

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

In the Matter of the Accusation Against:

JUAN CARLOS GUERRERO JR. dba 502 SMOG CHECK

11903 Washington Blvd.

Whittier, CA 90606

Automotive Repair Dealer Registration No. ARD 302210

Smog Check Test Only Station License No. TC 302210

ALEJANDRO MORONES MAGDALENO

2228 E. Lizbeth Ct.

Anaheim, CA 92806

Smog Check Inspector License No. EO 644033

ALFONSO ALEXZANDER ROMAN

23698 David Ln. #A

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

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 ½ S. Harvard Blvd.

Los Angeles, CA 90062

Smog Check Inspector License No. EO 641783

Respondents.

Case No. 79/23-13828

OAH No. 2024080233

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
accepted and adopted by the Director of the Department of Consumer Affairs as the

Decision in the above-entitled matter, with the following technical edits pursuant to Government Code section 11517, subdivision (c)(2)(C):

- Page 16, introduction paragraph to the order, is corrected to “... License No. EO 641783, issued to respondent William Antonio Hernandez,....”

This Decision shall be effective on December 24, 2025.

IT IS SO ORDERED November 20, 2025.

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

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Smog Check Inspector License No. EO 641441**

**VICTOR M. ZERMENO,
Smog Check Inspector License No. EO 641442**

**JUAN CARLOS MIRANDA,
Smog Check Inspector License No. EO 644218**

and

WILLIAM ANTONIO HERNANDEZ,
Smog Check Inspector License No. EO 641783

Respondents.

Agency Case No. 79/23-13828

OAH No. 2024080233

PROPOSED DECISION

Administrative Law Judge Mario M. Choi, State of California, Office of Administrative Hearings, heard this matter on September 3 and 4, 2025, by videoconference.

Deputy Attorney General M. Travis Peery represented complainant Patrick Dorais, Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

Attorney Frank C. Brucculeri represented respondents William Antonio Hernandez and Alejandro Morones Magdaleno. Respondent Magdaleno agreed to a stipulated settlement and the matter against him was taken off calendar.

Respondents Juan Carlos Guerrero Jr., doing business as 5O2 Smog Check, and Alfonso Alexzander Roman did not file a notice of defense. These respondents have waived their rights to a hearing in this matter. (Gov. Code, § 11506.)

Respondents Victor M. Zermeno and Juan Carlos Miranda, and/or their representatives, did not make an appearance at hearing. Counsel for complainant

moved for a default judgment and remand of the matter as against these respondents. Default judgment was entered against these respondents. (Gov. Code, § 11520.)

The record closed and the matter was submitted for decision on September 4, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. On March 18, 2019, the Bureau of Automotive Repair (Bureau) issued Smog Check Inspector License (Inspector License) No. EO 641783 to respondent William Antonio Hernandez. The Inspector License was in full force and effect at all times relevant to the accusation and is set to expire on December 31, 2026, unless renewed. There is no prior license discipline against this license.

2. On May 3, 2024, acting in his official capacity as the Chief of the Bureau, complainant Patrick Dorais filed the accusation against respondent Hernandez and five other respondents. The respondents other than respondent Hernandez either failed to file a notice of defense, failed to appear at hearing, or agreed to a settlement. Accordingly, this hearing proceeded only against respondent Hernandez, as to the nineteenth, twentieth, and twenty-first causes for discipline. Complainant alleges that respondent failed to perform a test of an emission control device and system but certified that a vehicle passed smog check inspection and was in compliance with applicable laws and regulations, issued a false or misleading electronic smog certificate of compliance, and committed an act involving dishonesty, fraud or deceit. Complainant alleges that the act committed by respondent constitutes cause to

discipline respondent's license. Complainant also seeks the costs of investigation and enforcement in this matter.

3. Respondent filed a timely notice of defense, and this proceeding followed.

Clean Plugging

4. California's Smog Check Program requires most motor vehicles in California to take and pass a smog check inspection and receive a certificate of compliance every two years when their registrations are renewed and also when a vehicle's title is transferred.

5. Since 2015, smog check inspections of 2000 model year and newer gas-powered vehicles and 1998 and newer diesel vehicles are performed pursuant to the Bureau's On Board Diagnostic Inspection System (OIS) inspection protocol. Prior to May 2023, a technician was required to input his or her license information and a confidential passcode to verify that the technician was the person performing the inspection. Since May 2023, a biometric palm scanner is used to scan the technician's palm to verify that the technician is the individual performing the inspection. A bar code scanner is used to input the vehicle identification number (VIN) and renewal information from the Department of Motor Vehicles (DMV).

