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

In the Matter of the Accusation Against: **HENRY SILVA REYES DBA REYES AUTOMOTIVE SERVICE** 315 High Street Delano, CA 93215-3507 Automotive Repair Dealer Registration No. ARD 31629 Smog Check Station License No. RC 31629 Lamp Station License No. LS 31629 Brake Station License No. BS 31629 **HENRY SILVA REYES** 315 High Street Delano, CA 93215 Smog Check Inspector License No. EO 128418 (*formerly Advanced Emission Specialist Technician EA 128418*) Smog Check Repair Technician License No. EI 128418 (*formerly Advanced Emission Specialist Technician EA 128418*) Lamp Adjuster License No. LA 128418 Brake Adjuster License No. BA 128418 and **GEOFFREY GEORGE NAVARRETTE** 1137 Norwalk Street Delano, CA 93215 Smog Check Inspector License No. EO 634738 (*formerly Advanced Emission Specialist Technician EA 634738*) Smog Check Repair Technician License No. EI 634738 (*formerly Advanced Emission Specialist Technician EA 634738*) Respondents.	Case No. 79/15-106 OAH No. 2015050999

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and

adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective April 26, 2016.

DATED: March 31, 2016

TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **HENRY SILVA REYES DBA REYES AUTOMOTIVE SERVICE** **315 High Street** **Delano, CA 93215-3507** **Automotive Repair Dealer Registration No. ARD 31629** **Smog Check Station License No. RC 31629** **Lamp Station License No. LS 31629** **Brake Station License No. BS 31629** **HENRY SILVA REYES** **315 High Street** **Delano, CA 93215** **Smog Check Inspector License No. EO 128418** ***(formerly Advanced Emission Specialist Technician EA 128418)*** **Smog Check Repair Technician License No. EI 128418** ***(formerly Advanced Emission Specialist Technician EA 128418)*** **Lamp Adjuster License No. LA 128418** **Brake Adjuster License No. BA 128418** **and**	Case No. 79/15-106 OAH No. 2015050999 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

GEOFFREY GEORGE NAVARRETTE
1137 Norwalk Street
Delano, CA 93215

Smog Check Inspector License No. EO 634738 ***(formerly Advanced Emission Specialist Technician EA 634738)***
Smog Check Repair Technician License No. EI 634738 ***(formerly Advanced Emission Specialist Technician EA 634738)***

Respondents.

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. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney General.

2. Respondent Henry Silva Reyes, individually and dba Reyes Automotive Service, ("collectively, Respondent Reyes") and Respondent Geoffrey George Navarrette ("Respondent Navarrette") are represented in this proceeding by attorney William D. Ferreira, Esq., whose address is 582 Market Street, Suite 1608, San Francisco, CA 94104.

Henry Silva Reyes dba Reyes Automotive Service

1. In 1972, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 31629 to Henry Silva Reyes, dba Reyes Automotive Service. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2016, unless renewed.

2. On or about January 11, 2011, the Bureau of Automotive Repair issued Smog Check Station License Number RC 31629 to Henry Silva Reyes, dba Reyes Automotive Service. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2016, unless renewed.

3. On or about May 11, 1993, the Bureau of Automotive Repair issued Lamp Station License Number LS 31629, class A, to Henry Silva Reyes, dba Reyes Automotive Service. The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2016, unless renewed.

4. On or about May 11, 1993, the Bureau of Automotive Repair issued Brake Station License Number BS 31629, class A, to Henry Silva Reyes, dba Reyes Automotive Service. The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2016, unless renewed.

Henry Silva Reyes

5. On January 25, 2010, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License EA 128418 to Henry Silva Reyes. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon Respondent's election, said license was renewed as Smog Check Inspector License EO 128418, effective July 31, 2013, and Smog Check Repair Technician License No. EI 128418, effective October 2, 2013. Said licenses were in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2017, unless renewed. [1]

6. In 1993, the Bureau of Automotive Repair issued Brake Adjuster License Number BA 128418, class A to Respondent Reyes. The Brake Adjuster License will expire on July 31, 2018, unless renewed.

