

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

In the Matter of the First Amended Accusation
Against:

JOSE MARIA REINO,
22862 Springdale Drive
Moreno Valley, CA 92557

Smog Check Inspector License No. EO
124672;
Smog Check Repair Technician License
No. EI 124672;
Formerly Advanced Emission Specialist
Technician License No. EA 124672
Brake Adjuster License No. BA 124672
Lamp Adjuster License No. LA 124672

Respondents.

Case No. 77/13-7

OAH No. 2013020668

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective January 7, 2014.

DATED: November 27, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

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12 In the Matter of the First Amended Accusation
Against:

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14 **JOSE MARIA REINO,**
22862 Springdale Drive
15 Moreno Valley, CA 92557

16 **Smog Check Inspector License No. EO**
124672; Smog Check Repair Technician
License No. EI 124672;
17 **Formerly Advanced Emission Specialist**
Technician License No. EA 124672
18 **Brake Adjuster License No. BA 124672**
19 **Lamp Adjuster License No. LA 124672**

20 Respondents.

Case No. 77/13-7

OAH No. 2013020668

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

21
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public
23 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of
24 Automotive Repair the parties hereby agree to the following Stipulated Settlement and
25 Disciplinary Order which will be submitted to the Director for the Director's approval and
26 adoption as the final disposition of the First Amended Accusation solely with respect to Jose
27 Maria Reino.

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PARTIES

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2 1. Patrick Dorais ("Complainant") is the Acting Chief of the Bureau of Automotive
3 Repair. He brought this action solely in his official capacity and is represented in this matter by
4 Kamala D. Harris, Attorney General of the State of California, by William A. Buess, Deputy
5 Attorney General.

6 2. Respondent Jose Maria Reino, Smog Check Technician ("Respondent") is
7 represented in this proceeding by attorney William Dean Ferreira, Esq., whose address is:
8 Automotive Defense Specialists 582 Market Street, Suite 1608 San Francisco, CA 94104.

9 3. On or about 1977, the Bureau of Automotive Repair issued Advanced Emission
10 Specialist Technician License No. EA 124672 to Jose Maria Reino, Smog Check Technician
11 (Respondent). The Advanced Emission Specialist Technician License was in full force and effect
12 at all times relevant to the charges brought in First Amended Accusation No. 77/13-7. On or
13 about July 24, 2013, Respondent was issued Smog Check Inspector License No. EO 124672 and
14 Smog Check Repair Technician License No. EI 124672 in place of Advanced Emission Specialist
15 Technician License No. EA 124672. Both EO and EI licenses will expire on July 31, 2015,
16 unless renewed.¹

17 4. On or about 2004, the Bureau of Automotive Repair issued Brake Adjuster License
18 No. BA 124672 to Jose Maria Reino, Smog Check Technician (Respondent). The Brake
19 Adjuster License was in full force and effect at all times relevant to the charges brought in First
20 Amended Accusation No. 77/13-7 and will expire on July 31, 2016, unless renewed.

21 5. On or about 2004, the Bureau of Automotive Repair issued Lamp Adjuster License
22 No. LA 124672 to Jose Maria Reino, Smog Check Technician (Respondent). The Lamp Adjuster
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25 ¹ Pursuant to California Code of regulations, Title 16, section 3340.28, subdivision (e), the
26 license was renewed, pursuant to Respondent's election, as Smog Check Inspector License
27 Number EO 124672 and Smog Check Repair Technician License Number EI 124672, effective
28 July 24, 2013. California Code of Regulations, Title 16, sections 3340.28, 3340.29, and 3340.30
were amended to implement a license restructure from the Advanced Emission Specialist
Technician ("EA") license and Basic Area ("EB") Technician license to Smog Check Inspector
("EO") license and/or Smog Check Repair Technician ("EI") license.

1 License was in full force and effect at all times relevant to the charges brought in First Amended
2 Accusation No. 77/13-7 and will expire on July 31, 2016, unless renewed.

