing Education Courses.** During the period of probation, Respondent shall attend and successfully complete a Bureau certified Licensed Inspector Training Level I course, with proof of completion submitted to the Bureau within 180 days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 180-day period, Respondent's license shall be immediately suspended until such proof is received.

9. **Cost Recovery.** Respondent Ulises Auto Smog and Repair, with Ulises Guizar as Owner, shall pay the Bureau $27,000 in cost recovery in 24 monthly payments of $1,125.00, with full payment to be made no later than 12 months before probation terminates. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Ulises Auto Smog and Repair's registration and license to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may elect to continue probation until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

ACCEPTANCE BY ULISES GUIZAR

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 No. ARD 231103; Smog Check Station License No. RC 231103; Lamp Station License No. LS 231103, Class A; Brake Station License No. BS 231103, Class C; Smog Check Inspector License No. EO 141286 and Smog Check Repair Technician License No. EI 141286 (formerly Advanced Emission Specialist Technician License No. EA 141286); Lamp Adjuster License No. LA 141286, Class A; and Brake Adjuster License No. BA 141286, Class C. 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: 8/25/14

ULISES GUIZAR,
Respondent

ACCEPTANCE BY JUSTINO L. URIBE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Smog Check Inspector License No. EO 148163 and Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist Technician License No. EA 148163); Lamp Adjuster License No. LA 148163, Class A; and Brake Adjuster License No. BA 148163, Class C. 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: 9/2/2014

JUSTINO L. URIBE,
Respondent

ENDORSEMENT

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

Dated: 9/16/2014

Respectfully submitted,

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

ASPASIA A. PAPAVASSILIOU
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-106

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General
ASPASIA A. PAPAVASSILIOU
Deputy Attorney General
State Bar No. 196360
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2199
Facsimile: (510) 622-2270
Attorneys for Complainant

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against: **ULISES AUTO SMOG AND REPAIR** **ULISES GUIZAR, OWNER** 1100 East Market Street Salinas, CA 93905 **Automotive Repair Dealer Registration No. ARD 231103** **Smog Check Station License No. RC 231103** **Lamp Station License No. LS 231103, Class A** **Brake Station License No. BS 231103, Class C** **ULISES GUIZAR** 1100 East Market Street Salinas, CA 93905 **Advanced Emission Specialist Technician License No. EA 141286** **Lamp Adjuster License No. LA 141286, Class A** **Brake Adjuster License No. BA 141286, Class C** **JUSTINO L. URIBE** P.O. Box 1943 Gonzales, CA 93926 **Advanced Emission Specialist Technician License No. EA 148163** **Lamp Adjuster License No. LA 148163, Class A** **Brake Adjuster License No. BA 148163, Class C** Respondents.	Case No. **79/12-106** **ACCUSATION** Smog Check

John Wallauch (Complainant) alleges:

PARTIES

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

LICENSE INFORMATION

Ulises Auto Smog and Repair

2. In 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 231103 to Ulises Auto Smog and Repair with Ulises Guizar as Owner (Respondent Ulises). The Automotive Repair Dealer Registration expires on December 31, 2012, unless renewed.

3. On or about January 27, 2004, the Bureau issued Smog Check Station License Number RC 231103 to Respondent Ulises. The Smog Check Station License expires on December 31, 2012, unless renewed.

4. On or about January 30, 2006, the Bureau issued Lamp Station License Number LS 231103, Class A to Respondent Ulises. The Lamp Station License expires on December 31, 2012, unless renewed.

5. On or about January 30, 2006, the Bureau issued Brake Station License Number BS 231103, Class C to Respondent Ulises. The Brake Station License expires on December 31, 2012, unless renewed.

Ulises Guizar

6. In 1999, the Bureau issued Basic Area Technician License No. EB 141286 to Ulises Guizar (Respondent Guizar). The license was cancelled on or about April 3, 2009, when the Bureau issued Advanced Emission Specialist Technician License No. EA 141286 to Respondent Guizar. The Advanced Emission Specialist Technician License expires on March 31, 2013, unless renewed.

7. In 2005, the Bureau issued Lamp Adjuster License No. LA 141286, Class A, to Respondent Guizar. The Lamp Adjuster license expires on March 31, 2013, unless renewed.

8. In 2005, the Bureau issued Brake Adjuster License No. BA 141286, Class C, to Respondent Guizar. The Brake Adjuster License expires on March 31, 2015, unless renewed.