7. In 1993, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA 128418, class A to Respondent Reyes. The Lamp Adjuster License will expire on July 31, 2018, unless renewed.

Geoffrey George Navarrette

8. On or about September 7, 2012, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 634738 to Geoffrey George

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

Navarrette. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon Respondent's election, said license was renewed as Smog Check Inspector License EO 634738 and Smog Check Repair Technician License No. EI 634738, effective November 6, 2014. Said licenses were in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2016, unless renewed.

JURISDICTION

3. Accusation No. 79/15-106 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent Reyes and Respondent Navarrette. The Accusation and all other statutorily required documents were properly served on Respondent Reyes and Respondent Navarrette on May 1, 2015. Respondent Reyes and Respondent Navarrette timely filed their Notices of Defense contesting the Accusation.

4. A copy of Accusation No. 79/15-106 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent Reyes and Respondent Navarrette have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 79/15-106. Respondent Reyes and Respondent Navarrette have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent Reyes and Respondent Navarrette are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent Reyes and Respondent Navarrette voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

8. Respondent Reyes and Respondent Navarrette admit the truth of each and every charge and allegation in Accusation No. 79/15-106.

9. Respondent Reyes agrees that his Bureau-issued licenses and registration, identified herein, are subject to discipline, and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

10. Respondent Navarrette agrees that his Bureau-issued licenses, identified herein, are subject to discipline, and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondent Reyes and Respondent Navarrette understand and agree that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondent Reyes and Respondent Navarrette understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the following licenses issued to Respondent Reyes are revoked and accepted by the Director of Consumer Affairs: Lamp Station License No. LS 31629; Brake Station License No. LS 31629; Lamp Adjuster License No. LA128418; and Brake Adjuster License No. BA128418.

1. The voluntary revocation of Respondent Reyes' Lamp Station License, Brake Station License, Lamp Adjuster License and Brake Adjuster License, and the acceptance of the revoked licenses by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent Reyes' license history with the Bureau of Automotive Repair.

2. Respondent Reyes shall lose all rights and privileges as a licensed Brake Station, Lamp Station, Lamp Adjuster and Brake Adjuster in the State of California as of the effective date of the Director's Decision and Order.

3. Respondent Reyes shall cause to be delivered to the Bureau his pocket licenses and, if issued, his wall certificates on or before the effective date of the Decision and Order.

4. If Respondent Reyes ever files an application for licensure or a petition for reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 79/15-106 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the petition.

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IT IS FURTHER ORDERED that Automotive Repair Dealer Registration No. ARD 31629, Smog Check Station License Number RC 31629, Smog Check Inspector License No. EO 128418 and Smog Check Repair Technician License No. EI 128418, issued to Respondent Reyes are revoked. However, the revocation of said licenses is stayed, and Respondent Reyes' Automotive Repair Dealer Registration, Smog Check Station License, Smog Check Inspector License and Smog Check Repair Technician License are placed on probation for five (5) years pursuant to terms and conditions numbers 1 – 8, set forth below.

IT IS FURTHER ORDERED that Smog Check Inspector License No. EO 634738 and Smog Check Repair Technician License No. EI 634738 issued to Respondent Navarrette are revoked. However, the revocation of said licenses is stayed, and Respondent Navarrette's Smog Check Inspector License and Smog Check Repair Technician License are placed on probation for five (5) years pursuant to terms and conditions numbers 1 – 8, set forth below.

1. **Obey All Laws.** Respondent Reyes and Respondent Navarrette shall comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

2. **Reporting.** Respondent Reyes and Respondent Navarrette, or their authorized representative, must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

3. **Report Financial Interest.** Within 30 days of the effective date of this action, Respondent Reyes shall report any financial interest which any partners, officers, or owners of the Respondent facility/station may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

4. **Random Inspections.** Respondent Reyes shall provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

5. **Jurisdiction.** If an accusation is filed against Respondent Reyes and/or Respondent Navarrette during the term of probation, the Director of Consumer Affairs shall have continuing

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jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.

