

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

In the Matter of the Accusation Against:

**MAS ENTERPRISES, LARRY DALE MOORHEAD and GILBERT W. MOORHEAD, a
PARTNERSHIP**

1442 S. Blackstone Street

Tulare, CA 93274

Automotive Repair Dealer Registration No. ARD 273091

Smog Check Station License No. RC 273091

Lamp Station License No. LS 273091, Class A

Brake Station License No. BS 273091, Class C

GILBERT W. MOORHEAD

1442 S. Blackstone St.

Tulare, CA 93274

Mailing Address:

1191 N. Alameda Street

Tulare, CA 93274

Smog Check Inspector No. EO 130420

Smog Check Repair Technician License No. EI 130420

Brake Adjuster License No. BA 130420, Class C

Lamp Adjuster License No. LA 130420, Class A

LARRY DALE MOORHEAD

148 N. Burnett Road

Tipton, CA 93272

Smog Check Inspector No. EO 23357

Smog Check Repair Technician License No. EI 23357

Respondents.

Case No. 77/21-668

DECISION

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

This Decision shall become effective on January 4, 2022.

DATED: Nov. 17, 2021 

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 SETH A. CURTIS
Deputy Attorney General
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
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. 77/21-668

13 **MAS ENTERPRISES**
14 **LARRY DALE MOORHEAD and**
GILBERT W. MOORHEAD, a PARTNERSHIP
1442 S. Blackstone Street
15 Tulare, CA 93274
Automotive Repair Dealer Registration
16 **No. ARD 273091**
Smog Check Station License No. RC 273091
17 **Lamp Station License No. LS 273091, Class A**
Brake Station License No. BS 273091, Class C

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

[LARRY DALE MOORHEAD ONLY]

18 **GILBERT W. MOORHEAD**
19 1442 S. Blackstone St.
Tulare, CA 93274

20 *Mailing Address:*

21 1191 N. Alameda Street
Tulare, CA 93274

22 **Smog Check Inspector License No. EO 130420**
Smog Check Repair Technician No. EI 130420
23 **Brake Adjuster License No. BA 130420, Class C**
Lamp Adjuster License No. LA 130420, Class A

24 **LARRY DALE MOORHEAD**

25 148 N. Burnett Road
Tipton, CA 93272

26 **Smog Check Inspector License No. EO 23357**
Smog Check Repair Technician License No. EI
27 **23357**

28 Respondents.

1 IT IS HEREBY STIPULATED AND AGREED by and between Complainant and
2 Respondent Larry Dale Moorhead 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 brought this action solely in his official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Seth A. Curtis, Deputy Attorney
7 General.

8 2. Larry Dale Moorhead (Respondent Larry Moorhead) is represented in this proceeding
9 by attorney William D. Ferreira, whose address is: 580 California Street, Suite 1200, San
10 Francisco, CA 94104.

11 3. On a date uncertain in 2004, the Bureau issued Advanced Emission Specialist
12 Technician License No. EA 23357 to Respondent Larry Moorhead. Pursuant to California Code
13 of Regulations, title 16 ("CCR"), section 3340.28, subdivision (e), upon Respondent Larry
14 Moorhead's election, effective July 1, 2013, said license was renewed by the Bureau as Smog
15 Check Inspector License Number EO 23357 and Smog Check Repair Technician License
16 Number EI 23357. The Smog Check Inspector and Smog Check Repair Technician Licenses
17 were in full force and effect at all times relevant to the charges brought herein and will expire on
18 July 31, 2023, unless renewed.

19 4. On or about April 8, 2013, the Bureau issued Brake Adjuster License Number
20 BA 23357, Class C, to Respondent Larry Moorhead. The Brake Adjuster License expired on
21 July 31, 2016, and was cancelled on September 4, 2016.

22 5. On or about April 9, 2013, the Bureau issued Lamp Adjuster License Number
23 LA 23357, Class A, to Respondent Larry Moorhead. The Lamp Adjuster License expired on
24 July 31, 2016, and has not been renewed.

25 **JURISDICTION**

26 6. Accusation No. 77/21-668 was filed before the Director of the Department of
27 Consumer Affairs (Director), and is currently pending against Respondent Larry Moorhead. The
28 Accusation and all other statutorily required documents were properly served on Respondent

1 Larry Moorhead on July 13, 2021. Respondent Larry Moorhead timely filed his Notice of
2 Defense contesting the Accusation.

3 7. A copy of Accusation No. 77/21-668 is attached as exhibit A and incorporated herein
4 by reference.

5 **ADVISEMENT AND WAIVERS**

6 8. Respondent Larry Moorhead has carefully read, fully discussed with counsel, and
7 understands the charges and allegations in Accusation No. 77/21-668. Respondent Larry
8 Moorhead has also carefully read, fully discussed with counsel, and understands the effects of this
9 Stipulated Settlement and Disciplinary Order.

