

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

Received in BAR EPO  
SEP 14 2015

In the Matter of the Accusation Against:

**MICAR INTERNATIONAL, INC., DBA  
905 SMOG & AUTO REPAIR; MIGUEL  
ANGEL CARRANZA, PRESIDNET**  
6960 Camino Maquiladora #G  
San Diego, CA 92154

Case No. 77/14-62

OAH No. 2014060644

Automotive Repair Dealer Registration No.  
ARD 240846  
Smog Check Station License No. RC 240846  
Lamp Station License No. LS 240846  
Brake Station License No. BS 240846,

and

**MIGUEL ANGEL CARRANZA**  
929 Yosemite  
Chula Vista, CA 91914

Brake Adjuster License No. BA 138952  
Lamp Adjuster License No. LA 138952  
Smog Check Inspector License No. EO  
138952  
Smog Check Repair Technician License No.  
EI 138952 (formerly Advanced Emission  
Specialist Technician License No. EA  
138952)

Respondents.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective October 6, 2015.

DATED: September 9, 2015

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
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8 *Attorneys for Complainant*

9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 77/14-62

14 **MICAR INTERNATIONAL, INC., DBA**  
15 **905 SMOG & AUTO REPAIR; MIGUEL**  
16 **ANGEL CARRANZA, PRESIDENT**  
17 **6960 Camino Maquiladora #G**  
18 **San Diego, CA 92154**

OAH No. 2014060644

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19 **Automotive Repair Dealer Registration No.**  
20 **ARD 240846**  
21 **Smog Check Station License No. RC 240846**  
22 **Lamp Station License No. LS 240846**  
23 **Brake Station License No. BS 240846,**

24 and

25 **MIGUEL ANGEL CARRANZA**  
26 **929 Yosemite**  
27 **Chula Vista, CA 91914**

28 **Brake Adjuster License No. BA 138952**  
**Lamp Adjuster License No. LA 138952**  
**Smog Check Inspector License No. EO**  
**138952**  
**Smog Check Repair Technician License No.**  
**EI 138952 (formerly Advanced Emission**  
**Specialist Technician License No. EA**  
**138952)**

Respondents.



1 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
2 2015, unless renewed.

3 7. In 2001, the Bureau of Automotive Repair issued Brake Adjuster License Number  
4 BA 138952 to Miguel Angel Carranza (Carranza). The Brake Adjuster License was in full force  
5 and effect at all times relevant to the charges brought herein and will expire on October 31, 2017,  
6 unless renewed.

7 8. In 2001, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA  
8 138952 to Carranza. The Lamp Adjuster License was in full force and effect at all times relevant  
9 to the charges brought herein and will expire on October 31, 2017, unless renewed.

10 9. In 1998, the Bureau of Automotive Repair issued Advanced Emission Specialist  
11 Technician License No. EA 138952 to Carranza. It was due to expire on October 31, 2013.  
12 Under California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was  
13 renewed, under Carranza's election, as Smog Check Inspector License No. EO 138952 and Smog  
14 Check Repair Technician License No. EI 138952, effective August 8, 2013. The Smog Check  
15 Inspector License and Smog Check Repair Technician License (collectively technician licenses)  
16 were in full force and effect at all times relevant to the charges brought herein and will expire on  
17 October 31, 2015, unless renewed.<sup>1</sup>

#### 18 JURISDICTION

19 10. Accusation No. 77/14-62 was filed before the Director of Consumer Affairs  
20 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
21 Respondents. The Accusation and all other statutorily required documents were properly served  
22 on Respondents on June 2, 2014. Respondents timely filed a Notice of Defense contesting the  
23 Accusation.

24 11. A copy of Accusation No. 77/14-62 is attached as exhibit A and incorporated herein  
25 by reference.

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 and/or Smog Check Repair Technician (EI) license.



1 understand and agree that they may not withdraw their agreement or seek to rescind the  
2 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt  
3 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
4 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
5 between the parties, and the Director shall not be disqualified from further action by having  
6 considered this matter.

7 18. The parties understand and agree that Portable Document Format (PDF) and facsimile  
8 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
9 signatures thereto, shall have the same force and effect as the originals.

10 19. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
15 writing executed by an authorized representative of each of the parties.

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that no discipline be imposed on Smog Check Station License  
21 No. RC 240846, Smog Check Inspector License No. EO 138952, or Smog Check Repair  
22 Technician License No. EI 138952 (formerly Advanced Emission Specialist Technician License  
23 No. EA 138952).

24 IT IS FURTHER ORDERED that Brake Adjuster License No. BA 138952 and Lamp  
25 Adjuster License No. LA 138952 are revoked.

