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

11 In the Matter of the Accusation Against:

Case No. 79/15-55

12 **JOEL BRANDON TECZON**  
13 **1599 Aptos Lane**  
**Stockton, CA 95206**  
14 **Advanced Emission Specialist Technician**  
15 **License No. EA 632002 (to be re-designated**  
**upon renewal as EO 632002 and/or EI**  
16 **632002)**

**A C C U S A T I O N**

17 Respondent.

18 Patrick Dorais ("Complainant") alleges:

19 **PARTIES**

- 20 1. Complainant brings this Accusation solely in his official capacity as the Chief of the  
21 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.  
22 2. On or about April 22, 2010, the Bureau issued Advanced Emission Specialist  
23 Technician License Number EA 632002 to Joel Brandon Teczon ("Respondent"). On August 29,  
24 2012, the license was suspended, expired on November 30, 2013, and has not been renewed.  
25 Upon renewal of the license, the license will be re-designated as EO 632002 and/or EI 632002.<sup>1</sup>

26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
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 **STATUTORY PROVISIONS**

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

5 4. Section 44050 of the Health and Safety Code states, in pertinent part:

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

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

11 5. Section 44055 of the Health and Safety Code, subdivision (b) states:

12 (b) The department may deny an application for the renewal of a test  
13 station or repair station license if the applicant, or any partner, officer, or director  
thereof, has failed to pay any civil penalty or administrative fine in accordance with  
14 this article.

15 6. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
16 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  
17 the Director of jurisdiction to proceed with disciplinary action.

18 7. Section 44072.8 of the Health and Safety Code states:

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

22 **COST RECOVERY**

23 8. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
24 administrative law judge to direct a licensee found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Citation)**

3 9. Respondent is subject to discipline pursuant to Health and Safety Code section  
4 44050(e), in that on or about June 20, 2012, the Bureau issued Citation No. M2012-1819 to  
5 Respondent against his technician license for violating Health and Safety Code section 44032  
6 (qualified technicians shall perform tests of emission control systems and devices in accordance  
7 with section 44012 of that Code) and California Code of Regulations, title 16, section 3340.30(a)  
8 (qualified technicians shall inspect, test, and repair vehicles in accordance with sections 44012  
9 and 44035 of the Health and Safety Code, and Regulation section 3340.42)<sup>2</sup>. On or about  
10 July 23, 2012, the Bureau served Respondent with the Citation. The Bureau required that  
11 Respondent complete a 16-hour training course or appeal the Citation within thirty (30) days of  
12 receipt of the Citation. Respondent did not appeal the Citation nor has Respondent completed the  
13 required training.

14 **OTHER MATTERS**

15 10. Under Health and Safety Code section 44072.8, if Respondent's technician license,  
16 currently designated as EA 632002, and as re-designated upon timely renewal as EO 632002  
17 and/or EI 632002, is/are revoked or suspended, any additional license issued under this chapter in  
18 the name of said licensee may be likewise revoked or suspended by the director.

19 **PRAYER**

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

- 22 1. Revoking or suspending Joel Brandon Teczon's technician license, currently  
23 designated as EA 632002, and upon renewal to be re-designated as EO 632002 and/or EI 632002;  
24 2. Revoking or suspending any additional license issued under Chapter 5 of the Health  
25 and Safety Code in the name of Joel Brandon Teczon;

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27 <sup>2</sup> On or about April 27, 2012, Respondent issued Certificate of Compliance No.  
28 OM512055 to a Bureau undercover vehicle with a missing Positive Crankcase Ventilation valve.

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3. Ordering Joel Brandon Teczon 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;

4. Taking such other and further action as deemed necessary and proper.

DATED: October 15, 2014

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