

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

BRIAN SANTOS

Smog Check Inspector License No.
EO 633765

Smog Check Repair Technician License No.
EI 633765

Respondent.

Case No. 79/14-59

OAH No. 2014040815

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective May 15, 2015.

DATED: April 3, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

BEFORE THE
BUREAU OF AUTOMOTIVE REPAIR
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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Accusation Against:

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Case No. 79/14-59

OAH No. 2014040815

PROPOSED DECISION

James Ahler, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in San Bernardino, California, on January 13, 2015.

Michael Brown, Deputy Attorney General, Department of Justice, State of California, represented complainant, Patrick Dorais, Chief, Bureau of Automotive Repair (the Bureau or BAR), Department of Consumer Affairs, State of California.

Brian Santos, respondent, appeared on his own behalf.

The matter was submitted on January 13, 2015.

PRELIMINARY STATEMENT

In this disciplinary proceeding, Mr. Santos admitted all allegations set forth in the First Amended Accusation, including clean piping, clean plugging, violating the Motor Vehicle Inspection Program, and dishonesty, as well as recently being convicted of violating Penal Code Section 115, subdivision (a) (offering a false document), a felony. Mr. Santos made many mistakes and took full responsibility for them. He remains on probation. He asked for forgiveness.

The record supports the outright revocation of the licenses issued to Mr. Santos.

FACTUAL FINDINGS

Mr. Santos's License History

1. On October 31, 2011, the Bureau issued Advanced Emission Specialist (EA) Technician License No. 633765 to Brian Santos. That license was cancelled on April 24, 2013. Under California Code of Regulations, title 16, Section 3340.28, subdivision (e), the cancelled license was replaced with, and renewed as, Smog Check Inspector (EO) License No. 633765 and Smog Check Repair Technician (EI) License No. 633765.

There is no history of any previous discipline having been imposed upon any license issued to Mr. Santos.

Clean Piping and Clean Plugging

2. California's smog check inspection program requires vehicle owners to present their vehicles for smog check inspections at various times as required by law. Licensed smog check technicians at licensed smog check stations conduct mandated smog check inspections.

A smog check inspection consists of a three-part test. The emission sample test analyzes tail pipe emissions obtained while the vehicle's engine is running; the visual inspection requires a smog check technician to verify the presence of required emission control systems and components; the functional test requires a technician to physically test certain emission system components.

A computer-based analyzer – known as an EIS – is used to conduct a smog check inspection. The EIS samples exhaust gasses during the emission sample test phase, and the EIS accepts data entered by the smog check technician to document the results of the visual inspection and functional testing. If a vehicle passes all three parts of the smog inspection, the EIS notifies the Department of Motor Vehicles of that fact, and an electronic certificate of compliance is issued. Whether or not a vehicle passes the inspection, the EIS prints a Vehicle Inspection Report (VIR) concerning the results of the inspection. Data obtained during the inspection is stored on the EIS's hard drive and in a statewide Vehicle Identification Database (VID) that contains the dates and times of all smog check inspections, the identity of the vehicles tested (license plates and vehicle identification numbers), emissions readings, the identity of the technicians performing the testing, and the identifying numbers on the electronic certificate of compliance issued after a successful inspection. BAR employees have access to the VID and use the information stored there when conducting investigations.

3. The Bureau is aware of several methods used to circumvent a legitimate smog check inspection in order to obtain a certificate of compliance for a vehicle that might not have passed a properly conducted smog check inspection.

One method is known as “clean piping.” Clean piping involves the use of an exhaust emission sample from a vehicle that is not the subject of the smog check inspection that will pass the exhaust emission phase of the emission testing instead of using an exhaust sample from the vehicle actually being tested.

A second method is known as “clean plugging.” Clean plugging occurs during smog check inspections of vehicles equipped with OBD II systems.¹ To “clean plug” a vehicle, identifying information is entered into the EIS for the vehicle purportedly being tested, but the EIS’s OBD II data link connector is plugged into a vehicle other than the vehicle being tested to prevent the possible reporting of emission-system failures.

Clean piping and clean plugging involve fraud.

The Bureau’s Investigation

4. On November 1, 2012, the Bureau initiated an investigation of Si Se Puede Smog Check, a smog test only station located in Fontana, California. The Bureau’s investigation was the result of Si Se Puede providing questionable OBD II data during smog check inspections. More specifically, codes reported during smog check inspections were not supported by the vehicles supposedly being tested, which suggested clean plugging.

5. On November 21, 2012, Bureau Program Representative Andrew Nyborg conducted video surveillance of Si Se Puede Smog Center’s operations. Mr. Santos, an employee of Si Se Puede, was performing smog check inspections at Si Se Puede that day.