Justino L. Uribe

9. In 2003, the Bureau issued Basic Area Technician License No. EB 148163 to Justino L. Uribe (Respondent Uribe). The Basic Area Technician License was cancelled on or about April 20, 2009, when the Bureau issued Advanced Emission Specialist Technician License No. EA 148163 to Respondent Uribe. The Advanced Emission Specialist Technician License expires on March 31, 2013, unless renewed.

10. In 2003, the Bureau issued Lamp Adjuster License No. LA 148163, Class A, to Respondent Uribe. The Lamp Adjuster license expires on March 31, 2012, unless renewed.

11. In 2003, the Bureau issued Brake Adjuster License No. BA 148163, Class C, to Respondent Uribe. The Brake Adjuster License expires on March 31, 2012, unless renewed.

STATUTORY PROVISIONS

12. Section 9884.7 of the Business and Professions Code (Code) states, in pertinent part:

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> (3) Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs the document.
>
> (4) Any other conduct which constitutes fraud.
>
> (5) Conduct constituting gross negligence.
>
> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
>
> (7) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to another without consent of the owner or his or her duly authorized representative.
>
> (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to

subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

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

13. Section 9889.3 of the Code states, in pertinent part:

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

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

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

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

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

14. Section 9889.1 of the Code states:

Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

15. Section 9889.9 of the Code states:

When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.

16. Section 9889.16 of the Code states:

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

17. Section 9884.9 of the Code states:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when 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 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)

Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

18. Section 9889.7 of the Code states:

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

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

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

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

> The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
>
> (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.
>
> (c) Violates any of the regulations adopted by the director pursuant to this chapter.
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

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

23. Section 44072.8 of the Health and Safety Code states:

> 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.

COST RECOVERY

24. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

25. From on or around June 2, 2011 to on or around September 1, 2011, the Bureau conducted an undercover investigation of Respondent Ulises' auto repair and smog, brake, and lamp inspection facility. The investigation involved three undercover vehicles and revealed that Respondent Ulises improperly issued two smog certificates of compliance, two brake certificates

of compliance, and one lamp certificate of compliance, with each certificate signed by either Respondent Guizar or Respondent Uribe as set forth in Tables 1 and 3, below. In addition, a second lamp certificate of compliance, while properly issued, contained incorrect information, as set forth in Table 2, below.

Table 1: Improper Certificates by Respondent Guizar

Date	Vehicle	Certificate	Details
June 2, 2011	1997 Honda Accord	Smog Check	Vehicle lacked working MIL (Malfunction Indicator Lamp).
June 14, 2011	1997 Honda Accord	Brake Adjustment	Vehicle's wheels were not removed during inspection and vehicle was not road-tested. Also, vehicle's rear-brake drums were too large and its front disk brake rotors were too thin.

Table 2: Proper Certificate but with Incorrect Information by Respondent Guizar

Date	Vehicle	Certificate	Details
June 14 2011	1997 Honda Accord	Lamp Adjustment	Semaphore type signals and spot lamps were marked as inspected or repaired; the vehicle, however, was not equipped with semaphore type signals or spot lamps.

Table 3: Improper Certificates by Respondent Uribe

Date	Vehicle	Certificate	Details
June 17, 2011	1993 Honda Accord	Smog Check	Vehicle's ignition timing was beyond manufacturer's specifications.
September 1, 2011	1990 Chevrolet truck	Brake Adjustment	Vehicle's wheels were not removed during inspection and vehicle was not road-tested. Also, vehicle's rear-brake drums were too large and its front disk brake rotors were too thin.
September 1, 2011	1990 Chevrolet truck	Lamp Adjustment	Vehicle had rear back-up light that did not work.

UNDERCOVER VEHICLE NO. 1: 1997 HONDA ACCORD

26. On June 2, 2011, an undercover Bureau operator ("operator") drove a 1997 Honda Accord to Respondent Ulises' facility and requested a lamp, brake, and smog inspection. The vehicle could not properly pass a brake inspection in that both front brake rotors were below factory allowable specifications (undersized), and both rear brake drums were above factory diameter specifications (oversized). In addition, the vehicle could not pass a lamp inspection, in that both front headlights were out of adjustment, and one of the front turn signal lenses was cracked. Finally, the vehicle could not pass a smog inspection in that it was missing the Malfunction Indicator Lamp in the instrument cluster.

