

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

In the Matter of the Accusation Against:

**KLK INTERNATIONAL INC. dba BURLINGAME SMOG CHECK; KANSINEE ADSANATHAM,
PRESIDENT**

1876 El Camino Real

Burlingame, CA 94010

Mailing Address:

1234 Church Street

San Francisco, CA 94114

Automotive Repair Dealer Registration No. ARD 288843

Smog Check Test Only Station License No. TC 288843

MANUEL VIEIRA DALUZ

1252 Highland Blvd.

Hayward, CA 94542

Smog Check Inspector License No. EO 631296

JOSE MENDOZA

7920 Anza Dr.

San Diego, CA 92114

Smog Check Inspector License No. EO 639368

Respondents.

Case No. 799/22-15207

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Manuel Vieira Daluz 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 December 6, 2024.

IT IS SO ORDERED Oct. 29, 2024.



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

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Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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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 Accusation Against:

Case No. 79/22-15207

14 **KLK INTERNATIONAL INC.**
15 **dba BURLINGAME SMOG CHECK**
KANSINEE ADSANATHAM, President
16 **1876 El Camino Real**
Burlingame, CA 94010

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER

AS TO RESPONDENT MANUEL
DALUZ ONLY

17 **Mailing Address:**
18 **1234 Church Street**
San Francisco, CA 94114

19 **Automotive Repair Dealer No. ARD 288843**
20 **Smog Check Station License No TC 288843**

21 **MANUEL VIEIRA DALUZ**
22 **1252 Highland Blvd.**
Hayward, CA 94542

23 **Smog Check Inspector (EO) License No. EO 631296**

24 **JOSE MENDOZA**
25 **7920 Anza Dr.**
San Diego, CA 92114

26 **Smog Check Inspector (EO) License No. EO 639368**

27 Respondents.
28

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties¹ to the above-
2 entitled proceedings 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 Amber N. Wipfler, Deputy Attorney
7 General.

8 2. Respondent Manuel Vieira Daluz (Respondent Daluz) is representing himself in this
9 proceeding and has chosen not to be represented by counsel.

10 3. In 2009, the Bureau issued Advanced Emission Specialist Technician License
11 Number EA 631296 to Respondent Daluz. The license was canceled on November 5, 2013. The
12 license was thereafter renewed pursuant to Respondent Daluz's election as a Smog Check
13 Inspector, License No. EO 631296, effective November 1, 2013.² The Smog Check Inspector
14 License was in full force and effect at all times relevant to the charges brought in Accusation
15 79/22-15207 and will expire on October 31, 2025, unless renewed.

16 **JURISDICTION**

17 4. Accusation No. 79/22-15207 was filed before the Director of the Department of
18 Consumer Affairs (Director) and is currently pending against Respondent Daluz. The Accusation
19 and all other statutorily required documents were properly served on Respondent Daluz on March
20 24, 2023. Respondent Daluz timely filed a Notice of Defense contesting the Accusation.

21 5. A copy of Accusation No. 79/22-15207 is attached as exhibit A and incorporated
22 herein by reference.

23 ///

24
25 ¹ This Stipulated Settlement and Order applies only to Respondent Manuel Vieira Daluz.
26 It does not apply to the case against Respondents KLK International Inc. dba Burlingame Smog
Check or Jose Mendoza.

27 ² Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
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 and/or Smog Check Repair Technician (EI) license.

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

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

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 63129, issued to
22 Respondent Manuel Vieira Daluz is revoked. However, the revocation is stayed and Respondent
23 Daluz is placed on probation for four (4) years on the following terms and conditions:

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

27 2. **Quarterly Reporting.** During the period of probation, Respondent Daluz shall report
28 either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but

1 no more frequently than once each calendar quarter, on the methods used and success achieved in
2 maintaining compliance with the terms and conditions of probation.

3 **3. Report Financial Interests.** Respondent Daluz shall, within 30 days of the effective
4 date of the decision and within 30 days from the date of any request by BAR during the period of
5 probation, report any financial interest which any Respondents or any partners, officers, or
6 owners of any Respondent facility may have in any other business required to be registered
7 pursuant to Section 9884.6 of the Business and Professions Code.

8 **4. Access to Examine Vehicles and Records.** Respondent Daluz shall provide BAR
9 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
10 inspection, or repairs, up to and including the point of completion. Respondent Daluz shall also
11 provide BAR representatives unrestricted access to all records pursuant to BAR laws and
12 regulations.

13 **5. Tolling of Probation.** If, during probation, Respondent Daluz leaves the jurisdiction
14 of California to reside or do business elsewhere or otherwise cease to do business in the
15 jurisdiction of California, Respondent Daluz shall notify BAR in writing within 10 days of the
16 dates of departure and return, and of the dates of cessation and resumption of business in
17 California. All provisions of probation other than cost reimbursement requirements, restitution
18 requirements, training requirements, and that Respondent Daluz obey all laws, shall be held in
19 abeyance during any period of time of 30 days or more in which Respondent Daluz is not residing
20 or engaging in business within the jurisdiction of California. All provisions of probation shall
21 recommence on the effective date of resumption of business in California. Any period of time of
22 30 days or more in which Respondent Daluz is not residing or engaging in business within the
23 jurisdiction of California shall not apply to the reduction of this probationary period or to any
24 period of actual suspension not previously completed. Tolling is not available if business or work
25 relevant to the probationary license or registration is conducted or performed during the tolling
26 period.

