

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

In the Matter of the Accusation Against:

**MICHAEL G. TEWELDE dba TM SMOG CHECK**

1075 A. Santa Rosa Avenue

Santa Rosa, CA 95407

Mailing Address:

1597 Park Way Drive

Rohnert Park, CA 94928

Automotive Repair Dealer Registration No. ARD 298346

Smog Check Test Only Station License No. TC 298346

**JIRA ELIJAH TURNER**

219 Earle Street

Santa Rosa, CA 95407

Address of Record:

2600 Northcoast Street #22G

Santa Rosa, CA 94503

Smog Check Inspector License No. EO 643293

and

///

EDGAR ANDRES HERNANDEZ COYAC

17031 Cedar Avenue

Sonoma, CA 94576

Smog Check Inspector License No. EO 643129

Respondents.

Case No. 79/22-1335


OAH No. 2023040525

**DECISION**

The attached Stipulated Settlement and Disciplinary Order as to Jira Elijah Turner 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 February 2, 2024.

DATED: December 20, 2023

  
\_\_\_\_\_  
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  
3 ASPASIA A. PAPAVALASSIOU  
Deputy Attorney General  
4 State Bar No. 196360  
1515 Clay Street, 20th Floor  
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*Attorneys for Complainant*  
8

9  
10 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/22-1335

13 **MICHAEL G. TEWELDE DBA**  
14 **TM SMOG CHECK**  
1075 A Santa Rosa Avenue  
15 Santa Rosa, CA 95407  
*Mailing Address:*  
16 1597 Park Way Drive  
Rohnert Park 94928  
17 **Automotive Repair Dealer Registration No.**  
**ARD 298346; Smog Check, Test Only,**  
18 **Station License No. TC 298346;**

OAH No. 2023040525

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER REGARDING  
RESPONDENT JIRA ELIJAH TURNER**

[SMOG CHECK]

19 **JIRA ELIJAH TURNER**  
219 Earle Street  
20 Santa Rosa, CA 95407  
*Address of Record:*  
21 2600 Northcoast Street, #22G  
Santa Rosa, CA 94503  
22 **Smog Check Inspector License No. EO**  
**643293;**

23 *and*

24 **EDGAR ANDRES HERNANDEZ COYAC**  
17031 Cedar Avenue  
25 Sonoma, CA 95476  
26 **Smog Check Inspector License No. EO**  
**643129**

27 Respondents.  
28

1 IT IS HEREBY STIPULATED AND AGREED that the following matters are true:

2 **PARTIES**

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

7 2. Respondent Jira Elijah Turner (Respondent) is represented in this proceeding by  
8 attorney Randall V. Sutter, whose address is: Rounds & Sutter LLP, 674 County Square Drive,  
9 Ste. 108, Ventura, CA 93003.

10 3. On or about September 20, 2021, the Bureau issued Smog Check Inspector License  
11 No. EO 643293 to Respondent. The license was in full force and effect at all times relevant to the  
12 charges in the Accusation and is set to expire on December 31, 2023, unless renewed.

13 **JURISDICTION**

14 4. Accusation No. 79/22-1335 was filed before the Director of the Department of  
15 Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and  
16 all other statutorily required documents were properly served on Respondent on December 13,  
17 2022. Respondent timely filed his Notice of Defense contesting the Accusation.<sup>1</sup>

18 5. A copy of Accusation No. 79/22-1335 is attached as exhibit A and incorporated by  
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the  
22 charges and allegations in Accusation No. 79/22-1335. Respondent has also carefully read, fully  
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
24 Order.

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

27 <sup>1</sup> Respondents Michael Tewelde doing business as TM Smog Check and Edgar Andres  
28 Hernandez Coyac failed to file a Notice of Defense and a default decision and order against them  
became effective July 27, 2023.

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  
4 rights 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  
9 No. 79/22-1335, if proven at a hearing, constitute cause for imposing discipline upon his Smog  
10 Check 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 RESERVATION

19 12. The admissions made by Respondent in this stipulation are only for the purposes of  
20 this proceeding, or any other proceedings in which the Director of the Department of Consumer  
21 Affairs, Bureau of Automotive Repair, or other professional licensing agency is involved, and  
22 shall not be admissible in any other criminal or civil proceeding.

#### 23 CONTINGENCY

24 13. This stipulation shall be subject to approval by the Director or the Director's designee.  
25 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of  
26 Automotive Repair may communicate directly with the Director and staff of the Department of  
27 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by  
28 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he

1 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director  
2 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
3 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
4 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director  
5 shall not be disqualified from further action by having considered this matter.

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

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

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

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Smog Check Inspector License Number EO 643293 issued  
20 to Respondent Jira Elijah Turner is revoked. However, the revocation is stayed and Respondent  
21 is placed on probation for three (3) years on the following terms and conditions:

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

25 2. **Quarterly Reporting.** During the period of probation, Respondent shall report either  
26 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no  
27 more frequently than once each calendar quarter, on the methods used and success achieved in  
28 maintaining compliance with the terms and conditions of probation.

