

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

In the Matter of the Accusation Against:

**ULISES AUTO SMOG AND REPAIR**  
**ULISES GUIZAR, OWNER**  
1100 East Market Street  
Salinas, CA 93905

Automotive Repair Dealer Registration No.  
ARD 231103  
Smog Check Station License No. RC 231103  
Lamp Station License No. LS 231103, Class A  
Brake Station License No. BS 231103, Class C

**ULISES GUIZAR**  
1100 East Market Street  
Salinas, CA 93905

Smog Check Inspector License No.  
EO 141286  
Smog Check Repair Technician License No.  
EI 141286 (formerly Advanced Emission  
Specialist Technician License No. EA  
141286)  
Lamp Adjuster License No. LA 141286, Class A  
Brake Adjuster License No. BA 141286, Class C

**JUSTINO L. URIBE**  
P.O. Box 1943  
Gonzales, CA 93926  
Smog Check Inspector License No. EO 148163  
Smog Check Repair Technician License No.  
EI 148163 (formerly Advanced Emission  
Specialist Technician License No. EA 148163)  
Lamp Adjuster License No. LA 148163, Class A  
Brake Adjuster License No. BA 148163, Class C

Respondents.

Case No. 79/12-106

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective October 31, 2014.

DATED: October 7, 2014



\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/12-106

12 **ULISES AUTO SMOG AND REPAIR**  
13 **ULISES GUIZAR, OWNER**  
1100 East Market Street  
14 Salinas, CA 93905  
**Automotive Repair Dealer Registration**  
15 **No. ARD 231103**  
**Smog Check Station License No. RC 231103**  
16 **Lamp Station License No. LS 231103, Class A**  
**Brake Station License No. BS 231103, Class C**

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER**

17 **ULISES GUIZAR**  
18 1100 East Market Street  
Salinas, CA 93905  
19 **Smog Check Inspector License No. EO 141286**  
**Smog Check Repair Technician License No. EI 141286**  
20 **(formerly Advanced Emission Specialist Technician**  
**License No. EA 141286)**  
21 **Lamp Adjuster License No. LA 141286, Class A**  
**Brake Adjuster License No. BA 141286, Class C**

22 **JUSTINO L. URIBE**  
23 P.O. Box 1943  
Gonzales, CA 93926  
24 **Smog Check Inspector License No. EO 148163**  
**Smog Check Repair Technician License No. EI 148163**  
25 **(formerly Advanced Emission Specialist Technician**  
**License No. EA 148163)**  
26 **Lamp Adjuster License No. LA 148163, Class A**  
**Brake Adjuster License No. BA 148163, Class C**

27 Respondents.  
28

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
5 (Bureau). He continues this action solely in his official capacity and is represented in this matter  
6 by Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou,  
7 Deputy Attorney General.

8 2. Ulises Guizar, as Owner of Ulises Auto Smog and Repair (Respondent Ulises) and as  
9 an individual (Respondent Guizar), is representing himself in this proceeding and has chosen not  
10 to exercise his right to be represented by counsel.

11 3. Justino L. Uribe (Respondent Uribe) is representing himself in this proceeding and  
12 has chosen no to exercise his right to be represented by counsel.

13 **Ulises Auto Smog and Repair**

14 4. In 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD  
15 231103 to Respondent Ulises. The Automotive Repair Dealer Registration expires on December  
16 31, 2014, unless renewed.

17 5. On or about January 27, 2004, the Bureau issued Smog Check Station License  
18 Number RC 231103 to Respondent Ulises. The Smog Check Station License expires on  
19 December 31, 2014, unless renewed.

20 6. On or about January 30, 2006, the Bureau issued Lamp Station License Number LS  
21 231103, Class A to Respondent Ulises. The Lamp Station License expires on December 31,  
22 2014, unless renewed.

23 7. On or about January 30, 2006, the Bureau issued Brake Station License Number BS  
24 231103, Class C to Respondent Ulises. The Brake Station License expired on December 31,  
25 2012, and has not been renewed.

26 **Ulises Guizar**

27 8. In 1999, the Bureau issued Basic Area Technician License to Respondent Guizar. On  
28 or about April 3, 2009, the Basic Area Technician License was upgraded to Advanced Emission

1 Specialist Technician License No. EA 141286. In 2013, per Respondent's election, the Advanced  
2 Emission Specialist Technician License was redesignated as Smog Check Inspector License No.  
3 EO 141286 and Smog Check Repair Technician License No. EI 141286.<sup>1</sup> The Smog Check  
4 Inspector License and Smog Check Repair Technician License expire on March 31, 2015, unless  
5 renewed.

6 9. In 2005, the Bureau issued Lamp Adjuster License No. LA 141286, Class A, to  
7 Respondent Guizar. The Lamp Adjuster License expired on March 31, 2013, and has not been  
8 renewed.

9 10. In 2005, the Bureau issued Brake Adjuster License No. BA 141286, Class C, to  
10 Respondent Guizar. The Brake Adjuster License expires on March 31, 2015, unless renewed.

11 **Justino L. Uribe**

12 11. In 2003, the Bureau issued Basic Area Technician License No. EB 148163 to  
13 Respondent Uribe. On or about April 20, 2009, the Basic Area Technician License was upgraded  
14 to Advanced Emission Specialist Technician License No. EA 148163. In 2013, the Advanced  
15 Emission Specialist Technician License, per Respondent's election, was redesignated as Smog  
16 Check Inspector License No. EO 148163 and Smog Check Repair Technician License No. EI  
17 148163. The Smog Check Inspector License and Smog Check Repair Technician License expire  
18 on March 31, 2015, unless renewed.

19 12. In 2003, the Bureau issued Lamp Adjuster License No. LA 148163, Class A, to  
20 Respondent Uribe. The Lamp Adjuster license expired on March 31, 2012, and has not been  
21 renewed.

