

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

In the Matter of the Accusation Against:

WOODCREST SMOG & TEST ONLY;
LUIS ENRIQUE ZAMORA, Owner
18451 Van Buren Blvd.
Riverside, CA 92508
Automotive Repair Dealer Registration
No. ARD 238340
Smog Check, Test Only, Station License
No. RC 238340

and

PETER JAMES DEVANEY
30300 Antelope Road, No. 1216
Miniffee, CA 92584
Advanced Emission Specialist Technician
License No. EA 140761

Respondents.

Case No. 79/10-74

DECISION

The attached Stipulated Revocation and Disciplinary Order as to Respondent Peter James Devaney 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 Peter James Devaney, Advanced Emission Specialist Technician License No. EA 140761.

This Decision shall become effective 4-11-11.

DATED: March 8, 2011



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LORETTA A. WEST
Deputy Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **WOODCREST SMOG & TEST ONLY;**
LUIS ENRIQUE ZAMORA, OWNER
14 **18451 Van Buren Blvd.**
Riverside, CA 92508
15 **Automotive Repair Dealer Registration No.**
ARD 238340
16 **Smog Check Test Only Station License No.**
TC238340
17
18 **and**
19 **PETER JAMES DEVANEY**
30300 Antelope Road, No. 1216
Menifee, CA 92584
20 **Advanced Emission Specialist Technician**
License No. EA 140761
21
22 Respondents.

Case No. 79/10-74

**STIPULATED REVOCATION AND
DISCIPLINARY ORDER AS TO
RESPONDENT PETER JAMES
DEVANEY**

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
28 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 Loretta A. West, Deputy Attorney
2 General.

3 2. Respondent Peter James Devaney (Respondent) is representing himself in this
4 proceeding and has chosen not to exercise his right to be represented by counsel.

5 **Advanced Emission Specialist Technician License No. EA 140761**

6 3. On or about January 1, 2001, the Bureau of Automotive Repair issued Advanced
7 Emission Specialist Technician License No. EA 140761 to Peter James Devaney (Respondent).
8 The Advanced Emission Specialist Technician License was in full force and effect at all times
9 relevant to the charges brought in Accusation No. 79/10-74 and will expire on August 31, 2011,
10 unless renewed.

11 **JURISDICTION**

12 4. Accusation No. 79/10-74 was filed before the Director of Consumer Affairs
13 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on May 7, 2010. Respondent timely filed his Notice of Defense contesting the
16 Accusation. A copy of Accusation No. 79/10-74 is attached as exhibit A and incorporated herein
17 by reference.

18 **ADVISEMENT AND WAIVERS**

19 5. Respondent has carefully read, and understands the charges and allegations in
20 Accusation No. 79/10-74. Respondent has also carefully read, and understands the effects of this
21 Stipulated Revocation and Disciplinary Order.

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

1 for a new license, in which case Respondent shall pay one-half the total costs, \$6,779.17, in full at
2 the time of making such application(s).

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Revocation and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Advanced Emission Specialist Technician License.
6 I enter into this Stipulated Revocation and Disciplinary Order voluntarily, knowingly, and
7 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
8 Affairs.

9
10 DATED:

2-15-2011



11 PETER JAMES DEVANEY
12 Respondent

13 **ENDORSEMENT**

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

16
17 Dated:

2/22/2011

Respectfully Submitted,

18 EDMUND G. BROWN JR.
19 Attorney General of California
20 LINDA K. SCHNEIDER
21 Supervising Deputy Attorney General



22 LORETTA A. WEST
23 Deputy Attorney General
24 *Attorneys for Complainant*

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Exhibit A

Accusation No. 79/10-74

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Special Assistant Attorney General
3 LINDA K. SCHNEIDER
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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15 **LUIS ENRIQUE ZAMORA, OWNER**
Automotive Repair Dealer Registration
16 **No. ARD 238340**
Smog Check Test Only Station License
17 **No. TC 238340**

A C C U S A T I O N

S M O G C H E C K

18 and

19 **PETER JAMES DEVANEY**
30300 Antelope Road, No. 1216
20 **Menifee, CA 92584**
Advanced Emission Specialist Technician
21 **License No. EA 140761**

22 Respondents.

23 Complainant alleges:

24 **PARTIES**

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

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1 (c) Notwithstanding subdivision (b), the director may invalidate
2 temporarily or permanently, the registration for all places of business operated in this
3 state by an automotive repair dealer upon a finding that the automotive repair dealer
4 has, or is, engaged in a course of repeated and willful violations of this chapter, or
5 regulations adopted pursuant to it.

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

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

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

17 9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

21 (a) Violates any section of this chapter [the Motor Vehicle Inspection
22 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted
23 pursuant to it, which related to the licensed activities.

24 (c) Violates any of the regulations adopted by the director pursuant to
25 this chapter.

