



1           3.     On or about July 9, 2012, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 79/12-151, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 136, is required to be reported and maintained with the Bureau. Respondent's address of  
6 record was and is:

7 2099 Avenida De Las Flores, Santa Clara, CA 95054.

8           4.     Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
10 124.

11           5.     Government Code section 11506 states, in pertinent part:

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

17           6.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 79/12-151.

20           7.     California Government Code section 11520 states, in pertinent part:

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

25           8.     Pursuant to its authority under Government Code section 11520, the Director after  
26 having reviewed the proof of service dated July 9, 2012, signed by Evangeline A. Williams, finds  
27 Respondent is in default. The Director will take action without further hearing and, based on  
28 Accusation No. 79/12-151, proof of service and on the Affidavit of Bureau Representative Roger  
Lehman, finds that the allegations in Accusation are true.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Jonathan Rin Felmoca has  
3 subjected his Advanced Emission Specialist Technician License No. EA 631916 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Director of Consumer Affairs is authorized to revoke Respondent's Advanced  
6 Emission Specialist Technician License based upon the following violations alleged in the  
7 Accusation which are supported by the evidence contained in the affidavit of Bureau  
8 Representative Roger Lehman in this case:

9 a. Health and Safety Code section 44050(e): Failure to complete training.

10 ORDER

11 IT IS SO ORDERED that Advanced Emission Specialist Technician License No. EA  
12 631916, heretofore issued to Respondent Jonathan Rin Felmoca, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
14 written motion requesting that the Decision be vacated and stating the grounds relied on within  
15 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
16 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Boulevard,  
17 Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a  
18 hearing on a showing of good cause, as defined in the statute.

19 This Decision shall become effective on 11/13/12.

20 It is so ORDERED October 22, 2012

21  
22 

23 DOREATHEA JOHNSON  
24 Deputy Director, Legal Affairs  
25 Department of Consumer Affairs

26 default decision\_LIC.rtf  
27 DOJ Matter ID:SF2012204669  
28 Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
4 State Bar No. 161032  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5558  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
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:

Case No. 79/12-151

13 **JONATHAN RIN FELMOCA**  
2099 Avenida De Las Flores  
14 Santa Clara, CA 95054  
Advanced Emission Specialist Technician  
License No. EA 631916

**ACCUSATION**  
**SMOG CHECK**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity  
20 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

21 **Advanced Emission Specialist Technician License**

22 2. On or about March 30, 2010, the Bureau issued Advanced Emission Specialist  
23 Technician License Number EA 631916 ("technician license") to Jonathan Rin Felmoca  
24 ("Respondent"). The technician license was in full force and effect at all times relevant to the  
25 charges brought herein. The technician license was suspended on October 5, 2011, and will  
26 expire on June 30, 2012.

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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 631916, issued to Jonathan Rin Felmoca;
2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Jonathan Rin Felmoca;
3. Ordering Jonathan Rin Felmoca 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,
4. Taking such other and further action as deemed necessary and proper.

DATED: May 30 2012

  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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