22 13. In 2003, the Bureau issued Brake Adjuster License No. BA 148163, Class C, to  
23 Respondent Uribe. The Brake Adjuster License expired on March 31, 2012, and has not been  
24 renewed.

25 JURISDICTION

26 <sup>1</sup> 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 14. Accusation No. 79/12-106 was filed before the Director of Consumer Affairs  
2 (Director), for the Bureau, and is pending against Respondents. The Accusation and all other  
3 statutorily required documents were properly served on Respondents on May 18, 2012.  
4 Respondent timely filed their Notice of Defense contesting the Accusation.

5 15. A copy of Accusation No. 79/12-106 is attached as exhibit A and incorporated by  
6 reference.

#### 7 ADVISEMENT AND WAIVERS

8 16. Respondent understands the charges and allegations in Accusation No. 79/12-106,  
9 and that he has also carefully read, and understands the effects of this Stipulated Settlement and  
10 Disciplinary Order.<sup>2</sup>

11 17. Respondent is fully aware of his legal rights in this matter, including the right to a  
12 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
13 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
14 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
15 the attendance of witnesses and the production of documents; the right to reconsideration and  
16 court review of an adverse decision; and all other rights accorded by the California  
17 Administrative Procedure Act and other applicable laws.

18 18. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
19 every right set forth above.

#### 20 CULPABILITY

21 19. Respondent Ulises Guizar understands and agrees that the charges and allegations in  
22 Accusation No. 79/12-106, if proven at a hearing, constitute cause for imposing discipline upon  
23 his following Bureau-issued licenses: Automotive Repair Dealer Registration No. ARD 231103;  
24 Smog Check Station License No. RC 231103; Lamp Station License No. LS 231103, Class A;  
25 Brake Station License No. BS 231103, Class C; Smog Check Inspector License No. EO 141286  
26 and Smog Check Repair Technician License No. EI 141286 (formerly Advanced Emission

27 <sup>2</sup> Unless otherwise specified, "Respondent" in this stipulation refers to each Respondent  
28 signing the stipulation.

1 Specialist Technician License No. EA 141286); Lamp Adjuster License No. LA 141286, Class A;  
2 and Brake Adjuster License No. BA 141286, Class C.

3 20. Respondent Justine L. Uribe understands and agrees that the charges and allegations  
4 in Accusation No. 79/12-106, if proven at a hearing, constitute cause for imposing discipline  
5 upon his following Bureau-issued licenses: Smog Check Inspector License No. EO 148163 and  
6 Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist  
7 Technician License No. EA 148163); Lamp Adjuster License No. LA 148163, Class A; and  
8 Brake Adjuster License No. BA 148163, Class C.

9 21. For the purpose of resolving the Accusation without the expense and uncertainty of  
10 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
11 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
12 those charges.

13 22. Respondent agrees that his above mentioned licenses are subject to discipline and he  
14 agrees to be bound by the Disciplinary Order below.

15 CIRCUMSTANCES IN MITIGATION

16 23. Respondent has never been the subject of any disciplinary action. He is admitting  
17 responsibility at an early stage in the proceedings.

18 RESERVATION

19 24. The admissions made by Respondent in this stipulation are only for the purposes of  
20 this proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of  
21 Automotive Repair, or other professional licensing agency is involved, and shall not be  
22 admissible in any other criminal or civil proceeding.

23 CONTINGENCY

24 25. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
25 the Director's designee. Respondent understands and agrees that counsel for Complainant and the  
26 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of  
27 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to  
28 or participation by Respondent. By signing the stipulation, Respondent understands and agrees

1 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the  
2 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision  
3 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except  
4 for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
5 Director shall not be disqualified from further action by having considered this matter.

6 26. The parties understand and agree that Portable Document Format (PDF) and facsimile  
7 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
8 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

9 27. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
12 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
13 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
14 writing executed by an authorized representative of each of the parties.

15 28. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Director may, without further notice or formal proceeding, issue and enter the following  
17 Disciplinary Order:

18 **DISCIPLINARY ORDER**

19 IT IS ORDERED that Lamp Station License No. LS 231103, Class A, and Brake Station  
20 License No. BS 231103, Class C, issued to Respondent Ulises Auto Smog and Repair with Ulises  
21 Guizar as Owner, are revoked.

22 IT IS ORDERED that Lamp Adjuster License No. LA 141286, Class A, and Brake  
23 Adjuster License No. BA 141286, Class C, issued to Respondent Ulises Guizar, are revoked.

24 IT IS ORDERED that Lamp Adjuster License No. LA 148163, Class A, and Brake  
25 Adjuster License No. BA 148163, Class C, issued to Respondent Justino L. Uribe, are revoked.

26 IT IS ORDERED that Automotive Repair Dealer Registration No. ARD 231103 and Smog  
27 Check Station License No. RC 231103, issued to Respondent Ulises Auto Smog, with Ulises  
28 Guizar, Owner; Smog Check Inspector License No. EO 141286 and Smog Check Repair

1 Technician License No. EI 141286 (formerly Advanced Emission Specialist Technician License  
2 No. EA 141286), issued to Respondent Ulises Guizar; and Smog Check Inspector License No.  
3 EO 148163 and Smog Check Repair Technician License No. EI 148163 (formerly Advanced  
4 Emission Specialist Technician License No. EA 148163), issued to Respondent Justino L. Uribe,  
5 are invalidated (as to the registration) or revoked (as to the licenses), but that the invalidation or  
6 revocation be stayed, and Respondents placed on probation for three (3) years on the terms and  
7 conditions below.

8 1. **Obey All Laws.** Respondent shall comply with all statutes, regulations and rules  
9 governing automotive inspections, estimates and repairs.

