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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:
13 **ANTHONY D. TORRES,**
14 **670 West 61st Street,**
15 **Los Angeles, CA 90044**
16 **Advanced Emission Specialist Technician License No. EA**
17 **154158, (to be redesignated upon renewal as EO 154158**
18 **and/or EI 154158)**
19 Respondent.

Case No. **79/15-34**

A C C U S A T I O N
S M O G C H E C K

19 Complainant alleges:

20 **PARTIES**

21 1. Patrick Dorais (“Complainant”) brings this Accusation solely in his official capacity
22 as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs.

23 **Advanced Emission Specialist Technician License**

24 2. In or about 2007, the Bureau of Automotive Repair issued Advanced Emission
25 Specialist Technician License Number EA 154158 to Anthony D. Torres (“Respondent Torres or
26 Respondent”). The Advanced Emission Specialist Technician License was due to expire on April
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1 30, 2013. However, it was suspended on October 22, 2012. Upon timely renewal of the license,
2 the license will be redesignated as EO 154158 and/or EI 154158.¹

3 **JURISDICTION AND STATUTORY PROVISIONS**

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

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

11 5. Section 44045.6 of the Health and Safety Code states, in pertinent part:

12 “(c) The department may require remedial training at a certified training facility or may
13 take disciplinary action, whichever the department determines to be the most appropriate, for any
14 licensed technician who the department determines cannot perform inspections, testing, or repairs
15 as required under the program. The failure to complete the remedial training when required by the
16 department shall be a ground for revocation or suspension of a smog check technician's license
17 under Section 44072.2.”

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

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

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

28 7. Section 44055 of the Health and Safety Code, subdivision (b) states, in pertinent part:

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

1 devices in accordance with section 44012 of the Health and Safety Code). On or about
2 September 18, 2012, the Bureau served Respondent with the citation. The Bureau ordered
3 Respondent Torres to attend an 8 hour training course with proof of completion submitted to the
4 Bureau within 30 days of receipt of the Citation. Respondent Torres failed to appeal the citation
5 and the citation became effective on October 19, 2012. To date, Respondent Torres has failed to
6 submit to the Bureau proof of completion of the 8 hour training course.

7 **OTHER MATTERS**

8 13. Pursuant to Health & Saf. Code section 44072.8, if Respondent Torres's Advanced
9 Emission Specialist Technician License currently designated as EA 154158 and as redesignated
10 upon timely renewal as EO 154158 and/or EI 154158, is revoked or suspended, any additional
11 license issued under this chapter in the name of said licensee may be likewise revoked or
12 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 Anthony D. Torres's Advanced Emission Specialist
17 Technician License currently designated as EA 154158, and as redesignated upon timely renewal
18 as EO 154158 and/or EI 154158;

19 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
20 and Safety Code in the name of Anthony D. Torres;

21 3. Ordering Anthony D. Torres to pay the Bureau of Automotive Repair the reasonable
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions
23 Code section 125.3; and,

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

DATED: September 4, 2014 Patrick Dorais

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

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