

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

In the Matter of the Accusation Against:

**JUAN MANUEL ROBLES**

2023 E. Lucien Street

Compton, CA 90222

Advanced Emission Specialist Technician

License No. EA 634622

Case No. 79/14-131

Respondent.

**DECISION**

The attached Stipulated Settlement and Disciplinary 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 August 20, 2014.

DATED: July 30, 2014

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 79/14-131

13 **JUAN MANUEL ROBLES**  
2023 E. Lucien Street  
14 **Compton, CA 90222**  
**Advanced Emission Specialist Technician**  
**License No. EA 634622**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
21 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
22 Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney  
23 General.

24 2. Respondent Juan Manuel Robles ("Respondent") is represented in this proceeding by  
25 attorney Orlando Castano, whose address is: 4675 Macarthur Court, Ste. 465, Newport Beach,  
26 CA 92660.

27 3. On or about August 8, 2012, the Bureau of Automotive Repair issued Advanced  
28 Emission Specialist Technician License Number EA 634622 to Respondent. The Advanced

1 Emission Specialist Technician License was in full force and effect at all times relevant to the .  
2 charges brought herein and will expire on January 31, 2015, unless renewed. Upon renewal of  
3 the license, the license will be redesignated as EO 634622 and/or EI 634622.

4 JURISDICTION

5 4. Accusation No. 79/14-131 was filed before the Director of Consumer Affairs  
6 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on May 13, 2014. Respondent timely filed his Notice of Defense contesting the  
9 Accusation.

10 5. A copy of Accusation No. 79/14-131 is attached as exhibit A and incorporated herein  
11 by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 79/14-131. Respondent has also carefully read, fully  
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
16 Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
21 the attendance of witnesses and the production of documents; the right to reconsideration and  
22 court review of an adverse decision; and all other rights accorded by the California  
23 Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26 CULPABILITY

27 9. Respondent admits the truth of each and every charge and allegation in Accusation  
28 No. 79/14-131.



1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Director may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

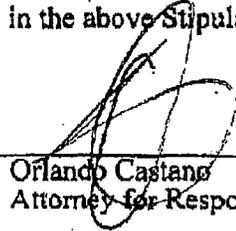
7 IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA  
8 634622 issued to Respondent is revoked. Respondent shall pay the agency its costs of  
9 investigation and enforcement in the amount of \$10,882.89 prior to issuance of a new or  
10 reinstated license.

11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorney, Orlando Castano. I understand the stipulation and the effect it will  
14 have on my Advanced Emission Specialist Technician License. I enter into this Stipulated  
15 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
16 bound by the Decision and Order of the Director of Consumer Affairs.

17  
18 DATED: 7/2/14  
19   
20 JUAN MANUEL ROBLES  
21 Respondent

22 I have read and fully discussed with Respondent Juan Manuel Robles the terms and  
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
24 I approve its form and content.

25  
26 DATED: 7/9/14  
27   
28 Orlando Castano  
Attorney for Respondent

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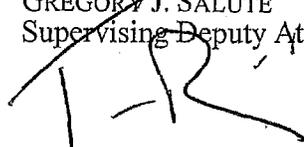
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: 7-18-2014

Respectfully submitted,

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



THOMAS L. RINALDI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/14-131**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/14-131

13 **HOMEWELL ELITE LLC DBA CALI**  
**SMOG CHECK; EHAB GHAZI ARYAN**  
14 **AND RUBA ELETER ARYAN,**  
**MEMBERS**  
15 **5918 S. Broadway**  
**Los Angeles, CA 90003**

**ACCUSATION**  
*(SMOG CHECK)*

16 **Mailing Address**  
17 **2510 Monterey St. # 5171**  
**Torrance, CA 90510**

18 **Automotive Repair Dealer Registration**  
**No. ARD 271708**  
19 **Smog Check, Test Only Station License**  
**No. TC 271708,**