10 2. **Actual Suspension/Post Sign.** Respondent shall serve 15 consecutive days  
11 suspension to begin on the effective date of the decision. Respondent Ulises Auto Smog and  
12 Repair, with Ulises Guizar as Owner, shall post a prominent sign, provided by the Bureau,  
13 indicating the beginning and ending dates of the suspension and indicating the reason for the  
14 suspension. The sign shall be conspicuously displayed in a location open to and frequented by  
15 customers and shall remain posted during the entire period of actual suspension.

16 3. **Reporting.** Respondent shall report in person or in writing as prescribed by the  
17 Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each  
18 quarter, on the methods used and success achieved in maintaining compliance with the terms and  
19 conditions of probation.

20 4. **Report Financial Interest.** Respondent shall, within 30 days of the effective date of  
21 this action, report any financial interest in any other business required to be registered under  
22 Section 9884.6 of the Business and Professions Code.

23 5. **Random Inspections.** Respondent shall provide Bureau representatives unrestricted  
24 access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of  
25 completion.

26 6. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
27 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
28 until the final decision on the accusation, and the period of probation shall be extended until such

1 decision.

2 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
3 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
4 after giving notice and opportunity to be heard permanently invalidate the registration or revoke  
5 the license.

6 8. **Continuing Education Courses.** During the period of probation, Respondent shall  
7 attend and successfully complete a Bureau certified Licensed Inspector Training Level I course,  
8 with proof of completion submitted to the Bureau within 180 days of the effective date of this  
9 decision and order. If proof of completion of the course is not furnished to the Bureau within the  
10 180-day period, Respondent's license shall be immediately suspended until such proof is  
11 received.

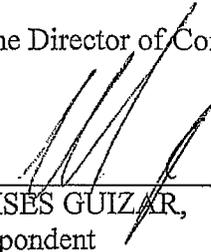
12 9. **Cost Recovery.** Respondent Ulises Auto Smog and Repair, with Ulises Guizar as  
13 Owner, shall pay the Bureau \$27,000 in cost recovery in 24 monthly payments of \$1,125.00, with  
14 full payment to be made no later than 12 months before probation terminates. Failure to complete  
15 payment of cost recovery within this time frame shall constitute a violation of probation which  
16 may subject Ulises Auto Smog and Repair's registration and license to outright revocation;  
17 however, the Director or the Director's Bureau of Automotive Repair designee may elect to  
18 continue probation until such time as reimbursement of the entire cost recovery amount has been  
19 made to the Bureau.

20 ACCEPTANCE BY ULISES GUIZAR

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
22 stipulation and the effect it will have on my Automotive Repair Dealer Registration No. ARD  
23 231103; Smog Check Station License No. RC 231103; Lamp Station License No. LS 231103,  
24 Class A; Brake Station License No. BS 231103, Class C; Smog Check Inspector License No. EO  
25 141286 and Smog Check Repair Technician License No. EI 141286 (formerly Advanced  
26 Emission Specialist Technician License No. EA 141286); Lamp Adjuster License No. LA  
27 141286, Class A; and Brake Adjuster License No. BA 141286, Class C. I enter into this  
28

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
2 to be bound by the Decision and Order of the Director of Consumer Affairs.

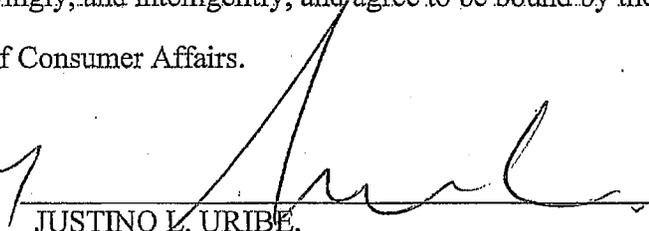
3  
4 DATED: 8/25/14

  
\_\_\_\_\_  
ULISES GUIZAR,  
Respondent

6 ACCEPTANCE BY JUSTINO L. URIBE

7 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
8 stipulation and the effect it will have on my Smog Check Inspector License No. EO 148163 and  
9 Smog Check Repair Technician License No. EI 148163 (formerly Advanced Emission Specialist  
10 Technician License No. EA 148163); Lamp Adjuster License No. LA 148163, Class A; and  
11 Brake Adjuster License No. BA 148163, Class C. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Director of Consumer Affairs.

14  
15 DATED: 9/2/2014

  
\_\_\_\_\_  
JUSTINO L. URIBE,  
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is respectfully submitted for  
19 consideration by the Director of Consumer Affairs.

20  
21 Dated: 9/16/2014

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 DIANN SOKOLOFF  
Supervising Deputy Attorney General

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26 ASPASIA A. PAPAVALASSILOU  
Deputy Attorney General  
Attorneys for Complainant

27 SF2012900827  
28 90371272.doc

**Exhibit A**

**Accusation No. 79/12-106**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALIIOU  
Deputy Attorney General  
4 State Bar No. 196360  
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5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2199  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
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13 **ULISES GUIZAR, OWNER**  
14 1100 East Market Street  
Salinas, CA 93905  
15 **Automotive Repair Dealer Registration**  
**No. ARD 231103**  
16 **Smog Check Station License No. RC 231103**  
**Lamp Station License No. LS 231103, Class A**  
**Brake Station License No. BS 231103, Class C**

**ACCUSATION**

Smog Check

17 **ULISES GUIZAR**  
18 1100 East Market Street  
Salinas, CA 93905  
19 **Advanced Emission Specialist Technician License**  
**No. EA 141286**  
20 **Lamp Adjuster License No. LA 141286, Class A**  
**Brake Adjuster License No. BA 141286, Class C**

21 **JUSTINO L. URIBE**  
22 P.O. Box 1943  
Gonzales, CA 93926  
23 **Advanced Emission Specialist Technician License**  
**No. EA 148163**  
24 **Lamp Adjuster License No. LA 148163, Class A**  
**Brake Adjuster License No. BA 148163, Class C**

25  
26 Respondents.