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

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

19           5.     **Violation of Probation.** If Respondent violates or fails to comply with the terms and  
20 conditions of probation in any respect, the Director, after giving notice and opportunity to be  
21 heard may set aside the stay order and carry out the disciplinary order provided in the decision.  
22 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain  
23 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

24           6.     **Maintain Valid License.** Respondent shall, at all times while on probation, maintain  
25 a current and active registration and/or license(s) with BAR, including any period during which  
26 suspension or probation is tolled. If Respondent's registration or license is expired at the time the  
27 decision becomes effective, the registration or license must be renewed by Respondent within 30  
28 days of that date. If Respondent's registration or license expires during a term of probation, by

1 operation of law or otherwise, then upon renewal Respondent's registration or license shall be  
2 subject to any and all terms and conditions of probation not previously satisfied. Failure to  
3 maintain a current and active registration and/or license during the period of probation shall also  
4 constitute a violation of probation.

5       7. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$2,250.00  
6 for the reasonable costs of the investigation and enforcement of case No. 79/22-1335, as follows.  
7 Respondent shall make 30 equal monthly payments in the amount of \$75.00 beginning on the  
8 effective date and of the decision with full payment to be completed no later than six (6) months  
9 before probation terminates. Respondent shall make payment(s) by check or money order payable  
10 to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for  
11 cost recovery payment for case No. 79/22-1335. Any order for payment of cost recovery shall  
12 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost  
13 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in  
14 collecting on the costs ordered and past due, in addition to taking action based upon the violation  
15 of probation.

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

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



1 jurisdiction of BAR at any time before the date of the originally scheduled completion of  
2 probation. If Respondent applies to BAR for a registration or license at any time after that date,  
3 Respondent must meet all current requirements for registration or licensure and pay all  
4 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

5 10. **Actual Suspension.** Smog Check Inspector License Number EO 643293 issued to  
6 Respondent Jira Elijah Turner is suspended for five (5) consecutive days beginning on the  
7 effective date of the Decision and Order.

8 11. **Training Course.** During the period of probation, Respondent shall attend and  
9 successfully complete a BAR-specified and approved training course in inspection, diagnosis  
10 and/or repair of emission systems failures and engine performance, applicable to the class of  
11 license held by the Respondent. Specifically, Respondent shall attend and complete a Level I, 68-  
12 hour Engine and Emission Control Training course. Respondent shall provide to the Bureau proof  
13 of enrollment in the course within 30 days of the effective date of the decision, and proof of  
14 successful course completion within 180 days of the effective date of the decision. Failure to  
15 provide proof of enrollment and/or successful course completion to the Bureau within the  
16 timeframes specified shall constitute a violation of probation, and Respondent shall be prohibited  
17 from issuing any certificate of compliance or noncompliance until such proof is received.

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

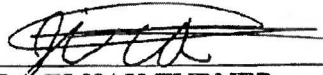
#### 24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
26 discussed it with my attorney, Randall V. Sutter. I understand the stipulation and the effect it will  
27 have on my Smog Check Inspector License. I enter into this Stipulated Settlement and  
28

1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Director of the Department of Consumer Affairs.

3  
4 DATED:

9-23-23

  
JIRA ELIJAH TURNER  
Respondent

6  
7 I have read and fully discussed with Respondent Jira Elijah Turner the terms and conditions  
8 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
9 its form and content.

10  
11 DATED:

RANDALL V. SUTTER  
Attorney for Respondent

13  
14 **ENDORSEMENT**

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

17  
18 DATED:

Respectfully submitted,

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

21  
22 ASPASIA A. PAPA VASSILIOU  
23 Deputy Attorney General  
Attorneys for Complainant

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1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Director of the Department of Consumer Affairs.

3  
4 DATED: \_\_\_\_\_

JIRA ELIJAH TURNER  
*Respondent*

6  
7 I have read and fully discussed with Respondent Jira Elijah Turner the terms and conditions  
8 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
9 its form and content.

10  
11 DATED: 9-23-2023

  
12 RANDALL V. SUTTER  
*Attorney for Respondent*

13  
14 ENDORSEMENT

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

17  
18 DATED: \_\_\_\_\_

Respectfully submitted,

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

21  
22 ASPASIA A. PAPA VASSILIOU  
23 Deputy Attorney General  
24 *Attorneys for Complainant*

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1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Director of the Department of Consumer Affairs.

3  
4 DATED: \_\_\_\_\_

JIRA ELIJAH TURNER  
*Respondent*

6  
7 I have read and fully discussed with Respondent Jira Elijah Turner the terms and conditions  
8 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
9 its form and content.

10  
11 DATED: \_\_\_\_\_

RANDALL V. SUTTER  
*Attorney for Respondent*


13  
14 **ENDORSEMENT**

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

17  
18 DATED: 09/25/2023 \_\_\_\_\_

Respectfully submitted,

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

21  
22   
23 ASPASIA A. PAPAVALASSILOU  
24 Deputy Attorney General  
Attorneys for Complainant

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