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

11 In the Matter of the Petition to Revoke
Probation Against:

Case No. 79/24-18203

12 **LAMAS BROTHERS AUTOMOTIVE INC.**
13 **dba LEOS AUTO REPAIR, LEONEL**
14 **LAMAS, PRES/SEC/TREAS**
1860 Pacific Coast Highway
Lomita, CA 90717

PETITION TO REVOKE PROBATION

15 **Automotive Repair Dealer Registration No.**
16 **ARD 249859**
Smog Check Station License No. RC 249859

17 **and**

18 **LEONEL LAMAS**
19 **4641 W. 154th Street**
Lawndale, CA 90260

20 **Smog Check Inspector License No. EO**
21 **37143**
Smog Check Repair Technician License No.
22 **EI 37143**

Respondents.

23
24 Complainant alleges:

25 **PARTIES**

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

1 **Lamas Brothers Automotive Inc. dba Leos Auto Repair (Respondent Leos Auto Repair)**

2 2. In or about 2007, the Bureau of Automotive Repair (Bureau) issued Automotive
3 Repair Dealer Registration Number ARD 249859 to Lamas Brothers Automotive Inc. dba Leos
4 Auto Repair, Leonel Lamas, as the president, secretary and treasurer (Respondent Leos Auto
5 Repair). The Automotive Repair Dealer Registration was in effect at all times relevant to the
6 charges brought herein and will expire on March 31, 2026, unless renewed.

7 3. On or about May 15, 2007, the Bureau issued Smog Check Station License Number
8 RC 249859 to Respondent Leos Auto Repair. The Smog Check Station License was in effect at
9 all times relevant to the charges brought herein and will expire on March 31, 2026, unless
10 renewed.

11 **Leonel Lamas (Respondent Lamas)**

12 4. On or about October 23, 2013, the Bureau issued Smog Check Inspector License
13 Number EO 37143 to Leonel Lamas (Respondent Lamas). The Smog Check Inspector License
14 was in effect at all times relevant to the charges brought herein and will expire on October 31,
15 2025, unless renewed.

16 5. On or about October 23, 2013, the Bureau issued Smog Check Repair Technician
17 License Number EI 37143 to Respondent Lamas. The Smog Check Repair Technician License
18 was in effect at all times relevant to the charges brought herein and will expire on October 31,
19 2025, unless renewed.

20 7. On or about May 1, 2017, the Bureau issued Brake Adjuster License Number
21 BA 37143, class C, to Respondent Lamas. The Brake Adjuster License expired on October 31,
22 2020, and was cancelled on June 4, 2023.

23 8. In 2017, the Bureau issued Lamp Adjuster License Number LA 37143, class A to
24 Respondent Lamas. The Lamp Adjuster License expired on October 31, 2020, and was cancelled
25 on December 6, 2020.

26 6. In a disciplinary action titled *In the Matter of Accusation Against Lamas Brothers*
27 *Automotive Inc. dba Leos Auto Repair, Leonel Lamas, and Leonel Lamas*, Case No. 78/21-9982,
28 the Director of the Department of Consumer Affairs for the Bureau of Automotive Repair, issued

1 a decision, effective August 24, 2023, revoking Respondent Leos Auto Repair's Automotive
2 Repair Dealer Registration Number ARD 249859, Smog Check Station License Number
3 RC249859, Lamp Station License Number LS 249859, class A, Brake Inspection Station License
4 Number BS 249859, class C, and revoking Respondent Lamas' Smog Check Inspector License
5 Number EO 37143, Smog Check Repair Technician License Number EI 37143, Brake Adjuster
6 License Number BA 37143, class C, and Lamp Adjuster License Number LA 37143, class A.
7 However, all foregoing revocations were stayed and Respondent Leos Auto Repair's registration
8 and licenses and Respondent Lamas' licenses were placed on probation for a period of five (5)
9 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and
10 incorporated by reference.

11 **JURISDICTION**

12 7. This Petition to Revoke Probation is brought before the Director of the Department of
13 Consumer Affairs (Director) for the Bureau, under the authority of the Decision and Order, Case
14 Number 78/21-9982, probation condition number 7, as follows:

15 **Violation of Probation**

16 If a respondent(s) violates or fails to comply with the terms and conditions of
17 probation in any respect, the Director, after giving notice and opportunity to be heard
18 may set aside the stay order and carry out the disciplinary order provided in the
19 decision. Once respondent(s) is served notice of the Bureau's intent to set aside the
20 stay, the Director shall maintain jurisdiction, and the period of probation shall be
21 extended until final resolution of the matter.

22 8. Grounds exist to revoke Respondent Leos Auto Repair's and Respondent Lamas'
23 probation under the authority of the Order of probation Condition Number 7 of the Decision and
24 Order in that Respondents did not comply with the terms and conditions of their probation, as set
25 forth below.