26 IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD  
27 240846, Lamp Station License No. LS 240846, and Brake Station License No. BS 240846 are  
28 revoked. However, the revocation of Automotive Repair Dealer Registration No. ARD 240846,

1 Lamp Station License No. LS 240846, and Brake Station License No. BS 240846 is stayed and  
2 Respondents are placed on probation for three (3) years on the following terms and conditions.

3 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 240846,  
4 Lamp Station License No. LS 240846, and Brake Station License No. BS 240846 are suspended  
5 for 30 consecutive days beginning on the effective date of the Decision and Order.

6 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
7 automotive inspections, estimates and repairs.

8 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
9 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
10 conspicuously displayed in a location open to and frequented by customers and shall remain  
11 posted during the entire period of actual suspension.

12 4. **Reporting.** Respondents or their authorized representative must report in person or in  
13 writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but  
14 no more frequently than each quarter, on the methods used and success achieved in maintaining  
15 compliance with the terms and conditions of probation.

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

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

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

26 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
27 Respondents have failed to comply with the terms and conditions of probation, the Department  
28 may, after giving notice and opportunity to be heard suspend or revoke any licenses and

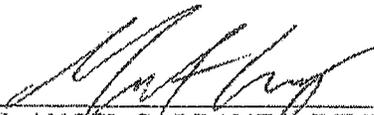
1 registrations issued to Respondents.

2 9. **Cost Recovery.** Respondents shall pay the Bureau cost recovery in the amount of  
3 \$23,158.74. Payments shall be made by certified funds (money order or cashier's check only) in  
4 24 consecutive, equal monthly installments with the final payment due 12 months before the  
5 termination of probation. Failure to complete payment of cost recovery within this time frame  
6 shall constitute a violation of probation which may subject Respondents' licenses and registration  
7 to outright revocation; however, the Director or the Director's Bureau of Automotive Repair  
8 designee may elect to continue probation until such time as reimbursement of the entire cost  
9 recovery amount has been made to the Bureau.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with our attorney, Robert Ramirez. I understand the stipulation and the effect it will  
13 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station  
14 License, Brake Station License, Brake Adjuster License, Lamp Adjuster License, Smog Check  
15 Inspector License, and Smog Check Repair Technician License (formerly Advanced Emission  
16 Specialist Technician License). I enter into this Stipulated Settlement and Disciplinary Order  
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
18 Director of Consumer Affairs.

19  
20 DATED: 5/28/15

  
21 MIGUEL ANGEL CARRANZA, INDIVIDUALLY  
22 AND AUTHORIZED AGENT OF MICAR  
23 INTERNATIONAL, INC. DBA 905 SMOG & AUTO  
24 REPAIR  
25 Respondents

26 I have read and fully discussed with Respondents the terms and conditions and other  
27 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
28 and content.

DATED: 5/28/15

  
ROBERT RAMIREZ  
Attorney for Respondents

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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: 5/28/2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General



ADRIAN R. CONTRERAS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/14-62**

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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
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**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
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15 **ANGEL CARRANZA, PRESIDENT**  
16 **6960 Camino Maquiladora #G**  
**San Diego, CA 92154**

**ACCUSATION**

17 **Automotive Repair Dealer Registration No.**  
**ARD 240846**  
18 **Smog Check Station License No. RC 240846**  
19 **Lamp Station License No. LS 240846**  
**Brake Station License No. BS 240846,**

20 and

21 **MIGUEL ANGEL CARRANZA**  
22 **929 Yosemite**  
**Chula Vista, CA 91914**

23 **Brake Adjuster License No. BA 138952**  
**Lamp Adjuster License No. LA 138952**  
24 **Smog Check Inspector License No. EO**  
**138952**  
25 **Smog Check Repair Technician License No.**  
**EI 138952 (formerly Advanced Emission**  
26 **Specialist Technician License No. EA**  
**138952)**

27 Respondents.

28 ///

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about October 3, 2005, the Bureau of Automotive Repair issued Automotive  
6 Repair Dealer Registration Number ARD 240846 to Micar International, Inc., dba 905 Smog &  
7 Auto Repair; Miguel Angel Carranza, President (905 Smog & Auto Repair). The Automotive  
8 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
9 herein and will expire on July 31, 2014, unless renewed.

10 3. On or about October 26, 2005, the Bureau of Automotive Repair issued Smog Check  
11 Station License Number RC 240846 to 905 Smog & Auto Repair. The Smog Check Station  
12 License was in full force and effect at all times relevant to the charges brought herein and will  
13 expire on July 31, 2014, unless renewed.

14 4. On or about October 13, 2005, the Bureau of Automotive Repair issued Lamp Station  
15 License Number LS 240846 to 905 Smog & Auto Repair. The Lamp Station License was in full  
16 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
17 2014, unless renewed.

