

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

In the Matter of the Statement of Issues Against:

STANLEY EMMANUEL GUEVARA

Applicant for Smog Check Inspector
License and Smog Check Repair Technician
License

Respondent.

Case No. 79/09-44s

OAH No. 2014010983

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 December 31, 2014.

DATED: December 5, 2014



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2095
6 Facsimile: (213) 897-2804
E-mail: MichaelB.Brown@doj.ca.gov
7 *Attorneys for Complainant*

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 Statement of Issues
12 Against:
13 **STANLEY EMMANUEL GUEVARA**
14 **Applicant for Smog Check Inspector**
15 **License and Smog Check Repair Technician**
16 **License**
17 **Respondent.**

Case No. 79/09-44s
OAH No. 2014010983
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

20 PARTIES

- 21 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
22 brought this action solely in his official capacity and is represented in this matter by Kamala D.
23 Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.
- 24 2. Respondent Stanley Emmanuel Guevara (Respondent) is represented in this
25 proceeding by attorney Larry L. Nash, whose address is: 19355 Business Center Drive, Suite 3
26 Northridge, California 91324.

27 ///
28 ///

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that the Bureau will allow Respondent to apply for Initial
8 Smog Check Inspector and Smog Check Repair Technician Licenses and upon meeting all pre-
9 licensure requirements, Applications for Smog Check Inspector and Smog Check Repair
10 Technician Licenses, filed by Respondent Stanley Emmanuel Guevara will be granted, the
11 licenses issued and immediately revoked. The revocation will be stayed and Respondent's
12 licenses is placed on three (3) years probation on the following terms and conditions:

13 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
14 automotive inspections, estimates and repairs.

15 2. **Reporting.** Respondent or Respondent's authorized representative must report in
16 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
17 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
18 maintaining compliance with the terms and conditions of probation.

19 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report
20 any financial interest which any partners, officers, or owners of the Respondent facility may have
21 in any other business required to be registered pursuant to Section 9884.6 of the Business and
22 Professions Code.

23 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
24 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

25 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
26 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
27 until the final decision on the accusation, and the period of probation shall be extended until such
28 decision.

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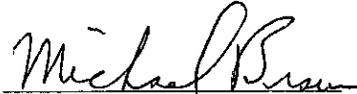
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: October 28, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General


MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 79/09-44s

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
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5 Los Angeles, CA 90013
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E-mail: MichaelB.Brown@doj.ca.gov
7 Attorneys for Complainant

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 Statement of Issues
12 Against:

Case No. 79/09-44s

13 **STANLEY EMMANUEL GUEVARA**
14 **Advanced Emission Specialist Technician**
15 **License Applicant**

STATEMENT OF ISSUES

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Patrick Dorais (Complainant) brings this Statement of Issues solely in his official
21 capacity as the Chief of the Bureau of Automotive Repair (Burcau), Department of Consumer
22 Affairs.

23 2. On or about May 23, 2012, the Bureau of Automotive Repair received an application
24 for an Advanced Emission Specialist Technician License from Stanley Emmanuel Guevara
25 (Respondent). On or about May 17, 2012, Respondent certified under penalty of perjury to the
26 truthfulness of all statements, answers, and representations in the application. The Bureau denied
27 the application on December 26, 2012.

28 ///

1 **PRIOR LICENSE INFORMATION**

2 **Advanced Emission Specialist Technician License No. EA 153826**

3 3. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist
4 Technician License Number EA 153826 to Respondent.

5 **PRIOR DISCIPLINE**

6 4. Effective December 29, 2009, pursuant to the Decision in First Amended Accusation
7 Number 79/09-44, attached hereto as Exhibit "A" and incorporated herein by reference,
8 Respondent's Advanced Emission Specialist Technician License Number EA153826 was
9 permanently revoked.

10 5. On or about October 12, 2009, First Amended Accusation, Case No. 79/09-44, was
11 filed against Respondent's Advanced Emission Specialist License. The First Amended
12 Accusation resulted from an on site inspection and a videotaped surveillance of Quick Smog Test
13 Only that was initiated by the Bureau.

14 **SITE INSPECTION - OCTOBER 5, 2007**

15 6. On or about October 5, 2007, the Bureau conducted a site inspection at Quick Smog
16 Test Only. The inspection and information obtained from the Bureau's Vehicle Information
17 Database (VID) revealed that Respondent performed a smog inspection resulting in the issuance
18 of an illegal electronic certificate of compliance, certifying that he had tested and inspected the
19 vehicle and that the vehicle was in compliance with applicable laws and regulations. In fact,
20 Respondent performed the smog inspections using the "clean plugging"¹ method by using the tail
21 pipe emissions of a vehicle other than the vehicle being certified in order to issue the certificate of
22 compliance. The vehicle certified was not in the test bay at the time of the smog inspection.

23 ///

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26 _____
27 ¹ "Clean-plugging" is sampling the (clean) tailpipe emissions and/or the RPM readings of
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in
compliance or are not present in the smog check area during the time of the certification.

