

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

In the Matter of the Accusation Against:

**RENTERIAS TIRE SERVICE & MECHANIC**

305 Salinas Road #B  
Watsonville, CA 95076

**Mailing Address:**

300 Salinas Road  
Watsonville, CA 95076

**EFRAIN RENTERIA, PARTNER  
MARIA G. MARTINEZ, PARTNER**

Automotive Repair Dealer Registration No.  
ARD 251157

Smog Check Station License No. RC  
251157

Lamp Station License No. LS 251157,  
Class A

Brake Station License No. BS 251157,  
Class A

and

**ALVARO CARRILLO**

488 Green Valley Road  
Watsonville, CA 95076

Smog Check Inspector License No. EO  
153838

Smog Check Repair Technician License No.  
EI 153838 (formerly Advanced Emission  
Specialist Technician License No. EA  
153838)

Brake Adjuster License No. BA 153838,  
Class C

Lamp Adjuster License No. LA 153838,  
Class A

Respondents.

Case No. 79/15-135

**DECISION**

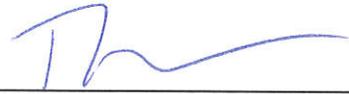
The attached Stipulated Settlement and Disciplinary Order as to Respondent Alvaro Carrillo Only is hereby accepted and adopted as the Decision of the Director of

the Department of Consumer Affairs in the above-entitled matter, only as to respondent Alvaro Carrillo, Smog Check Inspector License No. EO 153838, Smog Check Repair Technician License No. EI 153838 (formerly Advanced Emission Specialist Technician License No. EA 153838), Brake Adjuster License No. BA 153838, Class C, and Lamp Adjuster License No. LA 153838, Class A.

The suspension of Smog Check Inspector License No. EO 153838, Smog Check Repair Technician License No. EI 153838 (formerly Advanced Emission Specialist Technician License No. EA 153838), Brake Adjuster License No. BA 153838, Class C, and Lamp Adjuster License No. LA 153838, Class A, issued to Alvaro Carrillo, shall commence on the effective date of this Decision.

This Decision shall become effective April 12, 2016.

DATED: March 14, 2016

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 79/15-135

12 **RENTERIAS TIRE SERVICE &**  
13 **MECHANIC**  
14 **305 Salinas Road #B**  
**Watsonville, CA 95076**  
15 **Mailing Address:**  
**300 Salinas Road**  
16 **Watsonville, CA 95076**  
17 **EFRAIN RENTERIA, PARTNER**  
**MARIA G. MARTINEZ, PARTNER**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT ALVARO CARRILLO**  
**ONLY**

18 **Automotive Repair Dealer Registration**  
**No. ARD 251157**  
19 **Smog Check Station License No. RC 251157**  
**Lamp Station License No. LS 251157, Class**  
20 **A**  
**Brake Station License No. BS 251157, Class**  
21 **A**

22 and

23 **ALVARO CARRILLO**  
**488 Green Valley Road**  
24 **Watsonville, CA 95076**

25 **Smog Check Inspector License No. EO**  
**153838**  
26 **Smog Check Repair Technician License No.**  
**EI 153838 (formerly Advanced Emission**  
27 **Specialist Technician License No. EA**  
**153838)**

28 **///**

1 Brake Adjuster License No. BA 153838,  
2 Class C  
3 Lamp Adjuster License No. LA 153838,  
4 Class A

Respondents.

5  
6 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
7 entitled proceedings that the following matters are true:

8 PARTIES

9 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
10 (Bureau). He brought this action solely in his official capacity and is represented in this matter by  
11 Kamala D. Harris, Attorney General of the State of California, by Nicholas Tsukamaki, Deputy  
12 Attorney General.

13 2. Respondent Alvaro Carrillo (Respondent) is represented in this proceeding by  
14 attorney Thomas N. Griffin, whose address is: Grunsky, Ebey, Farrar & Howell, 240 Westgate  
15 Drive, Watsonville, CA 95076.

