

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

In the Matter of the Accusation Against:

**NOEL QUINTERO**  
**dba SELECT AUTO REPAIR**  
18730 8<sup>th</sup> Street, Suite A  
Bloomington, California 92316

Automotive Repair Dealer Registration  
No. ARD 252308  
Smog Check Station License No. RC 252308  
Official Brake Station License No. BS 252308  
Official Lamp Station License No. LS 252308

and

**QUINTERO TRANSMISSIONS,**  
**NOEL QUINTERO**  
8445 Juniper Avenue,  
Fontana, California 92335

Automotive Repair Dealer Registration  
No. ARD 255759

Respondent.

Case No. 77/08-37

OAH No. L-2009081117

**DECISION AND ORDER**

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.

The suspension of Automotive Repair Dealer Registration No. ARD 252308 and Smog Check Station License No. RC 252308 shall commence on the effective date of this Decision.

This Decision shall become effective on April 19, 2010.

DATED: March 15, 2010

  
\_\_\_\_\_  
DORATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 Karen B. Chappelle  
Supervising Deputy Attorney General  
3 GREGORY J. SALUTE  
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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 **SELECT AUTO REPAIR; NOEL**  
14 **QUINTERO**  
15 **18730 8th Street, Suite A**  
16 **Bloomington, California 92316**  
17 **Automotive Repair Dealer Registration No.**  
18 **ARD252308**  
19 **Smog Check Station License No. RC252308,**  
20 **Official Brake Station License No. BS**  
21 **252308, Official Lamp Station License No.**  
22 **LS 252308**

23 -and-

24 **QUINTERO TRANSMISSIONS, NOEL**  
25 **QUINTERO,**  
26 **8445 Juniper Avenue, Fontana, California,**  
27 **92335, Automotive Dealer Registration No.**  
28 **ARD 255759**

Respondent.

Case No. 77/08-37

OAH No. L-2009081117

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

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

PARTIES

1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She brought this action solely in her official capacity and is represented in this matter by Edmund G.

1 Brown Jr., Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy  
2 Attorney General.

3 2. Respondent Noel Quintero (Respondent) is represented in this proceeding by attorney  
4 Robert Spitz, Esq., whose address is 204 N. San Antonio Avenue, Ontario, Ca. 91762.

5 3. On or about October 26, 2007, the Bureau of Automotive Repair issued Automotive  
6 Repair Dealer Registration No. ARD252308 to Respondent. The Automotive Repair Dealer  
7 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
8 No. 77/08-37 and will expire on September 30, 2010, unless renewed.

9 4. On or about August 8, 2008, the Bureau of Automotive Repair issued Automotive  
10 Repair Dealer Registration No. ARD255759 to Respondent Noel Quintero dba Quintero  
11 Transmissions. The Automotive Repair Dealer Registration was in full force and effect at all  
12 times relevant to the charges brought in Accusation No. 77/08-37 and will expire on September  
13 30, 2010, unless renewed.

14 5. On or about October 30, 2007, the Bureau of Automotive Repair issued Smog Check  
15 Station License No. RC252308 to Respondent. The Smog Check Station License was in full  
16 force and effect at all times relevant to the charges brought in Accusation No. 77/08-37 and will  
17 expire on September 30, 2010, unless renewed.

18 6. On or about November 20, 2007, the Bureau of Automotive Repair issued Official  
19 Lamp Station License No. LS252308 to Respondent. The Official Lamp Station License was in  
20 full force and effect at all times relevant to the charges brought in Accusation No. 77/08-37 and  
21 will expire on September 30, 2010, unless renewed.

22 7. On or about November 20, 2007, the Bureau of Automotive Repair issued Official  
23 Brake Station License No. BS252308 to Respondent. The Official Brake Station License was in  
24 full force and effect at all times relevant to the charges brought in Accusation No. 77/08-37 and  
25 will expire on September 30, 2010, unless renewed.

