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

11 In the Matter of the Accusation Against:

12 **LARRY STEVEN OCCHIPINTI**
13 **1255 South Jackson #3**
14 **Red Bluff, CA 96080**

15 **Basic Area Smog Technician License No. EB**
16 **154593 (to be re-designated upon renewal as**
17 **EO 154593 and/or EI 154593)**

Respondent.

Case No. 79/15-72

A C C U S A T I O N

(SMOG CHECK)

18 Patrick Dorais ("Complainant") alleges:

19 **PARTIES**

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

22 2. In 2007, the Bureau issued Basic Area Smog Technician License Number EB 154593
23 to Larry Steven Occhipinti ("Respondent"). The license expired on July 31, 2013, and has not
24 been renewed. Upon renewal of the license, the license will be re-designated as EO 154593
25 and/or EI 154593.¹

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 **CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Citation)**

3 9. Respondent is subject to discipline pursuant to Health and Safety Code section
4 44050(e), in that on or about April 5, 2012, the Bureau issued Citation No. M2012-1320 to
5 Respondent against his technician license for violating Health and Safety Code section 44032
6 (qualified technicians shall perform tests of emission control systems and devices in accordance
7 with section 44012 of that Code).² On or about May 14, 2012, the Bureau served Respondent
8 with the Citation. The Bureau required that Respondent complete a 16-hour training course or
9 appeal the Citation within thirty (30) days of receipt of the Citation. Respondent did not appeal
10 the Citation nor has Respondent completed the required training.

11 **OTHER MATTERS**

12 10. Under Health and Safety Code section 44072.8, if Respondent's technician license,
13 currently designated as EB 154593, and as re-designated upon timely renewal as EO 154593
14 and/or EI 154593, is/are revoked or suspended, any additional license issued under this chapter in
15 the name of said licensee may be likewise revoked or suspended by the director.

16 **PRAYER**

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

- 19 1. Revoking or suspending Larry Steven Occhipinti's technician license, currently
20 designated as EB 154593, and as re-designated upon renewal as EO 154593 and/or EI 154593;
21 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
22 and Safety Code in the name of Larry Steven Occhipinti;
23 3. Ordering Larry Steven Occhipinti to pay the Bureau of Automotive Repair the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

26 _____
27 ² On or about March 13, 2012, Respondent issued Certificate of Compliance No.
28 [REDACTED] to a Bureau undercover vehicle with a non-functional EGR (exhaust gas
recirculation) valve.

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

DATED: November 7, 2014 Patrick Dorais

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

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