

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

In the Matter of Petition to Revoke Probation Against:

HELI VILLASENOR, dba CHARTER WAY SMOG

1449 Turnpike, Suite A

Stockton, CA 95206

Automotive Repair Dealer Registration No. ARD 265170

Smog Check Test Only Station License No. TC 265170

HELI VILLASENOR, dba SMOGTECH MCHENRY

1313 McHenry Avenue

Modesto, CA 95350

Automotive Repair Dealer Registration No. ARD 268112

Smog Check Test Only Station License No. TC 268112

HELI VILLASENOR, dba SMOGTECH AIRPORT

430 N. Airport Way, #A

Stockton, CA 95205

Automotive Repair Dealer Registration No. ARD 269777

Smog Check Test Only Station License No. TC 269777

HELI VILLASENOR, dba SMOG TECH 2

7277 N. Pacific Avenue, #2

Stockton, CA 95207

Automotive Repair Dealer Registration No. ARD 267654

Smog Check Test Only Station License No. TC 267654

HELI VILLASENOR, dba SMOGTECH TRACY

24588 S. MacArthur Drive

Tracy, CA 95676

Automotive Repair Dealer Registration No. ARD 275318

Smog Check Test Only Station License No. TC 275318

And

HELI VILLASENOR

818 Kimberly Drive

Lodi, CA 95240

Mailing Address:

430 N. Airport Way

Stockton, CA 95205

Smog Check Inspector License No. EO 630941

Smog Check Repair Technician License No. EI 630941

Respondents.

Case No. 77/19-11512

OAH No. 2020080223

DECISION

The attached Stipulated Revocation of License and Order 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 5, 2021.

DATED: Nov. 20, 2020

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

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

12
13 In the Matter of the Petition to Revoke
Probation Against:

14 **HELI VILLASENOR, DBA**
15 **CHARTER WAY SMOG**
1449 Turnpike, Suite A
16 Stockton, CA 95206
Automotive Repair Dealer Registration
17 **No. ARD 265170**
Smog Check, Test Only, Station License
18 **No. TC 265170**

19 **HELI VILLASENOR, DBA**
20 **SMOGTECH MCHENRY**
1313 McHenry Avenue
21 Modesto, CA 95350
Automotive Repair Dealer Registration
22 **No. ARD 268112**
Smog Check, Test Only, Station License
23 **No. TC 268112**

24 **HELI VILLASENOR, DBA**
25 **SMOGTECH AIRPORT**
430 N. Airport Way, #A
26 Stockton, CA 95205
Automotive Repair Dealer Registration
27 **No. ARD 269777**
Smog Check Repair Station License No.
28 **RC 269777**

Case No. 77/19-11512

OAH No. 2020080223

**STIPULATED REVOCATION OF
LICENSE AND ORDER**

1 **HELI VILLASENOR**
2 **DBA SMOG TECH 2**
3 7277 N. Pacific Avenue, #2
4 Stockton, CA 95207
5 **Automotive Repair Dealer Registration**
6 **No. ARD 267654**
7 **Smog Check, Test Only Station**
8 **No. TC 267654**

9 **HELI VILLASENOR, DBA**
10 **SMOGTECH TRACY**
11 24588 S. MacArthur Drive
12 Tracy, CA 95376
13 **Automotive Repair Dealer Registration**
14 **No. ARD 275318**
15 **Smog Check, Test Only Station No.**
16 **TC 275318**

17 **and**

18 **HELI VILLASENOR**
19 818 Kimberly Drive
20 Lodi, CA 95240

21 **Mailing Address:**
22 430 N. Airport Way
23 Stockton, CA 95205

24 **Smog Check Inspector License No.**
25 **EO 630941**
26 **Smog Check Repair Technician License**
27 **No. EI 630941**

28 Respondent.

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

PARTIES

1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Malissa N. Siemantel, Deputy Attorney General.

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1 **Charter Way Smog, ARD 265170/TC 265170**

2 2. On or about May 19, 2011, the Bureau issued Automotive Repair Dealer Registration
3 No. ARD 265170 to Heli Villasenor (Respondent), doing business as Charter Way Smog. The
4 Automotive Repair Dealer Registration expired on May 31, 2018, and has not been renewed.

