

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

In the Matter of the Accusation/Petition to
Revoke Probation Against:

**ZOOM SMOG & AUTOMOTIVE;
ROBERT BRUCE CLARK, OWNER**
742 Hogan Dam Road
Valley Springs, CA 95252
Automotive Repair Dealer Registration No.
ARD 254307
Smog Check Station License No.
RC 254307

ROBERT BRUCE CLARK
P.O. Box 1894
Sutter Creek, CA 95685
Smog Check Inspector (EO) License
No. 127919
Smog Check Repair Technician (EI)
License No. 127919 (formerly
Advanced Emission Specialist EA
Technician License No. 127919)

Respondents.

**ZOOM SMOG & AUTOMOTIVE
ROBERT BRUCE CLARK, OWNER**
205 Amador Road
Sutter Creek, CA 95685
Automotive Repair Dealer Registration No.
ARD 253948
Smog Check Station License No. RC
253948

Affiliated Licenses

Case No. 79/15-86

OAH No. 2015030632

DECISION

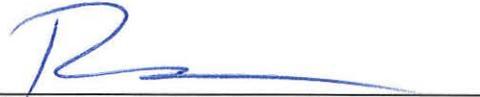
The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in

the above-entitled matter, except that the following typographical error is corrected as follows:

Page 3, line 14: The expiration date of "January 31, 2017" is corrected to "July 31, 2017".

This Decision shall become effective February 19, 2016.

DATED: January 25, 2016


TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

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

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

Case No. 79/15-86

OAH No. 2015030632

13 **ZOOM SMOG & AUTOMOTIVE;**
14 **ROBERT BRUCE CLARK, OWNER**
742 Hogan Dam Road
15 Valley Springs, California 95252
Automotive Repair Dealer Registration No.
16 **ARD 254307**
Smog Check Station License No. RC 254307

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **ROBERT BRUCE CLARK**
P.O. Box 1894
18 Sutter Creek, California 95685
Smog Check Inspector (EO) License No.
19 **127919**
Smog Check Repair Technician (EI) License
20 **No. 127919 (Formerly Advanced Emission**
Specialist (EA Technician License No.
21 **127919) Respondents**

22 **ZOOM SMOG & AUTOMOTIVE**
23 **ROBERT BRUCE CLARK, OWNER**
205 Amador Road
24 Sutter Creek, California 95685
Automotive Repair Dealer Registration No.
25 **ARD 253948**
Smog Check Station License No. RC 253948

26
27 **Affiliated Licenses**
28

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

3 PARTIES

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Sterling A. Smith, Deputy Attorney
7 General.

8 2. Respondents Zoom Smog & Automotive; Robert Bruce Clark, Owner is representing
9 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

10 3. On or about April 1, 2008, the Bureau of Automotive Repair (Bureau) issued
11 Automotive Repair Dealer Registration No. ARD 254307 to Respondent Zoom Smog &
12 Automotive; Robert Bruce Clark, Owner (Respondent), 742 Hogan Dam Road, Valley Springs,
13 California 95252. The Automotive Repair Dealer Registration was in full force and effect at all
14 times relevant to the charges brought in Accusation/Petition to Revoke Probation No. 79/15-86
15 and will expire on January 31, 2016, unless renewed.

16 4. On or about April 15, 2008, the Bureau of Automotive Repair issued Smog Check
17 Station License No. RC 254307 to Respondent Zoom Smog & Automotive; Robert Bruce Clark,
18 Owner (Respondent), 742 Hogan Dam Road, Valley Springs, California 95252. The Smog
19 Check Station License was in full force and effect at all times relevant to the charges brought in
20 Accusation/Petition to Revoke Probation No. 79/15-86 and will expire on January 31, 2016,
21 unless renewed.

22 5. On or about March 4, 2008, the Bureau of Automotive Repair issued Automotive
23 Repair Dealer Registration No. ARD 253948 to Respondent Zoom Smog & Automotive; Robert
24 Bruce Clark, Owner (Respondent), 205 Amador Road, Sutter Creek, California 95685. The
25 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
26 charges brought in Accusation/Petition to Revoke Probation No. 79/15-86 and will expire on
27 January 31, 2016, unless renewed.