27. The operator was not provided with a written estimate but was told the cost for the inspections would be $135.

28. Respondent Guizar performed a smog inspection, signed a Vehicle Inspection Report , and had a Smog Certificate of Compliance issued. He told the operator he would not do the lamp and brake inspection until the cracked front turn signal lens was repaired. Respondent was charged $45 for the smog certificate.

29. On June 14, 2011, the operator returned to Respondent Ulises' facility after the broken turn signal was replaced and asked for a brake and lamp inspection. The operator was not provided with a written estimate. Respondent Guizar signed a Lamp Certificate of Adjustment and a Brake Certificate of Adjustment for the vehicle. Tthe operator paid $90 for the certifications.

30. In issuing the lamp certificate of adjustment, Respondent Guizar marked that semaphore type signals and spot lamps were inspected or repaired; the vehicle, however, was not equipped with semaphore type signals or spot lamps.

31. In conducting the brake inspection, Respondent Guizar failed to remove the vehicle's wheels or to road test the vehicle. In addition, he issued a Certificate of Adjustment despite the vehicle's rear-brake drums being too large and its front disk brake rotors too thin.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

32. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(1), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it made untrue or misleading statements, as follows:

a. Respondent Ulises and Respondent Guizar represented in the Brake Certificate of Adjustment that the applicable inspections had been performed on the vehicle's brake system when, in fact, they had not.

b. Respondent Ulises and Respondent Guizar represented in the Brake Certificate of Adjustment that the vehicle's front brake rotors and rear brake drums were in satisfactory condition when, in fact, they were not.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

33. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(4), in that on or about June 14, 2011, it committed acts that constitute fraud by accepting payment from the operator for performing the applicable inspections, adjustments, or repairs of the brake system on the vehicle as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Ulises failed to perform the necessary inspections, adjustments, or repairs in compliance with Bureau Regulations and/or the Vehicle Code. In addition, Respondent Ulises' issued a Brake Certificate of Adjustment certifying that the vehicle's brake system was in satisfactory condition when, in fact, the front brake rotors were undersized and the rear brake drums were oversized.

THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

34. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(5), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it committed acts constituting gross negligence, in that Respondent failed to properly inspect the brake system on the vehicle and issued a Brake Certificate of Adjustment certifying that the

vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, the front brake rotors were undersized and the rear brake drums were oversized.

FOURTH CAUSE FOR DISCIPLINE

(Departure from Trade Standards)

35. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(7), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it willfully departed from or disregarded accepted trade standards for good and workmanlike repair without the consent of the owner or the owner's duly authorized representative in a material respect, in that it failed to inspect the brake system on the vehicle in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau. Respondent issued a Brake Certificate of Adjustment certifying that the vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, it was not.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

36. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it failed to comply with Code section 9889.16 by issuing a Brake Certificate of Adjustment certifying that the brake system was in compliance with the regulations of the Vehicle Code when, in fact, it was not.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

37. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subidivsion (a):** Respondent Ulises and Respondent Guizar failed to perform the inspection of the brake system on the vehicle in accordance with the vehicle's

manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau.

b. **Section 3321, subdivision (c)(2):** Respondent Ulises and Respondent Guizar issued a Brake Certificate of Adjustment to the vehicle when the brake system on the vehicle had not been properly tested or inspected.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

38. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (a), in that on June 14, 2011, regarding the 1997 Honda Accord, they violated section 9889.16 of the Code, relating to their licensed activities.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

39. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that on or about June 14, 2011, regarding the 1997 Honda Accord, they failed to comply with provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision (c)(2).

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

40. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (d), in that on or about June 14, 2011, regarding the 1997 Honda Accord, they committed acts involving dishonesty, fraud, or deceit whereby another was injured.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

41. Respondent Ulises' smog check station license and Respondent Guizar's advanced emission technician license are subject to discipline under Health and Safety Code section

44072.2, subdivision (d), in that on or about June 2, 2011, they committed a dishonest, fraudulent, or deceitful act whereby another was injured.

ELEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

42. Respondent Ulises' smog check station license and Respondent Guizar's technician license are subject to discipline under Health & Safety Code section 44072.2, subdivision (a), in that on or about June 2, 2011, regarding the 1997 Honda Accord, they failed to comply with the following sections of the Health and Safety Code:

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

b. **Section 44012, subdivision (f):** Respondent Ulises and Respondent Guizar failed to perform emission control tests on the vehicle in accordance with procedures prescribed by the department.