20 and

21 **JUAN MANUEL ROBLES**  
22 **2023 E. Lucien Street**  
**Compton, CA 90222**

23 **Advanced Emission Specialist Technician**  
24 **License No. EA 634622**

25 Respondents.

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as  
4 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

5 2. On or about February 11, 2013, the Bureau of Automotive Repair issued Automotive  
6 Repair Dealer Registration Number ARD 271708 to Homewell Elite LLC dba Cali Smog Check;  
7 Ehab Ghazi Aryan and Ruba Eleter Aryan, Members (Respondent Cali Smog Check). The  
8 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
9 charges brought herein and expired on February 28, 2014.

10 3. On or about March 8, 2013, the Bureau of Automotive Repair issued Smog Check,  
11 Test Only Station License Number TC 271708 to Respondent Cali Smog Check. The Smog  
12 Check Test Only Station License was in full force and effect at all times relevant to the charges  
13 brought herein and expired on February 28, 2014.

14 4. On or about August 8, 2012, the Bureau of Automotive Repair issued Advanced  
15 Emission Specialist Technician License Number EA 634622 to Juan Manuel Robles (Respondent  
16 Robles). The Advanced Emission Specialist Technician License was in full force and effect at all  
17 times relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.  
18 Upon renewal of the license, the license will be redesignated as EO 634622 and/or EI 634622.<sup>1</sup>

19 **JURISDICTION**

20 5. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
21 Bureau of Automotive Repair, under the authority of the following laws.

22 **STATUTORY PROVISIONS**

23 6. Section 9884.7 of the Business and Professions Code (Code) states, in pertinent part:

24 (a) The director, where the automotive repair dealer cannot show there  
25 was a bona fide error, may deny, suspend, revoke, or place on probation the  
registration of an automotive repair dealer for any of the following acts or omissions

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 related to the conduct of the business of the automotive repair dealer, which are done  
2 by the automotive repair dealer or any automotive technician, employee, partner,  
3 officer, or member of the automotive repair dealer.

4 (1) Making or authorizing in any manner or by any means whatever any  
5 statement written or oral which is untrue or misleading, and which is known, or which  
6 by the exercise of reasonable care should be known, to be untrue or misleading.

7 (4) Any other conduct that constitutes fraud.

8 (b) Except as provided for in subdivision (c), if an automotive repair  
9 dealer operates more than one place of business in this state, the director pursuant to  
10 subdivision (a) shall only suspend, revoke, or place on probation the registration of  
11 the specific place of business which has violated any of the provisions of this chapter.  
12 This violation, or action by the director, shall not affect in any manner the right of the  
13 automotive repair dealer to operate his or her other places of business.

14 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or  
15 place on probation the registration for all places of business operated in this state by  
16 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,  
17 engaged in a course of repeated and willful violations of this chapter, or regulations  
18 adopted pursuant to it.

19 7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
20 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
21 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
22 temporarily or permanently.

23 8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
24 "commission," "committee," "department," "division," "examining committee," "program," and  
25 "agency." "License" includes certificate, registration or other means to engage in a business or  
26 profession regulated by the Code.

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

10. Section 44072.2 of the Health and Safety Code states, in pertinent 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.

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

1 this chapter.

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

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

8 12. Section 44072.8 of the Health and Safety Code states:

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

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

#### 16 COST RECOVERY

17 14. Code section 125.3 provides, in pertinent part, that a Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

#### 21 SURVEILLANCE OPERATIONS

22 15. On or around March 20, 2013, a routine undercover operation was initiated by Bureau  
23 representatives that concerned the illegal purchase of smog inspection certificates issued for  
24 vehicles that were never actually tested. The investigation initially concerned another smog  
25 check facility, W M Smog Test Only (ARD No. 264976), which the Bureau confirmed was  
26 indeed selling smog inspection certificates of compliance for vehicles that were never tested by  
27 purchasing several such certificates. On or around September 4, 2013, Bureau representatives  
28 continued their undercover operation by approaching both the owner and technician at W M  
“Lee”) stated he had a new guy, whom he identified as “Juan” and described as hungry for work

1 and someone he could call for any vehicles that had to go to a Star Station.

2 16. Representatives subsequently negotiated the purchase of eight smog inspection  
3 certificates of compliance for \$250 each and provided Lee with eight fictitious registrations along  
4 with all necessary information needed to perform the smog inspections. Lee advised that he  
5 would perform some tests himself and those that needed to be performed at a Star Station would  
6 be conducted by Juan. On October 14, 2013, Bureau representatives returned to W M Smog  
7 during which Lee returned all of the paperwork as well as vehicle inspection reports for all eight  
8 vehicles, representing that the vehicles had passed inspection. Upon review of the vehicle  
9 inspection reports, it was determined that three were performed by Respondent Cali Smog Check  
10 by the use of Respondent Robles's advanced emission specialist technician license and access  
11 code. At all times relevant to the undercover operation, all three vehicles were maintained in the  
12 BAR's documentation lab storage facility. The three vehicles, identified in Table 1 below, could  
13 not have been inspected by Respondents and should not have received smog certificates of  
14 compliance.

15 **Table 1**

16

17

Date and Test Times	Vehicle in EIS Data (License Plate #)	Vehicle Tested (License Plate #)	Certificate Issued
9/12/2013 1524-1541	1991 Toyota 4x4 Pickup [REDACTED]	Undetermined	[REDACTED]
9/16/2013 1402-1418	1988 Toyota Corolla [REDACTED]	Undetermined	[REDACTED]
9/16/2013 1600-1614	1992 Honda Civic [REDACTED]	Undetermined	[REDACTED]

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23 **FIRST CAUSE FOR DISCIPLINE**

24 (Misleading Statements)

25 17. Respondent Cali Smog Check has subjected its registration to discipline under Code  
26 section 9884.7, subdivision (a)(1), in that it made statements which it knew or which by exercise  
27 of reasonable care it should have known were untrue or misleading when it issued electronic  
28 certificates of compliance for the vehicles set forth in Table 1, above, certifying that those

1 vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had  
2 been clean piped.<sup>2</sup>

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 18. Respondent Cali Smog Check has subjected its registration to discipline under Code  
6 section 9884.7, subdivision (a)(4), in that it committed acts which constitute fraud by issuing  
7 electronic certificates of compliance for the vehicles set forth in Table 1, above, without  
8 performing bona fide inspections of the emission control devices and systems on those vehicles,  
9 thereby depriving the People of the State of California of the protection afforded by the Motor  
10 Vehicle Inspection Program.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 19. Respondent Cali Smog Check has subjected its station license to discipline under  
14 Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in  
15 Table 1, above, it violated sections of that Code, as follows:

16 a. **Section 44012, subdivision (a):** Respondent Cali Smog Check failed to determine  
17 that all emission control devices and systems required by law were installed and functioning  
18 correctly in accordance with test procedures.

19 b. **Section 44012, subdivision (f):** Respondent Cali Smog Check failed to perform  
20 emission control tests on those vehicles in accordance with procedures prescribed by the  
21 department.

22 c. **Section 44015, subdivision (b):** Respondent Cali Smog Check issued electronic  
23 certificates of compliance without properly testing and inspecting the vehicles to determine if  
24 they were in compliance with section 44012 of that Code.

25  
26  
27 <sup>2</sup> Clean-piping is a method used to fraudulently certify vehicles that will not pass a smog  
28 inspection on their own, or in some instances, are not even present during the time the test is  
performed.

1 d. **Section 44059:** Respondent Cali Smog Check willfully made false entries for the  
2 electronic certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

6 20. Respondent Cali Smog Check has subjected its station license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles set forth  
8 in Table 1, above, it violated sections of California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent Cali Smog Check falsely or  
10 fraudulently issued electronic certificates of compliance without performing bona fide inspections  
11 of the emission control devices and systems on those vehicles as required by Health and Safety  
12 Code section 44012.