During the surveillance, Program Representative Nyborg observed Mr. Santos place Si Se Puede’s EIS emissions tailpipe probe into the tailpipe of a 1998 Saturn SC1 on multiple occasions between 11:20 a.m. and 1:05 p.m. During that period of time, Mr. Santos reported, via Si Se Puede’s EIS, that he had performed smog check inspections for six vehicles and that each vehicle had passed all parts of the inspections. A certificate of compliance was issued for each vehicle. Certificates of compliance were issued for the 1998 Saturn SC1, a 2005 Chevrolet Tahoe, a 1998 Dodge Ram, a 2002 Chevrolet C3500, a 2001 Dodge Intrepid, and a 1991 GMC Safari. In performing the inspections, Mr. Santos certified

¹ OBD (on-board diagnostics) is an acronym that refers to a vehicle’s self-diagnostic and reporting capabilities. OBD systems provide information about the status of various vehicle subsystems. OBD II standardization was prompted by emissions testing requirements, and while only emission-related codes and data are required to be transmitted, most manufacturers use an OBD-II data link connector to diagnose and access all vehicle systems. OBD II trouble codes are 4-digit codes that are preceded by a letter: P for engine and transmission (powertrain), B for body, C for chassis, and U for network.

under penalty of perjury that he had tested and inspected each vehicle as required by law and that each vehicle met California's applicable clean air statutes and regulations.

In fact, Mr. Santos did not test the 2005 Chevrolet Tahoe, the 1998 Dodge Ram, the 2002 Chevrolet C3500, the 2001 Dodge Intrepid, or the 1991 GMC Safari. Mr. Santos clean piped those five vehicles by using emission samples from the 1998 Saturn SC1.

6. On November 27, 2012, Program Representative Nyborg interviewed Mr. Santos. During that interview, Mr. Santos admitted that he had used exhaust emissions from the 1998 Saturn SC1 to clean pipe around 30 other vehicles. He told Program Representative Nyborg that he received no financial compensation for the clean piping and that the owner of Si Se Puede knew nothing about his misconduct.

7. Mr. Nyborg reviewed Si Se Puede's OBD II information stored in the VID for the period extending from October 13 through November 21, 2012. He found 85 smog check inspections containing OBD II code P0327. The code was not supported by many of the vehicles purportedly being inspected.² Mr. Santos, Jorge Miguel Avalos, a co-employee, and Charles Guzman Roman, the owner of Si Se Puede, each used a unique personal identification number to access Si Se Puede's EIS before performing smog check inspections in which OBD II code P0327 was produced. Vehicles purportedly being tested did not support the code that was generated.

8. Between October 13 and November 21, 2012, Mr. Santos reported, via Si Se Puede's EIS, that he performed smog check inspections for 11 vehicles that had passed smog check inspections. A certificate of compliance was issued for each vehicle. The vehicles included a 2000 Ford F150, a 1998 Chrysler Sebring, a 1997 Honda Accord, a 1996 Infinity I30, a 1999 Dodge Ram, a 2006 Jeep Cherokee, a 2003 Honda Civic, a 2000 Honda Civic, a 1996 Honda Odyssey, a 1996 Honda Civic, and a 1997 Honda Civic. In performing and reporting the inspections of those vehicles, Mr. Santos certified under penalty of perjury that he had tested and inspected each of the vehicles and that each vehicle met applicable clean air statutes and regulations. Each inspection included the production of an OBD II code that was not supported by the vehicle being tested.

In fact, Mr. Santos did not properly test the 11 vehicles referred to in this factual finding. Mr. Santos "clean plugged" those 11 vehicles.

9. On December 7, 2012, Mr. Nyborg presented Mr. Santos with the VIRs for the 11 vehicles just identified. Mr. Santos confirmed that his signature appeared on those VIRs.

² OBD II code P0327 is a generic code used by some vehicle manufacturers to identify "Knock Sensor 1 Circuit Low Input (Bank 1 or Single Sensor)." OBD II code P0327 is supported by a 1998 Saturn SC1; however, that code is not supported by a 2000 Ford F150, a 1998 Chrysler Sebring, a 1997 Honda Accord, a 1996 Infinity I30, a 1999 Dodge Ram, a 2006 Jeep Cherokee, a 2003 Honda Civic, a 2000 Honda Civic, a 1996 Honda Odyssey, a 1996 Honda Civic, or a 1997 Honda Civic.

10. The Bureau's documentation concerning the video surveillance of Si Se Puede's operations, a review of data obtained from the VID, a summary of the interviews with Mr. Santos, and the testimony concerning the manner and techniques related to clean piping and clean plugging produced in this proceeding were comprehensive and reliable.

11. Mr. Santos's activities in clean piping and clean plugging vehicles during smog check inspections violated the Motor Vehicle Inspection Program and many of the regulations enacted under that program, and his misconduct involved dishonesty and fraud that resulted in injury to residents of California.

12. The Bureau provided the Riverside County District Attorney's Office with the results of its investigation.

On May 22, 2013, Mr. Santos was charged with five counts of violating Penal Code section 115, subdivision (a) (knowingly procuring or offering a false instrument to be filed in any public office), each a felony, in Case No. FVA 1300908, filed in the Superior Court of California, County of San Bernardino.

