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

**LOS AMIGOS SMOG CHECK; MARK  
YOUSIF - OWNER**  
8580 8th Street, Ste. A  
Rancho Cucamonga, CA 91730

Automotive Repair Dealer Registration No.  
ARD 278943  
Smog Check Test Only Station License No.  
TC 278943

and

**MARK YOUSIF**  
21578 Winding Road  
Moreno Valley, CA 92557

Smog Check Inspector License No. EO 632145  
Smog Check Repair License No. EI 632145

and

**DANIEL STEPHEN RAY**  
12173 Lorez Drive  
Moreno Valley, CA 92557

Smog Check Inspector License No. EO 637540

Respondents.

Case No. 79/16-53

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

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1 **FINDINGS OF FACT**

2 1. On or about March 7, 2016, Complainant Patrick Dorais, in his official capacity as  
3 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation  
4 No. 79/16-53 against Los Amigos Smog Check, Mark Yousif – Owner, Mark Yousif, and Daniel  
5 Stephen Ray before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

6 **Automotive Repair Dealer Registration**

7 2. On or about January 8, 2015, the Bureau issued Automotive Repair Dealer  
8 Registration No. ARD 278943 (registration) to Los Amigos Smog Check; Mark Yousif – Owner  
9 (Respondent Los Amigos Smog). The registration, which was in full force and effect at all times  
10 relevant to the charges brought herein, expired on January 31, 2017, has not been renewed, and is  
11 now suspended.

12 **Smog Check Station**

13 3. On or about January 21, 2015, the Bureau issued Smog Check Test Only Station  
14 License No. TC 278943 (station license) to Respondent Los Amigos Smog. The station license,  
15 which was in full force and effect at all times relevant to the charges brought herein, expired on  
16 January 31, 2017, has not been renewed, and is now suspended.

17 **Smog Check Inspector and Smog Check Repair Technician Licenses – Mark Yousif**

18 4. On June 7, 2010, the Director issued Advanced Emission Specialist Technician  
19 License No. EA 632145 (technician license) to Mark Yousif (Respondent Yousif). The  
20 technician license, was due to expire on July 31, 2012, however, it was cancelled on July 24,  
21 2012. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e)<sup>1</sup>, said  
22 license was renewed pursuant to Mark Yousif's election as Smog Check Inspector License No.  
23 EO 632145 and Smog Check Repair License No. EI 632145, effective July 24, 2012. The Smog  
24 Check Inspector (EO) License expired on July 31, 2016, has not been renewed, and is now  
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26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area Technician (EB) license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 suspended. The Smog Check Repair (EI) License expired on July 31, 2014, has not been  
2 renewed, and is now suspended.

3 **Smog Check Inspector License – Daniel Stephen Ray**

4 5. On or about November 17, 2014, the Bureau issued Smog Check Inspector License  
5 No. EO 637540 to Daniel Stephen Ray (Respondent Ray). The Smog Check Inspector License  
6 was in full force and effect at all times relevant to the charges brought herein, expired on July 31,  
7 2016, has not been renewed, and is now suspended.

8 6. On or about March 8, 2016, Respondent Los Amigos was served by Certified and  
9 First Class Mail copies of the Accusation No. 79/16-53, Statement to Respondent, Notice of  
10 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
11 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
12 Professions Code section 136, is required to be reported and maintained with the Bureau.  
13 Respondent's address of record was and is: 8580 8th Street, Ste. A, Rancho Cucamonga, CA  
14 91730.

15 7. On or about March 8, 2016, Respondent Yousif was served by Certified and First  
16 Class Mail copies of the Accusation No. 79/16-53, Statement to Respondent, Notice of Defense,  
17 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
18 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
19 Code section 136, is required to be reported and maintained with the Bureau. Respondent's  
20 address of record was and is: 21578 Winding Road, Moreno Valley, CA 92557.

21 8. On or about March 8, 2016, Respondent Ray was served by Certified and First Class  
22 Mail copies of the Accusation No. 79/16-53, Statement to Respondent, Notice of Defense,  
23 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
24 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
25 Code section 136, is required to be reported and maintained with the Bureau. Respondent's  
26 address of record was and is: 12173 Lorez Dr., Moreno Valley, CA 92557.

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1           9.    On or about March 11, 2016, Respondents' attorney William D. Ferreira, Esq.,  
2 Automotive Defense Specialists was served by Certified and First Class Mail copies of the  
3 Accusation No. 79/16-53, Statement to Respondent, Notice of Defense, Request for Discovery,  
4 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at his office  
5 located at: 582 Market Street, Suite 1608, San Francisco, CA 94104.

6           10.   Service of the Accusation was effective as a matter of law under the provisions of  
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
8 124.

9           11.   On or about May 9, 2016, the aforementioned documents served by certified mail on  
10 Respondent Los Amigos were returned by the U.S. Postal Service marked "Unclaimed."