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

17 10. Respondent Larry Moorhead voluntarily, knowingly, and intelligently waives and
18 gives up each and every right set forth above.

19 **CULPABILITY**

20 11. Respondent Larry Moorhead admits the truth of each and every charge and allegation
21 in Accusation No. 77/21-668.

22 12. Respondent Larry Moorhead agrees that his Smog Check Inspector License and
23 Smog Check Repair Technician License are subject to discipline and he agrees to be bound by the
24 Director's probationary terms as set forth in the Disciplinary Order below.

25 **CONTINGENCY**

26 13. This stipulation shall be subject to approval by the Director or the Director's designee.
27 Respondent Larry Moorhead understands and agrees that counsel for Complainant and the staff of
28 the Bureau of Automotive Repair may communicate directly with the Director and staff of the

1 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
2 participation by Respondent Larry Moorhead or his counsel. By signing the stipulation,
3 Respondent Larry Moorhead understands and agrees that he may not withdraw his agreement or
4 seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the
5 Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and
6 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
7 in any legal action between the parties, and the Director shall not be disqualified from further
8 action by having considered this matter.

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

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

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

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 23357 and Smog
23 Check Repair Technician License No. EI 23357, issued to Respondent Larry Dale Moorhead are
24 revoked. However, the revocations are stayed and Respondent Larry Moorhead is placed on
25 probation for five (5) years on the following terms and conditions:

26 1. **Obey All Laws.** During the period of probation, Respondent Larry Moorhead shall
27 comply with all federal and state statutes, regulations and rules governing all BAR registrations
28 and licenses held by Respondent Larry Moorhead.

1 2. **Posting of Sign.** During the period of suspension, Respondent Larry Moorhead shall
2 prominently post a sign or signs, provided by BAR, indicating the beginning and ending dates of the
3 suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously
4 displayed in a location or locations open to and frequented by customers. The location(s) of the
5 sign(s) shall be approved by BAR and shall remain posted during the entire period of actual
6 suspension.

7 3. **Quarterly Reporting.** During the period of probation, Respondent Larry Moorhead
8 shall report either by personal appearance or in writing as determined by BAR on a schedule set
9 by BAR, but no more frequently than once each calendar quarter, on the methods used and
10 success achieved in maintaining compliance with the terms and conditions of probation.

11 4. **Report Financial Interests.** Respondent Larry Moorhead shall, within 30 days of
12 the effective date of the decision and within 30 days from the date of any request by BAR during
13 the period of probation, report any financial interest which any Respondent Larry Moorhead or
14 any partners, officers, or owners of any Respondent Larry Moorhead facility may have in any
15 other business required to be registered pursuant to Section 9884.6 of the Business and
16 Professions Code.

17 5. **Access to Examine Vehicles and Records.** Respondent Larry Moorhead shall
18 provide BAR representatives unrestricted access to examine all vehicles (including parts)
19 undergoing service, inspection, or repairs, up to and including the point of completion.
20 Respondent Larry Moorhead shall also provide BAR representatives unrestricted access to all
21 records pursuant to BAR laws and regulations.

22 6. **Tolling of Probation.** If, during probation, Respondent Larry Moorhead leaves the
23 jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in
24 the jurisdiction of California, Respondent Larry Moorhead shall notify BAR in writing within 10
25 days of the dates of departure and return, and of the dates of cessation and resumption of business
26 in California. All provisions of probation other than cost reimbursement requirements, restitution
27 requirements, training requirements, and that Respondent Larry Moorhead obey all laws, shall be
28 held in abeyance during any period of time of 30 days or more in which Respondent Larry

1 Moorhead is not residing or engaging in business within the jurisdiction of California. All
2 provisions of probation shall recommence on the effective date of resumption of business in
3 California. Any period of time of 30 days or more in which Respondent Larry Moorhead is not
4 residing or engaging in business within the jurisdiction of California shall not apply to the
5 reduction of this probationary period or to any period of actual suspension not previously
6 completed. Tolling is not available if business or work relevant to the probationary license or
7 registration is conducted or performed during the tolling period.

8 **7. Violation of Probation.** If Respondent Larry Moorhead violates or fails to comply
9 with the terms and conditions of probation in any respect, the Director, after giving notice and
10 opportunity to be heard may set aside the stay order and carry out the disciplinary order provided
11 in the decision. Once Respondent Larry Moorhead is served notice of BAR's intent to set aside
12 the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended
13 until final resolution of the matter.

