

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

In the Matter of the Statement of Issues Against:

**STANLEY EMMANUEL GUEVARA**

Applicant for Smog Check Inspector  
License and Smog Check Repair Technician  
License

Respondent.

Case No. 79/09-44s

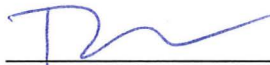
OAH No. 2014010983

**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 December 31, 2014.

DATED: December 5, 2014

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:  
13 **STANLEY EMMANUEL GUEVARA**  
14 **Applicant for Smog Check Inspector**  
15 **License and Smog Check Repair Technician**  
16 **License**  
17 Respondent.

Case No. 79/09-44s  
OAH No. 2014010983  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
22 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
23 Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

24 2. Respondent Stanley Emmanuel Guevara (Respondent) is represented in this  
25 proceeding by attorney Larry L. Nash, whose address is: 19355 Business Center Drive, Suite 3  
26 Northridge, California 91324.

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

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that the Bureau will allow Respondent to apply for Initial  
8 Smog Check Inspector and Smog Check Repair Technician Licenses and upon meeting all pre-  
9 licensure requirements, Applications for Smog Check Inspector and Smog Check Repair  
10 Technician Licenses, filed by Respondent Stanley Emmanuel Guevara will be granted, the  
11 licenses issued and immediately revoked. The revocation will be stayed and Respondent's  
12 licenses is placed on three (3) years probation on the following terms and conditions:

13 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
14 automotive inspections, estimates and repairs.

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

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

23 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
24 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

25 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
26 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
27 until the final decision on the accusation, and the period of probation shall be extended until such  
28 decision.



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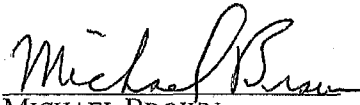
ENDORSEMENT

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

Dated: October 28, 2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

  
MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 79/09-44s**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
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6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 Attorneys for Complainant

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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 79/09-44s

13 **STANLEY EMMANUEL GUEVARA**

**STATEMENT OF ISSUES**

14 **Advanced Emission Specialist Technician**  
15 **License Applicant**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about May 23, 2012, the Bureau of Automotive Repair received an application  
24 for an Advanced Emission Specialist Technician License from Stanley Emmanuel Guevara  
25 (Respondent). On or about May 17, 2012, Respondent certified under penalty of perjury to the  
26 truthfulness of all statements, answers, and representations in the application. The Bureau denied  
27 the application on December 26, 2012.

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1 PRIOR LICENSE INFORMATION

2 **Advanced Emission Specialist Technician License No. EA 153826**

3 3. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist  
4 Technician License Number EA 153826 to Respondent.

5 PRIOR DISCIPLINE

6 4. Effective December 29, 2009, pursuant to the Decision in First Amended Accusation  
7 Number 79/09-44, attached hereto as Exhibit "A" and incorporated herein by reference,  
8 Respondent's Advanced Emission Specialist Technician License Number EA153826 was  
9 permanently revoked.

10 5. On or about October 12, 2009, First Amended Accusation, Case No. 79/09-44, was  
11 filed against Respondent's Advanced Emission Specialist License. The First Amended  
12 Accusation resulted from an on site inspection and a videotaped surveillance of Quick Smog Test  
13 Only that was initiated by the Bureau.

14 SITE INSPECTION - OCTOBER 5, 2007

15 6. On or about October 5, 2007, the Bureau conducted a site inspection at Quick Smog  
16 Test Only. The inspection and information obtained from the Bureau's Vehicle Information  
17 Database (VID) revealed that Respondent performed a smog inspection resulting in the issuance  
18 of an illegal electronic certificate of compliance, certifying that he had tested and inspected the  
19 vehicle and that the vehicle was in compliance with applicable laws and regulations. In fact,  
20 Respondent performed the smog inspections using the "clean plugging"<sup>1</sup> method by using the tail  
21 pipe emissions of a vehicle other than the vehicle being certified in order to issue the certificate of  
22 compliance. The vehicle certified was not in the test bay at the time of the smog inspection.

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26 \_\_\_\_\_  
27 <sup>1</sup> "Clean-plugging" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
compliance or are not present in the smog check area during the time of the certification.

