

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
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
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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 Against:
12 **Rudy Caraves and Hector Manuel Quintanilla, Partners,**
13 **dba West Coast Auto Care,**
14 **1402 Santa Monica Blvd.,**
Santa Monica, CA 90404
15 **Automotive Repair Dealer Registration No. ARD 265308**
16 **Smog Check Station License No. RC 265308**
17 Respondent.

Case No. 79/15-31

ACCUSATION
SMOG CHECK

18 Complainant alleges:

19 **PARTIES**

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

22 **Automotive Repair Dealer Registration**

23 2. On or about May 31, 2011, the Bureau issued Automotive Repair Dealer Registration
24 Number ARD 265308 to Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast
25 Auto Care ("Respondent or West Coast Auto Care"). The automotive repair dealer registration
26 was in full force and effect at all times relevant to the charges brought herein, expired on May 31,
27 2013 and has not been renewed.

28 ///

1 **Smog Check Station License**

2 3. On or about June 8, 2011, the Bureau issued Smog Check Station License Number
3 RC 265308 (“station license”) to Respondent. The station license was in full force and effect at
4 all times relevant to the charges brought herein, expired on May 31, 2013, and has not been
5 renewed.

6 **JURISDICTION AND STATUTORY PROVISIONS**

7 4. Section 118, subdivision (b) of the Business and Professions Code states:

8 The suspension, expiration, or forfeiture by operation of law of a license
9 issued by a board in the department, or its suspension, forfeiture, or cancellation by
10 order of the board or by order of a court of law, or its surrender without the written
11 consent of the board, shall not, during any period in which it may be renewed,
12 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

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

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

17 (a) In addition to or in lieu of any other remedy or penalty, including, but
18 not limited to, education, training, or an office conference, the department may issue
19 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.

20 (e) Failure to comply with an order of abatement or payment of an
21 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.

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

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

26 8. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
27 expiration or suspension of a license by operation of law, or by order or decision of the Director
28

1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
2 the Director of jurisdiction to proceed with disciplinary action.

3 9. Section 44072.8 of the Health and Safety Code states:

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

6 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Failure to Pay Administrative Fine)**

13 11. Respondent West Coast Auto Care has subjected their station license to discipline
14 pursuant to Health and Safety Code section 44050, subdivision (e), in that the Bureau issued the
15 following citation against Respondent's station license: on or about May 28, 2013, the Bureau
16 issued Citation No. C2013-0677 to Respondent West Coast Auto Care against their station license
17 for violation of Health and Safety Code section 44012, subdivision (f), (failure to perform a
18 visual/functional check of emission control devices). On or about July 12, 2013, the Bureau
19 served Respondent West Coast Auto Care with the citation. The Bureau ordered Respondent
20 West Coast Auto Care to pay a fine of \$1000.00. Respondent West Coast Auto Care failed to
21 appeal the citation and the citation became effective on August 12, 2013. To date, Respondent
22 West Coast Auto Care has failed to pay the fine.

23 **OTHER MATTERS**

24 12. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
25 Number RC 265308, issued to Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West
26 Coast Auto Care is revoked or suspended, any additional license issued under this chapter in the
27 name of said licensee may be likewise revoked or suspended by the director.

28 ///

PRAYER

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

1. Revoking or suspending Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast Auto Care, Smog Check Station License Number RC 265308;

2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Rudy Caraves and/or Hector Manuel Quintanilla, Partners, dba West Coast Auto Care;

3. Ordering Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast Auto Care 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,

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

DATED: August 29, 2014 Patrick Dorais

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

LA2014512435
51586229.docx