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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 and Petition to  
12 Revoke Probation Against:

13 **VICTOR HUGO DELEON**  
14 **227 W. Imperial Highway, Unit #C**  
15 **Los Angeles, CA 90061**  
16 **Advanced Emission Specialist Technician**  
17 **License No. EA 145370**

Respondent.

Case No. 79/12-122

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

SMOG CHECK

17 Complainant alleges:

18 **PARTIES**

19 1. John Wallauch ("Complainant") brings this Accusation and Petition to Revoke  
20 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair  
21 ("Bureau"), Department of Consumer Affairs.

22 **Advanced Emission Specialist Technician License**

23 2. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist  
24 Technician License Number EA 145370 ("technician license") to Victor Hugo Deleon  
25 ("Respondent"). The technician license was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on October 31, 2012, unless renewed.

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

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

4 **COST RECOVERY**

5 8. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

9 **ACCUSATION**

10 **UNDERCOVER OPERATION FEBRUARY 1, 2012**

11 9. On or about February 1, 2012, a Bureau undercover operator ("operator") drove a  
12 Bureau-documented 2001 Honda Prelude to Quality Smog & Auto Repair located at 9519 Artesia  
13 Boulevard, Bellflower, California, for a smog inspection. The vehicle could not pass the visual  
14 portion of the smog inspection because the vehicle's evaporative canister was missing. The  
15 operator signed and received a copy of the work order. Respondent completed the smog  
16 inspection and issued electronic Certificate of Compliance No. XD328883, certifying that he had  
17 tested and inspected that vehicle and that the vehicle was in compliance with applicable laws and  
18 regulations. The operator paid \$50 for the smog inspection and received a copy of Invoice No.  
19 21102 and the Vehicle Inspection Report.

20 **FIRST CAUSE FOR DISCIPLINE**

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

22 10. Respondent has subjected his technician license to discipline under Health and  
23 Safety Code section 44072.2, subdivision (a), in that on or about February 1, 2012, regarding the  
24 2001 Honda Prelude, he violated sections of that Code, as follows:

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

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1 **PETITION TO REVOKE PROBATION**

2 13. The allegations of paragraphs 1 through 12 of the accusation above are incorporated  
3 herein by reference as though fully set forth and are realleged.

4 14. Grounds exist to revoke the probation and reimpose the order of revocation of  
5 Respondent's Advanced Emission Specialist Technician License No. EA 145370, in that  
6 Respondent failed to comply with all statutes, regulations, and rules governing estimates and  
7 inspections as required by **Term 1** of the terms of the probation under the Decision and Order,  
8 Case No. 79/11-54, as set forth in paragraphs 14 through 22 of the accusation above.

9 **OTHER MATTERS**

10 15. Under section 44072.8 of the Health and Safety Code, if Advanced Emission  
11 Specialist Technician License No. EA 145370, issued to Victor Hugo Deleon, is revoked or  
12 suspended, any additional license issued under this chapter in the name of said licensee may be  
13 likewise revoked or suspended by the director.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
16 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of  
17 Consumer Affairs issue a decision:

18 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case  
19 No. 79/11-54 and imposing the disciplinary order that was stayed thereby revoking Advanced  
20 Emission Specialist Technician License No. EA 145370 issued to Victor Hugo Deleon;

21 2. Revoking or suspending any additional license issued under Chapter 5 of the Health  
22 and Safety Code in the name of Victor Hugo Deleon;

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1           3.    Ordering Victor Hugo Deleon 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.  
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7  
8 DATED: 4-20-12

John Wallauch by Don B. [Signature]  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant  
Assist. chief

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