1 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
2 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall
3 not be disqualified from further action by having considered this matter.

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

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

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

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD254307
18 and Smog Check Station License No. RC254307 issued to Respondent Zoom Smog &
19 Automotive, Robert Bruce Clark, Owner) are revoked outright.

20 IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD253948
21 and Smog Check Station License No. RC253948 issued to Respondent Zoom Smog &
22 Automotive; Robert Bruce Clark, Owner, are revoked. However, the revocations are stayed and
23 Respondent is placed on probation for three (3) years on the following terms and conditions.

24
25 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
26 automotive inspections, estimates and repairs.

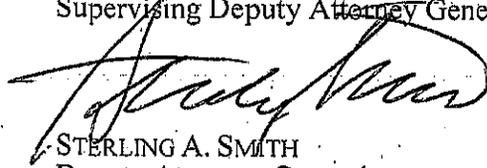
ENDORSEMENT

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

Dated:

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/Petition to Revoke Probation No. 79/15-86

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7
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 and Petition to
Revoke Probation Against:

Case No. 79/15-86

12 **ZOOM SMOG & AUTOMOTIVE**
13 **ROBERT BRUCE CLARK, OWNER**
742 Hogan Dam Road
14 Valley Springs, California 95252
Automotive Repair Dealer Registration No.
15 **ARD 254307**
Smog Check Station License No. RC 254307
16

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 **ROBERT BRUCE CLARK**
P.O. Box 1894
18 Sutter Creek, California 95685
Smog Check Inspector (EO) License No.
19 **127919**
Smog Check Repair Technician (EI) License
20 **No. 127919 (Formerly Advanced Emission**
Specialist (EA) Technician License No.
21 **127919**

22 Respondents.

23 **ZOOM SMOG & AUTOMOTIVE**
24 **ROBERT BRUCE CLARK, OWNER**
205 Amador Road
25 Sutter Creek, California 95685
Automotive Repair Dealer Registration No.
26 **ARD 253948**
Smog Check Station License No. RC 253948

27 Affiliated Licenses.

28 ///

1 Patrick Dorais ("Complainant/Petitioner") alleges:

2 **PARTIES**

3 1. Complainant/Petitioner brings this Accusation and Petition to Revoke Probation
4 solely in his official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"),
5 Department of Consumer Affairs.

6 **Automotive Repair Dealer Registrations**

7 2. On or about April 1, 2008, the Bureau issued Automotive Repair Dealer Registration
8 No. ARD 254307 to Robert Bruce Clark ("Respondent"), doing business in Valley Springs,
9 California, as Zoom Smog & Automotive (the "Valley Springs facility"). The registration will
10 expire on January 31, 2015, unless renewed.

11 3. On or about March 4, 2008, the Bureau issued Automotive Repair Dealer Registration
12 No. ARD 253948 to Respondent, doing business in Sutter Creek, California, as Zoom Smog &
13 Automotive (the "Sutter Creek facility"). The registration will expire on January 31, 2015, unless
14 renewed.

15 **Smog Check Station Licenses**

16 4. On or about April 15, 2008, the Bureau issued Smog Check Station License No.
17 RC 254307 to Respondent for his Valley Springs facility. The station license will expire on
18 January 31, 2015; unless renewed.

19 5. On or about March 11, 2008, the Bureau issued Smog Check Station License No.
20 RC 253948 to Respondent for his Sutter Creek facility. The station license will expire on
21 January 31, 2015, unless renewed.

22 **Lamp Station Licenses**

23 6. On or about April 18, 2008, the Bureau issued License No. LS 254307, class A, to
24 Respondent for his Valley Springs facility. The license was revoked on February 27, 2012.