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28 John Wallauch (Complainant) alleges:

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**PARTIES**

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

**LICENSE INFORMATION**

**Ulises Auto Smog and Repair**

2. In 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 231103 to Ulises Auto Smog and Repair with Ulises Guizar as Owner (Respondent Ulises). The Automotive Repair Dealer Registration expires on December 31, 2012, unless renewed.

3. On or about January 27, 2004, the Bureau issued Smog Check Station License Number RC 231103 to Respondent Ulises. The Smog Check Station License expires on December 31, 2012, unless renewed.

4. On or about January 30, 2006, the Bureau issued Lamp Station License Number LS 231103, Class A to Respondent Ulises. The Lamp Station License expires on December 31, 2012, unless renewed.

5. On or about January 30, 2006, the Bureau issued Brake Station License Number BS 231103, Class C to Respondent Ulises. The Brake Station License expires on December 31, 2012, unless renewed.

**Ulises Guizar**

6. In 1999, the Bureau issued Basic Area Technician License No. EB 141286 to Ulises Guizar (Respondent Guizar). The license was cancelled on or about April 3, 2009, when the Bureau issued Advanced Emission Specialist Technician License No. EA 141286 to Respondent Guizar. The Advanced Emission Specialist Technician License expires on March 31, 2013, unless renewed.

7. In 2005, the Bureau issued Lamp Adjuster License No. LA 141286, Class A, to Respondent Guizar. The Lamp Adjuster license expires on March 31, 2013, unless renewed.

8. In 2005, the Bureau issued Brake Adjuster License No. BA 141286, Class C, to Respondent Guizar. The Brake Adjuster License expires on March 31, 2015, unless renewed.



1 subdivision (a) shall only suspend, revoke, or place on probation the registration of  
2 the specific place of business which has violated any of the provisions of this chapter.  
3 This violation, or action by the director, shall not affect in any manner the right of the  
4 automotive repair dealer to operate his or her other places of business.

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

10 13. Section 9889.3 of the Code states, in pertinent part:

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

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

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

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

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

22 14. Section 9889.1 of the Code states:

23 Any license issued pursuant to Articles 5 and 6, may be suspended or  
24 revoked by the director. The director may refuse to issue a license to any applicant  
25 for the reasons set forth in Section 9889.2. The proceedings under this article shall be  
26 conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1  
27 of Division 3 of Title 2 of the Government Code, and the director shall have all the  
28 powers granted therein.

15 15. Section 9889.9 of the Code states:

16 When any license has been revoked or suspended following a hearing  
17 under the provisions of this article, any additional license issued under Articles 5 and  
18 6 of this chapter in the name of the licensee may be likewise revoked or suspended by  
19 the director.

20 16. Section 9889.16 of the Code states:

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

17. Section 9884.9 of the Code states:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost, and shall do either of the following:

(1) Make a notation on the invoice of the same facts set forth in the notation on the work order.

(2) Upon completion of repairs, obtain the customer's signature or initials to an acknowledgment of notice and consent, if there is an oral consent of the customer to additional repairs, in the following language:

I acknowledge notice and oral approval of an increase in the original estimated price.

\_\_\_\_\_  
(signature or initials)

Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

18. Section 9889.7 of the Code states:

The expiration or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceedings against such licensee, or to render a decision suspending or revoking such license.

19. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

1           20.    Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
2 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
3 the Motor Vehicle Inspection Program.

4           21.    Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

15           22.    Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
16 expiration or suspension of a license by operation of law, or by order or decision of the  
17 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not  
18 deprive the Director of jurisdiction to proceed with disciplinary action.

19           23.    Section 44072.8 of the Health and Safety Code states:

20                   When a license has been revoked or suspended following a hearing under  
21 this article, any additional license issued under this chapter in the name of the  
22 licensee may be likewise revoked or suspended by the director.

#### 23                   COST RECOVERY

24           24.    Code section 125.3 provides, in pertinent part, that a Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

#### 28                   FACTUAL BACKGROUND

          25.    From on or around June 2, 2011 to on or around September 1, 2011, the Bureau  
conducted an undercover investigation of Respondent Ulises' auto repair and smog, brake, and  
lamp inspection facility. The investigation involved three undercover vehicles and revealed that  
Respondent Ulises improperly issued two smog certificates of compliance, two brake certificates

1 of compliance, and one lamp certificate of compliance, with each certificate signed by either  
 2 Respondent Guizar or Respondent Uribe as set forth in Tables 1 and 3, below. In addition, a  
 3 second lamp certificate of compliance, while properly issued, contained incorrect information, as  
 4 set forth in Table 2, below.

5 **Table 1: Improper Certificates by Respondent Guizar**

6

Date	Vehicle	Certificate	Details
June 2, 2011	1997 Honda Accord	Smog Check	Vehicle lacked working MIL (Malfunction Indicator Lamp).
June 14, 2011	1997 Honda Accord	Brake Adjustment	Vehicle's wheels were not removed during inspection and vehicle was not road-tested. Also, vehicle's rear-brake drums were too large and its front disk brake rotors were too thin.

12

13 **Table 2: Proper Certificate but with Incorrect Information by Respondent Guizar**

14

Date	Vehicle	Certificate	Details
June 14 2011	1997 Honda Accord	Lamp Adjustment	Semaphore type signals and spot lamps were marked as inspected or repaired; the vehicle, however, was not equipped with semaphore type signals or spot lamps.

18

19 **Table 3: Improper Certificates by Respondent Uribe**

20

Date	Vehicle	Certificate	Details
June 17, 2011	1993 Honda Accord	Smog Check	Vehicle's ignition timing was beyond manufacturer's specifications.
September 1, 2011	1990 Chevrolet truck	Brake Adjustment	Vehicle's wheels were not removed during inspection and vehicle was not road-tested. Also, vehicle's rear-brake drums were too large and its front disk brake rotors were too thin.
September 1, 2011	1990 Chevrolet truck	Lamp Adjustment	Vehicle had rear back-up light that did not work.



