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

12 In the Matter of the Accusation Against:

13 **JERRY JAY ANDREWS**
14 **8520 Chesterfield Road**
Riverside, CA 92508

15 **Advanced Emission Specialist Technician**
16 **License No. EA 631426 (to be redesignated**
17 **upon renewal as EO 631426 and/or EI**
18 **631426)**

Respondent.

Case No. 79/15-68

A C C U S A T I O N

(SMOG CHECK)

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, Department of Consumer Affairs.

23 2. On October 14, 2009, the Bureau of Automotive Repair issued Advanced
24 Emission Specialist Technician License Number EA 631426 to Jerry Jay Andrews (Respondent).
25 The Advanced Emission Specialist Technician License was due to expire on May 31, 2013.
26 However, it was suspended on April 23, 2013.¹

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28 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,

(continued...)

1 citation may contain an order of abatement or the assessment of an administrative
2 fine, or both.

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

7 8. Section 44072.2 of the Health and Safety Code states:

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

12 (a) Violates any section of this chapter and the regulations adopted
13 pursuant to it, which related to the licensed activities.

14 (b) Is convicted of any crime substantially related to the qualifications,
15 functions, or duties of the licenseholder in question.

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

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

20 (e) Has misrepresented a material fact in obtaining a license.

21 (f) Aids or abets unlicensed persons to evade the provisions of this
22 chapter.

23 (g) Fails to make and keep records showing his or her transactions as a
24 licensee, or fails to have those records available for inspection by the director or
25 his or her duly authorized representative for a period of not less than three years
26 after completion of any transaction to which the records refer, or refuses to
27 comply with a written request of the director to make the records available for
28 inspection.

(h) Violates or attempts to violate the provisions of this chapter relating to
the particular activity for which he or she is licensed.

9. Section 44072.8 of the Health and Safety Code states:

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.

COST RECOVERY

10. Section 125.3 of the Business and Professions Code provides, in pertinent part,
that the Bureau may request the administrative law judge to direct a licentiate found to have
committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable

1 costs of the investigation and enforcement of the case, with failure of the licentiate to comply
2 subjecting the license to not being renewed or reinstated. If a case settles, recovery of
3 investigation and enforcement costs may be included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

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

6 11. Respondent has subjected his advanced emission specialist technician license to
7 discipline under Health and Safety Code (HSC) section 44050, subdivision (e), for failure to pay
8 an administrative fine. The circumstances are that on January 22, 2013, the Bureau issued
9 Citation No. M2013-0517 to Respondent against his advanced emission specialist technician
10 license for violations of HSC section 44032, failure of a qualified technician to perform tests of
11 emission control systems and devices in accordance with HSC section 44012. On February 19,
12 2013, a citation conference was held. The Bureau assessed an administrative fine in the amount
13 of \$500.00, payable to the Bureau within 30 days from the date of the citation service
14 conference. Respondent did not pay the administrative fine.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Failure to Complete Remedial Training)**

17 12. Respondent has subjected his advanced emission specialist technician license to
18 discipline under HSC section 44072.2, subdivision (a), for failure to complete remedial training
19 when required by the department pursuant to 44045.6, subdivision (c). The circumstances are
20 that on January 22, 2013, the Bureau issued Citation No. M2013-0517 to Respondent against his
21 advanced emission specialist technician license for violations of HSC section 44032, failure of a
22 qualified technician to perform tests of emission control systems and devices in accordance with
23 HSC section 44012. On February 19, 2013, a citation conference was held. The Bureau directed
24 Respondent to complete a 28-hour training course, to be scheduled within 30 days and proof of
25 completion submitted to the Bureau within 60 days from the date of the citation service
26 conference. Respondent did not complete the required training course, did not submit proof of
27 completion of the course to the Bureau, and did not appeal the citation.

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OTHER MATTER

13. Under Health and Safety Code section 44072.8, if advanced emission specialist technician license number EA 631426, (to be redesignated upon renewal as EO 631426 and/or EI 631426), issued to Jerry Jay Andrews, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

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 631426, issued to Jerry Jay Andrews;
2. Ordering Jerry Jay Andrews 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: November 7, 2014



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

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