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

In the Matter of the Accusation Against: **FRANCISCO ANTONIO CEJA** 20179 Myron Street Perris, CA 92570 Advanced Emission Specialist Technician License No. 154568 Respondent.	Case No. 79/12-112

DECISION

The attached Stipulated Revocation of License and 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 9/26/12.

DATED: September 7, 2012

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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

In the Matter of the Accusation Against: **FRANCISCO ANTONIO CEJA** **20179 Myron Street** **Perris, CA 92570** **Advanced Emission Specialist Technician** **License No. EA 154568** Respondent.	Case No. 79/12-112 **STIPULATED REVOCATION OF LICENSE AND ORDER**

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

PARTIES

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

2. Francisco Antonio Ceja (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On a date uncertain in 2007, the Bureau issued Advanced Emission Specialist Technician License Number EA 154568 ("technician license") to Francisco Antonio Ceja ("Respondent"). On or about November 14, 2011, the technician license was suspended. The technician license expired on January 31, 2012.

JURISDICTION

4. Accusation No. 79/12-112 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 16, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 79/12-112 is attached as Exhibit "A" and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 79/12-112. Respondent also has carefully read, and understands the effects of this Stipulated Revocation of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/12-112, agrees that cause exists for discipline and hereby agrees to the stipulated revocation of his Advanced Emission Specialist Technician License No. EA 154568 for the Bureau's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Director to issue his order accepting the stipulated revocation of his Advanced Emission Specialist Technician License without further process.

CONTINGENCY

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

11. The parties understand and agree that facsimile copies of this Stipulated Revocation of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Revocation of License and 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 Revocation of License and 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.

13. 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 Order:

ORDER

IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA 154568, issued to Respondent Francisco Antonio Ceja, is revoked by the Director of Consumer Affairs.

1. The revocation of Respondent's Advanced Emission Specialist Technician License shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Bureau of Automotive Repair.

2. Respondent shall lose all rights and privileges as an Advanced Emission Specialist Technician in California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, complete the equivalent of a Second Level Citation Course, and all of the charges and allegations contained in Accusation No. 79/12-112 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the petition.

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ACCEPTANCE

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

DATED: 6-24-12

FRANCISCO ANTONIO CEJA
Respondent

ENDORSEMENT

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

Dated: 8-15-12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

ERIN M. SUNSERI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-112

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

In the Matter of the Accusation Against:	Case No. 79/12-112
FRANCISCO ANTONIO CEJA **20179 Myron Street** **Perris, CA 92570** **Advanced Emission Specialist Technician** **License No. EA 154568** Respondent.	**ACCUSATION** **SMOG CHECK**

Complainant alleges:

PARTIES

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

Advanced Emission Specialist Technician License

2. On a date uncertain in 2007, the Bureau issued Advanced Emission Specialist Technician License Number EA 154568 ("technician license") to Francisco Antonio Ceja ("Respondent"). On or about November 14, 2011, the technician license was suspended. The technician license expired on January 31, 2012.

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STATUTORY PROVISIONS

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

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.
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> (c) 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.

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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 (c), in that on or about January 19, 2011, the Bureau issued Citation No. M2011-0826 to Respondent against his technician license for violations of Health and Safety Code section 44032, (qualified technicians shall perform tests of emission control systems and devices in accordance with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section 3340.42). On February 8, 2011, the Bureau served Respondent with the citation. The Bureau required that Respondent complete a 16-hour training course. On March 3, 2011, Respondent appealed the citation but withdrew his appeal on October 12, 2011. Respondent has not completed the required training.

OTHER MATTERS

10. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist Technician License Number EA 154568, issued to Francisco Antonio Ceja, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Advanced Emission Specialist Technician License Number EA 154568, issued to Francisco Antonio Ceja;

2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Francisco Antonio Ceja;

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3. Ordering Francisco Antonio Ceja to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 4/5/12

John Wallauch by Doug Balatti

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

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