18 5. On or about October 13, 2005, the Bureau of Automotive Repair issued Brake Station  
19 License Number BS 240846 to 905 Smog & Auto Repair. The Brake Station License was in full  
20 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
21 2014, unless renewed.

22 6. In 2001, the Bureau of Automotive Repair issued Brake Adjuster License Number BA  
23 138952 to Miguel Angel Carranza (Carranza). The Brake Adjuster License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on October 31, 2017,  
25 unless renewed.

26 7. In 2001, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA  
27 138952 to Carranza. The Lamp Adjuster License was in full force and effect at all times relevant  
28 to the charges brought herein and will expire on October 31, 2017, unless renewed.



1 the accusation may be filed within two years after the discovery, by the bureau, of the alleged  
2 facts constituting the fraud or misrepresentation.”

3 13. Section 9884.22 of the Code states:

4 “(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny  
5 at any time any registration required by this article on any of the grounds for disciplinary action  
6 provided in this article. The proceedings under this article shall be conducted in accordance with  
7 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
8 Code, and the director shall have all the powers granted therein.

9 “....”

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

13 15. Section 9889.5 of the Code states:

14 “The director may take disciplinary action against any licensee after a hearing as provided  
15 in this article by any of the following:

16 “(a) Imposing probation upon terms and conditions to be set forth by the director.

17 “(b) Suspending the license.

18 “(c) Revoking the license.”

19 16. Section 9889.7 of the Code states:

20 “The expiration or suspension of a license by operation of law or by order or decision of the  
21 director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
22 the director of jurisdiction to proceed with any investigation of or action or disciplinary  
23 proceedings against such licensee, or to render a decision suspending or revoking such license.”

24 17. Section 9889.8 of the Code states:

25 “All accusations against licensees shall be filed within three years after the act or omission  
26 alleged as the ground for disciplinary action, except that with respect to an accusation alleging a  
27 violation of subdivision (d) of Section 9889.3, the accusation may be filed within two years after  
28

1 the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation  
2 prohibited by that section.”

3 18. Section 44002 of the Health and Safety Code states:

4 “The department shall have the sole and exclusive authority within the state for developing  
5 and implementing the motor vehicle inspection program in accordance with this chapter.

6 “For the purposes of administration and enforcement of this chapter, the department, and  
7 the director and officers and employees thereof, shall have all the powers and authority granted  
8 under Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475)  
9 and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions  
10 Code and under Chapter 33 (commencing with Section 3300) of Title 16 of the California Code  
11 of Regulations. Inspections and repairs performed pursuant to this chapter, in addition to meeting  
12 the specific requirements imposed by this chapter, shall also comply with all requirements  
13 imposed pursuant to Division 1 (commencing with Section 1) and Division 1.5 (commencing with  
14 Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business  
15 and Professions Code and Chapter 33 (commencing with Section 3300) of Title 16 of the  
16 California Code of Regulations.”

17 19. Section 44072.4 of the Health and Safety Code states:

18 “The director may take disciplinary action against any licensee after a hearing as provided  
19 in this article by any of the following:

20 “(a) Imposing probation upon terms and conditions to be set forth by the director.

21 “(b) Suspending the license.

22 “(c) Revoking the license.”

23 20. Section 44072.6 of the Health and Safety Code states:

24 “The expiration or suspension of a license by operation of law or by order or decision of the  
25 director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
26 the director of jurisdiction to proceed with any investigation of, or action or disciplinary  
27 proceedings against, the licensee, or to render a decision suspending or revoking the license.”

28 ///



1           26. Section 9884.7 of the Code states:

2           “(a) The director, where the automotive repair dealer cannot show there was a bona fide  
3 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
4 dealer for any of the following acts or omissions related to the conduct of the business of the  
5 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
6 technician, employee, partner, officer, or member of the automotive repair dealer.

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

10           “... ”

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

12           “... ”

13           “(7) Any willful departure from or disregard of accepted trade standards for good and  
14 workmanlike repair in any material respect, which is prejudicial to another without consent of the  
15 owner or his or her duly authorized representative.

16           “... ”

17           “(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on  
18 probation the registration for all places of business operated in this state by an automotive repair  
19 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated  
20 and willful violations of this chapter, or regulations adopted pursuant to it.”

21           27. Section 9884.8 of the Code states:

22           “All work done by an automotive repair dealer, including all warranty work, shall be  
23 recorded on an invoice and shall describe all service work done and parts supplied. Service work  
24 and parts shall be listed separately on the invoice, which shall also state separately the subtotal  
25 prices for service work and for parts, not including sales tax, and shall state separately the sales  
26 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice  
27 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt  
28 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a

1 statement indicating whether any crash parts are original equipment manufacturer crash parts or  
2 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be  
3 given to the customer and one copy shall be retained by the automotive repair dealer."