The OIS protocol requires that the on-board diagnostic (OBD) system of the vehicle being tested be connected to the Bureau's database by means of a data acquisition device (DAD). Through the DAD, vehicles transmit their electronic VIN and a communication protocol, which is the manufacturer's specific "language" that is programmed into a vehicle to relay information about the vehicle. A parameter identification (PID) count is also transmitted. The PID count is the number of data

points reported by the vehicle's computer. Examples of PIDs include the engine speed in revolutions per minute (RPM), the throttle position as measured by a throttle position sensor, the manifold absolute pressure as measured by a manifold air pressure sensor, and the mass air flow as measured by a mass air flow sensor.

As part of the OIS protocol, the technician is required to confirm that the inputted VIN is correct and matches the vehicle being tested. The technician also performs visual and functional tests on the vehicle as outlined in the Bureau's Smog Check Manual. The visual inspection of the emission control components verifies the required emission control devices are present and properly connected. A functional test is performed of the malfunction indicator light. The OIS software determines whether a vehicle passes based on the results of the OBD, visual, and functional tests.

6. If a vehicle passes inspection, a certificate of compliance and a vehicle inspection report (VIR) are issued. The information from the smog check inspection is transmitted to the Bureau's Vehicle Information Database (VID), and the inspector is required to certify under penalty of perjury that the inspector performed the inspection in accordance with Bureau requirements and that the information listed was true and accurate.

7. The Bureau can access the VID to review test data on smog check inspections performed at any smog check station, or to search for, retrieve, and print a test record for a particular vehicle which has been tested. The VID has an internal clock that records the time and date for each inspection. If a vehicle passes inspection, the vehicle information and tests results are also electronically transmitted to the DMV.

8. Clean plugging is the illegal practice of using another vehicle's OBD system, or another "defeat device," during the OBD portion of a smog inspection to

generate passing data readings or diagnostic information for the purpose of issuing a certificate of compliance to a vehicle that is not in smog compliance and/or is not being tested.

Investigation

9. Oran Medina, currently the Automotive Program Supervisor of the South El Monte Field Office, was a Program Representative II (Specialist) for the Bureau at that time of his investigation into the facility known as 5O2 Smog Check, where respondent had been employed. Medina testified at hearing about his investigation and about the report he wrote.

10. On August 2, 2023, Medina conducted a review of the VID data for the smog check inspections performed from January 27, 2023, through August 14, 2023, at 5O2 Smog Check. In reviewing that data, Medina observed vehicles being certified despite the fact that the data transmitted during those inspections included information and PID counts that did not match the expected data. He detailed his findings in an investigation report dated August 22, 2023.

11. Medina testified that he discovered instances of clean plugging that occurred at the facility. In his review of 5O2 Smog Check, Medina confirmed 14 instances of clean plugging based on the PID information found on the Bureau's VID. Only one instance, involving a 2001 Toyota Sienna LE, involved respondent.

12. Medina explained the data he expected to find from a vehicle's PIDs while a vehicle was being tested. As part of the inspection, the technician causes the vehicle to accelerate. For a vehicle's engine speed to increase, its throttle would have to be opened in order to increase airflow through the engine. Increasing the throttle position increases the engine's speed. In turn, there would be corresponding changes

to the mass air flow and manifold absolute pressure. This information would be transmitted to the Bureau's database through the DAD.

13. In each of the 14 instances Medina reviewed, while the engine speed changed, the reading for the throttle position remained fixed, as were the readings for mass air flow and manifold absolute pressure. Medina explained that these discrepancies demonstrated that a defeat device was likely used to create vehicle information and/or that the DAD was not connected to the vehicle being certified. In the instance with the 2021 Toyota Sienna LE, Medina testified that respondent issued a certification of compliance and VIR for the vehicle on January 27, 2023, even though the readings were not consistent with what a typical vehicle would do.

14. Medina testified that inspectors would generally engage in clean plugging for financial reasons, stating that he has seen inspection costs of as much as \$500 to clean plug a vehicle. Medina did not, however, review any other data concerning the 2021 Toyota Sienna LE or interview the vehicle's owner. Medina also did not investigate or conduct any surveillance of 5O2 Smog Check or of respondent. He is not aware of any consumer complaints against respondent. Medina did not meet with or interview respondent and did not find another instance in which respondent had allegedly clean plugged a vehicle.

