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7

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

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

Case No. 79/22-17471

14 **ERIC ANGELO TAVARES**
15 **705 E. Francis St.**
Corona, CA 92879

PETITION TO REVOKE PROBATION

16 **Smog Check Inspector License No. EO**
17 **636663**

Respondent.

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19
20
21 Complainant alleges:

22 **PARTIES**

23 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
24 official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer
25 Affairs (Bureau/BAR).

26 2. On or about March 24, 2014, the Bureau issued Smog Check Inspector License
27 Number EO 636663 to Eric Angelo Tavares (Respondent). The Smog Check Inspector License
28 expired on March 31, 2022, and was not renewed.

3. In a disciplinary action titled *In the Matter of Accusation Against Eric Angelo Tavares*, Case No. 79/19-15089, the Director of the Department of Consumer Affairs (Director) for the Bureau, issued a decision, effective March 2, 2021, in which Respondent's Smog Check Inspector License was revoked. However, the revocation was stayed and Respondent's Smog Check Inspector License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Director for the Bureau under the authority of the Order of probation Condition No. 7 of the Decision and Order in Case No. 79/19-15089.

Violation of Probation. If Respondent violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the decision. Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

5. Grounds exist to revoke Respondent's probation under the authority of the Order of probation Condition No. 7 of the Decision and Order in that Respondent did not comply with the terms and conditions of his probation, as set forth below.

6. The filing of this Petition to Revoke Probation against Respondent's license shall automatically extend the probationary period, which shall not expire until the petition has been acted upon by the Bureau.

FIRST CAUSE TO REVOKE PROBATION

(Quarterly Reporting)

7. At all times after the effective date of Respondent's probation, Condition 3 stated:

Quarterly Reporting. During the period of probation, Respondent shall report either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

8. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 3, referenced above, in that on or about November 18, 2022, Respondent

1 failed to attend his scheduled probation conference via telephone. Respondent's probation
2 monitor telephoned Respondent's Bureau listed telephone number and was told by the answering
3 party that Respondent was not known. Respondent is in violation of probation Condition 3.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 (Maintain Valid License)

6 9. At all times after the effective date of Respondent's probation, Condition 8 stated:

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

12 10. Respondent's probation is subject to revocation because he failed to comply with
13 Probation Condition 8, referenced above, in that Respondent failed to maintain a current and
14 active license with the Bureau when he failed to renew his license that expired on March 31,
15 2022. Respondent is in violation of probation Condition 8.

16 **THIRD CAUSE TO REVOKE PROBATION**

17 (Training Course)

18 11. At all times after the effective date of Respondent's probation, Condition 13 stated:

19 **Training Course.** During the period of probation, Respondent shall attend and
20 successfully complete a sixty-eight (68) hour BAR-specified and approved training course
21 in inspection, diagnosis and/or repair of emission systems failures and engine performance,
22 applicable to smog check technicians. Respondent shall provide to the Bureau proof of
23 enrollment in the course within 6 months of the effective date of the decision, and proof of
24 successful course completion within 360 days of the effective date of the decision. Failure
25 to provide proof of enrollment and/or successful course completion to the Bureau within
26 the timeframes specified shall constitute a violation of probation, and Respondent shall be
27 prohibited from issuing any certificate of compliance or noncompliance until such proof is
28 received.

25 12. Respondent's probation is subject to revocation because he failed to comply with
26 Probation Condition 13, referenced above, in that Respondent failed to submit, within 360 days of
27 the effective date of the decision, due on or before March 25, 2022, proof of successful
28 completion of required training courses, a sixty-eight (68) hour BAR specified and approved

1 training course in inspection, diagnosis and/or repair of emission systems failures and engine
2 performance, applicable to smog check technicians. Respondent is in violation of probation
3 Condition 13.

4 **PRAYER**

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

7 1. Revoking the probation that was granted by the Bureau in Case No. 79/19-15089 and
8 imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector License
9 No. EO 636663 issued to Eric Angelo Tavares;

10 2. Revoking or suspending Smog Check Inspector License No. EO 636663, issued to
11 Eric Angelo Tavares; and

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

15 DATED: As of digital signature date

16 PATRICK DORAIS
17 Chief
18 Bureau of Automotive Repair
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/19-15089