6. **Violation of Probation.** Should the Director of Consumer Affairs determine that either Respondent Reyes or Respondent Navarrette has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, suspend or revoke the licenses of the violating Respondent.

7. **Education.** Respondent Reyes and Respondent Navarrette shall both individually successfully complete a 68-hour Bureau certified Licensed Inspector Training Course within one hundred eighty (180) days of the effective date of the decision. If proof of completion of the course is not furnished to the Bureau within the one hundred eighty (180) day period, the violating Respondent's Smog Check Inspector License and Smog Check Repair Technician License shall be suspended until such proof is received.

8. **Cost Recovery.** Respondent Reyes and Respondent Navarrette are jointly and severally liable for payment to the Bureau in the amount of $15,000.00 as reasonable reimbursement for the costs related to the investigation and enforcement of this matter. Respondent Reyes and Respondent Navarrette shall be permitted to make such payment in forty-eight (48) equal monthly installments with final payment due no later than twelve (12) months prior to the termination of probation. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent Reyes' and Respondent Navarrette's respective licenses to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may elect to continue probation until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station License, Brake Station License, Smog Check Inspector License, Smog Check Repair Technician License, Lamp Adjuster License and Brake Adjuster License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 11-18-15

HENRY SILVA REYES, individually and dba REYES AUTOMOTIVE SERVICE
Respondent

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

DATED: 11-18-15

GEOFFREY GEORGE NAVARRETTE
Respondent

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I have read and fully discussed with Respondents Henry Silva and Geoffrey George Navarrette the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/18/15

William D. Ferreira, Esq.
Attorney for Respondent

ENDORSEMENT

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

Dated: 11/18/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-106

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BEFORE THE
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FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **HENRY SILVA REYES DBA REYES AUTOMOTIVE SERVICE** **315 High Street** **Delano, CA 93215-3507** **Automotive Repair Dealer Registration No. ARD 31629** **Smog Check Station License No. RC 31629** **Lamp Station License No. LS 31629** **Brake Station License No. BS 31629** **HENRY SILVA REYES** **315 High Street** **Delano, CA 93215** **Smog Check Inspector License No. EO 128418** ***(formerly Advanced Emission Specialist Technician EA 128418)*** **Smog Check Repair Technician License No. EI 128418** ***(formerly Advanced Emission Specialist Technician EA 128418)*** **Lamp Adjuster License No. LA 128418** **Brake Adjuster License No. BA 128418** **and**	Case No. 79/15-106 **ACCUSATION** Smog Check

GEOFFREY GEORGE NAVARRETTE
1137 Norwalk Street
Delano, CA 93215

Smog Check Inspector License No. EO 634738 ***(formerly Advanced Emission Specialist Technician EA 634738)***
Smog Check Repair Technician License No. EI 634738 ***(formerly Advanced Emission Specialist Technician EA 634738)***

Respondents.

Complainant alleges:

PARTIES

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

Henry Silva Reyes dba Reyes Automotive Service

2. In 1972, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 31629 to Henry Silva Reyes, dba Reyes Automotive Service. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

3. On or about January 11, 2011, the Bureau of Automotive Repair issued Smog Check Station License Number RC 31629 to Henry Silva Reyes, dba Reyes Automotive Service. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

4. On or about May 11, 1993, the Bureau of Automotive Repair issued Lamp Station License Number LS 31629, class A, to Henry Silva Reyes, dba Reyes Automotive Service. The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

5. On or about May 11, 1993, the Bureau of Automotive Repair issued Brake Station License Number BS 31629, class A, to Henry Silva Reyes, dba Reyes Automotive Service. The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

Henry Silva Reyes

6. On January 25, 2010, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License EA 128418 to Henry Silva Reyes. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon Respondent's election, said license was renewed as Smog Check Inspector License EO 128418, effective July 31, 2013, and Smog Check Repair Technician License No. EI 128418, effective October 2, 2013. Said licenses were in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2015, unless renewed.[1]

7. In 1993, the Bureau of Automotive Repair issued Brake Adjuster License Number BA 128418, class A to Respondent Reyes. The Brake Adjuster License will expire on July 31, 2018, unless renewed.