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

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

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1 knew or which by exercise of reasonable care he should have known were untrue or misleading
2 when he issued electronic Certificate of Compliance No. WB940274C for the 2004 Nissan 350Z,
3 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
4 the vehicle had been clean piped.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 15. Respondent Woodcrest has subjected his registration to discipline under Code section
8 9884.7, subdivision (a)(4), in that on or about August 12, 2009, he committed acts which
9 constitute fraud by issuing electronic Certificate of Compliance No. WB940274C for the 2004
10 Nissan 350Z without performing a bona fide inspection of the emission control devices and
11 systems on that vehicle, thereby depriving the People of the State of California of the protection
12 afforded by the Motor Vehicle Inspection Program.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Violation of the Motor Vehicle Inspection Program)**

15 16. Respondent Woodcrest has subjected his station license to discipline under Health
16 and Safety Code section 44072.2, subdivision (a), in that on or about August 12, 2009, regarding
17 the 2004 Nissan 350Z, he violated sections of that Code, as follows:

18 a. **Section 44012, subdivision (a):** Respondent Woodcrest failed to determine that all
19 emission control devices and systems required by law were installed and functioning correctly in
20 accordance with test procedures.

21 b. **Section 44012, subdivision (f):** Respondent Woodcrest failed to perform emission
22 control tests on that vehicle in accordance with procedures prescribed by the department.

23 c. **Section 44015, subdivision (b):** Respondent Woodcrest issued electronic Certificate
24 of Compliance No. WB940274C without properly testing and inspecting that vehicle to determine
25 if it was in compliance with section 44012 of that Code.

26 d. **Section 44059:** Respondent Woodcrest willfully made false entries for electronic
27 Certificate of Compliance No. WB940274C, certifying that the vehicle had been inspected as
28 required when, in fact, it had not.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 17. Respondent Woodcrest has subjected his station license to discipline under Health
4 and Safety Code section 44072.2, subdivision (c), in that on or about August 12, 2009, regarding
5 the 2004 Nissan 350Z, he violated sections of the California Code of Regulations, title 16, as
6 follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Woodcrest falsely or fraudulently
8 issued electronic Certificate of Compliance No. WB940274C without performing a bona fide
9 inspection of the emission control devices and systems on that vehicle as required by Health and
10 Safety Code section 44012.

11 b. **Section 3340.35, subdivision (c):** Respondent Woodcrest issued electronic
12 Certificate of Compliance No. WB940274C even though that vehicle had not been inspected in
13 accordance with section 3340.42 of that Code.

14 c. **Section 3340.42:** Respondent Woodcrest failed to conduct the required smog tests
15 and inspections on that vehicle in accordance with the Bureau's specifications.

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 18. Respondent Woodcrest has subjected his station license to discipline under Health
19 and Safety Code section 44072.2, subdivision (d), in that on or about August 12, 2009, regarding
20 the 2004 Nissan 350Z, he committed acts involving dishonesty, fraud or deceit whereby another
21 was injured by issuing electronic Certificate of Compliance No. WB940274C without performing
22 a bona fide inspection of the emission control devices and system on that vehicle, thereby
23 depriving the People of the State of California of the protection afforded by the Motor Vehicle
24 Inspection Program.

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1 c. **Section 3340.41, subdivision (c):** Respondent Devaney entered false information
2 into the Emission Inspection System ("EIS") for electronic Certificate of Compliance No.
3 WB940274C by entering vehicle emission control information for a vehicle other than the vehicle
4 being certified.

5 d. **Section 3340.42:** Respondent Devaney failed to conduct the required smog tests and
6 inspections on that vehicle in accordance with the Bureau's specifications.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Devaney has subjected his technician license to discipline under Health
10 and Safety Code section 44072.2, subdivision (d), in that on or about August 12, 2009, regarding
11 the 2004 Nissan 350Z, he committed acts involving dishonesty, fraud or deceit whereby another
12 was injured by issuing electronic Certificate of Compliance No. WB940274C without performing
13 a bona fide inspection of the emission control devices and systems on that vehicle, thereby
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle
15 Inspection Program.

16 **SURVEILLANCE OPERATION – AUGUST 27, 2009**

17 22. On or about August 27, 2009, the Bureau performed a second videotaped surveillance
18 at Respondent Woodcrest's facility. The surveillance operation and information obtained from
19 the Bureau's VID revealed that between 1201 hours and 1215 hours, Respondent performed one
20 (1) smog inspection that resulted in the issuance of electronic Certificate of Compliance No.
21 WD165206C for a 1998 Toyota Tacoma, certifying that he had tested and inspected that vehicle
22 and that the vehicle was in compliance with applicable laws and regulations. In fact, Respondent
23 performed the smog inspection using the clean piping method by using the tail pipe emissions of
24 a vehicle other than the vehicle being certified in order to issue the electronic certificate of
25 compliance. The vehicle certified was not in the test bay at the time of the smog inspection

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 23. Respondent Woodcrest has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(1), in that on or about August 27, 2009, he made statements which he
5 knew or which by exercise of reasonable care he should have known were untrue or misleading
6 when he issued electronic Certificate of Compliance No. WD165206C for the 1998 Toyota
7 Tacoma, certifying that the vehicle was in compliance with applicable laws and regulations when,
8 in fact, the vehicle had been clean piped.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 24. Respondent Woodcrest has subjected his registration to discipline under Code section
12 9884.7, subdivision (a)(4), in that on or about August 27, 2009, he committed acts which
13 constitute fraud by issuing electronic Certificate of Compliance No. WD165206C for the 1998
14 Toyota Tacoma without performing a bona fide inspection of the emission control devices and
15 systems on that vehicle, thereby depriving the People of the State of California of the protection
16 afforded by the Motor Vehicle Inspection Program.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 25. Respondent Woodcrest has subjected his station license to discipline under Health
20 and Safety Code section 44072.2, subdivision (a), in that on or about August 27, 2009, regarding
21 the 1998 Toyota Tacoma, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (a):** Respondent Woodcrest failed to determine that all
23 emission control devices and systems required by law were installed and functioning correctly in
24 accordance with test procedures.

