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

In the Matter of the Accusation Against:

Case No. 79/14-99

**PEDRO ANTONIO SALAZAR JR.
dba SUPER SMOG
350 N. Fresno
Fresno, CA 93701
Automotive Repair Dealer Registration No.
ARD 269764**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**PEDRO ANTONIO SALAZAR JR. DBA
SUPER SMOG
4832 E. Pico
Fresno, CA 93726
Smog Check Inspector No. EO 631380
Smog Check Repair Technician No. EI
631380 (formerly Advanced Emission
Specialist Technician License No. EA
631380)**

Respondent.

FINDINGS OF FACT

1. On or about March 4, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation

1 No. 79/14-99 against Pedro Antonio Salazar Jr. da Super Smog (Respondent) before the Director
2 of Consumer Affairs. (Accusation attached as Exhibit A.)

3 2. On or about July 30, 2012, the Bureau issued Automotive Repair Dealer Registration
4 Number ARD 269764 ("registration") to Pedro Antonio Salazar Jr. ("Respondent"), doing
5 business as Super Smog. The registration was in full force and effect at all times relevant to the
6 charges brought herein. The registration expired on July 31, 2013, and has not been renewed.

7 3. On or about September 29, 2009, the Bureau of Automotive Repair (Bureau) issued
8 Smog Check Inspector License No. EO 631380 to Respondent. The Smog Check Inspector
9 License will expire on June 30, 2015, unless renewed.

10 4. On or about September 29, 2009, the Bureau of Automotive Repair issued Smog
11 Check Repair Technician License No. EI 631380 (formerly Advanced Emission Specialist
12 Technician License No. EA 631380) to Respondent. The Smog Check Repair Technician
13 License was in full force and effect at all times relevant to the charges brought in Accusation No.
14 79/14-99 and will expire on June 30, 2015, unless renewed.

15 5. On or about March 14, 2014, Respondent was served by Certified Mail and First
16 Class United States Mail with copies of the Accusation No. 79/14-99, Statement to Respondent,
17 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
18 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
19 and Professions Code section 136, is required to be reported and maintained with the Bureau.
20 Respondent's address of record was and is: 4832 E. Pico, Fresno, CA 93726.

21 6. Service of the Accusation was effective as a matter of law under the provisions of
22 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
23 124.

24 7. On or about March 17, 2014, an unsigned Green Card was received for the Certified
25 Mail containing the documents described in Paragraph 4. The First Class United States Mail sent
26 to Respondent containing the documents described in Paragraph 4 was not returned by the U.S.
27 Postal Service.
28

1 8. Government Code section 11506 states, in pertinent part:

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

7 9. Respondent failed to file a Notice of Defense within 15 days after service upon him
8 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
9 79/14-99.

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

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

15 11. Pursuant to its authority under Government Code section 11520, the Director, after
16 having reviewed the proof of service dated March 14, 2014, signed by Julie Hutcherson, (and
17 returned Green Card), finds Respondent is in default. The Director will take action without
18 further hearing and, based on Accusation, No. 79/14-99, proof of service and on the Affidavit of
19 Bureau Representative Arnold Lee, finds that the allegations in Accusation are true.

20 DETERMINATION OF ISSUES

21 1. Based on the foregoing findings of fact, Respondent Pedro Antonio Salazar Jr. dba
22 Super Smog has subjected his Automobile Repair Dealer Registration No. ARD 269764
23 to discipline.

24 2. Based on the foregoing findings of fact, Respondent Pedro Antonio Salazar Jr. dba
25 Super Smog has subjected his Smog Check Inspector License No. EO 631380 to discipline.

26 3. Based on the foregoing findings of fact, Respondent Pedro Antonio Salazar Jr. dba
27 Super Smog has subjected his Smog Check Inspector License No. EI 631380 (formerly Advanced
28 Emission Specialist Technician License No. EA 631380) to discipline.

4. The agency has jurisdiction to adjudicate this case by default.

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. 79/14-99

13 **PEDRO ANTONIO SALAZAR JR.**
14 **dba SUPER SMOG**
350 N. Fresno
Fresno, CA 93701
15 **Automotive Repair Dealer Registration No. ARD 269764**

ACCUSATION

16 **PEDRO ANTONIO SALAZAR JR.**
17 4832 E. Pico
Fresno, CA 93726
Smog Check Inspector No. EO 631380
18 Smog Check Repair Technician No. EI 631380 (formerly
19 Advanced Emission Specialist Technician License No. EA
631380)

20 Respondent.

21
22 Patrick Dorais ("Complainant") alleges:

23 **PARTIES**

- 24 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
25 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
- 26 2. On or about July 30, 2012, the Bureau issued Automotive Repair Dealer Registration
27 Number ARD 269764 ("registration") to Pedro Antonio Salazar Jr. ("Respondent"), doing
28

1 business as Super Smog. The registration was in full force and effect at all times relevant to the
2 charges brought herein. The registration expired on July 31, 2013, and has not been renewed.

3 3. On September 29, 2009, the Bureau issued Advanced Emission Specialist Technician
4 License No. EA 631380 ("technician license") to Respondent. Respondent's technician license
5 expired on June 30, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28,
6 subdivision (e), the license was renewed pursuant to Respondent's election as a Smog Check
7 Inspector License No. EO 631380 and Smog Check Repair Technician License No. EI 631380,
8 effective August 30, 2013. The licenses will expire on June 30, 2015, unless renewed.

9 **STATUTORY AND REGULATORY PROVISIONS**

10 4. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
11 part:

12 (a) The director, where the automotive repair dealer cannot show there was a
13 bona fide error, may deny, suspend, revoke, or place on probation, the registration of
14 an automotive repair dealer for any of the following acts or omissions related to the
15 conduct of the business of the automotive repair dealer, which are done by the
16 automotive repair dealer or any automotive technician, employee, partner, officer, or
17 member of the automotive repair dealer.

18 5. Section 490(a) of the Code states:

19 In addition to any other action that a board is permitted to take against a
20 licensee, a board may suspend or revoke a license on the ground that the licensee has
21 been convicted of a crime, if the crime is substantially related to the qualifications,
22 functions, or duties of the business or profession for which the license was issued.

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

26 7. Section 44072.2 of the Health and Safety Code states, in pertinent part:

27 The director may suspend, revoke, or take other disciplinary action against a
28 license as provided in this article if the licensee, or any partner, officer, or director
thereof, does any of the following:

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

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

1 3. Revoking, suspending, or placing on probation Smog Check Inspector Number EO
2 631380, issued to Pedro Antonio Salazar Jr.;

3 4. Revoking, suspending, or placing on probation Smog Check Repair Technician
4 Number EI 631380, issued to Pedro Antonio Salazar Jr.;

5 5. Revoking or suspending any additional license issued under Chapter 5 of the
6 Health and Safety Code in the name of Pedro Antonio Salazar Jr.;

7 6. Ordering Pedro Antonio Salazar Jr. to pay the Director of Consumer Affairs the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
9 125.3; and,

10 7. Taking such other and further action as deemed necessary and proper.

11 DATED: March 4, 2014

Patrick Dorais

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

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