1 VIDEO SURVEILLANCE OPERATION

2 NOVEMBER 6, 2007

3 7. On or about November 6, 2007, the Bureau performed a videotaped surveillance at
4 Quick Smog Test Only. The surveillance operation and information obtained from the Emission
5 Inspection System (EIS) unit and the Bureau's VID revealed that Respondent performed eight (8)
6 smog inspections, which resulted in the issuance of six (6) illegal electronic certificates of
7 compliance certifying that he had tested and inspected and that those vehicles were in compliance
8 with applicable laws and regulations. In fact, Respondent performed the smog inspections using
9 the "clean-piping" method by using the tail pipe emissions of a vehicle other than the vehicle
10 being certified in order to issue the certificate of compliance. None of the vehicles certified were
11 in the test bay at the time of the smog inspection.

12 JURISDICTION

13 8. This Statement of Issues is brought before the Director of Consumer Affairs
14 (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

15 STATUTORY PROVISIONS

16 9. Section 480 of the Business and Professions Code (Code) states:

17 "(a) A board may deny a license regulated by this code on the grounds that the
18 applicant has one of the following:

19 "(1) Been convicted of a crime. A conviction within the meaning of this section
20 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
21 that a board is permitted to take following the establishment of a conviction may be taken when
22 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
23 when an order granting probation is made suspending the imposition of sentence, irrespective of a
24 subsequent order under the provisions of Section 1203.4 of the Penal Code.

25 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to
26 substantially benefit himself or herself or another, or substantially injure another.

27 "(3) (A) Done any act that if done by a licentiate of the business or profession in
28 question, would be grounds for suspension or revocation of license.

1 “(c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license.”

4 10. Section 9889.1 of the Business and Professions Code (“Code”) provides, in pertinent
5 part, that the Director may refuse to issue a license to any applicant for the reasons set forth in
6 Code section 9889.2.

7 11. Section Code section 9889.2 states:

8 “The director may deny a license if the applicant or any partner, officer, or director thereof:

9 ...

10 “(b) Was previously the holder of a license issued under this chapter which license has been
11 revoked and never reissued or which license was suspended and the terms of the suspension have
12 not been fulfilled.

13 “(c) Has committed any act which, if committed by any licensee, would be grounds for the
14 suspension or revocation of a license issued pursuant to this chapter.

15 “(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is
16 injured or whereby the applicant has benefited.

17 ...

18 “(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been
19 convicted of a crime substantially related to the qualifications, functions and duties of the license
20 holder in question, and the time for appeal has elapsed or the judgment of conviction has been
21 affirmed on appeal, irrespective of an order granting probation following such conviction,
22 suspending the imposition of sentence, or of a subsequent order under the provisions of Section
23 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea
24 of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or
25 information.”

26 12. Section 44072 of the Health and Safety Code provides, in pertinent part, that the
27 director may refuse to issue a license to any applicant for the reasons set forth in Section 44072.1.

28 ///

1 13. Section 44072.1 of the Health and Safety Code states:

2 "The director may deny a license if the applicant, or any partner, officer, or director thereof,
3 does any of the following:

4 ...

5 "(b) Was previously the holder of a license issued under this chapter [the Motor Vehicle
6 Inspection Program (Health and Saf. Code, ' 44000, et seq.)], which license has been revoked and
7 never reissued or which license was suspended and the terms of the suspension have not been
8 fulfilled.

9 "(c) Has committed any act which, if committed by any licensee, would be grounds for the
10 suspension or revocation of a license issued pursuant to this chapter.

11 "(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is
12 injured or whereby the applicant has benefitted.

13 ...

14 "(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been
15 convicted of a crime substantially related to the qualifications, functions, and duties of the
16 licenseholder in question, and the time for appeal has elapsed or the judgment of conviction has
17 been affirmed on appeal, irrespective of an order granting probation following the conviction,
18 suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal
19 Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting
20 aside the plea or verdict of guilty, or dismissing the accusation or information."

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

24 **FIRST CAUSE FOR DENIAL OF APPLICATION**

25 (Previously Revoked License)

26 15. Respondent's application for smog check technician license is subject to denial
27 pursuant to Code section 9889.2, subdivision (b) and Health and Safety Code section 44072.1,
28 subdivision (b), in that Respondent was previously the holder of Advanced Emission Specialist

1 Technician License Number EA 153826, which license was permanently revoked pursuant to the
2 Decision in First Amended Accusation Number 79/09-44, as more particularly set forth in Exhibit
3 A, attached hereto.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 (Acts if Committed by a Licentiate Constitute Grounds for Discipline)

6 16. Respondent's application for smog check technician license is subject to denial
7 pursuant to Code section 480, subdivision (a)(3)(A), 9889.2, subdivision (c) and Health and
8 Safety Code section 44072.1, subdivision (c), in that Respondent committed acts which if
9 committed by any licensee would be grounds for suspension or revocation of a license issued by
10 this chapter, as more particularly set forth in First Amended Accusation Number 79/09-44.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 (Acts Constituting Dishonesty, Fraud or Deceit)

13 17. Respondent's application for smog check technician license is subject to denial
14 pursuant to Code section 480, subdivision (a)(2), 9889.2, subdivision (d) and Health and Safety
15 Code section 44072.1, subdivision (d), in that Respondent committed acts involving dishonesty,
16 fraud or deceit, as more particularly set forth in First Amended Accusation Number 79/09-44.