25 b. **Section 44012, subdivision (f):** Respondent Woodcrest failed to perform emission
26 control tests on that vehicle in accordance with procedures prescribed by the department.

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28

1 c. **Section 44015, subdivision (b):** Respondent Woodcrest issued electronic Certificate
2 of Compliance No. WD165206C without properly testing and inspecting that vehicle to determine
3 if it was in compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Woodcrest willfully made false entries for electronic
5 Certificate of Compliance No. WD165206C, certifying that the vehicle had been inspected as
6 required when, in fact, it had not.

7 **TWELFTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

9 26. Respondent Woodcrest has subjected his station license to discipline under Health
10 and Safety Code section 44072.2, subdivision (c), in that on or about August 27, 2009, regarding
11 the 1998 Toyota Tacoma, he violated sections of the California Code of Regulations, title 16, as
12 follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Woodcrest falsely or fraudulently
14 issued electronic Certificate of Compliance No. WD165206C without performing a bona fide
15 inspection of the emission control devices and systems on that vehicle as required by Health and
16 Safety Code section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Woodcrest issued electronic
18 Certificate of Compliance No. WD165206C even though that vehicle had not been inspected in
19 accordance with section 3340.42 of that Code.

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

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

24 27. Respondent Woodcrest has subjected his station license to discipline under Health
25 and Safety Code section 44072.2, subdivision (d), in that on or about August 27, 2009, regarding
26 the 1998 Toyota Tacoma, he committed acts involving dishonesty, fraud or deceit whereby
27 another was injured by issuing electronic Certificate of Compliance No. WD165206C for that
28 vehicle without performing a bona fide inspection of the emission control devices and system on

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

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

5 28. Respondent Devaney has subjected his technician license to discipline under Health
6 and Safety Code section 44072.2, subdivision (a), in that on or about August 27, 2009, regarding
7 the 1998 Toyota Tacoma, he violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (a):** Respondent Devaney failed to determine that all
9 emission control devices and systems required by law were installed and functioning correctly in
10 accordance with test procedures.

11 b. **Section 44012, subdivision (f):** Respondent Devaney failed to perform emission
12 control tests on that vehicle in accordance with procedures prescribed by the department.

13 c. **Section 44032:** Respondent Devaney failed to perform tests of the emission control
14 devices and systems on that vehicle in accordance with section 44012 of that Code.

15 d. **Section 44059:** Respondent Devaney willfully made false entries for electronic
16 Certificate of Compliance No. WD165206C, certifying that the vehicle had been inspected as
17 required when, in fact, it had not.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 29. Respondent Devaney has subjected his technician license to discipline under Health
21 and Safety Code section 44072.2, subdivision (c), in that on or about August 27, 2009, regarding
22 the 1998 Toyota Tacoma, he violated sections of the California Code of Regulations, title 16, as
23 follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Devaney falsely or fraudulently issued
25 electronic Certificate of Compliance No. WD165206C without performing a bona fide inspection
26 of the emission control devices and systems on that vehicle as required by Health and Safety
27 Code section 44012.

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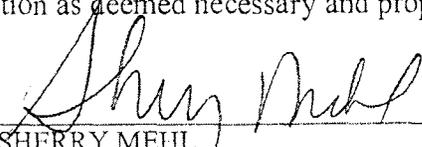
1 any additional license issued under this chapter in the name of said licensee may be likewise
2 revoked or suspended by the director.

3 **PRAYER**

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

- 6 1. Temporarily or permanently invalidating Automotive Repair Dealer Registration
7 Number ARD 238340, issued to Luis Enrique Zamora doing business as Woodcrest Smog & Test
8 Only;
- 9 2. Temporarily or permanently invalidating any other automotive repair dealer
10 registration issued to Luis Enrique Zamora;
- 11 3. Revoking or suspending Smog Check Test Only Station License Number TC 238340,
12 issued to Luis Enrique Zamora doing business as Woodcrest Smog & Test Only;
- 13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
14 and Safety Code in the name of Luis Enrique Zamora;
- 15 5. Revoking or suspending Advanced Emission Specialist Technician License Number
16 EA 140761, issued to Peter James Devaney;
- 17 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
18 and Safety Code in the name of Peter James Devaney;
- 19 7. Ordering Luis Enrique Zamora and Peter James Devaney to pay the Bureau of
20 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
21 pursuant to Business and Professions Code section 125.3; and,
- 22 8. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 4/28/10


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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