4 28. Section 9884.9 of the Code states:

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

19 "(1) Make a notation on the invoice of the same facts set forth in the notation on the work  
20 order.

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

24 "I acknowledge notice and oral approval of an increase in the original estimated price.

25 \_\_\_\_\_  
26 (signature or initials)"

27 "Nothing in this section shall be construed as requiring an automotive repair dealer to give a  
28 written estimated price if the dealer does not agree to perform the requested repair.

1           "(b) The automotive repair dealer shall include with the written estimated price a statement  
2 of any automotive repair service that, if required to be done, will be done by someone other than  
3 the dealer or his or her employees. No service shall be done by other than the dealer or his or her  
4 employees without the consent of the customer, unless the customer cannot reasonably be  
5 notified. The dealer shall be responsible, in any case, for any service in the same manner as if the  
6 dealer or his or her employees had done the service.

7           "(c) In addition to subdivisions (a) and (b), an automotive repair dealer, when doing auto  
8 body or collision repairs, shall provide an itemized written estimate for all parts and labor to the  
9 customer. The estimate shall describe labor and parts separately and shall identify each part,  
10 indicating whether the replacement part is new, used, rebuilt, or reconditioned. Each crash part  
11 shall be identified on the written estimate and the written estimate shall indicate whether the crash  
12 part is an original equipment manufacturer crash part or a nonoriginal equipment manufacturer  
13 aftermarket crash part.

14           "(d) A customer may designate another person to authorize work or parts supplied in excess  
15 of the estimated price, if the designation is made in writing at the time that the initial  
16 authorization to proceed is signed by the customer. The bureau may specify in regulation the  
17 form and content of a designation and the procedures to be followed by the automotive repair  
18 dealer in recording the designation. For the purposes of this section, a designee shall not be the  
19 automotive repair dealer providing repair services or an insurer involved in a claim that includes  
20 the motor vehicle being repaired, or an employee or agent or a person acting on behalf of the  
21 dealer or insurer."

22           29. Section 9889.3 of the Code states:

23           "The director may suspend, revoke, or take other disciplinary action against a license as  
24 provided in this article if the licensee or any partner, officer, or director thereof:

25           "(a) Violates any section of the Business and Professions Code that relates to his or her  
26 licensed activities.

27           "...

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

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“...”

30. Section 9889.9 of the Code states:

“When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

31. Section 9889.16 of the Code states:

“Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.”

32. Section 44072.2 of the Health and Safety Code states:

“The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

“... ”

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

“... ”

33. Section 44072.10 of the Health and Safety Code states:

“(a) Notwithstanding Sections 44072 and 44072.4, the director, or the director's designee, pending a hearing conducted pursuant to subdivision (e), may temporarily suspend any smog check station or technician's license issued under this chapter, for a period not to exceed 60 days, if the department determines that the licensee's conduct would endanger the public health, safety, or welfare before the matter could be heard pursuant to subdivision (e), based upon reasonable evidence of any of the following:

“(1) Fraud.



1 bureau regulations, the certificate shall certify that the entire system meets all of those  
2 requirements.

3 "...."

4 35. California Code of Regulations, title 16, section 3321, states:

5 "The operation of official brake adjusting stations shall be subject to the following  
6 provisions:

7 "...

8 "(c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from  
9 the bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise  
10 obtain such certificates from any other source. A licensed station shall not sell or otherwise  
11 transfer unused certificates of adjustment. Full payment is required at the time certificates are  
12 ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment  
13 certificate shall be in accordance with the following provisions:

14 "...

15 "(2) Where the entire brake system on any vehicle has been inspected or tested and found to  
16 be in compliance with all requirements of the Vehicle Code and bureau regulations, and the  
17 vehicle has been road-tested, the certificate shall certify that the entire system meets all such  
18 requirements.

19 "...."

20 36. California Code of Regulations, title 16, section 3353, states:

21 "No work for compensation shall be commenced and no charges shall accrue without  
22 specific authorization from the customer in accordance with the following requirements:

23 "(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
24 estimated price for labor and parts for a specific job.

25 "...."

26 37. California Code of Regulations, title 16, section 3356, states:

27 "(a) All invoices for service and repair work performed, and parts supplied, as provided for  
28 in Section 9884.8 of the Business and Professions Code, shall comply with the following:

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"...

"(2) The invoice shall separately list, describe and identify all of the following:

"...

"(C) The subtotal price for all service and repair work performed.

"...

