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7

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

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In the Matter of the Accusation Against:
MIGUEL MONTERROSO DBA
PERFORMANCE SMOG CHECK AND
AUTO REPAIR
5501 S. Main Street #A
Los Angeles, CA 90037

Automotive Repair Dealer Registration No.
ARD 248024
Brake Station License No. BS 248024
Lamp Station License No. LS 248024
Smog Check Test and Repair Station
License No. RC 248024

and
MIGUEL MONTERROSO
4831 West 112th Street
Lennox, CA 90304

Brake Adjuster License No. BA 146590-C
Lamp Adjuster License No. LA 146590-A
Smog Check Inspector License No. EO
146590 (formerly Advanced Emission
Specialist Technician EA 146590)
Smog Check Repair Technician License No.
EI 146590 (formerly Advanced Emission
Specialist Technician EA 146590)

Respondent.

Case No. **79/10-69**

A C C U S A T I O N

Complainant alleges:

1 **PARTIES**

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

4 ***Miguel Monterroso dba Performance Smog Check & Auto Repair***

5 2. On December 21, 2006, the Bureau of Automotive Repair (Bureau) issued
6 Automotive Repair Dealer Registration Number ARD 248024 to Respondent. The Automotive
7 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
8 herein and will expire on October 31, 2016, unless renewed.

9 3. On or about March 2, 2007, the Bureau issued Brake Station License Number BS
10 248024, class C, to Respondent. The Brake Station License was in full force and effect at all
11 times relevant to the charges brought herein and will expire on October 31, 2016, unless renewed.

12 4. On or about March 2, 2007, the Bureau issued Lamp Station License Number LS
13 248024, class A, to Respondent. The Lamp Station License was in full force and effect at all
14 times relevant to the charges brought herein and will expire on October 31, 2016, unless renewed.

15 5. On or about December 26, 2006, the Bureau issued Smog Check Test and Repair
16 Station License Number RC 248024 to Respondent. The Smog Check Station License was in full
17 force and effect at all times relevant to the charges brought herein and will expire on October 31,
18 2016, unless renewed.

19 ***Miguel Monterroso***

20 6. In 2004, the Bureau issued Brake Adjuster License Number BA 146590, class C to
21 Respondent. The Brake Adjuster License will expire on September 30, 2016, unless renewed.

22 7. In 2003, the Bureau issued Lamp Adjuster License Number LA 146590, class A to
23 Respondent. The Lamp Adjuster License will expire on September 30, 2019, unless renewed.

24 8. In 2003, the Bureau issued Advanced Emission Specialist Technician License EA
25 146590 to Respondent. Said license was due to expire on September 30, 2012 but was cancelled
26 on August 29, 2012 and pursuant to California Code of Regulations, title 16, section 3340.28,
27 subdivision (e), was renewed upon Respondent's election as Smog Check Inspector License EO
28 146590 and Smog Check Repair Technician License No. EI 146590, effective August 29, 2012.

1 Smog Check Inspector License EO 146590 was in full force and effect at all times relevant to the
2 charges brought herein and will expire on September 30, 2016, unless renewed. Smog Check
3 Repair Technician License No. EI 146590 expired on September 30, 2014.¹

4 **JURISDICTION**

5 9. Business and Professions Code (“Bus. & Prof. Code”) section 9884.13 provides, in
6 pertinent part, that the expiration of a valid registration shall not deprive the Director of
7 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to
8 render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

9 10. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may
10 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of
11 the Automotive Repair Act.

12 11. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or
13 suspension of a license by operation of law or by order or decision of the Director or a court of
14 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
15 proceed with any disciplinary proceedings.

16 12. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent
17 part, that the Director has all the powers and authority granted under the Automotive Repair Act
18 for enforcing the Motor Vehicle Inspection Program.

19 13. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
20 suspension of a license by operation of law, or by order or decision of the Director of Consumer
21 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
22 of jurisdiction to proceed with disciplinary action.

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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 3340.29 and
27 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist
28 Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license
and and/or Smog Check Repair Technician (EI) license.

STATUTORY PROVISIONS

14. Bus. & Prof. Code section 9884.7 states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there 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 related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

....

(3) Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs the document

(4) Any other conduct that constitutes fraud.

(5) Conduct constituting gross negligence.

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

....

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

15. Bus. & Prof. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

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16. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Business and Professions Code which relates to his or her licensed activities.

(b) Is convicted of any crime substantially related to the qualifications, functions, or duties of the licenseholder in question.

(c) Violates any of the regulations promulgated by the director pursuant to this chapter.

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

....

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed . . .

17. Bus. & Prof. Code section 9889.16 states:

Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

18. Bus. & Prof. Code section 9889.22 states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

19. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

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1 23. California Code of Regulations, title 16, section 3316, subdivision (d), states in
2 pertinent part:

3 “Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from
4 the bureau for a fee of three dollars and fifty cents (\$3.50) each and shall not purchase or
5 otherwise obtain such certificates from any other source. Full payment is required at the time
6 certificates are ordered. Certificates are not exchangeable following delivery. A licensed station
7 shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp
8 adjustment certificate shall be in accordance with the following provisions:

9 ...

10 “(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle
11 have been inspected and found to be in compliance with all requirements of the Vehicle Code and
12 bureau regulations, the certificate shall certify that the entire system meets all of those
13 requirements.”

14 24. California Code of Regulations, title 16, section 3321, subdivision (c), states in
15 pertinent part:

16 “Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the
17 bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise obtain
18 such certificates from any other source. A licensed station shall not sell or otherwise transfer
19 unused certificates of adjustment. Full payment is required at the time certificates are ordered.
20 Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate
21 shall be in accordance with the following provisions:

22 ...

23 “(2) Where the entire brake system on any vehicle has been inspected or tested and found to
24 be in compliance with all requirements of the Vehicle Code and bureau regulations, and the
25 vehicle has been road-tested, the certificate shall certify that the entire system meets all such
26 requirements.”

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1 25. California Code of Regulations, title 16, section 3356, states, in pertinent part:

2 (a) All invoices for service and repair work performed, and parts supplied,
3 as provided for in Section 9884.8 of the Business and Professions Code, shall comply
4 with the following:

5 ...

6 (2) The invoice shall separately list, describe and identify all of the
7 following:

8 ...

9 (C) The subtotal price for all service and repair work performed.

10 26. California Code of Regulations, title 16, section 3373, states:

11 No automotive repair dealer or individual in charge shall, in filling out an
12 estimate, invoice, or work order, or record required to be maintained by section
13 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or
14 information which will cause any such document to be false or misleading, or where
15 the tendency or effect thereby would be to mislead or deceive customers, prospective
16 customers, or the public.

17 COST RECOVERY

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

22 UNDERCOVER OPERATION #1: 2002 HONDA

23 28. On September 24, 2014, a Bureau undercover operator (operator) took the Bureau's
24 2002 Honda to Performance Smog Check and Auto Repair and requested brake, lamp, and smog
25 inspections on the vehicle. At that time, the 2002 Honda had the following documented defective
26 conditions: both right side brake rotors were machined beyond the manufacturer's minimum
27 thickness specifications, the right and left headlamps were misadjusted, and a defective bulb was
28 installed in the left rear tail lamp. Due to the presence of these defects, the vehicle was incapable
of passing a brake or lamp inspection.

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1 and a defective bulb was installed in both the left rear backup light assembly and the right rear tail
2 lamp assembly. Due to the presence of these defects, the vehicle was incapable of passing a brake
3 or lamp inspection.

4 32. The operator signed an estimate but did not receive a copy of the signed document.
5 Later that day, Respondent provided the operator with a Vehicle Inspection Report, a Certificate
6 of Brake Adjustment, and a Certificate of Lamp Adjustment, all of which were signed under
7 penalty of perjury by Respondent. The lamp certificate of adjustment indicated various lamps
8 were inspected, an optical aimer for the headlamps was used, and the inspection was for a
9 reconstructed vehicle. The brake certificate of adjustment indicated that an inspection of the
10 parking brake, linings, shoes, drums, and rotors was performed to register a salvaged vehicle.
11 Respondent indicated on the certificate that he had performed a road test and stopped the vehicle
12 in 25 feet at 20 miles per hour. The operator, however, observed the vehicle to have never left the
13 facility. The operator paid Performance Smog Check and Auto Repair \$110.00 in cash for the
14 brake, lamp, and smog inspections. This amount was not recorded on the invoice.

15 33. On or about December 10, 2014, the Bureau re-inspected the 2002 Honda and found
16 that it should not have received a Certificate of Brake Adjustment since the right front brake rotor
17 was still undersized and not within the manufacturer's specifications and the right rear brake
18 drum was still oversized and not within the manufacturer's specifications. Neither had been
19 replaced or inspected as evidenced by the intact tamper seals on the wheels indicating they had
20 not been removed. The Bureau also found that the 2002 Honda should not have received a
21 Certificate of Lamp Adjustment since the right and left headlamps were still misadjusted, and
22 defective bulbs were still installed in the left rear backup light assembly and right rear tail lamp
23 assembly. The headlamps had not been adjusted as evidenced by the undisturbed tamper
24 indicators placed on the headlamp adjustment screws and the defective bulbs in the left rear
25 backup light assembly and the right rear tail lamp assembly was not replaced.