On March 6, 2014, Mr. Santos was convicted, on his plea of nolo contendere, of one count of violating Penal Code section 115, subdivision (a), a felony. The remaining counts were dismissed as a part of a plea bargain.

The court suspended imposition of sentence and placed Mr. Santos on 36 months supervised probation. Terms and conditions of probation required Mr. Santos serve two days in custody in the county jail (credit was given for two days previously served), violate no laws, cooperate with the probation office, seek and maintain gainful employment, and pay a restitution fine of \$300.

Mr. Santos remains on supervised probation. His conviction has not been expunged.

13. Mr. Santos testified. Before his employment with Si Se Puede, Mr. Santos was employed by a State of California referee center, a state-contracted facility that provided specialized inspection smog check inspection and support services to assist consumers with vehicles that previously had failed a smog check inspection. Mr. Santos expressed remorse for his misconduct, said he recognized the mistakes he made, and accepted full responsibility for them. He said he had paid all fines and fees imposed as a condition of his probation. He said he regularly attends church. He said he was a "good person." He regretted his misconduct and asked for forgiveness.

Jurisdictional Matters

14. On November 22, 2013, complainant signed Accusation Case No. 79/14-59. That accusation named Mr. Santos, Gustavo Adolfo Urbina (the owner of Si Se Puede Smog Check), Jorge Miguel Avalos and Charles Guzman Roman (Mr. Santos's two co-employees) as respondents in this disciplinary action.

On May 28, 2014, a default decision and order became effective in Case No. 79/14-59 that revoked the automotive repair dealer registration and smog check test only station license issued to Gustavo Adolfo Urbina and the smog check technician license issued to Jorge Miguel Avalos, and which adopted a stipulated surrender of the smog check technician license issued to Charles Guzman Roman.

On December 31, 2014, Mr. Santos signed a trial stipulation in which he admitted all allegations set forth in the accusation and stipulated to the authenticity and foundation of complainant's exhibits.

On January 12, 2015, complainant signed First Amended Accusation Case No. 70/14-59. Complainant served Mr. Santos with the first amended accusation, which included new allegations relating to his criminal conviction.

On January 13, 2015, the administrative record was opened. Mr. Santos stipulated to the admission of Exhibits 1 through 53. He did not object to proceeding under the first amended accusation. He waived the right to seek a continuance to meet the new charges. Documentary evidence was introduced; sworn testimony was provided; the record was closed; and the matter was submitted.

Disciplinary Considerations

15. Health and Safety Code section 44072.10 provides in part:

(c) The department shall revoke the license of any smog check technician . . . who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, as defined by the department

[¶] . . . [¶]

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

(d) Once a license has been revoked for a . . . technician under subdivision . . . (c), the license shall not be reinstated for any reason

16. The Bureau enacted disciplinary guidelines that are found at California Code of Regulations, title 16, section 3395.4. These guidelines provide a range of recommended sanctions for various violations. The guidelines do not mandate an outright revocation for

clean piping or clean plugging. The Bureau requests that administrative law judges consider factors in aggravation and mitigation when considering a final penalty.

17. In this matter, factors in aggravation included Mr. Santos's outright fraud. Other than his expression of remorse Mr. Santos provided scant evidence of rehabilitation.

For the violations established in this matter, the disciplinary guidelines recommend a maximum sanction of outright revocation and a minimum sanction of a revocation, stayed, with an actual suspension and period of probation. The outright revocation of Mr. Santos's license is the most appropriate measure of discipline.

Costs of Investigation and Prosecution

18. A certification of costs of investigation was signed by William D. Thomas, Program Manager I. The certification stated that Mr. Thomas reviewed Bureau records "which reflect that the attachments of costs and fees that have been incurred by the agency in connection with the investigation and prosecution of Accusation Number 79/14-59 as of December 15, 2014." The attachment stated that 222 hours of Program Representative I time was incurred in the investigation and was billed at rates ranging from \$71.26 to \$73.20 per hour, and that 48.25 hours of Program Representative II time was incurred and billed at rates ranging from \$76.06 to \$77.87 per hour. The attachment stated that there was \$100.00 in "operator fees." Costs of enforcement totaled \$20,007.63.

Neither the certification nor the attachment contained facts sufficient to support any finding regarding the Bureau's actual costs incurred or the reasonableness of investigative services. The certification Mr. Thomas signed did not describe the general tasks performed or the time spent on each task.

An award for investigative costs cannot be issued because inadequate evidence was provided to support an award.

19. A certification of prosecution costs was signed by the deputy attorney general who prosecuted this action. The declaration stated that the deputy requested a billing summary for the case that was maintained by the Department of Justice. That billing summary was produced, and it was attached to the deputy's declaration. In contrast to the attachment to Mr. Thomas's certification, the billing summary contained each date on which legal services were provided, the nature of the task performed that day, the time spent that day performing a particular task, and the billing rate of the persons providing legal services. The billing rate for attorney services was \$170 per hour. The billing rate for paralegal services was \$120 per hour. These are reasonable rates. The time spent in the prosecution of the matter was reasonable given the complexity of the case and the volume of documents that had to be reviewed. The billing summary documented enforcement costs of \$15,800, and the declaration included information that supported an award of an additional 14 hours of legal services billed at the rate of \$170 per hour. The declaration and attachment supported an award of enforcement costs of \$18,180.00

20. The evidence supports an order directing Mr. Santos to pay total costs of investigation and enforcement in the amount of \$18,180.00.

LEGAL CONCLUSIONS

The Burden and Standards of Proof

1. Absent a statute to the contrary, the burden of proof in a license disciplinary proceeding is on the party filing the accusation, which is ordinarily the agency. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9.)

2. Although an applicant for an advanced emission specialist technician license must complete certain coursework (Cal. Code Regs., tit. 16, § 3340.28, subd. (b)(3)) and pass an examination (Cal. Code Regs., tit. 16, § 3340.29), such requirements are not similar to the extensive educational, training and testing requirements necessary to obtain a professional license. An advanced emission specialist technician license is a nonprofessional or occupational license, and proceedings to revoke such a license are governed by the preponderance of evidence standard of proof. (*Imports Performance v. Department of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-917.)

Statutes and Regulations

3. Business and Professions Code section 490 provides in part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means . . . a conviction following a plea of nolo contendere

4. Business and Professions Code section 9889.3 provides in part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee . . . :

[¶] . . . [¶]

(b) Is convicted of any crime substantially related to the qualifications, functions and duties of the license holder in question.

5. California Code of Regulations, title 16, section 3340.24, subdivision (c), provides:

The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

6. California Code of Regulations, title 16, section 3340.30, subdivision (a), requires a licensed smog technician to “[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.”

7. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides:

No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

8. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions test methods and procedures that apply when conducting a smog check inspection in California.

9. Health and Safety Code section 44012 provides in part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle’s onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state

board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

(a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.

[¶] . . . [¶]

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.

10. Health and Safety Code section 44032 provides:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

11. Health and Safety Code section 44059 provides in part:

The willful making of any false statement or entry with regard to a material matter in any . . . certificate of compliance . . . or application form . . . constitutes perjury and is punishable as provided in the Penal Code.

12. Health and Safety Code section 44072.2 provides in part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee,

or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

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

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

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

Cause Exists to Revoke Respondent's Licenses

13. A preponderance of the evidence established cause exists to revoke respondent's licenses under Health and Safety Code section 44072.2, subdivision (a), because when he clean piped the vehicles at issue, respondent violated Business and Professions Code section 44012, subdivision (a), by failing to determine whether all emission control devices and systems required by law were installed and functioning correctly in accordance with test procedures; he violated Business and Professions Code section 44012, subdivision (f), by failing to perform emission control tests on those vehicles in accordance with procedures prescribed by the Department; he violated Business and Professions Code section 44032, by failing to perform tests of the emission control devices and systems on those vehicles in accordance with Business and Professions section 44012 in that each of the vehicles had been clean piped; and he violated Business and Professions Code section 44059, by willfully making false entries required to obtain electronic certificates of compliance by certifying that the vehicles for which the entries were made had been inspected as required when, in fact, they had not.

14. A preponderance of the evidence established cause exists to revoke respondent's licenses under Health and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles that respondent clean plugged, he violated California Code of Regulations, title 16, section 3340.24, subdivision (c), by fraudulently issuing electronic certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012; he violated California Code of Regulations, title 16, section 3340.30, subdivision (a), by failing to inspect and test those vehicles in accordance with Health and Safety Code section 44012; he violated California Code of Regulations, title 16, section 3340.41, subdivision (c), by entering false information into the EIS for the issuance of electronic certificates of

compliance by entering vehicle emission control information for vehicles other than the vehicles being certified; and he violated California Code of Regulations, title 16, section 3340.42, by failing to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

15. A preponderance of the evidence established cause to revoke respondent's licenses under Business and Professions Code section 44072.2, subdivision (d), because respondent committed acts involving dishonesty, fraud and deceit that resulted in injury to residents and citizens of the State of California and deprived the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program when he clean piped five vehicles and clean plugged seven vehicles.

16. A preponderance of the evidence established cause to revoke respondent's licenses for his violations of the Motor Vehicle Inspection Program under Health and Safety Code section 44072.2, subdivision (a), because when he clean plugged the vehicles described herein, respondent failed to comply in a material respect with Business and Professions Code section 44012 by failing to perform the emission control tests in accordance with procedures prescribed by the Department.

17. A preponderance of the evidence established cause to revoke respondent's licenses under Health and Safety Code section 44072.2, subdivision (c), in that: respondent violated California Code of Regulations, title 16, section 3340.24, subdivision (c), by fraudulently issuing electronic smog certificates of compliance for the vehicles he clean piped; violated California Code of Regulations, title 16, section 3340.30, subdivision (a), in that he failed to inspect and test the vehicles he clean plugged in accordance with Health and Safety Code sections 44012 and 44035 and California Code of Regulations, title 16, section 3340.42; and violated California Code of Regulations, section 3340.42, by failing to conduct the required smog tests on the vehicles he clean piped in accordance with the Bureau's specifications.

18. A preponderance of the evidence established cause to revoke respondent's licenses under Business and Professions Code sections 490 and 9889.3, subdivision (b), and Health and Safety Code section 44072.2, subdivision (b), in that on March 6, 2014, respondent was convicted, on his plea of nolo contendere, of one felony count of violating Penal Code 115, subdivision (a) (procuring or offering false or forged instrument), a conviction that arose out of and is substantially related to the qualifications, functions and duties of a Bureau licensee.

Rehabilitation

19. California Code of Regulations, title 16, section 3395, subdivision (b), provides:

(b) When considering the suspension or revocation of a license or a registration on the grounds that the licensee or registrant has

been convicted of a crime, the bureau, in evaluating the rehabilitation of such person, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee or registrant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee or registrant.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee or registrant.

20. Respondent was convicted of a felony that arose out of his clean piping and clean plugging numerous vehicles, extremely serious misconduct. He has no other criminal record. Less than a year has passed since his conviction. He has paid his fines and fees, but his conviction has not been expunged. Respondent expressed remorse, but the mere expression of remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is presented by sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.)

The Appropriate Disciplinary Sanction

21. The record in this matter supports the outright revocation of respondent's licenses. The revocation that is imposed in this matter is based upon the causes for discipline, independently and collectively.

Costs of Investigation and Enforcement

22. Business and Professions Code section 125.3 provides in part:

- (a) . . . in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board 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 costs of investigation and enforcement of the case.

23. A preponderance of the evidence established that the Bureau's reasonable costs of investigation and enforcement total \$18,180.00.

ORDER

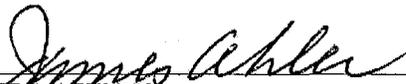
Advanced Emission Specialist (EA) Technician License No. 633765 issued to Brian Santos is revoked.

Smog Check Inspector (EO) License No. 633765 issued to Brian Santos is revoked.

Smog Check Repair Technician (EI) License No. 633765 issued to Brian Santos is revoked.

Brian Santos shall pay \$18,800.00 to the Bureau of Automotive Repair for the Bureau's reasonable costs of investigation and enforcement.

DATED: February 12, 2015



JAMES AHLER
Administrative Law Judge
Office of Administrative Hearings

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7

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 First Amended Accusation
12 Against:

13 **BRIAN SANTOS**
14 **125 E. Alru Street**
Rialto, CA 92376
15 **Smog Check Inspector License No. EO 633765**
Smog Check Repair Technician License No. EI
16 **633765 (was redesignated upon renewal from**
EA 633765 to EO 633765 and EI 633765)

17 Respondent.

Case No.79/14-59

OAH No. 2014040815

FIRST AMENDED
ACCUSATION

(Smog Check)

18
19 Complainant alleges:

20 **PARTIES/LICENSE INFORMATION**

- 21 1. Patrick Dorais ("Complainant") brings this First Amended Accusation solely in his
22 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of
23 Consumer Affairs.
- 24 2. On or about October 31, 2011, the Director issued Advanced Emission Specialist
25 Technician License Number EA 633765 ("technician license") to Brian Santos ("Respondent
26 Santos"). Respondent Santos' technician license EA 633765 was due to expire on April 30, 2013,
27 however was cancelled on April 24, 2013. Pursuant to California Code of Regulations, title 16,
28

1 section 3340.28, subdivision (e)¹, the license was renewed, pursuant to Respondent Santos'
2 election, as Smog Check Inspector License Number EO 633765 ("inspector license") and Smog
3 Check Repair Technician License Number EI 633765 ("repair technician license"), effective April
4 24, 2013. Respondent Santos' inspector license and repair technician license were in full force
5 and effect at all times relevant to the charges brought herein and will expire on April 30, 2015,
6 unless renewed.

7 JURISDICTION

8 3. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
9 the Director may revoke an automotive repair dealer registration.

10 4. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
11 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
12 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
13 invalidating (suspending or revoking) a registration.

14 5. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
15 part, that the Director has all the powers and authority granted under the Automotive Repair Act
16 for enforcing the Motor Vehicle Inspection Program.

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

21 STATUTORY PROVISIONS

22 7. Section 490 of the Code states:

23 "(a) In addition to any other action that a board is permitted to take against a licensee, a
24 board may suspend or revoke a license on the ground that the licensee has been convicted of a
25

26 ¹ 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 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
2 or profession for which the license was issued.

3 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
4 discipline a licensee for conviction of a crime that is independent of the authority granted under
5 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
6 of the business or profession for which the licensee's license was issued.

7 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
8 conviction following a plea of nolo contendere. Any action that a board is permitted to take
9 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
10 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
11 made suspending the imposition of sentence, irrespective of a subsequent order under the
12 provisions of Section 1203.4 of the Penal Code."

