

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

In the Matter of the Accusation Against:

**CHARLES SUTTON CHEVRON, INC.,  
DBA SIERRA AUTOMOTIVE, CHARLES  
L. SUTTON, President/Secretary/Treasurer**  
701 N. Chester Avenue  
Bakersfield, CA 93308  
Automotive Repair Dealer Registration No.  
ARD 92968  
Smog Check Station License No. RC 92968  
Brake Check Station License No. BS 92968  
Lamp Station License No. LS 92968

**ANTHONY ALLEN HAZELWOOD**  
1005 Meadows Street  
Bakersfield, CA 93306  
Smog Check Inspector License No. EO  
306035  
Smog Check Repair Technician License  
Number EI 306035 (formerly Advanced  
Emission Specialist Technician License  
No. EA 306035)  
Brake Adjuster License No. BA 306035  
Lamp Adjuster License No. LA 306035

and

**DAVID LEE MCCOY**  
2634 Center Street  
Bakersfield, CA 93306  
Smog Check Inspector License No. EO  
74536  
Smog Check Repair Technician License  
Number EI 74536 (formerly Advanced  
Emission Specialist Technician License  
No. EA 74536)  
Brake Adjuster License No. BA 74536  
Lamp Adjuster License No. LA 74536

Respondents.

Case No. 77/14-32

OAH No. 2014060970

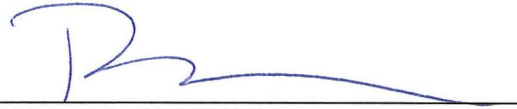
**DECISION**

The attached Stipulated Settlement and Disciplinary Order as to Charles Sutton Chevron, Inc., dba Sierra Automotive, Charles L. Sutton 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 Charles Sutton Chevron, Inc., dba Sierra Automotive, Charles L. Sutton, Automotive Repair Dealer Registration No. ARD 92968, Smog Check Station License No. RC 92968, Brake Check Station License No. BS 92968, and Lamp Station License No. LS 92968.

This Decision shall become effective November 9, 2015.

DATED:

October 19, 2015



TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
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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:

Case No. 77/14-32

13 **CHARLES SUTTON CHEVRON, INC.,**  
14 **DBA SIERRA AUTOMOTIVE, CHARLES**  
15 **L. SUTTON, President/Secretary/Treasurer**  
16 **701 N. Chester Avenue**  
17 **Bakersfield, CA 93308**  
18 **Automotive Repair Dealer Registration No.**  
19 **ARD 92968**  
20 **Smog Check Station License No. RC 92968**  
21 **Brake Check Station License No. BS 92968**  
22 **Lamp Station License No. LS 92968**

OAH No. 2014060970

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**CHARLES SUTTON CHEVRON, INC.,**  
**DBA SIERRA AUTOMOTIVE,**  
**CHARLES L. SUTTON ONLY**

18 **ANTHONY ALLEN HAZELWOOD**  
19 **1005 Meadows Street**  
20 **Bakersfield, CA 93306**  
21 **Smog Check Inspector License No. EO**  
22 **306035**  
23 **Smog Check Repair Technician License**  
24 **Number EI 306035 (formerly Advanced**  
25 **Emission Specialist Technician License No.**  
26 **EA 306035)**  
27 **Brake Adjuster License No. BA 306035**  
28 **Lamp Adjuster License No. LA 306035**

and

25 **DAVID LEE MCCOY**  
26 **2634 Center Street**  
27 **Bakersfield, CA 93306**  
28 **Smog Check Inspector License No. EO**  
**74536**  
**Smog Check Repair Technician License**  
**Number EI 74536 (formerly Advanced**

1 Emission Specialist Technician License No.  
EA 74536)  
2 Brake Adjuster License No. BA 74536  
Lamp Adjuster License No. LA 74536

3 Respondents.  
4

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

7 **PARTIES**

8 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
9 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
10 Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

11 2. Respondent Charles Sutton Chevron, Inc., dba Sierra Automotive; Charles L. Sutton  
12 ("Respondent Sierra") is representing itself in this proceeding and has chosen not to exercise its  
13 right to be represented by counsel.

14 **Charles Sutton Chevron Inc dba Sierra Automotive**

15 **Automotive Repair Dealer Registration**

16 3. On or about January 17, 1982, the Bureau of Automotive Repair ("Bureau") issued  
17 Automotive Repair Dealer Registration No. ARD 92968 to Respondent Sierra. The Automotive  
18 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
19 in Accusation No. 77/14-32 and will expire on January 31, 2016, unless renewed.

20 **Smog Check Station License**

21 4. On or about November 21, 1985, the Bureau issued Smog Check Station License No.  
22 RC 92968 to Respondent Sierra. The Smog Check Station License was in full force and effect at  
23 all times relevant to the charges brought in Accusation No. 77/14-32 and will expire on January  
24 31, 2016, unless renewed.

25 **Lamp Station License**

26 5. On or about March 24, 1998, the Bureau issued Lamp Station License No. LS 92968  
27 to Respondent Sierra. The Lamp Station License was in full force and effect at all times relevant  
28

1 to the charges brought in Accusation No. 77/14-32 and will expire on January 31, 2016, unless  
2 renewed.

3 **Brake Station License**

4 6. On or about April 13, 1988, the Bureau issued Brake Station License No. BS 92968  
5 to Respondent Sierra. The Brake Station License was in full force and effect at all times relevant  
6 to the charges brought in Accusation No. 77/14-32 and will expire on January 31, 2016, unless  
7 renewed

8 **JURISDICTION**

9 7. Accusation No. 77/14-32 was filed before the Director of Consumer Affairs  
10 (Director), for the Bureau, and is currently pending against Respondent Sierra. The Accusation  
11 and all other statutorily required documents were properly served on Respondent Sierra on  
12 December 9, 2013. Respondent Sierra failed to timely file its Notice of Defense contesting the  
13 Accusation and a Default Decision and Order was filed. Respondent Sierra filed a Petition for  
14 Reconsideration which was granted.