"(d) The automotive repair dealer shall give the customer a legible copy of the invoice and shall retain a legible copy as part of the automotive repair dealer's records pursuant to Section 9884.11 of the Business and Professions Code and Section 3358 of this article."

38. Title 16, California Code of Regulations, Section 3395.4 states:

"In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), including formal hearings conducted by the Office of Administrative Hearing, the Bureau of Automotive Repair shall consider the disciplinary guidelines entitled 'Guidelines for Disciplinary Penalties and Terms of Probation' [May, 1997] which are hereby incorporated by reference. The 'Guidelines for Disciplinary Penalties and Terms of Probation' are advisory. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion determines that the facts of the particular case warrant such deviation -for example: the presence of mitigating factors; the age of the case; evidentiary problems."

**COSTS**

39. Section 125.3 of the Code provides, in pertinent part, that the Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**FIRST UNDERCOVER RUN – 1997 FORD**

40. On August 19, 2013, a Bureau undercover operator drove a Bureau-documented 1997 Ford to the 905 Smog & Auto Repair's facility for repairs. The undercover operator drove to the

1 facility and spoke with 905 Smog & Auto Repair's employee, Gildardo Romero. The undercover  
2 operator requested a smog inspection and a brake and lamp inspection. The undercover operator  
3 did not sign a work order or receive a written estimate before the work began. After the  
4 inspections were completed, the undercover operator paid Romero \$120.00. Romero gave the  
5 undercover operator a Vehicle Inspection Report, a copy of the Certificate of Adjustment  
6 #BC1714927 for the brake inspection and Certificate of Adjustment [REDACTED] for the lamp  
7 inspection. The undercover operator was not given an invoice for the brake, lamp, or smog  
8 inspections. The undercover operator then left the facility and transferred custody of the vehicle  
9 to a Bureau representative.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Violation of Estimate Requirements)**

12 41. Complainant re-alleges and incorporates by reference the allegations set forth above  
13 in paragraph 40.

14 42. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
15 section 9884.9 and California Code of Regulations, title 16, section 3353, subdivision (a) in that  
16 905 Smog & Auto Repair failed to obtain specific authorization from the undercover operator and  
17 failed to give a written estimate of labor and parts before beginning the inspections.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Violation of Invoice Requirements)**

20 43. Complainant re-alleges and incorporates by reference the allegations set forth above  
21 in paragraph 40.

22 44. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
23 section 9884.8, in that 905 Smog & Auto Repair violated the invoice requirements. The  
24 violations include the following:

25 a. **Title 16, California Code of Regulations, Section 3356, subd. (d):** Failure to  
26 provide the customer a legible copy of the invoice.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of Estimate Requirements)**

3 48. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 45-47.

5 49. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
6 section 9884.9 and California Code of Regulations, title 16, section 3353, subdivision (a) in that  
7 905 Smog & Auto Repair failed to obtain specific authorization from the undercover operator and  
8 failed to give a written estimate of labor and parts before beginning the inspections.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Untrue or Misleading Statements)**

11 50. Complainant re-alleges and incorporates by reference the allegations set forth above  
12 in paragraphs 45-47.

13 51. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
14 section 9884.7, subdivision (a)(1), in that 905 Smog & Auto Repair made or authorized  
15 statements which 905 Smog & Auto Repair knew or in the exercise of reasonable care should  
16 have known to be untrue or misleading. The untrue or misleading statements include the  
17 following:

18 a. 905 Smog & Auto Repair represented that 905 Smog & Auto Repair had  
19 inspected the brake and lamp systems on the vehicle and that they were in passable condition,  
20 when in fact and in truth they had not been properly inspected.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 52. Complainant re-alleges and incorporates by reference the allegations set forth above  
24 in paragraphs 45-47.

25 53. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
26 section 9884.7, subdivision (a)(4), in that 905 Smog & Auto Repair committed acts which  
27 constitute fraud. The fraud includes the following:  
28

1 a. 905 Smog & Auto Repair misrepresented to the undercover operator that 905  
2 Smog & Auto Repair inspected the brake and lamp systems on the vehicle and that they were in  
3 passable condition; 905 Smog & Auto Repair knew that in fact and in truth these systems had not  
4 been properly inspected; 905 Smog & Auto Repair intended the undercover operator to rely on  
5 these misrepresentations; 905 Smog & Auto Repair charged for these services and accepted  
6 payment.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **(Willful Departure from or Disregard of Accepted Trade Standards)**

9 54. Complainant re-alleges and incorporates by reference the allegations set forth above  
10 in paragraphs 45-47.