13 8. Bus. & Prof. Code section 9889.3 of the Code states, in pertinent part:

14 "The director may suspend, revoke, or take other disciplinary action against a license as
15 provided in this article if the licensee or any partner, officer, or director thereof:

16 ...

17 (b) Is convicted of any crime substantially related to the qualifications, functions and duties
18 of the licenseholder in question."

19 9. Bus. & Prof. Code section 22, subdivision (a), states:

20 "Board" as used in any provision of this Code, refers to the board in
21 which the administration of the provision is vested, and unless otherwise expressly
22 provided, shall include "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

23 10. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
24 "license" includes "registration" and "certificate."

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1 **REGULATORY PROVISIONS**

2 11. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
3 states:

4 “The bureau may suspend or revoke the license of or pursue other legal action against a
5 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
6 certificate of noncompliance.”

7 12. CCR, title 16, section 3340.28, subdivision (e), states that “[u]pon renewal of an
8 unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license
9 issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog
10 Check Inspector, Smog Check Repair Technician, or both.”

11 13. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
12 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
13 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section
14 3340.42 of this article.”

15 14. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into
16 the emissions inspection system any vehicle identification information or emission control system
17 identification data for any vehicle other than the one being tested. Nor shall any person
18 knowingly enter into the emissions inspection system any false information about the vehicle
19 being tested.”

20 15. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
21 procedures which apply to all vehicles inspected in the State of California.

22 **HEALTH AND SAFETY CODES**

23 16. Health & Saf. Code section 44012 states:

24 “The test at the smog check stations shall be performed in accordance with procedures
25 prescribed by the department and may require loaded mode dynamometer testing in enhanced
26 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
27 appropriate test procedures as determined by the department in consultation with the state board.
28 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode

1 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning
2 no earlier than January 1, 2013. However, the department, in consultation with the state board,
3 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed
4 idle testing for vehicles with onboard diagnostic systems that the department and the state board
5 determine exhibit operational problems. The department shall ensure, as appropriate to the test
6 method, the following:

7 “(a) Emission control systems required by state and federal law are reducing excess
8 emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of
9 Section 44013.

10

11 “(f) A visual or functional check is made of emission control devices specified by the
12 department, including the catalytic converter in those instances in which the department
13 determines it to be necessary to meet the findings of Section 44001. The visual or functional
14 check shall be performed in accordance with procedures prescribed by the department.”

15 17. Health & Saf. Code section 44032 states:

16 “No person shall perform, for compensation, tests or repairs of emission control devices or
17 systems of motor vehicles required by this chapter unless the person performing the test or repair
18 is a qualified smog check technician and the test or repair is performed at a licensed smog check
19 station. Qualified technicians shall perform tests of emission control devices and systems in
20 accordance with Section 44012.”

21 18. Health & Saf. Code section 44059 states:

22 “The willful making of any false statement or entry with regard to a material matter in any
23 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
24 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business
25 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

26 19. Health & Saf. Code section 44072.2 states, in pertinent part:

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

1 Respondent Santos performed six (6) smog inspections, which resulted in the issuance of
 2 electronic certificates of compliance for the vehicles set forth in Table 1, below, certifying that he
 3 had tested and inspected those vehicles and that the vehicles were in compliance with applicable
 4 laws and regulations. In fact, Respondent Santos performed the smog inspections using the clean
 5 piping method² by using the tail pipe emissions of vehicles other than the vehicles being certified
 6 in order to issue the electronic certificates of compliance. The vehicles certified were not in the
 7 test bay at the time of the smog inspections.

8 **Table 1**

9

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
11/21/2012 11:21 hours to 11:30 hours	1990 Toyota Pickup, License # 8T20056	1998 Saturn SC1, License No. 6VIS874	XN842165C
11/21/2012 11:35 hours to 11:49 hours	2005 Chevrolet Tahoe VIN#1GNEC13T65R21 4770	1998 Saturn SC1, License No. 6VIS874	XN842166C
11/21/2012 11:59 hours to 12:09 hours	1998 Dodge Ram 1500, Vin#1D7HA16D04J295 591	1998 Saturn SC1, License No. 6VIS874	XN842167C
11/21/2012 12:16 hours to 12:23 hours	2002 Chevrolet C3500, License #6T85401	1998 Saturn SC1, License No. 6VIS874	XN842168C
11/21/2012 12:35 hours to 12:46 hours	2001 Dodge Intrepid, License#4PHJ284	1998 Saturn SC1, License No. 6VIS874	XN842169C

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26 ² "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of
 27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in
 28 compliance or are not present in the smog check area during the time of the certification.

1 2 3	11/21/2012 12:55 hours to 13:04 hours	1991 GMC Safari, License #2ZAJ633	1998 Saturn SC1, License No. 6VIS874	None ³
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4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program)**

6 24. Respondent Santos has subjected his technician licenses to discipline under Health
7 and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in Table
8 1, above, he violated sections of that Code, as follows:

9 a. **Section 44012, subdivision (a):** Respondent Santos failed to determine that all
10 emission control devices and systems required by law were installed and functioning correctly in
11 accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent Santos failed to perform emission
13 control tests on those vehicles in accordance with procedures prescribed by the department.

