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

Case No. 74/14-121

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 21, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 74/14-121 against Saul Gonzalez (Respondent) before the Director of Consumer Affairs. A copy of the Accusation and Declaration of Service are attached as exhibit A, and is incorporated herein by reference.
2. On or about January 26, 2009, the Bureau of Automotive Repair (Bureau) issued Advanced Emission Specialist Technician License No. EA 630769 (technician license) to Respondent. The technician license was suspended on February 11, 2013. The technician license

1 expired on May 31, 2013 and has not been renewed. Upon timely renewal of the license, the  
2 license will be redesignated as EO 630769 and/or EI 630769.<sup>1</sup>

3 3. On or about August 22, 2014, Respondent was served by Certified Mail copies of the  
4 Accusation No. 74/14-121, Statement to Respondent, Notice of Defense, Request for Discovery,  
5 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
6 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
7 required to be reported and maintained with the Bureau. Respondent's address of record was and  
8 is: 10617 Rainier Street, Sun Valley, CA 91352.

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 24, 2014, the aforementioned documents were returned by the  
13 U.S. Postal Service marked "Unclaimed." A copy of the envelope returned by the U.S. Postal  
14 Service is attached as exhibit B, and is incorporated herein by reference.

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

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

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
23 74/14-121.

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

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

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<sup>1</sup> 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.





# Exhibit A

Accusation and Declaration of Service

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
9 **STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. 79/14-121

12 SAUL GONZALEZ  
10617 Rainier St.  
13 Sun Valley, CA 91352

**ACCUSATION**

14 Advanced Emission Specialist Technician  
License No. EA 630769 (to be redesignated  
15 upon renewal as EO 630769 and/or EI  
630769)

(Smog Check)

16 Respondent.  
17

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...)

STATUTORY PROVISIONS

1  
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           \_\_\_\_\_  
28           (...continued)  
          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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1 PRAYER

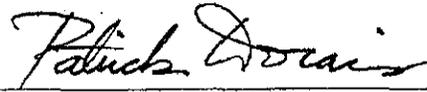
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Director of Consumer Affairs issue a decision:

4 1. Revoking or suspending Advanced Emission Specialist Technician License Number  
5 EA 630769, issued to Saul Gonzalez, currently designated as EA 630769 and as redesignated  
6 upon timely renewal as EO 630769 and/or EI 630769;

7 2. Ordering Saul Gonzalez to pay the Bureau of Automotive Repair the reasonable costs  
8 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
9 section 125.3; and

10 3. Taking such other and further action as deemed necessary and proper.

11  
12  
13 DATED: April 21, 2014



14 PATRICK DORAIS  
15 Chief  
16 Bureau of Automotive Repair  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

20 LA2013510855  
21 51475693.doc

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

Case Name: **In the Matter of the Accusation Against: Saul Gonzalez**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 22, 2014, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, REQUEST FOR DISCOVERY, NOTICE OF DEFENSE x2, COPY OF GOVERNMENT CODE SECTIONS** by placing a true copy thereof enclosed in a sealed envelope as certified mail and return receipt requested, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Saul Gonzalez  
10617 Rainier St.  
Sun Valley, CA 91352

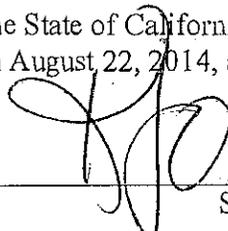
**Certified Article Number**

9414 7266 9904 2008 1816 49

**SENDERS RECORD**

I declare under penalty of perjury under the law of the State of California the foregoing is true and correct and that this declaration was executed on August 22, 2014, at Los Angeles, California.

K. Johnston  
Declarant

  
Signature

# Exhibit B

Returned Envelope

9434 7266 9904 2008 1836 49



9434 7266 9904 2008 1836 49

ZIP 90013 \$007.61  
02 16  
0901369256 AUG 22 2014

Handwritten: 2/10 8/27/11

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9-18

**UNCLAIMED**

2014 SEP 24  
ATTORNEY GENERAL LOS ANGELES

Saul Gonzalez  
1000  
Carmichael St.  
San Valle  
**UNCLAIMED**