1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 32. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(1), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it made  
5 untrue or misleading statements, as follows:

6 a. Respondent Ulises and Respondent Guizar represented in the Brake Certificate of  
7 Adjustment that the applicable inspections had been performed on the vehicle's brake system  
8 when, in fact, they had not.

9 b. Respondent Ulises and Respondent Guizar represented in the Brake Certificate of  
10 Adjustment that the vehicle's front brake rotors and rear brake drums were in satisfactory  
11 condition when, in fact, they were not.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 33. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
15 subdivision (a)(4), in that on or about June 14, 2011, it committed acts that constitute fraud by  
16 accepting payment from the operator for performing the applicable inspections, adjustments, or  
17 repairs of the brake system on the vehicle as specified by the Bureau and in accordance with the  
18 Vehicle Code. In fact, Respondent Ulises failed to perform the necessary inspections,  
19 adjustments, or repairs in compliance with Bureau Regulations and/or the Vehicle Code. In  
20 addition, Respondent Ulises' issued a Brake Certificate of Adjustment certifying that the vehicle's  
21 brake system was in satisfactory condition when, in fact, the front brake rotors were undersized  
22 and the rear brake drums were oversized.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Gross Negligence)**

25 34. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
26 subdivision (a)(5), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it  
27 committed acts constituting gross negligence, in that Respondent failed to properly inspect the  
28 brake system on the vehicle and issued a Brake Certificate of Adjustment certifying that the

1 vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle Code  
2 when, in fact, the front brake rotors were undersized and the rear brake drums were oversized.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Departure from Trade Standards)**

5 35. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
6 subdivision (a)(7), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it  
7 willfully departed from or disregarded accepted trade standards for good and workmanlike repair  
8 without the consent of the owner or the owner's duly authorized representative in a material  
9 respect, in that it failed to inspect the brake system on the vehicle in accordance with the vehicle's  
10 manufacturer standards and/or current standards, specifications, recommended procedures, and/or  
11 directives issued by the Bureau. Respondent issued a Brake Certificate of Adjustment certifying  
12 that the vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle  
13 Code when, in fact, it was not.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with the Code)**

16 36. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
17 subdivision (a)(6), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it failed  
18 to comply with Code section 9889.16 by issuing a Brake Certificate of Adjustment certifying that  
19 the brake system was in compliance with the regulations of the Vehicle Code when, in fact, it was  
20 not.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 37. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
24 subdivision (a)(6), in that on or about June 14, 2011, regarding the 1997 Honda Accord, it failed  
25 to comply with provisions of California Code of Regulations, title 16, in the following material  
26 respects:

27 a. **Section 3305, subdivision (a):** Respondent Ulises and Respondent Guizar failed  
28 to perform the inspection of the brake system on the vehicle in accordance with the vehicle's

1 manufacturer standards and/or current standards, specifications, recommended procedures, and/or  
2 directives issued by the Bureau.

3 b. Section 3321, subdivision (c)(2): Respondent Ulises and Respondent Guizar  
4 issued a Brake Certificate of Adjustment to the vehicle when the brake system on the vehicle had  
5 not been properly tested or inspected.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 (Failure to Comply with the Code)

8 38. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's  
9 brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision  
10 (a), in that on June 14, 2011, regarding the 1997 Honda Accord, they violated section 9889.16 of  
11 the Code, relating to their licensed activities.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 (Failure to Comply with Regulations)

14 39. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's  
15 brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision  
16 (c), in that on or about June 14, 2011, regarding the 1997 Honda Accord, they failed to comply  
17 with provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and  
18 3321, subdivision (c)(2).

19 **NINTH CAUSE FOR DISCIPLINE**

20 (Dishonesty, Fraud, or Deceit)

21 40. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's  
22 brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision  
23 (d), in that on or about June 14, 2011, regarding the 1997 Honda Accord, they committed acts  
24 involving dishonesty, fraud, or deceit whereby another was injured.

25 **TENTH CAUSE FOR DISCIPLINE**

26 (Dishonesty, Fraud or Deceit)

27 41. Respondent Ulises' smog check station license and Respondent Guizar's advanced  
28 emission technician license are subject to discipline under Health and Safety Code section

1 44072.2, subdivision (d), in that on or about June 2, 2011, they committed a dishonest, fraudulent,  
2 or deceitful act whereby another was injured.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 42. Respondent Ulises' smog check station license and Respondent Guizar's technician  
6 license are subject to discipline under Health & Safety Code section 44072.2, subdivision (a), in  
7 that on or about June 2, 2011, regarding the 1997 Honda Accord, they failed to comply with the  
8 following sections of the Health and Safety Code:

9 a. **Section 44012, subdivision (a):** Respondent Ulises and Respondent Guizar failed to  
10 determine that all emission control devices and systems required by law were installed and  
11 functioning correctly in accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent Ulises and Respondent Guizar failed to  
13 perform emission control tests on the vehicle in accordance with procedures prescribed by the  
14 department:

15 **TWELFTH CAUSE FOR DISCIPLINE**

16 **(Failure to Properly Perform Required Testing)**

17 43. Respondent Ulises' smog check station license is subject to discipline under Health &  
18 Safety Code section 44015, subdivision (b), in that on or about June 2, 2011, regarding the 1997  
19 Honda Accord, the station issued a Certificate of Compliance for the vehicle without properly  
20 testing and inspecting the vehicle to determine if it was in compliance with Health & Safety Code  
21 section 44012.

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Properly Perform Required Testing)**

24 44. Respondent Guizar's technician license is subject to discipline under Health & Safety  
25 Code section 44032 in that on or about June 2, 2011, regarding the 1997 Honda Accord, he failed  
26 to perform a test of the emission control devices and systems on the vehicle in accordance with  
27 Health and Safety Code section 44012.