26 9. Health and Safety Code section 44072.8 states:

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

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1 **FIRST CAUSE TO REVOKE PROBATION**

2 (Maintain Valid License – Respondent Lamas)

3 13. At all times after the effective date of Respondent Lamas' probation, Condition 8
4 stated:

5 **Maintain Valid License**

6 Respondents shall, at all times while on probation, maintain a current and active
7 registration and/or licenses with the Bureau, including any period during which
8 suspension or probation is tolled. If a respondent's registration or license is expired at
9 the time the decision becomes effective, the registration or license must be renewed
10 by respondent within 30 days of that date. If a respondent's registration or license
11 expires during a term of probation, by operation of law or otherwise, then upon
renewal respondent's registration or license shall be subject to any and all terms and
conditions of probation not previously satisfied. Failure to maintain a current and
active registration and/or license during the period of probation shall constitute a
violation of probation.

12 14. Respondent Lamas' probation is subject to revocation because he failed to comply
13 with Probation Condition 8, referenced above, in that Respondent Lamas' failed to bring current
14 his expired Brake Adjuster License Number BA 37143, class C, and Lamp Adjuster License
15 Number LA 37143, class A, within thirty days of the effective date of the Decision.

16 **SECOND CAUSE TO REVOKE PROBATION**

17 (Cost Recovery – Respondent Leos Auto Repair and Respondent Lamas)

18 10. At all times after the effective date of Respondent Leos Auto Repair's and
19 Respondent Lamas' probation, Condition 9 stated:

20 **Cost Recovery**

21 Respondents are jointly and severally liable to pay the Bureau \$5,114.43 for the
22 reasonable costs of the investigation and enforcement of case number 78/21-9982.
23 Respondents shall make such payments according to a payment plan approved by the
24 Bureau. Any agreement for a scheduled payment plan shall require full payment to be
25 completed no later than six months before probation terminates. Respondents shall
26 make payment by check or money order payable to the "Bureau of Automotive
27 Repair" and shall indicate on the check or money order that it is for cost recovery
28 payment for case number 78/21-9982. Any order for payment of cost recovery shall
remain in effect whether or not probation is tolled. Probation shall not terminate until
full cost recovery payment has been made. The Bureau reserves the right to pursue
any other lawful measures in collecting on the costs ordered and past due, in addition
to taking action based upon the violation of probation.

11. Respondent Leos Auto Repair's and Respondent Lamas' probation are subject to revocation because they failed to comply with Probation Condition 9, referenced above, in that they failed to adhere to the monthly Cost Recovery Payment Plan making the remaining balance of \$2,909.65 to be due in full.

THIRD CAUSE TO REVOKE PROBATION

(Training Courses – Respondent Lamas)

12. At all times after the effective date of Respondent Lamas' probation, Condition 13 stated:

Training Courses

During the period of probation, respondent Leonel Lamas shall attend and successfully complete a Bureau -specified and -approved training course in inspection, diagnosis and/or repair of emission systems failures and engine performance, applicable to the class of license he holds. Respondent Leonel Lamas shall provide to the Bureau proof of enrollment in the course within 30 days of the effective date of the decision, and proof of successful course completion within 180 days of the effective date of the decision.

Failure to provide proof of enrollment and/or successful course completion to the Bureau within the timeframes specified shall constitute a violation of probation, and respondent Leonel Lamas shall be prohibited from issuing any Certificate of Compliance or noncompliance until such proof is received.

Within 60 days of the effective date of the decision, respondent Leonel Lamas shall attend a Write It Right presentation provided by a Bureau Representative, at the location, date, and time determined by the Bureau.

13. Respondent Lamas' probation is subject to revocation because he failed to comply with Probation Condition 13, referenced above, in that he failed to complete specified training courses, diagnosis and/or repair of emission systems failures and engine performance, within 180 days of the effective date of the Decision. In addition, Respondent failed to attend a Write it Right presentation provided by the Bureau within 60 days of the effective date of the Decision. The Bureau has not received proofs of completion for the training courses from Respondent Lamas, as required.

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PRAYER

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

1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 78/21-9982 as to Respondent Leos Auto Repair and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer Registration Number ARD 249859 and Smog Check Station License Number RC 249859, both issued to Lamas Brothers Automotive Inc. dba Leos Auto Repair, Leonel Lamas, as president, secretary and treasurer;

2. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 78/21-9982 as to Respondent Lamas and imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector License Number EO 37143 and Smog Check Repair Technician License Number EI 37143, both issued to Leonel Lamas; and

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

DATED: As of Digital Signature Date

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

LA2024605477
38824984

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 78/21-9982