TWELFTH CAUSE FOR DISCIPLINE

(Failure to Properly Perform Required Testing)

43. Respondent Ulises' smog check station license is subject to discipline under Health & Safety Code section 44015, subdivision (b), in that on or about June 2, 2011, regarding the 1997 Honda Accord, the station issued a Certificate of Compliance for the vehicle without properly testing and inspecting the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Properly Perform Required Testing)

44. Respondent Guizar's technician license is subject to discipline under Health & Safety Code section 44032 in that on or about June 2, 2011, regarding the 1997 Honda Accord, he failed to perform a test of the emission control devices and systems on the vehicle in accordance with Health and Safety Code section 44012.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

45. Respondent Ulises' smog check station license and Respondent Guizar's technician license are subject to discipline under Health & Safety Code section 44072.2, subdivision (c), in that on or about June 2, 2011, regarding the 1997 Honda Accord, they failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.35, subdivision (c):** Respondent Ulises issued a Certificate of Compliance for the vehicle even though the vehicle had not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.30, subdivision (a):** Respondent Guizar failed to test and inspect the vehicle in accordance with Health and Safety Code sections 44012 and 44035 and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.42:** Respondent Ulises and Respondent Guizar failed to conduct the required smog tests on the vehicle in accordance with the Bureau's specifications.

FIFTEENTH CAUSE FOR DISCIPLINE

(Failure to Provide Written Estimate)

46. Respondent Ulises' smog check station license is subject to discipline under Code section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353, subdivision (a), in that on or about June 2, 2011, regarding the 1997 Honda Accord, it failed to provide the customer with a written estimate for the inspections to be performed.

UNDERCOVER CAR NO. 2: 1993 HONDA ACCORD

47. On or about June 17, 2011, an undercover Bureau operator ("operator") drove a 1993 Honda Accord to Respondent Ulises' facility and requested a lamp, brake, and smog inspection. The vehicle could not pass a brake inspection, in that both front brake rotors were beyond factory allowable specifications, and both rear brake rotors were beyond factory diameter specifications. In addition, the vehicle could not pass a lamp inspection, in that both front headlights were out of adjustment and the vehicle was missing its high beam indicator lamp in the

dash. Finally, the vehicle could not properly pass smog inspection because its ignition timing was adjusted out of specification.

48. The operator was told the smog test would cost $45, but was not provided a written estimate. Respondent Uribe performed the smog test and signed a Vehicle Inspection Report, and had a Smog Certificate of Compliance issued for the vehicle.

49. Respondent Uribe adjusted the misaligned headlights, but declined to provide brake and lamp certificates because of the too-thin brake rotors. He stated that he would do both inspections after the brakes were repaired.

SIXTEENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

50. Respondent Ulises' smog check station license and Respondent Uribe's technician license are subject to discipline under Health & Safety Code section 44072.2, subdivision (a), in that on or about June 17, 2011, regarding the 1993 Honda Accord, they failed to comply with the following sections of the Health and Safety Code:

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

b. **Section 44012, subdivision (f):** Respondent Ulises and Respondent Uribe failed to perform emission control tests on the vehicle in accordance with procedures prescribed by the department.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Failure to Properly Perform Required Testing)

51. Respondent Ulises' smog check station license is subject to discipline under Health & Safety Code section 44015, subdivision (b), in that on or about June 17, 2011, regarding the 1993 Honda Accord the station issued a Certificate of Compliance for the vehicle without properly testing and inspecting the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Properly Perform Required Testing)

52. Respondent Uribe's technician license is subject to discipline under Health & Safety Code section 44032 in that on or about June 17, 2011, regarding the 1993 Honda Accord, he failed to perform a test of the emission control devices and systems on the vehicle in accordance with Health and Safety Code section 44012.

NINETEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

53. Respondent Ulises' station license and Respondent Uribes's technician license are subject to discipline under Health & Safety Code section 44072.2, subdivision (c), in that on or about June 17, 2011, regarding the 1993 Honda Accord, they failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.30, subdivision (a):** Respondent Uribe issued a Certificate of Compliance for the vehicle even though the vehicle had not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.35, subdivision (c):** Respondent Ulises issued a Certificate of Compliance for the vehicle even though the vehicle had not been inspected in accordance with section 3340.42.

c. **Section 3340.42:** Respondent Ulises and Respondent Uribe failed to conduct the required smog tests on the vehicle in accordance with the Bureau's specifications.

