

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

In the Matter of the Accusation Against:

**WESTERN TEST ONLY;
TRAVIS ENGLISH OWNER**

3321 W. Florence Avenue
Los Angeles, CA 90043

Automotive Repair Dealer Registration
No. ARD 267948
Smog Check Test Only Station License
No. TC 267948

and

TRAVIS AARON ENGLISH

3734 W. 173rd Street
Torrance, CA 90504

Advanced Emission Specialist Technician
License No. EA 633842

Case No. 79/13-09

Respondents.

DECISION

The attached Stipulated Revocation of Licenses and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective

12/26/12

DATED: December 4, 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 79/13-09

12 **WESTERN TEST ONLY;**
13 **TRAVIS ENGLISH, OWNER**
3321 W. Florence Avenue
14 Los Angeles, CA 90043

STIPULATED REVOCATION OF
LICENSES AND ORDER

15 Automotive Repair Dealer Registration No.
ARD 267948
16 Smog Check Test Only Station License No. TC
267948
17

18 and
19

20 **TRAVIS AARON ENGLISH**
21 3734 W. 173rd Street
Torrance, CA 90504
22

23 Advanced Emission Specialist Technician
License No. EA 633842
24

25 Respondents.
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27 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
28 proceeding that the following matters are true:

1 PARTIES

2 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney General.

5 2. On or about February 14, 2012, the Bureau issued Automotive Repair Dealer
6 Registration Number ARD 267948 (ARD registration) to Western Test Only; Travis English,
7 Owner (Respondent Western Test Only). The ARD registration was in full force and effect at all
8 times relevant to the charges brought herein and will expire on February 28, 2013, unless
9 renewed.

10 3. On or about March 5, 2012, the Bureau issued Smog Check Test Only Station
11 License Number TC 267948 (station license) to Respondent Western Test Only. The station
12 license was in full force and effect at all times relevant to the charges brought herein and will
13 expire on February 28, 2013, unless renewed.

14 4. On or about November 30, 2011, the Bureau issued Advanced Emission Specialist
15 Technician License Number EA 633842 (technician license) to Travis Aaron English
16 (Respondent English). The technician license was in full force and effect at all times relevant to
17 the charges brought herein and will expire on December 31, 2013, unless renewed.

18 JURISDICTION

19 5. Accusation No. 79/13-09 was filed before the Director of Consumer Affairs
20 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
21 Respondents. The Accusation and all other statutorily required documents were properly served
22 on Respondents on August 14, 2012. Respondents timely filed their Notices of Defense
23 contesting the Accusation. A copy of Accusation No. 79/13-09 is attached as Exhibit A and
24 incorporated by reference.

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1 understand and agree that they may not withdraw their agreement or seek to rescind the
2 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
3 this stipulation as the Decision and Order, the Stipulated Revocation of Licenses and Disciplinary
4 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
5 action between the parties, and the Director shall not be disqualified from further action by
6 having considered this matter.

7 12. The parties understand and agree that facsimile copies of this Stipulated Revocation
8 of Licenses and Order, including facsimile signatures thereto, shall have the same force and effect
9 as the originals.

10 13. This Stipulated Revocation of Licenses and Order is intended by the parties to be an
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
13 negotiations, and commitments (written or oral). This Stipulated Revocation of Licenses and
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
15 writing executed by an authorized representative of each of the parties.

16 14. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Director may, without further notice or formal proceeding, issue and enter the following
18 Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 267948
21 and Smog Check, Test Only, Station License No. TC 267948 issued to Respondent Western Test
22 Only; Travis English, Owner are hereby permanently invalidated and revoked, respectively, by
23 the Director of Consumer Affairs.

24 IT IS FURTHER ORDERED that Advanced Emission Specialist Technician License
25 Number EA 633842 issued to Respondent Travis Aaron English is hereby revoked.

26 1. The permanent invalidation of Respondent Western Test Only; Travis English
27 Owner's Automotive Repair Dealer Registration and the revocation of its Smog Check, Test
28 Only, Station License, and the revocation of Respondent English's technician license shall

1 constitute the imposition of discipline against Respondents. This stipulation constitutes a record
2 of the discipline and shall become a part of Respondents' license histories with the Bureau of
3 Automotive Repair.

4 2. Respondent Western Test Only; Travis English shall lose all rights and privileges as
5 an Automotive Repair Dealer and Smog Check, Test Only, Station License owner in California as
6 of the effective date of the Director's Decision and Order.

7 3. Respondent Travis Aaron English shall lose all rights and privileges as an Advanced
8 Emission Specialist Technician in California as of the effective date of the Director's Decision
9 and Order.

10 4. Respondents shall cause to be delivered to the Bureau their pocket licenses and, if any
11 were issued, wall certificates on or before the effective date of the Decision and Order.