17 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

18 (Conviction of Substantially Related Crime)

19 18. Respondent's application for smog check technician license is subject to denial
20 pursuant to Code section 480, subdivision (a)(1), 9889.2, subdivision (f) and Health and Safety
21 Code section 44072.1, subdivision (f) in that Respondent was convicted of a crime substantially
22 related to the qualifications, functions or duties of an Advanced Emission Specialist Technician.

23 The circumstances are as follows:

24 a. On or about May 27, 2009, in the criminal proceeding entitled *the People of the State*
25 *of California vs. Stanley Emmanuel Guevara* in the Superior Court, County of Los Angeles,
26 California, Case No. BA348714, Respondent was convicted by a plea of guilty of a violation of
27 Penal Code section 502(C)(1), (computer crimes). The circumstances of this crime are that
28 Respondent used a computer to defraud and wrongfully control or obtain money, property or data

1 in doing illegal smog checks on November 6, 2007, as set forth in more detail in Paragraph 7.
2 above. The Court sentenced Respondent to three years of probation, to perform community
3 service, to pay restitution and fines to the court, and to comply with other terms and conditions.

4 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

5 **(Knowingly Made a False Statement)**

6 19. Respondent's application for smog check technician license is subject to denial
7 pursuant to Code section 480, subdivision (c), in that Respondent knowingly made a false
8 statement of fact required to be revealed in the application of a smog check technician license.
9 Respondent was ordered to pay the Bureau its cost of investigation in the amount of \$9,804.50
10 upon application for reinstatement or for any new registration or license. Respondent did not
11 reveal on his smog check technician license application that he owed a balance of \$9,804.50 that
12 must be paid before a smog check technician license is issued.

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. Denying the application of Stanley Emmanuel Guevara for a Advanced Emission
17 Specialist Technician License; and

18 2. Taking such other and further action as deemed necessary and proper.

19 DATED: November 15, 2013



20 PATRICK DORAIS
21 Chief
22 Bureau of Automotive Repair
23 Department of Consumer Affairs
24 State of California
25 Complainant

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Exhibit A

**Decision in First Amended Accusation
No. 79/09-44s**

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

In the Matter of the Accusation Against:

QUICK SMOG TEST ONLY
JORGE LUIS SOTO, Owner
14525 Nordoff Street
Panorama City, CA 91402

Automotive Repair Dealer Registration
No. ARD 250690
Smog Check Station License No. TC 250690

JORGE LUIS SOTO
1624 8TH Street
San Fernando, California 91340

Advanced Emission Specialist Technician
License No. EA 152882

STANLEY EMMANUEL GUEVARA
8809 Etiwanda Ave., #23
Northridge, California 91325

Advanced Emission Specialist Technician
License No. EA 153826

Respondents.

Case No. 79/09-44

OAH No. L-2009060217

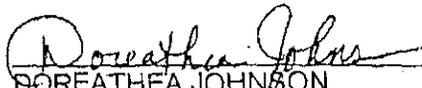
DECISION

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 only as to respondent Stanley Emmanuel Guevara, Advanced Emission Specialist Technician License No. EA 153826.

This Decision shall become effective

12/29/09

DATED: November 23, 2009


DORÉATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR,
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
5 Los Angeles, CA 90013
Telephone: (213) 897-2095
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **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. 79/09-44

13 **STANLEY EMMANUEL GUEVARA**
8809 Etiwanda Ave., #23
14 Northridge, California 91325
Advanced Emission Specialist Technician
License No. EA153826

OAH No. L-2009060217

**STIPULATED REVOCATION AND
DISCIPLINARY ORDER**

15 Respondents.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
22 brought this action solely in her official capacity and is represented in this matter by Edmund G.
23 Brown Jr., Attorney General of the State of California, by Michael Brown, Deputy Attorney
24 General.

25 2. Stanley Emanuel Guevara (Respondent Guevara) is represented in this proceeding
26 by attorney Larry Nash, Esq. whose address is 19420 Business Center Drive, Ste. #102,
27 Northridge CA. 91324.

28

1 11. Respondent Guevara agrees that his Advanced Emission Specialist Technician
2 License is subject to discipline and Respondent Guevara agrees to be bound by the Director of
3 Consumer Affairs imposition of discipline as set forth in the Disciplinary Order below.

4 CONTINGENCY

5 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or
6 her designee. Respondent Guevara understands and agrees that counsel for Complainant and the
7 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
8 the Department of Consumer Affairs regarding this stipulation and surrender, without notice to or
9 participation by Respondent Guevara or his counsel. By signing the stipulation, Respondent
10 Guevara understands and agrees that he may not withdraw his agreement or seek to rescind the
11 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
12 this stipulation as the Decision and Order, the Stipulated Revocation and Disciplinary Order shall
13 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
14 between the parties, and the Director shall not be disqualified from further action by having
15 considered this matter.

