

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

In the Matter of the Accusation and Petition to
Revoke Probation Against:

STEVEN GABRIEL ESPINOZA
6972 Amador Valley Blvd.
Dublin, CA 94568

Advanced Emission Specialist
Technician License No. EA 152567
(subject to redesignation upon renewal
to EO 152567 and/or EI 152567)

Respondent.

Case No. 79/14-13

DECISION

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.

This Decision shall become effective April 29, 2016.

DATED: April 1, 2016



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
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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 and Petition to
Revoke Probation Against:

Case No. 79/14-13

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13
14 **STEVEN GABRIEL ESPINOZA**
6972 Amador Valley Blvd.
15 Dublin, CA 94568

16 **Advanced Emission Specialist Technician**
License No. EA 152567
17 (subject to redesignation upon renewal to EO
18 152567 and/or EI 152567)

19 Respondent.

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 PARTIES

24 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
25 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
26 Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou,
27 Deputy Attorney General.

28 2. Steven Gabriel Espinoza (Respondent) is representing himself in this proceeding and

1 has chosen not to exercise his right to be represented by counsel.

2 3. In 2006, the Bureau issued Advanced Emission Specialist Technician License Number
3 EA 152567, subject to redesignation upon renewal to Smog Check Inspector License No. EO
4 152567 and/or Smog Check Repair Technician License No. EI 152567, to Steven Gabriel
5 Espinoza.¹ The license expired on February 28, 2014, and has not been renewed.

6 4. In a disciplinary action entitled "In the Matter of the Accusation Against Steven
7 Gabriel Espinoza," Case No. 79/10-54, the Director of the Department of Consumer Affairs
8 issued a Decision and Order effective on or about September 7, 2010, in which Respondent
9 Espinoza's technician license was revoked. However, the revocation was stayed and the
10 technician license was placed on probation for three (3) years with certain terms and conditions.

11 JURISDICTION

12 5. Accusation and Petition to Revoke Probation No. 79/14-13 was filed before the
13 Director of the Department of Consumer Affairs (Director), for the Bureau, and is currently
14 pending against Respondent. The Accusation and Petition to Revoke Probation and all other
15 statutorily required documents were properly served on Respondent on August 15, 2013.
16 Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke
17 Probation.

18 6. A copy of Accusation and Petition to Revoke Probation No. 79/14-13 is attached as
19 exhibit A and incorporated by reference.

20 ADVISEMENT AND WAIVERS

21 7. Respondent has carefully read, and understands the charges and allegations in
22 Accusation and Petition to Revoke Probation No. 79/14-13. Respondent has also carefully read,
23 and understands the effects of this Stipulated Settlement and Disciplinary Order.

24 8. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the

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 Technician (EB) license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 right to be represented by counsel at his own expense; the right to confront and cross-examine the
2 witnesses against him; the right to present evidence and to testify on his own behalf; the right to
3 the issuance of subpoenas to compel the attendance of witnesses and the production of
4 documents; the right to reconsideration and court review of an adverse decision; and all other
5 rights accorded by the California Administrative Procedure Act and other applicable laws.

6 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
7 every right set forth above.

8 CULPABILITY

9 10. Respondent admits the truth of each and every charge and allegation in Accusation
10 and Petition to Revoke Probation No. 79/14-13.

11 11. Respondent agrees that his Advanced Emission Specialist Technician is subject to
12 discipline and he agrees to be bound by the Director's imposition of discipline as set forth in the
13 Disciplinary Order below.

14 CONTINGENCY

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

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

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Atto Aspasia

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

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

DISCIPLINARY ORDER

IT IS ORDERED that Advanced Emission Technician Specialist License No. EA 152567, issued to Steven Gabriel Espinoza, and subject to redesignation upon renewal to Smog Check Inspector License No. EO 152567 and/or Smog Check Repair Technician License No. EI 152567, is revoked. The probation that was granted by the Bureau of Automotive Repair to Steven Gabriel Espinoza in Case No. 79/10-54 is also revoked.