25 7. On or about March 19, 2008, the Bureau issued License No. LS 253948, class A, to
26 Respondent for his Sutter Creek facility. The license was revoked on February 27, 2012.

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1 **Brake Station Licenses**

2 8. On or about April 18, 2008, the Bureau issued License No. BS 254307, class C, to
3 Respondent for his Valley Springs facility. The license was revoked on February 27, 2012.

4 9. On or about March 19, 2008, the Bureau issued License No. BS 253948, class C, to
5 Respondent for his Sutter Creek facility. The license was revoked on February 27, 2012.

6 **Robert Bruce Clark**

7 10. In or around 1997, the Bureau issued Advanced Emission Specialist Technician
8 License No. EA 127919 ("technician license") to Respondent. Respondent's technician license
9 was due to expire on July 31, 2013. Pursuant to California Code of Regulations, title 16
10 ("Regulations"), section 3340.28(e), and effective June 13, 2013, Respondent elected to renew the
11 license as Smog Check Inspector (EO) License No. 127919 and Smog Check Repair Technician
12 (EI) License No. 127919.¹ The smog check inspector and smog check repair technician licenses
13 were in full force and effect at all times relevant to the charges brought herein and will expire on
14 July 31, 2015, unless renewed. The advanced emission specialist technician license was cancelled
15 on August 6, 2013.

16 11. In or around 2002, the Bureau issued Brake Adjuster (BA) License No. 127919,
17 class C, to Respondent. The license was revoked on February 27, 2012.

18 12. In or around 2002, the Bureau issued Lamp Adjuster (LA) License No. 127919,
19 class A, to Respondent. The license was revoked on February 27, 2012.

20 **Disciplinary Action**

21 13. In a disciplinary action entitled *In the Matter of the Accusation Against Zoom Smog &*
22 *Automotive Robert Bruce Clark Owner, et al.*, Case No. 77/10-43, the Director of the Department
23 of Consumer Affairs adopted a *Proposed Decision*, effective February 27, 2012 (the "Decision",
24

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

1 attached hereto as **Exhibit A**). The Decision revoked Respondent's automotive repair dealer
2 registration Nos. ARD 254307 (Valley Springs) and ARD 253948 (Sutter Creek), smog check
3 station license Nos. RC 254307 and RC 253948, brake station license Nos. BS 254307 and
4 BS 253948, lamp station license Nos. LS 254307 and LS 253948, Lamp Adjuster (LA) License
5 No. 127919, Brake Adjuster (BA) License No. 127919, and Advanced Emission Specialist (EA)
6 Technician License No. 127919. However, revocations of Respondent's registrations, smog
7 check station licenses, and advanced emission specialist technician license were stayed; those
8 registrations and licenses were placed on probation for three years with certain terms and
9 conditions, and each was suspended for 5 days.

10 JURISDICTION

11 14. Business and Professions Code ("Code") section 9884.7 provides that the Director
12 may revoke an automotive repair dealer registration.

13 15. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
14 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
15 against an automotive repair dealer or to render a decision temporarily or permanently
16 invalidating (suspending or revoking) a registration.

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

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

24 STATUTORY PROVISIONS

25 18. Code section 9884.7 states, in pertinent part:

26 (a) The director, where the automotive repair dealer cannot show there was a
27 bona fide error, may deny, suspend, revoke, or place on probation the registration of
28 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

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1 automotive repair dealer or any automotive technician, employee, partner, officer, or
2 member of the automotive repair dealer.

3 (1) Making or authorizing in any manner or by any means whatever any
4 statement written or oral which is untrue or misleading, and which is known, or which
5 by the exercise of reasonable care should be known, to be untrue or misleading.

6 (4) Any other conduct that constitutes fraud.

7 (6) Failure in any material respect to comply with the provisions of this chapter
8 or regulations adopted pursuant to it.

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

14 19. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
15 "commission," "committee," "department," "division," "examining committee," "program," and
16 "agency."

17 20. Code section 477(b) states, in pertinent part, that a "license" includes "registration"
18 and "certificate."

19 21. Health & Saf. Code section 44072.2 states, in pertinent part:

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

23 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program
24 (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it,
25 which related to the licensed activities.

26 (c) Violates any of the regulations adopted by the director pursuant to this
27 chapter.

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

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

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1 COST RECOVERY

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

6 ACCUSATION

7 UNDERCOVER OPERATION – June 23, 2014

8 24. In or around May 2014, the Bureau introduced a condition in its 1993 Chevrolet that
9 ensured that the vehicle would not pass a properly performed smog check test without adjustment
10 of the ignition timing.

11 25. On or about June 23, 2014, a representative of the Bureau, acting in an undercover
12 capacity (“operator”), took the Bureau’s 1993 Chevrolet to Respondent’s Valley Springs facility
13 and requested a smog and brake inspection.

14 26. The operator did not sign a work order or receive a written estimate for the
15 inspection. While waiting, the operator observed part of a brake inspection being performed.
16 After the inspections were completed, the operator paid the facility \$68.20 and received a copy of
17 an invoice and a Smog Check Vehicle Inspection Report (“VIR”). The VIR indicated that
18 Respondent Robert Bruce Clark performed a smog inspection on the vehicle. That same day,
19 electronic smog Certificate of Compliance No. [REDACTED] was issued for the vehicle.
20 Respondent verbally informed the operator that the brakes on the vehicle were in good condition
21 and that the operator was not charged for the inspection.

22 27. On or about June 8, 2014 and July 10, 2014, the Bureau inspected the vehicle and
23 found that the vehicle could not have passed the functional portion of the smog test because the
24 ignition timing had not been adjusted properly.

25 FIRST CAUSE FOR DISCIPLINE

26 (Untrue or Misleading Statements)

27 28. Respondent’s registration is subject to disciplinary action pursuant to Code
28 section 9884.7(a)(1), in that Respondent made or authorized a statement which he knew or in the

1 exercise of reasonable care should have known to be untrue or misleading. Specifically,
2 Respondent certified under penalty of perjury on the VIR that the Bureau's 1993 Chevrolet
3 passed the inspection and was in compliance with applicable laws and regulations. In fact the
4 vehicle could not have passed the functional portion of an inspection required by Health & Saf.
5 Code section 44012 because the ignition timing had not been adjusted properly.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 29. Respondent's registration is subject to disciplinary action pursuant to Code
9 section 9884.7(a)(4), in that Respondent committed an act that constitutes fraud by issuing an
10 electronic smog certificate of compliance for the Bureau's 1993 Chevrolet without ensuring that a
11 bona fide inspection was performed of the emission control devices and systems on the vehicle,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Violations of the Bus. & Prof. Code)**

16 30. Respondent's registration is subject to disciplinary action pursuant to Code section
17 9884.7(a)(6), in that Respondent failed to comply with that Code as regards the Bureau's 1993
18 Chevrolet, as follows:

19 a. **Section 9884.9(a)**: Respondent failed to provide the operator with a written estimate
20 for the smog inspection.

21 b. **Section 9884.8**: Respondent failed to record on the invoice provided to the Bureau
22 operator that the brakes were inspected.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violations of the Motor Vehicle Inspection Program)**

25 31. Respondent's smog check station license is subject to disciplinary action pursuant to
26 Health & Saf. Code section 44072.2(a), in that, as regards the Bureau's 1993 Chevrolet,
27 Respondent failed to comply with the following sections of that Code:

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1 a. **Section 44012:** Respondent failed to ensure that a functional test of the emission
2 control devices, was performed in accordance with procedures prescribed by the department.

3 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance
4 without ensuring that the vehicle was properly tested and inspected to determine if it was in
5 compliance with Health & Saf. Code section 44012.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Motor Vehicle Inspection Program - Failure to Comply with Regulations)**

8 32. Respondent's smog check station license is subject to disciplinary action pursuant to
9 Health & Saf. Code section 44072.2(c), in that, as regards the Bureau's 1993 Chevrolet,
10 Respondent failed to comply with provisions of California Code of Regulations, title 16, as
11 follows:

12 a. **Section 3340.35(c):** Respondent issued an electronic smog certificate of compliance
13 even though the vehicle had not been inspected in accordance with section 3340.42.

