

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

In the Matter of the Accusation Against:

**ARCH'S AUTOMOTIVE, INC., DBA
ARCH'S AUTOMOTIVE SERVICE**
1355 East Main Street
Grass Valley, CA 95945
Automotive Repair Dealer Registration No.
ARD 238380
Smog Check Station License No. RC 238380

RICKY LEE ALLEN MCDANIEL
11433 Banner Mountain Trail
Nevada City, CA 95959
Advanced Emission Specialist Technician
License No. EA 632021

SANDRA MARIE SANDELIUS
2012 Covilaud Street, #4
Marysville, CA 95901
Smog Check Inspector License No.
EO 153369 (formerly Advanced Emission
Specialist Technician License No. EA 153369)

Case No. 79/12-79

OAH No. 2012070456

Respondents.

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 only as to respondents Arch's Automotive, Inc., dba Arch's Automotive Service, Automotive Repair Dealer Registration No. ARD 238380 and Smog Check Station License No. RC 238380 and Sandra Marie Sandelius, Smog Check Inspector License No. EO 153369 (formerly Advanced Emission Specialist Technician License No. EA 153369). The following typographical error is noted:

Page 1, caption: "Maryville" is corrected to read "Marysville."

This Decision shall become effective January 28, 2014.

DATED: DEC 31 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STERLING A. SMITH
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7 *Attorneys for Complainant*

8 **BEFORE THE**
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9 **THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

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18 Advanced Emission Specialist Technician
19 License No. EA 632021)
20 **SANDRA MARIE SANDELIUS**
2012 Covilaud Street, #4
21 Maryville, CA 95901
22 Smog Check Inspector License No. EO
23 153369 (formerly Advanced Emission
Specialist Technician No. EA 153369
24 Respondents.

Case No. 79/12-79
OAH No. 2012070456
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties, with the
2 exception of Respondent Ricky Lee Allen McDaniel who is not a party to this Stipulated
3 Settlement and Disciplinary Order in the above-entitled proceeding, that the following matters are
4 true:

5 PARTIES

6 1. Patrick Dorais is the Chief of the Bureau of Automotive Repair - (I/M Smog). He
7 brought this action solely in his official capacity and is represented in this matter by Kamala D.
8 Harris, Attorney General of the State of California, by Sterling A. Smith, Deputy Attorney
9 General.

10 2. Respondents Arch's Automotive, Inc. dba Arch's Automotive Service and Sandra
11 Marie Sandelius are represented in this proceeding by attorney William Dean Ferreira, Esq.,
12 whose address is: 582 Market Street, Suite 1608, San Francisco, CA 94104

13 3. On or about January 1, 2005, the Director of Consumer Affairs (Director) issued
14 Automotive Repair Dealer Registration No. ARD 238380 to Respondent Arch's Automotive,
15 Inc. dba Arch's Automotive Service (Registration). The Automotive Repair Dealer Registration
16 was in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-
17 79 and will expire on March 31, 2014, unless renewed.

18 4. On or about April 13, 2005, the Director issued Smog Check Station License No. RC
19 238380 to Respondent Arch's Automotive, Inc., dba Arch's Automotive Service (Respondent).
20 The Registration was in full force and effect at all times relevant to the charges brought in
21 Accusation No. 79/12-79 and will expire on March 31, 2014, unless renewed.

22 5. In or about 2006, the Director issued Advanced Emission Specialist Technician
23 License No. EA 153369 to Respondent Sandra Marie Sandelius (Respondent Sandelius).
24 Respondent Sandelius's advanced emission specialist technician license was due to expire on
25 October 31, 2012. Pursuant to California Code of Regulations, title 16, 3340.28, subdivision (e),
26 said license was renewed, pursuant to Respondent's election, as Smog Check Inspector License
27 No. EO 153369, effective October 31, 2012. Respondent's smog check inspector license will
28 expire on October 31, 2014, unless renewed.

