

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

In the Matter of the Accusation Against:

BLANCA LILIAN RIVAS, OWNER, dba DTLA SMOG CHECK

210 E. 16th Street

Los Angeles, CA 90015

Mailing Address:

10711 S. Hoover St.

Los Angeles, CA 90044

Automotive Repair Dealer Registration No. ARD 288784

Smog Check Test Only Station License No. TC 288784

DARIO ALEXANDER RAMIREZ

21161 Nandina Rd.

Apple Valley, CA 92308

Smog Check Inspector No. EO 636074

JOSSUE BALTAZAR RAMIREZ

807 E. 9th Street

Los Angeles, CA 90002

Smog Check Inspector No. EO 640836

Respondents.

Case No. 79/20-13442

DECISION

The attached Stipulated Settlement and Disciplinary Order as to respondent Jossue Baltazar Ramirez 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 NOV 19 2021.

DATED: Oct. 13, 2021 

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

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 VIVIAN CHO
Deputy Attorney General
4 State Bar No. 293773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant
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8 **BEFORE THE**
9 **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. 79/20-13442

14 **BLANCA LILIAN RIVAS, OWNER, DBA**
15 **DTLA SMOG CHECK**
210 E. 16th Street
Los Angeles, CA 90015

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT JOSSUE BALTAZAR
RAMIREZ ONLY

16 Mailing Address:
17 10711 S Hoover St
Los Angeles, CA 90044

18 Automotive Repair Dealer Registration No.
19 ARD 288784
20 Smog Check, Test Only, Station License No.
TC 288784

21 **DARIO ALEXANDER RAMIREZ**
21161 Nandina Rd
22 Apple Valley, CA 92308

23 Smog Check Inspector License No. EO 636074

24 **JOSSUE BALTAZAR RAMIREZ**
807 E 95th St
25 Los Angeles, CA 90002

26 Smog Check Inspector License No. EO 640836

27 Respondents.
28

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

3 **PARTIES**

4 1. Patrick Dorais (“Complainant”) is the Chief of the Bureau of Automotive Repair
5 (“Bureau”). He brought this action solely in his official capacity and is represented in this matter
6 by Rob Bonta, Attorney General of the State of California, by Vivian Cho, Deputy Attorney
7 General.

8 2. Respondent Jossue Baltazar Ramirez (“Respondent”) is represented in this proceeding
9 by attorney Frank C. Burcculeri, whose address is 24341 La Hermosa Ave., Laguna Niguel,
10 California 92677.

11 3. On or about January 5, 2018, the Bureau issued Smog Check Inspector License
12 Number EO 640836 to Respondent. The Smog Check Inspector License was in full force and
13 effect at all times relevant to the charges brought herein and will expire on September 30, 2023,
14 unless renewed.

15 **JURISDICTION**

16 4. Accusation No. 79/20-13442 was filed before the Director of the Department of
17 Consumer Affairs (“Director”), and is currently pending against Respondent. The Accusation and
18 all other statutorily required documents were properly served on Respondent on August 19, 2021.
19 Respondent timely filed his Notice of Defense contesting the Accusation.

20 5. A copy of Accusation No. 79/20-13442 is attached as exhibit A and incorporated
21 herein by reference.

22 **ADVISEMENT AND WAIVERS**

23 6. Respondent has carefully read, fully discussed with counsel, and understands the
24 charges and allegations in Accusation No. 79/20-13442. Respondent has also carefully read, fully
25 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
26 Order.

27 7. Respondent is fully aware of his legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
2 to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other rights
4 accorded by the California Administrative Procedure Act and other applicable laws.

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

7 **CULPABILITY**

8 9. Respondent understands and agrees that the charges and allegations in Accusation No.
9 79/20-13442, if proven at a hearing, constitute cause for imposing discipline upon his Smog Check
10 Inspector License.

11 10. For the purpose of resolving the Accusation without the expense and uncertainty of
12 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
13 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
14 those charges.

15 11. Respondent agrees that his Smog Check Inspector License is subject to discipline and
16 he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order
17 below.

18 **CONTINGENCY**

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

1 probation, report any financial interest which any Respondent or any partners, officers, or owners
2 of any Respondent facility may have in any other business required to be registered pursuant to
3 Section 9884.6 of the Business and Professions Code.

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

17 **6. 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 heard
19 may set aside the stay order and carry out the disciplinary order provided in the decision. Once
20 Respondent is served notice of the Bureau'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 **7. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
23 a current and active registration and/or license(s) with the Bureau, including any period during
24 which suspension or probation is tolled. If Respondent's registration or license is expired at the
25 time the decision becomes effective, the registration or license must be renewed by Respondent
26 within 30 days of that date. If Respondent's registration or license expires during a term of
27 probation, by operation of law or otherwise, then upon renewal Respondent's registration or license
28 shall be subject to any and all terms and conditions of probation not previously satisfied. Failure

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

3 8. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$1996.75 for
4 the reasonable costs of the investigation and enforcement of case No. 79/20-13442. Respondent
5 shall make such payment in 48 equal monthly payments. Any agreement for a scheduled payment
6 plan shall require full payment to be completed no later than six (6) months before probation
7 terminates. Respondent shall make payment by check or money order payable to the “Bureau of
8 Automotive Repair” and shall indicate on the check or money order that it is for cost recovery
9 payment for case No. 79/20-13442. Any order for payment of cost recovery shall remain in effect
10 whether or not probation is tolled. Probation shall not terminate until full cost recovery payment
11 has been made. The Bureau reserves the right to pursue any other lawful measures in collecting on
12 the costs ordered and past due, in addition to taking action based upon the violation of probation.

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

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

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

3 **11. Notification to Employer** - When performing services that fall within the scope of his
4 license, Respondent shall provide each of his current or future employers a copy of the decision
5 and the underlying Accusation before commencing employment. Notification to Respondent's
6 current employer shall occur no later than the effective date of the decision. Respondent shall
7 submit to the Bureau, upon request, satisfactory evidence of compliance with this term of
8 probation.

9 **ACCEPTANCE**

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Frank C. Brucculeri. I understand the stipulation and the effect it
12 will have on my Smog Check Inspector License. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Director of the Department of Consumer Affairs.

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16
17 DATED: September 28, 2021

Signature on file

18 JOSSUE BALTAZAR RAMIREZ
Respondent

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20
21 I have read and fully discussed with Respondent Jossue Baltazar Ramirez the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

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25
26 DATED: September 28, 2021

Signature on File

27 FRANK C. BRUCCULERI, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: September 30, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

Signature on File
VIVIAN CHO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/20-13442

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
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807 E 95th St
Los Angeles, CA 90002

Smog Check Inspector License No. EO 640836

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau of Automotive Repair as the Decision and Order in the above entitled matter.

This Decision shall become effective on _____.

It is so ORDERED _____.

FOR THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR