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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:

**OLEG ANATOLYEVICH KRAVCHUK
9113 Brevard Drive
Sacramento, CA 95829
Advanced Emission Specialist Technician
License No. EA 632149**

Respondent.

Case No. 79/15-71

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 7, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-71 against Oleg Anatolyevich Kravchuk (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about June 7, 2010, the Bureau of Automotive Repair (Bureau) issued Advanced Emission Specialist Technician License No. EA 632149 to Respondent. The Advanced Emission Specialist Technician License expired on January 31, 2012, and has not

///

1 been renewed. Upon timely renewal of the license, the license will be redesignated EO 632149
2 and/or EI 632149.¹

3 3. On or about November 17, 2014, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 79/15-71, Statement to Respondent, Notice of Defense,
5 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
6 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
7 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
8 address of record was and is: 9113 Brevard Drive, Sacramento, CA, 95829.

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 January 8, 2015, the Certified Mail documents were returned by the U.S.
13 Postal Service marked "Unclaimed." The First Class Mail documents were not returned.

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
22 79/15-71.

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

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

28 ¹ 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

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2 KENT D. HARRIS
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3 DAVID E. BRICE
Deputy Attorney General
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Facsimile: (916) 324-5205
7 *Attorneys for Complainant*

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:
13 **OLEG ANATOLYEVICH KRAVCHUK**
9113 Brevard Drive
14 Sacramento, CA 95829
15 **Advanced Emission Specialist Technician**
License No. EA 632149 (to be redesignated
16 upon renewal as EO 632149 and/or EI
632149)
17 Respondent.

Case No. 79/15-71
ACCUSATION
(SMOG CHECK)

18
19 Patrick Dorais ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
22 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
23 2. On or about June 7, 2010, the Bureau issued Advanced Emission Specialist
24 Technician License Number EA 632149 to Oleg Anatolyevich Kravchuk ("Respondent"). The
25 license expired on January 31, 2012, and has not been renewed. Upon renewal of the license, the
26 license will be re-designated as EO 632149 and/or EI 632149.¹

27 ¹ 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 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
9 of this chapter or a regulation adopted pursuant to this chapter. The citation may
10 contain an order of abatement or the assessment of an administrative fine, or both.

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

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

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

19 6. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
20 expiration or suspension of a license by operation of law, or by order or decision of the Director
21 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
22 the Director of jurisdiction to proceed with disciplinary action.

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

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

27 **COST RECOVERY**

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

(...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 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 October 31, 2011, the Bureau issued Citation No. M2012-0373 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).² On or about December 7, 2011, the Bureau served Respondent
8 with the Citation. The Bureau required that Respondent complete a 16-hour training course or
9 appeal the Citation within thirty (30) days of receipt of the Citation. Respondent did not appeal
10 the Citation nor has Respondent completed the required training.

11 OTHER MATTERS

12 10. Under Health and Safety Code section 44072.8, if Respondent's technician license,
13 currently designated as EA 632149, and as re-designated upon timely renewal as EO 632149
14 and/or EI 632149, is/are revoked or suspended, any additional license issued under this chapter in
15 the name of said licensee may be likewise revoked or suspended by the director.

16 PRAYER

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

- 19 1. Revoking or suspending Oleg Anatolyevich Kravchuk's technician license currently
20 designated as EA 632149, and as re-designated upon renewal as EO 632149 and/or EI 632149;
- 21 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
22 and Safety Code in the name of Oleg Anatolyevich Kravchuk;
- 23 3. Ordering Oleg Anatolyevich Kravchuk to pay the Bureau of Automotive Repair the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3; and,

26 ///

27 ² On or about September 29, 2011, Respondent issued Certificate of Compliance No.
28 [REDACTED] to a Bureau undercover vehicle with a missing Fuel Evaporative Storage Canister.

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

DATED: November 7, 2014

Patrick Dorais

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

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