26 JURISDICTION

27 8. Accusation No. 77/08-37 was filed before the Director of Consumer Affairs  
28 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against

1 Respondent. The Accusation and all other statutorily required documents were properly served  
2 on Respondent on April 15, 2010. Respondent timely filed his Notice of Defense contesting the  
3 Accusation. A copy of Accusation No. 77/08-37 is attached as exhibit A and incorporated herein  
4 by reference.

#### 5 ADVISEMENT AND WAIVERS

6 9. Respondent has carefully read, fully discussed with counsel, and understands the  
7 charges and allegations in Accusation No. 77/08-37. Respondent has also carefully read, fully  
8 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
9 Order.

10 10. Respondent is fully aware of his legal rights in this matter, including the right to a  
11 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
12 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
13 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
14 the attendance of witnesses and the production of documents; the right to reconsideration and  
15 court review of an adverse decision; and all other rights accorded by the California  
16 Administrative Procedure Act and other applicable laws.

17 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
18 every right set forth above.

#### 19 CULPABILITY

20 12. Respondent admits the truth of each and every charge and allegation in Accusation  
21 No. 77/08-37.

22 13. Respondent agrees that his Automotive Repair Dealer Registration is subject to  
23 discipline and he agrees to be bound by the Director of Consumer Affairs (Director)'s imposition  
24 of discipline as set forth in the Disciplinary Order below.

#### 25 CIRCUMSTANCES IN MITIGATION

26 14. While Respondent has been the subject of past disciplinary action he is admitting  
27 responsibility at an early stage in the proceedings.  
28

CONTINGENCY

1  
2       15. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
3 his designee. Respondent understands and agrees that counsel for Complainant and the staff of  
4 the Bureau of Automotive Repair may communicate directly with the Director and staff of the  
5 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
6 participation by Respondent or his counsel. By signing the stipulation, Respondent understands  
7 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the  
8 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the  
9 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
11 and the Director shall not be disqualified from further action by having considered this matter.

12       16. The parties understand and agree that facsimile copies of this Stipulated Settlement  
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
14 effect as the originals.

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

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

**DISCIPLINARY ORDER**

24  
25       IT IS HEREBY ORDERED THAT Official Brake Station License No. BS252308 and  
26 Official Lamp Station License No. LS252308 are both REVOKED.

27       IT IS HEREBY FURTHER ORDERED that Automotive Repair Dealer Registration No.  
28 ARD252308, Automotive Repair Dealer Registration No. ARD255759, and Smog Check Station

1 License No. RC252308, issued to Respondent Noel Quintero are all revoked. However, the  
2 revocations are stayed, and the license and both of the registration(s) are placed on probation for  
3 three (3) years on the following terms and conditions:

4 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD252308 and  
5 Smog Check Station License No. RC 252308 issued to Respondent are each suspended for thirty  
6 (30) consecutive days. No suspension shall be issued to Automotive Repair Dealer Registration  
7 No. ARD255759.

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

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

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

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

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

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

28 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that

1 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
2 after giving notice and opportunity to be heard temporarily or permanently invalidate the  
3 registration and suspend or revoke the license.

4 9. Cost Recovery. Payment to the Bureau of the full amount of cost recovery in the  
5 amount of \$6690.40 shall be received no later than 6 months before probation terminates. Failure  
6 to complete payment of cost recovery within this time frame shall constitute a violation of  
7 probation which may subject Respondent's license and/or registration to outright revocation;  
8 however, the Director or the Director's Bureau of Automotive Repair designee may elect to  
9 continue probation until such time as reimbursement of the entire cost recovery amount has been  
10 made to the Bureau.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorney, Robert Spitz, Esq. I understand the stipulation and the effect it will  
14 have on my Automotive Repair Dealer Registration, and Smog Check Station License, and Lamp  
15 Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
16 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of  
17 Consumer Affairs.

18 DATED: 2-18-10 NOEL Quintero  
19 SELECT AUTO REPAIR; NOEL QUINTERO  
20 Respondent

21  
22 I have read and fully discussed with Respondent Noel Quintero the terms and conditions  
23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
24 its form and content.