14 **8. Maintain Valid License.** Respondent Larry Moorhead shall, at all times while on
15 probation, maintain a current and active registration and/or license(s) with BAR, including any
16 period during which suspension or probation is tolled. If Respondent Larry Moorhead's
17 registration or license is expired at the time the decision becomes effective, the registration or
18 license must be renewed by Respondent Larry Moorhead within 30 days of that date. If
19 Respondent Larry Moorhead's registration or license expires during a term of probation, by
20 operation of law or otherwise, then upon renewal Respondent Larry Moorhead's registration or
21 license shall be subject to any and all terms and conditions of probation not previously satisfied.
22 Failure to maintain a current and active registration and/or license during the period of probation
23 shall also constitute a violation of probation.

24 **9. Cost Recovery.** Respondent Larry Moorhead hereby acknowledges and agrees that
25 along with Respondent Mas Enterprises and Respondent Gilbert Moorhead, he is jointly and
26 severally liable for the costs in the amount of \$5,416.69. Respondent Larry Moorhead shall pay
27 the Bureau of Automotive Repair \$5,416.69 for the reasonable costs of the investigation and
28 enforcement of case No. 77/21-668. Respondent Larry Moorhead shall make such payment as

1 follows: Respondent Larry Moorhead shall make monthly payments over a period of twenty-four
2 (24) consecutive months beginning thirty (30) days after the effective date of this order.
3 Respondent Larry Moorhead shall make twenty-three (23) monthly installments of \$225.69 with a
4 twenty-fourth and final payment of \$225.82 due no later than six (6) months prior to the
5 termination of probation. Respondent Larry Moorhead shall make payment by check or money
6 order payable to the Bureau of Automotive Repair and shall indicate on the check or money order
7 that it is for cost recovery payment for case No. 77/21-668. Any order for payment of cost
8 recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate
9 until full cost recovery payment has been made. BAR reserves the right to pursue any other
10 lawful measures in collecting on the costs ordered and past due, in addition to taking action based
11 upon the violation of probation.

12 **10. Completion of Probation.** Upon successful completion of probation, Respondent
13 Larry Moorhead's affected registration and/or license will be fully restored or issued without
14 restriction, if Respondent Larry Moorhead meets all current requirements for registration or
15 licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to BAR.

16 **11. License Surrender.** Following the effective date of a decision that orders a stay of
17 invalidation or revocation, if Respondent Larry Moorhead ceases business operations or is
18 otherwise unable to satisfy the terms and conditions of probation, Respondent Larry Moorhead
19 may request that the stay be vacated. Such request shall be made in writing to BAR. The Director
20 and the BAR Chief reserve the right to evaluate the Respondent Larry Moorhead's request and to
21 exercise discretion whether to grant the request or take any other action deemed appropriate or
22 reasonable under the circumstances. Upon formal granting of the request, the Director will vacate
23 the stay order and carry out the disciplinary order provided in the decision. Respondent Larry
24 Moorhead may not petition the Director for reinstatement of the surrendered registration and/or
25 license, or apply for a new registration or license under the jurisdiction of BAR at any time before
26 the date of the originally scheduled completion of probation. If Respondent Larry Moorhead
27 applies to BAR for a registration or license at any time after that date, Respondent Larry
28 Moorhead must meet all current requirements for registration or licensure and pay all outstanding

1 fees or cost recovery owed to BAR and left outstanding at the time of surrender.

2 12. **Actual Suspension.** Smog Check Inspector License No. EO 23357 and Smog Check
3 Repair Technician License No. EI 23357 issued to Respondent Larry Moorhead are suspended for 10
4 consecutive days beginning on the effective date of the Decision and Order.

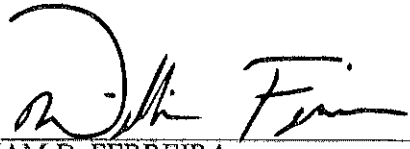
5 13. **Training Course.** Within 180 days of the effective date of a decision, Respondent
6 Larry Moorhead shall complete ordered coursework or training in the following subject areas:
7 brake inspections/lamp inspections. Respondent Larry Moorhead shall obtain prior approval from
8 BAR before enrolling in the course(s). Respondent Larry Moorhead shall submit to BAR
9 satisfactory evidence of completion of coursework or training within the timeline specified for
10 completion of the ordered coursework or training.

11 ACCEPTANCE

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

18
19 DATED: 10-21-21 
20 LARRY DALE MOORHEAD
Respondent

21 I have read and fully discussed with Respondent Larry Dale Moorhead the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24
25 DATED: 10-26-21 
26 WILLIAM D. FERREIRA
Attorney for Respondent Larry Dale Moorehead

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ENDORSEMENT

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

DATED: October 29, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

Seth Curtis

SETH A. CURTIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 77/21-668

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 SETH A. CURTIS
Deputy Attorney General
4 State Bar No. 236263
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

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Case No. 77/21-668

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14 **LARRY DALE MOORHEAD and**
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1442 S. Blackstone Street
15 Tulare, CA 93274
Automotive Repair Dealer Registration
16 **No. ARD 273091**
Smog Check Station License No. RC 273091
17 **Lamp Station License No. LS 273091, Class A**
Brake Station License No. BS 273091, Class C