5 3. On or about June 7, 2011, the Bureau issued Smog Check, Test Only, Station License
6 No. TC 265170 to Respondent, doing business as Charter Way Smog. The Smog Check, Test
7 Only, Station License was due to expire on May 31, 2018, and was cancelled on October 5, 2017.

8 **Smogtech McHenry, ARD 268112/TC 268112**

9 4. On or about February 27, 2012, the Bureau issued Automotive Repair Dealer
10 Registration No. ARD 268112 to Respondent, doing business as Smogtech McHenry. The
11 Automotive Repair Dealer Registration was due to expire on February 29, 2020, and was
12 cancelled on August 22, 2019.

13 5. On or about June 12, 2012, the Bureau issued Smog Check, Test Only, Station
14 License No. TC 268112 to Respondent, doing business as Smogtech McHenry. The Smog
15 Check, Test Only, Station License was due to expire on February 29, 2020, and was cancelled on
16 August 22, 2019.

17 **Smogtech Airport, ARD 269777/RC 269777**

18 6. On or about July 30, 2012, the Bureau issued Automotive Repair Dealer Registration
19 No. ARD 269777 to Respondent, doing business as Smogtech Airport. The Automotive Repair
20 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
21 will expire on July 31, 2021, unless renewed.

22 7. On or about December 19, 2013, the Bureau issued Smog Check Repair Station
23 License No. RC 269777 to Respondent, doing business as Smogtech Airport. The Smog Check
24 Repair Station License was in full force and effect at all times relevant to the charges brought
25 herein will expire on July 31, 2021, unless renewed.

26 **Smog Tech 2, ARD 267654/TC 267654**

27 8. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer
28 Registration No. ARD 267654 to Respondent, doing business as Smog Tech 2. The Automotive

1 Repair Dealer Registration expired on January 31, 2016, and has not been renewed.

2 9. On or about January 23, 2012, the Bureau issued Smog Check, Test Only Station No.
3 TC 267654 to Respondent, doing business as Smog Tech 2. The Smog Check, Test Only Station
4 expired on January 31, 2016, and has not been renewed.

5 **Smogtech Tracy, ARD 275318/TC 275318**

6 10. On or about January 21, 2014, the Bureau issued Automotive Repair Dealer
7 Registration No. ARD 275318 to Respondent, doing business as Smogtech Tracy. The
8 Automotive Repair Dealer Registration expired on January 31, 2019, and has not been renewed.

9 11. On or about February 3, 2014, the Bureau issued Smog Check, Test Only Station No.
10 TC 275318 to Respondent, doing business as Smogtech Tracy. The Smog Check, Test Only
11 Station expired on January 31, 2019, and has not been renewed.

12 **Smog Technician Licenses**

13 12. On or about October 31, 2012, the Bureau issued Smog Check Inspector License No.
14 EO 630941 to Respondent. On or about November 1, 2012, the Bureau issued Smog Check
15 Repair Technician License No. EI 630941 to Respondent. The licenses were in full force and
16 effect at all times relevant to the charges brought herein and will expire on October 31, 2020,
17 unless renewed.

18 **JURISDICTION**

19 13. Petition to Revoke Probation No. 77/19-11512 was filed before the Director, and is
20 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily
21 required documents were properly served on Respondent on February 20, 2020. Respondent
22 timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of
23 Petition to Revoke Probation No. 77/19-11512 is attached as Exhibit A and incorporated by
24 reference.

25 **ADVISEMENT AND WAIVERS**

26 14. Respondent has carefully read, fully discussed with counsel, and understands the
27 charges and allegations in Petition to Revoke Probation No. 77/19-11512. Respondent also has
28 carefully read, fully discussed with counsel, and understands the effects of this Stipulated

1 Revocation of License and Order.

2 15. Respondent is fully aware of his legal rights in this matter, including the right to a
3 hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront
4 and cross-examine the witnesses against him; the right to present evidence and to testify on his
5 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
6 production of documents; the right to reconsideration and court review of an adverse decision;
7 and all other rights accorded by the California Administrative Procedure Act and other applicable
8 laws.