15 8. A copy of Accusation No. 77/14-32 is attached as exhibit A and incorporated herein  
16 by reference.

17 **ADVISEMENT AND WAIVERS**

18 9. Respondent Sierra has carefully read, and understands the charges and allegations in  
19 Accusation No. 77/14-32. Respondent Sierra has also carefully read, and understands the effects  
20 of this Stipulated Settlement and Disciplinary Order.

21 10. Respondent Sierra is fully aware of its legal rights in this matter, including the right to  
22 a hearing on the charges and allegations in the Accusation; the right to be represented by counsel  
23 at its own expense; the right to confront and cross-examine the witnesses against them; the right  
24 to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to  
25 compel the attendance of witnesses and the production of documents; the right to reconsideration  
26 and court review of an adverse decision; and all other rights accorded by the California  
27 Administrative Procedure Act and other applicable laws.

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1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 92968,  
8 Smog Check Station License No. RC 92968, Lamp Station License No. LS 92968 and Brake  
9 Station License No. BS 92968 issued to Respondent Sierra are revoked. However, the  
10 revocations are stayed and Respondent Sierra is placed on probation for five (5) years on the  
11 following terms and conditions.

12 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
13 automotive inspections, estimates and repairs.

14 2. **Reporting.** Respondent Sierra or Respondent Sierra's authorized representative must  
15 report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set  
16 by the Bureau, but no more frequently than each quarter, on the methods used and success  
17 achieved in maintaining compliance with the terms and conditions of probation.

18 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report  
19 any financial interest which any partners, officers, or owners of the Respondent Sierra facility  
20 may have in any other business required to be registered pursuant to Section 9884.6 of the  
21 Business and Professions Code.

22 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
23 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

24 5. **Jurisdiction.** If an accusation is filed against Respondent Sierra during the term of  
25 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
26 until the final decision on the accusation, and the period of probation shall be extended until such  
27 decision.

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1           6.    **Violation of Probation.** Should the Director of Consumer Affairs determine that  
2 Respondent Sierra has failed to comply with the terms and conditions of probation, the  
3 Department may, after giving notice and opportunity to be heard temporarily or permanently  
4 invalidate the Automotive Repair Dealer Registration, Smog Check Station License, Lamp  
5 Station License and Brake Station License.

6           7.    **Restrictions.** During the period of probation, Respondent Sierra shall not perform  
7 any form of smog inspection, or emission system diagnosis or repair, until Respondent Sierra has  
8 purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR  
9 necessary to properly perform such work, and BAR has been given 10 days notice of the  
10 availability of the equipment for inspection by a BAR representative.

11          8.    **Cost Recovery.** Respondent Sierra shall pay to the Bureau a portion of investigation  
12 and enforcement of this matter in the amount of \$10,000.00, paid as follows: Respondent Sierra  
13 shall make fifty-four (54) equal monthly payments of \$185.18 per month, beginning the month of  
14 the effective date of the Director's Decision and Order. All payments shall be in the form of a  
15 certified check, cashier's check or money order, payable to the Bureau of Automotive Repair and  
16 shall be mailed or delivered to the Bureau of Automotive Repair, 10949 North Mather Boulevard,  
17 Rancho Cordova, CA 95670, Attention Enforcement Planning and Oversight. Failure to  
18 complete payment of cost recovery within this timeframe shall constitute a violation of probation  
19 which may subject the registration and licenses of Respondent Sierra to outright revocation;  
20 however, the Director or the Director's Bureau of Automotive Repair designee may elect to  
21 continue probation until such time as reimbursement of the entire cost recovery amount has been  
22 made to the Bureau.

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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: April 15, 2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/14-32**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
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6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
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:

Case No. 177/14-32

13 **CHARLES SUTTON CHEVRON, INC.,**  
14 **DBA SIERRA AUTOMOTIVE, CHARLES**  
15 **L. SUTTON, President/Secretary/Treasurer**  
16 **701 N. Chester Avenue**  
17 **Bakersfield, CA 93308**  
18 **Automotive Repair Dealer Registration No.**  
19 **ARD 92968**  
20 **Smog Check Station License No. RC 92968**  
21 **Brake Check Station License No. BS 92968**  
22 **Lamp Station License No. LS 92968**

**A C C U S A T I O N**

23 **ANTHONY ALLEN HAZELWOOD**  
24 **1005 Meadows Street**  
25 **Bakersfield, CA 93306**  
26 **Smog Check Inspector License No. EO**  
27 **306035**  
28 **Smog Check Repair Technician License**  
**Number EI 306035 (formerly Advanced**  
**Emission Specialist Technician License No.**  
**EA 306035)**  
**Brake Adjuster License No. BA 306035**  
**Lamp Adjuster License No. LA 306035**

and

25 **DAVID LEE MCCOY**  
26 **2634 Center Street**  
27 **Bakersfield, CA 93306**  
28 **Advanced Emission Specialist Technician**  
**License No. EA 74536 (to be redesignated**  
**upon renewal as EO 74536 and/or EI 74536)**  
**Brake Adjuster License No. BA 74536**

1 **Lamp Adjuster License No. LA 74536**

2 Respondents.

3 Complainant alleges:

4 **PARTIES/LICENSE INFORMATION**

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

7 **Charles Sutton Chevron Inc dba Sierra Automotive**

8 **Automotive Repair Dealer Registration**

9 2. On or about January 27, 1982, the Bureau issued Automotive Repair Dealer  
10 Registration Number ARD 92968 ("registration") to Charles Sutton Chevron Inc., dba Sierra  
11 Automotive; Charles L. Sutton ("Respondent Sierra"), with Charles L. Sutton as President,  
12 Secretary and Treasurer. The registration was in full force and effect at all times relevant to the  
13 charges brought herein and will expire on January 31, 2014, unless renewed.

14 **Smog Check Station License**

15 3. On or about November 21, 1985, the Bureau issued Smog Check Station License  
16 Number RC 92968 ("station license") to Respondent Sierra. The station license was in full force  
17 and effect at all times relevant to the charges brought herein and will expire on January 31, 2014,  
18 unless renewed.