25 DATED: 2-18-10 [Signature]  
26 ROBERT SPITZ, Esq.  
27 Attorney for Respondent

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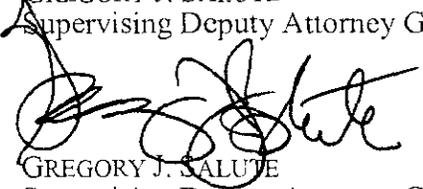
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 2-22-2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General



GREGORY J. SALUTE  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/08-37**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE, State Bar No. 164015  
Supervising Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2520  
Facsimile: (213) 897-2804

6 Attorneys for Complainant  
7  
8

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

11  
12 In the Matter of the Accusation Against:

Case No. 7708-37

13 **NOEL QUINTERO**  
dba **SELECT AUTO REPAIR**  
14 18730 8<sup>th</sup> Street, Suite A  
Bloomington, California 92316

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

15 Automotive Repair Dealer Registration No. ARD 252308  
16 Smog Check Station License No. RC 252308  
Official Brake Station License No. BS 252308  
17 Official Lamp Station License No. LS 252308

18 **DANIEL LEE NELSON**  
21690 High Street  
19 Perris, California 92570

20 Advanced Emission Specialist Technician License  
No. EA 150527  
21 Brake Adjuster License No. BA 150527C  
Lamp Adjuster License No. LA 150527A

22 Respondents.  
23

24 Sherry Mehl ("Complainant") alleges:

25 **PARTIES**

26 1. Complainant brings this Accusation solely in her official capacity as the  
27 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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**Automotive Repair Dealer Registration**

2. On or about October 26, 2007, the Bureau issued Automotive Repair Dealer Registration Number ARD 252308 ("registration") to Noel Quintero ("Respondent Quintero"), doing business as Select Auto Repair. The registration will expire on September 30, 2009, unless renewed.

**Smog Check Station License**

3. On or about October 30, 2007, the Bureau issued Smog Check Station License Number RC 252308 ("station license") to Respondent Quintero. The station license will expire on September 30, 2009, unless renewed.

**Official Brake Station License**

4. On or about November 20, 2007, the Bureau issued Official Brake Station License Number BS 252308 to Respondent Quintero. The official brake station license will expire on September 30, 2009, unless renewed.

**Official Lamp Station License**

5. On or about November 20, 2007, the Bureau issued Official Lamp Station License Number LS 252308 to Respondent Quintero. The official brake lamp station license will expire on September 30, 2009, unless renewed.

**Advanced Emission Specialist Technician License - Daniel Lee Nelson**

6. In or about 2004, the Bureau issued Advanced Emission Specialist Technician License Number EA 150527 ("technician license") to Daniel Lee Nelson ("Respondent Nelson"). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2011, unless renewed.

**Brake Adjuster License - Daniel Lee Nelson**

7. In or about 2005, the Bureau issued Brake Adjuster License Number BA 150527C to Respondent Nelson. The brake adjuster license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2010, unless renewed.

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10. Code section 9889.3 states, in pertinent part:

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

(a) Violates any section of the Code which relates to his or her licensed activities.

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

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

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

11. Code section 9889.22 states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

12. Health and Safety Code section 44072.2(d) states, in pertinent part, that 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, commits any act involving dishonesty, fraud, or deceit whereby another is injured.

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

14. Code section 477 provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Code.

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1 **REGULATORY PROVISION**

2 15. California Code of Regulations, title 16, section 3305 states, in pertinent  
3 part:

4 (a) Performance Standards. All adjusting, inspecting, servicing, and  
5 repairing of brake systems and lamp systems shall be performed in official  
6 stations in accordance with current standards, specifications, instructions, and  
7 directives issued by the bureau and by the manufacturer of the device or vehicle.

8 16. California Code of Regulations, title 16, section 3310(e) states, in  
9 pertinent part, that an adjuster shall not engage in the activity of an official adjuster unless  
10 employed at an official station.