16 3. In or about 2006, the Bureau issued Advanced Emission Specialist Technician  
17 License Number EA 153838 to Respondent. Respondent's Advanced Emission Specialist  
18 Technician License was due to expire on March 31, 2013. Pursuant to California Code of  
19 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to  
20 Respondent's election, as Smog Check Inspector License Number EO 153838 and Smog Check  
21 Repair Technician License Number EI 153838 (technician licenses), effective January 25, 2013.  
22 Respondent's technician licenses will expire on March 31, 2017, unless renewed.

23 4. On or about November 8, 2013, the Bureau issued Brake Adjuster License Number  
24 BA 153838, Class C to Respondent. The Brake Adjuster License was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on March 31, 2017, unless  
26 renewed.

27 ///

28 ///





1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 153838, Smog  
3 Check Repair Technician License No. EI 153838, Brake Adjuster License No. BA 153838, Class  
4 C, and Lamp Adjuster License No. LA 153838, Class A issued to Respondent Alvaro Carrillo  
5 (Respondent) are revoked. However, the revocation is stayed and Respondent is placed on  
6 probation for three (3) years on the following terms and conditions.

7 1. **Actual Suspension.** Smog Check Inspector License No. EO 153838, Smog Check  
8 Repair Technician License No. EI 153838, Brake Adjuster License No. BA 153838, Class C, and  
9 Lamp Adjuster License No. LA 153838, Class A issued to Respondent are suspended for fifteen  
10 (15) consecutive days.

11 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
12 automotive inspections, estimates and repairs.

13 3. **Reporting.** Respondent or Respondent's authorized representative must report in  
14 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
15 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
16 maintaining compliance with the terms and conditions of probation.

17 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report  
18 any financial interest which any partners, officers, or owners of the Respondent facility may have  
19 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
20 Professions Code.

21 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
22 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

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

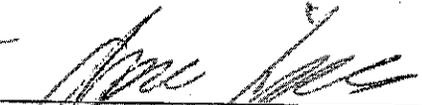
27 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
28 Respondent has failed to comply with the terms and conditions of probation, the Department may,

1 after giving notice and opportunity to be heard, suspend or revoke Smog Check Inspector License  
2 No. EO 153838, Smog Check Repair Technician License No. EI 153838, Brake Adjuster License  
3 No. BA 153838, Class C, and Lamp Adjuster License No. LA 153838, Class A issued to  
4 Respondent.

5 8. **Cost Recovery.** Payment to the Bureau of cost recovery in the amount of \$3,875.81  
6 payable in twenty-four (24) consecutive, equal monthly installments with final payment due  
7 twelve (12) months before the termination of probation. Failure to complete payment of cost  
8 recovery within this time frame shall constitute a violation of probation which may subject  
9 Respondent's licenses to outright revocation; however, the Director or the Director's Bureau of  
10 Automotive Repair designee may elect to continue probation until such time as reimbursement of  
11 the entire cost recovery amount has been made to the Bureau.

12 ACCEPTANCE

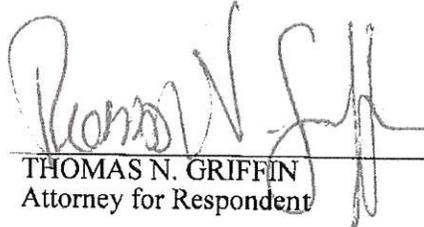
13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, Thomas N. Griffin. I understand the stipulation and the effect it  
15 will have on my Smog Check Inspector License, Smog Check Repair Technician License, Brake  
16 Adjuster License, and Lamp Adjuster License, and I enter into this Stipulated Settlement and  
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Director of Consumer Affairs.

19  
20 DATED: 10-24-2015   
21 ALVARO CARRILLO  
Respondent

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 I have read and fully discussed with Respondent Alvaro Carrillo the terms and conditions  
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
3 its form and content.

