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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:

JACK RICHARD THOMPSON, JR.
22101 South Figueroa Street, Unit 11
Carson, CA 90745
Advanced Emission Specialist Technician
License No. EA 43913

Respondent.

Case No. 79/15-28

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 26, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-28 against Jack Richard Thompson, Jr. (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. In or about 1999 the Bureau of Automotive Repair (Bureau) issued Advanced Emission Specialist Technician License No. EA 43913 to Respondent. The Advanced Emission

1 Specialist Technician License expired on April 30, 2013, and has not been renewed. Upon timely
2 renewal of the license, the license will be redesignated as EO 043913 and/or EI 043913.¹

3 3. On or about September 4, 2014, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 79/15-28, Statement to Respondent, Notice of Defense,
5 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
6 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
7 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
8 address of record was and is: 22101 South Figueroa Street, Unit 11, Carson, CA 90745.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about September 15, 2014, a "Signed Domestic Return Receipt " was returned
13 by the U.S. Postal Service acknowledging receipt of the foregoing documents.

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
22 79/15-28.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

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¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
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.

ORDER

IT IS SO ORDERED that Advanced Emission Specialist Technician License No. EA 43913, heretofore issued to Respondent Jack Richard Thompson, Jr., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 12, 2015

It is so ORDERED February 17, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

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DOJ Matter ID:LA2014512318

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
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:

13 **JACK RICHARD THOMPSON JR. ,**
14 **22101 South Figueroa Street, Unit 11,**
Carson, CA 90745

15 **Advanced Emission Specialist Technician License No. EA**
16 **043913 , (to be redesignated upon renewal as EO 043913**
and/or EI 043913)

17 Respondent.

Case No. 79/15-28

ACCUSATION
SMOG CHECK

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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 043913.¹

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:

29 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
30 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
31 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
32 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
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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