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

In the Matter of the Petition to Revoke  
Probation Against:

Case No. 79/15-26

**DEFAULT DECISION AND ORDER**

**GREGORY STEVEN FERGUSON, AKA  
GREGORY S. FERGUSON, DBA  
G V SMOG**

[Gov. Code, §11520]

1641 East Main Street, #B  
Grass Valley, CA 95945  
Automotive Repair Dealer Registration  
No. ARD 251208  
Smog Check, Test Only Station License  
No. TC 251208

**GREGORY S. FERGUSON**  
140 manor Drive  
Grass Valley, California 95945  
Smog Check Inspector (EO) License  
No. 146059  
Smog Check repair Technician (EI) License  
No. 146059

Respondent.

FINDINGS OF FACT

1  
2           1.     On or about August 26, 2014, Complainant Patrick Dorais, in his official capacity as  
3 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Petition to  
4 Revoke Probation No. 79/15-26 against Gregory Steven Ferguson, dba G V Smog (Respondent)  
5 before the Director of Consumer Affairs. (Petition to Revoke Probation attached as Exhibit A.)

6           2.     On or about August 21, 2007, the Bureau of Automotive Repair (Bureau) issued  
7 Automotive Repair Dealer Registration No. ARD 251208 to Respondent. The Automotive  
8 Repair Dealer Registration expired on June 30, 2014, and has not been renewed.

9           3.     On or about August 31, 2007, the Bureau of Automotive Repair issued Smog Check,  
10 Test Only Station License No. TC 251208 to Respondent. The Smog Check, Test Only Station  
11 License expired on June 30, 2014, and has not been renewed.

12           4.     Effective September 30, 2013, Respondent's Advanced Emission Specialist (EA)  
13 Technical License expired and was renewed as Smog Check Inspector (EO) License No. 146059,  
14 and Smog Check Repair Technician (EI) License No. 146059. The licenses were in full force and  
15 effect at all times relevant to the charges brought herein and will expire on September 30, 2015,  
16 unless renewed

17           5.     On or about September 4, 2014, Respondent was served by Certified and First Class  
18 Mail copies of the Petition to Revoke Probation No. 79/15-26, Statement to Respondent, Notice  
19 of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
20 11507.6, and 11507.7) at Respondent's two addresses of record which, pursuant to Business and  
21 Professions Code section 136, is required to be reported and maintained with the Bureau.

22 Respondent's addresses of record were and are:

23  
24 1641 East Main Street, #B, Grass Valley, CA 95945.

25 And

26 140 Manor Drive, Gress Valley, CA 95945.  
27  
28

1  
2 Service of the Petition to Revoke Probation was effective as a matter of law under the provisions  
3 of Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
4 124.

5  
6 6. On or about September 19, 2014, one of the aforementioned documents were returned  
7 by the U.S. Postal Service marked "Unable to forward." The rest of the mailings have not been  
8 returned.

9 7. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
12 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

13 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
14 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of  
15 Petition to Revoke Probation No. 79/15-26.

16 9. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the  
18 hearing, the agency may take action based upon the respondent's express admissions  
or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

19  
20 10. Pursuant to its authority under Government Code section 11520, the Director after  
21 having reviewed the proof of service dated September 4, 2014, signed by Hannah Herman, finds  
22 Respondent is in default. The Director will take action without further hearing and, based on  
23 Petition to Revoke Probation, No. 79/15-26, proof of service and on the Affidavit of Bureau  
24 Representative Jeff S. Hammer, finds that the allegations in Petition to Revoke Probation are true.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Gregory Steven Ferguson, dba G  
27 V Smog, and Gregory S. Ferguson has subjected his Automotive Repair Dealer Registration No.  
28 ARD 251208, Smog Check, Test Only Station License No. TC 251208, Smog Check Inspector

1 (EO) License No. 146059, and Smog Check Repair Technician (EI) License No. 146059 to  
2 discipline.

3 2. The agency has jurisdiction to adjudicate this case by default.

4 3. The Director of Consumer Affairs is authorized to revoke Respondent's licenses and  
5 registrations based upon the following violations alleged in the Petition to Revoke Probation  
6 which are supported by the evidence contained in the affidavit of Bureau Representative Jeff S.  
7 Hammer in this case.:

8 a. At all times after the effective date of Respondent's probation, Condition 1.b. of the  
9 Decision and Order in Case No. 79/12-78 stated:

10 Respondent or respondent's authorized representative must report in person  
11 or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set  
12 by the Bureau, but no more frequently than each quarter, on the methods used and  
success achieved in maintaining compliance with the terms and conditions of  
probation.

13 b. Respondent's probation is subject to revocation because he failed to comply with  
14 Probation Condition 1.b., referenced above. The facts and circumstances regarding this violation  
15 are that Respondent failed to report in person for probation conferences set by the Bureau, as  
16 follows:

17 c. On or about November 19, 2013, Respondent was notified at a probation conference  
18 that his next probation conference would be held on May 20, 2014, which he failed to attend.