14 b. **Section 3340.42:** Respondent failed to ensure that the required smog tests, including
15 a functional timing test, were conducted in accordance with the Bureau's specifications.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit)**

18 33. Respondent's smog check station license is subject to disciplinary action pursuant to
19 Health & Saf. Code section 44072.2(d), in that Respondent committed a dishonest, fraudulent, or
20 deceitful act whereby another is injured by issuing an electronic smog certificate of compliance
21 for the Bureau's 1993 Chevrolet without ensuring that a bona fide inspection was performed of
22 the emission control devices and systems on the vehicle, thereby depriving the People of the State
23 of California of the protection afforded by the Motor Vehicle Inspection Program.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program)**

26 34. Respondent's smog check inspector license is subject to disciplinary action pursuant
27 to Health & Saf. Code section 44072.2(a), as regards the Bureau's 1993 Chevrolet, in that
28 Respondent failed to comply with provisions of that Code, as follows:

1 a. **Section 44012**: Respondent failed to perform the emission control tests in
2 accordance with procedures prescribed by the department.

3 b. **Section 44059**: Respondent willfully made a false entry on the VIR, as set forth in
4 paragraph 28, above.

5 **EIGHTH CAUSE FOR DISCIPLINE**

6 **(Motor Vehicle Inspection Program - Failure to Comply with Regulations)**

7 35. Respondent's smog check inspector license is subject to disciplinary action pursuant
8 to Health & Saf. Code section 44072.2(c), in that, as regards the Bureau's 1993 Chevrolet,
9 Respondent failed to comply with provisions of California Code of Regulations, title 16, as
10 follows:

11 a. **Section 3340.24(c)**: Respondent falsely or fraudulently issued an electronic smog
12 certificate of compliance.

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

16 c. **Section 3340.41(c)**: Respondent entered false information into the Emissions
17 Inspection System ("EIS") in that Respondent input data indicating that the vehicle had passed the
18 functional portion of the smog inspection. In fact it could not have passed the functional portion
19 of an inspection required by Health & Saf. Code section 44012 because the ignition timing had
20 not been properly adjusted.

21 d. **Section 3340.42**: Respondent failed to conduct the required smog tests, including a
22 functional timing test, in accordance with the Bureau's specifications.

23 **NINTH CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit)**

25 36. Respondent's smog check inspector and smog check repair technician licenses are
26 subject to discipline pursuant to Health & Saf. Code section 44072.2(d), in that Respondent
27 committed a dishonest, fraudulent or deceitful act whereby another is injured by issuing an
28 electronic smog certificate of compliance for the Bureau's 1993 Chevrolet without performing a

1 bona fide inspection of the emission control devices and systems on the vehicle, thereby
2 depriving the People of the State of California of the protection afforded by the Motor Vehicle
3 Inspection Program.

4 **PETITION TO REVOKE PROBATION**

5 37. Petitioner incorporates by reference as though fully set forth herein the allegations
6 contained in paragraphs 24 through 36 above.

7 38. Condition 7(b)(vii), of Respondent's probationary order states that should the
8 Director determine that Respondent has failed to comply with the terms and conditions of
9 probation, the Department may, after giving notice and opportunity to be heard, temporarily or
10 permanently invalidate and or suspend or revoke any of the licenses.

11 39. Grounds exist to revoke Respondent's probation and reimpose the order of revocation
12 of Respondent's registrations and licenses as follows:

13 **CAUSE TO REVOKE PROBATION**

14 **(Failure to Obey all Laws)**

15 40. Condition 7(b)(i), of Respondent's probation states that Respondent shall comply
16 with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

17 41. Respondent's probation is subject to revocation in that he failed to comply with
18 statutes, regulations, and rules governing automotive inspections, as set forth in paragraphs 24
19 through 36 above.