9 16. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
10 every right set forth above.

11 **CULPABILITY**

12 17. Respondent admits the truth of each and every charge and allegation in Petition to
13 Revoke Probation No. 77/19-11512, agrees that cause exists for discipline and hereby stipulates
14 to the revocation of the following registrations and licenses for the Bureau's formal acceptance:
15 ARD 265170, TC 265170, ARD 268112, TC 268112, ARD 267654, TC 267654, ARD 275318,
16 and TC 275318.

17 18. Respondent understands that by signing this stipulation he enables the Director to
18 issue his order revoking the registrations listed in paragraph 17, above, without further process.

19 **CONTINGENCY**

20 19. This stipulation shall be subject to approval by the Director or the Director's designee.
21 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of
22 Automotive Repair may communicate directly with the Director and staff regarding this
23 stipulation and revocation, without notice to or participation by Respondent or his counsel. By
24 signing the stipulation, Respondent understands and agrees that he may not withdraw his
25 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
26 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
27 Revocation of License and Order shall be of no force or effect, except for this paragraph, it shall
28 be inadmissible in any legal action between the parties, and the Director shall not be disqualified

1 from further action by having considered this matter.

2 20. The parties understand and agree that Portable Document Format (PDF) and facsimile
3 copies of this Stipulated Revocation of License and Order, including PDF and facsimile
4 signatures thereto, shall have the same force and effect as the originals.

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

11 22. In consideration of the foregoing admissions and stipulations, the parties agree that
12 the Director may, without further notice or formal proceeding, issue and enter the following
13 Order:

14 **ORDER**

15 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 265170
16 and Smog Check, Test Only, Station License No. TC 265170 issued to Respondent Heli
17 Villasenor, doing business as Charter Way Smog, are revoked by the Bureau.

18 IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD
19 268112 and Smog Check, Test Only, Station License No. TC 268112 issued to Respondent Heli
20 Villasenor, doing business as Smogtech McHenry, are revoked by the Bureau.

21 IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD
22 267654 and Smog Check, Test Only, Station License No. TC 267654 issued to Respondent Heli
23 Villasenor, doing business as Smog Tech 2, are revoked by the Bureau.

24 IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD
25 275318 and Smog Check, Test Only, Station License No. TC 275318 issued to Respondent Heli
26 Villasenor, doing business as Smogtech Tracy, are revoked by the Bureau.

27 1. The revocation of Respondent's Automotive Repair Dealer Registrations and Smog
28 Check, Test Only, Station Licenses by the Bureau shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Bureau.

3 2. Respondent shall lose all rights and privileges as an Automotive Repair Dealer and
4 Smog Check, Test Only, Station for the above registrations and licenses in California, as of the
5 effective date of the Director's Decision and Order.

6 3. Automotive Repair Dealer Registration No. ARD 269777 and Smog Check Repair
7 Station License No. RC 269777 issued to Respondent, doing business as Smogtech Airport, shall
8 remain on probation with the terms and conditions previously ordered in Bureau Case
9 No. 79/15-88.

10 4. Smog Check Inspector License No. EO 630941 and Smog Check Repair Technician
11 License No. EI 630941 issued to Respondent shall remain on probation with the terms and
12 conditions previously ordered in Bureau Case No. 79/15-88.

13 5. Respondent shall cause to be delivered to the Bureau his pocket licenses and, if one
14 was issued, his wall certificates on or before the effective date of the Decision and Order.

15 6. If Respondent ever files an application for licensure or a petition for reinstatement in
16 the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must
17 comply with all the laws, regulations and procedures for reinstatement of a revoked or
18 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
19 contained in Petition to Revoke Probation No. 77/19-11512 shall be deemed to be true, correct
20 and admitted by Respondent when the Director determines whether to grant or deny the petition.

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ENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

DATED: October 9, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

Signed Copy on File
MALISSA N. SIEMANTEL
Deputy Attorney General
Attorneys for Complainant

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