

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

In the Matter of the Accusation Against:

**MAIN STREET SMOG**  
**DAVID ALVAREZ, Partner**  
**ALFREDO CASTELLANOS, Partner**  
2204 E. Main Street, #B  
Visalia, CA 93292

Automotive Repair Dealer Registration  
No. ARD 236430  
Smog Check, Test Only, Station License  
No. TC 236430

and

**DAVID ALVAREZ**  
15168 Oak Ranch Drive  
Visalia, CA 93292

Advanced Emission Specialist Technician  
License No. EA 630753

Respondent.

Case No. 79/12-86

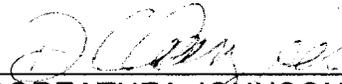
OAH No. 2012040196

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent David Alvarez, Advanced Emission Specialist Technician License No. EA 630753.

This Decision shall become effective 12/19/12.

DATED: 007 3 1 2012

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KENT D. HARRIS  
Deputy Attorney General  
4 State Bar No. 144804  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
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:

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14 Visalia, CA 93292  
**DAVID ALVAREZ, Partner**  
**ALFREDO CASTELLANOS, Partner**  
15 Automotive Repair Dealer Registration No.  
**ARD 236430**  
16 Smog Check Test Only Station License No.  
**TC 236430**

17 AND

18 **DAVID ALVAREZ**  
15168 Oak Ranch Drive  
19 Visalia, CA 93292  
20 **Advanced Emission Specialist Technician**  
License No. EA 630753

21 Respondent.  
22

Case No. 79/12-86

OAH No. 2012040196  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

(David Alvarez only)

23  
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 entitled proceedings that the following matters are true:  
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1 PARTIES

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

5 2. Respondent David Alvarez (Respondent) is represented in this proceeding by attorney  
6 William Dean Ferreira, Esq., whose address is: Northern California Office, 582 Market Street,  
7 Suite 1608, San Francisco, CA 94104

8 3. On or about January 20, 2009, the Bureau of Automotive Repair issued Advanced  
9 Emission Specialist Technician License No. EA 630753 to David Alvarez (Respondent). The  
10 Advanced Emission Specialist Technician License was in full force and effect at all times  
11 relevant to the charges brought in Accusation No. 79/12-86 and will expire on May 31, 2013,  
12 unless renewed.

13 JURISDICTION

14 4. Accusation No. 79/12-86 was filed before the Director of Consumer Affairs  
15 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
16 Respondent. The Accusation and all other statutorily required documents were properly served  
17 on Respondent on March 12, 2012. Respondent timely filed his Notice of Defense contesting the  
18 Accusation.

19 5. A copy of Accusation No. 79/12-86 is attached as exhibit A and incorporated herein  
20 by reference.

21 ADVISEMENT AND WAIVERS

22 6. Respondent has carefully read, fully discussed with counsel, and understands the  
23 charges and allegations in Accusation No. 79/12-86. Respondent has also carefully read, fully  
24 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
25 Order.

26 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
27 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
28 his own expense; the right to confront and cross-examine the witnesses against him; the right to

1 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
2 the attendance of witnesses and the production of documents; the right to reconsideration and  
3 court review of an adverse decision; and all other rights accorded by the California  
4 Administrative Procedure Act and other applicable laws.

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

7 CULPABILITY

8 9. Respondent admits the truth of each and every charge and allegation in Accusation  
9 No. 79/12-86.

10 10. Respondent agrees that his Advanced Emission Specialist Technician License is  
11 subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in  
12 the Disciplinary Order below.

13 RESERVATION

14 11. The admissions made by Respondent herein are only for the purposes of this  
15 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of  
16 Automotive Repair, or other professional licensing agency is involved, and shall not be  
17 admissible in any other criminal or civil proceeding.

18 CONTINGENCY

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



1 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
2 Professions Code.

3       5.    **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
4 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

5       6.    **Jurisdiction.** If an accusation is filed against Respondent during the term of  
6 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
7 until the final decision on the accusation, and the period of probation shall be extended until such  
8 decision.

9       7.    **Violation of Probation.** Should the Director of Consumer Affairs determine that  
10 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
11 after giving notice and opportunity to be heard, lift the stay and impose the revocation of  
12 respondents' license.

13       8.    **Continuing Education Courses.** During the period of probation, Respondent shall  
14 attend and successfully complete the Level 1 and Level 2 BAR training courses in diagnosis and  
15 repair of emission systems failures and engine performance, applicable to the class of license held  
16 by the Respondent. Said courses shall be completed and proof of completion submitted to the  
17 Bureau within 180 days of the effective date of this decision and order. If proof of completion of  
18 the course is not furnished to the Bureau within the 180-day period, Respondents' license shall be  
19 immediately suspended until such proof is received.

