

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

In the Matter of the Statement of Issues Against:

VICTOR M. ZAMBRANO,

Respondent.

Case No. 79/14-35S

OAH No. 2013120127

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective October 6, 2014.

DATED: August 27, 2014



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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

In the Matter of the Statement of Issues
Against:

VICTOR M. ZAMBRANO,

Respondent.

Case No. 79/14-35S

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PROPOSED DECISION

Administrative Law Judge Kirk E. Miller, State of California, Office of Administrative Hearings, heard this matter on July 1, 2014, in Oakland, California.

Deputy Attorney General Nicholas Tsukamaki represented complainant Patrick Dorais, Acting Chief of the Bureau of Automotive Repair.

Victor M. Zambrano (respondent) represented himself and was present throughout the administrative hearing.

The record was left open until July 22, 2014, to permit respondent to provide certain documents, and until August 5, 2014, for the Bureau to respond. In a letter dated July 16, 2014, marked as Exhibit "C" and admitted into evidence, respondent advised he was unable to locate the documents, and requested the record to be closed.

The matter was submitted for decision on July 16, 2014.

FACTUAL FINDINGS

1. Patrick Dorais brought the statement of issues solely in his official capacity as the Acting Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

2. Respondent applied to the Bureau for a smog check repair technician license on September 24, 2012. The Bureau denied the application on November 5, 2012.

3. In 2002, the Bureau issued respondent Advanced Emission Specialist Technician License¹ number EA 133264 which was due to expire on January 31, 2010; the license was revoked effective October 19, 2009, pursuant to a default decision and order.

The Bureau's Evidence

CRIMINAL CONVICTIONS

4. On December 2, 2008, in the Superior Court of California, County of Stanislaus, respondent was convicted on a plea of nolo contendere, of a violation of Penal Code section 502, subdivision (c)(1)(A) (knowingly altering, damaging, destroying, or otherwise using any data, computer system or computer network in order to execute a scheme to defraud), and Penal Code section 118, subdivision (a) (perjury), both of which are felonies. Imposition of sentence was suspended, and respondent was placed on three years' probation, ordered to serve one year in the county jail, and to pay various fines and fees. Respondent was on parole when arrested for this offense.

The facts and circumstances underlying the conviction are that on March 12, 13, 29, and 31, 2008, the Bureau performed surveillance operations at the smog check facility where respondent was employed. The Bureau determined respondent issued electronic certificates of compliance for six cars certifying he had tested them and they were in compliance with applicable clean air laws, when in fact he used the "clean piping" method to falsify compliance certificates for some of the vehicles. In other cases, respondent allowed an unlicensed person to access the emission inspection system using respondent's confidential access code and to conduct smog inspections on vehicles.

5. On July 29, 2004, in the Superior Court of California, County of Stanislaus, on a plea of nolo contendere, respondent was convicted of a violation Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon), and Penal Code section 459 (burglary in the first degree), both felonies. Respondent was sentenced to four years in state prison. In separate proceedings, but also on July 29, 2004, in the Superior Court of California, County of Stanislaus, respondent was convicted of a violation of Penal Code section 273.5 (battery on spouse or cohabiter), a felony. Respondent was sentenced to three years in state prison, to run concurrently with the assault and burglary convictions.

The victims in the cases were respondent's former wife and her boyfriend.

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

PRIOR ACCUSATION

6. In August 2009, the Bureau filed an accusation seeking to revoke respondent's smog check technician license, and on October 19, 2009, pursuant to a Default Decision and Order, the license was revoked. The accusation was based on the facts identified in the Bureau's investigation that led to respondent's 2008 convictions for issuing false compliance certifications.

PRIOR STATEMENT OF ISSUES

7. On November 16, 2010, respondent applied for an Initial Smog Check Technician license, which the Bureau denied on November 29, 2010. Respondent appealed the denial, and a hearing followed. Pursuant to the Proposed Decision of the Administrative Law Judge, as adopted by the Director of Consumer Affairs, the appeal was denied.

Respondent's Evidence

8. Respondent accepted responsibility for the conduct that was the basis for his convictions. Respondent also made the most of his time while incarcerated; while he was in state prison, he refused to join any gangs, did not get tattooed, and he was able to renew his master automotive technician license. It took a good deal of effort acquire the materials to prepare and arrange for the test while in prison. He passed the test and was re-certified. He has since retested for another five-year certification. As a condition of parole, and following his release, he took a year-long anger management class during which time he missed only one meeting. There he learned techniques he has used to stay calm in difficult situations, and feels he is able to do so effectively in a way he could not have done "10 years ago."