Respondent's Evidence

15. Respondent testified that he completed three months of coursework, engaged in three months of hands-on experience, and took and passed examinations to obtain his Inspector License.

16. Respondent is the sole source of income for his family, which includes his wife and three daughters. At the time of hearing, he was not working, stating that it

has been difficult finding permanent work. He has worked at a number of different smog check facilities.

17. Respondent does not recall working at 5O2 Smog Check the day the 2001 Toyota Sienna LE was inspected, although he would have been the only person there because 5O2 Smog Check was not a "high volume" shop. He testified that he would have put down his badge on the smog testing device, which listed his Inspector License number, but he would not have provided his access code to anyone. Respondent stated that he regularly changes his access code for security reasons.

18. Respondent testified credibly that he does not recall smog checking the 2021 Toyota Sienna LE, explaining that he has smog checked many similar cars and could not keep track of the vehicles he has inspected. Respondent reported that, similar to "putting on clothes," he does the same thing "over and over" when he smog checks a vehicle: he greets the customer, obtains a signature for the smog check, performs the smog check, and gets paid the service fee if the vehicle passes inspection. Respondent explained that he was paid an hourly rate at 5O2 Smog Check, and other than maybe a tip, he did not receive any additional funds for his services.

19. Respondent credibly and persuasively explained that he does not always know which cars have been "flashed and tuned" (modified or altered). Although he pays attention to details, including that he may find a defeat device in a vehicle, respondent testified that he does not know which vehicles have been modified. Respondent testified his belief that smog check inspectors are "getting penalized" for unknowingly inspecting and passing modified vehicles.

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Ultimate Findings

20. The information uploaded to the Bureau's VID concerning the 2001 Toyota Sienna LE was false, and a defeat device was likely used to create false vehicle information for the vehicle. Respondent's Inspector License number was attached to the testing of that vehicle, and a false certificate of compliance and VIR were issued to the vehicle's owner.

21. The evidence does not support the required inferential leap between the information provided from the vehicle to the Bureau and respondent's knowing participation in clean plugging. The evidence does not establish whether respondent knew that he clean plugged the vehicle or whether there was a defeat device in the vehicle at the time respondent performed the smog check. The evidence instead shows that while respondent performs smog checks in accordance with Bureau regulations and procedures, this may have been a situation where the vehicle was altered but was not caught by respondent.

Costs

22. Complainant incurred \$3,997.60 in investigation costs and \$18,051.25 in enforcement costs to prosecute this accusation, for a total of \$22,048.85. These costs are supported by certifications that describe the tasks performed, time spent on each task, and method of calculating the cost, in compliance with the requirements of California Code of Regulations, title 1, section 1042. In the absence of any evidence to the contrary, these costs are found to be reasonable.

23. However, the investigation of this matter involves 14 vehicles, only one of which involved respondent, while the enforcement costs concern six individuals. It would not be reasonable for respondent to bear the entire amount of investigation

and enforcement costs in this matter. The investigation costs will be divided among the 14 vehicles, and the enforcement costs will be divided among the six individuals. Respondent is allocated \$285.54 in investigation costs and \$3,008.54 in enforcement costs, for a total of \$3,294.08.

LEGAL CONCLUSIONS

1. Complainant bears the burden of proof in this proceeding, and the standard of proof is a preponderance of the evidence. (*Imports Performance v. Dept. of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th911.)

Causes for Discipline

VIOLATIONS OF THE MOTOR VEHICLE INSPECTION PROGRAM (NINETEENTH CAUSE FOR DISCIPLINE)

2. The Director of the Department of Consumer Affairs may discipline respondent's Inspector License where respondent has violated any laws concerning the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (a).)¹ The accusation alleges that respondent violated sections 44032 and 44015, subdivision (b).

3. Only qualified smog check technicians may perform "tests or repairs of emission control devices or systems of motor vehicles." (§ 44032.) These tests or repairs must be performed at a licensed smog check station and in accordance with

¹ All subsequent statutory references are to the Health and Safety Code, unless otherwise stated.

section 44012. (*Ibid.*) Section 44015, subdivision (b), provides that a certificate of compliance will be issued if the vehicle meets the requirements of section 44012. Section 44012 provides that tests "shall be performed in accordance with procedures prescribed by the department."

4. Although there is evidence that the vehicle inspected by respondent was clean plugged (Factual Finding 20), complainant has not demonstrated by a preponderance of the evidence that respondent did not inspect the vehicle in accordance with the procedures prescribed by the Bureau. (Factual Finding 21.) Thus, complainant has not demonstrated by a preponderance of the evidence that respondent violated section 44012. In turn, complainant has not demonstrated by a preponderance of the evidence that respondent violated sections 44032 and 44015, subdivision (b). Accordingly, cause for discipline has not been established for violating section 44072.2, subdivision (a).