28

1 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

3 45. Respondent Ulises' smog check station license and Respondent Guizar's technician  
4 license are subject to discipline under Health & Safety Code section 44072.2, subdivision (c), in  
5 that on or about June 2, 2011, regarding the 1997 Honda Accord, they failed to comply with  
6 provisions of California Code of Regulations, title 16, as follows:

7 a. Section 3340.35, subdivision (c): Respondent Ulises issued a Certificate of  
8 Compliance for the vehicle even though the vehicle had not been inspected in accordance with  
9 California Code of Regulations, title 16, section 3340.42.

10 b. Section 3340.30, subdivision (a): Respondent Guizar failed to test and inspect the  
11 vehicle in accordance with Health and Safety Code sections 44012 and 44035 and California  
12 Code of Regulations, title 16, section 3340.42.

13 c. Section 3340.42: Respondent Ulises and Respondent Guizar failed to conduct the  
14 required smog tests on the vehicle in accordance with the Bureau's specifications.

15 **FIFTEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Provide Written Estimate)**

17 46. Respondent Ulises' smog check station license is subject to discipline under Code  
18 section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353,  
19 subdivision (a), in that on or about June 2, 2011, regarding the 1997 Honda Accord, it failed to  
20 provide the customer with a written estimate for the inspections to be performed.

21 **UNDERCOVER CAR NO. 2: 1993 HONDA ACCORD**

22 47. On or about June 17, 2011, an undercover Bureau operator ("operator") drove a  
23 1993 Honda Accord to Respondent Ulises' facility and requested a lamp, brake, and smog  
24 inspection. The vehicle could not pass a brake inspection, in that both front brake rotors were  
25 beyond factory allowable specifications, and both rear brake rotors were beyond factory diameter  
26 specifications. In addition, the vehicle could not pass a lamp inspection, in that both front  
27 headlights were out of adjustment and the vehicle was missing its high beam indicator lamp in the  
28

1 dash. Finally, the vehicle could not properly pass smog inspection because its ignition timing was  
2 adjusted out of specification.

3 48. The operator was told the smog test would cost \$45, but was not provided a  
4 written estimate. Respondent Uribe performed the smog test and signed a Vehicle Inspection  
5 Report, and had a Smog Certificate of Compliance issued for the vehicle.

6 49. Respondent Uribe adjusted the misaligned headlights, but declined to provide  
7 brake and lamp certificates because of the too-thin brake rotors. He stated that he would do both  
8 inspections after the brakes were repaired.

9 **SIXTEENTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Motor Vehicle Inspection Program)**

11 50. Respondent Ulises' smog check station license and Respondent Uribe's technician  
12 license are subject to discipline under Health & Safety Code section 44072.2, subdivision (a), in  
13 that on or about June 17, 2011, regarding the 1993 Honda Accord, they failed to comply with the  
14 following sections of the Health and Safety Code:

15 a. **Section 44012, subdivision (a):** Respondent Ulises and Respondent Uribe failed to  
16 determine that all emission control devices and systems required by law were installed and  
17 functioning correctly in accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent Ulises and Respondent Uribe failed to  
19 perform emission control tests on the vehicle in accordance with procedures prescribed by the  
20 department.

21 **SEVENTEENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Properly Perform Required Testing)**

23 51. Respondent Ulises' smog check station license is subject to discipline under Health &  
24 Safety Code section 44015, subdivision (b), in that on or about June 17, 2011, regarding the 1993  
25 Honda Accord the station issued a Certificate of Compliance for the vehicle without properly  
26 testing and inspecting the vehicle to determine if it was in compliance with Health & Safety Code  
27 section 44012.

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**EIGHTEENTH CAUSE FOR DISCIPLINE**

**(Failure to Properly Perform Required Testing)**

52. Respondent Uribe's technician license is subject to discipline under Health & Safety Code section 44032 in that on or about June 17, 2011, regarding the 1993 Honda Accord, he failed to perform a test of the emission control devices and systems on the vehicle in accordance with Health and Safety Code section 44012.

**NINETEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

53. Respondent Ulises' station license and Respondent Uribe's technician license are subject to discipline under Health & Safety Code section 44072.2, subdivision (c), in that on or about June 17, 2011, regarding the 1993 Honda Accord, they failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.30, subdivision (a):** Respondent Uribe issued a Certificate of Compliance for the vehicle even though the vehicle had not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.35, subdivision (c):** Respondent Ulises issued a Certificate of Compliance for the vehicle even though the vehicle had not been inspected in accordance with section 3340.42.

c. **Section 3340.42:** Respondent Ulises and Respondent Uribe failed to conduct the required smog tests on the vehicle in accordance with the Bureau's specifications.

**TWENTIETH CAUSE FOR DISCIPLINE**

**(Failure to Provide Written Estimate)**

54. Respondent Ulises' smog check station license is subject to discipline under Code section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353, subdivision (a), in that on or about June 17, 2011, regarding the 1993 Honda Accord, it failed to provide the customer with a written estimate for the inspections to be performed.

1 UNDERCOVER CAR NO. 3 – 1990 CHEVROLET TRUCK

2 55. On or about August 25, 2011, a Bureau undercover operator ("operator") drove a  
3 1990 Chevrolet truck to Respondent Ulises' facility and requested a brake, lamp, and smog  
4 inspection. The vehicle could not properly pass a brake inspection because the front brake rotors  
5 were below the minimum specifications and the rear brake drums were above the maximum  
6 specifications. In addition, the vehicle could not properly pass a lamp inspection because the two  
7 license plate lights and a rear back-up light had non-illuminating bulbs. Finally, the vehicle could  
8 not properly pass a smog inspection because its Exhaust Gas Recycling (EGR) system was  
9 nonfunctional.