ACCUSATION

18 **GILBERT W. MOORHEAD**
19 1442 S. Blackstone St.
Tulare, CA 93274

20 *Mailing Address:*

21 1191 N. Alameda Street
Tulare, CA 93274

22 **Smog Check Inspector License No. EO 130420**
Smog Check Repair Technician No. EI 130420
23 **Brake Adjuster License No. BA 130420, Class C**
Lamp Adjuster License No. LA 130420, Class A

24 **LARRY DALE MOORHEAD**

25 148 N. Burnett Road
Tipton, CA 93272

26 **Smog Check Inspector License No. EO 23357**
Smog Check Repair Technician License No. EI 23357

27 Respondents.
28

1 PARTIES

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

4 MAS Enterprises

5 2. On or about May 21, 2013, the Bureau issued Automotive Repair Dealer Registration
6 Number ARD 273091 to Mas Enterprises (Respondent Mas Enterprises), with Larry Dale
7 Moorhead and Gilbert W. Moorhead, Partners. The Automotive Repair Dealer Registration was
8 in full force and effect at all times relevant to the charges brought herein and will expire on May
9 31, 2022, unless renewed.

10 3. On or about June 4, 2013, the Bureau issued Smog Check Station License Number
11 RC 273091 to Respondent Mas Enterprises. The Smog Check Station License was in full force
12 and effect at all times relevant to the charges brought herein and will expire on May 31, 2022,
13 unless renewed.

14 4. On or about October 10, 2013, the Bureau issued Lamp Station License Number LS
15 273091, Class A, to Respondent Mas Enterprises. The Lamp Station License was in full force
16 and effect at all times relevant to the charges brought herein and will expire on May 31, 2022,
17 unless renewed.

18 5. On or about October 10, 2013, the Bureau issued Brake Station License Number
19 BS 273091, Class C, to Respondent Mas Enterprises. The Brake Station License was in full force
20 and effect at all times relevant to the charges brought herein and will expire on May 31, 2022,
21 unless renewed.

22 Larry Dale Moorhead

23 6. On a date uncertain in 2004, the Bureau issued Advanced Emission Specialist
24 Technician License No. EA 23357 to Larry Dale Moorhead (Respondent Larry Moorhead).
25 Pursuant to California Code of Regulations, title 16 ("CCR"), section 3340.28, subdivision (e),
26 upon Respondent Larry Moorhead's election, effective July 1, 2013, said license was renewed by
27 the Bureau as Smog Check Inspector License Number EO 23357 and Smog Check Repair
28 Technician License Number EI 23357. The Smog Check Inspector and Smog Check Repair

1 Technician Licenses were in full force and effect at all times relevant to the charges brought
2 herein and will expire on July 31, 2023, unless renewed.

3 7. On or about April 8, 2013, the Bureau issued Brake Adjuster License Number
4 BA 23357, Class C, to Respondent Larry Moorhead. The Brake Adjuster License expired on
5 July 31, 2016, and was cancelled on September 4, 2016.

6 8. On or about April 9, 2013, the Bureau issued Lamp Adjuster License Number
7 LA 23357, Class A, to Respondent Larry Moorhead. The Lamp Adjuster License expired on
8 July 31, 2016, and has not been renewed.

9 **Gilbert W. Moorhead**

10 9. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist
11 Technician License No. EA 130420 to Gilbert Wayne Moorhead (Respondent Gilbert Moorhead).
12 Pursuant to CCR section 3340.28, subdivision (e), upon Respondent's election, effective
13 March 28, 2014, said license was renewed by the Bureau as Smog Check Inspector License
14 Number EO 130420 and Smog Check Repair Technician License Number EI 130420. The Smog
15 Check Inspector and Smog Check Repair Technician Licenses were in full force and effect at all
16 times relevant to the charges brought herein and will expire on April 30, 2022, unless renewed.

17 10. On or about March 14, 2014, the Bureau issued Brake Adjuster License Number
18 BA 130420, Class C, to Respondent Gilbert Moorhead. The Brake Adjuster License was in full
19 force and effect at all times relevant to the charges brought herein and will expire on April 30,
20 2025, unless renewed.

21 11. On or about April 9, 2013, the Bureau issued Lamp Adjuster License Number
22 LA 130420, Class A, to Respondent Gilbert Moorhead. The Lamp Adjuster License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,
24 2025, unless renewed.

25 **JURISDICTION**

26 12. This Accusation is brought before the Director of the Department of Consumer
27 Affairs ("Director") for the Bureau under the authority of the following laws.
28

1 13. Business and Professions Code ("Code") section 9884.7 provides that the Director
2 may revoke an automotive repair dealer registration.

3 14. Code section 9884.13 states, "The expiration of a valid registration shall not deprive
4 the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding
5 against an automotive repair dealer or to render a decision invalidating a registration temporarily
6 or permanently."

7 15. Code section 9889.1 provides, in pertinent part, that the Director may suspend or
8 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
9 Automotive Repair Act.

10 16. Code section 9889.7 states: "The expiration or suspension of a license by operation
11 of law or by order or decision of the director or a court of law, or the voluntary surrender of a
12 license by a licensee shall not deprive the director of jurisdiction to proceed with any
13 investigation of or action or disciplinary proceedings against such licensee, or to render a decision
14 suspending or revoking such license."

15 17. Code section 118, subdivision (b), states:

16 The suspension, expiration, or forfeiture by operation of law of a license issued
17 by a board in the department, or its suspension, forfeiture, or cancellation by order of
18 the board, shall not, during any period in which it may be renewed, restored, reissued,
19 or reinstated, deprive the board of its authority to institute or continue a disciplinary
20 proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground.

21 STATUTORY AND REGULATORY PROVISIONS

22 18. Code section 9884.7 states, in pertinent part:

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

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

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

4 ...

5 (4) Any other conduct that constitutes fraud.

6 ...

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

9 (b) Except as provided for in subdivision (c), if an automotive repair dealer
10 operates more than one place of business in this state, the director pursuant to
11 subdivision (a) shall only suspend, revoke, or place on probation the registration of
12 the specific place of business which has violated any of the provisions of this chapter.
13 This violation, or action by the director, shall not affect in any manner the right of the
14 automotive repair dealer to operate his or her other places of business.

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

20 19. Code section 9887.1 states:

21 The director shall have the authority to issue licenses for official lamp and
22 brake adjusting stations and shall license lamp and brake adjusters. The licenses shall
23 be issued in accordance with this chapter and regulations adopted by the director
24 pursuant thereto. The director shall establish by regulation the terms of adjusters'
25 licenses as are necessary for the practical administration of the provisions relating to
26 adjusters, but those terms shall not be for less than one nor more than four years.
27 Licenses may be renewed upon application and payment of the renewal fees if the
28 application for renewal is made within the 30-day period prior to the date of
expiration. Persons whose licenses have expired shall immediately cease the activity
requiring a license ...

21 20. Code section 9889.3 states, in pertinent part:

22 The director may suspend, revoke, or take other disciplinary action against a
23 license as provided in this article [Article 7 (commencing with section 9889.1) of the
24 Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

25 (a) Violates any section of the Business and Professions Code which relates to
26 his or her licensed activities.

27 ...

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

///

1 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is
2 injured
3 ...

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

5 21. Code section 9889.9 states, "When any license has been revoked or suspended
6 following a hearing under the provisions of this article, any additional license issued under
7 Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended
8 by the director."

9 22. Code section 9889.16 states,

10 Whenever a licensed adjuster in a licensed station upon an inspection or after
11 an adjustment, made in conformity with the instructions of the bureau, determines that
12 the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle
13 Code, the adjuster shall, when requested by the owner or driver of the vehicle, issue a
14 certificate of adjustment on a form prescribed by the director, which certificate shall
15 contain the date of issuance, the make and registration number of the vehicle, the name
16 of the owner of the vehicle, and the official license of the station.

14 23. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
15 "commission," "committee," "department," "division," "examining committee," "program," and
16 "agency." "License" includes certificate, registration or other means to engage in a business or
17 profession regulated by the Code.

18 24. Health and Safety Code ("Health & Saf.") section 44002 provides, in pertinent part,
19 that the Director has all the powers and authority granted under the Automotive Repair Act for
20 enforcing the Motor Vehicle Inspection Program.

21 25. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

26 ...

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

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

3 26. Health & Saf. Code section 44072.6 states, "The expiration or suspension of a license
4 by operation of law or by order or decision of the director or a court of law, or the voluntary
5 surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with
6 any investigation of, or action or disciplinary proceedings against, the licensee, or to render a
7 decision suspending or revoking the license."

8 27. Health & Saf. Code section 44072.8 states, "When a license has been revoked or
9 suspended following a hearing under this article, any additional license issued under this chapter
10 in the name of the licensee may be likewise revoked or suspended by the director."

11 COST RECOVERY

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

18 UNDERCOVER OPERATION NO. 1

19 29. On or about January 13, 2021, a Bureau undercover operator using an alias (the
20 operator) took a Bureau-documented 2007 Pontiac to Respondent's facility and requested brake
21 and lamp inspections. Respondent's employee provided the operator with Estimate No. 19311,
22 which the operator signed, in the amount of \$150. The estimate did not include an odometer
23 reading.

24 30. Later that same day, the operator returned to retrieve the 2007 Pontiac. Respondent's
25 employee gave the operator Invoice No. 27229 for \$150, which the operator paid. Respondent's
26 employee also provided the operator with Certificate of Compliance – Brake Adjustment, No.
27 BA 3420423; and, Certificate of Compliance - Lamp Adjustment, No. LA 3376904. The

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1 Certificate of Compliance – Brake Adjustment, No. BA 3420423, was signed by Respondent
2 Gilbert Moorhead as the adjustor.

3 31. A Bureau representative subsequently inspected the 2007 Pontiac using Respondent's
4 Invoice No. 27229 and the brake and lamp certificates of compliance that Respondent gave the
5 operator for comparison. The Bureau representative determined that the vehicle could not have
6 passed a proper California brake inspection because the right front and left rear brake rotors were
7 undersized.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 32. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
11 section 9884.7, subdivision (a)(1), in that on or about January 13, 2021, regarding the Bureau's
12 2007 Pontiac, it made or authorized statements which it knew or in the exercise of reasonable care
13 should have known to be untrue or misleading. Specifically, Respondent Mas Enterprises issued
14 Certificate of Compliance – Brake Adjustment, No. BA 3420423 to the operator, certifying that
15 the vehicle was in compliance with Bureau Regulations or the requirements of the Vehicle Code.
16 In fact, a brake certificate should not have been issued for the vehicle because the right front and
17 left rear brake rotors were undersized.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 33. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
21 section 9884.7, subdivision (a)(4), in that on or about January 13, 2021, it committed acts that
22 constitute fraud. Specifically, Respondent Mas Enterprises obtained payment from the operator
23 for performing the applicable inspections, adjustments, or repairs of the brake system on the
24 Bureau's 2007 Pontiac as specified by the Bureau and in accordance with the Vehicle Code when,
25 in fact, it had not, as set forth in paragraph 32, above.

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1 Moorhead had not properly tested or inspected the vehicle, as set forth in paragraphs 30 and 31,
2 above.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit Causing Injury to Another)**

5 37. Respondent Mas Enterprises' smog check station license is subject to discipline
6 pursuant to Health and Saf. Code section 44072.2, subdivision (d), in that it committed dishonest,
7 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 32 and 33,
8 above.

9 **SEVENTH CAUSE FOR DISCIPLINE**

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

11 38. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline
12 pursuant to Code section 9889.3, subdivision (d), in that it committed dishonest, fraudulent, or
13 deceitful acts whereby another was injured, as set forth in paragraphs 32 and 33, above.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Dishonesty, Fraud, or Deceit Causing Injury to Another)**

16 39. Respondent Gilbert Moorhead's smog check inspector and smog check repair
17 technician licenses are subject to discipline pursuant to Health and Saf. Code section 44072.2,
18 subdivision (d), in that he committed dishonest, fraudulent, or deceitful acts whereby another was
19 injured, as set forth in paragraphs 32 and 33, above.

20 **NINTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud, or Deceit Causing Injury to Another)**

22 40. Respondent Larry Moorhead's smog check inspector and smog check repair
23 technician licenses are subject to discipline pursuant to Health and Saf. Code section 44072.2,
24 subdivision (d), in that he committed dishonest, fraudulent, or deceitful acts whereby another was
25 injured, as set forth in paragraphs 32 and 33, above.

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1 **TENTH CAUSE FOR DISCIPLINE**

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

3 41. Respondent Gilbert Moorhead's brake and lamp adjuster licenses are subject to
4 discipline pursuant to Code section 9889.3, subdivision (d), in that he committed dishonest,
5 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 32 and 33,
6 above.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 **(Violations of Motor Vehicle Inspection Program)**

9 42. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline
10 pursuant to Code section 9889.3, subdivisions (a) and (h), in that on or about January 13, 2021,
11 regarding the Bureau's 2007 Pontiac, it committed acts in violation of the Code relating to its
12 licensed activities, as set forth in paragraphs 32 through 35, above.

13 **TWELFTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations)**

15 43. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline
16 pursuant to Code section 9889.3, subdivision (c), in that on or about January 13, 2021, regarding
17 the Bureau's 2007 Pontiac, it committed acts in violation of Regulations, as set forth in
18 paragraph 36, above.

19 **THIRTEENTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

21 44. Respondent Gilbert Moorhead's brake and lamp adjuster licenses are subject to
22 discipline pursuant to Code section 9889.3, subdivision (c), in that on or about January 13, 2021,
23 regarding the Bureau's 2007 Pontiac, he committed acts in violation of Regulations, as set forth in
24 paragraph 36, above.

25 **UNDERCOVER OPERATION NO. 2**

26 45. On or about January 13, 2021, a Bureau undercover operator using an alias (the
27 operator) took a Bureau-documented 2005 Honda to Respondent's facility and requested brake
28 and lamp inspections. Respondent's employee provided the operator with Estimate No. 19316,

1 which the operator signed, in the amount of \$150. The estimate did not include an odometer
2 reading.