3 JURISDICTION

4 6. The initial Accusation No. 77/13-7 was filed before the Director of Consumer Affairs
5 (Director), for the Bureau of Automotive Repair (Bureau) against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on August 29,
7 2012. Respondent timely served his Notice of Defense on September 13, 2012.

8 First Amended Accusation No. 77/13-7 was filed before the Director of Consumer Affairs
9 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
10 Respondent. The First Amended Accusation and all other statutorily required documents were
11 properly served on Respondent on October 16, 2013.

12 7. A copy of First Amended Accusation No. 77/13-7 is attached as exhibit A and
13 incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 8. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in First Amended Accusation No. 77/13-7. Respondent has also carefully
17 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

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

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

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1 CULPABILITY

2 11. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 77/13-7.

4 12. Respondent agrees that his Advanced Emission Specialist Technician License is
5 subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in
6 the Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 13. Respondent Jose Maria Reino, Smog Check Technician has never been the subject of
9 any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

10 RESERVATION

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

15 CONTINGENCY

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

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1 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
2 maintaining compliance with the terms and conditions of probation.

3 4. **Report Financial Interest.** Within thirty (30) days of the effective date of this
4 action, report any financial interest which Respondent may have in any other business required to
5 be registered pursuant to Section 9884.6 of the Business and Professions Code.

6 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
7 all vehicles (including parts) under going repairs, up to and including the point of completion.

8 6. **Jurisdiction.** If an accusation is filed against Respondent during the term of
9 probation, the Director of Consumer Affairs shall have continued jurisdiction over this matter
10 until the final decision on the accusation, and the period of probation shall be extended until such
11 decision.

12 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that
13 Respondent has failed to comply with the terms and conditions of probation, the Department may,
14 after giving notice and opportunity to be heard, temporarily or permanently invalidate the
15 registration and suspend or revoke the licenses of Respondent.

16 8. **Training Course.** Within 180 days, Respondent shall attend and successfully
17 complete a licensed Inspector Training Course (Level II), certified by the Bureau, at
18 Respondent's cost, and submit proof of completion to the Bureau. If Respondent fails to submit
19 proof of successful completion of the training course to the Bureau, Respondent's licenses shall
20 be immediately suspended until such proof is received by the Bureau.

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ENDORSEMENT

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

Dated: *November 13, 2013*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



WILLIAM A. BUSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation and First Amended Accusation No. 77/13-7

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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

13 **MORENO VALLEY UNION 76 INC.;**
14 **MORENO VALLEY UNION INC,**
OWNER
15 **25020 Alessandro Blvd**
Moreno Valley, CA 92553

16 **Automotive Repair Dealer Registration No.**
ARD 221768
17 **Smog Check Station License No. RC 221768**
Brake Station License No. C 221768

18
19 **And**

20 **JOSE MARIA REINO**
22862 Springdale Drive
21 **Moreno Valley, CA 92557**

22 **Smog Check Inspector License No. EO**
124672
23 **Smog Check Repair Technician License No.**
EI 124672; formerly Advanced Emission
24 **Specialist Technician License No. EA**
124672
25 **Brake Adjuster License No. BA 124672**
Lamp Adjuster License No. LA 124672,

26
27 Respondents.
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Case No. 77/13-7

OAH No. 2013020668

FIRST AMENDED ACCUSATION

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

3 1. Patrick Dorais (Complainant) brings this Amended Accusation solely in his official
4 capacity as the Acting Chief of the Bureau of Automotive Repair, Department of Consumer
5 Affairs.

6 **Moreno Valley Union 76, Inc.**

7 2. In or about 2002, the Director of Consumer Affairs ("Director") issued Automotive
8 Repair Dealer Registration Number ARD 221768 ("registration") to Moreno Valley Union 76
9 Inc. ("Respondent Moreno Valley Union 76"), with Bita Zareh as president and Reza Zareh as
10 secretary and treasurer. Respondent's registration was in full force and effect at all times relevant
11 to the charges brought herein and will expire on May 31, 2014, unless renewed.

12 3. On or about July 15, 2002, the Director issued Smog Check Station License Number
13 RC 221768 to Moreno Valley Union 76. Respondent's smog check station license was in full
14 force and effect at all times relevant to the charges brought herein and will expire on May 31,
15 2014, unless renewed.

16 4. On or about October 26, 2004, the Director issued Lamp Station License Number LS
17 221768 to Respondent Moreno Valley Union 76. The Lamp station license was in full force and
18 effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless
19 renewed.

20 5. On or about October 26, 2004, the Director issued Brake Station License Number BS
21 221768 to Respondent Moreno Valley Union 76. Respondent's brake station license was in full
22 force and effect at all times relevant to the charges brought herein and will expire on May 31,
23 2014, unless renewed.

24 **Jose Maria Reino**

25 6. In or about 1997, the Director issued Advanced Emission Specialist Technician
26 License Number EA 124672 ("technician license") to Jose Maria Reino ("Respondent Reino" or
27 "Reino"). Respondent's advanced emission specialist technician license was due to expire on
28 July 31, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision

1 (e), the license was renewed, pursuant to Respondent's election, as Smog Check Inspector
2 License Number EO 124672 and Smog Check Repair Technician License Number EI 124672
3 ("technician licenses"), effective July 24, 2013. Respondent's technician licenses will expire on
4 July 31, 2015, unless renewed.¹

5 7. In or about 2004, the Director issued Brake Adjuster License Number BA 124672 to
6 Respondent Reino. Respondent's brake adjuster license was in full force and effect at all times
7 relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

8 8. In or about 2004, the Director issued Lamp Adjuster License Number LA 124672 to
9 Respondent Reino. Respondent's lamp adjuster license was in full force and effect at all times
10 relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

11 JURISDICTION

12 9. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that
13 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission
14 Specialist Technician license issued prior to the effective date of this regulation, the licensee may
15 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

16 10. Business and Profession Code ("Bus. & Prof. Code") section 9884.7 provides that the
17 Director may revoke an automotive repair dealer registration.

18 11. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
19 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
20 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
21 invalidating (suspending or revoking) a registration.

22 12. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may
23 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of
24 the Automotive Repair Act.

25
26 ¹ Effective August 2, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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"(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it."

17. Bus. & Prof. Code section 9889.3 states, in pertinent part: "The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the business and Professions Code which relates to his or her licensed activities.

...
(c) Violates any of the regulations promulgated by the director pursuant to this chapter.

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured...."

18. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director."

19. Bus. & Prof. Code section 22, subdivision (a), states: "Board" as used in any provision of this Code, refers to the board in which the administration of the provisions is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

20. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes "registration" and "certificate."

1 of Lamp Adjustment ("Lamp Certificate") No. [REDACTED] The certificates indicated that
2 Reino performed the brake and lamp inspections on the vehicle.

3 25. On November 15 and 16, 2012, the Bureau inspected the vehicle and found that the
4 right front brake rotor was not within manufacturer's specifications, the right front headlamp was
5 still out of adjustment, the defective rear license plate lamp bulb was still in place on the vehicle,
6 and the right front wheel had not been removed to inspect the right front rotor.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 26. Respondent Moreno Valley Union 76's registration is subject to disciplinary action
10 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or
11 authorized statements which it knew or in the exercise of reasonable care should have known to
12 be untrue or misleading, as follows:

13 a. Respondent Moreno Valley Union 76's technician, Respondent Reino, certified under
14 penalty of perjury on Brake Certificate No. [REDACTED] that the applicable inspection was
15 performed on the brake system on the Bureau's 2002 Chevrolet Cavalier. In fact, Reino failed to
16 inspect the right front brake rotor on the vehicle.

17 b. Respondent Moreno Valley Union 76's technician, Respondent Reino, certified under
18 penalty of perjury on Brake Certificate No. [REDACTED] that the rotors on the Bureau's 2002
19 Chevrolet Cavalier were in a satisfactory condition. In fact, the right front brake rotor was
20 machined below the manufacturer's thickness specifications.

21 c. Respondent Moreno Valley Union 76's technician, respondent Reino, Certified under
22 penalty of perjury on Lamp Certificate No. [REDACTED] that the applicable adjustment or repair
23 had been performed on the lighting system on the Bureau's 2002 Chevrolet Cavalier. In fact, the
24 right front headlamp was out of adjustment and the defective rear license plate lamp bulb was still
25 in place on the vehicle.

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1 a. Section 3305, subdivision (a): Respondent failed to ensure that the inspection of the
2 brake system and inspection, adjustment, or repair of the lighting system were performed on the
3 Bureau's 2002 Cavalier I accordance with the specifications, instructions, and directives issued
4 by the Bureau and the vehicle manufacturer.

5 b. Section 3316, subdivision (d)(2): Respondent issued Lamp Certificate No.
6 [REDACTED] as to the Bureau's 2002 Chevrolet Cavalier when all of the lamps, lighting
7 equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau
8 regulations.

9 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate No.
10 [REDACTED] as to the Bureau's 2002 Chevrolet Cavalier when the brake system on the vehicle had
11 not been completely tested or inspected.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations)**

14 31. Respondent Moreno Valley Union 76's brake and lamp station licenses are subject to
15 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that
16 Respondent failed to comply with the provisions of California Code of Regulations, title 16,
17 sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth
18 in paragraph 30 above.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud, or Deceit)**

21 32. Respondent Moreno Valley Union 76's brake and lamp station licenses are subject to
22 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that
23 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured,
24 as set forth in paragraphs 26 and 28 above.

25 **EIGHTH CAUSE FOR DISCIPLINE**

26 **(Violations of Regulations)**

27 33. Respondent Reino's brake and lamp adjuster licenses are subject to disciplinary
28 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to

1 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision
2 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 30 above.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit)**

5 34. Respondent Reino's brake and lamp adjuster licenses are subject to disciplinary
6 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
7 committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in
8 paragraph 26 above.

9 **UNDERCOVER OPERATIONS #2: 1998 TOYOTA CAMRY**

10 35. On January 13, 2012, an undercover operator of the Bureau ("operator") took the
11 Bureau's 1998 Toyota Camry to Respondent Moreno Valley Union 76's facility. The operator
12 met with Respondent Reino and requested brake, lamp, and smog inspections on the vehicle. The
13 right rear brake drum on the Bureau-documented vehicle was machined beyond the
14 manufacturer's drum discard diameter specifications, the right front brake rotor was machined
15 below the manufacturer's minimum thickness specifications, both front headlamps were out of
16 adjustment, and the left rear back up lamp bulb and right rear tail light bulb were defective. The
17 operator told Reino that she would leave the vehicle at the facility and wait for a phone call
18 letting her know that the work was completed. The operator signed and received a copy of a
19 written estimate in the amount of \$160, then left the facility. At approximately 1157 hours that
20 same day, the operator returned to the facility to retrieve the vehicle. The operator paid the
21 facility \$162.69 and received copies of various documents, including Certificate of Brake
22 Adjustment ("Brake Certificate") No. [REDACTED] Certificate of Lamp Adjustment ("Lamp
23 Certificate") No. [REDACTED] and an invoice in the amount of \$162.69. The facility had charged
24 the operator \$2.50 for replacing a light bulb on the vehicle. The certificates indicated that Reino
25 performed the brake and lamp inspections of the vehicle.

26 36. On January 24, 2012, the Bureau inspected the vehicle and found that the defective
27 right rear tail light bulb had been replaced; however, both headlamps were still out of adjustment,
28 the defective left rear backup lamp bulb was still in place on the vehicle, and the right rear brake

1 drum and right front brake rotor were not within manufacturer's specifications. The Bureau also
2 found that none of the wheels had been removed from the vehicle.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 37. Respondent Moreno Valley Union 76's registration is subject to disciplinary action
6 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1) in that Respondent made or
7 authorized statements which it knew or in the exercise of reasonable care should have known to
8 be untrue or misleading, as follows:

9 a. Respondent Moreno Valley Union 76's technician, Respondent Reino, certified under
10 penalty of perjury on Brake Certificate No. [REDACTED] that the applicable inspections was
11 performed on the brake system on the Bureau's 1998 Toyota Camry. In fact, Reino failed to
12 remove the wheels on the vehicle to inspect and/or measure the brake rotors and brake drum.