12 5. If either or both Respondents herein should ever apply for licensure or petition for
13 reinstatement in the State of California, the Bureau shall treat any such application as a new
14 application for licensure. Such Respondent must comply with all the laws, regulations and
15 procedures for licensure in effect at the time the application or petition is filed, and all of the
16 charges and allegations contained in Accusation No. 79/13-09 shall be deemed to be true, correct
17 and admitted by such Respondent when the Director determines whether to grant or deny any
18 such application or petition.

19 6. Respondents shall be jointly and severally responsible for paying the agency its costs
20 of investigation and enforcement in the amount of \$10,000.00 prior to issuance of a new or
21 reinstated license to either or both of them.

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ACCEPTANCE

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I have carefully read the above Stipulated Revocation of Licenses and Order and have fully
discussed it with my attorney, Dale Van Camp, Esq. I understand the stipulation and the effect it
will have on my Automotive Repair Dealer Registration, and Smog Check, Test Only, Station

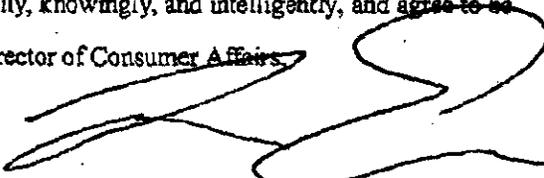
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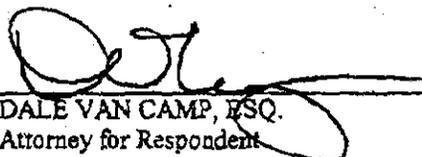
1 License. I enter into this Stipulated Revocation of Licenses and Order voluntarily, knowingly,
 2 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
 3 Affairs.

4
 5 DATED: 11/5/12 
 6 WESTERN TEST ONLY; TRAVIS ENGLISH,
 7 OWNER
 8 Respondent

9 I have carefully read the above Stipulated Revocation of Licenses and Order and have fully
 10 discussed it with my attorney, Dale Van Camp, Esq. I understand the stipulation and the effect it
 11 will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated
 12 Revocation of Licenses and Order voluntarily, knowingly, and intelligently, and agree to be
 13 bound by the Decision and Order of the Director of Consumer Affairs.

14
 15 DATED: 11/5/12 
 16 TRAVIS AARON ENGLISH
 17 Respondent

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 19
 20 I have read and fully discussed with Respondent Western Test Only; Travis Aaron English
 21 the terms and conditions and other matters contained in this Stipulated Surrender of License and
 22 Order. I approve its form and content.

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 24 DATED: 11-5-12 
 25 DALE VAN CAMP, ESQ.
 26 Attorney for Respondent

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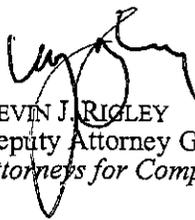
ENDORSEMENT

The foregoing Stipulated Revocation of Licenses and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 11/5/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

LA2012507096
Stipulation.rtf

Exhibit A

Accusation No. 79/13-09

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
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14 **TRAVIS ENGLISH, OWNER**
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Los Angeles, CA 90043

ACCUSATION
SMOG CHECK

15 Automotive Repair Dealer Registration No.
ARD 267948
16 Smog Check Test Only Station License No. TC
267948

17 and

18 **TRAVIS AARON ENGLISH**
19 3734 W. 173rd Street
20 Torrance, CA 90504

21 Advanced Emission Specialist Technician
License No. EA 633842

22 Respondents.
23

24 Complainant alleges:

25 **PARTIES**

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

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

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12. Health & Saf. Code section 44072.10 states, in pertinent part:

....

(c) The department shall revoke the license of any smog check technician or station licensee 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 . . .

13. Health & Saf. Code section 44032 states that 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 a qualified smog 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.

14. Health & Saf. Code section 44072.8 states that 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

15. Bus. & Prof. Code section 125.3 provides, in pertinent part, that the Bureau 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.

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Table 1

Test #	Test Times	Vehicle in EIS Data (License Plate #)	Vehicle Tested (License Plate #)	Certificate Issued
1.	09:28- 10:08	2003 Mazda Tribute (No license plates)	1998 Ford Escort (4FVY221)	XF864781C
2.	10:39-11:02	1993 Toyota Echo (No license plates)	1998 Ford Escort (4FVY221)	XF864782C
3.	11:15-11:40	1979 Toyota Pickup (3V42458)	Unknown	XF864783C
4.	12:13-12:35	1990 Mazda Miata (2RIH198)	1998 Ford Escort (4FVY221)	XF864784C
5.	12:50-13:15	1999 Subaru Forrester (No license plates)	1998 Ford Escort (4FVY221)	XF864785C
6.	13:25-13:44	1998 GMC C-3500 Pickup (6N80242)	1998 Ford Escort (4FVY221)	XF864786C
7.	14:06-14:38	1980 Triumph Spitfire (No license plates)	1998 Ford Escort (4FVY221)	XF864787C

