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

11 In the Matter of the Accusation Against:

Case No. *79/15-17*

12 **CENTRAL VALLEY SMOG**  
13 **PATRICK SEAN MCCONNELL, SR., OWNER**  
14 **801 L Street, Unit B**  
**Sanger, CA 93657**

**ACCUSATION**

(Smog Check)

15 **Automotive Repair Dealer Reg. No. ARD 256216**  
16 **Smog Check Station License No. RC 256216**

17 **and**

18 **PATRICK SEAN MCCONNELL**  
19 **1531 North Valencia Court**  
**Reedley, CA 93654**

20 **Advanced Emission Specialist Technician**  
21 **License No. EA 630029 (to be re-designated**  
**upon renewal as EO 630029 and/or EI 630029)**

22 Respondents.

23 Complainant alleges:

24 **PARTIES**

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

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(2) The smog check technician to successfully complete one or more retraining courses prescribed by the department pursuant to subdivision (c) of Section 44031.5, or successfully complete one or more advanced retraining courses prescribed by the department, or both.

(e) 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 . . .

7. Health and Safety Code section 44055, subdivision (b), states:

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.

8. 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 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.

9. Health and Safety Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or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.

10. Business and Professions Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

11. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

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1 **COST RECOVERY**

2 12. Business and Professions Code section 125.3 provides, in pertinent part, that a Board  
3 may request the administrative law judge to direct a licensee found to have committed a  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
5 investigation and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Failure to Pay Administrative Fine)**

8 13. On or about February 13, 2012, the Bureau issued Citation No. C2012-0918 to  
9 Respondent, in his capacity as owner of Central Valley Smog, for a violation of Health and Safety  
10 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission  
11 control devices according to procedures prescribed by the department). Respondent was ordered  
12 to pay an administrative fine in the amount of \$1,500 to the Bureau within thirty (30) days from  
13 receipt of the citation. On or about March 13, 2012, the Bureau served Respondent with the  
14 citation.

15 14. Respondent's smog check station license is subject to disciplinary action pursuant to  
16 Health and Safety Code section 44050, subdivision (e), in that Respondent failed to appeal the  
17 citation or pay the administrative fine.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Complete Training)**

20 15. On or about February 13, 2012, the Bureau issued Citation No. M2012-0919 to  
21 Respondent against his smog technician license for a violation of Health and Safety Code section  
22 44032 (qualified technicians shall perform tests of emission control systems and devices in  
23 accordance with Health and Safety Code section 44012). Respondent was ordered to complete a  
24 16-hour training course and to submit proof of completion to the Bureau within thirty (30) days  
25 from receipt of the citation. On or about March 13, 2012, the Bureau served Respondent with the  
26 citation.

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

DATED: August 12, 2014



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

SA2014313905