10 56. At the facility, the operator was told that the inspections would cost a total of \$135,  
11 but he was not provided with an estimate.

12 57. After the smog inspection, a Ulises mechanic told the operator that a couple of lights  
13 bulbs were replaced but that the vehicle failed smog inspection due to a defective EGR valve. He  
14 told the operator to come for the smog, brake and lamp certificates after getting the EGR valve  
15 repaired. The operator was not charged for work performed that day.

16 58. On September 1, 2011, the operator returned to Respondent Ulises' facility and was  
17 issued a Smog Certificate of Compliance, a Brake Certificate of Adjustment, and a Lamp  
18 Certificate of Adjustment, all signed by Respondent Uribe. The operator paid \$135 for the  
19 certificates.

20 59. The defective EGR valve had been replaced, so the smog certificate was properly  
21 issued. In conducting the brake inspection, however, Respondent Uribe failed to remove the  
22 vehicle's wheels or to road test the vehicle. In addition, he issued a Certificate of Adjustment  
23 despite the vehicle's rear-brake drums being too large and its front disk brake rotors too thin.  
24 Finally, Respondent Uribe provided the Lamp Certificate of Adjustment even though the vehicle  
25 still had a non-illuminating back-up light.

1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 (Untrue or Misleading Statements)

3 60. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(1), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it  
5 made untrue or misleading statements, as follows:

6 a. Respondent Ulises represented in the Brake Certificate of Adjustment that the  
7 applicable inspections had been performed on the vehicle's brake system when, in fact, they had  
8 not.

9 b. Respondent Ulises represented in the Brake Certificate of Adjustment that the  
10 vehicle's front brake rotors and rear brake drums were in satisfactory condition when, in fact, they  
11 were not.

12 c. Respondent issued a Lamp Certificate of Adjustment certifying that the vehicle's  
13 lamps were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they  
14 were not (one of the back-up lamps was not illuminating).

15 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

16 (Fraud)

17 61. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
18 subdivision (a)(4), in that on or about September 1, 2011, it committed acts that constitute fraud  
19 by accepting payment from the operator for performing the applicable inspections, adjustments,  
20 or repairs of the brake system on the vehicle as specified by the Bureau and in accordance with  
21 the Vehicle Code. In fact, Respondent Ulises failed to perform the necessary inspections,  
22 adjustments, or repairs in compliance with Bureau Regulations and/or the Vehicle Code. In  
23 addition, Respondent Ulises' issued a Brake Certificate of Adjustment certifying that the vehicle's  
24 brake system was in satisfactory condition when, in fact, the front brake rotors were undersized  
25 and the rear brake drums were oversized. In addition, Respondent issued a Lamp Certificate of  
26 Adjustment certifying that the vehicle's lamps were in compliance with Bureau Regulations  
27 and/or the Vehicle Code when, in fact, they were not (one of the back-up lamps was not  
28 illuminating).

1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 62. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(5), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it  
5 committed acts constituting gross negligence, in that Respondent failed to properly inspect the  
6 brake system on the vehicle and issued a Brake Certificate of Adjustment certifying that the  
7 vehicle's brake system was in compliance with Bureau Regulations and/or the Vehicle Code  
8 when, in fact, the front brake rotors were undersized and the rear brake drums were oversized. In  
9 addition, Respondent issued a Lamp Certificate of Adjustment certifying that the vehicle's lamps  
10 were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they were  
11 not (one of the back-up lamps was not illuminating).

12 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

13 **(Departure from Trade Standards)**

14 63. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
15 subdivision (a)(7), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it  
16 willfully departed from or disregarded accepted trade standards for good and workmanlike repair  
17 without the consent of the owner or the owner's duly authorized representative in a material  
18 respect, in that it failed to inspect the lamps and brake system on the vehicle in accordance with  
19 the vehicle's manufacturer standards and/or current standards, specifications, recommended  
20 procedures, and/or directives issued by the Bureau. Respondent issued a Lamp Certificate of  
21 Adjustment and a Brake Certificate of Adjustment certifying that the vehicle's lamps and brake  
22 system were in compliance with Bureau Regulations and/or the Vehicle Code when, in fact, they  
23 were not.

24 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Code)**

26 64. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
27 subdivision (a)(6), in that on or about September 1, 2012, regarding the 1990 Chevrolet truck, it  
28 failed to comply with Code section 9889.16 by issuing a Lamp Certificate of Adjustment and a

1 Brake Certificate of Adjustment certifying that the vehicle's lamps and brake system were in  
2 compliance with the regulations of the Vehicle Code when, in fact, they were not.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

5 65. Respondent Ulises' registration is subject to discipline under Code section 9884.7,  
6 subdivision (a)(6), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it  
7 failed to comply with provisions of California Code of Regulations, title 16, in the following  
8 material respects:

9 a. **Section 3305, subdivision (a):** Respondent Ulises failed to perform the inspection  
10 of the lamps and brake system on the vehicle in accordance with the vehicle's manufacturer  
11 standards and/or current standards, specifications, recommended procedures, and/or directives  
12 issued by the Bureau.

13 b. **Section 3321, subdivision (c)(2):** Respondent Ulises and Respondent Uribe  
14 issued a Brake Certificate of Adjustment for a the vehicle when the brake system on the vehicle  
15 had not been properly tested or inspected.

16 c. **Section 3316, subdivision (d)(2):** Respondent Ulises and Respondent Uribe  
17 issued a Lamp Certificate of Adjustment for a vehicle without properly testing all the lamps it  
18 was required to test.

19 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with the Code)**

21 66. Respondent Ulises' brake and lamp station licenses and Respondent Uribe's brake  
22 and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (a), in  
23 that on September 1, 2011, regarding the 1990 Chevrolet truck, they violated section 9889.16 of  
24 the Code, relating to their licensed activities.