14 c. **Section 44032:** Respondent Santos failed to perform tests of the emission control
15 devices and systems on those vehicles in accordance with section 44012 of that Code, in that the
16 vehicles had been clean piped.

17 d. **Section 44059:** Respondent Santos willfully made false entries for the electronic
18 certificates of compliance by certifying that those vehicles had been inspected as required when,
19 in fact, they had not.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 25. Respondent Santos has subjected his technician licenses to discipline under Health
23 and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles set forth in Table
24 1, above, he violated sections of the California Code of Regulations, title 16, as follows:

25
26 ³ BAR Program Representatives walked into Si Se Puede Smog Check's facility while this
27 smog check inspection was in progress and interrupted the smog inspection while the inspection
28 was in progress. The 1991 GMC Safari, License #2ZAJ633 was never seen at Si Se Puede Smog
Check the day of its certification.

1 a. **Section 3340.24, subdivision (c):** Respondent Santos falsely or fraudulently issued
2 electronic certificates of compliance without performing bona fide inspections of the emission
3 control devices and systems on those vehicles as required by Health and Safety Code section
4 44012.

5 b. **Section 3340.30, subdivision (a):** Respondent Santos failed to inspect and test those
6 vehicles in accordance with Health and Safety Code section 44012.

7 c. **Section 3340.41, subdivision (c):** Respondent Santos entered false information into
8 the Emission Inspection System for the electronic certificates of compliance by entering vehicle
9 emission control information for vehicles other than the vehicles being certified.

10 d. **Section 3340.42:** Respondent Santos failed to conduct the required smog tests and
11 inspections on those vehicles in accordance with the Bureau's specifications.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Dishonesty, Fraud or Deceit)**

14 26. Respondent Santos has subjected his technician licenses to discipline under Health
15 and Safety Code section 44072.2, subdivision (d), in that regarding the vehicles set forth above in
16 Table 1, he committed acts involving dishonesty, fraud or deceit whereby another was injured by
17 issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without
18 performing bona fide inspections of the emission control devices and systems on those vehicles,
19 thereby depriving the People of the State of California of the protection afforded by the Motor
20 Vehicle Inspection Program.

21 **VID DATA REVIEW**

22 27. A representative of the Bureau conducted a detailed review of VID data for all smog
23 inspections performed at Si Se Puede Smog Check's facility for the period of October 13, 2012,
24 through November 21, 2012. The representative found that the 7 vehicles identified below
25 recorded certain diagnostic trouble codes (hereinafter "code") during the OBD II tests⁴. The

26 ⁴ The On Board Diagnostics (OBD II) functional test is an automated function of the
27 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an
28 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is
located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves

(continued...)

1 representative obtained information indicating that the codes were not applicable to the vehicles.
 2 The VID data revealed that Respondent Santos performed the inspections on vehicles 1 through 7.
 3 The Bureau concluded that Respondent Santos performed the smog inspections on the vehicles
 4 using a different vehicle(s) during the OBD II tests, a method known as "clean plugging",⁵
 5 resulting in the issuance of fraudulent certificates of compliance for the vehicles identified in the
 6 table below:

Date & Time of Inspection	Vehicle Certified & License or VIN No.	Certificate No.
1. 11/8/2012 09:45-09:55	1999 Dodge Ram 3500, License #5X30050	XN645616C
2. 11/8/2012 10:06-10:34	2006 Jeep Grand Cherokee, License #6LWF133	XN645617C
3. 11/13/2012 17:12-17:25	2003 Honda Civic, License #6JEU187	XN737751C
4. 11/15/2012 17:42-17:49	2000 Honda Civic, License #4PCE261	XN737771C
5. 11/17/2012 15:31-15:39	1996 Honda Odyssey, License #3NZS081	XN737785C
6. 11/21/2012 08:08-08:16	1996 Honda Civic, License #3SIP707	XN842161C
7. 11/21/2012 08:20-08:27	1997 Honda Civic, License #6PPK662	XN842162C

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23 information from the vehicle's on-board computer about the status of the readiness indicators,
 24 trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II
 functional test, it will fail the overall inspection.

25 ⁵ Clean-plugging is the use of the OBD II readiness monitor status and stored fault code
 26 (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to
 27 another vehicle that is not in compliance due to a failure to complete the minimum number of self
 tests, known as monitors, or due to the presence of a stored fault code that indicates an emission
 control system or component failure.

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FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

28. Respondent Santos's technician licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section 44012 of that Code, in a material respect, as follows: Respondent failed to perform the emission control tests on vehicles 1-7, identified in paragraph 27 above, in accordance with procedures prescribed by the department.