3 46. Later that same day, the operator returned to retrieve the 2005 Honda. Respondent's
4 employee gave the operator Invoice No. 27233 for \$150, which the operator paid. Respondent's
5 employee also provided the operator with Certificate of Compliance – Brake Adjustment,
6 No. BA 3420424; and, Certificate of Compliance – Lamp Adjustment, No. LA 3376905. The
7 Certificate of Compliance – Brake Adjustment, No. BA 34202424, was signed by Respondent
8 Gilbert Moorhead as the adjustor.

9 47. A Bureau representative subsequently inspected the 2005 Honda using Respondent's
10 Invoice No. 27233 and the brake and lamp certificates of compliance that Respondent gave the
11 operator for comparison. The Bureau representative determined that the vehicle could not have
12 passed a proper California brake inspection because the right front and left rear brake rotors were
13 undersized.

14 **FOURTEENTH CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 48. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
17 section 9884.7, subdivision (a)(1), in that on or about January 13, 2021, regarding the Bureau's
18 2005 Honda, it made or authorized statements which it knew or in the exercise of reasonable care
19 should have known to be untrue or misleading. Specifically, Respondent Mas Enterprises issued
20 Certificate of Compliance – Brake Adjustment, No. BA 3420424 to the operator, certifying that
21 the vehicle was in compliance with Bureau Regulations or the requirements of the Vehicle Code.
22 In fact, a brake certificate should not have been issued for the vehicle because the right front and
23 left rear brake rotors were undersized.

24 **FIFTEENTH CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 49. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
27 section 9884.7, subdivision (a)(4), in that on or about January 13, 2021, it committed acts that
28 constitute fraud. Specifically, Respondent Mas Enterprises obtained payment from the operator

1 for performing the applicable inspections, adjustments, or repairs of the brake system on the
2 Bureau's 2005 Honda as specified by the Bureau and in accordance with the Vehicle Code when,
3 in fact, it had not, as set forth in paragraph 48, above.

4 **SIXTEENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Record Odometer Reading on Signed Document)**

6 50. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
7 section 9884.7(a)(2), in that on or about January 13, 2021, it allowed the operator to sign Estimate
8 No. 19316 for work on the Bureau's 2005 Honda, which did not include the odometer reading for
9 that vehicle.

10 **SEVENTEENTH CAUSE FOR DISCIPLINE**

11 **(Violations of Motor Vehicle Inspection Program)**

12 51. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
13 section 9884.7, subdivision (a)(6), in that on or about January 13, 2021, regarding the Bureau's
14 2005 Honda, it failed to materially comply with provisions of that Code. Specifically,
15 Respondent caused the issuance of Certificate of Compliance – Brake Adjustment, No.
16 BA 3420424, to the operator, certifying that the vehicle was in compliance with Bureau
17 regulations or the requirements of the Vehicle Code. In fact, Respondent Gilbert Moorhead did
18 not test or inspect the vehicle in a manner that conforms with Bureau regulations or requirements
19 of the Vehicle Code, in violation of Code section 9889.16.

20 **EIGHTEENTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations)**

22 52. Respondent Mas Enterprises' registration is subject to discipline pursuant to Code
23 section 9884.7, subdivision (a)(6), in that on or about January 13, 2021, regarding the Bureau's
24 2005 Honda, it failed to comply with Regulations, as follows:

25 a. **Section 3305, subdivision (a)**: Respondent Mas Enterprises failed to ensure that the
26 brake system was inspected in accordance with specifications, instructions, and directives issued
27 by the Bureau and vehicle manufacturer.

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b. **Section 3321, subdivision (c)(2)**: Respondent Mas Enterprises caused the issuance of Certificate of Compliance - Brake Adjustment, No. BA 3420424, for the vehicle, certifying that the vehicle's brake system had been properly tested or inspected. In fact, Respondent Gilbert Moorhead had not properly tested or inspected the vehicle, as set forth in paragraphs 46 and 47, above.

NINETEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit Causing Injury to Another)

53. Respondent Mas Enterprises' smog check station license is subject to discipline pursuant to Health and Saf. Code section 44072.2, subdivision (d), in that it committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 48 and 49, above.

TWENTIETH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit Causing Injury to Another)

54. Respondent Gilbert Moorhead's smog check inspector and smog check repair technician licenses are subject to discipline pursuant to Health and Saf. Code section 44072.2, subdivision (d), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 48 and 49, above.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit Causing Injury to Another)

55. Respondent Larry Moorhead's smog check inspector and smog check repair technician licenses are subject to discipline pursuant to Health and Saf. Code section 44072.2, subdivision (d), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 48 and 49, above.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

56. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline pursuant to Code section 9889.3, subdivision (d), in that it committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 48 and 49, above.

1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

3 57. Respondent Gilbert Moorhead's brake and lamp adjuster licenses are subject to
4 discipline pursuant to Code section 9889.3, subdivision (d), in that he committed dishonest,
5 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 48 and 49,
6 above.