27 **6. Violation of Probation.** If Respondent Daluz violates or fails to comply with the
28 terms and conditions of probation in any respect, the Director, after giving notice and opportunity

1 to be heard may set aside the stay order and carry out the disciplinary order provided in the
2 decision. Once Respondent Daluz is served notice of BAR's intent to set aside the stay, the
3 Director shall maintain jurisdiction, and the period of probation shall be extended until final
4 resolution of the matter.

5 **7. Maintain Valid License.** Respondent Daluz shall, at all times while on probation,
6 maintain a current and active registration and/or license(s) with BAR, including any period during
7 which suspension or probation is tolled. If Respondent Daluz's registration or license is expired at
8 the time the decision becomes effective, the registration or license must be renewed by
9 Respondent Daluz within 30 days of that date. If Respondent Daluz's registration or license
10 expires during a term of probation, by operation of law or otherwise, then upon renewal
11 Respondent Daluz's registration or license shall be subject to any and all terms and conditions of
12 probation not previously satisfied. Failure to maintain a current and active registration and/or
13 license during the period of probation shall also constitute a violation of probation.

14 **8. Cost Recovery.** Respondent Daluz shall pay the Board of Automotive Repair
15 \$2,000.00 for the reasonable costs of the investigation and enforcement of case No. 79/22-15207.
16 If Respondent Daluz wishes to enter into a payment plan, he may make 54 monthly payments in
17 the amount of \$37.00, to be completed no later than six (6) months before probation terminates.
18 Respondent Daluz shall make payment by check or money order payable to the Bureau of
19 Automotive Repair and shall indicate on the check or money order that it is for cost recovery
20 payment for case No. 79/22-15207. Any order for payment of cost recovery shall remain in effect
21 whether or not probation is tolled. Probation shall not terminate until full cost recovery payment
22 has been made. BAR reserves the right to pursue any other lawful measures in collecting on the
23 costs ordered and past due, in addition to taking action based upon the violation of probation.

24 **9. Completion of Probation.** Upon successful completion of probation, Respondent
25 Daluz's affected registration and/or license will be fully restored or issued without restriction, if
26 Respondent Daluz meets all current requirements for registration or licensure and has paid all
27 outstanding fees, monetary penalties, or cost recovery owed to BAR.

1 **10. License Surrender.** Following the effective date of a decision that orders a stay of
2 invalidation or revocation, if Respondent Daluz ceases business operations or is otherwise unable
3 to satisfy the terms and conditions of probation, Respondent Daluz may request that the stay be
4 vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve
5 the right to evaluate the Respondent Daluz's request and to exercise discretion whether to grant
6 the request or take any other action deemed appropriate or reasonable under the circumstances.
7 Upon formal granting of the request, the Director will vacate the stay order and carry out the
8 disciplinary order provided in the decision. Respondent Daluz may not petition the Director for
9 reinstatement of the surrendered registration and/or license, or apply for a new registration or
10 license under the jurisdiction of BAR at any time before the date of the originally scheduled
11 completion of probation. If Respondent Daluz applies to BAR for a registration or license at any
12 time after that date, Respondent Daluz must meet all current requirements for registration or
13 licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the
14 time of surrender.

15 **11. Training Course.** During the period of probation, Respondent Daluz shall attend and
16 successfully complete a BAR-specified and -approved training course in inspection, diagnosis
17 and/or repair of emission systems failures and engine performance, applicable to the class of
18 license held by the Respondent. Respondent shall provide to the Bureau proof of enrollment in
19 the course within 30 days of the effective date of the decision, and proof of successful course
20 completion within 180 days of the effective date of the decision. Failure to provide proof of
21 enrollment and/or successful course completion to the Bureau within the timeframes specified
22 shall constitute a violation of probation, and Respondent Daluz shall be prohibited from issuing
23 any certificate of compliance or noncompliance until such proof is received.

24 **12. Notification to Employer -** When performing services that fall within the scope of
25 his or her license, Respondent Daluz shall provide each of his or her current or future employers a
26 copy of the decision and the underlying Accusation or Statement of Issues before commencing
27 employment. Notification to Respondent Daluz's current employer shall occur no later than the
28

1 effective date of the decision. Respondent Daluz shall submit to BAR, upon request, satisfactory
2 evidence of compliance with this term of probation.

3
4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Smog Check Inspector License. I enter into this
7 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
8 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

9
10 DATED: 9/24/24

Manuel Daluz
11 MANUEL VIEIRA DALUZ
Respondent

12
13
14 ENDORSEMENT

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

17 DATED: _____

Respectfully submitted,

18
19 ROB BONTA
Attorney General of California
20 JOSHUA A. ROOM
Supervising Deputy Attorney General

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22 AMBER N. WIPFLER
23 Deputy Attorney General
Attorneys for Complainant
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1 effective date of the decision. Respondent Daluz shall submit to BAR, upon request, satisfactory
2 evidence of compliance with this term of probation.

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4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
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8 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

9
10 DATED: _____

11 MANUEL VIEIRA DALUZ
12 *Respondent*

13
14 ENDORSEMENT

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

17
18 DATED: September 24, 2024

Respectfully submitted,

19 ROB BONTA
20 Attorney General of California
21 JOSHUA A. ROOM
22 Supervising Deputy Attorney General

23 

24 AMBER N. WIPFLER
25 Deputy Attorney General
26 *Attorneys for Complainant*

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