19 **Lamp Station License**

20 4. On or about March 24, 1998, the Bureau issued Lamp Station License Number LS  
21 92968 to Respondent Sierra. The Lamp Station License was in full force and effect at all times  
22 relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

23 **Brake Station License**

24 5. On or about April 13, 1988, the Bureau issued Brake Station License Number BS  
25 92968 to Respondent Sierra. The brake station license was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

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1 **Anthony Allen Hazelwood**

2 **Technician License/Inspector License**  
3 **(formerly Advanced Emission Specialist Technician License Number EA 306035)**

4 6. In or about 1996, the Bureau issued Advanced Emission Specialist Technician  
5 License Number EA 306035 to Anthony Allen Hazelwood ("Respondent Hazelwood").  
6 Respondent Hazelwood's Advanced Emission Specialist Technician License expired on July 31,  
7 2012. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e)<sup>1</sup>, the  
8 license was renewed, pursuant to Respondent Hazelwood's election, as Smog Check Inspector  
9 License Number EO 306035 ("inspector license") and Smog Check Repair Technician License  
10 Number EI 306035 ("repair technician license"), effective August 16, 2012. Respondent  
11 Hazelwood's inspector license and repair technician license were in full force and effect at all  
12 times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

13 **Brake Adjuster License**

14 7. In or about 1998, the Bureau issued Brake Adjuster License Number BA 306035 to  
15 Respondent Hazelwood. Respondent Hazelwood's brake adjuster license was in full force and  
16 effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless  
17 renewed.

18 **Lamp Adjuster License**

19 8. In or about 1998, the Bureau issued Lamp Adjuster License Number LA 306035 to  
20 Respondent Hazelwood. Respondent Hazelwood's lamp adjuster license was in full force and  
21 effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless  
22 renewed.

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26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 **David Lee McCoy**

2 **Advanced Emission Specialist Technician License**

3 9. In or about 1996, the Bureau issued Advanced Emission Specialist Technician  
4 License Number EA 74536 ("technician license") to David Lee McCoy ("Respondent McCoy").  
5 Respondent McCoy's technician license was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on December 31, 2013, unless renewed. Upon timely  
7 renewal of the license, the license will be redesignated as EO 74536 and/or EI 74536.<sup>2</sup>

8 **Brake Adjuster License**

9 10. In or about 1987, the Bureau issued Brake Adjuster License Number BA 74536 to  
10 Respondent McCoy. Respondent McCoy's brake adjuster license was in full force and effect at  
11 all times relevant to the charges brought herein and will expire on December 31, 2014, unless  
12 renewed.

13 **Lamp Adjuster License**

14 11. In or about 1987, the Bureau issued Lamp Adjuster License Number LA 74536 to  
15 Respondent McCoy. Respondent McCoy's lamp adjuster license was in full force and effect at all  
16 times relevant to the charges brought herein and will expire on December 31, 2014, unless  
17 renewed.

18 **JURISDICTION**

19 12. Business and Professions Code ("Code") section 9884.7 provides that the director  
20 may revoke an automotive repair dealer registration.

21 13. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
22 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
23 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
24 or permanently.

25 ///

26 <sup>2</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.





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

4           ...

5           “(3) Failing or refusing to give to a customer a copy of any document requiring his or her  
6 signature, as soon as the customer signs the document.

7           “(4) Any other conduct that constitutes fraud.

8           “(5) Conduct constituting gross negligence.

9           “(6) Failure in any material respect to comply with the provisions of this or regulations  
10 adopted pursuant to it.”

11           20. Section 9884.9 of the Code states:

12           “(a) The automotive repair dealer shall give to the customer a written estimated price for  
13 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
14 before authorization to proceed is obtained from the customer. No charge shall be made for work  
15 done or parts supplied in excess of the estimated price without the oral or written consent of the  
16 customer that shall be obtained at some time after it is determined that the estimated price is  
17 insufficient and before the work not estimated is done or the parts not estimated are supplied.  
18 Written consent or authorization for an increase in the original estimated price may be provided  
19 by electronic mail or facsimile transmission from the customer. The bureau may specify in  
20 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
21 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
22 transmission. If that consent is oral, the dealer shall make a notation on the work order of the  
23 date, time, name of person authorizing the additional repairs and telephone number called, if any,  
24 together with a specification of the additional parts and labor and the total additional cost, and  
25 shall do either of the following:

26           “(1) Make a notation on the invoice of the same facts set forth in the notation on the work  
27 order.

28           / / /

1           “(2) Upon completion of the repairs, obtain the customer's signature or initials to an  
2 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
3 repairs, in the following language:

4           “I acknowledge notice and oral approval of an increase in the original estimated price.

5           \_\_\_\_\_

6           (signature or initials)”

7           “Nothing in this section shall be construed as requiring an automotive repair dealer to give a  
8 written estimated price if the dealer does not agree to perform the requested repair.”

9           21. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend  
10 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
11 Automotive Repair Act.

12           22. Section 9889.3 of the Code states, in pertinent part:

13           “The director may suspend, revoke, or take other disciplinary action against a license as  
14 provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair  
15 Act] if the licensee or any partner, officer, or director thereof:

16           “(a) Violates any section of the Business and Professions Code which relates to his or her  
17 licensed activities.

18           ...

19           “(c) Violates any of the regulations promulgated by the director pursuant to this chapter  
20 [the Automotive Repair Act].

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

22           ...

23           “(h) Violates or attempts to violate the provisions of this chapter relating to the particular  
24 activity for which he or she is licensed.”

25           23. Section 9889.7 of the Code provides, in pertinent part, that the expiration or  
26 suspension of a license by operation of law or by order or decision of the Director or a court of  
27 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
28 proceed with any disciplinary proceedings.



1 standards, specifications, instructions, and directives issued by the bureau and by the  
2 manufacturer of the device or vehicle.