25 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

27 67. Respondent Ulises' brake and lamp station licenses and Respondent Uribe's brake  
28 and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in

1 that on or about September 1, 2011, regarding the 1990 Chevrolet truck, they failed to comply  
2 with provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and  
3 3321, subdivision (c)(2).

4 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud, or Deceit)**

6 68. Respondent Ulises' brake and lamp station licenses and Respondent Guizar's  
7 brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision  
8 (d), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, they committed  
9 acts involving dishonesty, fraud, or deceit whereby another was injured.

10 **THIRTIETH CAUSE FOR DISCIPLINE**

11 **(Failure to Provide Written Estimate)**

12 69. Respondent Ulises' smog check station license is subject to discipline under Code  
13 section 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353,  
14 subdivision (a), in that on or about September 1, 2011, regarding the 1990 Chevrolet truck, it  
15 failed to provide the customer with a written estimate for the inspections to be performed.

16 **OTHER MATTERS**

17 70. Under Code section 9884.7, subdivision (c), the director may suspend, revoke, or  
18 place on probation the registrations for all places of business operated in this state by Ulises  
19 Guizar, upon a finding that he has, or is, engaged in a course of repeated and willful violation of  
20 the laws and regulations pertaining to an automotive repair dealer.

21 71. Under Health and Safety Code section 44072.8, if Smog Check Station License  
22 Number RC 231103 issued to Ulises Guizar doing business as Ulises Auto Smog and Repair, is  
23 revoked or suspended, any additional license issued under this chapter in the name of the licensee  
24 may be likewise revoked or suspended by the director, including Advanced Emission Specialist  
25 Technician License Number EA 141286.

26 72. Under Code section 9889.9, if Lamp Station License Number LS 231103, issued  
27 to Ulises Guizar, doing business as Ulises Auto Smog and Repair, is revoked or suspended, any  
28 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions

1 Code in the name of the licensee may be likewise revoked or suspended by the director, including  
2 Lamp Adjuster License Number LA 141286.

3 73. Under Code section 9889.9, if Brake Station License Number BS 231103, issued  
4 to Ulises Guizar, doing business as Ulises Auto Smog and Repair, is revoked or suspended, any  
5 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions  
6 Code in the name of the licensee may be likewise revoked or suspended by the director, including  
7 Brake Adjuster License Number BA 141286.

8 74. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
9 Technician License Number EA 148163, issued to Justino L. Uribe, is revoked or suspended, any  
10 additional license issued under this chapter in the name of the licensee may be likewise revoked  
11 or suspended by the director.

12 75. Under Code section 9889.9, if Brake Adjuster License Number BA 148163,  
13 issued to Justino L. Uribe, is revoked or suspended, any additional license issued under Articles 5  
14 and 6 of Chapter 20.3 of the Business and Professions Code in the name of the licensee may be  
15 likewise revoked or suspended by the director.

16 76. Under Code section 9889.9, if Lamp Adjuster License Number LA 148163, issued  
17 to Justino L. Uribe, is revoked or suspended, any additional license issued under Articles 5 and 6  
18 of Chapter 20.3 of the Business and Professions Code in the name of the licensee may be likewise  
19 revoked or suspended by the director.

20 **PRAYER**

21 **THEREFORE**, Complainant requests that a hearing be held on the matters alleged in this  
22 Accusation, and that following the hearing, the Director of Consumer Affairs issue a decision:

23 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
24 Registration No. ARD 231103, issued to Ulises Guizar, doing business as Ulises Auto Smog and  
25 Repair;

26 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
27 registration issued to Ulises Guizar;

28

- 1           3.    Revoking or suspending Smog Check Station License Number RC 231103, issued  
2 to Ulises Guizar, doing business as Ulises Auto Smog and Repair;
- 3           4.    Revoking or suspending any additional license issued under chapter 5, of the  
4 Health and Safety Code in the name of Ulises Guizar;
- 5           5.    Revoking or suspending Lamp Station License Number LS 231103, issued to  
6 Ulises Guizar, doing business as Ulises Auto Smog and Repair;
- 7           6.    Revoking or suspending Brake Station License Number BS 231103, issued to  
8 Ulises Guizar, doing business as Ulises Auto Smog and Repair;
- 9           7.    Revoking or suspending any additional license issued under Articles 5 and 6 of  
10 Chapter 20.3 of the Business and Professions Code in the name of Ulises Guizar;
- 11          8.    Revoking or suspending Advanced Emission Specialist Technician License  
12 Number EA 141286, issued to Ulises Guizar;
- 13          9.    Revoking or suspending any additional license issued under Chapter 5 of the  
14 Health and Safety Code in the name of Ulises Guizar;
- 15          10.   Revoking or suspending Brake Adjuster License Number BA 141286, issued to  
16 Ulises Guizar;
- 17          11.   Revoking or suspending Lamp Adjuster License Number LA 141286, issued to  
18 Ulises Guizar;
- 19          12.   Revoking or suspending any additional license issued under Articles 5 and 6 of  
20 Chapter 20.3 of the Business and Professions Code in the name of Ulises Guizar;
- 21          13.   Revoking or suspending Advanced Emission Specialist Technician License  
22 Number EA 148163, issued to Justino L. Uribe;
- 23          14.   Revoking or suspending any additional license issued under Chapter 5 of the  
24 Health and Safety Code in the name of Justino L. Uribe;
- 25          15.   Revoking or suspending Brake Adjuster License Number BA 148163, issued to  
26 Justino L. Uribe;
- 27          16.   Revoking or suspending Lamp Adjuster License Number LA 148163, issued to  
28 Justino L. Uribe;

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17. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Justino L. Uribe;

18. Ordering Ulises Guizar and Justino L. Uribe to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, under Code section 125.3; and

19. Taking such other and further action as deemed necessary and proper.

DATED: May 17, 2012



JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2012900827