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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 **ROBERTS AUTOMOTIVE SERVICE INC DBA**
14 **ROBERTS AUTOMOTIVE SERVICE INC**
ROBERT SIMON MAFFIE, PRESIDENT,
ARACELI MAFFIE, SECRETARY

15 **4601 E. Slauson Avenue,**
16 **Maywood, Ca. 90270**

17 **Automotive Repair Dealer Registration No. ARD 153378**
Smog Check Station License No. RC 153378,

18 **ROBERT SIMON MAFFIE,**
19 **4601 E. Slauson Avenue,**
20 **Maywood, CA 90270**

21 **Advanced Emission Specialist Technician License No. EA**
22 **101948, (to be redesignated upon renewal as EO 101948**
and/or EI 101948)

23 Respondent.

Case No. 79/14-80

ACCUSATION
SMOG CHECK

24 Complainant alleges:

25 **PARTIES**

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27 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
28 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1 **Automotive Repair Dealer Registration**

2 2. In or about 1990, the Bureau issued Automotive Repair Dealer Registration Number
3 ARD 153378 to Roberts Automotive Service Inc with Robert Simon Maffie as President and
4 Araceli Maffie as Secretary doing business as Roberts Automotive Service Inc (“Respondent”).
5 The automotive repair dealer registration expired on April 30, 2012, and has not been renewed.

6 **Smog Check Station License**

7 3. On or about May 4, 1990, the Bureau issued Smog Check Station License Number
8 RC 153378 (“station license”) to Respondent. The station license expired on April 30, 2012, and
9 has not been renewed.

10 **Advanced Emission Specialist Technician License**

11 4. In or about 1998, the Bureau of Automotive Repair issued Advanced Emission
12 Specialist Technician License Number EA 101948 to Robert Simon Maffie (“Respondent Maffie
13 or Respondent”). The Advanced Emission Specialist Technician License expired on May 31,
14 2012, and has not been renewed. Upon timely renewal of the license, the license will be
15 redesignated as EO 101948 and/or EI 101948.¹

16 **JURISDICTION AND STATUTORY PROVISIONS**

17 5. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
18 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
19 the Motor Vehicle Inspection Program.

20 6. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
21 expiration or suspension of a license by operation of law, or by order or decision of the Director
22 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
23 the Director of jurisdiction to proceed with disciplinary action.

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26 ¹ Effective August 1, 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.

1 7. Section 44045.6 of the Health and Safety Code states, in pertinent part:

2 “(c) The department may require remedial training at a certified training facility or may
3 take disciplinary action, whichever the department determines to be the most appropriate, for any
4 licensed technician who the department determines cannot perform inspections, testing, or repairs
5 as required under the program. The failure to complete the remedial training when required by the
6 department shall be a ground for revocation or suspension of a smog check technician's license
7 under Section 44072.2.”

8 8. Section 44050 of the Health and Safety Code states, in pertinent part:

9 “(a) In addition to or in lieu of any other remedy or penalty, including,
10 but not limited to, education, training, or an office conference, the department may
11 issue a citation to a licensee, contractor, or fleet owner for a violation of the
12 requirements of this chapter or a regulation adopted pursuant to this chapter. The
13 citation may contain an order of abatement or the assessment of an administrative
14 fine, or both.

 (e) Failure to comply with an order of abatement or payment of an
13 administrative fine issued by the department pursuant to this section is grounds for
14 suspension or revocation of the license, or placing the license on probation.”

15 9. Section 44055 of the Health and Safety Code, subdivision (b) states, in pertinent part:

16 “(b) The department may deny an application for the renewal of a test
17 station or repair station license if the applicant, or any partner, officer, or director
18 thereof, has failed to pay any civil penalty or administrative fine in accordance with
19 this article.”

20 10. Section 44072.8 of the Health and Safety Code states, in pertinent part:

 “When a license has been revoked or suspended following a hearing
20 under this article, any additional license issued under this chapter in the name of the
21 licensee may be likewise revoked or suspended by the director.”

22 **REGULATORY PROVISION**

23 11. California Code of Regulations (“CCR”), title 16, section 3320.24 subsection (d)
24 states:

25 (d) The bureau may suspend or revoke the license of or pursue other legal action against a
26 licensee that fails to complete retraining when required by the department, pursuant to section
27 44045.6 of the Health and Safety Code.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training)**

3 15. Respondent Maffie has subjected his advanced emission specialist technician license
4 to discipline pursuant to Health and Safety Code sections 44050, subdivision (e), and 44045.6,
5 and California Code of Regulations (“CCR”), title 16, section 3320.24 subsection (d) in that on
6 or about August 18, 2011, the Bureau issued Citation No. M2012-0176 to Respondent Massie
7 against his Advanced Emissions Specialist Technician license for violations of Health and Safety
8 Code section 44032, (Qualified technicians shall perform tests of emission control systems and
9 devices in accordance with section 44012 of the Health and Safety Code). On or about
10 September 14, 2011, the Bureau served Respondent with the citation. The Bureau ordered
11 Respondent Maffie to attend a 16 hour training course with proof of completion submitted to the
12 Bureau within 30 days of receipt of the Citation. Respondent Maffie timely appealed the citation
13 and a hearing date was set. However, on or about February 29, 2012, Respondent Massie formally
14 withdrew his appeal. To date, Respondent Massie has failed to submit to the Bureau proof of
15 completion of the 16 hour training course.

16 **OTHER MATTERS**

17 16. Pursuant to Health and Saf. Code section 44072.8, if Smog Check Test Only Station
18 License Number RC 153378, issued to Roberts Automotive Service Inc with Robert Simon
19 Maffie as President and Araceli Maffie as Secretary doing business as Roberts Automotive
20 Service Inc, is revoked or suspended, any additional license issued under this chapter in the name
21 of said licensee may be likewise revoked or suspended by the director.

22 17. Pursuant to Health & Saf. Code section 44072.8, if Respondent Massie’s Advanced
23 Emission Specialist Technician License currently designated as EA 101948 and as redesignated
24 upon timely renewal as EO 101948 and/or EI 101948, is revoked or suspended, any additional
25 license issued under this chapter in the name of said licensee may be likewise revoked or
26 suspended by the director.

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PRAYER

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

1. Revoking or suspending Smog Check Test Only Station License Number RC 153378, issued to Roberts Automotive Service Inc with Robert Simon Maffie as President and Araceli Maffie as Secretary, doing business as Roberts Automotive Service Inc;

2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Robert Simon Maffie and Araceli Maffie;

3. Revoking or suspending Robert Simon Massie's Advanced Emission Specialist Technician License currently designated as EA 101948, and as redesignated upon timely renewal as EO 101948 and/or EI 101948;

4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Robert Simon Massie;

5. Ordering Roberts Automotive Service Inc with Robert Simon Maffie as President and Araceli Maffie as Secretary doing business as Roberts Automotive Service Inc, and Robert Simon Massie and Araceli Maffie to each pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

6. Taking such other and further action as deemed necessary and proper.

DATED: January 8, 2014


PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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