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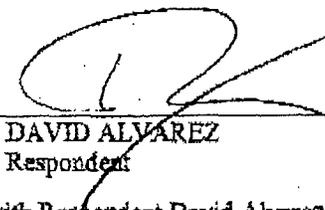
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William Dean Ferreira, Esq. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 9/19/12

  
DAVID ALVAREZ  
Respondent

I have read and fully discussed with Respondent David Alvarez the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_

William Dean Ferreira, Esq.  
Attorney for Respondent

ENDORSEMENT

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

Dated: \_\_\_\_\_

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

KENT D. HARRIS  
Deputy Attorney General  
Attorneys for Complainant

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William Dean Ferreira, Esq.. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: \_\_\_\_\_  
DAVID ALVAREZ  
Respondent

I have read and fully discussed with Respondent David Alvarez the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9/10/12 \_\_\_\_\_  
William Dean Ferreira, Esq.  
Attorney for Respondent

ENDORSEMENT

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

Dated: 9/19/12 Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General  
  
KENT D. HARRIS  
Deputy Attorney General  
Attorneys for Complainant

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Stipulation.rtf

**Exhibit A**

**Accusation No. 79/12-86**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KENT D. HARRIS  
Deputy Attorney General  
4 State Bar No. 144804  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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**ALFREDO CASTELLANOS, PARTNER**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 236430**  
16 **Smog Check Test Only Station License No.**  
**TC 236430**  
17  
18 **DAVID ALVAREZ**  
15168 Oak Ranch Drive  
19 **Visalia, CA 93292**  
**Advanced Emission Specialist Technician License**  
20 **No. EA 630753**  
21  
22 Respondents.

Case No. 79/12-86

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

23 Complainant alleges:

24 **PARTIES**

25 1. John Wallauch ("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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1 This violation, or action by the director, shall not affect in any manner the right of the  
2 automotive repair dealer to operate his or her other places of business.

3 (c) Notwithstanding subdivision (b), the director may invalidate  
4 temporarily or permanently, the registration for all places of business operated in this  
5 state by an automotive repair dealer upon a finding that the automotive repair dealer  
6 has, or is, engaged in a course of repeated and willful violations of this chapter, or  
7 regulations adopted pursuant to it.

8 6. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
9 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
10 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
11 temporarily or permanently.

12 7. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
13 "commission," "committee," "department," "division," "examining committee," "program," and  
14 "agency." "License" includes certificate, registration or other means to engage in a business or  
15 profession regulated by the Code.

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

19 9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

20 The director may suspend, revoke, or take other disciplinary action  
21 against a license as provided in this article if the licensee, or any partner, officer, or  
22 director thereof, does any of the following:

23 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
24 Program (Health and Saf. Code, § 44000, et seq.)) and the regulations adopted  
25 pursuant to it, which related to the licensed activities.

26 (c) Violates any of the regulations adopted by the director pursuant to  
27 this chapter.

28 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
another is injured.

10. 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.

///

1 11. Section 44072.8 of the Health and Safety Code states:

2 When a license has been revoked or suspended following a hearing under  
3 this article, any additional license issued under this chapter in the name of the  
licensee may be likewise revoked or suspended by the director.

4 **COST RECOVERY**

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

9 **UNDERCOVER OPERATION – SEPTEMBER 8, 2011**

10 13. On or about September 8, 2011, a Bureau undercover operator drove a Bureau-  
11 documented 1987 Toyota pickup to Respondent Main Street's facility and requested a smog  
12 inspection. The vehicle could not pass the visual portion of a smog inspection because the  
13 vehicle's EGR valve was missing. The operator signed a work order and received a copy of the  
14 document. Respondent Alvarez performed the smog inspection and issued electronic Certificate  
15 of Compliance No. WZ210166C for that vehicle. The operator paid \$50 for the smog inspection  
16 and received a copy of Invoice No. 15316 and the Vehicle Inspection Report.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 14. Respondent Main Street has subjected its registration to discipline under Code section  
20 9884.7, subdivision (a)(1), in that on or about September 8, 2011, it made statements which it  
21 knew or which by exercise of reasonable care it should have known were untrue or misleading  
22 when it issued electronic Certificate of Compliance No. WZ210166C for the 1987 Toyota pickup,  
23 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
24 the vehicle's EGR valve was missing.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 15. Respondent Main Street has subjected its registration to discipline under Code section  
28 9884.7, subdivision (a)(4), in that on or about September 8, 2011, it committed acts which