IT IS FURTHER ORDERED that if the Bureau is to issue Steven Gabriel Espinoza a new license, Steven Gabriel Espinoza shall pay the Bureau costs of investigation and enforcement in the amount of \$10,000.00 prior to the issuance of the new license.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician 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: 1-14-16


STEVEN GABRIEL ESPINOZA
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: 2/8/2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation and Petition to Revoke Probation No. 79/14-13

1 KAMALA D. HARRIS
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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:

Case No. 79/14-13

13 A OFFICIAL SMOG STATION
1813 Mt. Diablo Blvd. Unit C
14 Walnut Creek, CA 94596
15 MELISSA ANN LOPEZ, OWNER

ACCUSATION AGAINST A OFFICIAL
SMOG STATION; ACCUSATION AND
PETITION TO REVOKE PROBATION
AGAINST STEVEN GABRIEL
ESPINOZA

16 Automotive Repair Dealer
Registration No. ARD 256766
17 Smog Check Test Only Station
License No. TC 256766

18 Respondent

19
20
21 In the Matter of the Accusation and Petition to
Revoke Probation Against:

22 STEVEN GABRIEL ESPINOZA
689 San Miguel Ave.
23 Sunnyvale, CA 94568
24 Advanced Emission Specialist Technician
License No. EA 152567 (to be redesignated
25 upon renewal as EO 152567 and/or EI
152567)

26 Respondent

1 Complainant alleges:

2 PARTIES

3 1. Patrick Dorais (Complainant) brings this Accusation and this Accusation and Petition
4 to Revoke Probation solely in his official capacity as the Acting Chief of the Bureau of
5 Automotive Repair (Bureau), Department of Consumer Affairs.

6 A Official Smog Station (Melissa Ann Lopez, Owner)

7 2. On or about November 25, 2008, the Director of Consumer Affairs (Director) issued
8 Automotive Repair Dealer Registration Number ARD 256766 (registration) to Melissa Ann
9 Lopez (Respondent Lopez) doing business as A Official Smog Station. The registration was in
10 full force and effect at all times relevant to the charges brought in this Accusation and expires on
11 October 31, 2013, unless renewed.

12 3. On or about December 12, 2008, the Director issued Smog Check Test Only Station
13 License No. TC 256766 (station license) to Respondent Lopez doing business as A Official Smog
14 Station. The station license was in full force and effect at all times relevant to the charges
15 brought in this Accusation and expires on October 31, 2013, unless renewed.

16 Steven Gabriel Espinoza

17 4. In 2006, the Director issued Advanced Emission Specialist Technician License
18 Number EA 152567 (technician license) to Steven Gabriel Espinoza (Respondent Espinoza). The
19 technician license is due to expire on February 28, 2014. Upon timely renewal of the license, the
20 license will be redesignated as EO 152567 and/or EI 152567.¹

21 5. In a disciplinary action entitled "In the Matter of the Accusation Against...Steven
22 Gabriel Espinoza," Case No. 79/10-54, the Director of Consumer Affairs issued a Decision and
23 Order effective on or about September 7, 2010, in which Respondent Espinoza's technician
24 license was revoked. However, the revocation was stayed and the technician license was placed
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 Technician (EB) license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 on probation for three (3) years with certain terms and conditions. A copy of that Decision and
2 Order is attached as Exhibit A and is incorporated by reference.

3 **JURISDICTION AND STATUTORY PROVISIONS**

4 6. These Accusations and Petition to Revoke Probation are brought before the Director
5 of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the
6 following laws.

7 7. Business and Professions Code section 9884.7 provides that the Director may revoke
8 an automotive repair dealer registration.

9 8. Business and Professions Code section 9884.13 provides, in pertinent part: that the
10 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a
11 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or
12 permanently invalidating (suspending or revoking) a registration.

13 9. Business and Professions Code section 9884.7 states, in pertinent part:

14 "(a) The director, where the automotive repair dealer cannot show there was a bona fide
15 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
16 dealer for any of the following acts or omissions related to the conduct of the business of the
17 automotive repair dealer, which are done by the automotive repair dealer or any automotive
18 technician, employee, partner, officer, or member of the automotive repair dealer.

19 (1) Making or authorizing in any manner or by any means whatever any statement written
20 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable
21 care should be known, to be untrue or misleading.

22 (2) Causing or allowing a customer to sign any work order that does not state the repairs
23 requested by the customer or the automobile's odometer reading at the time of repair.

24 ...

25 (6) Failure in any material respect to comply with the provisions of this chapter [the
26 Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted pursuant to
27 it.

