

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

In the Matter of the Accusation Against:

**JUNIORS TEST ONLY**  
**JESSE JUNIOR ESPINOZA, Owner**  
8323 Long Beach Blvd.  
South Gate, CA 90280  
Automotive Repair Dealer Registration  
No. ARD 258121  
Smog Check, Test Only, Station License  
No. TC 258121

and

**JESSE JUNIOR ESPINOZA**  
14408 S. Butler Avenue  
Compton, CA 90221  
Advanced Emission Specialist Technician  
License No. EA 151078

and

**JAVIER ESPINOZA PARRA**  
8938 Evergreen Ave  
South Gate, CA 90280  
Advanced Emission Specialist Technician  
License No. EA 154440

Respondents.

Case No. 79/12-02

OAH No. L-2011090589

**DECISION**

The attached Stipulated Settlement and Disciplinary Order Only as to Jesse Junior Espinoza dba Juniors Test Only 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 respondent Jesse Junior Espinoza, dba Juniors Test Only, Automotive Repair Dealer Registration No. ARD 258121 and Smog Check, Test Only, Station License No. TC 258121.

This Decision shall become effective \_\_\_\_\_

4/3/12

DATED: February 24, 2012

  
**DOREATHEA JOHNSON**  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
4 State Bar No. 164015  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 **JUNIORS TEST ONLY**  
14 **8323 Long Beach Blvd**  
15 **South Gate, CA 90280**  
16 **JESSE JUNIOR ESPINOZA, OWNER**  
17 **Automotive Repair Dealer Registration No.**  
18 **ARD 258121**  
19 **Smog Check Test Only Station License No.**  
20 **TC 258121,**  
21  
22 **AND**  
23 **JESSE JUNIOR ESPINOZA**  
24 **14408 S. Butler Ave**  
25 **Compton, CA 90221**  
26 **Advanced Emission Specialist Technician**  
27 **No. EA 151078,**  
28  
Respondents.

Case No. 79/12-02

OAH No. L-2011090589

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER ONLY AS TO  
JESSE JUNIOR ESPINOZA dba  
JUNIORS TEST ONLY**

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

26 PARTIES

27 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She  
28 brought this action solely in her official capacity and is represented in this matter by Kamala D.

1 Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy  
2 Attorney General.

3 2. Respondent Juniors Test Only; Jesse Junior Espinoza (Respondent) is represented in  
4 this proceeding by attorney William Ferreira, Esq. whose address is: 582 Market Street, Ste.  
5 #1608, San Francisco, Ca. 94104.

6 **Automotive Repair Dealer Registration No. 258121**

7 3. On or about May 14, 2009, the Bureau issued Automotive Repair Dealer Registration  
8 Number ARD 258121 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing  
9 business as Juniors Test Only. The registration was in full force and effect at all times relevant to  
10 the charges brought herein and will expire on April 30, 2012, unless renewed.

11 **Automotive Repair Dealer Registration No. 250094**

12 4. On an unknown date, the Bureau issued Automotive Repair Dealer Registration  
13 Number ARD 250094 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing  
14 business as Juniors Test Only. The registration expired on April 30, 2009 and has been canceled.

15 **Automotive Repair Dealer Registration No. 255625**

16 5. On an unknown date, the Bureau issued Automotive Repair Dealer Registration  
17 Number ARD 255625 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing  
18 business as Juniors Test Only. The registration expired on July 31, 2009 and has been canceled.

19 **Smog Check Test Only Station License No. 258121**

20 6. On or about May 20, 2009, the Bureau issued Smog Check Test Only Station License  
21 Number TC 258121 ("station license") to Respondent Juniors. The station license was in full  
22 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
23 2012, unless renewed.

24 **Smog Check Test Only Station License No. 250094**

25 7. On an unknown date, the Bureau issued Smog Check Test Only Station License  
26 Number TC 258121 ("station license") to Respondent Juniors. The station license expired on  
27 April 30, 2009, and has been canceled.

28 ///





1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Automotive Repair Dealers Registration Nos.  
9 ARD250094 and ARD255625 and Smog Check, Test Only Station License Nos. TC250094 and  
10 TC255625 are all revoked.

11 IT IS HEREBY FURTHER ORDERED that Automotive Repair Dealer Registration No.  
12 ARD 258121 and Smog Check, Test Only, Station License No. TC 258121 issued to Respondent  
13 Juniors Test Only; Jesse Junior Espinoza (Respondent) are revoked. However, the revocation as  
14 to both is stayed and Respondent's license and registration are each placed on probation for a  
15 period of three (3) years on the following terms and conditions:

16 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 258121 and  
17 Smog Check, Test Only, Station License No. TC 258121 issued to Respondent Juniors Test Only;  
18 Jesse Junior Espinoza are each suspended for a period of fifteen (15) consecutive days  
19 commencing on the effective date of this decision.

