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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:  
**FLOYD IGNACIO ADRIANO**  
**34 Marbly Avenue**  
**Daly City, CA 94015**  
  
**Smog Check Inspector License No. EO**  
**147048**  
  
**Smog Check Repair Technician License No.**  
**EI 147048**  
  
Respondent.

Case No. 79/14-95  
OAH No. 2014060736  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 13, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/14-95 against Floyd Ignacio Adriano (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)
2. In 2003, the Bureau of Automotive Repair issued Advanced Emission Specialist (EA) Technician License Number EA 147048 to Floyd Ignacio Adriano. The Advanced Emission Specialist Technician License was in full force and effect at all times relevant to the charges

1 brought in this Accusation. Respondent's advanced emission specialist technician license was  
2 due to expire on July 31, 2013. Pursuant to California Code of Regulations, title 16, section  
3 3340.28, subdivision (e), the license was renewed, pursuant to Respondent's election, as Smog  
4 Check Inspector License Number EO 147048 and Smog Check Repair Technician License  
5 Number EI 147048 (technician licenses).<sup>1</sup> Respondent's technician licenses will expire on July  
6 31, 2015, unless renewed.

7 3. On or about February 20, 2014, Respondent was served by Certified and First Class  
8 Mail copies of the Accusation No. 79/14-95, Statement to Respondent, Notice of Defense,  
9 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
10 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
11 Code section 136, is required to be reported and maintained with the Bureau. Respondent's  
12 address of record was and is:  
13 34 Marbly Avenue  
14 Daly City, CA 94015.

15 4. Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18 5. Respondent initially filed a Notice of Defense on or about February 25, 2014.  
19 However, on or about September 17, 2014, Respondent signed and submitted a Withdrawal of  
20 Notice of Defense/Request for a Hearing. (Withdrawal of Notice of Defense/Request for a  
21 Hearing attached as Exhibit B.)

22 6. Government Code section 11506 states, in relevant part:

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

28 <sup>1</sup> 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 (EO) license and/or Smog Check Repair Technician (EI) license.



1 Respondent's technician license and confidential access code and to enter false information into  
2 the unit concerning the identity of the technician performing the smog test on 437 motor vehicles  
3 from January 1, 2013 through April 9, 2013.

4 c. Violation of Health & Safety Code section 44072.2, subdivision (f), in that  
5 Respondent aided and abetted Raval's Auto Repair and its owner, Eleno Raval, an unlicensed  
6 technician, to evade the provisions of the Motor Vehicle Inspection Program.

7 ORDER

8 IT IS SO ORDERED that Smog Check Inspector License No. EO 147048 and Smog Check  
9 Repair Technician License No. EI 147048, issued to Respondent Floyd Ignacio Adriano, is  
10 revoked.

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

17 This Decision shall become effective on November 4, 2015.

18 It is so ORDERED October 11, 2015

21 

22 TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

23 90439724.DOC  
DOJ Matter ID: SF2013901697  
24 Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY J. McDONOUGH  
Deputy Attorney General  
4 State Bar No. 235850  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2134  
Facsimile: (510) 622-2270  
7 E-mail: Tim.McDonough@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 79/14-95

13 **RAVAL'S AUTO REPAIR; ELENO G.**  
14 **RAVAL, MEMBER OF LEGAL ZOOM**  
140 A South Linden Avenue  
15 South San Francisco, CA 94080

ACCUSATION  
SMOG CHECK

16 Automotive Repair Dealer Registration No.  
ARD 262573

17 Smog Check Station License No. RC 262573

18 **FLOYD IGNACIO ADRIANO**  
34 Marbly Avenue  
19 Daly City, CA 94015

20 Smog Check Inspector License No. EO  
147048

21 Smog Check Repair Technician License No.  
22 EI 147048

23 Respondents.

24  
25 Complainant alleges:

26 PARTIES

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





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10. Business and Professions Code section 22 states:

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

11. Code section 477, subdivision (b), states, in relevant part, that a "license" includes "registration" and "certificate."

12. Health & Saf. Code section 44072.2 states, in relevant part:

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

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

....

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

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

...

(f) Aids or abets unlicensed persons to evade the provisions of this chapter ...

13. Health & Saf. Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

14. Health & Saf. Code section 44014, subdivision (a), states:

"Except as otherwise provided in this chapter, the testing and repair portion of the program shall be conducted by smog check stations licensed by the department, and by smog check technicians who have qualified pursuant to this chapter."

15. Health & Saf. Code section 44032 states, in relevant part, that "[n]o person shall perform, for compensation, tests or repairs of emission-control devices or systems of motor

1 vehicles required by this chapter unless the person performing the test or repair is a qualified  
2 smog check technician . . . "

3 16. California Code of Regulations, title 16, section (Regulation) 3340.41, subdivision  
4 (b), states that "[n]o person shall enter into the emissions inspection system any access or  
5 qualification number other than as authorized by the bureau, nor in any way tamper with the  
6 emissions inspection system."