28 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more

1 than one place of business in this state, the director pursuant to subdivision (a) shall only suspend,
2 revoke, or place on probation the registration of the specific place of business which has violated
3 any of the provisions of this chapter. This violation, or action by the director, shall not affect in
4 any manner the right of the automotive repair dealer to operate his or her other places of business.

5 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
6 probation the registration for all places of business operated in this state by an automotive repair
7 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
8 and willful violations of this chapter, or regulations adopted pursuant to it."

9 10. Business and Professions Code section 9884.9, subdivision (a), states, in pertinent
10 part:

11 "The automotive repair dealer shall give to the customer a written estimated price for labor
12 and parts necessary for a specific job. No work shall be done and no charges shall accrue before
13 authorization to proceed is obtained from the customer."

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

18 12. Health and Safety Code section 44002 provides, in pertinent part, that the Director
19 has all the powers and authority granted under the Automotive Repair Act for enforcing the
20 Motor Vehicle Inspection Program.

21 13. Health and Safety Code section 44072.2 states, in pertinent part:

22 "The Director may suspend, revoke, or take other disciplinary action against a license as
23 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
24 following:

25 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program
26 (Health and Safety Code, 44000, et seq.)) and the regulations adopted pursuant to it, which related
27 to the licensed activities.

28

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

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

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

7 “When a license has been revoked or suspended following a hearing under this article, any
8 additional license issued under this chapter in the name of the licensee may likewise be revoked
9 or suspended by the director.”

10 16. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that
11 upon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist
12 Technician license issued prior to the effective date of this regulation, the licensee may apply to
13 renew as a Smog Inspector, Smog Check Repair Technician, or both.

14 **COST RECOVERY**

15 17. Business and Professions Code section 125.3 provides, in pertinent part, that a
16 Board may request the administrative law judge to direct a licentiate found to have committed a
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
18 investigation and enforcement of the case.

19 **UNDERCOVER VEHICLE NO. 1: – MAY 9, 2012**

20 18. On or about May 9, 2012, a Bureau undercover operator requested a smog
21 inspection for a 2000 Chevrolet from Respondent Lopez’s A Official Smog Station, located at
22 1813 Mt. Diablo Blvd., Unit C, Walnut Creek, California, where Respondent Espinoza was
23 employed as a smog technician. The operator signed a work order but did not receive a written
24 estimate for the price of parts and labor. Respondent Espinoza then performed the smog
25 inspection and issued electronic Certificate of Compliance [REDACTED], certifying that the
26 vehicle was in compliance with all laws and regulations; however, the vehicle should have failed
27 the visual portion of the smog inspection, because the vehicle’s Air Injection Pump and other
28 related components had been removed. After the inspection, the operator paid \$39.95 and

1 received a Vehicle Inspection Report indicating that Respondents had issued a certificate of
2 compliance for the vehicle.

3 FIRST CAUSE FOR DISCIPLINE

4 (Untrue and Misleading Statements)

5 19. Respondent Lopez has subjected her registration to discipline under Business and
6 Professions Code section 9884.7, subdivision (a)(l), by issuing electronic Certificate of
7 Compliance No. [REDACTED] for the 2000 Chevrolet on or about May 9, 2012, certifying that the
8 vehicle was in compliance with applicable laws and regulations when, in fact, it could not have
9 passed the visual portion of the smog inspection due to the fact that the Air Injection Pump had
10 been removed from the vehicle.

11 SECOND CAUSE FOR DISCIPLINE

12 (Failure to Comply with Code)

13 20. Respondent Lopez has subjected her registration to discipline under Business and
14 Professions Code section 9884.7, subdivision (a)(6), in that on or about May 9, 2012, Respondent
15 failed to comply with the following section of that code:

16 a. Section 9884.9, subdivision (a): Respondent failed to provide the operator
17 with a written estimated price for parts and labor for a specific job.

18 THIRD CAUSE FOR DISCIPLINE

19 (Violation of the Motor Vehicle Inspection Program)

20 21. Respondent Lopez has subjected her station license to discipline under Health &
21 Safety Code section 44072.2, subdivision (a), in that on or about May 9, 2012, regarding the 2000
22 Chevrolet, she failed to comply with the following sections of that Code:

23 a. Section 44012, subdivision (f): Respondent failed to perform emission control
24 inspections on the vehicle in accordance with procedures prescribed by the department.

25 b. Section 44015, subdivision (b): Respondent issued electronic Certificate of
26 Compliance No. OM676614C for the vehicle without properly inspecting the vehicle to determine
27 if it was in compliance with Health & Safety Code section 44012.