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UNDERCOVER OPERATION #3: 2000 HONDA

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2 34. On December 23, 2014, a Bureau undercover operator (operator) took the Bureau's
3 2000 Honda to Performance Smog Check and Auto Repair and requested brake, lamp, and smog
4 inspections on the vehicle. At that time, the 2000 Honda had the following documented defective
5 conditions: the right front brake rotor was machined to be undersized and no longer within the
6 manufacturer's specifications, the left headlamp was misadjusted, and a defective license plate
7 lamp bulb was installed. Due to the presence of these defects, the vehicle was incapable of
8 passing a brake or lamp inspection.

9 35. The operator signed an estimate but did not receive a copy of the signed document.
10 Later that day, Respondent provided the operator with a Vehicle Inspection Report, a Certificate
11 of Brake Adjustment, and a Certificate of Lamp Adjustment, all of which were signed under
12 penalty of perjury by Respondent. The lamp certificate of adjustment indicated various lamps
13 were inspected, an optical aimer for the headlamps was used, and the inspection was for a
14 reconstructed vehicle. The brake certificate of adjustment indicated that an inspection of the
15 parking brake, linings, and rotors was performed to register a salvaged vehicle. Respondent
16 indicated on the certificate that he had performed a road test and stopped the vehicle in 25 feet at
17 20 miles per hour. The operator, however, observed the vehicle to have never left the facility.
18 The Bureau operator paid Performance Smog Check and Auto Repair \$100.00 in cash for the
19 brake, lamp, and smog inspections.

20 36. On or about January 6, 2015, the Bureau re-inspected the 2000 Honda and found that
21 it should not have received a Certificate of Brake Adjustment since the right front brake rotor was
22 still undersized and not within the manufacturer's specifications. The Bureau also found that the
23 2000 Honda should not have received a Certificate of Lamp Adjustment since the left headlamp
24 was still misadjusted and a defective left license plate lamp bulb was still installed. The
25 headlamps had not been adjusted as evidenced by the undisturbed tamper indicators placed on the
26 front headlamps and the defective left license plate lamp bulb was not replaced.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 37. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
4 Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which
5 he knew or in the exercise of reasonable care should have known were untrue or misleading in
6 that Performance Smog Check and Auto Repair issued brake and lamp certificates to the Bureau's
7 2002 Honda, 2002 Honda, and 2000 Honda, certifying that the vehicles' brakes and lamps were in
8 satisfactory condition when, in fact, none of the vehicles was capable of passing brake and lamp
9 inspections. Each of these fraudulently issued certificates was signed under penalty of perjury by
10 Respondent.

11 38. Complainant refers to, and by this reference incorporates, the allegations set forth
12 above in above in paragraphs 28 through 36, inclusive, as though fully set forth herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 39. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
16 Code section 9884.7, subdivision (a)(4), in that he committed acts that constitute fraud when he
17 obtained payment from the operators for performing the applicable inspections, adjustments, or
18 repairs of the brake and lighting systems on the Bureau's 2002 Honda, 2002 Honda, and 2000
19 Honda in accordance with Bureau regulations and the Vehicle Code when, in fact, Respondent
20 failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau
21 regulations or the Vehicle Code.

22 40. Complainant refers to, and by this reference incorporates, the allegations set forth
23 above in above in paragraphs 28 through 36, inclusive, as though fully set forth herein.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Bus. & Prof. Code)**

26 41. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
27 Code section 9884.7, subdivision (a)(6), in that he failed to comply with provisions of that Code
28 in the following material respects:

1 a. **Section 9884.7, subdivision (a)(3)**: Respondent failed to provide signed
2 documents to the operators of the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda.

3 b. **Section 9884.7, subdivision (a)(5)**: Respondent engaged in conduct
4 constituting gross negligence when he failed to perform the necessary inspections, adjustments,
5 and repairs to the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda.

6 c. **Section 9884.8**: Respondent failed to list subtotal prices on the invoices he
7 provided to the operators of the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda.

8 d. **Section 9889.16**: Respondent issued brake and lamp certificates for the
9 Bureau's 2002 Honda, 2002 Honda, and 2000 Honda when those vehicles were not in compliance
10 with Bureau Regulations or the requirements of the Vehicle Code.

11 e. **Section 9889.22**: Respondent willfully made false statements or entries on
12 brake and lamp certificates for the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda.