11 55. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
12 section 9884.7, subdivision (a)(7), in that 905 Smog & Auto Repair willfully departed from or  
13 disregarded accepted trade standards for good and workmanlike repair in a material respect which  
14 was prejudicial to another without consent of the owner or his or her duly authorized  
15 representative.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Certificate Issued to Nonconforming Vehicle)**

18 56. Complainant re-alleges and incorporates by reference the allegations set forth above  
19 in paragraphs 45-47.

20 57. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
21 section 9889.16 and Title 16, California Code of Regulations, sections 3321, subdivision (c)(2)  
22 and 3316, subdivision (d)(2), in that upon an inspection or after an adjustment purportedly made in  
23 conformity with the instructions of the Bureau, 905 Smog & Auto Repair issued a brake and lamp  
24 certificate of adjustment to a vehicle that purportedly conformed with the requirements of the  
25 Vehicle Code and Bureau regulations, when in fact and in truth the vehicle did not conform with  
26 these requirements.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Estimate Violations)**

3 58. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 45-47.

5 59. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
6 section 9884.8, subdivision (a) in that 905 Smog & Auto Repair failed to comply with estimate  
7 requirements before beginning the inspections. The violations include the following:

8 a. **Regulations section 3353, subd. (a)**: Failure to provide a written estimate price  
9 for parts and labor for a specific job.

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Invoice Violations)**

12 60. Complainant re-alleges and incorporates by reference the allegations set forth above  
13 in paragraphs 45-47.

14 61. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
15 section 9884.8, in that 905 Smog & Auto Repair failed to comply with invoice requirements for  
16 the subtotal of parts and labor. The violations include the following:

17 a. **Regulations section 3356, subd. (a)(2)(C)**: Failure to show the subtotal price  
18 for all service and repair work performed.

19 **TENTH CAUSE FOR DISCIPLINE**

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

21 62. Complainant re-alleges and incorporates by reference the allegations set forth above  
22 in paragraphs 45-47.

23 63. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
24 section 9884.7, subdivision (a)(4), the Smog Check Station License is subject to disciplinary  
25 action under Health and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2,  
26 subdivision (d), and the Lamp Station License and Brake Station Licenses are subject to  
27 disciplinary action under Code section 9889.3, subdivisions (a) and (d), in that 905 Smog & Auto  
28 Repair committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing

1 certificates of adjustment for a vehicle without performing bona fide inspections of them, thereby  
2 depriving the People of the State of California of the protection afforded by the Automotive  
3 Repair Act.

4 **ELEVENTH CAUSE FOR DISCIPLINE**

5 **(Certificate Issued to Nonconforming Vehicle)**

6 64. Complainant re-alleges and incorporates by reference the allegations set forth above  
7 in paragraphs 45-47.

8 65. Carranza's licenses are subject to disciplinary action under Code section 9889.16 and  
9 Title 16, California Code of Regulations, sections 3321, subdivision (c)(2) and 3316, subdivision  
10 (d)(2) in that upon an inspection or after an adjustment purportedly made in conformity with the  
11 instructions of the Bureau, he issued a brake and lamp certificate of adjustment to a vehicle that  
12 purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when  
13 in fact and in truth the vehicle did not conform with these requirements.

14 **TWELFTH CAUSE FOR DISCIPLINE**

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

16 66. Complainant re-alleges and incorporates by reference the allegations set forth above  
17 in paragraphs 45-47.

18 67. Carranza's smog technician license(s) is/are subject to disciplinary action under  
19 Health and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2, subdivision (d),  
20 and his Lamp Adjuster License and Brake Adjuster License are subject to disciplinary action  
21 under Code section 9889.3, subdivisions (a) and (d), in that he committed dishonest, fraudulent,  
22 or deceitful acts whereby another is injured by issuing certificates of adjustments for a vehicle  
23 without performing bona fide inspections of the brake and lamp systems on them, thereby  
24 depriving the People of the State of California of the protection afforded by the Automotive  
25 Repair Act.

26 **THIRD UNDERCOVER RUN – OCTOBER 29, 2013**

27 68. On October 29, 2013, a Bureau undercover operator drove a Bureau-documented  
28 1998 Chevrolet to 905 Smog & Auto Repair's facility for inspection. The following introduced

1 malfunctions were placed on the vehicle: installation of a right front brake rotor that was below  
2 the minimum thickness specifications; disablement of the back-up lamps; and misadjustment of  
3 the right front headlamp. For the vehicle to pass a brake and lamp inspection, it needed the front  
4 right brake rotor replaced; the back-up lamps operational; and the right front headlamp adjusted  
5 correctly. The undercover operator drove to the facility and spoke with Romero. The undercover  
6 operator requested a smog inspection and a brake and lamp inspection. Romero told the  
7 undercover operator that the inspections would cost \$100.00. The undercover operator agreed  
8 and gave him the keys. The undercover operator did not sign a work order or receive a written  
9 estimate before the work began. After the inspections were completed, the undercover operator  
10 paid Romero \$100.00. Romero gave the undercover operator a Vehicle Inspection Report, a copy  
11 of the Certificate of Adjustment [REDACTED] for the brake inspection, Certificate of Adjustment  
12 [REDACTED] for the lamp inspection; he did not receive an invoice. Carranza performed the  
13 brake and lamp inspections. The undercover operator then left the facility and transferred custody  
14 of the vehicle to a Bureau representative.