9. Following release from prison, respondent went back to work for his prior employer for one year, but broke his elbow and was laid off. He was required to work as a condition of parole, and another shop permitted him to work with the injury. Respondent testified it was not of the same quality as others places he had worked and he "compromised [his] values" when he became aware of the shop's practices, including clean piping. This resulted in his 2009 conviction; it constituted a violation of the terms of his parole; and he was sentenced to a year in county jail. While in the county jail, he completed his General Education Development (GED). Respondent was discharged from parole on January 15, 2010.

10. Respondent has worked steadily since being released. His first position was as a smog technician at Cook's Smog Center, starting May 1, 2009, an above-board facility, where he remained until his license was revoked. He did not notify the Bureau of his change in address and did not find out about the accusation being filed, or receive the notice of the hearing. One day in October of 2009 respondent entered his access code to do a smog check and was advised that his smog license had been revoked. Cooks kept him on for about six weeks, doing other work, but he was terminated at the end of December 2009.

11. Respondent joined Precision Tune-Up in 2010 and is now the shop foreman at Quality Tune-Up, a full-service repair facility that has had the same ownership for 27 years. Respondent believes it is an excellent business, and enjoys its family atmosphere, even when it is busy. Respondent would like to be able to perform smog tests as an aid to the others working with him.

12. Respondent is an instructor at Max's Auto Lab, which offers programs for students training to take the Bureau's smog technician examination. Respondent speaks on the serious consequences of clean piping and violating the Bureau's regulations.

13. Respondent is now 45 years old, and has remarried. The Superior Court of California, County of Stanislaus, has granted him sole custody of his 16 year old daughter, who lives with him. His 19 year old daughter also resides with him and his wife.

14. Respondent testified that once you have "clean-piped" you have to "earn" your license. His testimony was direct, candid and credible on all issues.

15. Respondent provided a number of letters of support from a variety of individuals who have become acquainted with him in very different settings. Scot Davis is president of Quality Tune-Up Shops parent company, KOLE, Inc. He writes:

When [respondent] first started with Quality Tune-Up, it was easy to see that he was a true leader. The other employees respected his work ethic and knowledge. It did not take long for [respondent] to step into a leadership role at the shop. In the past year, the shop has seen positive growth in business, but more importantly, customer feedback is very positive. The customers appreciate [respondent's] honesty.

16. Ann Melton is the owner of Max's Auto Lab, and wrote to confirm respondent's work with students training for the Bureau's examinations. She states:

[Respondent] has come to my school for the last two years and has spoken to my students about clean piping and doing illegal smog's and what the consequences are for doing an illegal smog or clean piping.

His testimony and answering student's questions have been very helpful and educational for everyone.

I just want someone to know how much I appreciate his time and his honesty about the real word and what happens when you don't obey the law.

17. Melissa Ponchard is the executive director of Tri-City Volunteers, Inc. and knows respondent from his work at the local food bank. She writes:

[Respondent] has assisted me in calming unruly clients, jump-started client vehicles, diagnosed and repaired (at no charge) unexpected agency vehicle issues, and kept a watchful eye on the safety and wellbeing of our small staff. . . . I have always found him to be extremely thoughtful, quick, kind, dependable, and well regarded by his peers and coworkers.

18. Respondent's pastor, Reverend Brandon Macadaeg, wrote:

In my experiences with [respondent], I know and can attest that he is a man of superior moral excellence. This is demonstrated by his daily participation at Holy Mass (our worship service), his involvement with the Knights of Columbus (a Catholic fraternal organization charged with works of charity) and his volunteer work in the local community and service to the poor. [Respondent] is a truly generous man, a hard worker, and a model of the virtue and of fortitude.

LEGAL CONCLUSIONS

Previously Revoked License

1. Pursuant to Health and Safety Code section 44072.1, subdivision (b), the Bureau may deny a smog technician license to an applicant who was previously the holder of a license which was revoked and never reissued. By reason of the matters set forth in Finding 6, cause exists under Health and Safety Code section 44072.1, subdivision (b), to deny respondent's application.

Acts if Committed by a Licensee

2. Pursuant to Health and Safety Code section 44072.1, subdivision (c), together with Business and Professions Code section 480, subdivision (a)(3)(A), the Bureau may deny a license to an applicant to has committed acts that, if committed by a licensee, would be grounds for suspension or revocation of a license issued pursuant to the Automotive Repair Act. By reason of the matters set forth in Finding 4, cause exists under Health and Safety Code section 4407.1, subdivision (c), and Business and Professions Code section 480, to deny respondent's license application.

Acts Involving Dishonesty, Fraud or Deceit

3. Pursuant to Health and Safety Code section 44072.1, subdivision (d), together with Business and Professions Code section 480, subdivision (a)(2), the Bureau may deny a license to an applicant who has committed acts involving dishonesty, fraud, or deceit whereby another is injured or respondent benefited. By reason of the matters set forth in Finding 4, cause exists under Health and Safety Code section 44072.1, subdivision (d) and Business and Professions Code section 480, subdivision (a)(2), cause exists to deny respondent's license application.

Criminal Convictions

4. Pursuant to Health and Safety Code section 44072.1, subdivision (f), together with Business and Professions Code section 480, subdivision (a)(1), the Bureau may deny a license to an applicant to has been convicted of criminal offenses that are substantially related to the qualification, functions, or duties of a smog check technician. By reason of the matters set forth in Findings 4 and 5, cause exists to deny respondent's license application, in that respondent has committed crimes related to the qualifications, functions, or duties of a smog check technician.

Analysis

5. It is respondent's burden to prove that he has been rehabilitated. Especially in a case such as this, where the applicant was previously licensed, and the license was revoked due to criminal conduct stemming from the performance of smog check activities, the burden is high. It is far easier to be trustworthy than to re-establish trust when it has once been broken.

6. In demonstrating rehabilitation, "changed attitude" is often seen as the cardinal indicator, and when respondent re-applied for a license in 2011, not enough time had passed to demonstrate the sustained, impeccable conduct required for even a probationary license to be granted. Since his release from prison, however, Respondent has been unwavering in his determination to re-establish himself as a man of integrity in the workplace, the community and at home as a father. When in prison, respondent undertook to keep his licenses current, and to avoid gang activity; he was rewarded with early release, which in turn led to re-employment in the auto repair industry, where he is highly regarded. Respondent has also reconciled with his family, seeking and obtaining custody of his children. And his community service work, both through his church and his independent efforts, speak much about who he has become. Rather than avoiding a difficult past, respondent has embraced it by teaching others seeking licensure about how failing to comply with the law can have very severe and detrimental consequences. The Bureau must be cautious when considering for re-licensure any individual who has engaged in intentional misconduct, and it is the rare case where re-licensure is warranted. This is such a case. The totality of the facts now strongly favor the conclusion that respondent will never repeat the

conduct that caused him to lose his license, his family and his freedom, and for the same reason, the public will be adequately protected if respondent receives a probationary license.

ORDER

The application of respondent Victor M. Zambrano for a smog check repair technician license is granted. A license shall be issued to respondent. Said license shall be immediately revoked, the order of revocation stayed, and the license placed on probation for a period of two years, on the following conditions:

1. During the period of probation, respondent shall:
 - a. Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.
 - b. Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set 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.
 - c. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.
 - d. If an accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.
 - e. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard suspend or revoke the license.
2. During the period of probation, respondent shall attend and successfully complete a Bureau certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of license held by the respondent. Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this

decision and order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, respondent's license shall be immediately suspended until such proof is received.

DATED: August 8, 2014



KIRK E. MILLER
Administrative Law Judge
Office of Administrative Hearings

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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 Statement of Issues Against:

13 **VICTOR M. ZAMBRANO**
14 **5356 Lafayette Ave.**
Newark, CA 94560

15 **Applicant for Smog Check Repair Technician License**
16 Respondent.

Case No. 79/14-35s

STATEMENT OF ISSUES

17 Complainant alleges:

18 **PARTIES**

19 1. Patrick Dorais (“Complainant”) brings this Statement of Issues solely in his official
20 capacity as the Acting Chief of the Bureau of Automotive Repair (“Bureau”), Department of
21 Consumer Affairs.

22 2. On or about October 4, 2012, the Bureau received an application for a smog check
23 repair technician license from Victor M. Zambrano (“Respondent”). On or about September 24,
24 2012, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Bureau denied the application on November 5, 2012.

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1 3. In or about 2002, the Bureau issued Advanced Emission Specialist Technician
2 License Number EA 133264¹ to Respondent.