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JURISDICTION

5. Accusation No. 79/12-79 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondents Arch's Automotive, Inc., dba Arch's Automotive Service and Sandra Marie Sandelius (Respondents) on February 27, 2012. Respondents timely filed their Notice of Defense contesting the Accusation. On March 8, 2013, a First Amended Accusation was filed and properly served upon Respondents along with all other statutorily required documents. A copy of Accusation No. 79/12-79 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in First Amended Accusation No. 79/12-79. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondents are fully aware of their legal rights in this matter, including their right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its 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.

8. Respondents voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondents understand and agree that the charges and allegations in First Amended Accusation No. 79/12-79, if proven at a hearing, constitute cause for imposing discipline upon Respondent Arch's Automotive, Inc., dba Arch's Automotive Service's Registration and Smog

1 Check Station License, and Sandra Marie Sandelius's Smog Check Inspector License (formerly
2 Advanced Emission specialist Technician License No. EA 153369).

3 10. For the purpose of resolving the First Amended Accusation as to Respondents
4 without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing,
5 Complainant could establish a factual basis for the charges in the First Amended Accusation, and
6 Respondents hereby gives up their respective rights to contest those charges.

7 11. Respondents agree that their respective licenses, as identified in Paragraph 9 above,
8 are subject to discipline and they agree to be bound by the Director's probationary terms as set
9 forth in the Disciplinary Order below.

10 CONTINGENCY

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

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

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

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 238380
25 and Smog Check Station License No. RC 238380 issued to Respondent Arch's Automotive, Inc.,
26 dba Arch's Automotive Service's Registration, and Smog Check Inspector License No. EO
27 153369 (formerly Advanced Emission Specialist Technician License No. 153369) issued to

1 Respondent Sandra Marie Sandelius are revoked. However, the revocations are stayed and
2 Respondents are placed on probation for three years on the following terms and conditions.

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

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

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

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

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

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

23 7. **Continuing Education Courses.** During the period of probation, Respondent Sandra
24 Marie Sandelius shall attend and successfully complete a sixty-eight (68) Bureau certified
25 training course in diagnosis and repair of emission systems failures and engine performance,
26 ~~applicable to the classes of license held by the Respondents.~~ Said course shall be completed and
27 proof of completion submitted to the Bureau within 180 days of the effective date of this decision
28 and order. If proof of completion of the course is not furnished to the Bureau within the 180-day

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ENDORSEMENT

I have read and fully discussed with Respondent Arch's Automotive, Inc., dba Arch's Automotive Service and Sandra Marie Sandelius the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

12/9



William Dean Ferreira, Esq.
Attorney for Respondents

ENDORSEMENT

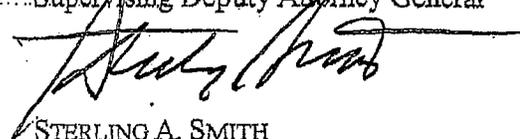
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director.

Dated:

12/9/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-79

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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

13 ARCH'S AUTOMOTIVE, INC.,
dba ARCH'S AUTOMOTIVE SERVICE
14 BRENDAN CLIFTON BROOKS, PRESIDENT
KEVIN MARC MALTESE, SECRETARY
15 1355 East Main Street
Grass Valley, CA 95945

16 Automotive Repair Dealer Reg. No. ARD 238380
17 Smog Check Station License No. RC 238380,

18 RICKY LEE ALLEN MCDANIEL
19 11433 Banner Mountain Trail
Nevada City, CA 95959

20 Advanced Emission Specialist Technician
License No. EA 632021,

21 and

22 SANDRA MARIE SANDELIUS
23 2012 Covilaud Street, #4
Marysville, CA 95901

24 Smog Check Inspector License No. EO 153369
25 (formerly Advanced Emission Specialist
Technician License No. EA 153369)

26 Respondents.

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Case No. 79/12-79

OAH No. 2012070456

FIRST AMENDED ACCUSATION

(Smog Check)

1 renewed, pursuant to Respondent's election, as Smog Check Inspector License No. EO 153369,
2 effective October 31, 2012.¹ Respondent's smog check inspector license will expire on October
3 31, 2014, unless renewed.

4 JURISDICTION

5 6. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
6 the Director may revoke an automotive repair dealer registration.

7 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
8 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
9 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
10 invalidating (suspending or revoking) a registration.

