

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

In the Matter of the Accusation Against:

**ARMANDO BARAJAS, dba ARMANDOS SMOG**

1801 Whitson Street

Selma, CA 93662

Automotive Repair Dealer Registration No. ARD 196224

Brake Station License No. BS 196224, Class C

Lamp Station License No. LS 196224, Class A

Smog Check Station License No. RC 196224

and

**ARMANDO BARAJAS**

7365 W. Menlo Ave.

Fresno, CA 93723

Smog Check Inspector License No. EO 37558

Smog Check Repair Technician License No. EI 37558

Brake Adjuster License No. BA 37558, Class C

Lamp Adjuster License No. LA 37558, Class A

Respondents.

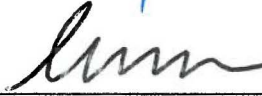
Case No. 77/22-1714

**DECISION**

The attached Stipulated Settlement and Disciplinary Order 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 1, 2024.

DATED: Dec. 20, 2023

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

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
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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 **ARMANDO BARAJAS, DBA**  
14 **ARMANDOS SMOG**  
1801 Whitson  
15 Selma, CA 93662

16 **Automotive Repair Dealer Registration**  
**No. ARD 196224**  
17 **Smog Check Station License No. RC 196224**  
**Lamp Station License No. LS 196224, Class**  
18 **A**  
**Brake Station License No. BS 196224, Class**  
19 **C**

20 and

21 **ARMANDO BARAJAS**  
7365 W. Menlo Ave.  
22 Fresno, CA 93723

23 **Smog Check Inspector License No. EO**  
**37558**  
24 **Smog Check Repair Technician License**  
**No. EI 37558**  
25 **Brake Adjuster License No. BA 37558, Class**  
**C**  
26 **Lamp Adjuster License No. LA 37558, Class**  
**A**

27 Respondent.  
28

Case No. 77/22-1714

OAH No. 2023030042

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3 **PARTIES**

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

8 2. Respondent Armando Barajas, doing business as Armandos Smog (Respondent) is  
9 representing himself in this proceeding and has chosen not to exercise his right to be represented  
10 by counsel.

11 3. On a date uncertain in 1997, the Bureau issued Automotive Repair Dealer  
12 Registration Number ARD 196224 to Armando Barajas, doing business as Armandos Smog  
13 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all  
14 times relevant to the charges brought herein and will expire on September 30, 2023, unless  
15 renewed.

16 4. On or about September 16, 1997, the Bureau issued Smog Check Station License  
17 Number RC 196224 to Respondent. The Smog Check Station License was in full force and effect  
18 at all times relevant to the charges brought herein and will expire on September 30, 2023, unless  
19 renewed.

20 5. On or about October 12, 2004, the Bureau issued Lamp Station License Number  
21 LS 196224, Class A, to Respondent. The Lamp Station License was in full force and effect at all  
22 times relevant to the charges brought herein and will expire on September 30, 2023, unless  
23 renewed.

24 6. On or about October 12, 2004, the Bureau issued Brake Station License Number  
25 BS 196224, Class C, to Respondent. The Brake Station License was in full force and effect at all  
26 times relevant to the charges brought herein and will expire on September 30, 2023, unless  
27 renewed.

7. On a date uncertain in 1999, the Bureau issued Advanced Emission Specialist Technician License No. EA 37558 to Respondent. Pursuant to California Code of Regulations, title 16 ("CCR"), section 3340.28, subdivision (e), upon Respondent's election, effective July 12, 2013, said license was renewed by the Bureau as Smog Check Inspector License Number EO 37558 and Smog Check Repair Technician License Number EI 37558. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2025, unless renewed. The Smog Check Repair Technician License will expire on July 31, 2025, unless renewed.

8. On a date uncertain in 2004, the Bureau issued Brake Adjuster License Number BA 37558, Class C, to Respondent. The Brake Adjuster License was in full force and effect at all times relevant to the charges brought herein, expired on July 31, 2023, has not been renewed.

9. On a date uncertain in 2004, the Bureau issued Lamp Adjuster License Number LA 37558, Class A, to Respondent. The Lamp Adjuster License expired on July 31, 2020, and was cancelled on September 6, 2020.

## JURISDICTION

10. Accusation No. 77/22-1714 was filed before the Director of the Department of Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 17, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.

11. A copy of Accusation No. 77/22-1714 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

12. Respondent has carefully read, and understands the charges and allegations in Accusation No. 77/22-1714. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

13. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to

1 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
2 the attendance of witnesses and the production of documents; the right to reconsideration and  
3 court review of an adverse decision; and all other rights accorded by the California  
4 Administrative Procedure Act and other applicable laws.

5 14. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
6 every right set forth above.

#### 7 CULPABILITY

8 15. Respondent admits the truth of each and every charge and allegation in Accusation  
9 No. 77/22-1714.

10 16. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check  
11 Station License, Lamp Station License, Brake Station License, Smog Check Inspector License,  
12 Smog Check Repair Technician License, Brake Adjuster License, and Lamp Adjuster License are  
13 subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in  
14 the Disciplinary Order below.

