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

In the Matter of the Accusation Against:

Case No. 79/14-118

**JASON LEANDREW JASPER d.b.a.
BAY AREA SMOG PROS**
598 E. 3rd Street, Suite B
Pittsburg, CA 94565

DEFAULT DECISION AND ORDER

**Smog Check, Test Only, Station License
No. TC 261865**

[Gov. Code, §11520]

Respondent.

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FINDINGS OF FACT

1. On or about April 15, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, filed before the Director of Consumer Affairs Accusation No. 79/14-118 against Jason Leandrew Jasper doing business as Bay Area Smog Pros (Respondent). *The Accusation and accompanying documents, including the proof of service, are attached as Exhibit A.*

2. On or about July 22, 2010, the Bureau of Automotive Repair (Bureau) issued Smog Check, Test Only, Station License No. TC 261865 to Respondent. The Smog Check, Test Only, Station License expired under suspension on April 30, 2012, and has not been renewed. *A license history certification regarding Respondent is attached as exhibit B.*

3. On or about April 17, 2014, Respondent was served by Certified and First Class Mail copies of: Accusation No. 79/14-118, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7). The documents were served at Respondent's address of record which, under Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: 598 East 3rd Street, Suite B, Pittsburg, CA 94565.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about April 26, 2014, the Accusation and accompanying documents were
5 returned by the U.S. Postal Service marked "Return to Sender Unable to Forward." The address
6 on the documents was the same as the address on file with the Bureau. Respondent failed to
7 maintain an updated address with the Bureau and the Bureau has made attempts to serve the
8 Respondent at the address on file. Respondent has not made himself available for service and
9 therefore has not availed himself of his right to file a notice of defense and appear at hearing.

10 *Copies of the returned envelopes are attached as exhibit C.*

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
16 may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
19 79/14-118.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 respondent.

25 9. Under Government Code section 11520, the Director, after having reviewed the proof
26 of service signed by a Department of Justice employee and dated April 17, 2014, and having also
27 reviewed copies of the returned envelopes, finds Respondent is in default. The Director will take
28 action without further hearing and, based on the October 22, 2013, affidavit of Bureau
Representative Chris Pryor, regarding Citation No. C2011-0357, the Director finds that the
allegations in Accusation are true. *The affidavit of Bureau Representative Chris Pryor is attached
as exhibit D.*

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Jason Leandrew Jasper, doing
3 business as Bay Area Smog Pros, has subjected his Smog Check, Test Only, Station License No.
4 TC 261865, to discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Director of Consumer Affairs is authorized to revoke Respondent's Smog Check,
7 Test Only, Station License, based upon the following violation alleged in the Accusation and
8 supported by the evidence contained in the attached affidavit of Bureau Representative Chris
9 Pryor: Failure to Pay Administrative Fine (Health & Saf. Code § 44050, subd. (e)).

10 ORDER

11 IT IS SO ORDERED that Smog Check, Test Only, Station License No. TC 261865, issued
12 to Respondent Jason Leandrew Jasper doing business as Bay Area Smog Pros, is revoked.

13 Under Government Code section 11520, subdivision (c), Respondent may serve a written
14 motion requesting that the Decision be vacated and stating the grounds relied on within seven (7)
15 days after service of the Decision on Respondent. The motion should be sent to the Bureau of
16 Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho Cordova,
17 CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a
18 showing of good cause, as defined in the statute.

19 This Decision shall become effective on October 21, 2014.

20 It is so ORDERED September 29, 2014

21
22 
23 DOREATHEA JOHNSON
24 Deputy Director, Legal Affairs
25 Department of Consumer Affairs

24 Attachments:

- 25 Exhibit A: Accusation and accompanying documents, including proof of service
26 Exhibit B: license history certification
27 Exhibit C: copies of returned envelopes
28 Exhibit D: affidavit of Bureau representative Chris Pryor

DOJ Matter ID:SF2013406383 90427721.DOC

Exhibit A

Accusation and accompanying documents, including proof of service

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
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. 79/14-118

13 **JASON LEANDREW JASPER d.b.a.**
14 **BAY AREA SMOG PROS**
598 E. 3rd Street, Suite B
Pittsburg, CA 94565

ACCUSATION

(SMOG CHECK)

15 Smog Check, Test Only, Station License No.
16 TC 261865

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about July 22, 2010, the Bureau of Automotive Repair issued Smog Check,
24 Test Only, Station License Number TC 261865 to Jason Leandrew Jasper doing business as Bay
25 Area Smog Pros (Respondent). The Smog Check, Test Only, Station License was suspended on
26 or around May 19, 2011, and subsequently expired under suspension on or around April 30, 2012.

