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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 **JUAN CARLOS GUERRERO JR.**
14 **DBA 502 SMOG CHECK**
15 **11903 Washington Blvd**
16 **Whittier, CA 90606**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 302210**
19 **Smog Check, Test Only Station License No.**
20 **TC 302210,**

21 **ALEJANDRO MORONES MAGDALENO**
22 **2228 E. Lizbeth Ct.**
23 **Anaheim, CA 92806**

24 **Smog Check Inspector License No. EO**
25 **644033**

26 **ALFONSO ALEXZANDER ROMAN**
27 **23698 David Ln, #A**
28 **Moreno Valley, CA 92557**

Smog Check Inspector License No. EO
641441

VICTOR M ZERMENO
8666 Lake Ashere Drive, Apt. #136
San Diego, CA 92119

Smog Check Inspector License No. EO
641442

Case No. 79/23-13828

OAH No. 2024080233

DEFAULT DECISION AND ORDER
ONLY AS TO RESPONDENT VICTOR
M ZERMENO [EO 641442]

[Gov. Code, §11520]

JUAN CARLOS MIRANDA
17510 S. Figueroa St.
Gardena, CA 90248

Mailing Address
356 W. Maple St.
Compton, CA 90220

Smog Check Inspector License No. EO
644218

WILLIAM ANTONIO HERNANDEZ
5018 1/2 S. Harvard Blvd
Los Angeles, CA 90062

Smog Check Inspector License No. EO
641783

Respondents.

FINDINGS OF FACT

1. On or about May 3, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/23-13828 against Victor M Zermeno (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about October 5, 2018, the Bureau of Automotive Repair (Bureau) issued Smog Check Inspector License No. EO 641442 to Respondent. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/23-13828 and will expire on February 28, 2027, unless renewed.

3. On or about May 8, 2024, Respondent was served with Accusation No. 79/23-13828.

4. On or about June 6, 2024, Respondent signed and returned a Notice of Defense, requesting a hearing in this matter.

5. On or about February 3, 2025, a Notice of Continued Hearing was served by mail at Respondent's address of record which was and is:

8666 Lake Ashere Drive, Apt. #136

San Diego, CA 92119.

1 Also on or about February 3, 2025, a Notice of Continued Hearing was served by mail on
2 Respondent's then attorney, James T. Imperiale, at the following address:
3 131 West Fir Street
4 San Diego, CA 92101.

5 The Notice of Continued Hearing informed Respondent and his then attorney that an
6 administrative hearing in this matter was scheduled for June 23-25, 2025.

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

9 7. The matter was called for hearing at the date, time and location set forth in the Notice
10 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
11 Continued Hearing on Respondent was proper. There was no appearance by or on behalf of
12 Respondent. A default was declared and on motion of counsel for Complainant, the matter was
13 remanded to the Bureau under Government Code section 11520.

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

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

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

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

25 10. Pursuant to its authority under Government Code section 11520, the Director after
26 having reviewed the proof of service dated May 8, 2024, signed by Janice Park, finds Respondent
27 is in default. The Director will take action without further hearing and, based on the relevant
28 evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds
that the charges and allegations in Accusation No. 79/23-13828, are separately and severally,
found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Victor M Zermeno has subjected his Smog Check Inspector License No. EO 641442 to discipline.

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

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

a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with Health and Safety Code section 44032 [failure to perform tests of emission control devices in accordance with Health and Safety Code section 44012] and 44015, subdivision (b) [causing electronic smog certificates of compliance to be issued for vehicles without ensuring that they were properly tested and inspected];

b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with California Code of Regulations, title 16, sections 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of compliance]; 3340.30, subdivision (a) [failure to inspect and test vehicles in accordance with Health and Safety Code sections 44012 and 44035, and CCR section 3340.42]; 3340.41, subdivision (c) [knowingly entering false information into the emissions inspection system]; and 3340.42 [failure to ensure that required smog tests were conducted in accordance with Bureau specifications]; and

c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c) [dishonest, fraudulent, or deceitful acts whereby another was injured].

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ORDER

IT IS SO ORDERED that Smog Check Inspector License No. EO 641442, issued to Respondent Victor M Zermeno, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Boulevard, Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 1, 2025.

It is so ORDERED November 19, 2025

Signed copy on file

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

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DOJ Matter ID:LA2024600381

Attachment:
Exhibit A: Accusation