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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 79/15-129

PAUL SUPOTE VIRIYAPUNT
5363 Barbados Circle
Stockton, CA 95210

DEFAULT DECISION AND ORDER

**Smog Check Inspector EO License No.
630183**
**Smog Check Repair Technician EI License
No. 630183**
**(Formerly Advanced Emission Specialist EA
Technician License No. 630183)**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 12, 2015, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Petition to Revoke Probation No. 79/15-129 against Paul Supote Viriyapunt (Respondent) before the Director of Consumer Affairs. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about May 5, 2008, the Director of Consumer Affairs ("Director") issued Advanced Emission Specialist Technician EA License No. 630183 to Respondent. Respondent's technician license was due to expire on September 30, 2012. Pursuant to California Code of

1 Regulations, title 16 ("Regulations"), section 3340.28(e), effective September 13, 2012,
2 Respondent elected to renew the license as Smog Check Inspector EO License No. 630183 and
3 Smog Check Repair Technician EI License No. 630183.¹ The smog check inspector license will
4 expire on September 30, 2016, if not renewed. The smog check repair technician license expired
5 on September 30, 2014, and has not been renewed. The advanced emission specialist technician
6 license was cancelled on September 13, 2012.

7 3. On or about June 18, 2015, Respondent was served by Certified and First Class Mail
8 copies of the Petition to Revoke Probation No. 79/15-129, Statement to Respondent, Notice of
9 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
10 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
11 Professions Code section 136, is required to be reported and maintained with the Bureau.
12 Respondent's address of record was and is:

13 5363 Barbados Circle
14 Stockton, CA 95210.

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

18 5. On or about June 22, 2015, a Domestic Return Receipt ("green card") from the
19 certified mail was returned by the U.S. Postal Service.

20 6. Government Code section 11506 states, in pertinent part:

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

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

Exhibit A

Petition to Revoke Probation

(PAUL SUPOTE VIRIYAPUNT)

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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 Petition to Revoke
Probation Against:

13 **PAUL SUPOTE VIRIYAPUNT**
5363 Barbados Circle
14 Stockton, CA 95210

15 **Smog Check Inspector EO License No.**
630183
16 **Smog Check Repair Technician EI License**
No. 630183
17 **(Formerly Advanced Emission Specialist EA**
Technician License No. 630183)

18 Respondent.
19

Case No. 79/15-129

PETITION TO REVOKE PROBATION
(SMOG CHECK)

20 Patrick Dorais ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Petition to Revoke Probation solely in his official capacity as
23 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

24 2. On or about May 5, 2008, the Director of Consumer Affairs ("Director") issued
25 Advanced Emission Specialist Technician EA License No. 630183 to Paul Supote Viriyapunt
26 ("Respondent"). Respondent's technician license was due to expire on September 30, 2012.
27 Pursuant to California Code of Regulations, title 16 ("Regulations"), section 3340.28(e), effective
28 September 13, 2012, Respondent elected to renew the license as Smog Check Inspector EO

1 License No. 630183 and Smog Check Repair Technician EI License No. 630183.¹ The smog
2 check inspector and smog check repair technician licenses expired on September 30, 2014, and
3 have not been renewed. The advanced emission specialist technician license was cancelled on
4 September 13, 2012.

5 **Disciplinary History**

6 3. In a disciplinary action entitled *In the Matter of the Accusation Against: Smog Tech*
7 *and . . . Paul Supote Viriyapunt*, Case No. 79/11-99, the Director issued a *Final Decision After*
8 *Remand From Superior Court* (the “decision”), effective May 23, 2014, in which Respondent’s
9 Advanced Emission Specialist Technician EA License No. 630183, designated upon renewal as
10 Smog Check Inspector EO License No. 630183 and Smog Check Repair Technician EI License
11 No. 630183 (the “licenses”), were revoked. However, the revocation was stayed and
12 Respondent’s licenses were placed on probation for a period of three years of probation with
13 certain terms and conditions, including a five day suspension that commenced on May 23, 2014.
14 A copy of that decision is attached as **Exhibit A** and is incorporated by reference.

15 **JURISDICTION**

16 4. Probation Term and Condition Number 5.b.vi of the decision states:

17 Should the Director of the Department of Consumer Affairs determine
18 that respondent Viriyapunt has failed to comply with the terms and conditions
19 of probation, the department may, after giving notice and opportunity to be
20 heard, lift the stay of revocation causing respondent’s licenses to be revoked.

21 5. Grounds exist to revoke Respondent’s probation and reimpose the order of revocation
22 of his smog check inspector and smog check repair technician licenses (formerly advanced
23 emission specialist technician license).

24 ///

25 ///

26 ///

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

1 OTHER MATTERS

2 10. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector EO
3 License No. 630183 and/or Smog Check Repair Technician EI License No. 630183 issued to Paul
4 Supote Viriyapunt is revoked or suspended, any additional license issued under this chapter in the
5 name of said licensee may be likewise revoked or suspended by the Director.

6 PRAYER

7 **WHEREFORE**, Complainant requests that a hearing be held on the matters alleged in this
8 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of
9 Consumer Affairs issue a decision:

10 1. Revoking probation and reimposing the order of revocation of Smog Check Inspector
11 EO License No. 630183 and Smog Check Repair Technician EI License No. 630183 (formerly
12 Advanced Emission Specialist Technician EA License No. 630183), issued to Paul Supote
13 Viriyapunt;

14 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
15 and Safety Code in the name of Paul Supote Viriyapunt; and,

16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: June 12, 2015


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

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