8. In 1993, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA 128418, class A to Respondent Reyes. The Lamp Adjuster License will expire on July 31, 2018, unless renewed.

Geoffrey George Navarrette

9. On or about September 7, 2012, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 634738 to Geoffrey George Navarrette. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon Respondent's election, said license was renewed as Smog Check Inspector License EO 634738 and Smog Check Repair Technician License No. EI 634738, effective November 6, 2014. Said licenses were in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2016, unless renewed.

JURISDICTION

10. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary

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

proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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

12. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a license by operation of law or by order or decision of the Director or a court of law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any disciplinary proceedings.

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

14. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

15. Bus. & Prof. Code section 9884.7 states, in pertinent part:

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the 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.
>
> (1) Making or authorizing in any manner or by any means whatever any 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.
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> . . . .
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> (3) Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs the document
>
> (4) Any other conduct that constitutes fraud.
>
> . . . .

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

. . . .

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

16. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost . . .

17. Bus. & Prof. Code section 9889.3 states, in pertinent part:

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

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

. . . .

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

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

. . . .

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

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18. Bus. & Prof. Code section 9889.16 states:

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

19. Bus. & Prof. Code section 9889.22 states:

> The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

20. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director."

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

> The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
>
> (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.
>
> . . . .
>
> (c) Violates any of the regulations adopted by the director pursuant to this chapter.
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured . . .

22. Health & Saf. Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

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REGULATIONS

23. California Code of Regulations, title 16, section 3305, subdivision (a), states:

"All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

"(1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

"(2) Current standards, specifications, procedures, directives, manuals, bulletins and instructions issued by vehicle and equipment or device manufacturers.

"(3) Standards, specifications and recommended procedures found in current industry-standard reference manuals and periodicals published by nationally recognized repair information providers.

"(4) The bureau's Handbook for Brake Adjusters and Stations, February 2003, which is hereby incorporated by reference.

"(5) The bureau's Handbook for Lamp Adjusters and Stations, February 2003, which is hereby incorporated by reference."

24. California Code of Regulations, title 16, section 3316, subdivision (d), states in pertinent part:

" Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents ($3.50) each and shall not purchase or otherwise obtain such certificates from any other source. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

. . .

"(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be in compliance with all requirements of the Vehicle Code and

bureau regulations, the certificate shall certify that the entire system meets all of those requirements."

25. California Code of Regulations, title 16, section 3321, subdivision (c), states in pertinent part:

"Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents ($3.50) and shall not purchase or otherwise obtain such certificates from any other source. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

. . .

"(2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

. . . .

26. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

"The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance."

27. California Code of Regulations, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article."

28. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a licensed smog check station "shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures

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specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly."

29. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides:

"No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested."

30. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions test methods and procedures which apply to all vehicles inspected in the State of California.

COST RECOVERY

31. Bus. & Prof. Code section 125.3 provides, in pertinent part, that the Bureau may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

UNDERCOVER OPERATION #1: 1992 HONDA

32. On November 20, 2013, an undercover operator of the Bureau took the Bureau's 1992 Honda to Reyes Automotive Service and requested brake, lamp, and smog inspections on the vehicle. At that time, the 1992 Honda had the following documented defective conditions: both rear brake drums were machined beyond the manufacturer's discard specifications; the right headlamp was out of adjustment; the license plate light bulbs did not illuminate; and the malfunction indicator lamp ("MIL") was inoperative. Due to the presence of these defects, the vehicle was incapable of passing a brake inspection, lamp inspection or a smog inspection.

33. The Bureau operator signed an estimate in the amount of $177.00 but did not receive a copy of the signed document. Later that day, Reyes Automotive Service issued a Certificate of Brake Adjustment and a Certificate of Lamp Adjustment, both of which were signed under penalty of perjury by Respondent Reyes. Although Respondent Reyes Automotive Service did not issue a Smog Certificate of Compliance for the vehicle, Respondent Reyes certified under penalty of perjury that the vehicle had passed the functional portion of the vehicle emissions inspection. The

Bureau operator paid Reyes Automotive Service $140.00 in payment of the brake, lamp and smog inspections.