27 **JURISDICTION**

28 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the

1 Bureau of Automotive Repair, under the authority of the following laws.

2 4. Section 477 of the Business and Professions Code provides, in pertinent part, that
3 "Board" includes "bureau," "commission," "committee," "department," "division," "examining
4 committee," "program," and "agency." "License" includes certificate, registration or other means
5 to engage in a business or profession regulated by the Code.

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

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

13 STATUTORY PROVISION

14 7. Section 44050, subdivision (e), of the Health and Safety Code, states:
15 "Failure to comply with an order of abatement or payment of an administrative fine issued by
16 the department pursuant to this section is grounds for suspension or revocation of the license, or
17 placing the licensee on probation"

18 COST RECOVERY

19 8. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 CAUSE FOR DISCIPLINE
24 (Failure to Pay Administrative Fine)
(Health & Saf. Code § 44050, subd. (e))

25 9. Respondent has subjected his Smog Check, Test Only, Station License to discipline
26 because he failed to pay an administrative fine issued by the Bureau of Automotive Repair.
27 (Health & Saf. Code § 44050, subd. (e).) The circumstances are that Respondent failed to pay the
28 \$1,000.00 fine required by Citation No. C2011-0357, which was issued on or about September 30,

1. 2010, and served on Respondent at a citation conference on or about October 28, 2010.
2. Respondent did not appeal the citation, which alleged that on September 3, 2010, he issued a
3 certificate of compliance for a vehicle that had a missing fuel evaporative storage canister.

4 PRAYER

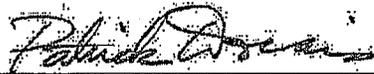
5 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
6 Accusation, and that following the hearing, the Director of Consumer Affairs issue a decision:

7 1. Revoking or suspending Smog Check, Test Only, Station License Number TC
8 261865, issued to Jason Leandrew Jasper doing business as Bay Area Smog Pros;

9 2. Ordering Jason Leandrew Jasper to pay the Bureau of Automotive Repair the
10 reasonable costs of the investigation and enforcement of this case, under Business and Professions
11 Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: April 15, 2014


14 PATRICK DORAIS
15 Chief
16 Bureau of Automotive Repair
17 Department of Consumer Affairs
18 State of California
19 Complainant

18 SF2013406383
19 90391141.doc

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KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General
ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
State Bar No. 196360
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2199
Facsimile: (510) 622-2270
Email: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against:

**JASON LEANDREW JASPER d.b.a.
BAY AREA SMOG PROS
598 East 3rd Street, Suite B
Pittsburg, CA 94565**

**Smog Check, Test Only,
Station License No. TC 261865**

Respondent.

Case No. 79/14-118

**DECLARATION OF SERVICE
BY CERTIFIED MAIL AND
FIRST CLASS MAIL**

DECLARATION OF SERVICE
BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings – Page 1 of 2)

Case Name: **In the Matter of the Accusation Against:
Jason Leandrew Jasper, d.b.a. Bay Area Smog Pros**

Case No.: **79/14-118 before the Bureau of Automotive Repair**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 17, 2014, I served the attached:

- **Accusation**
- **Statement to Respondent [Gov. Code §§ 11504, 11505(b)]**
- **Request for Discovery**
- **Notice of Defense [Gov. Code §§ 11505 and 11506] (two copies)**
- **Copy of Government Code Sections 11507.5, 11507.6 and 11507.7
Provided Pursuant to Government Code Sections 11504 and 11505**

by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the attached:

- **Accusation**
- **Statement to Respondent [Gov. Code §§ 11504, 11505(b)]**
- **Request for Discovery**
- **Notice of Defense [Gov. Code §§ 11505 and 11506] (two copies)**
- **Copy of Government Code Sections 11507.5, 11507.6 and 11507.7
Provided Pursuant to Government Code Sections 11504 and 11505**

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DECLARATION OF SERVICE
BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings – Page 2 of 2)

was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550, addressed as follows:

- Jason Leandrew Jasper
d.b.a. Bay Area Smog Pros
598 East 3rd Street, Suite B
Pittsburg, CA 94565

Respondent;
Via Certified Article No. 7160 3901 9848 6907 3324

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 17, 2014, at Oakland, California.

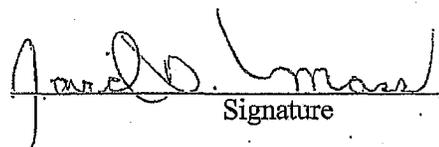
_____ David B. Moss Declarant	 _____ Signature
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Exhibit B

license history certification

**Licensing**

10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (855) 735.0462 F (888) 641.9982 | www.bar.ca.gov



October 3, 2013

I, F. MAYUGBA, Staff Services Manager I, Licensing Unit, for the Bureau of Automotive Repair, Department of Consumer Affairs, do hereby certify that:

JASON LEANDREW JASPER -OWNER

DBA

**BAY AREA SMOG PROS
598 E 3rd ST SUITE B
PITTSBURG, CA 94565**

Was registered as an Automotive Repair Dealer under the Automotive Repair Act of 1971. Registration number ARD 261865 was issued on May 6, 2010, due to expire on April 30, 2012, however was suspended on November 28, 2011.