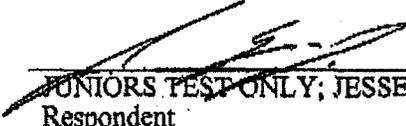
20 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
21 automotive inspections, estimates and repairs.

22 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
23 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
24 conspicuously displayed in a location open to and frequented by customers and shall remain  
25 posted during the entire period of actual suspension.

26 4. **Reporting.** Respondent or Respondent's authorized representative must report in  
27 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
28 Bureau, but no more frequently than each quarter, on the methods used and success achieved in



1 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
2 Affairs

3 DATED: 01 30 12   
4 JUNIORS TEST ONLY; JESSE JUNIOR ESPINOZA  
5 Respondent

6  
7 I have read and fully discussed with Respondent Juniors Test Only; Jesse Junior Espinoza  
8 the terms and conditions and other matters contained in the above Stipulated Settlement and  
9 Disciplinary Order. I approve its form and content.

10 DATED: 1-31-12   
11 William Ferreira, Esq.  
12 Attorney for Respondent

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ENDORSEMENT

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

Dated: 1-31-2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



GREGORY J. SALUTE  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/12-02**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
4 State Bar No. 164015  
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Telephone: (213) 897-2520  
6 Facsimile: (213) 897-2804  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/12-02

13 **JUNIORS TEST ONLY**  
8323 Long Beach Blvd  
14 South Gate, CA 90280  
**JESSE JUNIOR ESPINOZA, OWNER**  
Automotive Repair Dealer Registration No.  
15 **ARD 258121**  
Smog Check Test Only Station License No.  
16 **TC 258121,**

**ACCUSATION**

**SMOG CHECK**

17 **AND**

18 **JESSE JUNIOR ESPINOZA**  
14408 S. Butler Ave  
19 Compton, CA 90221  
Advanced Emission Specialist Technician  
No. EA 151078,

20 **AND**

21 **JAVIER ESPINOZA PARRA**  
8938 Evergreen Ave  
22 South Gate, CA 90280  
Advanced Emission Specialist Technician  
23 No. EA 154440,

24 Respondents.

25  
26  
27 Complainant alleges:  
28

1 PARTIES

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

4 **Automotive Repair Dealer Registration**

5 2. On or about May 14, 2009, the Bureau issued Automotive Repair Dealer Registration  
6 Number ARD 258121 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing  
7 business as Juniors Test Only. The registration was in full force and effect at all times relevant to  
8 the charges brought herein and will expire on April 30, 2012, unless renewed.

9 **Smog Check Test Only Station License**

10 3. On or about May 20, 2009, the Bureau issued Smog Check Test Only Station License  
11 Number TC 258121 ("station license") to Respondent Juniors. The station license was in full  
12 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
13 2012, unless renewed.

14 **Advanced Emission Specialist Technician License**

15 4. On a date uncertain in 2005, the Bureau issued Advanced Emission Specialist  
16 Technician License Number EA 151078 ("technician license") to Jesse Junior Espinoza. The  
17 technician license was in full force and effect at all times relevant to the charges brought herein  
18 and will expire on August 31, 2011, unless renewed.

19 **Advanced Emission Specialist Technician License**

20 5. On a date uncertain in 2007, the Bureau issued Advanced Emission Specialist  
21 Technician Number EA 154440 ("technician license") to Javier Espinoza Parra ("Respondent  
22 Parra"). The technician license was in full force and effect at all times relevant to the charges  
23 brought herein and will expire on March 31, 2013, unless renewed.

24 STATUTORY PROVISIONS

25 6. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent  
26 part:

27 (a) The director, where the automotive repair dealer cannot show there  
28 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
permanently, the registration of an automotive repair dealer for any of the following

1 acts or omissions related to the conduct of the business of the automotive repair  
2 dealer, which are done by the automotive repair dealer or any automotive technician,  
3 employee, partner, officer, or member of the automotive repair dealer.

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

7 (4) Any other conduct which constitutes fraud.

8 (b) Except as provided for in subdivision (c), if an automotive repair  
9 dealer operates more than one place of business in this state, the director pursuant to  
10 subdivision (a) shall only invalidate temporarily or permanently the registration of the  
11 specific place of business which has violated any of the provisions of this chapter.  
12 This violation, or action by the director, shall not affect in any manner the right of the  
13 automotive repair dealer to operate his or her other places of business.

14 (c) Notwithstanding subdivision (b), the director may invalidate  
15 temporarily or permanently, the registration for all places of business operated in this  
16 state by an automotive repair dealer upon a finding that the automotive repair dealer  
17 has, or is, engaged in a course of repeated and willful violations of this chapter, or  
18 regulations adopted pursuant to it.

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

23 8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
24 "commission," "committee," "department," "division," "examining committee," "program," and  
25 "agency." "License" includes certificate, registration or other means to engage in a business or  
26 profession regulated by the Code.