3 28. California Code of Regulations, title 16, section 3316 states, in pertinent part:

4 (d)(2) Inspection of the Entire Lighting System. "Where all of the lamps, lighting  
5 equipment, and related electrical systems on a vehicle have been inspected and found in  
6 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall  
7 certify that the entire system meets all such requirement."

8 29. California Code of Regulations, title 16, section 3321 states, in pertinent part:

9 (c)(2) Inspection of the Entire Brake System. "Where the entire brake system on any  
10 vehicle has been inspected or tested and found in compliance with all requirements of the  
11 Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate  
12 shall certify that the entire system meets all such requirements."

13 30. California Code of Regulation, title 16, section 3340.24, subdivision (c), states:

14 "The bureau may suspend or revoke the license of or pursue other legal action against a  
15 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
16 certificate of noncompliance."

17 31. California Code of Regulation, title 16, section 3340.30, subdivision (a), states that

18 a licensed smog technician shall at all times "[i]nspect, test and repair vehicles, as applicable, in  
19 accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and  
20 Safety Code, and section 3340.42 of this article."

### 21 COST RECOVERY

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

### 26 UNDERCOVER OPERATION NO. 1: 1991 BUICK

27 33. On July 18, 2012, an undercover operator of the Bureau ("operator") took the  
28 Bureau's 1991 Buick to Respondent Sierra's facility and requested a brake, lamp and smog

1 inspection. The vehicle defects included a brake system with the left front brake rotor thickness  
2 below manufacturer's discard thickness and the right rear brake drum's diameter above the  
3 manufacturer's discard diameter. The vehicle's front left headlamp was out of adjustment and the  
4 rear license plate bulb was inoperative. Also, the vehicle's emission system was missing the  
5 Positive Crankcase Ventilation (PCV) valve system and had a non-functioning Service Engine  
6 Soon (SES) light or Malfunction Indicator Light (MIL) bulb. When the operator arrived at  
7 Respondent Sierra's facility, a male employee completed a repair order. The operator was not  
8 provided a copy of the signed document. Respondent Hazelwood performed the brake and lamp  
9 inspections and issued brake and lamp certificates. Respondent Hazelwood performed the smog  
10 inspection and the vehicle failed due to the PCV valve system was missing from the vehicle and  
11 an aftermarket filter was installed in its place. The operator paid \$115.95 and was provided with  
12 a copy of Invoice No [REDACTED], Brake Certificate Number [REDACTED] and Lamp Certificate  
13 Number [REDACTED]

14 34. On July 26, 2012, a Bureau representative re-inspected the vehicle and found that the  
15 right front wheel and the right rear brake drum were not removed, the left front brake rotor and  
16 the right rear brake drum were out of the manufacturer's specification. In addition, both front  
17 headlamps had not been adjusted, the driver's side headlamp was out of the manufacturer's  
18 specification and the license plate light bulb was inoperative.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 35. Respondent Sierra's registration is subject to discipline under Code section  
22 9884.7(a)(1), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent Sierra  
23 made or authorized statements which it knew or in the exercise of reasonable care should have  
24 known to be untrue or misleading, as follows:

25 a. Respondent Sierra certified under penalty of perjury on Brake Certificate Number  
26 BC1450987 that the applicable inspection was performed on the brake system when, in fact,  
27 Respondent Sierra's adjuster, Respondent Hazelwood, failed to inspect the brake system on the  
28 vehicle, as evidenced by his failure to remove the right front wheel and the right rear brake drum.



1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide a Copy of a Signed Document)**

3 38. Respondent Sierra's registration is subject to discipline under Code section  
4 9884.7(a)(3), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent Sierra  
5 failed to provide the operator with a copy of the estimate as soon as the operator signed the  
6 document.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with the Code)**

9 39. Respondent Sierra's registration is subject to discipline pursuant to Code section  
10 9884.7(a)(6), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent Sierra  
11 failed to comply with provisions of that Code in the following material respects:

12 a. **Section 9884.9(a):** Respondent Sierra failed to provide the operator with a written  
13 estimated price for parts and labor for a specific job.

14 b. **Section 9889.16:**

15 i. Respondent Hazelwood issued Brake Certificate Number BC1450987 for the  
16 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
17 the Vehicle Code, in that the left front brake rotor and the right rear brake drum were out of  
18 manufacturer's specifications.

19 ii. Respondent Hazelwood issued Lamp Certificate Number LC1452584 for the  
20 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
21 the Vehicle Code, in that both front headlamps had not been adjusted, the driver's side headlamp  
22 was out of the manufacturer's specification and the license plate light bulb was inoperative.

23 **SIXTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations)**

25 40. Respondent Sierra's registration is subject to discipline pursuant to Code section  
26 9884.7(a)(6), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent Sierra  
27 failed to comply with provisions of California Code of Regulations, title 16, in the following  
28 material respects:

1 a. **Section 3305(a):** Respondent Hazelwood failed to perform a brake and lamp  
2 inspection in accordance with the vehicle's manufacturer standards and/or current standards,  
3 specifications, recommended procedures, and/or directives issued by the Bureau.

4 b. **Section 3316(d)(2):** Respondent Hazelwood issued Lamp Certificate Number  
5 LC1452584, certifying that the vehicle's lamp system had been inspected and was in satisfactory  
6 condition when, in fact, it was not.

7 c. **Section 3321(c)(2):** Respondent Hazelwood issued Brake Certificate Number  
8 BC1450987, certifying that the vehicle's brake system had been inspected and was in satisfactory  
9 condition when, in fact, it was not.

10 **SEVENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Code)**

12 41. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
13 Code section 9889.3(a), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent  
14 Sierra violated sections of the Code, relating to its licensed activities, as more particularly set  
15 forth above in paragraph 37.

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations)**

18 42. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3(c), in that on or about July 18, 2012, regarding the 1991 Buick, Respondent  
20 Sierra failed to comply with provisions of California Code of Regulations, title 16, as more  
21 particularly set forth above in paragraph 38.