11 8. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
12 part, that the Director has all the powers and authority granted under the Automotive Repair Act
13 for enforcing the Motor Vehicle Inspection Program.

14 9. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
15 suspension of a license by operation of law, or by order or decision of the Director of Consumer
16 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
17 of jurisdiction to proceed with disciplinary action.

18 10. Health & Saf. Code section 44072.8 states that when a license has been revoked or
19 suspended following a hearing under this article, any additional license issued under this chapter
20 in the name of the licensee may be likewise revoked or suspended by the director.

21 11: California Code of Regulations, title 16, section 3340.28, subdivision (e), states that
22 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission
23 Specialist Technician license issued prior to the effective date of this regulation, the licensee may
24 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

25 ///

26 ~~Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,~~
27 ~~3340.29, and 3340.30 were amended to implement a license restructure from the Advanced~~
28 ~~Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog~~
~~Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.~~

STATUTORY PROVISIONS

12. Bus. & Prof. Code section 9884.7 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.

....

(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. Bus. & Prof. Code section 22, subdivision (a), states:

"Board" as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

14. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes "registration" and "certificate."

15. Health & Saf. Code section 44072.2 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 ...

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1 COST RECOVERY

2 16. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 UNDERCOVER OPERATION #1: 1998 FORD EXPLORER

7 17. On July 13, 2011, a representative of the Bureau, acting in an undercover capacity
8 ("operator"), took the Bureau's 1998 Ford Explorer to Respondent Arch's Automotive's facility
9 and requested a smog inspection. All of the required emission control devices and systems on the
10 Bureau-documented vehicle were present, properly connected, and in good working condition.
11 The operator signed and received a copy of a written estimate. After the inspection was
12 completed, the operator paid the facility \$61.75 and received copies of an invoice and a vehicle
13 inspection report ("VIR"). The VIR indicated that Respondent McDaniel performed the
14 inspection on the vehicle. The VIR also indicated that the PCV (positive crankcase ventilation)
15 system and fuel evaporative controls had failed the visual inspection and that the fuel evaporative
16 controls were modified, resulting in the vehicle's failure of the overall inspection.

17 18. On July 22, 2011, the Bureau performed a Two Speed Idle ("TSI") California
18 Emission Inspection test on the vehicle. The vehicle passed all portions of the test, including the
19 visual inspection. The Bureau found that the facility had improperly failed the PCV and fuel
20 evaporative systems, as set forth below.

21 FIRST CAUSE FOR DISCIPLINE

22 (Untrue or Misleading Statements)

23 19. Respondent Arch's Automotive's registration is subject to disciplinary action
24 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or
25 authorized statements which it knew or in the exercise of reasonable care should have known to
26 be untrue or misleading, as follows:

27 a. Respondent Arch's Automotive's technician, Respondent McDaniel, certified under
28 penalty of perjury on the VIR that the information listed on the VIR was true and correct and that

1 the PCV system on the Bureau's 1998 Ford Explorer had failed the visual inspection. In fact, the
2 PCV system was fitted with the correct parts, was not damaged, was properly installed on the
3 vehicle, and should have passed the visual inspection.

4 b. Respondent Arch's Automotive's technician, Respondent McDaniel, certified under
5 penalty of perjury on the VIR that the information listed on the VIR was true and correct, and that
6 the fuel evaporative controls on the Bureau's 1998 Ford Explorer were modified and had failed
7 the visual inspection. In fact, the fuel evaporative system was fitted with the correct parts, was
8 not damaged, was properly installed on the vehicle, and should have passed the visual inspection.

9 c. Respondent Arch's Automotive's technician, Respondent McDaniel, represented on
10 the VIR that "Evap service port looks like its hook up wrong". In fact, the evaporative emissions
11 service port and hose were correct for the vehicle, were properly installed, were not modified or
12 damaged, and should have passed the visual inspection.

13 SECOND CAUSE FOR DISCIPLINE

14 (Violations of the Motor Vehicle Inspection Program)

15 20. Respondent Arch's Automotive's smog check station license is subject to disciplinary
16 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
17 to comply with section 44012, subdivision (f), of that Code, as follows: Respondent failed to
18 ensure that the visual inspection of the emission control systems and devices on the Bureau's
19 1998 Ford Explorer was performed in accordance with procedures prescribed by the department.

20 THIRD CAUSE FOR DISCIPLINE

21 (Failure to Comply with Regulations Pursuant
22 to the Motor Vehicle Inspection Program)

23 21. Respondent Arch's Automotive's smog check station license is subject to disciplinary
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
25 to comply with California Code of Regulations, title 16, section 3340.42, as follows: Respondent
26 failed to ensure that the required smog tests were conducted on the Bureau's 1998 Ford Explorer
27 in accordance with the Bureau's specifications.

28 ///

1 25. On July 18, 2011, the Bureau inspected the vehicle. The Bureau found that the
2 ignition timing was adjusted to factory specifications and that the facility had improperly failed
3 the vehicle for the ignition timing, as set forth below.

4 SIXTH CAUSE FOR DISCIPLINE

5 (Untrue or Misleading Statements)

6 26. Respondent Arch's Automotive's registration is subject to disciplinary action
7 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or
8 authorized a statement which it knew or in the exercise of reasonable care should have known to
9 be untrue or misleading, as follows: Respondent Arch's Automotive's technician, Respondent
10 Sandelius, certified under penalty of perjury on the VIR that the information listed on the VIR
11 was true and correct, that the ignition timing on the Bureau's 1990 Plymouth Sundance was set to
12 6 degrees After Top Dead Center and was defective, and that the vehicle failed the functional
13 check portion of the smog inspection. In fact, the ignition timing on the vehicle was set to factory
14 specifications, 12 degrees Before Top Dead Center, was not defective, and should have passed the
15 functional check.

16 SEVENTH CAUSE FOR DISCIPLINE

17 (Violations of the Motor Vehicle Inspection Program)

18 27. Respondent Arch's Automotive's smog check station license is subject to disciplinary
19 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
20 to comply with section 44012, subdivision (E), of that Code, as follows: Respondent failed to
21 ensure that the functional check of the emission control systems and devices on the Bureau's
22 1990 Plymouth Sundance was performed in accordance with procedures prescribed by the
23 department.

24 EIGHTH CAUSE FOR DISCIPLINE

25 (Failure to Comply with Regulations Pursuant

26 to the Motor Vehicle Inspection Program)

27 28. Respondent Arch's Automotive's smog check station license is subject to disciplinary
28 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed

1 to comply with California Code of Regulations, title 16, section 3340.42; as follows: Respondent
2 failed to ensure that the required smog tests were conducted on the Bureau's 1990 Plymouth
3 Sundance in accordance with the Bureau's specifications.

4 NINTH CAUSE FOR DISCIPLINE

5 (Violations of the Motor Vehicle Inspection Program)

6 29. Respondent Sandelius' smog check inspector license is subject to disciplinary action
7 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
8 comply with section 44012, subdivision (f), of that Code, as follows: Respondent failed to
9 perform the functional check of the emission control systems and devices on the Bureau's 1990
10 Plymouth Sundance in accordance with procedures prescribed by the department.

11 TENTH CAUSE FOR DISCIPLINE

12 (Failure to Comply with Regulations Pursuant
13 to the Motor Vehicle Inspection Program)

14 30. Respondent Sandelius' smog check inspector license is subject to disciplinary action
15 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
16 comply with provisions of California Code of Regulations, title 16, as follows:

17 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test the Bureau's
18 1990 Plymouth Sundance in accordance with Health & Saf. Code sections 44012 and 44035, and
19 California Code of Regulations, title 16, section 3340.42.

20 b. Section 3340.42: Respondent failed to conduct the required smog tests on the
21 Bureau's 1990 Plymouth Sundance in accordance with the Bureau's specifications.

22 MATTERS IN AGGRAVATION

23 31. To determine the degree of discipline, if any, to be imposed on Respondents Arch's
24 Automotive and Sandelius, Complainant alleges as follows:

25 Respondent Arch's Automotive

26 a. On or about March 2, 2009, the Bureau issued Citation No. C09-1015 against
27 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to
28 perform a visual/functional check of emission control devices according to procedures prescribed

1 by the department); and California Code of Regulations, title 16, section ("Regulation") 3340.35,
2 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
3 February 9, 2009, Respondent had issued a certificate of compliance to a Bureau undercover
4 vehicle with a missing PCV system. The Bureau assessed civil penalties totaling \$500 against
5 Respondent for the violations. Respondent paid the fine on March 25, 2009.

6 b. On or about May 6, 2009, the Bureau issued Citation No. C09-1279 against
7 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to
8 perform a visual/functional check of emission control devices according to procedures prescribed
9 by the department); and Regulation 3340.35, subdivision (c) (issuing a certificate of compliance
10 to a vehicle that was improperly tested). On April 23, 2009, Respondent had issued a certificate
11 of compliance to a Bureau undercover vehicle with a missing fuel evaporative storage system
12 canister. The Bureau assessed civil penalties totaling \$1,000 against Respondent for the
13 violations. Respondent paid the fine on May 28, 2009.

14 Respondent Sandefius

15 c. On or about May 6, 2009, the Bureau issued Citation No. M09-1280 against
16 Respondent for violations of Health & Saf. Code section 44032 (qualified technicians shall
17 perform tests of emission control systems and devices in accordance with Health & Saf. Code
18 section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall inspect, test
19 and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035 and
20 Regulation 3340.42). On or about April 23, 2009, Respondent issued a certificate of compliance
21 to a Bureau undercover vehicle with a missing fuel evaporative storage system canister.
22 Respondent was directed to complete an 8 hour training course and to submit proof of completion
23 to the Bureau within 30 days from receipt of the citation. Respondent completed the training on
24 May 21, 2009.

25 OTHER MATTERS

26 ~~32. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may~~
27 suspend, revoke, or place on probation the registration for all places of business operated in this
28 state by Respondent Arch's Automotive, Inc., doing business as Arch's Automotive Service,

1 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations
2 of the laws and regulations pertaining to an automotive repair dealer:

3 33. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
4 Number RC 238380, issued to Respondent Arch's Automotive, Inc., doing business as Arch's
5 Automotive Service, is revoked or suspended, any additional license issued under this chapter in
6 the name of said licensee may be likewise revoked or suspended by the Director.

7 34. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
8 Technician License Number EA 632021, issued to Respondent Ricky Lee Allen McDaniel, is
9 revoked or suspended, any additional license issued under this chapter in the name of said
10 licensee may be likewise revoked or suspended by the Director.

11 35. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
12 Number EO 153369, issued to Respondent Sandra Marie Sandelius, is revoked or suspended, any
13 additional license issued under this chapter in the name of said licensee may be likewise revoked
14 or suspended by the Director.

15 PRAYER

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

18 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
19 238380, issued to Arch's Automotive, Inc., doing business as Arch's Automotive Service;

20 2. Revoking or suspending any other automotive repair dealer registration issued to
21 Arch's Automotive, Inc.;

22 3. Revoking or suspending Smog Check Station License Number RC 238380, issued to
23 Arch's Automotive, Inc., doing business as Arch's Automotive Service;

24 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Arch's Automotive, Inc.;

26 ~~5. Revoking or suspending Advanced Emission Specialist Technician License Number~~
27 ~~EA 632021, issued to Ricky Lee Allen McDaniel;~~

28 ///

1 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 and Safety Code in the name of Ricky Lee Allen McDaniel;

3 7. Revoking or suspending Smog Check Inspector License Number EO 153369, issued
4 to Sandra Marie Sandelius;

5 8. Revoking or suspending any additional license issued under Chapter 5 of the Health
6 and Safety Code in the name of Sandra Marie Sandelius;

7 9. Ordering Arch's Automotive, Inc., doing business as Arch's Automotive Service,
8 Ricky Lee Allen McDaniel, and Sandra Marie Sandelius to pay the Director of Consumer Affairs
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 10. Taking such other and further action as deemed necessary and proper.

12
13 DATED:

3/8/2013

Brian Newman Deputy Chief

JOHN WALLAUCH . (BRIAN NEWMAN)
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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