

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

In the Matter of the Accusation Against:

WALTER M. KOLBECK
410 So. 1st Street, #174
El Cajon CA 92021

Advanced Emission Specialist Technician
License No. EA 091836

Respondent.

Case No. 79/12-129

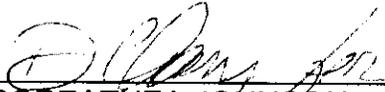
DECISION

The attached Stipulated for Revocation of License and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter. The tyrographical error on page 2, line 4, is noted: The date of expiration of the license should be November 30, 2013.

This Decision shall become effective _____

8/7/12

DATED: July 18, 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2025
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
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. 79/12-129

13 **WALTER M. KOLBECK**
14 **410 So. 1st Street, #174**
El Cajon, CA 92021

STIPULATION FOR REVOCATION OF
LICENSE AND ORDER

15 **Advanced Emission Specialist Technician**
16 **License No. EA 091836**

17 Respondent.

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

21 **PARTIES**

22 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
23 brought this action solely in his official capacity and is represented in this matter by Kamala D.
24 Harris, Attorney General of the State of California, by David E. Hausfeld, Deputy Attorney
25 General.

26 2. Walter M. Kolbeck (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

28 ///

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 79/12-129, agrees that cause exists for discipline and hereby stipulates to the revocation of
4 his Advanced Emission Specialist Technician License No. EA 091836.

5 10. Respondent understands that by signing this stipulation he enables the Director to
6 issue an order revoking his Advanced Emission Specialist Technician License No. EA 091836
7 without further process.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Director of Consumer Affairs or
10 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
11 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
12 Department of Consumer Affairs regarding this stipulation and revocation, without notice to or
13 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
14 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
15 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
16 Order, the Stipulation for Revocation of License and Order shall be of no force or effect, except
17 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
18 Director shall not be disqualified from further action by having considered this matter.

19 12. The parties understand and agree that facsimile copies of this Stipulation for
20 Revocation of License and Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 13. This Stipulation for Revocation of License and Order is intended by the parties to be
23 an integrated writing representing the complete, final, and exclusive embodiment of their
24 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
25 discussions, negotiations, and commitments (written or oral). This Stipulation for Revocation of
26 License and Order may not be altered, amended, modified, supplemented, or otherwise changed
27 except by a writing executed by an authorized representative of each of the parties.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulation for Revocation of License and Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulation for Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 5-26-2012 Walter M. Kolbeck
WALTER M. KOLBECK
Respondent

ENDORSEMENT

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

Dated: 5/31/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

SD2012703258
70569532.doc

Exhibit A

Accusation No. 79/12-129

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 79/12-129

13 **WALTER M. KOLBECK**
410 So. 1st Street, #174
14 El Cajon, CA 92021
Advanced Emission Specialist Technician
15 License No. EA 091836

A C C U S A T I O N
S M O G C H E C K

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 **Advanced Emission Specialist Technician License**

23 2. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist
24 Technician License Number EA 091836 ("technician license") to Walter M. Kolbeck
25 ("Respondent"). The technician license was in full force and effect at all times relevant to the
26 charges brought herein. The technician license was suspended on October 5, 2011, and will
27 expire on November 30, 2013, unless renewed.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Ordering Walter M. Kolbeck 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: May 2, 2012



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

SD2012703258
10880827.doc