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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 Accusation Against:  
12 **JACK RICHARD THOMPSON JR. ,**  
13 **22101 South Figueroa Street, Unit 11,**  
14 **Carson, CA 90745**  
15 **Advanced Emission Specialist Technician License No. EA**  
16 **043913 , (to be redesignated upon renewal as EO 043913**  
17 **and/or EI 043913 )**  
18 Respondent.

Case No. 79/15-28

**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 1999, the Bureau of Automotive Repair issued Advanced Emission  
25 Specialist Technician License Number EA 043913 to Jack Richard Thompson Jr. (“Respondent  
26 Thompson or Respondent”). The Advanced Emission Specialist Technician License was due to  
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1 expire on April 30, 2013. However, it was suspended on February 13, 2012. Upon timely  
2 renewal of the license, the license will be redesignated as EO 043913 and/or EI 043913.<sup>1</sup>

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:

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26 <sup>1</sup> 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 systems and devices in accordance with section 44012 of the Health and Safety Code). On or  
2 about January 9, 2012, the Bureau served Respondent with the citation. The Bureau ordered  
3 Respondent Thompson to attend a Basic Clean Air Car Course (68 hour training course) with  
4 proof of completion submitted to the Bureau within 30 days of receipt of the Citation.  
5 Respondent Thompson failed to appeal the citation and the citation became effective on February  
6 8, 2012. To date, Respondent Thompson has failed to submit to the Bureau proof of completion  
7 of the 68 hour training course.

8 **OTHER MATTERS**

9 13. Pursuant to Health & Saf. Code section 44072.8, if Respondent Thompson 's  
10 Advanced Emission Specialist Technician License currently designated as EA 043913 and as  
11 redesignated upon timely renewal as EO 043913 and/or EI 043913 , is revoked or suspended, any  
12 additional license issued under this chapter in the name of said licensee may be likewise revoked  
13 or suspended by the director.

14 **PRAYER**

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

17 1. Revoking or suspending Jack Richard Thompson Jr. 's Advanced Emission Specialist  
18 Technician License currently designated as EA 043913, and as redesignated upon timely renewal  
19 as EO 043913 and/or EI 043913;

20 2. Revoking or suspending any additional license issued under Chapter 5 of the Health  
21 and Safety Code in the name of Jack Richard Thompson Jr. ;

22 3. Ordering Jack Richard Thompson Jr. to pay the Bureau of Automotive Repair the  
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
24 Professions Code section 125.3; and,

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

DATED: August 26, 2014 Patrick Dorais

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

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