16 5. The parties understand and agree that facsimile copies of this the Stipulated
17 Revocation and Disciplinary Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

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

25 7. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the (Director) may, without further notice or formal proceeding, issue and enter the following
27 Order:
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ORDER

IT IS HEREBY ORDERED that Advanced Emission Specialist Technician license No. EA 153826 issued to Responent Guevara is revoked.

8. IT IS HEREBY FURTHER ORDERED that collection of the Bureau's costs of prosecution in the amount of \$9,804.50 is hereby waived unless and until Respondent Guevara applies for a new or reinstatement of a registration or license issued by the Bureau, in which case costs are due in full at the time of application. The payments must be tendered to: Bureau of Automotive Repair, Enforcement Division, 10240 Systems Parkway, Sacramento, CA 95827.

ACCEPTANCE

I have carefully read the above Stipulated Revocation and Disciplinary Order and have fully discussed it with my attorney, Larry Nash. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Revocation and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10/20/09

Jorge Luis Guevara
Respondent

I have read and fully discussed with Respondent Jorge Luis Guevara, the terms and conditions and other matters contained in this Stipulated Revocation and Disciplinary Order. I approve its form and content.

DATED: 10-20-09

Larry Nash
LARRY NASH, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated: October 20, 2009

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General



MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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Exhibit 1

First Amended Accusation No. 79/09-44

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN, State Bar No. 164015
Supervising Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2095
Facsimile: (213) 897-2804
6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 79/09-44

12 QUICK SMOG TEST ONLY
JORGE LUIS SOTO, Owner
13 14525 Nordoff Street
Panorama City, California 91402
14 Automotive Repair Dealer Registration
No. ARD 250690
15 Smog Check Test Only Station License
No. TC 250690
16

FIRST AMENDED ACCUSATION

SMOG CHECK

17 JORGE LUIS SOTO
1624 8th Street
San Fernando, California 91340
18 Advanced Emission Specialist Technician
License No. EA 152882
19 STANLEY EMMANUEL GUEVARA
20 8809 Etiwanda Ave., #23
Northridge, California 91325
21 Advanced Emission Specialist Technician
License No. EA 153826
22

Respondents.
23

24
25 Sherry Mehl ("Complainant") alleges:

26 PARTIES

27 1. Complainant brings this Accusation solely in her official capacity as the
28 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1 (b) Except as provided for in subdivision (c), if an automotive repair
2 dealer operates more than one place of business in this state, the director pursuant
3 to subdivision (a) shall only refuse to validate, or shall only invalidate temporarily
4 or permanently the registration of the specific place of business which has
violated any of the provisions of this chapter. This violation, or action by the
5 director, shall not affect in any manner the right of the automotive repair dealer to
6 operate his or her other places of business.

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

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

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

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

23 10. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

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

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

11. Health and Safety Code section 44072.6 provides, in pertinent part, that
the expiration or suspension of a license by operation of law, or by order or decision of the

1 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall
2 not deprive the Director of jurisdiction to proceed with disciplinary action.

3 12. Health and Safety Code section 44072.8 states:

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

7 13. Section 490 of the Code provides, in pertinent part:

8 A board may suspend or revoke a license on the ground that the licensee has
9 been convicted of a crime, if the crime is substantially related to the qualifications,
10 functions, or duties of the business or profession for which the license was issued.
11 A conviction within the meaning of this section means a plea or verdict of guilty
12 or a conviction following a plea of nolo contendere.

13 14. Section 9889.3 of the Code states, in pertinent part:

14 The director may suspend, revoke, or take other disciplinary action against a
15 license as provided in this article if the licensee or any partner, officer, or
16 director thereof:

17 (b) is convicted of any crime substantially related to the
18 qualifications, functions and duties of the licensee in question.

19 REGULATORY PROVISIONS

20 15. California Code of Regulations, title 16, section 3395.2 provides:
21 A crime or act shall be considered to be substantially related to the
22 qualifications, functions, or duties of a registrant if to a substantial
23 degree it shows that the registrant is presently or potentially unfit to
24 perform the functions authorized by the registration in a manner
25 consistent with the public health, safety, or welfare. Such crimes or
26 acts shall include, but not be limited to, any violation of the
27 provisions of Article 3 of Chapter 20.3 of Division 3 of the
28 Business and Professions Code.

COST RECOVERY

16. Code section 125.3 provides, in pertinent part, that a Board may request
the administrative law judge to direct a licensee 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.

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1 SITE INSPECTION - OCTOBER 5, 2007

2 17. On or about October 5, 2007, between 1300 hours and 1415 hours, the
3 Bureau performed a site inspection at Respondent's facility. The site inspection and information
4 obtained from the Bureau's Vehicle Information Database ("VID") revealed that Respondent
5 Guevara performed a smog inspection resulting in the issuance of an illegal electronic certificate
6 of compliance, certifying that he had tested and inspected the vehicle set forth in Table 1 below,
7 and that the vehicle was in compliance with applicable laws and regulations. In fact, Respondent
8 Guevara performed the smog inspection using the clean piping method¹ by using the tail pipe
9 emissions of a vehicle other than the vehicle being certified in order to issue the certificate. The
10 vehicle certified was not in the test bay at the time of the smog inspection.

11 TABLE 1

12

13 <u>Date & Time</u>	<u>Vehicle Certified</u>	<u>Vehicle Actually Tested</u>	<u>Certificate No.</u>	<u>Technician</u>
14 10/5/2007 1341 - 1356 hours	1991 Dodge Ram pickup License No. 7N18951	1990 Acura Integra	MU907617C	Guevara

15

16 FIRST CAUSE FOR DISCIPLINE

17 (Misleading Statements)

18 18. Respondent's registration is subject to discipline under Code section
19 9884.7(a)(1), in that on or about October 5, 2007, Respondent made statements which he knew
20 or which by exercise of reasonable care he should have known were untrue or misleading by
21 issuing an electronic certificate of compliance for the vehicle set forth in Table 1 above,
22 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
23 the vehicle had been clean piped.

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27 1. "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in
compliance or are not present in the smog check area during the time of the certification.

1 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently
2 issued an electronic certificate of compliance for the vehicle without performing a bona fide
3 inspection of the emission control device and system on the vehicle as required by Health and
4 Safety Code section 44012.

5 b. Section 3340.35, subdivision (c): Respondent issued an electronic
6 certificate of compliance for the vehicle even though the vehicle had not been inspected in
7 accordance with section 3340.42 of that Code.

8 c. Section 3340.42: Respondent failed to conduct the required smog test and
9 inspection on the vehicle in accordance with the Bureau's specifications.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Dishonesty, Fraud or Deceit)

12 22. Respondent's station license is subject to discipline under Health and
13 Safety Code section 44072.2(d), in that on or about October 5, 2007, Respondent committed acts
14 involving dishonesty, fraud or deceit whereby another was injured by issuing an electronic
15 certificate of compliance for the vehicle set forth in Table 1 above, without performing a bona
16 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
17 People of the State of California of the protection afforded by the Motor Vehicle Inspection
18 Program.

19 SIXTH CAUSE FOR DISCIPLINE

20 (Violations of the Motor Vehicle Inspection Program)

21 23. Respondent Guevara's technician license is subject to discipline under
22 Health and Safety Code section 44072.2(a), in that on or about October 5, 2007, regarding the
23 electronic certificate of compliance and the vehicle set forth in Table 1 above, he violated
24 sections of that Code, as follows:

25 a. Section 44012, subdivision (D): Respondent Guevara failed to perform
26 emission control tests on the vehicle set forth above in Table 1 in accordance with procedures
27 prescribed by the department.

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1 acts involving dishonesty, fraud or deceit whereby another was injured by issuing the electronic
2 certificate of compliance for the vehicle set forth in Table 1 above, without performing a bona
3 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
4 People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program.

6 VIDEO SURVEILLANCE OPERATION

7 NOVEMBER 6, 2007

8 26. On or about November 6, 2007, between 0500 hours and 1900 hours, the
9 Bureau performed a videotaped surveillance at Respondent's facility. The surveillance operation
10 and information obtained from the Bureau's VID revealed that Respondent Guevara performed
11 eight (8) smog inspections, resulting in the issuance of six (6) illegal electronic certificates of
12 compliance, certifying that he had tested and inspected the vehicles set forth in Table 2 below,
13 and that those vehicles were in compliance with applicable laws and regulations. In fact,
14 Respondent Guevara performed those smog inspections using the clean piping method by using
15 the tail pipe emissions of vehicles other than the vehicles being certified in order to issue those
16 certificates. None of the vehicles certified were in the test bay at the time of the smog
17 inspections.

18 TABLE 2

19

Date & Time	Vehicle Certified	Vehicle Actually Tested	Certificate No.	Technician
20 11/6/2007 1224 - 1238 hours	1995 Toyota Tercel License No. 4JRU233	Mercedes Benz S Class License No. 5RIZ861	MW260239C	Guevara
21 11/6/2007 1617 - 1634 hours	1990 Lexus LS400 License No. 4STM564	Toyota 4-Runner License No. 3BFN111 (tailpipe sample) Honda Civic License No. 4ZZD553 (RPM signal)	MW260240C	Guevara
22 11/6/2007 1638 - 1650 hours	1991 Saturn SC License No. 5RCX347	Honda Civic License No. 3YJZ116	MW260241C	Guevara

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1 2	11/6/2007 1653 - 1704 hours	1998 Honda Accord License No. 5HSE461	Lincoln Navigator License No. 4PCE793	MW260242C	Guevara
3 4	11/6/2007 1710 - 1721 hours	2001 Dodge Durango License No. 5K1B994	Lincoln Navigator License No. 4PCE793	MW260243C	Guevara
5 6 7 8	11/6/2007 1726 - 1741 hours	1993 Chevrolet Lumina APV License No. 5WNS245	Honda Civic License No. 3VJZ116 (tailpipe sample) Honda Civic License No. 4ZZD553 (RPM signal)	MW260244C	Guevara

9 **NINTH CAUSE FOR DISCIPLINE**

10 (Misleading Statements)

11 27. Respondent's registration is subject to discipline under Code section
12 9884.7(a)(1), in that on or about November 6, 2007, Respondent made statements which he knew
13 or which by exercise of reasonable care he should have known were untrue or misleading by
14 issuing electronic certificates of compliance for the vehicles set forth in Table 2 above,
15 certifying that the vehicles were in compliance with applicable laws and regulations when, in
16 fact, the vehicles had been clean piped.

17 **TENTH CAUSE FOR DISCIPLINE**

18 (Fraud)

19 28. Respondent's registration is subject to discipline under Code section
20 9884.7(a)(4), in that on or about November 6, 2007, Respondent committed acts which constitute
21 fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 2 above,
22 without performing bona fide inspections of the emission control devices and systems on those
23 vehicles, thereby depriving the People of the State of California of the protection afforded by the
24 Motor Vehicle Inspection Program.

25 **ELEVENTH CAUSE FOR DISCIPLINE**

26 (Violation of the Motor Vehicle Inspection Program)

27 29. Respondent's station license is subject to discipline under Health and
28 Safety Code section 44072.2(a), in that on or about November 6, 2007, regarding the electronic

1 certificates of compliance and the vehicles set forth in Table 2 above, Respondent violated
2 sections of that Code, as follows:

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

5 b. Section 44015, subdivision (b): Respondent issued electronic certificates
6 of compliance for those vehicles without properly testing and inspecting the vehicles to
7 determine if they were in compliance with section 44012 of that Code.

8 c. Section 44059: Respondent willfully made false entries for the electronic
9 certificates of compliance by certifying that the vehicles had been inspected as required when, in
10 fact, they had not.

11 TWELFTH CAUSE FOR DISCIPLINE

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

13 30. Respondent's station license is subject to discipline under Health and
14 Safety Code section 44072.2(c), in that on or about November 6, 2007, regarding the electronic
15 certificates of compliance and the vehicles set forth in Table 2 above, Respondent violated
16 sections of the California Code of Regulations, title 16, as follows:

17 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently
18 issued electronic certificates of compliance for those vehicles without performing bona fide
19 inspections of the emission control devices and systems on the vehicles as required by Health and
20 Safety Code section 44012.

21 h. Section 3340.35, subdivision (c): Respondent issued electronic
22 certificates of compliance for those vehicles even though the vehicles had not been inspected in
23 accordance with section 3340.42 of that Code.

24 c. Section 3340.42: Respondent failed to conduct the required smog tests
25 and inspections on the vehicles in accordance with the Bureau's specifications.

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1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 31. Respondent's station license is subject to discipline under Health and
4 Safety Code section 44072.2(d), in that on or about November 6, 2007, Respondent committed
5 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
6 certificates of compliance for the vehicles set forth in Table 2 above, without performing bona
7 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
8 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
9 Program.

10 FOURTEENTH CAUSE FOR DISCIPLINE

11 (Violations of the Motor Vehicle Inspection Program)

12 32. Respondent Guevara's technician license is subject to discipline under
13 Health and Safety Code section 44072.2(a), in that on or about November 6, 2007, regarding the
14 electronic certificates of compliance and the vehicles set forth in Table 2 above, he violated
15 sections of that Code, as follows:

16 a. Section 44012, subdivision (D): Respondent Guevara failed to perform
17 emission control tests on the vehicles in accordance with procedures prescribed by the
18 department.

19 b. Section 44032: Respondent Guevara failed to perform tests of the
20 emission control devices and systems on those vehicles in accordance with section 44012 of that
21 Code, in that the vehicles had been clean piped.

22 c. Section 44059: Respondent Guevara willfully made false entries for the
23 electronic certificates of compliance by certifying that the vehicles had been inspected as
24 required when, in fact, they had not.

25 FIFTEENTH CAUSE FOR DISCIPLINE

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

27 33. Respondent Guevara's technician license is subject to discipline under
28 Health and Safety Code section 44072.2(e), in that on or about November 6, 2007, regarding the

1 electronic certificates of compliance and the vehicles set forth in Table 2 above, he violated
2 sections of the California Code of Regulations, title 16, as follows:

3 a. Section 3340.24, subdivision (e): Respondent Guevara falsely or
4 fraudulently issued electronic certificates of compliance for the vehicles without performing a
5 bona fide inspection of the emission control device and system on the vehicles as required by
6 Health and Safety Code section 44012.

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

9 c. Section 3340.41, subdivision (e): Respondent Guevara entered false
10 information into the EIS for the electronic certificates of compliance by entering vehicle
11 identification information or emission control information for vehicles other than the vehicles
12 being tested.

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

15 SIXTEENTH CAUSE FOR DISCIPLINE

16 (Dishonesty, Fraud or Deceit)

17 34. Respondent Guovara's technician license is subject to discipline under
18 Health and Safety Code section 44072.2(d), in that on or about November 6, 2007, he committed
19 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
20 certificates of compliance for the vehicles set forth in Table 2 above, without performing bona
21 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
22 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
23 Program.