4  
5 DATED: 10-28-2015

  
THOMAS N. GRIFFIN  
Attorney for Respondent

6  
7  
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Director of Consumer Affairs

11 Dated: October 30, 2015

12 Respectfully submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 JOSHUA A. ROOM  
16 Supervising Deputy Attorney General



17 NICHOLAS TSUKAMAKI  
18 Deputy Attorney General  
19 Attorneys for Complainant

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21 41377842.doc

**Exhibit A**

**Accusation No. 79/15-135**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
455 Golden Gate Avenue, Suite 11000  
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Telephone: (415) 703-1188  
6 Facsimile: (415) 703-5480  
E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/15-135

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17 **Mailing Address:**  
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19 **Watsonville, CA 95076**  
20 **EFRAIN RENTERIA, PARTNER**  
21 **MARIA G. MARTINEZ, PARTNER**

ACCUSATION

(SMOG CHECK)

22 **Automotive Repair Dealer Registration**  
23 **No. ARD 251157**  
24 **Smog Check Station License No. RC 251157**  
25 **Lamp Station License No. LS 251157, Class**  
26 **A**  
27 **Brake Station License No. BS 251157, Class**  
28 **A**

and

22 **ALVARO CARRILLO**  
23 **488 Green Valley Road**  
24 **Watsonville, CA 95076**  
25 **Smog Check Inspector License No. EO**  
26 **153838**  
27 **Smog Check Repair Technician License No.**  
28 **EI 153838 (formerly Advanced Emission**  
**Specialist Technician License No. EA**  
**153838)**

///

1 Brake Adjuster License No. BA 153838,  
Class C  
2 Lamp Adjuster License No. LA 153838,  
Class A

3 Respondents.  
4

5 Complainant alleges:

6 **PARTIES**

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

9 2. On or about June 21, 2007, the Bureau issued Automotive Repair Dealer Registration  
10 Number ARD 251157 to Renterias Tire Service & Mechanic (Respondent Renterias), with Efrain  
11 Renteria and Maria G. Martinez as partners. The Automotive Repair Dealer Registration was in  
12 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
13 2016, unless renewed.

14 3. On or about August 21, 2007, the Bureau issued Smog Check Station License  
15 Number RC 251157 to Respondent Renterias. The Smog Check Station License was in full force  
16 and effect at all times relevant to the charges brought herein and will expire on June 30, 2016,  
17 unless renewed.

18 4. On or about June 12, 2012, the Bureau issued Lamp Station License Number LS  
19 251157, Class A to Respondent Renterias. The Lamp Station License was in full force and effect  
20 at all times relevant to the charges brought herein and will expire on June 30, 2016, unless  
21 renewed.

22 5. On or about June 12, 2012, the Bureau issued Brake Station License Number BS  
23 251157, Class A to Respondent Renterias. The Brake Station License was in full force and effect  
24 at all times relevant to the charges brought herein and will expire on June 30, 2016, unless  
25 renewed.

26 6. In or about 2006, the Director issued Advanced Emission Specialist Technician  
27 License Number EA 153838 to Alvaro Carrillo (Respondent Carrillo). Respondent Carrillo's  
28 Advanced Emission Specialist Technician License was due to expire on March 31, 2013.

1 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license  
2 was renewed, pursuant to Respondent Carrillo's election, as Smog Check Inspector License  
3 Number EO 153838 and Smog Check Repair Technician License Number EI 153838 (technician  
4 licenses), effective January 25, 2013. Respondent Carrillo's technician licenses will expire on  
5 March 31, 2017, unless renewed.<sup>1</sup>

6 7. On or about November 8, 2013, the Bureau issued Brake Adjuster License Number  
7 BA 153838, Class C to Respondent Carrillo. The Brake Adjuster License was in full force and  
8 effect at all times relevant to the charges brought herein and will expire on March 31, 2017,  
9 unless renewed.

10 8. On or about August 7, 2014, the Bureau issued Lamp Adjuster License Number LA  
11 153838, Class A to Respondent Carrillo. The Lamp Adjuster License was in full force and effect  
12 at all times relevant to the charges brought herein and will expire on March 31, 2018, unless  
13 renewed.

#### 14 JURISDICTION

15 9. This Accusation is brought before the Director of the Department of Consumer  
16 Affairs (Director) for the Bureau of Automotive Repair under the authority of the following laws.  
17 All section references are to the Business and Professions Code (Code) unless otherwise  
18 indicated.