1 VIDEO SURVEILLANCE OPERATION

2 NOVEMBER 6, 2007

3 7. On or about November 6, 2007, the Bureau performed a videotaped surveillance at  
4 Quick Smog Test Only. The surveillance operation and information obtained from the Emission  
5 Inspection System (EIS) unit and the Bureau's VID revealed that Respondent performed eight (8)  
6 smog inspections, which resulted in the issuance of six (6) illegal electronic certificates of  
7 compliance certifying that he had tested and inspected and that those vehicles were in compliance  
8 with applicable laws and regulations. In fact, Respondent performed the smog inspections using  
9 the "clean-piping" method by using the tail pipe emissions of a vehicle other than the vehicle  
10 being certified in order to issue the certificate of compliance. None of the vehicles certified were  
11 in the test bay at the time of the smog inspection.

12 JURISDICTION

13 8. This Statement of Issues is brought before the Director of Consumer Affairs  
14 (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

15 STATUTORY PROVISIONS

16 9. Section 480 of the Business and Professions Code (Code) states:

17 "(a) A board may deny a license regulated by this code on the grounds that the  
18 applicant has one of the following:

19 "(1) Been convicted of a crime. A conviction within the meaning of this section  
20 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
21 that a board is permitted to take following the establishment of a conviction may be taken when  
22 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or  
23 when an order granting probation is made suspending the imposition of sentence, irrespective of a  
24 subsequent order under the provisions of Section 1203.4 of the Penal Code.

25 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to  
26 substantially benefit himself or herself or another, or substantially injure another.

27 "(3) (A) Done any act that if done by a licentiate of the business or profession in  
28 question, would be grounds for suspension or revocation of license.

1           “(c) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact required to be revealed in the application for the  
3 license.”

4           10. Section 9889.1 of the Business and Professions Code (“Code”) provides, in pertinent  
5 part, that the Director may refuse to issue a license to any applicant for the reasons set forth in  
6 Code section 9889.2.

7           11. Section Code section 9889.2 states:

8           “The director may deny a license if the applicant or any partner, officer, or director thereof:

9           ...

10           “(b) Was previously the holder of a license issued under this chapter which license has been  
11 revoked and never reissued or which license was suspended and the terms of the suspension have  
12 not been fulfilled.

13           “(c) Has committed any act which, if committed by any licensee, would be grounds for the  
14 suspension or revocation of a license issued pursuant to this chapter.

15           “(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is  
16 injured or whereby the applicant has benefited.

17           ...

18           “(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been  
19 convicted of a crime substantially related to the qualifications, functions and duties of the license  
20 holder in question, and the time for appeal has elapsed or the judgment of conviction has been  
21 affirmed on appeal, irrespective of an order granting probation following such conviction,  
22 suspending the imposition of sentence, or of a subsequent order under the provisions of Section  
23 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea  
24 of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or  
25 information.”

26           12. Section 44072 of the Health and Safety Code provides, in pertinent part, that the  
27 director may refuse to issue a license to any applicant for the reasons set forth in Section 44072.1.

28           ///

1 13. Section 44072.1 of the Health and Safety Code states:

2 "The director may deny a license if the applicant, or any partner, officer, or director thereof,  
3 does any of the following:

4 ...

5 "(b) Was previously the holder of a license issued under this chapter [the Motor Vehicle  
6 Inspection Program (Health and Saf. Code, ' 44000, et seq.)], which license has been revoked and  
7 never reissued or which license was suspended and the terms of the suspension have not been  
8 fulfilled.

9 "(c) Has committed any act which, if committed by any licensee, would be grounds for the  
10 suspension or revocation of a license issued pursuant to this chapter.

11 "(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is  
12 injured or whereby the applicant has benefitted.

13 ...

14 "(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been  
15 convicted of a crime substantially related to the qualifications, functions, and duties of the  
16 licenseholder in question, and the time for appeal has elapsed or the judgment of conviction has

17 been affirmed on appeal, irrespective of an order granting probation following the conviction,  
18 suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal  
19 Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting  
20 aside the plea or verdict of guilty, or dismissing the accusation or information."

21 14. Section 44002 of the Health and Safety Code provides, in pertinent part; that the  
22 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
23 the Motor Vehicle Inspection Program.