28 ///

1 Chevrolet, he violated sections of the California Code of Regulations, title 16, as follows:

2 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test that vehicle
3 in accordance with Health and Safety Code section 44012.

4 b. Section 3340.41, subdivision (c): Respondent entered false information into the
5 Emissions Inspection System for electronic Certificate of Compliance No [REDACTED] by
6 entering "N" for Not Applicable for the visual inspection of the air injection system even though
7 the Air Injection Pump and other related components that are required were missing from this
8 vehicle.

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

11 **UNDERCOVER VEHICLE NO. 2: - MAY 9 and 16, 2012**

12 25. On or about May 9, 2012, a Bureau undercover operator requested a smog inspection
13 for a 1997 Chevrolet from Respondent Lopez's A Official Smog Station, located at 1813 Mt.
14 Diablo Blvd., Unit C, Walnut Creek, California, where Respondent Espinoza was employed as a
15 smog technician. The operator signed a work order but did not receive a written estimate for the
16 price of parts and labor. The work order did not show the automobile's odometer reading.
17 Respondent Espinoza then performed a smog inspection and entered "Pass" into the Emissions
18 Inspection System (EIS) for the Comprehensive Visual Inspection portion of the smog inspection
19 indicating that the required visual smog equipment components were in compliance with all laws
20 and regulations; however, the vehicle should have failed the visual portion of the smog
21 inspection, because the vehicle's Evaporative Emission Control (EVAP) canister had been
22 removed. The operator paid \$49.95 and received a Vehicle Inspection Report indicating that the
23 vehicle had passed the portion of the inspection requiring the technician to check for Fuel
24 Evaporative Controls. Respondents did not issue an electronic certificate of compliance due to
25 uncompleted self tests and Respondent Espinoza instructed the operator to return for another
26 inspection after driving the vehicle for approximately 80 miles.

27 26. On or about May 16, 2012, the operator returned to the station with the vehicle for the
28 reinspection. The operator signed a work order but did not receive a written estimate for the price

1 of parts and labor. Respondent Espinoza performed another smog inspection and this time issued
2 electronic Certificate of Compliance [REDACTED], certifying that the vehicle was in
3 compliance with all laws and regulations; however, the vehicle should have failed the visual
4 portion of the smog inspection because the vehicle's Evaporative Emission Control (EVAP)
5 canister was still missing.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 **(Untrue and Misleading Statements)**

8 27. Respondent Lopez has subjected her registration to discipline under Business and
9 Professions Code section 9884.7, subdivision (a)(1), by issuing electronic Certificate of
10 Compliance No [REDACTED] for the 1997 Chevrolet on or about May 16, 2012, certifying that
11 the vehicle was in compliance with applicable laws and regulations when, in fact, it could not
12 have passed the visual portion of the smog inspection due to the fact that the EVAP canister had
13 been removed from the vehicle.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Work Order Requirement)**

16 28. Respondent Lopez has subjected her registration to discipline under Business and
17 Professions Code section 9884.7, subdivision (a)(2), in that on or about May 9, 2012, Respondent
18 allowed the operator to sign a work order that did not state the odometer reading of the vehicle.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Code)**

21 29. Respondent has subjected her registration to discipline under Business and
22 Professions Code section 9884.7, subdivision (a)(6), in that on or about May 9, 2012, and on or
23 about May 16, 2012, Respondent failed to comply with the following section of that code:

24 a. Section 9884.9, subdivision (a): Respondent failed to provide the operator
25 with a written estimated price for parts and labor for a specific job.

26 **TENTH CAUSE FOR DISCIPLINE**

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

28 30. Respondent Lopez has subjected her station license to discipline under Health &

1 Safety Code section 44072.2, subdivision (a), in that on or about May 9, 2012 and on or about
2 May 16, 2012, regarding the 1997 Chevrolet, she failed to comply with the following section of
3 that code:

4 a. Section 44012, subdivision (f): Respondent failed to perform emission control
5 inspections on the vehicle in accordance with procedures prescribed by the department.

