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7

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

11 In the Matter of the Accusation Against:

Case No. **79/14-55**

12 **JOHN JOSEPH DUFFY**  
421 N. Green St., Unit J  
13 Tehachapi, CA 93561

**ACCUSATION**

14 **Advanced Emission Specialist Technician**  
**License No. EA 136358 (to be redesignated**  
15 **upon renewal as EO 136358 and/or**  
16 **EI 136358)**

**SMOG CHECK**

Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 **Advanced Emission Specialist Technician License**

24 2. On date uncertain in 1999, the Bureau issued Advanced Emission Specialist  
25 Technician License Number, EA 136358 (technician license) to John Joseph Duffy,  
26 (Respondent). The technician license was suspended on December 30, 2010, and expired on  
27 January 31, 2011, and has not been renewed. Upon timely renewal of the license, the license will  
28

1 be redesignated as EO 136358 and/or EI 136358.<sup>1</sup>

2 **JURISDICTION**

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

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

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

10 5. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
11 expiration or suspension of a license by operation of law, or by order or decision of the Director  
12 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
13 the Director of jurisdiction to proceed with disciplinary action.

14 6. Section 44072.8 of the Health and Safety Code states:

15 When a license has been revoked or suspended following a hearing under this article, any  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

18 7. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
19 “[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
20 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
21 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.”

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





1           3.     Ordering John Joseph Duffy, to pay the Bureau of Automotive Repair the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3; and

4           4.     Taking such other and further action as deemed necessary and proper.  
5

6 DATED: November 15, 2013           *Patrick Dorais*

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

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