13 b. Respondent Moreno Valley Union 76's technician, Respondent Reino, certified under
14 penalty of perjury on Brake Certificate No. [REDACTED] that the drums and rotors on the Bureau's
15 1998 Toyota Camry were in a satisfactory condition. In fact, the right rear brake drum was
16 machined beyond the manufacturer's drum discard diameter specifications and the right front
17 brake rotor was machined below the manufacturer's minimum thickness specifications.

18 c. Respondent Moreno Valley Union 76's technician, Respondent Reino, certified under
19 penalty of perjury on Lamp Certificate No. [REDACTED] that the applicable adjustment or repair
20 had been performed on the lighting system on the Bureau's 1998 Toyota Camry. In fact, both
21 front headlamps were out of adjustment and the defective left rear backup lamp bulb was still in
22 place on the vehicle.

23 **ELEVENTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 38. Respondent Moreno Valley Union 76's registration is subject to disciplinary action
26 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed
27 an act constituting fraud, as follows: Respondent obtained payment from the operator for
28 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems

1 on the Bureau's 1998 Toyota Camry as specified by the Bureau and in accordance with the
2 Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and
3 repairs in compliance with Bureau Regulations or the Vehicle Code, as set forth in paragraph 37
4 above.

5 **TWELFTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with the Bus. & Prof. Code)**

7 39. Respondent Moreno Valley Union 76's registration is subject to disciplinary action
8 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6) in that Respondent failed to
9 comply with section 9884.9, subdivision (a), of that Code in the following material respects:
10 Respondent replaced the defective right rear tail light bulb on the Bureau's 1998 Toyota Camry
11 and exceeded the original estimate price without the operator's authorization.

12 **THIRTEENTH CAUSE FOR DISCIPLINE**

13 **(Violations of Regulations)**

14 40. Respondent Moreno Valley Union 76's registration is subject to disciplinary action
15 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to
16 comply with provisions of California Code of Regulations, title 16, in the following material
17 respects:

18 a. Section 3305, subdivision (a): Respondent failed to ensure that the inspection of the
19 brake system and inspection, adjustment, or repair of the lighting system were performed on the
20 Bureau's 1998 Toyota Camry in accordance with the specifications, instructions, and directives
21 issued by the Bureau and the vehicle manufacturer.

22 b. Section 3316, subdivision (d)(2): Respondent issued Lamp Certificate No.
23 [REDACTED] as to the Bureau's 1998 Toyota Camry when all of the lamps, lighting equipment,
24 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

25 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate No.
26 [REDACTED] as to the Bureau's 1998 Toyota Camry when the brake system on the vehicle had not
27 been completely tested or inspected.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Regulations)

3 41. Respondent Moreno Valley Union 76's brake and lamp station licenses are subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that
5 Respondent failed to comply with the provisions of California Code of Regulations, title 16,
6 section 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth
7 in paragraph 40 above.

8 **FIFTEENTH CAUSE FOR DISCIPLINE**

9 (Dishonesty, Fraud, or Deceit)

10 42. Respondent Moreno Valley Union 76's brake and lamp station licenses are subject to
11 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that
12 Respondent committed an act involving dishonesty, fraud, or deceit whereby another was injured,
13 as set forth in paragraphs 37 and 38 above.

14 **SIXTEENTH CAUSE FOR DISCIPLINE**

15 (Violations of Regulations)

16 43. Respondent Reino's brake and lamp adjuster licenses are subject to disciplinary
17 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to
18 comply with the provisions of California Code of Regulations, title 16, section 3305, subdivision
19 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 40 above.

20 **SEVENTEENTH CAUSE FOR DISCIPLINE**

21 (Dishonesty, Fraud, or Deceit)

22 44. Respondent Reino's brake and lamp adjuster licenses are subject to disciplinary
23 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
24 committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in
25 paragraph 37 above.