FIRST CAUSE FOR DISCIPLINE**(Untrue or Misleading Statements)**

17. Respondent Western Test Only has subjected its ARD registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about April 19, 2012, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading, as follows: Respondent English certified that vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent English used clean piping methods in order to issue certificates for the vehicles and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

SECOND CAUSE FOR DISCIPLINE**(Fraud)**

18. Respondent Western Test Only has subjected its ARD registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about April 19, 2012, he committed acts which constitute fraud by issuing electronic certificates of compliance for vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, without performing bona fide inspections

1 of the emission control devices and systems on those vehicles, thereby depriving the People of the
2 State of California of the protection afforded by the Motor Vehicle Inspection Program.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 19. Respondent Western Test Only has subjected its station license to discipline under
6 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 19, 2012,
7 regarding vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, he
8 violated sections of that Code, as follows:

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

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

15 c. **Section 44015, subdivision (b)**: Respondent Western Test Only issued electronic
16 certificates of compliance without properly testing and inspecting the vehicles to determine if
17 they were in compliance with section 44012 of that Code.

18 **FOURTH CAUSE FOR DISCIPLINE**

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

20 20. Respondent Western Test Only has subjected its station license to discipline under
21 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 19, 2012,
22 regarding vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, he
23 violated sections of the California Code of Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c)**: Respondent Western Test Only falsely or
25 fraudulently issued electronic smog certificates of compliance.

26 b. **Section 3340.35, subdivision (c)**: Respondent Western Test Only issued electronic
27 certificates of compliance even though those vehicles had not been inspected in accordance with
28 section 3340.42 of that Code.

1 c. Section 3340.41, subdivision (c): Respondent Western Test Only's technician,
2 Respondent English, entered false information into the Emission Inspection System ("EIS") by
3 entering vehicle identification information or emission control system identification data for
4 vehicles other than the ones being tested.

5 d. Section 3340.42: Respondent Western Test Only failed to conduct the required smog
6 tests and inspections on those vehicles in accordance with the Bureau's specifications.

7 **FIFTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Western Test Only has subjected its station license to discipline under
10 Health and Safety Code section 44072.2, subdivision (d), in that on or about April 19, 2012,
11 regarding vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, he
12 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
13 electronic certificates of compliance for those vehicles without performing bona fide inspections
14 of the emission control devices and systems on those vehicles, thereby depriving the People of the
15 State of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **SIXTH CAUSE FOR DISCIPLINE**

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

18 22. Respondent English has subjected his technician license to discipline under Health
19 and Safety Code section 44072.2, subdivision (a), in that on or about April 19, 2012, regarding
20 vehicle numbers 1, 2, 4, 5, 6, and 7 identified in Table 1 of paragraph 16 above, he violated
21 sections of that Code, as follows:

22 a. Section 44012, subdivision (a): Respondent English failed to determine that all
23 emission control devices and systems required by law were installed and functioning correctly in
24 accordance with test procedures.

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

27 c. Section 44032: Respondent English failed to perform tests of the emission control
28 devices and systems on those vehicles in accordance with section 44012 of that Code.

1 state by Travis English, upon a finding that he has, or is, engaged in a course of repeated and
2 willful violations of the laws and regulations pertaining to an automotive repair dealer.

3 26. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
4 License Number TC 267948 issued to Travis English, doing business as Western Test Only, is
5 revoked or suspended, any additional license issued under this chapter in the name of said
6 licensee may be likewise revoked or suspended by the director.

7 27. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
8 Technician License Number EA 633842, issued to Travis Aaron English, is revoked or
9 suspended, any additional license issued under this chapter in the name of said licensee may be
10 likewise revoked or suspended by the director.

11 PRAYER

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

14 1. Revoking, suspending, or placing on probation, Automotive Repair Dealer
15 Registration Number ARD 267948, issued to Travis English, doing business as Western Test
16 Only;

17 2. Revoking, suspending, or placing on probation any other Automotive Repair Dealer
18 Registration issued to Travis English;

19 3. Revoking or suspending Smog Check Test Only Station License Number TC 267948,
20 issued to Travis English, doing business as Western Test Only;

21 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
22 and Safety Code in the name of Travis English, doing business as Western Test Only, is revoked
23 or suspended, any additional license issued under this chapter in the name of said licensee may be
24 likewise revoked or suspended by the director;

25 5. Revoking or suspending Advanced Emission Specialist Technician License Number
26 EA 633842, issued to Travis Aaron English:

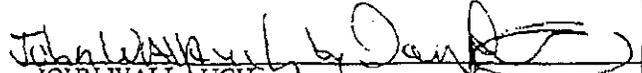
27 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
28 and Safety Code in the name of Travis Aaron English;

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7. Ordering Travis Aaron English 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,

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

DATED: 8-14-12


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