24 VIDEO SURVEILLANCE OPERATION

25 NOVEMBER 7, 2007

26 35. On or about November 7, 2007, between 0500 hours and 1900 hours, the
27 Bureau performed a videotaped surveillance at Respondent's facility. The surveillance operation
28 and information obtained from the Bureau's VID revealed that Respondent Guevara performed

1 six (6) smog inspections, resulting in the issuance of four (4) illegal electronic certificates of
 2 compliance, certifying that he had tested and inspected the vehicles set forth in Table 3 below,
 3 and that those vehicles were in compliance with applicable laws and regulations. In fact,
 4 Respondent Guevara performed those smog inspections using the clean piping method by using
 5 the tail pipe emissions of vehicles other than the vehicles being certified in order to issue those
 6 certificates. None of the vehicles certified were in the test bay at the time of the smog
 7 inspections.

8 **TABLE 3**

Date & Time	Vehicle Certified	Vehicle Actually Tested	Certificate No.	Technician
11/7/2007 1056 - 1109 hours	1994 Chevrolet S10 pickup License No. 6D68543	Ford F150 pickup License No. 8J26055	MW260245C	Guevara
11/7/2007 1118 - 1133 hours	1991 Chevrolet Astro License No. 4YBU949	Chevrolet pickup License No. 8D63278	MW260246C	Guevara
11/7/2007 1502 - 1525 hours	1993 Dodge Caravan License No. 3CFS731	Chevrolet pickup License No. 8D63278 (tailpipe sample) Honda Civic License No. 4ZZD553 (RPM signal)	MW260247C	Guevara
11/7/2007 1534 - 1548 hours	1991 Chevrolet C1500 Tahoe no license plate	Lincoln Navigator License No. 4PCE793	MW260248C	Guevara

20 **SEVENTEENTH CAUSE FOR DISCIPLINE**

21 **(Misleading Statements)**

22 36. Respondent's registration is subject to discipline under Code section
 23 9884.7(a)(1), in that on or about November 7, 2007, Respondent made statements which he knew
 24 or which by exercise of reasonable care he should have known were untrue or misleading by
 25 issuing electronic certificates of compliance for the vehicles set forth in Table 3 above, certifying
 26 that the vehicles were in compliance with applicable laws and regulations when, in fact, the
 27 vehicles had been clean piped.

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1 EIGHTEENTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 37. Respondent's registration is subject to discipline under Code section
4 9884.7(a)(4), in that on or about November 7, 2007, Respondent committed acts which constitute
5 fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 3 above,
6 without performing bona fide inspections of the emission control devices and systems on those
7 vehicles, thereby depriving the People of the State of California of the protection afforded by the
8 Motor Vehicle Inspection Program.

9 NINETEENTH CAUSE FOR DISCIPLINE

10 (Violation of the Motor Vehicle Inspection Program)

11 38. Respondent's station license is subject to discipline under Health and
12 Safety Code section 44072.2(a), in that on or about November 7, 2007, regarding the electronic
13 certificates of compliance and the vehicles set forth in Table 3 above, Respondent violated
14 sections of that Code, as follows:

15 a. Section 44012, subdivision (f): Respondent failed to perform emission
16 control tests on the vehicles in accordance with procedures prescribed by the department.

17 b. Section 44015, subdivision (b): Respondent issued electronic certificates
18 of compliance for those vehicles without properly testing and inspecting the vehicles to
19 determine if they were in compliance with section 44012 of that Code.

20 c. Section 44059: Respondent willfully made false entries for the electronic
21 certificates of compliance by certifying that the vehicles had been inspected as required when, in
22 fact, they had not.

23 TWENTIETH CAUSE FOR DISCIPLINE

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

25 39. Respondent's station license is subject to discipline under Health and
26 Safety Code section 44072.2(c), in that on or about November 7, 2007, regarding the electronic
27 certificates of compliance and the vehicles set forth in Table 3 above, Respondent violated
28 sections of the California Code of Regulations, title 16, as follows:

1 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently
2 issued electronic certificates of compliance for those vehicles without performing bona fide
3 inspections of the emission control devices and systems on the vehicles as required by Health and
4 Safety Code section 44012.

5 b. Section 3340.35, subdivision (c): Respondent issued electronic
6 certificates of compliance for those vehicles even though the vehicles had not been inspected in
7 accordance with section 3340.42 of that Code.

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

10 TWENTY-FIRST CAUSE FOR DISCIPLINE

11 (Dishonesty, Fraud or Deceit)

12 40. Respondent's station license is subject to discipline under Health and
13 Safety Code section 44072.2(d), in that on or about November 7, 2007, Respondent committed
14 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
15 certificates of compliance for the vehicles set forth in Table 3 above, without performing bona
16 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
17 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
18 Program.

