

ENDORSED  
FILED  
ALAMEDA COUNTY

FEB 15 2012

CLERK OF THE SUPERIOR COURT  
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA  
11  
12  
13

14 **PEOPLE OF THE STATE OF CALIFORNIA,**

15 Plaintiff,

16 v.

17 **GILBERT PEREZ**

18 Defendant.  
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21 **BUREAU OF AUTOMOTIVE REPAIR,  
DEPARTMENT OF CONSUMER AFFAIRS,**

22 Applicant.  
23  
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Case No. 439750

PFN: DRD541 CEN: 2306109

True PFN: BBJ648

**[PROPOSED] ORDER PROHIBITING  
DEFENDANT FROM ENGAGING IN  
SMOG CHECK ACTIVITY UNTIL  
RESOLUTION OF CRIMINAL OR  
ADMINISTRATIVE PROCEEDINGS**

[Pen. Code § 23; Bus. & Prof. Code § 320]

Date: February 15, 2012

Time: 9:00 a.m.

Dept: 502

Judge: Hon. Gary M. Picetti

1 The Court, having considered the recommendation by the Bureau of Automotive Repair  
2 (Bureau) for an order prohibiting defendant Gilbert Perez from engaging in smog check activity  
3 until resolution of the criminal or related administrative proceedings, and having considered any  
4 additional written or oral arguments and evidence offered by the parties, finds that good cause  
5 exists to grant such an order. This order is made to protect the public health, safety or welfare.

6 The Court first considered the Bureau's recommendation at the defendant's arraignment on  
7 February 1, 2012. Attorney Harris B. Taback appeared on behalf of the defendant, who was also  
8 present. Deputy Attorney General Aspasia A. Papavassiliou appeared on behalf of the Bureau.  
9 The Court ordered the defendant, as a condition of his O.R. release, to immediately cease  
10 engaging in smog check activity. At defense counsel request, however, the Court agreed to  
11 reconsider the matter on February 15, 2012.

12 After reconsideration of the matter, the Court orders as follows:

13 (1) Defendant Gilbert Perez continues to be prohibited from engaging in any smog check  
14 activity until either the resolution of this criminal matter or the resolution of the related  
15 administrative matter (*In the Matter of the Accusation Against Perez Test Only and Gilbert Perez*,  
16 Bureau Case No. 79/12-62);

17 (2) This order includes a prohibition on Defendant Gilbert Perez engaging in any conduct  
18 that is authorized by his Bureau-issued licenses (Automotive Repair Dealer Registration No.  
19 ARD 259605, issued to Gilbert Perez as owner of Perez Test Only; Smog Check Test Only  
20 Station License No. TC 259605, issued to Gilbert Perez as owner of Perez Test Only; and  
21 Advanced Emission Specialist Technician License No. 145507, issued to Gilbert Perez);

22 (3) Defendant Gilbert Perez shall immediately relinquish any indicia of Bureau licensure  
23 (e.g. pocket licenses or wall certificates) either to the Court or to a Bureau representative for safe-  
24 keeping until the resolution of either this criminal or the related administrative matter.

25 IT IS SO ORDERED.

26 Dated: FEB 15 2012

GARY M. PICETTI

Hon. Gary M. Picetti  
JUDGE OF THE SUPERIOR COURT