

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

In the Matter of the Accusation Against:

**FRANK ROBERT ALFEREZ**  
16240 Via Rancho Drive  
Riverside, CA 92506

Advanced Emission Specialist Technician  
License No. EA 153586

Case No. 79/12-98

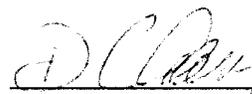
Respondent.

**DECISION**

The attached Stipulated Revocation 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 12/12/12.

DATED: OCT 31 2012

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
9 **STATE OF CALIFORNIA**  
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11 In the Matter of the Accusation Against:

Case No. 79/12-98

12 **FRANK ROBERT ALFEREZ**  
16240 Via Rancho Drive  
13 Riverside, CA 92506  
Advanced Emission Specialist Technician  
14 License No. EA 153586

**STIPULATED REVOCATION AND  
DISCIPLINARY ORDER**

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He  
21 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
22 Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

23 2. Frank Robert Alferez (Respondent) is representing himself in this proceeding and has  
24 chosen not to exercise his right to be represented by counsel.

25 3. On or about January 1, 2006, the Bureau of Automotive Repair issued Advanced  
26 Emission Specialist Technician License No. EA 153586 to Frank Robert Alferez (Respondent).  
27 The Advanced Emission Specialist Technician License expired on February 28, 2011, and has not  
28 been renewed.





1 Respondent shall be held responsible for payment of the total investigative and enforcement  
2 costs incurred in this case amounting to \$712.50. These costs shall be deferred until reapplication  
3 for any registration or license the Bureau issues.

4 ACCEPTANCE

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

10  
11 DATED: JUNE 8, 2012   
12 FRANK ROBERT ALFEREZ  
13 Respondent

14 ENDORSEMENT

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

17 Dated: May \_\_, 2012

18 Respectfully submitted,  
19 KAMALA D. HARRIS  
20 Attorney General of California  
21 GLORIA A. BARRIOS  
22 Supervising Deputy Attorney General

23 MICHAEL BROWN  
24 Deputy Attorney General  
25 *Attorneys for Complainant*

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8 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
9 Affairs.

10  
11 DATED: \_\_\_\_\_

FRANK ROBERT ALFEREZ  
Respondent

12  
13  
14 ENDORSEMENT

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

17 Dated: June 19, 2012

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General

  
MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/12-98**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
9 **STATE OF CALIFORNIA**

10 79/12-98

11 In the Matter of the Accusation Against:

Case No.

12 **FRANK ROBERT ALFEREZ**  
16240 Via Rancho Drive  
13 Riverside, CA 92506  
Advanced Emission Specialist Technician  
14 License No. EA 153586

**ACCUSATION**

**SMOG CHECK**

15 Respondent.

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 Alferéz  
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.

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4. Section 44050 of the Health and Safety Code states, in pertinent part:

(a) In addition to or in lieu of any other remedy or penalty, including, but not limited to, education, training, or an office conference, the department may issue a citation to a licensee, contractor, or fleet owner for a violation of the requirements of this chapter or a regulation adopted pursuant to this chapter. The citation may contain an order of abatement or the assessment of an administrative fine, or both.

(e) Failure to comply with an order of abatement or payment of an administrative fine issued by the department pursuant to this section is grounds for suspension or revocation of the license, or placing the license on probation.

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

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

6. 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.

7. Section 44072.8 of the Health and Safety Code states:

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

**COST RECOVERY**

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

**CAUSE FOR DISCIPLINE**

**(Failure to Complete Training)**

9. Respondent has subjected his technician license to discipline pursuant to Health and Safety Code section 44050, subdivision (e), in that on or about September 8, 2009, the Bureau issued Citation No. M2010-0188 to Respondent against his technician license for violations of Health and Safety Code section 44032, (qualified technicians shall perform tests of emission

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 Bluff  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant

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