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7  
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:  
12 **SAUL GONZALEZ**  
13 **10617 Rainier St.**  
**Sun Valley, CA 91352**  
14 **Advanced Emission Specialist Technician**  
15 **License No. EA 630769 (to be redesignated**  
16 **upon renewal as EO 630769 and/or EI**  
17 **630769)**  
  
Respondent.

Case No. *79/14-121*

**A C C U S A T I O N**  
  
(Smog Check)

18 Complainant alleges:

19 **PARTIES**

- 20 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity  
21 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.  
22 2. On or about January 26, 2009, the Bureau of Automotive Repair issued Advanced  
23 Emission Specialist Technician License Number EA 630769 ("technician license") to Saul  
24 Gonzalez ("Respondent"). The technician license was suspended on February 11, 2013. The  
25 technician license expired on May 31, 2013. Upon timely renewal of the license, the license will  
26 be redesignated as EO 630769 and/or EI 630769.<sup>1</sup>

27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
(continued...)

1 STATUTORY PROVISIONS

2 3. Section 118, subdivision (b), of the Code provides that the  
3 suspension/expiration/surrender/cancellation of a license shall not deprive the  
4 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
5 within which the license may be renewed, restored, reissued or reinstated.

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

9 5. Section 44045.6 of the Health and Safety Code, subdivision (b) states:

10 . . .

11 “(c) The department may require remedial training at a certified training facility or may take  
12 disciplinary action, whichever the department determines to be the most appropriate, for any  
13 licensed technician who the department determines cannot perform inspections, testing, or repairs  
14 as required under the program. The failure to complete the remedial training when required by  
15 the department shall be a ground for revocation or suspension of a smog check technician's  
16 license under Section 44072.2.”

17 6. Section 44050 of the Health and Safety Code states, in pertinent part:

18 “(a) In addition to or in lieu of any other remedy or penalty, including, but not limited to,  
19 education, training, or an office conference, the department may issue a citation to a licensee,  
20 contractor, or fleet owner for a violation of the requirements of this chapter or a regulation  
21 adopted pursuant to this chapter. The citation may contain an order of abatement or the  
22 assessment of an administrative fine, or both.

23 “(e) Failure to comply with an order of abatement or payment of an administrative fine  
24 issued by the department pursuant to this section is grounds for suspension or revocation of the  
25 license, or placing the license on probation.”

26 \_\_\_\_\_  
27 (...continued)  
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 **CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training)**

3 12. Respondent has subjected his technician license(s) to discipline pursuant to Health  
4 and Safety Code section 44045.6, subdivision (c), 44050, subdivision (e), in conjunction with  
5 California Code of Regulations, title 16, section 3340.24, subdivision (d), in that Respondent  
6 failed to comply with the following citation:

7 a. On or about November 16, 2012, the Bureau issued Citation No. M2013-0324 to  
8 Respondent against his technician license for violations of Health and Safety Code section 44032,  
9 (qualified technicians shall perform tests of emission control systems and devices in accordance  
10 with section 44012 of that Code). The Bureau required that Respondent complete an 8-hour BAR  
11 certified training course by February 6, 2013. Respondent has not completed the required  
12 training. No request for appeal was received by the Bureau.

13 **OTHER MATTERS**

14 13. Pursuant to Health and Safety Code section 44072.8, if Advanced Emission Specialist  
15 Technician License Number EA 630769, issued to Saul Gonzalez, currently designated as EA  
16 630769 and as redesignated upon timely renewal as EO 630769 and/or EI 630769, is/are revoked  
17 or suspended, any additional license issued under this chapter in the name of said licensee may be  
18 likewise revoked or suspended by the Director.

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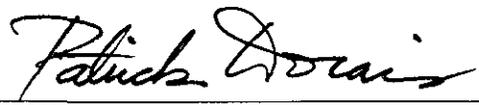
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PRAYER

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 630769, issued to Saul Gonzalez, currently designated as EA 630769 and as redesignated upon timely renewal as EO 630769 and/or EI 630769;
2. Ordering Saul Gonzalez 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
3. Taking such other and further action as deemed necessary and proper.

DATED: April 21, 2014

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

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