#### 15 CONTINGENCY

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

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

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

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

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 196224, Smog Check Station License No. RC 196224, Lamp Station License No. LS 196224, Brake Station License No. BS 196224, Smog Check Inspector License No. EO 37558, Smog Check Repair Technician License No. EI 37558, Brake Adjuster License No. BA 37558, and Lamp Adjuster License No. LA 37558, issued to Respondent Armando Barajas, are revoked. However, the revocations are stayed, and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 196224, Smog Check Station License No. RC 196224, Lamp Station License No. LS 196224, Brake Station License No. BS 196224, Smog Check Inspector License No. EO 37558, Smog Check Repair Technician License No. EI 37558, Brake Adjuster License No. BA 37558, and Lamp Adjuster License No. LA 37558, issued to Respondent Armando Barajas, are suspended for 15 consecutive days beginning on the effective date of the Decision and Order.

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

3. **Posting of Sign.** During the period of suspension, Respondent shall prominently post a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension

1 and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed  
2 in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall  
3 be approved by BAR and shall remain posted during the entire period of actual suspension.

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

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

13       **6. Access to Examine Vehicles and Records.** Respondent shall provide BAR  
14 representatives unrestricted access to examine all vehicles (including parts) undergoing service,  
15 inspection, or repairs, up to and including the point of completion. Respondent shall also provide  
16 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

17       **7. Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of  
18 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction  
19 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure  
20 and return, and of the dates of cessation and resumption of business in California. All provisions  
21 of probation other than cost reimbursement requirements, restitution requirements, training  
22 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of  
23 time of 30 days or more in which Respondent is not residing or engaging in business within the  
24 jurisdiction of California. All provisions of probation shall recommence on the effective date of  
25 resumption of business in California. Any period of time of 30 days or more in which Respondent  
26 is not residing or engaging in business within the jurisdiction of California shall not apply to the  
27 reduction of this probationary period or to any period of actual suspension not previously  
28 completed. Tolling is not available if business or work relevant to the probationary license or

1 registration is conducted or performed during the tolling period.

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

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

16       **10. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$8,612.89  
17 for the reasonable costs of the investigation and enforcement of case No. 77/22-1714.  
18 Respondent shall make fifty-four (54) monthly payments in the amount of \$159.50. Full payment  
19 must be completed no later than six (6) months before probation terminates. Respondent shall  
20 make payment by check or money order payable to the Bureau of Automotive Repair and shall  
21 indicate on the check or money order that it is for cost recovery payment for case No. 77/22-1714.  
22 Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.  
23 Probation shall not terminate until full cost recovery payment has been made. BAR reserves the  
24 right to pursue any other lawful measures in collecting on the costs ordered and past due, in  
25 addition to taking action based upon the violation of probation.

26       **11. Completion of Probation.** Upon successful completion of probation, Respondent's  
27 affected registration and/or license will be fully restored or issued without restriction, if  
28 Respondent meets all current requirements for registration or licensure and has paid all

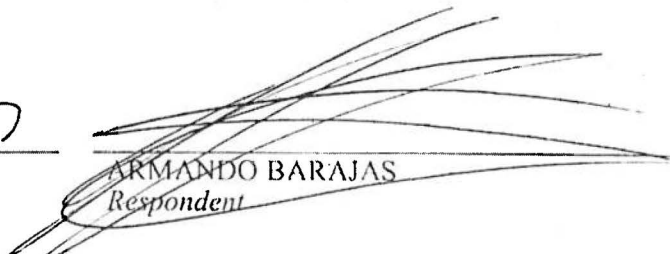
1 outstanding fees, monetary penalties, or cost recovery owed to BAR.

2 12. **License Surrender.** Following the effective date of a decision that orders a stay of  
3 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to  
4 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.  
5 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right  
6 to evaluate the Respondent's request and to exercise discretion whether to grant the request or  
7 take any other action deemed appropriate or reasonable under the circumstances. Upon formal  
8 granting of the request, the Director will vacate the stay order and carry out the disciplinary order  
9 provided in the decision. Respondent may not petition the Director for reinstatement of the  
10 surrendered registration and/or license, or apply for a new registration or license under the  
11 jurisdiction of BAR at any time before the date of the originally scheduled completion of  
12 probation. If Respondent applies to BAR for a registration or license at any time after that date,  
13 Respondent must meet all current requirements for registration or licensure and pay all  
14 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
17 stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check  
18 Station License, Lamp Station License, Brake Station License, Smog Check Inspector License,  
19 Smog Check Repair Technician License, Brake Adjuster License, and Lamp Adjuster License. I  
20 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
21 intelligently, and agree to be bound by the Decision and Order of the Director of the Department  
22 of Consumer Affairs.

23  
24 DATED: 8-4-27

  
ARMANDO BARAJAS  
Respondent

1 ENDORSEMENT

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

4 DATED: 8/4/2023

Respectfully submitted,

6 ROB BONTA  
Attorney General of California  
7 DAVID E. BRICE  
Supervising Deputy Attorney General

8 *Steve Pyun*

9 STEVE J. PYUN  
Deputy Attorney General  
10 *Attorneys for Complainant*

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