24 **FIRST CAUSE FOR DENIAL OF APPLICATION**

25 (Previously Revoked License)

26 15. Respondent's application for smog check technician license is subject to denial  
27 pursuant to Code section 9889.2, subdivision (b) and Health and Safety Code section 44072.1,  
28 subdivision (b), in that Respondent was previously the holder of Advanced Emission Specialist

1 Technician License Number EA 153826, which license was permanently revoked pursuant to the  
2 Decision in First Amended Accusation Number 79/09-44, as more particularly set forth in Exhibit  
3 A, attached hereto.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 (Acts if Committed by a Licentiate Constitute Grounds for Discipline)

6 16. Respondent's application for smog check technician license is subject to denial  
7 pursuant to Code section 480, subdivision (a)(3)(A), 9889.2, subdivision (c) and Health and  
8 Safety Code section 44072.1, subdivision (c), in that Respondent committed acts which if  
9 committed by any licensee would be grounds for suspension or revocation of a license issued by  
10 this chapter, as more particularly set forth in First Amended Accusation Number 79/09-44.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 (Acts Constituting Dishonesty, Fraud or Deceit)

13 17. Respondent's application for smog check technician license is subject to denial  
14 pursuant to Code section 480, subdivision (a)(2), 9889.2, subdivision (d) and Health and Safety  
15 Code section 44072.1, subdivision (d), in that Respondent committed acts involving dishonesty,  
16 fraud or deceit, as more particularly set forth in First Amended Accusation Number 79/09-44.

17 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

18 (Conviction of Substantially Related Crime)

19 18. Respondent's application for smog check technician license is subject to denial  
20 pursuant to Code section 480, subdivision (a)(1), 9889.2, subdivision (f) and Health and Safety  
21 Code section 44072.1, subdivision (f) in that Respondent was convicted of a crime substantially  
22 related to the qualifications, functions or duties of an Advanced Emission Specialist Technician.

23 The circumstances are as follows:

24 a. On or about May 27, 2009, in the criminal proceeding entitled *the People of the State*  
25 *of California vs. Stanley Emmanuel Guevara* in the Superior Court, County of Los Angeles,  
26 California, Case No. BA348714, Respondent was convicted by a plea of guilty of a violation of  
27 Penal Code section 502(C)(1), (computer crimes). The circumstances of this crime are that  
28 Respondent used a computer to defraud and wrongfully control or obtain money, property or data

1 in doing illegal smog checks on November 6, 2007, as set forth in more detail in Paragraph 7.  
2 above. The Court sentenced Respondent to three years of probation, to perform community  
3 service, to pay restitution and fines to the court, and to comply with other terms and conditions.

4 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

5 **(Knowingly Made a False Statement)**

6 19. Respondent's application for smog check technician license is subject to denial  
7 pursuant to Code section 480, subdivision (c), in that Respondent knowingly made a false  
8 statement of fact required to be revealed in the application of a smog check technician license.  
9 Respondent was ordered to pay the Bureau its cost of investigation in the amount of \$9,804.50  
10 upon application for reinstatement or for any new registration or license. Respondent did not  
11 reveal on his smog check technician license application that he owed a balance of \$9,804.50 that  
12 must be paid before a smog check technician license is issued.


13 **PRAYER**

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

16 1. Denying the application of Stanley Emmanuel Guevara for a Advanced Emission  
17 Specialist Technician License; and

18 2. Taking such other and further action as deemed necessary and proper.

19 DATED: November 15, 2013



20 PATRICK DORAIS  
21 Chief  
22 Bureau of Automotive Repair  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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**Exhibit A**

**Decision in First Amended Accusation  
No. 79/09-44s**

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

In the Matter of the Accusation Against:

**QUICK SMOG TEST ONLY**  
**JORGE LUIS SOTO, Owner**  
14525 Nordoff Street  
Panorama City, CA 91402

Automotive Repair Dealer Registration  
No. ARD 250690  
Smog Check Station License No. TC 250690

**JORGE LUIS SOTO**  
1624 8<sup>TH</sup> Street  
San Fernando, California 91340

Advanced Emission Specialist Technician  
License No. EA 152882

**STANLEY EMMANUEL GUEVARA**  
8809 Etiwanda Ave., #23  
Northridge, California 91325

Advanced Emission Specialist Technician  
License No. EA 153826

Respondents.

Case No. 79/09-44

OAH No. L-2009060217

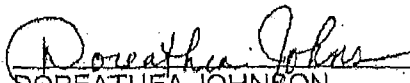
**DECISION**

The attached Stipulated Revocation 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 only as to respondent Stanley Emmanuel Guevara, Advanced Emission Specialist Technician License No. EA 153826.

This Decision shall become effective \_\_\_\_\_

12/29/09

DATED: November 23, 2009

  
DORÉATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs