

**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

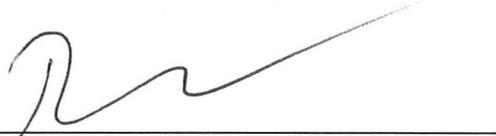
OAH No. 2014060970

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Anthony Allen Hazelwood 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 Anthony Allen Hazelwood, 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, and Lamp Adjuster License No. LA 306035.

This Decision shall become effective November 3, 2015.

DATED: October 6, 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
Deputy Attorney General
4 State Bar No. 231237
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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:

13 **CHARLES SUTTON CHEVRON, INC.,**
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23 **ANTHONY ALLEN HAZELWOOD**
24 **1005 Meadows Street**
25 **Bakersfield, CA 93306**
26 **Smog Check Inspector License No. EO**
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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 **Smog Check Inspector License No. EO**
74536
Smog Check Repair Technician License
Number EI 74536 (formerly Advanced

Case No. 77/14-32

OAH No. 2014060970

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER
AS TO ANTHONY ALLEN HAZELWOOD
ONLY

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 Anthony Allen Hazelwood ("Respondent Hazelwood") is representing
12 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

13 Anthony Allen Hazelwood

14 **Technician License/Inspector License**
15 **(formerly Advanced Emission Specialist Technician License No. EA 306035)**

16 3. In or about 1996, the Bureau of Automotive Repair (Bureau) issued Advanced
17 Emission Specialist Technician License No. EA 306035 to Respondent Hazelwood. Respondent
18 Hazelwood's Advanced Emission Specialist Technician License expired on July 31, 2012.
19 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e)¹, the license
20 was renewed, pursuant to Respondent Hazelwood's election, as Smog Check Inspector License
21 No. EO 306035 ("inspector license") and Smog Check Repair Technician License No. EI 306035
22 ("repair technician license"), effective August 16, 2012. Respondent Hazelwood's inspector
23 license and repair technician license were in full force and effect at all times relevant to the
24 charges brought herein and will expire on July 31, 2016, unless renewed.

25 ///

26 ¹ 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 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 10. Respondent Hazelwood voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 **CULPABILITY**

6 11. Respondent Hazelwood admits the truth of each and every charge and allegation in
7 Accusation No. 77/14-32.

8 12. Respondent Hazelwood agrees that his Smog Check Inspector License, Smog Check
9 Repair Technician License, Brake Adjuster License and Lamp Adjuster License are subject to
10 discipline and he agrees to be bound by the Director's probationary terms as set forth in the
11 Disciplinary Order below.

12 **CONTINGENCY**

13 13. This stipulation shall be subject to approval by the Director of Consumer Affairs or
14 the Director's designee. Respondent Hazelwood understands and agrees that counsel for
15 Complainant and the staff of the Bureau of Automotive Repair may communicate directly with
16 the Director and staff of the Department of Consumer Affairs regarding this stipulation and
17 settlement, without notice to or participation by Respondent Hazelwood. By signing the
18 stipulation, Respondent Hazelwood understands and agrees that he may not withdraw his
19 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
20 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
21 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
22 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
23 from further action by having considered this matter.

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

27 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 306035, Smog
10 Check/Repair Technician License No. EI.306035; Brake Adjuster License No. BA 306035 and
11 Lamp Adjuster License No. LA 306035 issued to Respondent Hazelwood are revoked. However,
12 the revocation are stayed and Respondent Hazelwood is placed on probation for five (5) years on
13 the following terms and conditions.

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

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

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

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

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

1 decision.

2 **6. Violation of Probation.** Should the Director of Consumer Affairs determine that
3 Respondent Hazelwood has failed to comply with the terms and conditions of probation, the
4 Department may, after giving notice and opportunity to be heard suspend or revoke Respondent
5 Hazelwood's Smog Check Inspector License, Smog Check Repair Technician License, Brake
6 Adjuster License and Lamp Adjuster License.

7 **7. Continuing Education Courses.** During the period of probation, Respondent
8 Hazelwood shall attend and successfully complete a sixty-eight (68) hour Bureau certified
9 training course in diagnosis and repair of emission systems failures and engine performance,
10 applicable to the class of license held by the Respondent Hazelwood. Said course shall be
11 completed and proof of completion submitted to the Bureau within 180 days of the effective date
12 of this decision and order. If proof of completion of the course is not furnished to the Bureau
13 within the 180-day period, Respondent Hazelwood's licenses shall be immediately suspended
14 until such proof is received.

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

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Smog Check Inspector License, Smog Check Repair Technician License, Brake Adjuster License and Lamp Adjuster License.

I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 4-15-2015


ANTHONY ALLEN HAZELWOOD
Respondent

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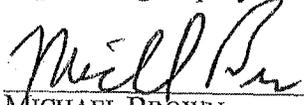
ENDORSEMENT

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
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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
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E-mail: MichaelB.Brown@doj.ca.gov
7 *Attorneys for Complainant*

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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
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22 **Lamp Station License No. LS 92968**

ACCUSATION

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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28 ///

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)¹, 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 ¹ 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 74536.²

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 ² 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 [REDACTED] 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 [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 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 [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 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 [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 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 **TENTH CAUSE FOR DISCIPLINE**

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

3 44. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline
4 under Code section 9889.3(a), in that on or about July 18, 2012, regarding the 1991 Buick,
5 Respondent Hazelwood violated sections of the Code, relating to his licensed activities, as more
6 particularly set forth above in paragraph 37.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

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

9 45. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline
10 under Code section 9889.3(c), in that on or about July 18, 2012, regarding the 1991 Buick,
11 Respondent Hazelwood failed to comply with provisions of California Code of Regulations, title
12 16, as more particularly set forth above in paragraph 38.

13 **TWELFTH CAUSE FOR DISCIPLINE**

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

15 46. Respondent Hazelwood's brake and lamp adjuster licenses are subject to discipline
16 under Code section 9889.3(d), in that on or July 18, 2012, regarding the 1991 Buick, Respondent
17 Hazelwood committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate
18 Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the brake and
19 lamp systems were in satisfactory condition and in accordance with the Vehicle Code, when, in
20 fact, they were not.

21 **UNDERCOVER OPERATION NO. 2: 1994 PONTIAC**

22 47. On October 8, 2012, an operator took the Bureau's 1994 Pontiac to Respondent
23 Sierra's facility and requested a brake, lamp and smog inspection. The vehicle's rear brake rotors
24 were below the manufacturer's recommended discard specification. The vehicle's right front
25 headlamp was out of specification and the rear license plate bulb was inoperative. Also, the
26 vehicle's emission system had an inoperative MIL bulb. When the operator arrived at
27 Respondent Sierra's facility, a male employee completed a repair order. The operator was not
28 provided a copy of the signed document. Respondent Hazelwood performed the brake inspection,

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 [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. [REDACTED],
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 [REDACTED] 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 [REDACTED] that both rear brake rotors were in satisfactory condition when, in fact, they were
27 below the manufacturer's discard specification.

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1 d. Respondent Sierra certified under penalty of perjury on Lamp Certificate Number
2 [REDACTED] 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.

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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 B [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 [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 **FORTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 81. Respondent Sierra's smog check station license is subject to discipline pursuant to
4 Health and Safety Code section 44072.2(a), in that regarding the 1997 Dodge, Respondent Sierra
5 failed to comply with the following sections of that Code:

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

8 b. **Section 44015:** Respondent Sierra issued electronic smog Certificate of Compliance
9 Number [REDACTED] for the vehicle without properly testing and inspecting the vehicle to
10 determine if it was in compliance with Health and Safety Code section 44012.

11 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the**
13 **Motor Vehicle Inspection Program)**

14 82. Respondent Sierra's smog check station license is subject to discipline pursuant to
15 Health and Safety Code section 44072.2(c), in that regarding the 1997 Dodge, Respondent Sierra
16 failed to comply with the provisions of California Code of Regulations, title 16, as follows:

17 a. **Section 3340.35(c):** Respondent Sierra issued electronic smog Certificate of
18 Compliance Number [REDACTED] for the vehicle even though the vehicle had not been inspected in
19 accordance with California Code of Regulations, title 16, section 3340.42.

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

22 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

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

24 83. Respondent Sierra's smog check station license is subject to discipline pursuant to
25 Health and Safety Code section 44072.2(d), in that on or about November 21, 2012, Respondent
26 Sierra 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 **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 [REDACTED], 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 [REDACTED], 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;

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

3 17. Ordering Charles Sutton Chevron, Inc., dba Sierra Automotive; Charles L. Sutton,
4 Anthony Allen Hazelwood and David Lee McCoy to pay the Bureau of Automotive Repair the
5 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
6 Professions Code section 125.3; and

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

8 DATED: December 4, 2013



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

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