7 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

8 **(Violations of Motor Vehicle Inspection Program)**

9 58. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline
10 pursuant to Code section 9889.3, subdivisions (a) and (h), in that on or about January 13, 2021,
11 regarding the Bureau's 2005 Honda, it committed acts in violation of the Code relating to its
12 licensed activities, as set forth in paragraphs 48 through 51, above.

13 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations)**

15 59. Respondent Mas Enterprises' brake and lamp station licenses are subject to discipline
16 pursuant to Code section 9889.3, subdivision (c), in that on or about January 13, 2021, regarding
17 the Bureau's 2005 Honda, it committed acts in violation of Regulations, as set forth in
18 paragraph 52, above..

19 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

21 60. Respondent Gilbert Moorhead's brake and lamp adjuster licenses are subject to
22 discipline pursuant to Code section 9889.3, subdivision (c), in that on or about January 13, 2021,
23 regarding the Bureau's 2005 Honda, he committed acts in violation of Regulations, as set forth in
24 paragraph 52, above.

25 **MATTERS IN AGGRAVATION**

26 61. To determine the degree of discipline, if any, to be imposed, Complainant alleges the
27 following:

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62. On or about December 22, 2015, the Bureau issued Citation No. C2015-2703 against Respondent Mas Enterprises for violations of Health & Saf. Code section 44012 (failure to perform smog check tests in accord with procedures prescribed by the department). On or about August 28, 2015, Respondent issued a certificate of compliance to a 2002 Chevrolet using the BAR 97 when an OBD Inspection System (OIS) was required. The citation was reissued on or about March 24, 2016, and became effective on or about April 24, 2016.

63. On or about May 22, 2019, the Bureau issued Citation No. C2019-1165 against Respondent Mas Enterprises for violations of Health & Saf. Code section 44012 (failure to perform smog check tests in accord with procedures prescribed by the department). On or about May 8, 2019, Respondent issued a Certificate of Compliance to a Bureau undercover vehicle with a missing or modified positive crankcase/ventilation (PCV) system. The Bureau assessed a \$1,500 penalty. Respondent complied with the citation on or about June 24, 2019.

OTHER MATTERS

64. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily or permanently or refuse to validate, the registrations for all places of business operated in this state by Respondent Mas Enterprises upon a finding that it has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

65. Under Code section 9889.9, if Brake Station License No. BS 273091, Class C, or Lamp Station License No. LS 273091, Class A, issued to Respondent Mas Enterprises with Larry Dale Moorhead and Gilbert W. Moorhead, Partners, is revoked or suspended, any additional license issued under Division 3, Chapter 20.3, Articles 5 and 6 of the Bus. and Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

66. Under Code section 9889.9, if Brake Adjuster License No. BA 130420, Class C, or Lamp Adjuster License No. LA 130420, Class A, issued to Respondent Gilbert W. Moorhead is revoked or suspended, any additional license issued under Division 3, Chapter 20.3, Articles 5 and 6 of the Bus. and Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

67. Under Health & Saf. Code section 44072.8, if Smog Check Station License No. RC 273091 issued to Respondent Mas Enterprises is revoked or suspended, any additional license issued under Chapter 5 of part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD No. 273091, issued to Mas Enterprises;
2. Revoking or suspending any other automotive repair dealer registration issued to Mas Enterprises;
3. Revoking or suspending Lamp Station License Number LS 273091 and Brake Station License Number BS 273091, issued to Mas Enterprises;
4. Revoking or suspending any additional license issued under Division 3, Chapter 20.3, Articles 5 and 6 of the Business and Professions Code in the name of Mas Enterprises;
5. Revoking or suspending Brake Adjuster License Number BA 130420, Class C, and Lamp Adjuster License Number LA 130420, Class A, issued to Gilbert W. Moorhead;
6. Revoking or suspending any additional license issued under Division 3, Chapter 20.3, Articles 5 and 6 of the Business and Professions Code in the name of Gilbert W. Moorhead;
7. Revoking or suspending Smog Check Station License Number RC 273091, issued to Mas Enterprises;
8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Saf. Code in the name of Mas Enterprises;
9. Revoking or suspending Smog Check Inspector License Number EO 130420 or Smog Check Repair Technician License Number EI 130420, issued to Gilbert W. Moorhead;
10. Revoking or suspending any additional license issued under of Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Gilbert W. Moorhead;

11. Revoking or suspending Smog Check Inspector License Number EO 23357 or Smog Check Repair Technician License Number EI 23357, issued to Larry Dale Moorhead;

12. Revoking or suspending any additional license issued under of Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Larry Dale Moorhead;

13. Ordering Larry Dale Moorhead and Gilbert W. Moorhead to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2021.07.12 11:17:07 -07'00'

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

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