22 **NINTH CAUSE FOR DISCIPLINE**

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

24 43. Respondent Sierra's brake and lamp station licenses are subject to discipline pursuant  
25 to Code section 9889.3(d), in that on or about July 18, 2012, regarding the 1991 Buick,  
26 Respondent Sierra committed acts involving dishonesty, fraud, or deceit whereby another was  
27 injured, as more particularly set forth above in paragraphs 33 and 34.

28 ///





1 lamp inspection and the smog inspection. The operator paid \$124.20 and was provided with a  
2 copy of Invoice No. [REDACTED], Brake Certificate Number B [REDACTED], Lamp Certificate Number  
3 [REDACTED] and the Vehicle Inspection Report (VIR) with Certificate of Compliance No.  
4 [REDACTED].

5 48. On October 9, 2012, a Bureau representative re-inspected the vehicle and found that  
6 the left front wheel and both right side wheels were not removed and both rear brake rotors were  
7 below the manufacturer's discard specification. Also, the vehicle's right front headlamp was out  
8 of adjustment and the rear license plate light bulb was inoperative. A smog inspection was  
9 performed on the vehicle and it failed the functional portion of the smog inspection due to the  
10 inoperative MIL bulb.

### 11 THIRTEENTH CAUSE FOR DISCIPLINE

#### 12 (Untrue or Misleading Statements)

13 49. Respondent Sierra's registration is subject to discipline under Code section  
14 9884.7(a)(1), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
15 made or authorized statements which it knew or in the exercise of reasonable care should have  
16 known to be untrue or misleading, as follows:

17 a. Respondent Sierra issued electronic Certificate of Compliance No. XL075981,  
18 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact, it  
19 could not have passed the functional portion of the smog inspection because the vehicle's MIL  
20 bulb was inoperative.

21 b. Respondent Sierra certified under penalty of perjury on Brake Certificate Number  
22 BC1535222 that the applicable inspection was performed on the brake system when, in fact,  
23 Respondent Sierra's adjuster, Respondent Hazelwood, failed to inspect the brake system on the  
24 vehicle, as evidenced by his failure to remove the left front wheel and both right side wheels.

25 c. Respondent Sierra certified under penalty of perjury on Brake Certificate Number  
26 BC1535222 that both rear brake rotors were in satisfactory condition when, in fact, they were  
27 below the manufacturer's discard specification.

28 ///

1 d. Respondent Sierra certified under penalty of perjury on Lamp Certificate Number  
2 LC1511132 that the applicable adjustments had been performed on the lamp system when, in  
3 fact, the right front headlamp was out of adjustment. In addition, the rear license plate light was  
4 inoperative.

5 **FOURTEENTH CAUSE FOR DISCIPLINE**

6 (Fraud)

7 50. Respondent Sierra's registration is subject to discipline pursuant to Code section  
8 9884.7(a)(4), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
9 committed acts that constitute fraud, as follows:

10 a. Respondent Sierra issued electronic Certificate of Compliance No. [REDACTED]  
11 without performing a bona fide inspection of the emission control devices and systems on the  
12 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
13 Motor Vehicle Inspection Program.

14 b. Respondent Sierra obtained payment from the operator for performing the applicable  
15 inspections and adjustments on the vehicle's brake and lamp system as specified by the Bureau  
16 and in accordance with the Vehicle Code when, in fact, Respondent Sierra failed to perform the  
17 necessary inspections.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 (Gross Negligence)

20 51. Respondent Sierra's registration is subject to discipline under Code section  
21 9884.7(a)(5), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
22 committed acts constituting gross negligence, in that Respondent's adjuster, Respondent  
23 Hazelwood, failed to properly inspect the vehicle's brake and lamp systems and issued Brake  
24 Certificate [REDACTED] and Lamp Certificate Number [REDACTED] indicating that the vehicle's  
25 brake and lamp systems were in satisfactory condition and were in accordance with the Vehicle  
26 Code when, in fact, they were not.

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1 SIXTEENTH CAUSE FOR DISCIPLINE

2 (Failure to Provide a Copy of a Signed Document)

3 52. Respondent Sierra's registration is subject to discipline under Code section  
4 9884.7(a)(3), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
5 failed to provide the operator with a copy of the estimate as soon as the operator signed the  
6 document.

7 SEVENTEENTH CAUSE FOR DISCIPLINE

8 (Failure to Comply with the Code)

9 53. Respondent Sierra's registration is subject to discipline pursuant to Code section  
10 9884.7(a)(6), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
11 failed to comply with provisions of that Code in the following material respects:

12 a. Section 9884.9(a): Respondent Sierra failed to provide the operator with a written  
13 estimated price for parts and labor for a specific job.

14 b. Section 9889.16:

15 i. Respondent Hazelwood issued Brake Certificate Number [REDACTED] for the  
16 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
17 the Vehicle Code, in that both rear brake rotors were below the manufacturer's discard  
18 specification.

19 ii. Respondent Hazelwood issued Lamp Certificate Number [REDACTED] for the  
20 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
21 the Vehicle Code, in that the front right headlamp was out of adjustment. In addition, the rear  
22 license plate lamp was inoperative.

23 EIGHTEENTH CAUSE FOR DISCIPLINE

24 (Failure to Comply with Regulations)

25 54. Respondent Sierra's registration is subject to discipline pursuant to Code section  
26 9884.7(a)(6), in that on or about October 8, 2012, regarding the 1994 Pontiac, Respondent Sierra  
27 failed to comply with provisions of California Code of Regulations, title 16, in the following  
28 material respects:

1 a. Section 3305(a): Respondent Hazelwood failed to perform a brake and lamp  
2 inspection in accordance with the vehicle's manufacturer standards and/or current standards,  
3 specifications, recommended procedures, and/or directives issued by the Bureau.

4 b. Section 3316(d)(2): Respondent Hazelwood issued Lamp Certificate Number  
5 [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory  
6 condition when, in fact, it was not.

7 c. Section 3321(c)(2): Respondent Hazelwood issued Brake Certificate Number  
8 [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory  
9 condition when, in fact, it was not.

