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

10 79/12-98

11 In the Matter of the Accusation Against:
12 **FRANK ROBERT ALFEREZ**
13 **16240 Via Rancho Drive**
Riverside, CA 92506
14 **Advanced Emission Specialist Technician**
License No. EA 153586
15 Respondent.

Case No.
A C C U S A T I O N
S M O G C H E C K

16
17 Complainant alleges:

18 **PARTIES**

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

21 **Advanced Emission Specialist Technician License**

22 2. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist
23 Technician License Number EA 153586 ("technician license") to Frank Robert Alferez
24 ("Respondent"). The technician license expired on February 28, 2011, and has not been renewed.

25 **STATUTORY PROVISIONS**

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

1 control systems and devices in accordance with section 44012 of that Code) and California Code
2 of Regulations, title 16, ("Regulation") section 3340.30, subdivision (a) (qualified technicians
3 shall inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of the Health
4 and Safety Code, and Regulation section 3340.42). On September 24, 2009, the Bureau served
5 Respondent with the citation. The Bureau required that Respondent complete a 16-hour training
6 course. However, Respondent did not appeal the citation within thirty (30) days of service of the
7 citation nor has Respondent completed the required training.

8 **OTHER MATTERS**

9 10. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
10 Technician License Number EA 153586, issued to Frank Robert Alferez, is revoked or
11 suspended, any additional license issued under this chapter in the name of said licensee may be
12 likewise revoked or suspended by the director.

13 **PRAYER**

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

- 16 1. Revoking or suspending Advanced Emission Specialist Technician License Number
17 EA 153586, issued to Frank Robert Alferez;
- 18 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
19 and Safety Code in the name of Frank Robert Alferez;
- 20 3. Ordering Frank Robert Alferez to pay the Bureau of Automotive Repair the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3; and,
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: 3/6/12

25 John Wallauch by Doug Balatt
26 JOHN WALLAUCH
27 Chief
28 Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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