34. On or about November 22, 2013, the Bureau re-inspected the 1992 Honda and found that the rear brake drums were still not within manufacturer's specifications, the right headlamp was still out of adjustment and the license plate light bulbs still did not illuminate. In addition, the Bureau determined that the MIL was still inoperative, which would have prevented the vehicle from passing the functional portion of emissions inspection. The Bureau also determined that tamper indicators set in place before the vehicle was taken to Reyes Automotive Service were still intact, further indicting that the headlamps and brakes had not been properly inspected.

UNDERCOVER OPERATION #2: 1996 CHEVROLET

35. On February 19, 2014, an undercover operator of the Bureau took the Bureau's 1996 Chevrolet to Reyes Automotive Service and requested brake, lamp, and smog inspections on the vehicle. At that time, the 1996 Chevrolet had the following documented defective conditions: the left front brake rotor was machined beyond the manufacturer's discard specifications; the right rear brake drum was oversized beyond manufacturer specifications; the left headlamp was out of adjustment; the license plate light bulbs did not illuminate; and the fuel evaporative canister (EVAP) was missing form the vehicle's emissions control system. Due to the presence of these defects, the vehicle was incapable of passing a brake inspection, lamp inspection or a smog inspection.

36. The Bureau operator was given an oral estimate of $160.00. No written estimate was provided. Later that day, Reyes Automotive Service issued a Certificate of Brake Adjustment and a Certificate of Lamp Adjustment, both of which were signed under penalty of perjury by Respondent Reyes, and a Smog Certificate of Compliance signed under penalty of perjury by Respondent Navarrette.

37. On or about June 30, 2014, the Bureau re-inspected the 1996 Chevrolet and found that the left front brake rotor and right rear brake drum were still not within manufacturer's specifications, the left headlamp was still out of adjustment, the license plate light bulbs still did not illuminate, and the EVAP canister was still missing. In addition, the Bureau determined that

tamper indicators set in place before the vehicle was taken to Reyes Automotive Service were still intact, further indicting that the headlamps and brakes had not been properly inspected. The Bureau operator paid Reyes Automotive Service $167.00 in payment of the brake, lamp and smog inspections.

UNDERCOVER OPERATION #3: 2001 FORD

38. On June 4, 2014, an undercover operator of the Bureau took the Bureau's 2001 Ford to Reyes Automotive Service and requested brake, lamp, and smog inspections on the vehicle. At that time, the 2001 Ford had the following documented defective conditions: the right front brake rotor was undersized beyond the manufacturer's discard specifications; the left rear brake drum was oversized beyond manufacturer specifications; the right headlamp was out of adjustment; the license plate light bulbs did not illuminate; and the malfunction indicator lamp ("MIL") was inoperative. Due to the presence of these defects, the vehicle was incapable of passing a brake inspection, lamp inspection or a smog inspection.

39. Later that day, Reyes Automotive Service issued a Certificate of Brake Adjustment and a Certificate of Lamp Adjustment, both of which were signed under penalty of perjury by Respondent Reyes, and a Smog Certificate of Compliance signed under penalty of perjury by Respondent Navarrette.

40. On or about June 30, 2014, the Bureau re-inspected the 2001 Ford and found that the right front brake rotor was still undersized beyond the manufacturer's discard specifications, the left rear brake drum was still oversized beyond manufacturer specifications, the right headlamp was still out of adjustment, the license plate light bulbs still did not illuminate, and the malfunction indicator lamp ("MIL") was still inoperative. In addition, the Bureau determined that tamper indicators set in place before the vehicle was taken to Reyes Automotive Service were still intact, further indicting that the headlamps and brakes had not been properly inspected. The Bureau operator paid Reyes Automotive Service $167.00 in payment of the brake, lamp and smog inspections.