Was also licensed as a Smog Check, Test Only, Station under SB 33, the biennial Smog Check Program implemented March 19, 1984. License number TC 261865 was issued on July 22, 2010, due to expire on April 30, 2012, however was suspended on May 19, 2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'F. Mayugba', written over a circular stamp.

F. Mayugba, Staff Services Manager I
Licensing Unit

FM/jd



Section 162 of the Business and Professions Code: The certificate of the officer in charge of the records of any board in the department that any person was or was not on a specified date, or during a specified period of time, licensed, certified or registered under the provisions of law administered by the Board, or that the license, certificate or registration of any person was revoked or under suspension, shall be admitted in any court as prima facie evidence of the facts therein recited.

Exhibit C

copies of returned envelopes

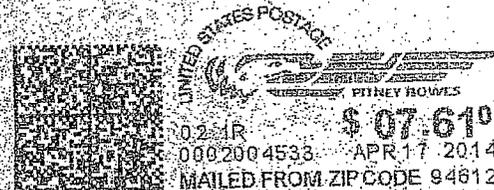
CERTIFIED MAIL

Office of the Attorney General
1515 Clay Street, 20th Floor ~ P.O.B. 70550
Oakland, CA 94612-0550



7160 3901 9848 6907 3324

RETURN RECEIPT REQUESTED



RETURNED TO SENDER
Not Deliverable as Addressed
Unable to Forward

05507

C

Thank you for using Return Receipt Service

PT REQUESTED
CARRIER PERFORATION



2. Article Number



7160 3901 9848 6907 3324

3. Service Type CERTIFIED MAIL

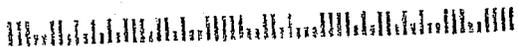
4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

945658903-1N

04/26/14

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER



03562-110-SF2013406383

PS Form 3811, July 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

- Agent
- Addressee
- Yes
- No

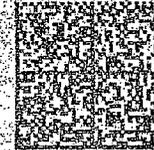
D. Is delivery address different from item 1?
If YES, enter delivery address below:

JASON LEANDREW JASPER

Aspasia A. Papavassiliou

Thank you for using Return Receipt Service

WALZ Certified Mailer™ 1-800-882-3811 www.walzpostal.com



UNITED STATES POSTAGE
 PITNEY BOWES
 02 1R \$ 01.61⁰⁰
 0002004533 APR 17 2014
 MAILED FROM ZIP CODE 84612

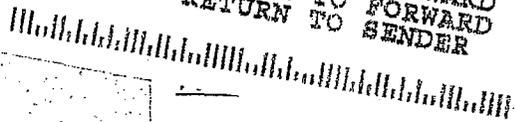
DEPARTMENT OF JUSTICE
 Office of the Attorney General
 1515 Clay Street, 20th Floor ~ P. O. Box 70550
 Oakland, CA 94612-0550

NIXIE

945658903-1N

04/26/14

RETURN TO SENDER
 UNABLE TO FORWARD
 UNABLE TO FORWARD
 RETURN TO SENDER



Not Deliverable as Addressed
 Unable to Forward



Exhibit D

Affidavit of Bureau representative Chris Pryor

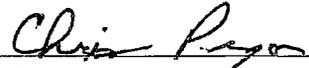
AFFIDAVIT OF CHRIS PRYOR

1 I, Chris Pryor, Program Representative II Specialist, Bureau of Automotive Repair, Case
2 Management Unit, hereby affirm the following facts regarding Bay Area Smog Pros, 598 E. 3rd
3 Street, Pittsburg, CA 94565, and citation No. C2011-0357. In the course and scope of my duties
4 as Program Representative II Specialist in the Case Management Unit, I investigated Jason L.
5 Jasper, doing business as Bay Area Smog Pros, ARD261865 / TC261865 (Respondent).

6 On October 22, 2013, I initiated an investigation into the non-compliance of Respondent
7 in regard to citation No. C2011-0357. The investigation determined Respondent failed to comply
8 with the order stated in citation No. C2011-0357 and there is no appeal pending. This conduct
9 fails to comply with Health and Safety Code 44050(e).

10 I have personal knowledge of the facts stated herein and, if called as a witness, I could
11 and would testify competently to those facts and to the facts, evidence, and information
12 contained within the investigation report supporting the violations asserted in the Accusation and
13 mentioned herein.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct to the best of my knowledge. Executed on the 22nd day of October,
16 2013, at Rancho Cordova, California.

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19 Chris Pryor, PRII(s)
20 Bureau of Automotive Repair
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