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

23 11. Section 118, subdivision (b) of the Code states:

24 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
25 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of

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

1 a court of law, or its surrender without the written consent of the board, shall not, during any  
2 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
3 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
4 provided by law or to enter an order suspending or revoking the license or otherwise taking  
5 disciplinary action against the licensee on any such ground.”

6 12. California Code of Regulations, title 16, section 3340.28, subdivision (e) states that  
7 “[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
8 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
9 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.”

#### 10 STATUTORY PROVISIONS

11 13. Section 9884.7 of the Code provides, in relevant part:

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

17 “(1) Making or authorizing in any manner or by any means whatever any statement written  
18 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable  
19 care should be known, to be untrue or misleading.

20 “(2) Causing or allowing a customer to sign any work order that does not state the repairs  
21 requested by the customer or the automobile’s odometer reading at the time of repair.

22 ...

23 “(6) Failure in any material respect to comply with the provisions of this chapter or  
24 regulations adopted pursuant to it.

25 ...”

26 ///

27 ///

28 ///

1           14. Section 9884.9 of the Code provides, in relevant part:

2           “(a) The automotive repair dealer shall give to the customer a written estimated price for  
3 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
4 before authorization to proceed is obtained from the customer. . . .”

5           15. Section 44012 of the Health and Safety Code provides, in relevant part:

6           “The test at the smog check stations shall be performed in accordance with procedures  
7 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded  
8 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,  
9 and shall ensure all of the following:

10           . . .

11           “(f) A visual or functional check is made of emission control devices specified by the  
12 department, including the catalytic converter in those instances in which the department  
13 determines it to be necessary to meet the findings of Section 44001. The visual or functional  
14 check shall be performed in accordance with procedures prescribed by the department.

15           . . .”

16           16. Section 44032 of the Health and Safety Code states:

17           “No person shall perform, for compensation, tests or repairs of emission control devices or  
18 systems of motor vehicles required by this chapter unless the person performing the test or repair  
19 is a qualified smog check technician and the test or repair is performed at a licensed smog check  
20 station. Qualified technicians shall perform tests of emission control devices and systems in  
21 accordance with Section 44012.”

22           17. Section 44059 of the Health and Safety Code states:

23           “The willful making of any false statement or entry with regard to a material matter in any  
24 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
25 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business  
26 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

27           ///

28           ///

1 18. Section 44072.2 of the Health and Safety Code states, in relevant part:

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

5 "(a) Violates any section of this chapter and the regulations adopted pursuant to it, which  
6 related to the licensed activities.

7 ...

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

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

10 ..."

11 **REGULATORY PROVISIONS**

12 19. California Code of Regulations, title 16, section 3340.30 provides, in relevant part:

13 "A smog check technician shall comply with the following requirements at all times while  
14 licensed.

15 "(a) A licensed technician shall inspect, test and repair vehicles in accordance with section  
16 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
17 3340.42 of this article.

18 ..."

19 20. California Code of Regulations, title 16, section 3340.35 provides, in relevant part:

20 "(c) A licensed station shall issue a certificate of compliance or noncompliance to the  
21 owner or operator of any vehicle that has been inspected in accordance with the procedures  
22 specified in section 3340.42 of this article and has all the required emission control equipment  
23 and devices installed and functioning correctly. . . ."

24 21. California Code of Regulations, title 16, section 3340.42 provides, in relevant part:

25 "Smog check stations and smog check technicians shall conduct tests and inspections in  
26 accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in  
27 subsections (a) and (b) of Section 3340.17 . . . ."

28 ///

1 22. California Code of Regulations, title 16, section 3353 provides, in relevant part:  
2 “No work for compensation shall be commenced and no charges shall accrue without  
3 specific authorization from the customer in accordance with the following requirements:

4 “(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
5 estimated price for labor and parts for a specific job.

6 ...”