1 constitute fraud by issuing electronic Certificate of Compliance No. WZ210166C for the 1987  
2 Toyota pickup, without performing a bona fide inspection of the emission control devices and  
3 systems on that vehicle, thereby depriving the People of the State of California of the protection  
4 afforded by the Motor Vehicle Inspection Program.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 16. Respondent Main Street has subjected its station license to discipline under Health  
8 and Safety Code section 44072.2, subdivision (a), in that on or about September 8, 2011,  
9 regarding the 1987 Toyota pickup, it violated sections of that Code, as follows:

10 a. **Section 44012, subdivision (a):** Respondent Main Street failed to determine that all  
11 emission control devices and systems required by law were installed and functioning correctly in  
12 accordance with test procedures.

13 b. **Section 44012, subdivision (f):** Respondent Main Street failed to perform emission  
14 control tests on that vehicle in accordance with procedures prescribed by the department.

15 c. **Section 44015, subdivision (b):** Respondent Main Street issued electronic  
16 Certificate of Compliance No. WZ210166C without properly testing and inspecting the vehicle to  
17 determine if it was in compliance with section 44012 of that Code.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 17. Respondent Main Street has subjected its station license to discipline under Health  
21 and Safety Code section 44072.2, subdivision (c), in that on or about September 8, 2011,  
22 regarding the 1987 Toyota pickup, it violated sections of the California Code of Regulations, title  
23 16, as follows:

24 a. **Section 3340.35, subdivision (c):** Respondent Main Street issued electronic  
25 Certificate of Compliance No. WZ210166C even though that vehicle had not been inspected in  
26 accordance with section 3340.42 of that Code.

27 b. **Section 3340.42:** Respondent Main Street failed to conduct the required smog tests  
28 and inspections on that vehicle in accordance with the Bureau's specifications.

1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 18. Respondent Main Street has subjected its station license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (d), in that on or about September 8, 2011  
5 regarding the 1987 Toyota pickup, it committed acts involving dishonesty, fraud or deceit  
6 whereby another was injured by issuing electronic Certificate of Compliance No. WZ210166C to  
7 that vehicle without performing a bona fide inspection of the emission control devices and  
8 systems on the vehicle, thereby depriving the People of the State of California of the protection  
9 afforded by the Motor Vehicle Inspection Program.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Violations of the Motor Vehicle Inspection Program)

12 19. Respondent Alvarez has subjected his technician license to discipline under Health  
13 and Safety Code section 44072.2, subdivision (a), in that on or about September 8, 2011,  
14 regarding the 1987 Toyota pickup, he violated sections of that Code, as follows:

15 a. **Section 44012, subdivision (a):** Respondent Alvarez failed to determine that all  
16 emission control devices and systems required by law were installed and functioning correctly in  
17 accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent Alvarez failed to perform emission  
19 control tests on that vehicle in accordance with procedures prescribed by the department.

20 c. **Section 44032:** Respondent Alvarez failed to perform tests of the emission control  
21 devices and systems on that vehicle in accordance with section 44012 of that Code.

22 SEVENTH CAUSE FOR DISCIPLINE

23 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

24 20. Respondent Alvarez has subjected his technician license to discipline under Health  
25 and Safety Code section 44072.2, subdivision (c), in that on or about September 8, 2011,  
26 regarding the 1987 Toyota pickup, he violated sections of the California Code of Regulations,  
27 title 16, as follows:

28 ///

1 a. **Section 3340.30, subdivision (a):** Respondent Alvarez failed to inspect and test that  
2 vehicle in accordance with Health and Safety Code section 44012.

3 b. **Section 3340.41, subdivision (c):** Respondent Alvarez entered false information into  
4 the Emission Inspection System for electronic Certificate of Compliance No. WZ210166C by  
5 entering "Pass" for the visual inspection portion of the smog inspection when, in fact, the vehicle  
6 could not pass the visual inspection because the vehicle's EGR valve was missing.

7 c. **Section 3340.42:** Respondent Alvarez failed to conduct the required smog tests and  
8 inspections on that vehicle in accordance with the Bureau's specifications.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud or Deceit)**

11 21. Respondent Alvarez has subjected his technician license to discipline under Health  
12 and Safety Code section 44072.2, subdivision (d), in that on or about September 8, 2011,  
13 regarding the 1987 Toyota pickup, he committed acts involving dishonesty, fraud or deceit  
14 whereby another was injured by issuing electronic Certificate of Compliance No. WZ210166C  
15 without performing a bona fide inspection of the emission control devices and systems on that  
16 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
17 Motor Vehicle Inspection Program.