13 42. Complainant refers to, and by this reference incorporates, the allegations set forth
14 above in above in paragraphs 28 through 36, inclusive, as though fully set forth herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations)**

17 43. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
18 Code section 9884.7, subdivision (a)(6), in that he failed to comply with provisions of California
19 Code of Regulations, title 16, in the following material respects:

20 a. **Section 3305, subdivision (a)**: Respondent failed to inspect and/or adjust the
21 brake and lamp systems on the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda in
22 accordance with the specifications, instructions, and directives issued by the Bureau or the
23 vehicles' manufacturer.

24 b. **Section 3316, subdivision (d)(2)**: Respondent issued lamp certificates to the
25 Bureau's 2002 Honda, 2002 Honda, and 2000 Honda when all of the lamps, lighting equipment,
26 and/or related electrical systems on those vehicles were not in compliance with Bureau
27 regulations.

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1 c. **Section 3321, subdivision (c)(2)**: Respondent issued brake certificates for the
2 Bureau's 2002 Honda, 2002 Honda, and 2000 Honda when the brake systems on those vehicles
3 had not been completely tested or inspected.

4 d. **Section 3356, subdivision (a)(2)(C)**: Respondent failed to list subtotal prices
5 on the invoices he provided to the operators of the Bureau's 2002 Honda, 2002 Honda, and 2000
6 Honda.

7 e. **Section 3373**: Respondent filled out and issued false or misleading brake and
8 lamp certificates of adjustment for the Bureau's 2002 Honda, 2002 Honda, and 2000 Honda.

9 44. Complainant refers to, and by this reference incorporates, the allegations set forth
10 above in above in paragraphs 28 through 36, inclusive, as though fully set forth herein.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Bus. & Prof. Code)**

13 45. Respondent's brake and lamp station licenses are subject to disciplinary action
14 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the
15 provisions of Bus. & Prof. Code sections 9884.7, subdivision (a)(3), 9884.7, subdivision (a)(5),
16 9884.8, 9889.16 and 9889.22 relating to Respondent's licensed activities, as set forth in
17 paragraphs 41 and 42 above.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations)**

20 46. Respondent's brake and lamp station licenses are subject to disciplinary action
21 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the
22 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
23 subdivision (d)(2), 3321, subdivision (c)(2), 3356, subdivision (a)(2)(C), and 3373, as set forth in
24 paragraphs 43 and 44 above.

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SEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

47. Respondent's brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that he committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 28 through 36 above.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

48. Respondent's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the provisions of Bus. & Prof. Code sections 9884.7, subdivision (a)(3), 9884.7, subdivision (a)(5), 9884.8, 9889.16 and 9889.22 relating to his licensed activities, as set forth in paragraphs 41 and 42 above.

NINTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

49. Respondent's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), 3356, subdivision (a)(2)(C), and 3373, as set forth in paragraphs 43 and 44 above.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

50. Respondent's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that he committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 28 through 36 above.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 51. Respondent has subjected his Automotive Repair Dealer Registration, Brake Station
4 License, Lamp Station License, Smog Check Test and Repair Station License, Brake Adjuster
5 License, Lamp Adjuster License, Smog Check Inspector License, and Smog Check Repair
6 Technician License to discipline under Bus. & Prof. Code section 9889.3, subdivision (b), and
7 Health & Saf. Code section 44072.2, subdivision (b), in that on or about October 8, 2015, in the
8 criminal matter entitled *People of the State of California v. Miguel Monterroso* (Super. Ct. Los
9 Angeles, 2015, No. BA438649), Respondent entered a plea of guilty and was convicted of one
10 count of violating Vehicle Code section 4463, subdivision (a)(2) [knowingly passing a
11 forged/false brake or lamp certificate], a felony. Respondent was sentenced to 3 years formal
12 probation on terms and conditions, including 250 hours of community service. In addition, the
13 Court ordered Respondent's brake and lamp station and adjuster licenses forfeited and ordered he
14 not do any work that requires a brake or lamp adjuster license. The circumstances surrounding
15 the conviction are set forth in paragraphs 28 through 36, above.

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 Automotive Repair Dealer Registration Number ARD
20 248024, issued to Miguel Monterroso dba Performance Smog Check & Auto Repair;
- 21 2. Revoking or suspending Smog Check Test and Repair Station License No. RC
22 248024, issued to Miguel Monterroso dba Performance Smog Check & Auto Repair;
- 23 3. Revoking or suspending Brake Station License No. BS 248024, issued to Miguel
24 Monterroso dba Performance Smog Check & Auto Repair;
- 25 4. Revoking or suspending Lamp Station License No. LS 248024, issued to Miguel
26 Monterroso dba Performance Smog Check & Auto Repair;
- 27 5. Revoking or suspending Smog Check Inspector License No. EO 146590 and Smog
28 Check Repair Technician License No. EI 146590 issued to Miguel Monterroso;

