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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 Accusation Against:

13 **ALFRED AVILES, DBA AVILES SMOG**  
14 12062 Centralia Road, Unit B  
15 Hawaiian Gardens, CA 90716  
16 **Automotive Repair Dealer Registration No.**  
**ARD 281589**  
**Smog Check, Test-Only, Station License No.**  
**TC 281589,**

17 **and**

18 **BRIAN MEJIA REYES**  
19 2744 E. 8th Street  
20 Los Angeles, CA 90023  
**Smog Check Inspector License No. EO**  
**638732**

21 Respondents.

Case No. 79/24-6381

OAH No.

**DEFAULT DECISION AND ORDER**  
**(DEFAULT AS TO BRIAN MEJIA**  
**REYES, ONLY)**

[Gov. Code, §11520]

22  
23 **FINDINGS OF FACT**

24 1. On or about March 27, 2025, Complainant Patrick Dorais, in his official capacity as  
25 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation  
26 No. 79/24-6381 against Alfred Aviles, dba Aviles Smog (Respondent Aviles) and Brian Mejia  
27 Reyes (Respondent Reyes) before the Director of the Department of Consumer Affairs.  
28 (Accusation attached as Exhibit A.)

2. On or about September 28, 2015, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 281589 to Respondent Aviles. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-6381 and will expire on September 30, 2024, unless renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Bureau of its authority to institute or continue this disciplinary proceeding. Respondent Aviles timely filed his Notice of Defense.

3. On or about October 30, 2015, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License No. TC 281589 to Respondent Aviles. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-6381 and will expired on September 30, 2024, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Bureau of its authority to institute or continue this disciplinary proceeding. Respondent Aviles timely filed his Notice of Defense.

1. On or about November 13, 2015, the bureau issued Smog Check Inspector License number EO 638732 to Respondent Brian Mejia Reyes (Respondent Reyes). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, unless renewed.

2. On or about March 28, 2025, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79-24-6831, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: 2744 E 8th St. Los Angeles, CA 90023.

Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

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

...

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

6 5. The Bureau takes official notice of its records and the fact that Respondent failed to  
7 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
8 waived his right to a hearing on the merits of Accusation No. 79/24-6831.

9 6. California Government Code section 11520(a) states, in pertinent part:

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

14 7. Pursuant to its authority under Government Code section 11520, the Director after  
15 having reviewed the proof of service dated March 28, 2025, signed by Ana Francisco, and USPS  
16 Track & Confirm Notice, finds Respondent is in default. The Director will take action without  
17 further hearing and, based on the relevant evidence contained in the Default Decision  
18 Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation  
19 No. 79/24-6381, are separately and severally, found to be true and correct by clear and  
20 convincing evidence.

### 21 **DETERMINATION OF ISSUES**

22 1. Based on the foregoing findings of fact, Respondent Brian Mejia Reyes, has subjected  
23 his Smog Check Inspector License No. EO 638732, to discipline.

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

25 3. The Director of the Department of Consumer Affairs is authorized to revoke  
26 Respondent's Automotive Repair Dealer Registration based upon the following violations alleged  
27 in the Accusation which are supported by the evidence contained in the Default Decision  
28 Investigatory Evidence Packet in this case:

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1           **(Violations of the Motor Vehicle Inspection Program) (Smog Check Inspector**  
2 **License—Respondent Reyes)**

3           Respondent Reyes’s Smog Check Inspector License is subject to disciplinary action  
4 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply  
5 with the following sections of that code:

6           a. **Section 44032:** Respondent Reyes failed to perform tests of emission control devices and  
7 systems of ten vehicles in accordance with Health and Safety Code section 44012.

8           b. **Section 44015, subdivision (b):** Respondent Reyes caused electronic smog certificates  
9 of compliance to be issued to ten vehicles without ensuring that they were properly tested and  
10 inspected to determine if they were in compliance with Health and Safety Code section 44012.

11           **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**  
12 **Program) (Smog Check Inspector License—Respondent Reyes)**

13           Moreover, Respondent Reyes’s Smog Check Inspector License is subject to disciplinary  
14 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that respondent  
15 Reyes failed to comply with provisions of California Code of Regulations, title 16, as follows:

16           a. **Section 3340.24, subdivision (c):** Respondent Reyes falsely or fraudulently issued  
17 electronic smog certificates of compliance to ten vehicles.

18           b. **Section 3340.30, subdivision (a):** Respondent Reyes failed to inspect and test ten  
19 vehicles in accordance with Health and Safety Code sections 44012 and 44035, and California  
20 Code of Regulations, title 16, section 3340.42.

21           c. **Section 3340.41, subdivision (c):** Respondent Reyes knowingly entered false  
22 information into the emissions inspection system for ten vehicles.

23           d. **Section 3340.42:** Respondent Reyes failed to ensure that the smog inspections conducted  
24 on ten vehicles were done in accordance with the bureau’s specifications.

25           **(Dishonesty, Fraud or Deceit) (Smog Check Inspector License—Respondent Reyes)**

26           Further, Respondent Reyes’s Smog Check Inspector License is subject to disciplinary  
27 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with  
28 Health and Safety Code section 44072.10, subdivision (c), in that respondent Reyes committed

1 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
2 certificates of compliance to the ten vehicles set forth in paragraphs 38–68 without performing  
3 bona fide inspections of the emission control devices and systems on those vehicles, thereby  
4 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
5 Inspection Program.

6  
7 **ORDER**

8 IT IS SO ORDERED that Smog Check Inspector License No. EO 638732, issued to  
9 Respondent Brian Mejia Reyes, is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
11 written motion requesting that the Decision be vacated and stating the grounds relied on within  
12 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
13 Bureau of Automotive Repair, ATTN: Patrick Lutfi, Bureau of Automotive Repair, 10949 N.  
14 Mather Blvd. Rancho Cordova, CA 95670.

15 The agency in its discretion may vacate the Decision and grant a hearing on a showing of  
16 good cause, as defined in the statute.

17 This Decision shall become effective on July 10, 2025.

18 It is so ORDERED July 7, 2025

19  
20 Signed Copy on File

21 GRACE ARUPO RODRIGUEZ  
22 Assistant Deputy Director  
23 Division of Legal Affairs  
24 Department of Consumer Affairs

25 67525940.docx  
26 DOJ Matter ID:LA2024604022

27 Attachment:  
28 Exhibit A: Accusation