18 **PRIOR CITATIONS**

19 22. To determine the degree of penalty, if any, to be imposed upon Respondent,  
20 Complainant alleges as follows:

21 a. On September 22, 2006, the Bureau issued Citation No. C2007-0119 to Respondent  
22 Main Street against its registration and station licenses for violations of Health and Safety Code  
23 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control  
24 devices) and California Code of Regulations, title 16, ("Regulation"), section 3340.35,  
25 subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent  
26 Main Street issued a certificate of compliance to a Bureau vehicle with the ignition timing  
27 adjusted beyond the manufacturer's specifications. The Bureau assessed a civil penalty of  
28 \$1,000. Respondent Main Street complied with this citation on November 27, 2006.

1           b.     On September 10, 2009, the Bureau issued Citation No. C2010-0201 to Respondent  
2 Main Street against its registration and station licenses for violations of Health and Safety Code  
3 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control  
4 devices) and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a  
5 vehicle improperly tested). Respondent Main Street issued a certificate of compliance to a  
6 Bureau vehicle with a missing EGR valve. Further, Respondent Main Street failed to perform the  
7 LPFT test. The Bureau assessed a civil penalty of \$1,000. Respondent Main Street complied  
8 with this citation on November 12, 2009.

9           c.     On June 14, 2010, the Bureau issued Citation No. C2010-1285 to Respondent Main  
10 Street against its registration and station licenses for violations of Health and Safety Code section  
11 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)  
12 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle  
13 improperly tested). Respondent Main Street issued a certificate of compliance to a Bureau  
14 vehicle with the ignition timing adjusted beyond the manufacturer's specifications. The Bureau  
15 assessed a civil penalty of \$2,000. Respondent Main Street complied with this citation on August  
16 16, 2010.

17           d.     On January 19, 2011, the Bureau issued Citation No. C2011-0821 to Respondent  
18 Main Street against its registration and station licenses for violations of Health and Safety Code  
19 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control  
20 devices) and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a  
21 vehicle improperly tested). Respondent Main Street issued a certificate of compliance to a  
22 Bureau vehicle with a missing fuel evaporation charcoal canister. The Bureau assessed a civil  
23 penalty of \$2,500. Respondent Main Street complied with this citation on March 9, 2011.

24           e.     On January 19, 2011, the Bureau issued Citation No. M2011-0822 to Respondent  
25 Alvarez against his technician license for violations of Health and Safety Code section 44032,  
26 (qualified technicians shall perform tests of emission control systems and devices in accordance  
27 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")  
28 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in

1 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section  
2 3340.42). Respondent Alvarez issued a certificate of compliance to a Bureau vehicle with a  
3 missing fuel evaporative charcoal canister. Respondent Alvarez was required to attend an 8-hour  
4 training course. Respondent Alvarez complied with this citation on March 18, 2011.

5 **OTHER MATTERS**

6 23. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
7 or may invalidate temporarily or permanently, the registrations for all places of business operated  
8 in this state by Main Street Smog, upon a finding that it has, or is, engaged in a course of repeated  
9 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

10 24. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
11 License Number TC 236430, issued to Main Street Smog, is revoked or suspended, any additional  
12 license issued under this chapter in the name of said licensee may be likewise revoked or  
13 suspended by the director.

14 25. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
15 Technician License Number EA 630753, issued to David Alvarez, is revoked or suspended, any  
16 additional license issued under this chapter in the name of said licensee may be likewise revoked  
17 or suspended by the director.

18 **PRAYER**

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

21 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration  
22 Number ARD 236430, issued to Main Street Smog;

23 2. Revoking, suspending or placing on probation any other automotive repair dealer  
24 registration issued in to Main Street Smog;

25 3. Revoking or suspending Smog Check Test Only Station License Number TC 236430,  
26 issued to Main Street Smog;

27 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
28 and Safety Code in the name of Main Street Smog;

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- 5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 630753, issued to David Alvarez;
- 6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of David Alvarez;
- 7. Ordering Main Street Smog and David Alvarez 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,
- 8. Taking such other and further action as deemed necessary and proper.

DATED: 2/23/12

*John Wallauch* by *Doug Balatt*  
 JOHN WALLAUCH  
 Chief  
 Bureau of Automotive Repair  
 Department of Consumer Affairs  
 State of California  
*Complainant*  
 Doug Balatt  
 Assist. Chief

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