

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

In the Matter of the Accusation Against:

CANDE DIAZ – PRESIDENT, RISE TO SUCCESS, INC. dba PRO STOP TEST ONLY

708 W. Mill St. #J

San Bernardino, CA 92410

Automotive Repair Dealer Registration No. ARD 265779

Smog Check Test Only Station License No. TC 265779

9253 Archibald Avenue

Rancho Cucamonga, CA 91730

Automotive Repair Dealer Registration No. ARD 277850

Smog Check Test Only Station License No. TC 277850

ALBERTO MEDINA

18908 Arabian Ct.

Bloomington, CA 92376

Smog Check Inspector No. EO 638274

MAGALY MONTALVO

7363 Oleander Ave.

Fontana, CA 92336

Smog Check Inspector No. EO 637604

and

REUBIN DEAN VOGT

9878 Alder Ave #C

Bloomington, CA 92316

Mailing Address

9833 Niagara Ave.

Fontana, CA 92335

Smog Check Inspector No. EO 638430

Respondents.

Case No. 79/19-8087

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Reubin Dean Vogt only is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on 3/16/21.

DATED: 2/3/21

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

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 ELAINE YAN
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. 79/19-8087

14 **CANDE DIAZ – PRESIDENT,**
15 **RISE TO SUCCESS, INC., dba**
16 **PRO STOP TEST ONLY**

708 W. Mill St., #J
San Bernardino, CA 92410

17 Automotive Repair Dealer Registration
18 No. ARD 265779
Smog Check, Test Only, Station License
19 No. TC 265779

20 9253 Archibald Avenue
Rancho Cucamonga, CA 91730

21 Automotive Repair Dealer Registration No.
22 ARD 277850
Smog Check, Test Only, Station License No.
23 TC 277850

24 **ALBERTO MEDINA**
25 18908 Arabian Ct.
Bloomington, CA 92376

26 Smog Check Inspector No. EO 638274,
27
28

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO REUBIN
DEAN VOGT ONLY

1 **MAGALY MONTALVO**

2 7363 Oleander Ave.
3 Fontana, CA 92336

4 Smog Check Inspector No. EO 637604

5 and

6 **REUBIN DEAN VOGT**

7 9878 Alder Ave., #C
8 Bloomington, CA 92316

9 Mailing Address:
10 9833 Niagara Avenue

11 Fontana, CA 92335

12 Smog Check Inspector No. EO 638430,

13 Respondents.

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

16 **PARTIES**

17 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
18 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
19 Xavier Becerra, Attorney General of the State of California, by Elaine Yan, Deputy Attorney
20 General.

21 2. Respondent Reubin Dean Vogt (Respondent) is represented in this proceeding by
22 attorney William D. Ferreira Esq., whose address is: 555 California Street, Suite 4925
23 San Francisco, CA 94104.

24 3. On or about August 3, 2015, the Bureau issued Smog Check Inspector License
25 Number EO 638430 to Reubin Dean Vogt. The Smog Check Inspector License was in full force
26 and effect at all times relevant to the charges brought in Accusation no. 79/19-8087, is due to
27 expire on May 31, 2021, however was suspended on January 30, 2020.

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1 **JURISDICTION**

2 4. Accusation No. 79/19-8087 was filed before the Director of the Department of
3 Consumer Affairs (Bureau), for the Bureau of Automotive Repair, and is currently pending
4 against Respondent. The Accusation and all other statutorily required documents were properly
5 served on Respondent on February 11, 2020. Respondent timely filed his Notice of Defense
6 contesting the Accusation.

7 5. A copy of Accusation No. 79/19-8087 is attached as exhibit A and incorporated
8 herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 6. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 79/19-8087. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 7. Respondent is fully aware of its legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 9. Respondent understands and agrees that the charges and allegations in Accusation
24 No. 79/19-8087, if proven at a hearing, constitute cause for imposing discipline upon his Smog
25 Check Inspector License.

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1 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
2 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
3 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

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

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

22 **9. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
23 a current and active registration and/or license(s) with BAR, including any period during which
24 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
25 decision becomes effective, the registration or license must be renewed by Respondent within 30
26 days of that date. If Respondent's registration or license expires during a term of probation, by
27 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
28 subject to any and all terms and conditions of probation not previously satisfied. Failure to

1 maintain a current and active registration and/or license during the period of probation shall also
2 constitute a violation of probation.

3 10. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$2,400.00
4 for the reasonable costs of the investigation and enforcement of case No. 79/19-8087. Respondent
5 shall make such payment as follows: 48 monthly payments of \$50.00 during the 5-year
6 probationary period. Any agreement for a scheduled payment plan shall require full payment to
7 be completed no later than twelve (12) months before probation terminates. Respondent shall
8 make payment by check or money order payable to the Bureau of Automotive Repair and shall
9 indicate on the check or money order that it is for cost recovery payment for case No. 79/19-8087.
10 Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.
11 Probation shall not terminate until full cost recovery payment has been made. BAR reserves the
12 right to pursue any other lawful measures in collecting on the costs ordered and past due, in
13 addition to taking action based upon the violation of probation.

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

18 12. **License Surrender.** Following the effective date of a decision that orders a stay of
19 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
20 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
21 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
22 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
23 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
24 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
25 provided in the decision. Respondent may not petition the Director for reinstatement of the
26 surrendered registration and/or license, or apply for a new registration or license under the
27 jurisdiction of BAR at any time before the date of the originally scheduled completion of
28 probation. If Respondent applies to BAR for a registration or license at any time after that date,

1 Respondent must meet all current requirements for registration or licensure and pay all
2 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

3 **ACCEPTANCE**

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

9 DATED: 12/18/20 signed copy on file

10 REUBIN DEAN VOGT
11 *Respondent*

12 I have read and fully discussed with Respondent Reubin Dean Vogt the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15 DATED: 12/22/20 signed copy on file

16 WILLIAM D. FERREIRA
17 *Attorney for Respondent*

18 **ENDORSEMENT**

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

21 DATED: 12/23/20

22 Respectfully submitted,

23 XAVIER BECERRA
24 Attorney General of California
25 SHAWN P. COOK
26 Supervising Deputy Attorney General

27 signed copy on file

28 ELAINE YAN
Deputy Attorney General
Attorneys for Complainant

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