TWENTIETH CAUSE FOR DISCIPLINE

(Failure to Provide Written Estimate)

54. Respondent Ulises' smog check station license is subject to discipline under Code section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353, subdivision (a), in that on or about June 17, 2011, regarding the 1993 Honda Accord, it failed to provide the customer with a written estimate for the inspections to be performed.

UNDERCOVER CAR NO. 3 – 1990 CHEVROLET TRUCK

55. On or about August 25, 2011, a Bureau undercover operator ("operator") drove a 1990 Chevrolet truck to Respondent Ulises' facility and requested a brake, lamp, and smog inspection. The vehicle could not properly pass a brake inspection because the front brake rotors were below the minimum specifications and the rear brake drums were above the maximum specifications. In addition, the vehicle could not properly pass a lamp inspection because the two license plate lights and a rear back-up light had non-illuminating bulbs. Finally, the vehicle could not properly pass a smog inspection because its Exhaust Gas Recycling (EGR) system was nonfunctional.

56. At the facility, the operator was told that the inspections would cost a total of $135, but he was not provided with an estimate.

57. After the smog inspection, a Ulises mechanic the operator that a couple of lights bulbs were replaced but that the vehicle failed smog inspection due to a defective EGR valve. He told the operator to come for the smog, brake and lamp certificates after getting the EGR valve repaired. The operator was not charged for work performed that day.

58. On September 1, 2011, the operator returned to Respondent Ulises' facilty and was issued a Smog Certificate of Compliance, a Brake Certificate of Adjustment, and a Lamp Certificate of Adjustment, all signed by Respondent Uribe. The operator paid $135 for the certificates.

59. The defective EGR valve had been replaced, so the smog certificate was properly issued. In conducting the brake inspection, however, Respondent Uribe failed to remove the vehicle's wheels or to road test the vehicle. In addition, he issued a Certificate of Adjustment despite the vehicle's rear-brake drums being too large and its front disk brake rotors too thin. Finally, Respondent Uribe provided the Lamp Certificate of Adjustment even though the vehicle still had a non-illuminating back-up light.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

60. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(1), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it made untrue or misleading statements, as follows:

a. Respondent Ulises represented in the Brake Certificate of Adjustment that the applicable inspections had been performed on the vehicle's brake system when, in fact, they had not.

b. Respondent Ulises represented in the Brake Certificate of Adjustment that the vehicle's front brake rotors and rear brake drums were in satisfactory condition when, in fact, they were not.

c. Respondent issued a Lamp Certificate of Adjustment certifying that the vehicle's lamps were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they were not (one of the back-up lamps was not illuminating).

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Fraud)

61. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(4), in that on or about September 1, 2011, it committed acts that constitute fraud by accepting payment from the operator for performing the applicable inspections, adjustments, or repairs of the brake system on the vehicle as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Ulises failed to perform the necessary inspections, adjustments, or repairs in compliance with Bureau Regulations and/or the Vehicle Code. In addition, Respondent Ulises' issued a Brake Certificate of Adjustment certifying that the vehicle's brake system was in satisfactory condition when, in fact, the front brake rotors were undersized and the rear brake drums were oversized. In addition, Respondent issued a Lamp Certificate of Adjustment certifying that the vehicle's lamps were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they were not (one of the back-up lamps was not illuminating).

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

62. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(5), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it committed acts constituting gross negligence, in that Respondent failed to properly inspect the brake system on the vehicle and issued a Brake Certificate of Adjustment certifying that the vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, the front brake rotors were undersized and the rear brake drums were oversized. In addition, Respondent issued a Lamp Certificate of Adjustment certifying that the vehicle's lamps were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they were not (one of the back-up lamps was not illuminating).