11 17. California Code of Regulations, title 16, section 3316 states, in pertinent  
12 part:

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

18 18. California Code of Regulations, title 16, section 3321 states, in pertinent  
19 part:

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

25 **BACKGROUND INFORMATION**

26 19. On or about September 16, 2007, Respondent Quintero purchased an auto  
27 repair facility from Mostafa Frad ("Frad"), who was doing business as Select Imports under  
28 Automotive Repair Dealer No. ARD 240239.

29 20. On or about September 25, 2007, the Bureau received the following  
30 applications from Respondent Quintero: 1) Application for Automotive Repair Dealer  
31 Registration; 2) Application for Station License (Lamp); and 3) Application for Station License  
32 (Brake).

33 21. On or about October 26, 2007, the Bureau issued Respondent Quintero  
34 Automotive Repair Dealer Registration No. ARD 252308.

1           22.     On or about November 20, 2007, a representative conducted an official  
2 lamp and brake station inspection at Respondent Quintero's facility, and it passed. On that same  
3 day, the Bureau issued Respondent Quintero Official Brake Station License No. BS 252308, and  
4 Official Lamp Station License No. LS 252308.

5                                   **CONSUMER COMPLAINT/STATION INSPECTIONS**

6           23.     On or about December 3, 2007, the Bureau received a complaint from J.R.  
7 ("consumer"). The consumer stated that she took her vehicle to Respondent Quintero's facility  
8 on November 13, 2007, for a brake and lamp inspection. When she arrived, Brake Certificate  
9 Number BC 578569 and Lamp Certificate Number LC 569920 had already been completed  
10 without an inspection being performed on the consumer's 1990 Honda Accord. Brake  
11 Certificate Number BC 578569 and Lamp Certificate Number LC 569920, were back dated to  
12 October 26, 2007 (18 days **prior**), and were issued using Frad's lamp station license number  
13 LF 240239 and Frad's brake station license number BF 240239. Further, Brake Certificate  
14 Number BC 578569 and Lamp Certificate Number LC 569920 were not purchased from the  
15 Bureau until November 5, 2007, and as such, could not have been issued on October 26, 2007.

16           24.     On or about December 12, 2007, while investigating the consumer's  
17 complaint, a Bureau representative went to Respondent Quintero's facility and discovered that  
18 on that same day, Respondent Nelson had issued three (3) lamp certificates (LC 570153,  
19 LC 570155, and LC 570161), and two (2) brake certificates (BC 578703 and BC 578705), using  
20 lamp station license number LF 240239 and brake station license number BF 240239.

21                                   **FIRST CAUSE FOR DISCIPLINE**

22                                   **(Misleading Statements - Automotive Repair Dealer Registration)**

23           25.     Respondent Quintero's registration is subject to discipline under Code  
24 section 9884.7(a)(1), in that he made statements which he knew or which by exercise of  
25 reasonable care should have known to be untrue or misleading, as follows:

26     ///

27     ///

28     ///

1 a. On or about December 10, 2007, Respondent Quintero issued three (3)  
2 lamp certificates (LC 570153, LC 570155, and LC 570161) and two (2) brake certificates  
3 (BC 578703 and BC 578705) using Frad's lamp station license number LF 240239 and Frad's  
4 brake station license number BF 240239.

5 b. On or about November 13, 2007, Respondent Quintero issued Lamp  
6 Certificate Number LC 569920 and Brake Certificate Number BC 578569: i) certifying that a  
7 brake and lamp inspection had been performed, when in fact, they had not; ii) representing  
8 himself as a licensed brake and lamp facility, when in fact, he was not licensed until  
9 November 20, 2007; and iii) dating the certificates October 26, 2007, when in fact, the  
10 certificates had not been purchased until November 5, 2007.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud - Automotive Repair Dealer Registration)**