19 TWENTY-SECOND CAUSE FOR DISCIPLINE

20 (Violations of the Motor Vehicle Inspection Program)

21 41. Respondent Guevara's technician license is subject to discipline under
22 Health and Safety Code section 44072.2(u), in that on or about November 7, 2007, regarding the
23 electronic certificates of compliance and the vehicles set forth in Table 3 above, he violated
24 sections of that Code, as follows:

25 a. Section 44012, subdivision (f): Respondent Guevara failed to perform
26 emission control tests on the vehicles in accordance with procedures prescribed by the
27 department.

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1 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
2 certificates of compliance for the vehicles set forth in Table 3 above, without performing bona
3 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
4 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program.

6 CRIMINAL CONVICTION

7 MAY 27, 2009

8 44. On or about May 27, 2009, in the criminal proceeding entitled *the People*
9 *of the State of California vs. Jorge Luis Soto* in the Superior Court, County of Los Angeles,
10 California, Case No. BA348714, Respondent Soto was convicted by a plea of guilty of a
11 violation of Penal Code section 502(C)(1), (computer crimes). The circumstances of this crime
12 are that Respondent Soto used a computer to defraud and wrongfully control or obtain money,
13 property or data in doing illegal smog checks on November 7, 2007, as set forth in more detail in
14 Paragraph 35 above. The Court sentenced Respondent Soto to three years of probation, to
15 perform community service, to pay restitution and fines to the court, and to comply with other
16 terms and conditions.

17 TWENTY-FIFTH CAUSE FOR DISCIPLINE

18 (Conviction of Substantially Related Crime)

19 45. Respondent Soto has subjected his registration to discipline under sections
20 490 and 9889.3(b) of the Code and section 44072.(2)(b) of the Health and Safety Code in that he
21 was convicted of an offense substantially related to the qualifications, functions and duties of
22 Automotive Repair Dealer within the meaning of California Code of Regulations, title 16,
23 section 3395.2, as set forth more particularly in Paragraph 44, above.

24 TWENTY-SIXTH CAUSE FOR DISCIPLINE

25 (Conviction of Substantially Related Crime)

26 46. Respondent Soto has subjected his station license to discipline under
27 sections 490 and 9889.3(b) of the Code and section 44072.(2)(b) of the Health and Safety Code
28 in that he was convicted of an offense substantially related to the qualifications, functions and

1 duties of Smog Check Test Only Station within the meaning of California Code of Regulations,
2 title 16, section 3395.2, as set forth more particularly in Paragraph 44, above.

3 TWENTY-SEVENTH CAUSE FOR DISCIPLINE

4 (Conviction of Substantially Related Crime)

5 47. Respondent Solo has subjected his technician license to discipline under
6 sections 490 and 9889.3(b) of the Code and section 44072.(2)(b) of the Health and Safety Code
7 in that he was convicted of an offense substantially related to the qualifications, functions and
8 duties of Advanced Emission Specialist Technician within the meaning of California Code of
9 Regulations, title 16, section 3395.2, as set forth more particularly in Paragraph 44, above.

10 CRIMINAL CONVICTION

11 MAY 27, 2009

12 48. On or about May 27, 2009, in the criminal proceeding entitled *the People*
13 *of the State of California vs. Stanley Emmanuel Guevara* in the Superior Court, County of Los
14 Angeles, California, Case No. BA348714, Respondent Guevara was convicted by a plea of
15 guilty of a violation of Penal Code section 502(C)(1), (computer crimes). The circumstances of
16 this crime are that Respondent Guevara used a computer to defraud and wrongfully control or
17 obtain money, property or data in doing illegal smog checks on November 6, 2007, as set forth in
18 more detail in Paragraph 26 above. The Court sentenced Respondent Solo to three years of
19 probation, to perform community service, to pay restitution and fines to the court, and to comply
20 with other terms and conditions.

21 TWENTY-EIGHTH CAUSE FOR DISCIPLINE

22 (Conviction of Substantially Related Crime)

23 49. Respondent Guevara has subjected his Advanced Emission Specialist
24 Technician License to discipline under sections 490 and 9889.3(b) of the Code and section
25 44072.(2)(b) of the Health and Safety Code in that he was convicted of an offense substantially
26 related to the qualifications, functions and duties of Advanced Emission Specialist Technician
27 within the meaning of California Code of Regulations, title 16, section 3395.2, as set forth more
28 particularly in Paragraph 47, above.

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4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Jorge Luis Soto, doing business as Quick Smog Test Only;

5. Revoking or suspending Advanced Emission Specialist Technician Number EA 152882, issued to Jorge Luis Soto;

6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Jorge Luis Soto;

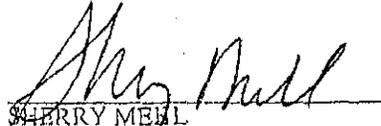
7. Revoking or suspending Advanced Emission Specialist Technician Number EA 153826, issued to Stanley Emmanuel Guevara;

8. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Stanley Emmanuel Guevara;

9. Ordering Jorge Luis Soto and Stanley Emmanuel Guevara to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3, and,

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

DATED: 10/12/09


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

LA2008900124
First Amended Accusation (rub) 09/23/09