20 **OTHER MATTERS**

21 42. Pursuant to Code section 9884.7(c), the Director may suspend, revoke or place on
22 probation the registration for all places of business operated in this state by Respondent Robert
23 Bruce Clark, doing business as Zoom Smog & Automotive, including Automotive Repair Dealer
24 Registration No. ARD 253948, issued to Robert Bruce Clark, doing business as Zoom Smog &
25 Automotive, upon a finding that Respondent has, or is, engaged in a course of repeated and
26 willful violations of the laws and regulations pertaining to an automotive repair dealer.

27 43. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.
28 RC 254307, issued to Robert Bruce Clark, doing business as Zoom Smog & Automotive, is

1 revoked or suspended, including Smog Check Station License No. RC 253948, issued to Robert
2 Bruce Clark, doing business as Zoom Smog & Automotive, and any additional license issued
3 under this chapter in the name of said licensee may be likewise revoked or suspended by the
4 Director.

5 44. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector (EO)
6 License No. 127919, and/or Smog Check Repair Technician (EI) License No. 127919 (formerly
7 Advanced Emission Specialist Technician License No. EA 127919); issued to Robert Bruce
8 Clark, is revoked or suspended, any additional license issued under this chapter in the name of
9 said licensee may be likewise revoked or suspended by the Director.

10 **PRAYER**

11 **WHEREFORE**, Complainant/Petitioner requests that a hearing be held on the matters
12 herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 13 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 254307,
14 issued to Robert Bruce Clark, doing business as Zoom Smog & Automotive;
- 15 2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 253948,
16 issued to Robert Bruce Clark, doing business as Zoom Smog & Automotive;
- 17 3. Revoking probation and reimposing the order of revocation of Automotive Repair
18 Dealer Registration No. ARD 254307, issued to Robert Bruce Clark, doing business as Zoom
19 Smog & Automotive;
- 20 4. Revoking probation and reimposing the order of revocation of Automotive Repair
21 Dealer Registration No. ARD 253948, issued to Robert Bruce Clark, doing business as Zoom
22 Smog & Automotive;
- 23 5. Revoking or suspending any other automotive repair dealer registration issued to
24 Robert Bruce Clark;
- 25 6. Revoking or suspending Smog Check Station License No. RC 254307, issued to
26 Robert Bruce Clark, doing business as Zoom Smog & Automotive;
- 27 7. Revoking or suspending Smog Check Station License No. RC 253948, issued to
28 Robert Bruce Clark, doing business as Zoom Smog & Automotive;

1 8. Revoking probation and reimposing the order of revocation of Smog Check Station
2 License No. RC 254307, issued to Robert Bruce Clark, doing business as Zoom Smog &
3 Automotive;

4 9. Revoking probation and reimposing the order of revocation of Smog Check Station
5 License No. RC 253948, issued to Robert Bruce Clark, doing business as Zoom Smog &
6 Automotive;

7 10. Revoking or suspending Smog Check Inspector (EO) License No. 127919 and/or
8 Smog Check Repair Technician (EI) License No. 127919 (formerly Advanced Emission
9 Specialist Technician EA License No. 127919), issued to Robert Bruce Clark;

10 11. Revoking probation and reimposing the order of revocation of Smog Check Inspector
11 (EO) License No. 127919 and/or Smog Check Repair Technician (EI) License No. 127919
12 (formerly Advanced Emission Specialist Technician EA 127919), issued to Robert Bruce Clark;

13 12. Revoking or suspending any additional license issued under Chapter 5 of the Health
14 and Safety Code in the name of Robert Bruce Clark;

15 13. Ordering Robert Bruce Clark, owner of Zoom Smog & Automotive, to pay the
16 Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this
17 case, pursuant to Business and Professions Code section 125.3; and,

18 14. Taking such other and further action as deemed necessary and proper.

19
20 DATED: December 11, 2014 Patrick Dorais

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

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