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Departure from Trade Standards)

63. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(7), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it willfully departed from or disregarded accepted trade standards for good and workmanlike repair without the consent of the owner or the owner's duly authorized representative in a material respect, in that it failed to inspect the lamps and brake system on the vehicle in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau. Respondent issued a Lamp Certificate of Adjustment and a Brake Certificate of Adjustment certifying that the vehicle's lamps and brake system were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they were not.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

64. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that on or about September 1, 2012, regarding the 1990 Chevrolet truck, it failed to comply with Code section 9889.16 by issuing a Lamp Certificate of Adjustment and a

Brake Certificate of Adjustment certifying that the vehicle's lamps and brake system were in compliance with the regulations of the Vehicle Code when, in fact, they were not.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

65. Respondent Ulises' registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subidivsion (a):** Respondent Ulises failed to perform the inspection of the lamps and brake system on the vehicle in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau.

b. **Section 3321, subdivision (c)(2):** Respondent Ulises and Respondent Uribe issued a Brake Certificate of Adjustment for a the vehicle when the brake system on the vehicle had not been properly tested or inspected.

c. **Section 3316, subdivision (d)(2):** Respondent Ulises and Respondent Uribe issued a Lamp Certificate of Adjustment for a vehicle without properly testing all the lamps it was required to test.

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

66. Respondent Ulises' brake and lamp station licenses and Respondent Uribe's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (a), in that on September 1, 2011, regarding the 1990 Chevrolet truck, they violated section 9889.16 of the Code, relating to their licensed activities.

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

67. Respondent Ulises' brake and lamp station licenses and Respondent Uribe's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in

that on or about September 1, 2011, regarding the 1990 Chevrolet truck, they failed to comply with provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision (c)(2).

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

68. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (d), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, they committed acts involving dishonesty, fraud, or deceit whereby another was injured.

THIRTIETH CAUSE FOR DISCIPLINE

(Failure to Provide Written Estimate)

69. Respondent Ulises' smog check station license is subject to discipline under Code section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353, subdivision (a), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it failed to provide the customer with a written estimate for the inspections to be performed.

OTHER MATTERS

70. Under Code section 9884.7, subdivision (c), the director may suspend, revoke, or place on probation the registrations for all places of business operated in this state by Ulises Guizar, upon a finding that he has, or is, engaged in a course of repeated and willful violation of the laws and regulations pertaining to an automotive repair dealer.

71. Under Health and Safety Code section 44072.8, if Smog Check Station License Number RC 231103 issued to Ulises Guizar doing business as Ulises Auto Smog and Repair, is revoked or suspended, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director, including Advanced Emission Specialist Technician License Number EA 141286.

72. Under Code section 9889.9, if Lamp Station License Number LS 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions

Code in the name of the licensee may be likewise revoked or suspended by the director, including Lamp Adjuster License Number LA 141286.

73. Under Code section 9889.9, if Brake Station License Number BS 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of the licensee may be likewise revoked or suspended by the director, including Brake Adjuster License Number BA 141286.

74. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist Technician License Number EA 148163, issued to Justino L. Uribe, is revoked or suspended, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

75. Under Code section 9889.9, if Brake Adjuster License Number BA 148163, issued to Justino L. Uribe, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of the licensee may be likewise revoked or suspended by the director.

76. Under Code section 9889.9, if Lamp Adjuster License Number LA 148163, issued to Justino L. Uribe, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of the licensee may be likewise revoked or suspended by the director.

PRAYER

THEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking, suspending, or placing on probation Automotive Repair Dealer Registration No. ARD 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair;

2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Ulises Guizar;

3. Revoking or suspending Smog Check Station License Number RC 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair;

4. Revoking or suspending any additional license issued under chapter 5, of the Health and Safety Code in the name of Ulises Guizar;

5. Revoking or suspending Lamp Station License Number LS 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair;

6. Revoking or suspending Brake Station License Number BS 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and Repair;

7. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Ulises Guizar;

8. Revoking or suspending Advanced Emission Specialist Technician License Number EA 141286, issued to Ulises Guizar;

9. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Ulises Guizar;

10. Revoking or suspending Brake Adjuster License Number BA 141286, issued to Ulises Guizar;

11. Revoking or suspending Lamp Adjuster License Number LA 141286, issued to Ulises Guizar;

12. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Ulises Guizar;

13. Revoking or suspending Advanced Emission Specialist Technician License Number EA 148163, issued to Justino L. Uribe;

14. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Justino L. Uribe;

15. Revoking or suspending Brake Adjuster License Number BA 148163, issued to Justino L. Uribe;

16. Revoking or suspending Lamp Adjuster License Number LA 148163, issued to Justino L. Uribe;

17. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Justino L. Uribe;

18. Ordering Ulises Guizar and Justino L. Uribe to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, under Code section 125.3; and

19. Taking such other and further action as deemed necessary and proper.

DATED: May 17, 2012

JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SF2012900827