13 b. **Section 3340.35, subdivision (c):** Respondent Cali Smog Check issued electronic  
14 certificates of compliance even though those vehicles had not been inspected in accordance with  
15 section 3340.42.

16 c. **Section 3340.42:** Respondent Cali Smog Check failed to conduct the required smog  
17 tests and inspections on those vehicles in accordance with the Bureau's specifications.

18 **FIFTH CAUSE FOR DISCIPLINE**

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

20 21. Respondent Cali Smog Check subjected its station license to discipline under Health  
21 and Safety Code section 44072.2, subdivision (d), in that, regarding the vehicles set forth in Table  
22 1, above, it committed acts involving dishonesty, fraud or deceit whereby another was injured by  
23 issuing electronic certificates of compliance for those vehicles without performing bona fide  
24 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
25 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
26 Program.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 22. Respondent Robles has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (a), in that, regarding the vehicles set forth in Table 1,  
5 he violated sections of that Code, as follows:

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

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

11 c. **Section 44032:** Respondent Robles failed to perform tests of the emission control  
12 devices and systems on those vehicles in accordance with section 44012, in that those vehicles  
13 had been clean piped.

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

17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 23. Respondent Robles has subjected his technician license to discipline under Health and  
20 Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth in Table 1,  
21 he violated sections of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Robles falsely or fraudulently issued  
23 electronic certificates of compliance without performing bona fide inspections of the emission  
24 control devices and systems on those vehicles as required by Health and Safety Code section  
25 44012.

26 b. **Section 3340.30, subdivision (a):** Respondent Robles failed to inspect and test those  
27 vehicles in accordance with Health and Safety Code section 44012.  
28

1 c. **Section 3340.41, subdivision (c):** Respondent Robles entered false information into  
2 the Emission Inspection System ("EIS") for the electronic certificates of compliance by entering  
3 vehicle emission control information for vehicles other than the vehicles being certified.

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

6 **EIGHTH CAUSE FOR DISCIPLINE**

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

8 24. Respondent Robles has subjected his technician license to discipline under Health and  
9 Safety Code section 44072.2, subdivision (d), in that he committed acts involving dishonesty,  
10 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for  
11 the vehicles set forth in Table 1, above, without performing bona fide inspections of the emission  
12 control devices and systems on those vehicles, thereby depriving the People of the State of  
13 California of the protection afforded by the Motor Vehicle Inspection Program.

14 **OTHER MATTERS**

15 25. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
16 or permanently or refuse to validate, the registrations for all places of business operated in this  
17 state by Respondent Cali Smog Check upon a finding that they have, or are, engaged in a course  
18 of repeated and willful violations of the laws and regulations pertaining to an automotive repair  
19 dealer.

20 26. Under Health and Safety Code section 44072.8, if Station License Number TC  
21 271708, issued to Respondent Cali Smog Check is revoked or suspended, any additional license  
22 issued under this chapter in the name of said licensee may be likewise revoked or suspended by  
23 the director.

24 27. Under Health and Safety Code section 44072.8, if Respondent Robles's Advanced  
25 Emission Specialist Technician License Number EA 634622 (to be redesignated upon renewal as  
26 EO 634622 and/or EI 634622) is revoked or suspended, any additional license issued under this  
27 chapter in the name of said licensee may be likewise revoked or suspended by the director.

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PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 271708, issued to Respondent Cali Smog Check;
2. Revoking or suspending Smog Check Test Only Station License Number TC 271708, issued Respondent Cali Smog Check;
3. Revoking or suspending Advanced Emission Specialist Technician License Number EA 634622, (to be redesignated upon renewal as EO 634622 and/or EI 634622), issued to Respondent Robles;
4. Ordering Respondents 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;
5. Taking such other and further action as deemed necessary and proper.

DATED: May 7, 2014



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

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