7 23. California Code of Regulations, title 16, section 3373 states:

8 “No automotive repair dealer or individual in charge shall, in filling out an estimate,  
9 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,  
10 withhold therefrom or insert therein any statement or information which will cause any such  
11 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
12 or deceive customers, prospective customers, or the public.”

### 13 COSTS

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

### 20 FACTUAL BACKGROUND

21 25. In or around July and August 2014, a Bureau representative documented a 1992  
22 Toyota. The Bureau representative machined the Toyota’s front brake rotors and rear brake  
23 drums to exceed the manufacturer’s service limits. The Bureau representative also adjusted the  
24 Toyota’s headlamps outside of the manufacturer’s specifications. Next, the Bureau representative  
25 removed the Toyota’s P.A.I.R./Air Suction System Reed Valve, Air Intake Hose, and Exhaust  
26 Pipe Tube, and then performed a smog inspection on the Toyota. The Toyota failed the smog  
27 inspection due to the missing P.A.I.R./Air Suction System Reed Valve, Air Intake Hose, and  
28 Exhaust Pipe Tube.





1 passed a smog inspection when Respondent should not have issued a certificate of compliance for  
2 that vehicle.

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 36. Respondent Renterias's station license is subject to disciplinary action under Health  
6 and Safety Code section 44072.2, subdivision (c) in that, with regard to the smog inspection  
7 performed on the Toyota on September 10, 2014, Respondent Renterias violated the following  
8 sections of title 16 of the California Code of Regulations:

9 a. Section 3340.35, subdivision (c). Respondent Renterias issued a certificate of  
10 compliance to a vehicle that (1) had not been inspected in accordance with the procedures  
11 specified in section 3340.42; and (2) did not have all the required emission control equipment and  
12 devices installed and functioning correctly.

13 b. Section 3340.42. Respondent Renterias failed to conduct the required smog  
14 inspection on the vehicle in accordance with the Bureau's specifications.

15 c. Section 3353. Respondent Renterias performed work on the vehicle without  
16 obtaining authorization from the customer.

17 d. Section 3353, subdivision (a). Respondent Renterias failed to provide a customer  
18 with a written estimated price for labor and parts necessary for a specific job.

19 e. Section 3373. Respondent Renterias issued a certificate of compliance for the vehicle  
20 indicating that the vehicle had passed a smog inspection when Respondent Renterias should not  
21 have issued a certificate of compliance for that vehicle.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Failure to Perform Proper Smog Inspection)**

24 37. Respondent Carrillo's technician licenses are subject to disciplinary action under  
25 Health and Safety Code sections 44072.2, subdivision (a) and 44032 in that Respondent Carrillo,  
26 by stating a vehicle passed a smog inspection when the vehicle should have failed the smog  
27 inspection, failed to perform tests of emission control devices and systems in accordance with  
28 Health and Safety Code section 44012.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Requirements Governing Smog Inspections)**

3 38. Respondent Carrillo's technician licenses are subject to disciplinary action under  
4 Health and Safety Code section 44072.2, subdivisions (a) and/or (c) in that, with regard to the  
5 smog inspection he performed on September 10, 2014, Respondent Carrillo violated California  
6 Code of Regulations, title 16, section 3340.30, subdivision (a) when he failed to perform the  
7 smog inspection in accordance with Health and Safety Code sections 44012 and 44035 and  
8 California Code of Regulations, title 16, section 3340.42.

9 **DISCIPLINE CONSIDERATIONS**

10 39. To determine the degree of discipline, if any, to be imposed on Respondent Renterias,  
11 Complainant alleges that on or about April 2, 2013, in a prior disciplinary action entitled *In the*  
12 *Matter of the Accusation Against Renterias Tire Service & Mechanic* before the Bureau, Case No.  
13 79/13-01, Respondent Renterias's Automotive Repair Dealer Registration Number ARD 251157,  
14 Smog Check Station License Number RC 251157, Lamp Station License Number LS 251157, and  
15 Brake Station License Number BS 251157 were revoked, the revocation was stayed, and  
16 Respondent Renterias was placed on probation for two (2) years subject to certain terms and  
17 conditions. That decision is now final and is incorporated by reference as if fully set forth.

