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

11 In the Matter of the Accusation Against:

Case No. 79/14-60

12 **JOHN D. GIBSON**
13 **dba CALIFORNIA SMOG ONLY**
14 **443 So. Wilson Way**
Stockton, CA 95205

A C C U S A T I O N

15 **Automotive Repair Dealer Registration No. ARD**
252545
16 **Smog Check Station License No. TC 252545**

17 Respondent.

18
19 Patrick Dorais ("Complainant") alleges:

20 **PARTIES**

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

23 **Automotive Repair Dealer Registration**

24 2. On or about October 22, 2007, the Bureau issued Automotive Repair Dealer
25 Registration Number ARD 252545 ("registration") to John D. Gibson ("Respondent"), doing
26 business as California Smog Only. The registration expired on October 31, 2010, and has not
27 been renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Failure to Pay Administrative Fine)**

5 10. Respondent has subjected his station license to discipline pursuant to Health and
6 Safety Code section 44050, subdivision (e), in that on or about February 3, 2010, the Bureau
7 issued Citation No. C2010-0799 to Respondent against his station license for violations of Health
8 and Safety Code section 44012, subdivision (f) (failure to perform a visual/functional check of
9 emission control devices according to procedures prescribed by the department) and California
10 Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c) (issuing a
11 certificate of compliance to a vehicle that has not been inspected in accordance with procedures
12 specified in section 3340.42). On or about March 10, 2010, the Bureau served Respondent with
13 the citation, which required Respondent to pay a fine in the amount of \$2,000. Respondent
14 appealed the citation on April 6, 2010. Respondent failed to appear for the hearing scheduled on
15 May 19, 2011. The citation became effective on September 30, 2011. Respondent failed to
16 submit payment.

17 **OTHER MATTERS**

18 11. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
19 License Number TC 252545, issued to John D. Gibson, is revoked or suspended, any additional
20 license issued under this chapter in the name of said licensee may be likewise revoked or
21 suspended by the director.

22 **PRAYER**

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

25 1. Revoking or suspending Smog Check Test Only Station License Number TC 252545,
26 issued to John D. Gibson, doing business as California Smog Only;

27 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
28 and Safety Code in the name of John D. Gibson;

1 3. Ordering John D. Gibson to pay the Bureau of Automotive Repair the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

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

5 DATED: November 22, 2013

Patrick Dorais

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

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