6 **ELEVENTH CAUSE FOR DISCIPLINE**

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

8 31. Respondent Lopez has subjected her station license to discipline under Health &
9 Safety Code section 44072.2, subdivision (c), in that on or about May 9, 2012, and May 16, 2012,
10 regarding the 1997 Chevrolet, she failed to comply with provisions of California Code of
11 Regulations, title 16, as follows:

12 a. Section 3340.42, subdivision (e)(1)(F): Respondent failed perform a proper visual
13 inspection of the vehicle in accordance with procedures prescribed by the department.

14 **TWELFTH CAUSE FOR DISCIPLINE**

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

16 32. Respondent Espinoza has subjected his technician license to discipline under Health
17 and Safety Code section 44072.2, subdivision (a), in that on or about May 9, 2012, and May 16,
18 2012, regarding the 1997 Chevrolet, he violated sections of the Health and Safety Code, as
19 follows:

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

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

25 c. Section 44032: Respondent failed to perform tests of the emission control devices
26 and systems on that vehicle in accordance with section 44012 of that Code, in that the vehicle's
27 EVAP canister had been removed.

28

1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations)

3 33. Respondent Espinoza has subjected his technician license to discipline under Health
4 and Safety Code 44072.2, subdivision (c), in that on or about May 9, 2012, and May 16, 2012,
5 regarding the 1997 Chevrolet, he violated sections of California Code of Regulations, title 16, as
6 follows:

7 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test that vehicle
8 in accordance with Health and Safety Code section 44012.

9 b. Section 3340.41, subdivision (c): On May 16, 2012, Respondent entered false
10 information into the Emissions Inspection System for electronic Certificate of Compliance No.
11 [REDACTED] by entering "PASS" for the visual inspection of the EVAP even though the EVAP
12 canister had been removed from this vehicle.

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

15 **DISCIPLINARY CONSIDERATION REGARDING RESPONDENT LOPEZ**

16 34. To determine the degree of discipline, if any, to be imposed against Respondent
17 Lopez, Complaint alleges that or about January 26, 2010, the Bureau issued Citation No. C2010-
18 0729 against Respondent Lopez for violating Health and Safety Code section 44012(f) (failure to
19 determine that emission control devices and systems required by State and Federal law are
20 installed and functioning correctly in accordance with test procedures) and California Code of
21 Regulations section 3340.35(c) (issuing a Certificate of Compliance to a vehicle that was
22 improperly tested). The Bureau assessed civil penalties totaling \$500 against Respondent for the
23 violations. Respondent paid this citation on April 5, 2010.

24 **OTHER MATTERS**

25 35. Under Business and Professions Code section 9884.7(c), the director may suspend,
26 revoke, or place on probation the registrations for all places of business operated in this state by
27 Melissa Ann Lopez, upon a finding that she has, or is, engaged in a course of repeated and willful
28 violation of the laws and regulations pertaining to an automotive repair dealer.

1 PRAYER

2 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Accusation and Accusation and Petition to Revoke Probation, and that following the hearing, the
4 Director of Consumer Affairs issue a decision:

5 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
6 Registration Number ARD 256766, issued to Melissa Ann Lopez, doing business as A Official
7 Smog Station;

8 2. Revoking, suspending, or placing on probation any other automotive repair dealer
9 registration issued to Melissa Ann Lopez;

10 3. Revoking or suspending Smog Check Test Only Station License Number TC 256766,
11 issued to Melissa Ann Lopez, doing business as A Official Smog Station;

12 4. Revoking or suspending any additional license issued to Melissa Ann Lopez under
13 Chapter 5, of the Health and Safety Code, pursuant to Health and Safety Code section 44072.8;

14 5. Ordering Melissa Ann Lopez to pay the Director of Consumer Affairs the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Code section 125.3;

16 6. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
17 No. 79/10-54 and imposing the disciplinary order that was stayed thereby revoking Steven
18 Gabriel Espinoza's technician license, currently designated as Advanced Emission Specialist
19 Technician License No. EA 152567, and subject to redesignation upon timely renewal as EO
20 152567 and/or EI 152567;

21 7. Revoking or suspending Steven Gabriel Espinoza's technician license, currently
22 designated as EA 152567, and subject to redesignation upon timely renewal as EO 152567 and/or
23 EI 152567;

24 7. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Steven Gabriel Espinoza;

26 8. Ordering Steven Gabriel Espinoza to pay the Director of Consumer Affairs the
27 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
28 125.3;

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9. Taking such other and further action as deemed necessary and proper.

DATED: August 7, 2013

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

SF2012901106