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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. 79/12-116

13 **CHECK ENGINE AUTO & SMOG**
3935 Wayside Lane, Unit A
Carmichael, CA 95608
14 **RICHARD ALLEN STARR, OWNER**
Automotive Repair Dealer Registration No.
15 **ARD 260146**
Smog Check Station License No. RC 260146,

ACCUSATION

SMOG CHECK

16 **and**

17 **RICHARD ALLEN STARR**
3844 Henderson Way
18 Carmichael, CA 95608
19 **Advanced Emission Specialist Technician**
License No. EA 145060

20 Respondents.
21

22 Complainant alleges:

23 **PARTIES**

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

26 **Automotive Repair Dealer Registration**

27 2. On or about December 7, 2009, the Bureau issued Automotive Repair Dealer
28 Registration Number ARD 260146 to Richard Allen Starr ("Respondent"), doing business as Check

1 Engine Auto & Smog. The automotive repair dealer registration expired on October 31, 2011,
2 and was cancelled on November 13, 2011.

3 **Smog Check Station License**

4 3. On or about December 8, 2009, the Bureau issued Smog Check Station License
5 Number RC 260146 ("station license") to Respondent. The station license was suspended on
6 August 18, 2011, and expired on October 31, 2011.

7 **Advanced Emission Specialist Technician License**

8 4. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist
9 Technician License Number EA 145060 ("technician license") to Respondent. The technician
10 license was suspended on July 19, 2011, and will expire on May 31, 2012.

11 **STATUTORY PROVISIONS**

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

15 6. Section 44050 of the Health and Safety Code states, in pertinent part:

16 (a) In addition to or in lieu of any other remedy or penalty, including, but
17 not limited to, education, training, or an office conference, the department may issue
18 a citation to a licensee, contractor, or fleet owner for a violation of the requirements
of this chapter or a regulation adopted pursuant to this chapter. The citation may
contain an order of abatement or the assessment of an administrative fine, or both.

19 (e) Failure to comply with an order of abatement or payment of an
20 administrative fine issued by the department pursuant to this section is grounds for
suspension or revocation of the license, or placing the license on probation.

21 7. Section 44055 of the Health and Safety Code, subdivision (b) states:

22 (b) The department may deny an application for the renewal of a test
23 station or repair station license if the applicant, or any partner, officer, or director
24 thereof, has failed to pay any civil penalty or administrative fine in accordance with
this article.

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

1 Safety Code, and Regulation section 3340.42). On April 14, 2011, the Bureau served Respondent
2 with the citation. The Bureau required that Respondent to complete a Bar 16-hour Training
3 Course. However, Respondent failed to appeal the citation within thirty (30) days of service of
4 the citation and Respondent has not completed the required training.

5 **OTHER MATTERS**

6 13. Under Health and Safety Code section 44072.8, if Smog Check Station License
7 Number RC 260146, issued to Richard Allen Starr, is revoked or suspended, any additional
8 license issued under this chapter in the name of said licensee may be likewise revoked or
9 suspended by the director.

10 14. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
11 Technician License Number EA 145060, issued to Richard Allen Starr, is revoked or suspended,
12 any additional license issued under this chapter in the name of said licensee may be likewise
13 revoked or suspended by the director.

14 **PRAYER**

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

17 1. Revoking or suspending Smog Check Station License Number RC 260146, issued to
18 Richard Allen Starr, doing business as Check Engine Auto & Smog;

19 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
20 and Safety Code in the name of Richard Allen Starr;

21 3. Revoking or suspending Advanced Emission Specialist Technician License Number
22 EA 145060, issued to Richard Allen Starr;

23 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
24 and Safety Code in the name of Richard Allen Starr;

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5. Ordering Richard Allen Starr 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,

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

DATED: April 5, 2012



JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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