FAILURE TO COMPLY WITH REGULATIONS PURSUANT TO THE MOTOR VEHICLE INSPECTION PROGRAM (TWENTIETH CAUSE FOR DISCIPLINE)

5. Section 44072.2, subdivision (c), provides that the Director may discipline respondent's license where respondent has violated regulations adopted pursuant to the Motor Vehicle Inspection Program. Complainant alleges that respondent violated California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.30, subdivision (a), 3340.41, subdivision (c), and 3340.42.

6. California Code of Regulations, title 16, section 3340.24, subdivision (c), provides that the Bureau may suspend or revoke a license if the licensee falsely or fraudulently issues a certificate of compliance. Respondent issued a false certificate of

compliance. (Factual Finding 20.) Cause for discipline has been established under section 44072.2, subdivision (c).

7. California Code of Regulations, title 16, section 3340.30, subdivision (a), provides that a licensed smog check inspector must comply with inspecting, testing and reporting vehicles in accordance with sections 44012 and 44035, and with California Code of Regulations, title 16, section 3340.42. For the reasons set forth in Factual Finding 21, and Legal Conclusions 4 and 9, complainant has not demonstrated by a preponderance of the evidence that respondent did not comply with sections 44012 and 44035, or with California Code of Regulations, title 16, section 3340.42. Cause for discipline has not been established under section 44072.2, subdivision (c).

8. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides that an inspector shall enter the correct vehicle identification information and emission control system identification data for the tested vehicle into the OIS. Further, the inspector cannot enter "any false information about the vehicle being tested" into the OIS. For the reasons stated in Factual Finding 21, complainant has not shown by a preponderance of the evidence that respondent entered false information about the tested vehicle into the OIS. Cause for discipline has not been established under section 44072.2, subdivision (c).

9. California Code of Regulations, title 16, section 3340.42, provides that vehicles will be tested as prescribed by the Smog Check Manual, as referenced by California Code of Regulations, title 16, section 3340.45. Although there is evidence that the vehicle inspected by respondent was clean plugged, complainant has not demonstrated by a preponderance of the evidence that respondent failed to test the vehicle according to the Smog Check Manual. (Factual Findings 20–21.) Cause for discipline has not been established under section 44072.2, subdivision (c).

DISHONESTY, FRAUD OR DECEIT (TWENTY-FIRST CAUSE FOR DISCIPLINE)

10. Section 44072.2, subdivision (d), provides that the Director may discipline respondent's license if respondent has committed any act involving dishonesty, fraud, or deceit whereby another is injured. Acts of fraud require knowledge. (*Small v. Fritz Companies, Inc.* (2003) 30 Cal.4th 167, 173.) Deceit may or may not require knowledge of committing the illegal act. (*Ibid.*)

Complainant has not demonstrated that there was fraud because there is no evidence that respondent knew that he clean plugged the 2001 Toyota Sienna LE. (Factual Finding 21.) Respondent nonetheless committed an act of deceit when he issued the false certification of compliance for the vehicle. (Factual Finding 20.) Thus, cause for discipline has been established under section 44072.2, subdivision (d).

11. Section 44072.10, subdivision (c), provides that a smog check inspector license "shall be revoked" where the licensee "fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles." Complainant has not established by a preponderance of the evidence that respondent knew that he fraudulently certified the 2001 Toyota Sienna LE or that he participated in fraudulently inspecting vehicles. (Factual Finding 21.) Cause for discipline was not established under section 44072.10, subdivision (c).

Other Matters

12. The Director may revoke or suspend any additional license issued in the name of the licensee if respondent's Inspector License is revoked or suspended. (§ 44072.8.)

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Determination of Discipline

13. In exercising its licensing and disciplinary functions, the Bureau's highest priority is the protection of the public. (Bus. & Prof. Code, § 9880.3.) The purpose of license discipline is protection of the public through the prevention of future harm, and the improvement and rehabilitation of the licensee. (*Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 772.) The Bureau's Guidelines for Disciplinary Orders and Terms of Probation (Guidelines) (rev. 6/2021) (Cal. Code Regs., tit. 16, § 3395.4), as well as any factors in aggravation and in mitigation, have been considered in reaching the determination of the appropriate discipline.

14. Respondent issued a false certificate of compliance concerning one vehicle. However, he has never been cited or disciplined, and there was no evidence presented that respondent did or would knowingly commit a violation of the laws and regulations concerning Motor Vehicle Inspection Program. There is also no evidence that respondent did or would engage in activities that would contravene motor vehicle inspection procedures or the Smog Check Manual.

15. In view of the entire evidentiary record, it would be unnecessarily punitive and inappropriate to revoke respondent's Inspector License. Instead, placing respondent on probation would adequately protect the public and would promote improvement and rehabilitation of respondent.

Under the Guidelines, a two-year term of probation is recommended for a violation of section 44072.2, subdivision (c). For a violation of section 44072.2, subdivision (d), a recommended term of probation is five years. Given the evidentiary record, placing respondent's license on probation for five years would also be unnecessarily punitive. Instead, placing respondent's Inspector License on probation

for three years, and requiring him to take a training course, will be adequate for public protection and to promote respondent's rehabilitation.

Costs

16. The Bureau is authorized to recover its reasonable costs for the investigation and enforcement of the case. (Bus. & Prof. Code, § 125.3.) In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court set forth standards for determining whether costs should be assessed in the particular circumstances of each case, to ensure that licensees with potentially meritorious claims are not deterred from exercising their right to an administrative hearing. Those standards include whether the licensee has been successful at hearing in getting the charges dismissed or reduced, the licensee's good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

As set forth in Factual Findings 22 and 23, the total reasonable costs in this matter against respondent are \$3,294.08. Respondent was successful in defending against certain causes for discipline and reducing the requested discipline. Also taking into consideration respondent's employment situation and family obligations, respondent's costs will be reduced by 50 percent, to \$1,647.04.

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ORDER

Smog Check Inspector License No. EO 6417823, issued to respondent William Anthonio Hernandez, is revoked. The revocation is stayed, and respondent is placed on probation for three years on the following terms and conditions.

1. Obey All Laws

During the period of probation, respondent shall comply with all federal statutes, regulations and rules governing all Bureau 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 the Bureau on a schedule set by the Bureau, 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 the Bureau 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.

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4. Access to Examine Vehicles and Records

Respondent shall provide Bureau representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide Bureau representatives unrestricted access to all records pursuant to Bureau laws and regulations.

5. 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 the Bureau 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.

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

7. Maintain Valid License

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

8. Cost Recovery

Respondent shall pay the Bureau of Automotive Repair \$1,647.04 for the reasonable costs of the investigation and enforcement. Respondent shall make such payment on an agreed-upon schedule. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six (6) months before probation terminates. Respondent shall make payment by check or money order

payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for this matter. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. The Bureau reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

9. Completion of Probation

Upon successful completion of probation, respondent's affected license will be fully restored or issued without restriction, if respondent meets all current requirements for licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to the Bureau.

10. License Surrender

Following the effective date of a decision that orders a stay of invalidation or revocation, if respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, respondent may request that the stay be vacated. Such request shall be made in writing to the Bureau. The Director and the Bureau Chief reserve the right to evaluate respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision.

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Respondent may not petition the Director for reinstatement of the surrendered license nor apply for a new registration or license under the jurisdiction of the Bureau at any time before the date of the originally scheduled completion of probation. If respondent applies to BAR for a registration or license at any time after that date, Respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to the Bureau and left outstanding at the time of surrender.

11. Training Course

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

(b) Within 180 days of the effective date of the decision, respondent shall submit to the Bureau satisfactory evidence of completion of a laws and regulations training course that meets the following requirements:

(1) The course shall be instructor-led, in a classroom or online setting, and shall include instruction on registrant or licensee compliance with the laws and regulations related to the following areas:

- (A) Estimate Requirements
- (B) Customer Authorization
- (C) Invoice Requirements
- (D) Accepted Trade Standards
- (E) Sublet Repair
- (F) Return of Parts
- (G) Advertising Requirements
- (H) Guarantees and Warranties
- (I) Maintenance of Records

(2) The course shall include an examination to verify the respondent can apply the laws and regulations in daily automotive repair transactions.

(3) The course shall have a minimum of eight hours of dedicated time to instruction and examination, where examination time shall be between 30 minutes to an hour.

(4) The course shall require a minimum score of 70 percent on the examination to provide proof of completion.

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12. Notification to Employer

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

DATE: 09/22/2025

Signed Copy on File

MARIO M. CHOI

Administrative Law Judge

Office of Administrative Hearings