19 d. On or about May 20, 2014, the Bureau sent a Probation Conference Notification, to  
20 attend a probation conference with the Bureau on June 3, 2014. The notice stated, in part, "Failure  
21 to comply with this notice may result in a violation of probation pursuant to the final Decision  
22 and Disciplinary order of this case." Respondent failed to attend.

23 e. On or about June 3, 2014, the Bureau sent a Probation Conference Notification, to  
24 attend a probation conference with the Bureau on June 17, 2014. The notice stated, in part,  
25 "Failure to comply with this notice may result in a violation of probation pursuant to the final  
26 Decision and Disciplinary order of this case." Respondent failed to attend.

27 f. At all times after the effective date of Respondent's probation, Condition 3 of the  
28 Decision and Order in 79/12-78 stated:

1 Respondent shall pay \$9,003.91 to the Bureau pursuant to a reasonable  
2 payment plan. Payment must be completed prior to completion of probation.

3 g. Respondent's probation is subject to revocation because he failed to comply with  
4 Probation Condition 3, as referenced above. The facts and circumstances regarding this violation  
5 are that at probation conferences that Respondent attended on or about August 13, 2013, and  
6 November 19, 2013, Respondent was apprised that he had to pay \$9,003.91 to the Bureau  
7 pursuant to a reasonable payment plan. On or about May 1, 2014, the Bureau sent Respondent a  
8 letter proposing a payment plan. Respondent failed to make any required payment or payments.

9 ORDER

10 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 251208, Smog  
11 Check, Test Only Station License No. TC 251208, Smog Check Inspector (EO) License No.  
12 146059, and Smog Check Repair Technician (EI) License No. 146059 heretofore issued to  
13 Respondent Gregory Steven Ferguson, dba G V Smog, and Gregory S, Ferguson are revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
15 written motion requesting that the Decision be vacated and stating the grounds relied on within  
16 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
17 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
18 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
19 on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on February 24, 2015.

21 It is so ORDERED January 5, 2015

22  
23  
24   
25 TAMARA COLSON  
26 Assistant General Counsel  
27 Department of Consumer Affairs

28 11537739.DOC  
DOJ Matter ID:SA2014117369

Attachment:  
Exhibit A: Petition to Revoke Probation

# Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Acting Supervising Deputy Attorney General  
3 KENT D. HARRIS  
Supervising Deputy Attorney General  
4 State Bar No. 144804  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

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12 Probation Against:

Case No. 19/15-26

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14 **GREGORY S. FERGUSON, DBA**  
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16 No. ARD 251208  
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17 No. TC 251208  
  
18 **GREGORY S. FERGUSON**  
19 140 Manor Drive  
Grass Valley, California 95945  
Smog Check Inspector (EO) License  
20 No. 146059  
Smog Check Repair Technician (EI) License  
21 No. 146059

**PETITION TO REVOKE PROBATION**

22 Respondent.

23  
24 Patrick Dorais ("Complainant") alleges:

25 **PARTIES**

26 1. Complainant brings this Petition to Revoke Probation solely in his official capacity as  
27 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

28 ///



1 **JURISDICTION**

2 6. The *Decision and Order* states, in pertinent part:

3 The Automotive Repair Dealer Registration Number ARD 251208, the  
4 Smog Check, Test Only, Station License Number TC 251208, and the Advanced  
5 Emission Specialist Technician License Number EA 146069 issued to respondent  
6 Gregory Steven Ferguson, aka Gregory S. Ferguson, owner, GV SMOG, are  
7 hereby REVOKED. Revocation is STAYED, and respondent's licenses are placed  
8 on a two (2) year probation, subject to . . . terms and conditions.

9 7. Probation Term and Condition Number 4 of the *Decision and Order* states:

10 Upon successful completion of probation, respondent's licenses shall be  
11 restored without condition.

12 **BACKGROUND**

13 8. Respondent attended three probation conferences on or about May 21, 2013,  
14 August 13, 2013, and November 19, 2013, whereat it was confirmed by a Bureau representative  
15 that Respondent had been provided with a copy of the *Decision and Order* and Respondent  
16 presented plans and methods to achieve success in maintaining compliance with the terms and  
17 conditions of probation. Respondent signed and dated a probation conference report at each  
18 probation conference.

19 **FIRST CAUSE TO REVOKE PROBATION**

20 (Failure to Report in Person)

21 9. At all times after the effective date of Respondent's probation. Condition 1.b. of the  
22 Decision and Order in Case No. 79/12-78 stated:

23 Respondent or respondent's authorized representative must report in person  
24 or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set  
25 by the Bureau, but no more frequently than each quarter, on the methods used and  
26 success achieved in maintaining compliance with the terms and conditions of  
27 probation.

28 10. Respondent's probation is subject to revocation because he failed to comply with  
29 Probation Condition 1.b., referenced above. The facts and circumstances regarding this violation  
30 are that Respondent failed to report in person for probation conferences set by the Bureau, as  
31 follows:

32 a. On or about November 19, 2013, Respondent was notified at a probation conference  
33 that his next probation conference would be held on May 20, 2014, which he failed to attend.