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FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

41. Respondent Reyes' registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which Respondent knew or in the exercise of reasonable care should have known were untrue or misleading, as follows:

a. Reyes Automotive Service issued brake and lamp certificates to the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford, certifying that the vehicles' brakes and lamps were in satisfactory condition when, in fact, none of the vehicles were capable of passing brake and lamp inspections. Each of these fraudulently issued certificates was signed under penalty of perjury by Respondent Reyes.

b. Reyes Automotive Service issued smog inspection certificates to the Bureau's 1996 Chevrolet and 2001 Ford, certifying that the vehicles were in compliance with applicable emission laws and regulations when, in fact, neither vehicle was capable of passing a smog check inspection. Both of these fraudulently issued smog inspection certificates was signed under penalty of perjury by Respondent Navarrette. In addition, Respondent Reyes produced a vehicle inspection report, signed under penalty of perjury, stating that the Bureau's 1992 Honda had passed the functional portion of the emissions inspection when, in fact, the vehicle was incapable of passing the functional inspection due to an inoperative MIL

42. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

43. Respondent Reyes' registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), Respondent committed acts that constitute fraud, as follows:

a. Respondent obtained payment from the operators for performing the applicable inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1992 Honda,

1996 Chevrolet and 2001 Ford in accordance with Bureau regulations and the Vehicle Code when, in fact, Respondent failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau regulations or the Vehicle Code.

b. Respondent issued electronic smog certificates of compliance for the Bureau's 1996 Chevrolet and 2001 Ford without performing a bona fide inspection of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

44. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

45. Respondent Reyes' registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9889.16:** Respondent issued brake and lamp certificates the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford when those vehicles were not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

b. **Section 9889.22:** Respondent willfully made false statements or entries on brake and lamp certificates the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford.

46. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

47. Respondent Reyes' registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subdivision (a):** Respondent failed to inspect and/or adjust the brake and lamp systems on the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford in

accordance with the specifications, instructions, and directives issued by the Bureau or the vehicles' respective manufacturers.

b. **Section 3316, subdivision (d)(2):** Respondent issued lamp certificates to the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford when all of the lamps, lighting equipment, and/or related electrical systems on those vehicles were not in compliance with Bureau regulations.

c. **Section 3321, subdivision (c)(2):** Respondent issued brake certificates to the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford when the brake systems on the vehicles had not been completely tested or inspected.

48. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

49. Respondent Reyes' brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating to Respondent's licensed activities, as set forth in paragraphs 45 and 46 above.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

50. Respondent Reyes' brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (e), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraphs 47 and 48 above.

SEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

51. Respondent Reyes' brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 32 through 40 above.

EIGHTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

52. Respondent Reyes' smog check station license is subject to discipline under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to the emission inspections of the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford, Respondent's violated the following sections of the Health and Safety Code:

a. **Section 44012**: Respondent failed to ensure that the emission control tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b)**: Respondent issued electronic certificates of compliance for the 1996 Chevrolet and 2001 Ford without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the Health and Safety Code.

c. **Section 44032**: Respondent failed to perform tests of the emission control devices and systems on those vehicles in accordance with section 44012 of the Health and Safety Code.

53. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

NINTH CAUSE FOR DISCIPLINE

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

54. Respondent Reyes' smog check station license is subject to discipline under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to the emission inspections of the Bureau's 1992 Honda, 1996 Chevrolet and 2001 Ford, Respondent violated the following sections of title 16 of the California Code of Regulations:

a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued electronic certificates of compliance for the Bureau's 1996 Chevrolet and 2001 Ford without

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performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test those vehicles in accordance with Health and Safety Code section 44012.

c. **Section 3340.35, subdivision (c)**: Respondent issued electronic certificates of compliance for the 1996 Chevrolet and 2001 Ford even though those vehicles had not been inspected in accordance with section 3340.42 of the Health and Safety Code.

d. **Section 3340.42**: Respondent failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

55. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

56. Respondent Reyes' smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing electronic smog certificates of compliance for the Bureau's 1996 Chevrolet and 2001 Ford without performing a bona fide inspection of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

57. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 40, inclusive, as though fully set forth herein.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

58. Respondent Reyes' brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating to his licensed activities, as set forth in paragraphs 45 and 46 above.

TWELFTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

59. Respondent Reyes' brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraphs 47 and 48 above.

THIRTEENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

60. Respondent Reyes' technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the following sections of that Code:

a. **Section 44012:** Respondent failed to perform the emission control tests on the Bureau's 1992 Honda in accordance with procedures prescribed by the department.

b. **Section 44059:** Respondent willfully made a false entry on the vehicle inspection report of the Bureau's 1992 Honda.

61. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 34, inclusive, as though fully set forth herein.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)

62. Respondent Reyes' technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's 1992 Honda in accordance with Health & Saf. Code sections 44012 and 44035, and Regulation 3340.42.

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b. **3340.41, subdivision (c):** Respondent knowingly entered into the EIS false information about the Bureau's 1992 Honda.

c. **Section 3340.42:** Respondent failed to conduct the required smog tests on the Bureau's 1992 Honda in accordance with the Bureau's specifications.

63. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 32 through 34, inclusive, as though fully set forth herein.

FIFTEENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

64. Respondent Navarrette has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to his inspection of the Bureau's 1996 Chevrolet and 2001 Ford, Respondent violated sections of that Code, as follows:

a. **Section 44012**: Respondent failed to ensure that the emission control tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44032**: Respondent failed to perform tests of the emission control devices and systems on those vehicles in accordance with section 44012 of that Code.

c. **Section 44059**: Respondent willfully made false entries for the electronic certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

65. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 35 through 40, inclusive, as though fully set forth herein.

SIXTEENTH CAUSE FOR DISCIPLINE

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

66. Respondent Navarrette has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to his inspection of the Bureau's 1996 Chevrolet and 2001 Ford, Respondent violated sections of the California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision** (c): Respondent falsely and/or fraudulently issued electronic certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test those vehicles in accordance with Health and Safety Code section 44012.

c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered into the EIS false information about the Bureau's 1996 Chevrolet and 2001 Ford.

d. **Section 3340.42**: Respondent failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

67. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 35 through 40, inclusive, as though fully set forth herein.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

68. Respondent Navarrette has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that, with respect to his inspection of the Bureau's 1996 Chevrolet and 2001 Ford, Respondent committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

69. Complainant refers to, and by this reference incorporates, the allegations set forth above in above in paragraphs 35 through 40, inclusive, as though fully set forth herein.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 31629, issued to Henry Silva Reyes dba Reyes Automotive Service;

2. Revoking or suspending Smog Check Station License No. RC 31629, issued to Henry Silva Reyes dba Reyes Automotive Service;

3. Revoking or suspending Lamp Station License No. LS 31629, issued to Henry Silva Reyes dba Reyes Automotive Service;

4. Revoking or suspending Brake Station License No. BS 31629, issued to Henry Silva Reyes dba Reyes Automotive Service;

5. Revoking or suspending Smog Check Inspector License No. EO 128418 and Smog Check Repair Technician License No. EI 128418, issued to Henry Silva Reyes;

6. Revoking or suspending Lamp Adjuster License No. LA 128418, issued to Henry Silva Reyes;

7. Revoking or suspending Brake Adjuster License No. BA 128418, issued to Henry Silva Reyes;

8. Revoking or suspending any and all licenses issued under Articles 5 and 6 of the Automotive Repair Act in the name of Henry Silva Reyes pursuant to section 9889.9 of the Business and Professions Code;

9. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program in the name of Henry Silva Reyes pursuant to section 44072.8 of the Health and Safety Code;

10. Revoking or suspending Smog Check Inspector License EO 634738 issued to Geoffrey George Navarrette;

11. Revoking or suspending Smog Check Repair Technician License No. EI 634738 issued to Geoffrey George Navarrette;

12. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program in the name of Geoffrey George Navarrette pursuant to section 44072.8 of the Health and Safety Code;

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13. Ordering Henry Silva Reyes dba Reyes Automotive Service, Henry Silva Reyes and Geoffrey George Navarrette 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;

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

DATED: April 15, 2015

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

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