3 **Prior Misconduct**

4 4. In or around March 2008, the Bureau performed a videotaped surveillance at the
5 smog check facility where Respondent was employed. The surveillance operation and
6 information obtained from the Bureau's Vehicle Information Database revealed that Respondent
7 issued electronic certificates of compliance for six (6) vehicles certifying that he had tested and
8 inspected the vehicles and that the vehicles were in compliance with applicable laws and
9 regulations. In fact, Respondent employed the clean piping method on some of the vehicles by
10 using the tail pipe emissions of a vehicle other than the vehicles being certified in order to issue
11 the certificates of compliance. For other vehicles, Respondent allowed an unlicensed person to
12 access the Emission Inspection System using Respondent's confidential access code and to
13 conduct smog inspections on the vehicles.

14 **Prior Convictions**

15 5. On July 29, 2004, in the Superior Court, County of Stanislaus in the case entitled
16 *People v. Victor Manuel Zambrano* (Case No. 1066150), Respondent was convicted by the court
17 on his plea of nolo contendere of a felony violation of Penal Code section 459 (burglary in the
18 first degree) and of a felony violation of Penal Code section 245, subdivision (a)(1) (assault with
19 a deadly weapon). Respondent was sentenced to 4 year and 3 year prison terms, to run
20 concurrently. The circumstances of the crime are that on or about October 25, 2003, Respondent
21 willfully, unlawfully, and feloniously entered the inhabited dwelling occupied by A.L. with the
22 intent to commit assault with a deadly weapon. Further, Respondent willfully, unlawfully, and
23 feloniously committed an assault with a deadly weapon, to wit, a knife, upon A.L.

24 6. On July 29, 2004, in the Superior Court, County of Stanislaus in the case entitled
25 *People v. Victor Manuel Zambrano* (Case No. 1075289), Respondent was convicted by the court

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 on his plea of nolo contendere of a felony violation of Penal Code section 273.5 (battery on
2 spouse or cohabitor). Respondent was sentenced to 3 years in prison. The circumstances of the
3 crime are that on or about May 8, 2004, Respondent willfully, unlawfully, and feloniously
4 inflicted a corporal injury resulting in a traumatic condition upon Jane Doe, who was the parent of
5 Respondent's child.

6 7. On December 2, 2008, in the Superior Court, County of Stanislaus in the case entitled
7 *People v. Victor Manuel Zambrano* (Case No. 1245919), Respondent was convicted by the court
8 on his plea of nolo contendere of a felony violation of Penal Code section 502, subdivision
9 (c)(1)(A) (knowingly access and without permission alters, damages, deletes, destroys, or
10 otherwise uses any data, computer system or computer network in order to execute any scheme to
11 defraud), and a felony violation of Penal Code Section 118, subdivision (a) (perjury). Respondent
12 was sentenced to 365 days in jail.

13 **Prior Accusation**

14 8. On October 19, 2009, pursuant to the Default Decision and Order in the disciplinary
15 action entitled "In the Matter of the Accusation Against: Nor Cal Smog Tech, et al.," Case
16 Number 79/09-81, the Director of Consumer Affairs revoked Respondent's smog check
17 technician license for violations of Health and Safety Code sections 44072.2, subdivision (a)
18 (violations of Health and Safety Code sections 44012, 44012, subdivision (f), 44014, 44032, and
19 44059), 44072.2, subdivision (b) (criminal convictions substantially related to the qualifications,
20 functions, or duties of a smog check technician), 44072.2, subdivision (c) (failure to comply with
21 California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.30, subdivision
22 (a), 3340.41, subdivisions (b) and (c), and 3340.42), 44072.2, subdivision (d) (dishonesty, fraud,
23 or deceit), and 44072.2, subdivision (f) (aiding or abetting unlicensed persons).

24 **Prior Statement of Issues**

25 9. On or about November 16, 2010, Respondent applied for a new smog check
26 technician license. The Bureau denied the application on November 29, 2010. On September 6,
27 2011, pursuant to the Proposed Decision of the Administrative Law Judge adopted by the
28 Director of Consumer Affairs as its Decision in the disciplinary action entitled "In the Matter of

1 the Statement of Issues Against: Victor M. Zambrano,” Case Number 79/09-81S, the Director
2 denied Respondent’s application.

3 **STATUTORY PROVISIONS**

4 10. Health & Safety Code section 44072 provides, in pertinent part, that the Director may
5 refuse to issue a license to any applicant for the reasons set forth in Section 44072.1.

6 11. Health & Safety Code section 44072.1 states, in pertinent part:

7 The director may deny a license if the applicant, or any partner, officer, or
8 director thereof, does any of the following:

9

10 (b) Was previously the holder of a license issued under this chapter [the
11 Motor Vehicle Inspection Program (Health and Saf. Code, § 44000, et seq.)], which
license has been revoked and never reissued . . .

12 (c) Has committed any act that, if committed by any licensee, would be
grounds for the suspension or revocation of a license issued pursuant to this chapter.

13 (d) Has committed any act involving dishonesty, fraud, or deceit whereby
14 another is injured or whereby the applicant has benefitted.

15

16 (f) Has entered a plea of guilty or nolo contendere to, or been found guilty
of, or been convicted of a crime substantially related to the qualifications, functions,
17 or duties of the licenseholder in question, and the time for appeal has elapsed or the
judgment of conviction has been affirmed on appeal, irrespective of an order granting
18 probation following the conviction, suspending the imposition of sentence, or of a
subsequent order under Section 1203.4 of the Penal Code allowing the person to
19 withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the plea or
verdict of guilty, or dismissing the accusation or information.

20 12. Health & Safety Code section 44002 provides, in pertinent part, that the Director has
21 all the powers and authority granted under the Automotive Repair Act for enforcing the Motor
22 Vehicle Inspection Program.

23 13. Business and Professions Code section 480 states, in pertinent part:

24 (a) A board may deny a license regulated by this code on the grounds that
25 the applicant has one of the following:

26 (1) Been convicted of a crime. A conviction within the meaning of this
section means a plea or verdict of guilty or a conviction following a plea of nolo
27 contendere. Any action that a board is permitted to take following the establishment
of a conviction may be taken when the time for appeal has elapsed, or the judgment
28 of conviction has been affirmed on appeal, or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under

1 the provisions of Section 1203.4 of the Penal Code.

2 (2) Done any act involving dishonesty, fraud or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

3 (3)(A) Done any act that if done by a licentiate of the business or
4 profession in question, would be grounds for suspension or revocation of license.

5 (B) The board may deny a license pursuant to this subdivision only if the
6 crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made . . .

7 14. Business and Professions Code section 22, subdivision (a), states:

8 "Board" as used in any provision of this Code, refers to the board in
9 which the administration of the provision is vested, and unless otherwise expressly
10 provided, shall include "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

11 **FIRST CAUSE FOR DENIAL**

12 **(Previously Revoked License)**

13 15. Respondent's application is subject to denial pursuant to Health & Safety Code
14 section 44072.1, subdivision (b), in that on or about October 19, 2009, Respondent's smog check
15 technician license was revoked. Respondent's smog check technician license has not been
16 reissued. The circumstances of the revocation are set forth above in paragraph 8.

17 **SECOND CAUSE FOR DENIAL**

18 **(Acts that would be Grounds for Suspension or Revocation of License)**

19 16. Respondent's application is subject to denial pursuant to Health & Safety Code
20 section 44072.1, subdivision (c) and Business and Professions Code section 480, subdivision
21 (a)(3)(A), in that Respondent committed acts that, if committed by any licensee, would be
22 grounds for the suspension or revocation of a license issued pursuant to the Automotive Repair
23 Act. The circumstances of Respondent's conduct are set forth above in paragraph 4.

24 **THIRD CAUSE FOR DENIAL**

25 **(Acts Involving Dishonesty, Fraud, or Deceit)**

26 17. Respondent's application is subject to denial pursuant to Health & Safety Code
27 section 44072.1, subdivision (d) and Business and Professions Code section 480, subdivision
28 (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit whereby another

1 is injured or whereby Respondent benefitted. The circumstances of Respondent's conduct are set
2 forth above in paragraph 4.

3 **FOURTH CAUSE FOR DENIAL**

4 **(Criminal Convictions)**

5 18. Respondent's application is subject to denial pursuant to Health & Safety Code
6 section 44072.1, subdivision (f) and Business and Professions Code section 480, subdivision
7 (a)(1), in that Respondent was convicted of criminal offenses that are substantially related to the
8 qualifications, functions, or duties of a smog check technician. The circumstances of
9 Respondent's convictions are set forth above in paragraphs 5-7.

10 **PRAYER**

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

- 13 1. Denying the application of Victor M. Zambrano for a smog check repair technician
14 license;
- 15 2. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: October 7, 2013 

19 PATRICK DORAIS
20 Acting Chief
21 Bureau of Automotive Repair
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

25 SA2013109934