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

10. 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.

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

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

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

8 12. Section 44072.8 of the Health and Safety Code states:

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

#### 12 COST RECOVERY

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

#### 17 **BACKGROUND INFORMATION**

18 14. On July 13, 2010, Respondent Juniors and Respondent Parra issued Certificate of  
19 Compliance Number WL654506C to a 1990 Toyota truck, License Number 8U03979, certifying  
20 that the vehicle had been tested and inspected and that the vehicle was in compliance with  
21 applicable laws and regulations. In fact, Respondent Parra performed the smog inspection using  
22 the clean piping method<sup>1</sup> by using the tail pipe emissions of a vehicle other than the vehicle being  
23 certified, in order to issue the certificate of compliance. The 1990 Toyota was not on Respondent  
24 Juniors' premises at the time of the inspection and certification.

25  
26 <sup>1</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
28 compliance or are not present in the smog check area during the time of the certification.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 14. Respondent Juniors' registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(1), in that he made statements which he knew or which by exercise of reasonable  
5 care he should have known were untrue or misleading by issuing electronic Certificate of  
6 Compliance Number WL654506C to the 1990 Toyota truck, certifying that the vehicle was in  
7 compliance with applicable laws and regulations when, in fact, that vehicle had been clean piped.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 15. Respondent Juniors' registration is subject to discipline under Code section 9884.7,  
11 subdivision (a)(4), in that he committed acts which constitute fraud by issuing electronic  
12 Certificate of Compliance Number WL654506C for the 1990 Toyota truck without performing a  
13 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violation of the Motor Vehicle Inspection Program)**

18 16. Respondent Juniors' station license is subject to discipline under Health and Safety  
19 Code section 44072.2, subdivision (a), in that regarding the 1990 Toyota truck, he violated  
20 sections of that Code, as follows:

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

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

26 c. **Section 44015, subdivision (b):** Respondent Juniors issued electronic Certificate of  
27 Compliance Number WL654506C without properly testing and inspecting that vehicle to  
28 determine if it was in compliance with section 44012 of that Code.





1 c. **Section 3340.41, subdivision (c):** Respondent Parra entered false information into  
2 the Emission Inspection System for electronic Certificate of Compliance Number WL654506C by  
3 entering vehicle identification information or emission control information for a vehicle other  
4 than the vehicle being certified.

5 d. **Section 3340.42:** Respondent Parra failed to conduct the required smog tests and  
6 inspections on that vehicle in accordance with the Bureau's specifications.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Parra has subjected his technician license to discipline under Health and  
10 Safety Code section 44072.2, subdivision (d), in that he committed acts involving dishonesty,  
11 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance  
12 Number WL654506C for the 1990 Toyota truck without performing a bona fide inspection of the  
13 emission control devices and systems on that vehicle, thereby depriving the People of the State of  
14 California of the protection afforded by the Motor Vehicle Inspection Program.

15 **OTHER MATTERS**

16 31. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
17 or permanently or refuse to validate, the registrations for all places of business operated in this  
18 state by Jesse Junior Espinoza doing business as Juniors Test Only, upon a finding that he has, or  
19 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to  
20 an automotive repair dealer.

21 32. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station  
22 License Number TC 258121, issued to Jesse Junior Espinoza doing business as Juniors Test Only,  
23 is revoked or suspended, any additional license issued under this chapter in the name of said  
24 licensee may be likewise revoked or suspended by the director including, but not limited to  
25 Advanced Emission Specialist Technician License Number EA 151078, issued to Jesse Junior  
26 Espinoza.

27 33. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
28 Technician License Number EA 154440, issued to Javier Espinoza Parra is revoked or suspended,

1 any additional license issued under this chapter in the name of said licensee may be likewise  
2 revoked or suspended by the director.

3 **PRAYER**

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

- 6 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
7 Registration Number ARD 258121, issued to Jesse Junior Espinoza doing business as Juniors  
8 Test Only;
- 9 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
10 registration issued in the name Jesse Junior Espinoza;
- 11 3. Revoking or suspending Smog Check Test Only Station License Number TC 258121,  
12 issued to Jesse Junior Espinoza doing business as Juniors Test Only;
- 13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
14 and Safety Code in the name of Jesse Junior Espinoza including, but not limited to Advanced  
15 Emission Specialist Technician License Number EA 151078;
- 16 5. Revoking or suspending Advanced Emission Specialist Technician Number EA  
17 154440, issued to Javier Espinoza Parra;
- 18 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
19 and Safety Code in the name of Javier Espinoza Parra;

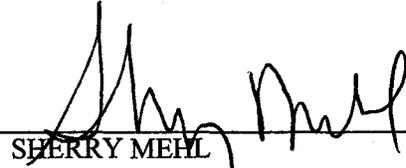
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7. Ordering Jesse Junior Espinoza and Javier Espinoza Parra to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 7/6/11



SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*