15 69. A Bureau representative later reinspected the vehicle. For the brake system, the  
16 wheels had not been removed as needed to properly inspect the brakes and the defective right  
17 front brake rotor was still on the vehicle. In light of the condition of the right front brake rotor, a  
18 certificate of adjustment should not have been issued.

19 70. For the lighting system, the back-up lights were still inoperative and the right front  
20 headlamp was still misadjusted. In light of the condition of the right front headlamp and the  
21 back-up lamps, a certificate of adjustment should not have been issued.

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

23 **(Violation of Estimate Requirements)**

24 71. Complainant re-alleges and incorporates by reference the allegations set forth above  
25 in paragraphs 68-70.

26 72. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
27 section 9884.9 and California Code of Regulations, title 16, section 3353, subdivision (a) in that  
28

1 905 Smog & Auto Repair failed to obtain specific authorization from the undercover operator and  
2 failed to give a written estimate of labor and parts before beginning the inspections.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 73. Complainant re-alleges and incorporates by reference the allegations set forth above  
6 in paragraphs 68-70.

7 74. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
8 section 9884.7, subdivision (a)(1), in that 905 Smog & Auto Repair made or authorized  
9 statements which 905 Smog & Auto Repair knew or in the exercise of reasonable care should  
10 have known to be untrue or misleading. The untrue or misleading statements include the  
11 following:

12 a. 905 Smog & Auto Repair represented that 905 Smog & Auto Repair had  
13 inspected the brake and lamp systems on the vehicle and that they were in passable condition,  
14 when in fact and in truth they had not been properly inspected.

15 **FIFTEENTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 75. Complainant re-alleges and incorporates by reference the allegations set forth above  
18 in paragraphs 68-70.

19 76. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
20 section 9884.7, subdivision (a)(4), in that 905 Smog & Auto Repair committed acts which  
21 constitute fraud. The fraud includes the following:

22 a. 905 Smog & Auto Repair misrepresented to the undercover operator that 905  
23 Smog & Auto Repair inspected the brake and lamp systems on the vehicle and that they were in  
24 passable condition; 905 Smog & Auto Repair knew that in fact and in truth these systems had not  
25 been properly inspected; 905 Smog & Auto Repair intended the undercover operator to rely on  
26 these misrepresentations; 905 Smog & Auto Repair charged for these services and accepted  
27 payment.

28 ///

1 SIXTEENTH CAUSE FOR DISCIPLINE

2 (Willful Departure from or Disregard of Accepted Trade Standards)

3 77. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 68-70.

5 78. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
6 section 9884.7, subdivision (a)(7), in that 905 Smog & Auto Repair willfully departed from or  
7 disregarded accepted trade standards for good and workmanlike repair in a material respect which  
8 was prejudicial to another without consent of the owner or his or her duly authorized  
9 representative.

10 SEVENTEENTH CAUSE FOR DISCIPLINE

11 (Certificate Issued to Nonconforming Vehicle)

12 79. Complainant re-alleges and incorporates by reference the allegations set forth above  
13 in paragraphs 68-70.

14 80. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
15 section 9889.16 and Title 16, California Code of Regulations, sections 3321, subdivision (c)(2)  
16 and 3316, subdivision (d)(2) in that upon an inspection or after an adjustment purportedly made in  
17 conformity with the instructions of the Bureau, 905 Smog & Auto Repair issued a brake and lamp  
18 certificate of adjustment to a vehicle that purportedly conformed with the requirements of the  
19 Vehicle Code and Bureau regulations, when in fact and in truth the vehicle did not conform with  
20 these requirements.

21 EIGHTEENTH CAUSE FOR DISCIPLINE

22 (Dishonesty, Fraud, or Deceit)

23 81. Complainant re-alleges and incorporates by reference the allegations set forth above  
24 in paragraphs 68-70.

25 82. 905 Smog & Auto Repair's Registration is subject to disciplinary action under Code  
26 section 9884.7, subdivision (a)(4), the Smog Check Station License is subject to disciplinary  
27 action under Health and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2,  
28 subdivision (d), and the Lamp Station License and Brake Station Licenses are subject to

1 disciplinary action under Code section 9889.3, subdivisions (a) and (d), in that 905 Smog & Auto  
2 Repair committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing  
3 certificates of adjustment for a vehicle without performing bona fide inspections of them, thereby  
4 depriving the People of the State of California of the protection afforded by the Automotive  
5 Repair Act.

