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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:

Case No. 79/21-1491

13 **BRADLEY JOHN STEWART DBA JONES**
14 **AUTOMOTIVE REPAIR**
15 **2952 B Street**
Rosamond, CA 93560

DEFAULT DECISION AND ORDER AS
TO GEORGE ALLEN LETOSKY ONLY

16 **Automotive Repair Dealer Registration No.**
17 **ARD 291440**
Smog Check Station License No. RC 291440

[Gov. Code, §11520]

18 **and**

19 **GEORGE ALLEN LETOSKY**
20 **P.O. Box 804**
Rosamond, CA 93560

21 **Smog Check Inspector License No. EO**
22 **640116,**

23 Respondents.

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25 **FINDINGS OF FACT**
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27 1. On or about November 5, 2021, Complainant Patrick Dorais, in his official capacity
28 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed

1 Accusation No. 79/21-1491 against George Allen Letosky (Respondent Letosky) before the
2 Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

3 2. On or about March 13, 2017, the Bureau of Automotive Repair issued Smog Check
4 Inspector License Number EO 640116 to Respondent Letosky. The Smog Check Inspector
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on March 31, 2023, unless renewed.

7 3. On or about November 22, 2021, Respondent Letosky was served by Certified and
8 First Class Mail copies of the Accusation No. 79/21-1491, Statement to Respondent, Notice of
9 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
10 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
11 Professions Code section 136, is required to be reported and maintained with the Bureau.
12 Respondent Letosky's address of record was and is: P.O. Box 804, Rosamond, CA 93560.

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

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

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

21 6. The Bureau takes official notice of its records and the fact that Respondent failed to
22 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
23 waived his right to a hearing on the merits of Accusation No. 79/21-1491.

24 7. California Government Code section 11520(a) states, in pertinent part:

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

29 8. Pursuant to its authority under Government Code section 11520, the Director after
30 having reviewed the proof of service dated November 22, 2021, signed by Marie Armenakian,
31 finds Respondent is in default. The Director will take action without further hearing and, based

1 upon evidence provided by Complainant contained in the attached Default Decision Investigatory
2 Evidence packet, finds that the charges and allegations in Accusation, No. 79/21-1491 are
3 separately and severally found to be true and correct by a preponderance of the evidence.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Letosky has subjected his Smog
6 Check Inspector License No. EO 640116 to discipline.

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

8 3. The Director of the Department of Consumer Affairs is authorized to revoke
9 Respondent's Smog Check Inspector License based upon the following violations alleged in the
10 Accusation which are supported by the evidence contained in the Default Decision Investigatory
11 Evidence Packet in this case:

12 a. Violations of the Motor Vehicle Inspection Program under Health and Safety Code
13 section 44072.2, subdivision (a).

14 b. Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection
15 Program under Health and Safety Code section 44072.2, subdivision (c) in that he failed to
16 comply with the following provisions of California Code of Regulations, title 16: Section
17 3340.24, subdivision (c); Section 3340.30, subdivision (a); Section 3340.41, subdivision (c); and
18 Section 3340.42.

19 c. Dishonesty, Fraud or Deceit, pursuant to Health and Safety Code section 44072.2,
20 subdivision (d).

21 **ORDER**

22 IT IS SO ORDERED that Smog Check Inspector License No. EO 640116, issued to
23 Respondent George Allen Letosky, is revoked.

24 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
25 written motion requesting that the Decision be vacated and stating the grounds relied on within
26 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
27 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd. Rancho
28

1 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on
2 a showing of good cause, as defined in the statute.

3 This Decision shall become effective on April 4, 2022.

4 It is so ORDERED March 23, 2022

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6 
7 GRACE ARUPO RODRIGUEZ
8 Assistant Deputy Director
9 Division of Legal Affairs
10 Department of Consumer Affairs

11 64875285.DOCX
12 DOJ Matter ID:LA2021602705

13 Attachment:
14 Exhibit A: Accusation
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