13 26. Respondent Quintero's registration is subject to discipline under Code  
14 section 9884.7(a)(4), in that he committed acts that constitute fraud, in that on or about  
15 November 13, 2007, Respondent accepted payment for Lamp Certificate Number LC 569920  
16 and Brake Certificate Number BC 578569, certifying that the consumer's vehicle, a 1990 Honda  
17 Accord, had been inspected by an official station and was in compliance with all the  
18 requirements of the Vehicle Code and Bureau regulations, when in fact, it had not.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unlicensed Activity - Automotive Repair Dealer Registration)**

21 27. Respondent Quintero's registration is subject to discipline under Code  
22 section 9884.7(a)(6), in that on or about November 13, 2007, Respondent failed to comply with  
23 Code section 9888.3, in that he issued Lamp Certificate Number LC 569920 and Brake  
24 Certificate Number BC 578569, without being licensed to do so.

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1 Respondent's licensed activities, as more particularly set forth above in paragraphs 25  
2 through 29.

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 31. Respondent Quintero's smog check station license is subject to discipline  
6 under Health and Safety Code section 44072.2(d), in that he committed acts involving  
7 dishonesty, fraud or deceit whereby another was injured, as more particularly set forth above in  
8 paragraphs 25 through 29.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(False Statements - Adjuster Licenses)**

11 32. Respondent Nelson's brake and lamp adjuster licenses are subject to  
12 discipline under Code section 9889.3(a), in that he failed to comply with provisions of Code  
13 section 9889.22, in that he willfully made false statements or entries with regard to a material  
14 matter in certificates of compliance or noncompliance, as follows:

15 a. On or about December 10, 2007, Respondent issued three (3) lamp  
16 certificates (LC 570153, LC 570155, and LC 570161) and two (2) brake certificates (BC 578703  
17 and BC 578705) on behalf of Respondent Quintero using lamp station license number LF  
18 240239 and brake station license number BF 240239, which did not belong to Respondent  
19 Quintero. Furthermore, Respondent certified under penalty of perjury that all statements on the  
20 certificates were true and correct, when in fact, they were not.

21 b. On or about November 13, 2007, Respondent presented the consumer with  
22 Lamp Certificate Number LC 569920 and Brake Certificate Number BC 578569, back dated to  
23 October 26, 2007.

24 c. On or about November 13, 2007, Respondent provided the consumer with  
25 brake and lamp certificates certifying that the vehicle's brake and lamp systems had been  
26 inspected at a licensed brake and lamp facility, when in fact, Respondent Quintero's official  
27 brake and lamp station licenses were not issued until November 20, 2007.

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1 d. On or about November 13, 2007, Respondent represented that he had  
2 inspected the vehicles lamp and brake systems, when in fact, he did not.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

5 33. Respondent Nelson's brake and lamp adjuster licenses are subject to  
6 discipline under Code section 9889.3(d), in that he committed acts of dishonesty, fraud, or deceit  
7 whereby another was injured, in the following respects:

8 a. On or about December 10, 2007, Respondent issued three (3) lamp  
9 certificates (LC 570153, LC 570155, and LC 570161) using Frad's lamp station license number  
10 LF 240239.

11 b. On or about December 10, 2007, Respondent issued two (2) brake  
12 certificates (BC 578703 and BC 578705) using Frad's brake station license number BF 240239.

13 c. Respondent back dated Lamp Certificate Number LC 569920 and Brake  
14 Certificate Number BC 578569 to October 26, 2007, when in fact, the consumer was not at  
15 Respondent's facility on that day.

16 d. On or about November 13, 2007, Respondent falsely represented on Lamp  
17 Certificate Number LC 569920 and Brake Certificate Number BC 578569 that the certificates  
18 were issued by an official station, when in fact, they were not.

19 e. On or about November 13, 2007, Respondent certified on Lamp Certificate  
20 Number LC 569920 and Brake Certificate Number BC 578569 that the consumer's 1990 Honda  
21 Accord had been inspected and was in compliance with all the requirements of the Vehicle Code  
22 and bureau regulations, when in fact, the vehicle had never been inspected.

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OTHER MATTERS

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

7           39.     Pursuant to Health and Safety Code section 44072.8, if Smog Check  
8 Station License Number RC 252308, issued to Noel Quintero, doing business as Select Auto  
9 Repair, is revoked or suspended, any additional license issued under this chapter in the name of  
10 said licensee may be likewise revoked or suspended by the director.

11           40.     Under Code section 9889.9, if Official Brake Station License Number  
12 BS 252308, issued to Noel Quintero, doing business as Select Auto Repair, is revoked or  
13 suspended, any additional license, including Official Lamp Station License Number LS 252308,  
14 issued under this chapter in the name of said licensee, may be likewise revoked or suspended by  
15 the director.

16           41.     Under Code section 9889.9, if Brake Adjuster License Number  
17 BA 150527 C, issued to Daniel Lee Nelson, is revoked or suspended, any additional license,  
18 including Lamp Adjuster License Number LA 150527 A, issued under this chapter in the name  
19 of said licensee, may be likewise revoked or suspended by the director.

20           42.     Under Health and Safety Code section 44072.8, if Advanced Emission  
21 Specialist Technician License Number EA 150527, issued to Daniel Lee Nelson, is revoked or  
22 suspended, any additional license issued under this chapter in the name of said licensee may be  
23 likewise revoked or suspended by the director.

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PRAYER

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

4           1.       Temporarily or permanently invalidating Automotive Repair Dealer  
5 Registration Number ARD 252308, issued to Noel Quintero, doing business as Select Auto  
6 Repair;

7           2.       Temporarily or permanently invaliding any other automotive repair dealer  
8 registration issued to Noel Quintero, doing business as Select Auto Repair;

9           3.       Temporarily or permanently invalidating Smog Check Station License  
10 Number RC 252308, issued to Noel Quintero, doing business as Select Auto Repair;

11          4.       Revoking or suspending any additional license issued under Chapter 5 of  
12 the Health and Safety Code in the name of Noel Quintero, doing business as Select Auto Repair;

13          5.       Temporarily or permanently invalidating Official Brake Station License  
14 Number BS 252308, issued to Noel Quintero, doing business as Select Auto Repair;

15          6.       Temporarily or permanently invaliding any additional license issued under  
16 this chapter in the name of Noel Quintero, doing business as Select Auto Repair;

17          7.       Temporarily or permanently invalidating Official Lamp Station License  
18 Number LS 252308, issued to Noel Quintero, doing business as Select Auto Repair;

19          8.       Temporarily or permanently invaliding any additional license issued under  
20 this chapter in the name of Noel Quintero, doing business as Select Auto Repair;

21          9.       Revoking or suspending Advanced Emission Specialist Technician  
22 Number EA 150527, issued to Daniel Lee Nelson;

23          10.       Revoking or suspending any additional license issued under Chapter 5 of  
24 the Health and Safety Code in the name of Daniel Lee Nelson;

25          11.       Revoking or suspending Brake Adjuster License Number BA 150527 C,  
26 issued to Daniel Lee Nelson;

27          12.       Revoking or suspending any additional license issued under this chapter in  
28 the name of Daniel Lee Nelson:

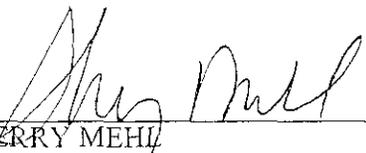
1                   13.     Revoking or suspending Lamp Adjuster License Number LA 150527 A,  
2 issued to Daniel Lee Nelson;

3                   14.     Revoking or suspending any additional license issued under this chapter in  
4 the name of Daniel Lee Nelson;

5                   15.     Ordering Noel Quintero and Daniel Lee Nelson to pay the Director of  
6 Consumer Affairs the reasonable costs of the investigation and enforcement of this case,  
7 pursuant to Code section 125.3; and,

8                   16.     Taking such other and further action as deemed necessary and proper.

9 DATED: 3-23-09

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12 SHERRY MEHL  
13 Chief  
14 Bureau of Automotive Repair  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

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Accusation (kdg) 3/16/09