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

10
11 In the Matter of the Accusation Against:

Case No. 179116-49

12 **ANDREW VERNON STIGGE**
13 **56 Hobart Avenue**
14 **San Mateo, CA 94402**

ACCUSATION

15 **Smog Check Inspector License No. EO**
149978
16 **Smog Check Repair Technician License No.**
EI 149978
17 **Advanced Emission Specialist Technician**
License No. EA 149978

18 Respondent.

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21 Complainant alleges:

22 **PARTIES**

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

25 2. In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist
26 Technician License (technician license) Number EA 149978 to Andrew Vernon Stigge
27 (Respondent). The Advanced Emission Specialist Technician License was cancelled on
28 December 19, 2013. Said license was renewed pursuant to Andrew Vernon Stigge's election as

1 Smog Check Inspector (EO) License No. 149978 and Smog Check Repair Technician (EI)
2 License No. 149978 effective December 19, 2013. The Smog Check Inspector (EO) License and
3 Smog Check Repair Technician (EI) License will expire on December 31, 2015.¹

4 **JURISDICTION**

5 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the
6 Bureau of Automotive Repair, under the authority of the following laws.

7 4. Section 118, subdivision (b), of the Business and Professions Code provides that the
8 suspension, expiration, surrender or cancellation of a license shall not deprive the Director of
9 jurisdiction to proceed with a disciplinary action during the period within which the license may
10 be renewed, restored, reissued or reinstated.

11 5. Section 477 of the Business and Professions Code provides, in pertinent part, that
12 "Board" includes "bureau," "commission," "committee," "department," "division," "examining
13 committee," "program," and "agency." "License" includes certificate, registration or other means
14 to engage in a business or profession regulated by the code.

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

18 7. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
19 expiration or suspension of a license by operation of law, or by order or decision of the Director
20 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
21 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
22 proceedings against the licensee, or to render a decision suspending or revoking the license.

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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.

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

11. Section 44072.8 of the Health and Safety Code states:

"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."

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 3340.24, states, in pertinent part:

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5 (commencing with section 11500) of division 3, Title 2 of the Government Code.

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(d) The bureau may suspend or revoke the license of or pursue other legal action against a licensee that fails to complete retraining when required by the department, pursuant to section 44045.6 of the Health and Safety Code.

COST RECOVERY

13. Section 125.3 of the Business and Professions Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training)**

3 14. Respondent has subjected his Smog Check Inspector License to discipline pursuant to
4 Health and Safety Code section 44045.6, subdivision (c) and/or 44050, subdivision (e), in that on
5 or about October 23, 2014, the Bureau issued Citation No. M2014-1308 to Respondent against his
6 Smog Check Inspector License for violations of Health and Safety Code section 44032 (qualified
7 technicians shall perform tests of emission control systems and devices in accordance with section
8 44012 of that Code). On November 5, 2014, the Bureau served Respondent with the citation.
9 The Bureau required that Respondent complete an 8-hour training course. However, Respondent
10 did not appeal the citation within thirty (30) days of service of the citation nor has Respondent
11 completed the required training.

12 **OTHER MATTERS**

13 15. Under Health and Safety Code section 44072.8, if Andrew Stigge's Smog Check
14 Inspector license currently designated as EO 149978 is revoked or suspended, any additional
15 license issued under this chapter in the name of said licensee may be likewise revoked or
16 suspended by the director.

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PRAYER

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

4 1. Revoking or suspending Andrew Vernon Stigge's Smog Check Inspector license EO
5 149978;

6 2. Revoking or suspending Andrew Vernon Stigge's Smog Check Repair Technician
7 license EI 149978;

8 3. Revoking or suspending any additional license issued under Chapter 5, of the Health
9 and Safety Code in the name of Andrew Vernon Stigge;

10 4. Ordering Andrew Vernon Stigge to pay the Bureau of Automotive Repair the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

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

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15 DATED: January 4, 2016



PATRICK DORAIS
Chief
Bureau of Automotive Repair - I/M Smog
Department of Consumer Affairs
State of California
Complainant

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