11          12.   Government Code section 11506(c) states, in pertinent part:

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

17          13.   Respondents failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 79/16-53.

20          14.   California Government Code section 11520(a) states, in pertinent part:

21                   (a) If the respondent either fails to file a notice of defense . . . or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
24 any notice to respondent . . . .

25          15.   Pursuant to its authority under Government Code section 11520, the Director after  
26 having reviewed the proof of service dated March 11, 2016, signed by Jennifer Brown, (and  
27 return envelopes) finds Respondents are in default. The Director will take action without further  
28 hearing and, based on Accusation, No. 79/16-53, proof of service and on the Affidavit of Bureau  
Representative Daniel A. Durivage, finds that the allegations in Accusation are true.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondents have subjected its Automotive  
3 Repair Dealer Registration No. ARD 278943 and Smog Check Test Only Station License No. TC  
4 278943, Smog Check Inspector License EO 632145 and Smog Check Repair License EI 632145,  
5 and Smog Check Inspector License EO 637540 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Bureau is authorized to revoke Respondent's Automotive Repair Dealer  
8 Registration, Smog Check Test Only Station License, Smog Check Inspector Licenses, and Smog  
9 Check Repair License based upon the following violations alleged in the Accusation which are  
10 supported by the evidence contained in the affidavit of Bureau Representative Daniel A. Durivage  
11 in this case.

12 4. Business and Professions Code section 9884.7, subdivision (a)(1), in that from on or  
13 about March 10, 2015 through October 5, 2015, Respondent Los Amigos made or authorized  
14 statements which it knew or in the exercise of reasonable care should have known to be untrue or  
15 misleading.

16 5. Business and Professions Code section 9884.7, subdivision (a)(4), in that from on or  
17 about March 10, 2015 through October 5, 2015, Respondent Los Amigos committed acts which  
18 constitutes fraud.

19 6. Health and Safety Code section 44072.2, subdivision (a), in that from on or about  
20 March 10, 2015 through October 5, 2015, Respondent Los Amigos failed to comply with sections  
21 44012 and 44015 of that Code.

22 7. Health and Safety Code section 44072.2, subdivision (c), in that from on or about  
23 March 10, 2015 through October 5, 2015, Respondent Los Amigos failed to comply with  
24 provisions of California Code of Regulations, title 16, sections 3340.35(c) and 3340.42.

25 8. Health and Safety Code section 44072.2, subdivision (d), in that from on or about  
26 March 10, 2015 through October 5, 2015, Respondent Los Amigos committed an act involving  
27 dishonesty, fraud, or deceit.

1           9. Health and Safety Code section 44072.2, subdivision (a), in that from on or about  
2 March 10, 2015 through October 5, 2015, Respondent Yousif failed to comply with section 44012  
3 of that Code.

4           10. Health and Safety Code section 44072.2, subdivision (c), in that in that from on or  
5 about March 10, 2015 through October 5, 2015, Respondent Yousif failed to comply with  
6 provisions of California Code of Regulations, title 16, sections 3340.30(a) and 3340.42.

7           11. Health and Safety Code section 44072.2, subdivision (d), in that from on or about  
8 March 10, 2015 through October 5, 2015, Respondent Yousif committed acts involving  
9 dishonesty, fraud, or deceit.

10           12. Health and Safety Code section 44072.2, subdivision (a), in that from on or about  
11 March 10, 2015 through October 5, 2015, Respondent Ray failed to comply with section 44012 of  
12 that Code.

13           13. Health and Safety Code section 44072.2, subdivision (c), in that in that from on or  
14 about March 10, 2015 through October 5, 2015, Respondent Ray failed to comply with provisions  
15 of California Code of Regulations, title 16, sections 3340.30(a) and 3340.42.

16           14. Health and Safety Code section 44072.2, subdivision (d), in that from on or about  
17 March 10, 2015 through October 5, 2015, Respondent Ray committed acts involving dishonesty,  
18 fraud, or deceit.

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1 ORDER

2 IT IS SO ORDERED that Automotive Repair Dealer Registration No. Automotive Repair  
3 Dealer Registration No. ARD 278943 and Smog Check Test Only Station License No. TC  
4 278943, heretofore issued to Respondent Los Amigos; Smog Check Inspector License EO  
5 632145 and Smog Check Repair License EI 632145, heretofore issued to Respondent Yousif; and  
6 Smog Check Inspector License EO 637540, heretofore issued to Respondent Ray are revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
8 written motion requesting that the Decision be vacated and stating the grounds relied on within  
9 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
10 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
11 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
12 on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on July 20, 2018.

14 It is so ORDERED June 12, 2018

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19 GRACE ARUPO RODRIGUEZ  
20 Assistant Deputy Director  
21 Legal Affairs Division  
22 Department of Consumer Affairs

23 52188762.DOC  
24 DOJ Matter ID:LA2016600638

25 Attachment:  
26 Exhibit A: Accusation