6 **NINETEENTH CAUSE FOR DISCIPLINE**

7 **(Certificate Issued to Nonconforming Vehicle)**

8 83. Complainant re-alleges and incorporates by reference the allegations set forth above  
9 in paragraphs 68-70.

10 84. Carranza's licenses are subject to disciplinary action under Code section 9889.16 and  
11 Title 16, California Code of Regulations, sections 3321, subdivision (c)(2) and 3316, subdivision  
12 (d)(2) in that upon an inspection or after an adjustment purportedly made in conformity with the  
13 instructions of the Bureau, he issued a brake and lamp certificate of adjustment to a vehicle that  
14 purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when  
15 in fact and in truth the vehicle did not conform with these requirements.

16 **TWENTIETH CAUSE FOR DISCIPLINE**

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

18 85. Complainant re-alleges and incorporates by reference the allegations set forth above  
19 in paragraphs 68-70.

20 86. Carranza's smog technician license(s) is/are subject to disciplinary action under  
21 Health and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2, subdivision (d),  
22 and his Lamp Adjuster License and Brake Adjuster License are subject to disciplinary action  
23 under Code section 9889.3, subdivisions (a) and (d), in that he committed dishonest, fraudulent,  
24 or deceitful acts whereby another is injured by issuing certificates of adjustments for a vehicle  
25 without performing bona fide inspections of the brake and lamp systems on them, thereby  
26 depriving the People of the State of California of the protection afforded by the Automotive  
27 Repair Act.

28 ///

1 **OTHER MATTERS**

2 87. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily  
3 or permanently or refuse to validate, the registrations for all places of business operated in this  
4 state by an automotive repair dealer upon a finding that the automotive repair dealer has engaged  
5 in a course of repeated and willful violations of the laws and regulations pertaining to an  
6 automotive repair dealer.

7 88. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
8 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and 6  
9 in the name of Carranza, including Lamp Station License Number LS 240846; Brake Station  
10 License Number BS 240846; Brake Adjuster License Number BA 138952; and Lamp Adjuster  
11 License Number LA 138952 may be likewise revoked or suspended.

12 89. Under Health & Safety Code section 44072.8, if the Smog Check Station License is  
13 revoked or suspended, the Director may likewise revoke or suspend any additional license issued  
14 under Chapter 5 of the Health and Safety Code in the name of Carranza.

15 90. Under Health and Safety Code section 44072.8, if Carranza's technician license(s)  
16 is/are revoked or suspended, any additional license issued under this chapter in the name of  
17 Carranza may be likewise revoked or suspended by the Director.

18 **PRAYER**

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

21 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
22 240846, issued to Micar International, Inc. dba 905 Smog & Auto Repair, Miguel Angel  
23 Carranza, President;

24 2. Revoking or suspending Smog Check Station License Number RC 240846, issued to  
25 Micar International, Inc. dba 905 Smog & Auto Repair, Miguel Angel Carranza, President;

26 3. Revoking or suspending Lamp Station License Number LS 240846, issued to Micar  
27 International, Inc. dba 905 Smog & Auto Repair, Miguel Angel Carranza, President;

1 4. Revoking or suspending Brake Station License Number BS 240846, issued to Micar  
2 International, Inc. dba 905 Smog & Auto Repair, Miguel Angel Carranza, President;

3 5. Revoking or suspending Brake Adjuster License Number BA 138952, issued to  
4 Miguel Angel Carranza;

5 6. Revoking or suspending Lamp Adjuster License Number LA 138952, issued to  
6 Miguel Angel Carranza;

7 7. Revoking or suspending Smog Check Inspector License No. EO 138952 and Smog  
8 Check Repair Technician License No. EI 138952, issued to Miguel Angel Carranza;

9 8. Revoking or suspending the registrations for all places of business operated in this  
10 state by Miguel Angel Carranza;

11 9. Revoking or suspending any additional license issued under Articles 5 and 6 of  
12 Chapter 20.3 of the Code in the name of Miguel Angel Carranza;

13 10. Revoking or suspending any additional license issued under Chapter 5 of the Health  
14 and Safety Code in the name of Carranza;

15 11. Ordering Micar International, Inc., dba 905 Smog & Auto Repair, and Miguel Angel  
16 Carranza to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

19 DATED: May 30, 2014

  
20 PATRICK DORAIS

21 Chief  
22 Bureau of Automotive Repair  
23 Department of Consumer Affairs  
24 State of California  
25 *Complainant*

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