FIFTH CAUSE FOR DISCIPLINE

**(Failure to Comply with Regulations Pursuant
to the Motor Vehicle Inspection Program)**

29. Respondent Santos's technician licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with provisions of California Code of Regulations, title 16, as follows:

- a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued electronic smog certificates of compliance for vehicles 1-7, identified in paragraph 27 above.
- b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test vehicles 1-7, identified in paragraph 27 above, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.
- c. **Section 3340.42**: Respondent failed to conduct the required smog tests on vehicles 1-7 identified in paragraph 27 above, in accordance with the Bureau's specifications.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

30. Respondent Santos's technician licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance for vehicles 1-7, identified in paragraph 27 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the

1 People of the State of California of the protection afforded by the Motor Vehicle Inspection
2 Program.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crime)**

5 31. Respondent Santos is subject to disciplinary action under sections 490 and 9889.3
6 subdivision (b) of the Code and section 44072.2 subdivision (b) of the Health & Saf. Code in that
7 Respondent Santos was convicted of a crime substantially related to the qualifications, functions,
8 and duties of a smog check inspector and smog check technician. On or about March 6, 2014,
9 after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal
10 Code 115, subdivision (a) [procuring or offering false or forged instrument for record] in the
11 criminal proceeding entitled *The People of the State of California vs. Brian Santos* (Super. Ct. of
12 San Bernardino, Case No. FVA1300908). The Court sentenced Respondent to thirty-six months
13 of probation, serve two days in the San Bernardino County Jail and other terms and conditions.
14 The circumstances of the crime are set forth in paragraphs 23 through 30 above.

15 **OTHER MATTERS**

16 32. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
17 No. EO 633765 and Smog Check Repair Technician License No. EI 633765 (was redesignated
18 upon renewal from EA 633765 to EO 633765 and EI 633765) issued to Respondent Brian
19 Santos, is revoked or suspended, any additional license issued under this chapter in the name of
20 said licensee may be likewise revoked or suspended by the Director.

21 **PRAYER**

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

24 1. Revoking or suspending Smog Check Inspector License No. EO 633765 and Smog
25 Check Repair Technician License No. EI 633765 (was redesignated upon renewal from EA
26 633765 to EO 633765 and EI 633765) issued to Respondent Brian Santos;

27 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
28 and Safety Code issued to Brian Santos;

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3. Ordering Brian Santos 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: January 12, 2015 

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

LA2013508959

Received in BAR EPO
APR 07 2015

Memorandum

To: **THERESA MONTOYA**
Case Management Unit
Bureau of Automotive Repair

Date: April 3, 2015

From: **Department of Consumer Affairs**
Legal Office

Telephone: (916) 574-8220
FAX: (916) 574-8623

Subject: **Decision adopting ALJ's Proposed Decision – Brian Santos**
Acc. No. 79/14-59

Enclosed is the Decision signed by the Assistant General Counsel in the above-entitled matter. Please note that a copy must be sent by certified mail to respondent and/or respondent's attorney and by regular mail to the Administrative Law Judge and to the Deputy Attorney General who handled the case.

Please let us know if you have any questions.

DOREATHEA JOHNSON
Deputy Director
Legal Affairs



By IMELDA R. GALANG
Senior Legal Analyst

Enclosure



Bureau of Automotive Repair

Case Management Unit

10949 North Mather Boulevard, Rancho Cordova, CA 95670

P (916) 403-8080 F (916) 464-2879 www.bar.ca.gov



MEMORANDUM

To : Rebecca Bon
Staff Counsel
DCA Legal

Date: March 3, 2015

Case No: IN20134497
EO/EI 633765

From : William D. Thomas *Montoya for*
Program Manager II
Case Management
Bureau of Automotive Repair

RE: PROPOSED DECISION AND DISCIPLINARY ORDER AGAINST:

BRIAN SANTOS
EO/EI 633765 (FORMERLY EA 633765)

ACCUSATION NO. 79/14-59

The enclosed Proposed Decision and Disciplinary Order is submitted for your review. If the Director concurs, and after the necessary signatures, please return to **Theresa Montoya** for processing and service.

Enclosure

RECEIVED

MAR 05 2015

Department of Consumer Affairs
LEGAL OFFICE
SACRAMENTO



GENERAL JURISDICTION DIVISION

1350 Front Street Suite 6022, San Diego CA 92101
(619) 525-4475 phone / (916) 376-6325 fax
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Department of General Services

Governor Edmund G. Brown Jr.

February 12, 2015

Bureau of Automotive Repair
10949 North Mather Blvd
Rancho Cordova, CA 95670

Subject: Santos, Brian
OAH No. 2014040815
Agency No. 79/14-59

Received in BAR EPU
FEB 11 2015

Enclosed are the following:

- The original Proposed Decision
- An agency order of adoption. If the Proposed Decision is adopted, please return a copy of the signed adoption order to the Office of Administrative Hearings.
- The original Decision
- Exhibits numbered: 1 – 53
Please make sure you have received all listed exhibits. If exhibits are missing, please contact OAH immediately.
- Email copy of the Proposed Decision to:
- The above referenced case was resolved prior to conclusion of the hearing. We are returning the enclosed original exhibits 1 – x to you.

JA:fd

Encl.

Transmittal Form
OAH 60 (Rev. 04/09)

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