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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Dishonesty, Fraud or Deceit)

3 45. Respondent Moreno Valley Union 76's smog check station license is subject to
4 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that
5 Respondent committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set
6 forth in paragraphs 26, 28, 37, and 38 above.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

8 (Dishonesty, Fraud or Deceit)

9 46. Respondent Reino's technician licenses are subject to disciplinary action pursuant to
10 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,
11 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 26 and 37
12 above.

13 **OTHER MATTERS**

14 47. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
15 suspend, revoke or place on probation the registration for all places of business operated in this
16 state by Respondent Moreno Valley Union 76, Inc., upon a finding that Respondent has, or is,
17 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
18 automotive repair dealer.

19 48. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
20 Number RC 221768, issued to Respondent Moreno Valley Union 76, Inc., is revoked or
21 suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in the name
22 of said licensee may be likewise revoked or suspended by the Director.

23 49. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number LS
24 221768, issued to Respondent Moreno Valley Union 76, Inc., is revoked or suspended, any
25 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the
26 name of said licensee may be likewise revoked or suspended by the Director.

27 50. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number BS
28 221768, issued to Respondent Moreno Valley Union 76, Inc., is revoked or suspended, any

1 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the
2 name of said licensee may be likewise revoked or suspended by the Director.

3 51. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
4 Number EO 124672 and Smog Check Repair Technician License Number EI 124672, (formerly
5 Advanced Emission Specialist Technician License No. EA 124672) issued to Jose Maria Reino,
6 (formerly Advanced Emission Specialist Technician License No. EA 124672) are revoked or
7 suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in the name
8 of said licensee may be likewise revoked or suspended by the Director.

9 52. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number BA
10 124672, issued to Respondent Jose Maria Reino, is revoked or suspended, any additional license
11 issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
12 licensee may be likewise revoked or suspended by the Director.

13 53. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number LA
14 124672, issued to Respondent Jose Maria Reino, is revoked or suspended, any additional license
15 issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
16 licensee may be likewise revoked or suspended by the Director.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Director of Consumer Affairs issue a decision:

20 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
21 221768, issued to Moreno Valley Union 76 Inc.;

22 2. Revoking or suspending any other automotive repair dealer registration issued to
23 Moreno Valley Union 76, Inc.;

24 3. Revoking or suspending Smog Check Station License Number RC 221768, issued to
25 Moreno Valley Union 76 Inc.;

26 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
27 and Safety Code in the name of Moreno Valley Union 76, Inc.;

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1 5. Revoking or suspending Lamp Station License Number LS 221768, issued to Moreno
2 Valley Union 76, Inc.;

3 6. Revoking or suspending Brake Station License Number BS 221768, issued to Moreno
4 Valley Union 76, Inc.;

5 7. Revoking or suspending any additional license issued under Articles 5 and 6 of
6 Chapter 20.3 of the Business and Professions Code in the name Moreno Valley Union 76 Inc.;

7 8. Revoking or suspending Smog Check Inspector License Number EO 124672, issued
8 to Jose Maria Reino;

9 9. Revoking or suspending Smog Check Repair Technician License Number EI 124672,
10 issued to Jose Maria Reino;

11 10. Revoking or suspending any additional license issued under Chapter 5 of Health and
12 Safety Code in the name of Jose Maria Reino;

13 11. Revoking or suspending Brake Adjuster License Number BA 124672, issued to Jose
14 Maria Reino;

15 12. Revoking or suspending Lamp Adjuster License Number LA 124672, issued to Jose
16 Maria Reino;

17 13. Revoking or suspending any additional license issued under Articles 5 and 6 of
18 Chapter 20.3 of the Business and Professions Code in the name of Jose Maria Reino;

19 14. Ordering Moreno Valley Union 76, Inc., and Jose Maria Reino to pay the Director of
20 Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant
21 to Business and Professions Code section 125.3;

22 15. Taking such other and further action as deemed necessary and proper.

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24 DATED: October 15, 2013 

25 PATRICK DORAIS
26 Acting Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant

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