10 NINETEENTH CAUSE FOR DISCIPLINE

11 (Failure to Comply with the Code)

12 55. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
13 Code section 9889.3(a), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
14 Respondent Sierra violated sections of the Code, relating to its licensed activities, as more  
15 particularly set forth above in paragraph 51.

16 TWENTIETH CAUSE FOR DISCIPLINE

17 (Failure to Comply with Regulations)

18 56. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3(c), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
20 Respondent Sierra failed to comply with provisions of California Code of Regulations, title 16, as  
21 more particularly set forth above in paragraph 52.

22 TWENTY-FIRST CAUSE FOR DISCIPLINE

23 (Dishonesty, Fraud, or Deceit)

24 57. Respondent Sierra's brake and lamp station licenses are subject to discipline pursuant  
25 to Code section 9889.3(d), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
26 Respondent Sierra committed acts involving dishonesty, fraud, or deceit whereby another was  
27 injured, as more particularly set forth above in paragraphs 47 and 48.

28 ///

1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2 (Failure to Comply with the Code)

3 58. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline  
4 under Code section 9889.3(a), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
5 Respondent Hazelwood violated sections of the Code, relating to his licensed activities, as more  
6 particularly set forth above in paragraph 51.

7 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Regulations)

9 59. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline  
10 under Code section 9889.3(c), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
11 Respondent Hazelwood failed to comply with provisions of California Code of Regulations, title  
12 16, as more particularly set forth above in paragraph 52.

13 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

14 (Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)

15 60. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline  
16 under Code section 9889.3(d), in that on or about October 8, 2012, regarding the 1994 Pontiac,  
17 Respondent Hazelwood committed acts involving dishonesty, fraud, or deceit, by issuing Brake  
18 Certificate Number [REDACTED], and Lamp Certificate Number [REDACTED], certifying that the  
19 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,  
20 when, in fact, they were not.

21 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

22 (Violations of the Motor Vehicle Inspection Program)

23 61. Respondent Sierra's smog check station license is subject to discipline pursuant to  
24 Health and Safety Code section 44072.2(a), in that regarding the 1994 Pontiac, Respondent Sierra  
25 failed to comply with the following sections of that Code:

26 a. Section 44012: Respondent Sierra failed to perform the emission control tests on the  
27 vehicle in accordance with procedures prescribed by the department.

28 ///



1 2012, regarding the 1994 Pontiac, Respondent Hazelwood failed to comply with the following  
2 sections of that Code:

3 a. **Section 44012:** Respondent Hazelwood failed to perform the emission control tests  
4 on the vehicle in accordance with procedures prescribed by the department.

5 b. **Section 44032:** Respondent Hazelwood failed to perform a test of the emission  
6 control devices and systems on the vehicle in accordance with Health and Safety Code section  
7 44012.

8 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations)**

10 65. Respondent Hazelwood's inspector license and repair technician license are subject to  
11 discipline under Health and Safety Code section 44072.2(c), in that on or about October 8, 2012,  
12 regarding the 1994 Pontiac, he failed to comply with provisions of California Code of  
13 Regulations, title 16, as follows:

14 a. **Section 3340.30(a):** Respondent Hazelwood failed to inspect and test the vehicle in  
15 accordance with Health and Safety Code section 44012.

16 b. **Section 3340.42:** Respondent Hazelwood failed to conduct the required smog tests  
17 and inspections on the vehicle in accordance with the Bureau's specifications.

18 **THIRTIETH CAUSE FOR DISCIPLINE**

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

20 66. Respondent Hazelwood's inspector license and repair technician license are subject to  
21 discipline pursuant to Health and Safety Code section 44072.2(d), in that on or about  
22 October 8, 2012, Respondent Hazelwood committed a dishonest, fraudulent, or deceitful act  
23 whereby another was injured by issuing electronic smog Certificate of Compliance Number  
24 [REDACTED] for the 1994 Pontiac without performing a bona fide inspection of the emission control  
25 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
26 protection afforded by the Motor Vehicle Inspection Program.

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1 UNDERCOVER OPERATION NO. 3: 1997 DODGE

2 67. On November 21, 2012, an operator took the Bureau's 1997 Dodge to Respondent  
3 Sierra's facility and requested a brake, lamp and smog inspection. The vehicle's rear brake drums  
4 were beyond the manufacturer's recommended discard specification. The vehicle's right front  
5 headlamp was out of specification and the rear license plate bulb was inoperative. Also, the  
6 vehicle's emission system had a missing PCV system. When the operator arrived at Respondent  
7 Sierra's facility, a male employee completed a repair order. The operator was not provided a copy  
8 of the signed document. Respondent McCoy performed the brake inspection, lamp inspection  
9 and the smog inspection. The operator paid \$124.20 and was provided with a copy of Invoice  
10 No. [REDACTED] Brake Certificate Number [REDACTED], Lamp Certificate Number [REDACTED] and  
11 VIR Certificate of Compliance No. [REDACTED].

12 68. On November 27, 2012, a Bureau representative re-inspected the vehicle and found  
13 that the front wheels and the right rear wheel were not removed and the rear brake drums were  
14 beyond the manufacturer's discard specification. Also, the vehicle's right front headlamp was out  
15 of manufacturer's specification, the headlamp aiming adjusters were not adjusted and the rear  
16 license plate light bulb was inoperative. A smog inspection was performed on the vehicle and it  
17 failed due to the missing PCV system.

18 THIRTY-FIRST CAUSE FOR DISCIPLINE

19 (Untrue or Misleading Statements)

20 69. Respondent Sierra's registration is subject to discipline under Code section  
21 9884.7(a)(1), in that on or about November 21, 2012, regarding the 1997 Dodge, Respondent  
22 Sierra made or authorized statements which it knew or in the exercise of reasonable care should  
23 have known to be untrue or misleading, as follows:

24 a. Respondent Sierra issued electronic Certificate of Compliance No. [REDACTED]  
25 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact, it  
26 could not have passed the functional portion of the smog inspection because the vehicle's PCV  
27 system was missing.

28 ///



1 Sierra committed acts constituting gross negligence, in that Respondent's adjuster, Respondent  
2 McCoy, failed to properly inspect the vehicle's brake and lamp systems and issued Brake  
3 Certificate B [REDACTED] and Lamp Certificate Number [REDACTED], indicating that the vehicle's  
4 brake and lamp systems were in satisfactory condition and were in accordance with the Vehicle  
5 Code when, in fact, they were not.

6 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

7 **(Failure to Provide a Copy of a Signed Document)**

8 72. Respondent Sierra's registration is subject to discipline under Code section  
9 9884.7(a)(3), in that on or about November 21, 2012, regarding the 1997 Dodge, Respondent  
10 Sierra failed to provide the operator with a copy of the estimate as soon as the operator signed the  
11 document.

12 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Code)**

14 73. Respondent Sierra's registration is subject to discipline pursuant to Code section  
15 9884.7(a)(6), in that on or about November 21, 2012, regarding the 1997 Dodge, Respondent  
16 Sierra failed to comply with provisions of that Code in the following material respects:

17 a. **Section 9884.9(a):** Respondent Sierra failed to provide the operator with a written  
18 estimated price for parts and labor for a specific job.

19 b. **Section 9889.16:**

20 i. Respondent McCoy issued Brake Certificate Number [REDACTED] for the  
21 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
22 the Vehicle Code, in that both rear brake rotors were beyond the manufacturer's discard  
23 specification.

24 ii. Respondent McCoy issued Lamp Certificate Number [REDACTED] for the  
25 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
26 the Vehicle Code, in that the front right headlamp was out of adjustment and the headlamp aiming  
27 adjusters were not adjusted. In addition, the rear license plate lamp was inoperative.

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1 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 74. Respondent Sierra's registration is subject to discipline pursuant to Code section  
4 9884.7(a)(6), in that on or about November 21, 2012, regarding the 1997 Dodge, Respondent  
5 Sierra failed to comply with provisions of California Code of Regulations, title 16, in the  
6 following material respects:

7 a. **Section 3305(a):** Respondent McCoy failed to perform a brake and lamp inspection  
8 in accordance with the vehicle's manufacturer standards and/or current standards, specifications,  
9 recommended procedures, and/or directives issued by the Bureau.

10 b. **Section 3316(d)(2):** Respondent McCoy issued Lamp Certificate Number  
11 [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory  
12 condition when, in fact, it was not.

13 c. **Section 3321(c)(2):** Respondent McCoy issued Brake Certificate Number  
14 [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory  
15 condition when, in fact, it was not

16 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Code)**

18 75. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
19 Code section 9889.3(a), in that on or about November 21, 2012, regarding the 1997 Dodge,  
20 Respondent Sierra violated sections of the Code, relating to its licensed activities, as more  
21 particularly set forth above in-paragraph 71.

22 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations)**

24 76. Respondent Sierra's brake and lamp station licenses are subject to discipline under  
25 Code section 9889.3(c), in that on or about November 21, 2012, regarding the 1997 Dodge,  
26 Respondent Sierra failed to comply with provisions of California Code of Regulations, title 16, as  
27 more particularly set forth above in paragraph 72.

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1 THIRTY-NINTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud, or Deceit)

3 77. Respondent Sierra's brake and lamp station licenses are subject to discipline pursuant  
4 to Code section 9889.3(d), in that on or about November 21, 2012, regarding the 1997 Dodge,  
5 Respondent Sierra committed acts involving dishonesty, fraud, or deceit whereby another was  
6 injured, as more particularly set forth above in paragraphs 67 and 68.

7 FORTIETH CAUSE FOR DISCIPLINE

8 (Failure to Comply with the Code)

9 78. Respondent McCoy's brake and lamp adjuster licenses are subject to discipline under  
10 Code section 9889.3(a), in that on or about November 21, 2012, regarding the 1997 Dodge,  
11 Respondent McCoy violated sections of the Code, relating to his licensed activities, as more  
12 particularly set forth above in paragraph 71.

13 FORTY-FIRST CAUSE FOR DISCIPLINE

14 (Failure to Comply with Regulations)

15 79. Respondent McCoy's brake and lamp adjuster licenses are subject to discipline under  
16 Code section 9889.3(c), in that on or about November 21, 2012, regarding the 1997 Dodge,  
17 Respondent McCoy failed to comply with provisions of California Code of Regulations, title 16,  
18 as more particularly set forth above in paragraph 72.

19 FORTY-SECOND CAUSE FOR DISCIPLINE

20 (Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)

21 80. Respondent McCoy's brake and lamp adjuster licenses are subject to discipline under  
22 Code section 9889.3(d), in that on or about November 21, 2012, regarding the 1997 Dodge,  
23 Respondent McCoy committed acts involving dishonesty, fraud, or deceit, by issuing Brake  
24 Certificate Number [REDACTED], and Lamp Certificate Number [REDACTED] certifying that the  
25 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,  
26 when, in fact, they were not.

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1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program.

3 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

4 (Violations of the Motor Vehicle Inspection Program)

5 84. Respondent McCoy's technician license is subject to discipline pursuant to Health  
6 and Safety Code section 44072.2(a), in that on or about November 21, 2012, regarding the 1997  
7 Dodge, Respondent McCoy failed to comply with the following sections of that Code:

8 a. **Section 44012:** Respondent McCoy failed to perform the emission control tests on  
9 the vehicle in accordance with procedures prescribed by the department.

10 b. **Section 44032:** Respondent McCoy failed to perform a test of the emission control  
11 devices and systems on the vehicle in accordance with Health and Safety Code section 44012.

12 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

13 (Failure to Comply with Regulations)

14 85. Respondent McCoy's technician license is subject to discipline under Health and  
15 Safety Code section 44072.2(c), in that on or about November 21, 2012, regarding the 1997  
16 Dodge, he failed to comply with provisions of California Code of Regulations, title 16, as  
17 follows:

18 a. **Section 3340.30(a):** Respondent McCoy failed to inspect and test the vehicle in  
19 accordance with Health and Safety Code section 44012.

20 b. **Section 3340.42:** Respondent McCoy failed to conduct the required smog tests and  
21 inspections on the vehicle in accordance with the Bureau's specifications.

22 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

23 (Dishonesty, Fraud or Deceit)

24 86. Respondent McCoy's technician license is subject to discipline pursuant to Health  
25 and Safety Code section 44072.2(d), in that on or about November 21, 2012, Respondent McCoy  
26 committed a dishonest, fraudulent, or deceitful act whereby another was injured by issuing  
27 electronic smog Certificate of Compliance Number [REDACTED] for the 1997 Dodge without  
28 performing a bona fide inspection of the emission control devices and systems on the vehicle,

1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program.

3 **OTHER MATTERS**

4 87. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on  
5 probation the registrations for all places of business operated in this state by Charles Sutton  
6 Chevron, Inc., dba Sierra Automotive, upon a finding that it has, or is, engaged in a course of  
7 repeated and willful violation of the laws and regulations pertaining to an automotive repair  
8 dealer.

9 88. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
10 Number RC 92968, issued to Charles Sutton Chevron, Inc., dba Sierra Automotive, is revoked or  
11 suspended, any additional license issued under this chapter in the name of said licensee may be  
12 likewise revoked or suspended by the director.

13 89. Pursuant to Code section 9889.9, if Lamp Station License Number [REDACTED], issued  
14 to Charles Sutton Chevron, Inc., dba Sierra Automotive, is revoked or suspended, any additional  
15 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the  
16 name of said licensees may be likewise revoked or suspended by the director.

17 90. Pursuant to Code section 9889.9, if Brake Station License Number BS 92968, issued  
18 to Charles Sutton Chevron, Inc., dba Sierra Automotive, is revoked or suspended, any additional  
19 license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the  
20 name of said licensees may be likewise revoked or suspended by the director.

21 91. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
22 License No. EO 306035 and Smog Check Repair Technician License Number EI 306035  
23 (formerly Advanced Emission Specialist Technician License Number EA 306035), issued to  
24 Anthony Allen Hazelwood, is revoked or suspended, any additional license issued under this  
25 chapter in the name of said licensee may be likewise revoked or suspended by the director.

26 92. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 306035,  
27 issued to Anthony Allen Hazelwood, is revoked or suspended, any additional license issued under  
28



1 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said  
2 licensee may be likewise revoked or suspended by the director.

3 93. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 306035,  
4 issued to Anthony Allen Hazelwood, is revoked or suspended, any additional license issued under  
5 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said  
6 licensee may be likewise revoked or suspended by the director.

7 94. Pursuant to Health and Safety Code section 44072.8, if Respondent David Lee  
8 McCoy's Advanced Emission Specialist Technician License Number, currently designated as EA  
9 74536 and as redesignated upon timely renewal as EO 74536 and/or EI 74536, is/are revoked or  
10 suspended, any additional license issued under this chapter in the name of said licensee may be  
11 likewise revoked or suspended by the Director.

12 95. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 74536,  
13 issued to David Lee McCoy, is revoked or suspended, any additional license issued under Articles  
14 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be  
15 likewise revoked or suspended by the director.

16 96. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 74536,  
17 issued to David Lee McCoy, is revoked or suspended, any additional license issued under Articles  
18 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be  
19 likewise revoked or suspended by the director.

20 PRAYER

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
24 92968, issued to Charles Sutton Chevron, Inc., dba Sierra Automotive;

25 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
26 registration issued to Charles Sutton Chevron, Inc., dba Sierra Automotive;

27 3. Revoking or suspending Smog Check Station License Number RC 92968, issued to  
28 Charles Sutton Chevron, Inc., dba Sierra Automotive;

1 4. Revoking or suspending any additional license issued under chapter 5, of the Health  
2 and Safety Code in the name of Charles Sutton Chevron, Inc., dba Sierra Automotive;

3 5. Revoking or suspending Brake Station License Number BS 92968, issued to Charles  
4 Sutton Chevron, Inc., dba Sierra Automotive;

5 6. Revoking or suspending Lamp Station License Number LS 92968, issued to Charles  
6 Sutton Chevron, Inc., dba Sierra Automotive; Charles L. Sutton;

7 7. Revoking or suspending any additional license issued under Articles 5 and 6 of  
8 Chapter 20.3 of the Business and Professions Code in the name of Charles Sutton Chevron, Inc.,  
9 dba Sierra Automotive;

10 8. Revoking or suspending Smog Check Inspector License Number EO 306035  
11 (formerly Advanced Emission Specialist Technician License Number EA 306035), issued to  
12 Anthony Allen Hazelwood;

13 9. Revoking or suspending Smog Check Repair Technician License Number EI 306035  
14 (formerly Advanced Emission Specialist Technician License Number EA 306035), issued to  
15 Anthony Allen Hazelwood;

16 10. Revoking or suspending Brake Adjuster License Number BA 306035, issued to  
17 Anthony Allen Hazelwood;

18 11. Revoking or suspending Lamp Adjuster License Number LA 306035, issued to  
19 Anthony Allen Hazelwood;

20 12. Revoking or suspending any additional license issued under Chapter 5 of the Health  
21 and Safety Code in the name of Anthony Allen Hazelwood;

22 13. Revoking or suspending David Lee McCoy's Advanced Emission Specialist  
23 Technician License, currently designated as EA 74536 and as redesignated upon his timely  
24 renewal as EO 74536 and/or EI 74536;

25 14. Revoking or suspending Brake Adjuster License Number BA 74536, issued to David  
26 Lee McCoy;

27 15. Revoking or suspending Lamp Adjuster License Number LA 74536, issued to David  
28 Lee McCoy;


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16. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of David Lee McCoy;

17. Ordering Charles Sutton Chevron, Inc., dba Sierra Automotive; Charles L. Sutton, Anthony Allen Hazelwood and David Lee McCoy 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

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

DATED: December 4, 2013

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

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