

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

In the Matter of the Accusation Against:

SHANA LEE TUCKER

P.O. Box 97

Isleton, CA 95641

Smog Check Inspector License No. EO 640693

Respondent.

Case No. 79/21-8671

OAH No. 2022040504

DECISION

The attached Stipulated Settlement and Disciplinary Order 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 August 10, 2022.

DATED: June 22, 2022 

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

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

Case No. 79/21-8671

14 **SHANA LEE TUCKER**
15 **P.O. Box 97**
Isleton, CA 95641

OAH No. 2022040504

16 **Smog Check Inspector License No. EO**
640693

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Respondent.
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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
24 brought this action solely in his official capacity and is represented in this matter by Rob Bonta,
25 Attorney General of the State of California, by Sheila Vasantharam, Deputy Attorney General.

26 2. Respondent Shana Lee Tucker is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.
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3. On or about October 30, 2017, the Bureau of Automotive Repair (Bureau) issued Smog Check Inspector License No. EO 640693 to Shana Lee Tucker (Respondent). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/21-8671, and will expire on October 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 79/21-8671 was filed before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 1, 2022. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 79/21-8671 is attached as Exhibit A and incorporated by reference.

~~ADVICE AND WAIVERS~~

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 79/21-8671. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/21-8671.

10. Respondent agrees that her Smog Check Inspector License is subject to discipline and the Bureau's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 640693 issued to Respondent Shana Lee Tucker (Respondent) is revoked. However, the revocation is stayed and

Respondent is placed on probation for three (3) years on the following terms and conditions:

1. **Obey All Laws.** During the period of probation, Respondent shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by Respondent.

2. **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.

3. **Report Financial Interests.** Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any Respondent or any partners, officers, or owners of any Respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

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

5. **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

1 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
2 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
3 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

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

13 **7. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$4,560.00
14 for the reasonable costs of the investigation and enforcement of case No. 79/21-8671.
15 Respondent shall make such payment as follows: 30 equal monthly payments of \$152.00
16 beginning on the effective date of the Bureau's decision. Full payment to be completed no later
17 than six (6) months before probation terminates. Respondent shall make payment by check or
18 money order payable to the Bureau of Automotive Repair and shall indicate on the check or
19 money order that it is for cost recovery payment for case No. 79/21-8671. Any order for payment
20 of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not
21 terminate until full cost recovery payment has been made. BAR reserves the right to pursue any
22 other lawful measures in collecting on the costs ordered and past due, in addition to taking action
23 based upon the violation of probation.

24 **8. Completion of Probation.** Upon successful completion of probation, Respondent's
25 affected license will be fully restored or issued without restriction, if Respondent meets all current
26 requirements for licensure and has paid all outstanding fees, monetary penalties, or cost recovery
27 owed to BAR.

28 **9. Training Course.** During the period of probation, Respondent shall attend and

1 successfully complete a BAR-specified and -approved training course in inspection, diagnosis
2 and/or repair of emission systems failures and engine performance, applicable to the class of
3 license held by the Respondent. Respondent shall provide to the Bureau proof of enrollment in
4 the course within 30 days of the effective date of the decision, and proof of successful course
5 completion within 180 days of the effective date of the decision. Failure to provide proof of
6 enrollment and/or successful course completion to the Bureau within the timeframes specified
7 shall constitute a violation of probation, and Respondent shall be prohibited from issuing any
8 certificate of compliance or noncompliance until such proof is received.

9 **10. Notification to Employer** - When performing services that fall within the scope of
10 his or her license, Respondent shall provide each of her current or future employers a copy of the
11 decision and the underlying Accusation before commencing employment. Notification to
12 Respondent's current employer shall occur no later than the effective date of the decision.
13 Respondent shall submit to BAR, upon request, satisfactory evidence of compliance with this
14 term of probation.

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

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2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect thereof. I agree to the terms of the stipulation and the effect thereof. I agree to the terms of the stipulation and the effect thereof.

to be bound by the Decision and Order of the Director of the Department of Consumer Affairs

DATED: 6/9/22

SHEILA VASANTHARAM
Resubmission

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

DATED:

Respectfully submitted,

DIANN SOKOLOFF
Supervising Deputy Attorney General

SHEILA VASANTHARAM
Deputy Attorney General
Attorney for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Smog Check Inspector License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs

DATED: _____

SHANA LEE TUCKER
Respondent

ENDORSEMENT

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

DATED: June 9, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SHEILA VASANTHARAM
Deputy Attorney General
Attorneys for Complainant

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