7 17. Regulation 3340.45 states:

8 All vehicle emission tests, visual inspections of the emissions control systems,  
9 functional inspections of the emissions control systems, liquid fuel leak inspections,  
10 and visible smoke tests shall be conducted at licensed smog check stations by licensed  
11 smog check technicians. The inspections shall be performed in accordance with the  
12 Emissions Inspection System test prompts and the inspection requirements and  
13 procedures prescribed in the Bureau's Smog Check Inspection Procedures Manual,  
14 dated August 2009, which is hereby incorporated by reference.

15 18. Section 1.1.0 of the Bureau's Smog Check Inspection Procedures Manual states, in  
16 relevant part:

17 The individual technician license number and access code together  
18 provide access into the Emissions Inspection System (EIS) Smog Check inspection  
19 mode . . .

20 The access code is assigned by BAR and is unique to each technician.  
21 Each technician must maintain the security of his or her access code. Disclosure of  
22 one's access code or use of another technician's access code or license information is  
23 prohibited. If the security of your access code has been compromised, or you suspect  
24 another person is using your access code, you must contact your local BAR field  
25 office immediately to have the access code changed.

#### 26 COST RECOVERY

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

#### 31 FACTUAL BACKGROUND

32 20. The Bureau of Automotive Repair (BAR) received information that Respondent  
33 Raval's Auto Repair (Raval's) was doing unlicensed smog tests in April 2013. On or about April  
34 8, 2013, a representative from the BAR travelled to Raval's to observe the shop. At that time, the

1 investigator observed the owner of the shop, Eleno Raval (Raval) perform two smog tests—on a  
2 GMC truck and a Dodge Caravan. Raval was not a licensed Smog Check Technician and was  
3 using the smog check technician license of Floyd Adriano (Adriano) to perform the smog test.  
4 Adriano was not present during the smog tests.

5 21. At the BAR's request, Respondent Adriano came to the South San Francisco BAR  
6 office for a meeting. Respondent Adriano stated that he had not performed any smog check  
7 inspections at Raval's since September 2011. Subsequently, two BAR representatives went to  
8 Raval's and spoke with Eleno Raval. Raval admitted to the BAR representatives that he  
9 performed smog inspections using Adriano's smog license while Adriano was not at the shop.  
10 From January 1, 2013 to April 9, 2013, Raval performed 437 smog check inspections which  
11 resulted in the issuance of 348 Certificates of Compliance while he was not licensed. Raval  
12 admitted to the BAR representatives that he forged Adriano's signature on 437 Vehicle Inspection  
13 Reports (VIR) dated on or after January 1, 2013. Raval further revealed that he requested and  
14 received Adriano's access code when Raval's obtained its smog machine. Raval explained that,  
15 in return for Adriano's access code, he allowed Adriano to use his shop to repair and smog his  
16 personal cars. According to Raval, Adriano taught him how to sign Adriano's name on the VIR.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 22. Respondent Raval's registration is subject to disciplinary action pursuant to Bus. &  
20 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement  
21 which he knew or in the exercise of reasonable care should have known to be untrue or  
22 misleading, as follows: Respondent's owner, Eleno Raval, an unlicensed technician, certified that  
23 Respondent Adriano—a licensed technician—had performed the smog inspections on the 437  
24 motor vehicles between January 1, 2013 and April 9, 2013. In fact, Raval accessed the EIS using  
25 Adriano's confidential access code, with Adriano's knowledge and permission, and conducted the  
26 smog inspection on the vehicle.

27 ///

28 ///







1 31. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
2 Number RC 262573, issued to Respondent Eleno Raval, owner of Raval's Auto Repair, is  
3 revoked or suspended, any additional license issued under this chapter in the name of said  
4 licensee may be likewise revoked or suspended by the director.

5 32. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
6 Number EO 147048 and Smog Check Repair Technician License Number EI 147048, issued to  
7 Floyd Adriano, are revoked or suspended, any additional license issued under this chapter in the  
8 name of said licensee may be likewise revoked or suspended by the director.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
11 Accusation, and that following the hearing, the Director of Consumer Affairs issue a decision:

12 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
13 262573, issued to Raval's Auto Repair; Eleno G. Raval, Member of Legal Zoom;

14 2. Revoking or suspending Smog Check Station License Number RC 262573, issued to  
15 Raval's Auto Repair; Eleno G. Raval, Member of Legal Zoom;

16 3. Revoking or suspending Smog Check Inspector License Number EO 147048 and Smog  
17 Check Repair Technician License Number EI 147048, issued to Floyd Ignacio Adriano;

18 4. Ordering Eleno G. Raval and Floyd Adriano to pay the Bureau of Automotive Repair  
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
20 Professions Code section 125.3;

21 5. Taking such other and further action as deemed necessary and proper.

22 DATED: February 13, 2011

*Patrick Dorais*  
23 PATRICK DORAIS  
24 Chief  
25 Bureau of Automotive Repair  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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