18 40. To determine the degree of discipline, if any, to be imposed on Respondent Renterias,  
19 Complainant further alleges that on or about October 30, 2008, the Bureau issued Citation No.  
20 C09-0512 against Respondent Renterias for violating Health and Safety Code section 44012,  
21 subdivision (f) (failure to perform a visual/functional check of emission control devices according  
22 to procedures prescribed by the Department), and California Code of Regulations, title 16, section  
23 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly  
24 tested).

25 41. To determine the degree of discipline, if any, to be imposed on Respondent Carrillo,  
26 Complainant alleges that on or about March 13, 2008, the Bureau issued Citation No. M08-0783  
27 against Respondent Carrillo for violating Health and Safety Code section 44032 (failure to  
28 perform proper smog inspection), and California Code of Regulations, title 16, section 3340.30,

1 subdivision (a) (failure to comply with requirements governing smog inspections).

2 42. To determine the degree of discipline, if any, to be imposed on Respondent Carrillo,  
3 Complainant further alleges that on or about September 17, 2008, the Bureau issued Citation No.  
4 M09-0249 against Respondent Carrillo for violating Health and Safety Code section 44032  
5 (failure to perform proper smog inspection), and California Code of Regulations, title 16, section  
6 3340.30, subdivision (a) (failure to comply with requirements governing smog inspections).

7 43. To determine the degree of discipline, if any, to be imposed on Respondent Carrillo,  
8 Complainant further alleges that on or about June 24, 2011, the Bureau issued Citation No.  
9 M2011-1504 against Respondent Carrillo for violating Health and Safety Code section 44032  
10 (failure to perform proper smog inspection);

11 **OTHER MATTERS**

12 44. Under section 9884.7, subdivision (c) of the Code, the Director may suspend, revoke,  
13 or place on probation the registrations for all places of business operated in this state by  
14 Respondent Renterias upon a finding that it has, or is, engaged in a course of repeated and willful  
15 violations of the laws and regulations pertaining to an automotive repair dealer.

16 45. Under Health and Safety Code section 44072.8, if Smog Check Station License  
17 Number RC 251157 issued to Respondent Renterias is revoked or suspended, any additional  
18 license issued under this chapter in the name of said licensee may be likewise revoked or  
19 suspended by the Director.

20 46. Under section 9889.9 of the Code, if Lamp Station License Number LS 251157, Class  
21 A issued to Respondent Renterias is revoked or suspended, any additional license issued under  
22 Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise revoked  
23 or suspended by the Director.

24 47. Under section 9889.9 of the Code, if Brake Station License Number BS 251157,  
25 Class A issued to Respondent Renterias is revoked or suspended, any additional license issued  
26 under Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise  
27 revoked or suspended by the Director.

28 ///



1 7. Revoking or suspending any additional license issued under Articles 5 and 6 of  
2 Chapter 20.3 of the Business and Professions Code in the name of Renterias Tire Service &  
3 Mechanic;

4 8. Revoking or suspending Smog Check Inspector License No. EO 153838 and Smog  
5 Check Repair Technician License No. EI 153838 issued to Alvaro Carrillo;

6 9. Revoking or suspending any additional license issued under Chapter 5 of the Health  
7 and Safety Code in the name of Alvaro Carrillo;

8 10. Revoking or suspending Brake Adjuster License Number BA 153838, Class C issued  
9 to Alvaro Carrillo;

10 11. Revoking or suspending Lamp Adjuster License Number LA 153838, Class A issued  
11 to Alvaro Carrillo;

12 12. Revoking or suspending any additional license issued under Articles 5 and 6 of  
13 Chapter 20.3 of the Business and Professions Code in the name of Alvaro Carrillo;

14 13. Ordering Renterias Tire Service & Mechanic and Alvaro Carrillo to pay the Bureau of  
15 Automotive Repair the reasonable costs of the investigation and enforcement of this case pursuant  
16 to Business and Professions Code section 125.3; and

17 14. Taking such other and further action as deemed necessary and proper.

18  
19 DATED:

June 25, 2015



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

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