

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

In the Matter of the Accusation Against:

**LA SMOG CENTER; FEDERICO  
LATORRE, OWNER  
3671 S. Grand Avenue  
Los Angeles, CA 90007**

Case No. 77/08-22

OAH No. L-2009061049

**Auto Repair Dealer Reg. No. ARD 224922  
Smog Check Station License No. RC 224922  
Brake Station License No. BS 224922-C  
Lamp Station License No. LS 224922-A  
Brake Adjuster License No. BA 134462-A  
Lamp Adjuster License No. LA 134462  
Advanced Emission Specialist Technician  
License No. EA 134462**

Respondent.

**DECISION AND ORDER**

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 on March 30, 2010.

DATED: February 24, 2010

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY  
Deputy Attorney General  
4 State Bar No. 131800  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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:

Case No. 77/08-22

13 **LA SMOG CENTER; FEDERICO**  
14 **LATORRE, OWNER**  
15 **3671 S. Grand Avenue**  
16 **Los Angeles, CA 90007**

OAH No. L-2009061049

17 **STIPULATED SETTLEMENT AND**  
18 **DISCIPLINARY ORDER**

19 **Auto Repair Dealer Reg. No. ARD 224922**  
20 **Smog Check Station License No. RC 224922**  
21 **Brake Station License No. BS 224922-C**  
22 **Lamp Station License No. LS 224922-A**  
23 **Brake Adjuster License No. BA 134462-A**

24 Respondent.

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

27 PARTIES

28 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney General.

1           2.     Respondent LA Smog Center; Federico Latorre, Owner (Respondent) is representing  
2 itself in this proceeding and has chosen not to exercise its right to be represented by counsel.

3           3.     On or about January 30, 2003, the Director of Consumer Affairs ("Director") issued  
4 Automotive Repair Dealer Registration Number ARD 224922 to Federico Latorre, also known as  
5 Robert Latorre ("Respondent"), owner of L.A. Smog Center. Respondent's automotive repair  
6 dealer registration was in full force and effect at all times relevant to the charges brought herein  
7 and will expire on November 30, 2009, unless renewed.

8           4.     On or about February 3, 2003, the Director issued Smog Check Station License  
9 Number RC 224922 to Respondent. Respondent's smog check station license was in full force  
10 and effect at all times relevant to the charges brought herein and will expire on November 30,  
11 2009, unless renewed.

12           5.     On or about February 7, 2003, the Director issued Official Lamp Station License  
13 Number LS 224922 to Respondent. Respondent's official lamp station license was in full force  
14 and effect at all times relevant to the charges brought herein and will expire on November 30,  
15 2009, unless renewed.

16           6.     On or about February 7, 2003, the Director issued Official Brake Station License  
17 Number BS 224922 to Respondent. Respondent's official brake station license was in full force  
18 and effect at all times relevant to the charges brought herein and will expire on November 30,  
19 2009, unless renewed.

20           7.     In or about 1997, the Director issued Advanced Emission Specialist Technician  
21 License Number EA 134462 to Respondent. Respondent's advanced emission specialist  
22 technician license was in full force and effect at all times relevant to the charges brought herein  
23 and will expire on April 30, 2011, unless renewed.

24           8.     In or about 1997, the Director issued Lamp Adjuster License Number LA 134462 to  
25 Respondent. Respondent's lamp adjuster license was in full force and effect at all times relevant  
26 to the charges brought herein and will expire on April 30, 2011, unless renewed.

27

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

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

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

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

15          9.     **Continuing Education Courses.** During the period of probation, Respondent shall  
16 attend and successfully complete a Bureau certified training eight (8) hour citation class. Said  
17 course shall be completed and proof of completion submitted to the Bureau within 90 days of the  
18 effective date of this decision and order. If proof of completion of the course is not furnished to  
19 the Bureau within the 90-day period, Respondents' Advanced Emission Specialist Technician  
20 License Number EA 134462 shall be immediately suspended until such proof is received.

21          10.    **Cost Recovery.** Payment to the Bureau of the full amount of cost recovery of  
22 \$6000.00 shall be received no later than 6 months before probation terminates. Failure to  
23 complete payment of cost recovery within this time frame shall constitute a violation of probation  
24 which may subject Respondent's licenses and/or registration to outright revocation; however, the  
25 Director or the Director's Bureau of Automotive Repair designee may elect to continue probation  
26 until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

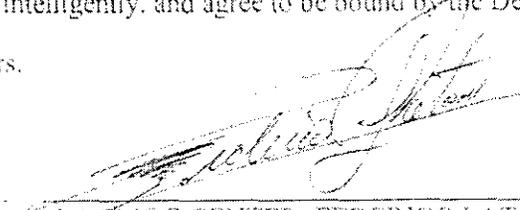
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Dealer Registration, Smog Check Station License, Advanced Emission Specialist Technician License, Brake Station License, Lamp Station License, and Brake Adjuster License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10/15/09

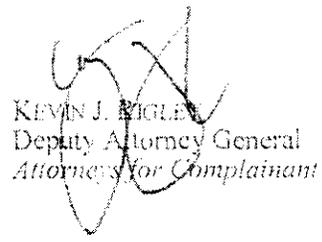
  
LA SMOG CENTER: FEDERICO LATORRE,  
OWNER  
Respondent

ENDORSEMENT

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

Dated: 10/20/09

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

  
KEVIN J. BIGLE  
Deputy Attorney General  
*Attorney for Complainant*

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1 EDMUND G. BROWN JR., Attorney General  
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Facsimile: (213) 897-2804  
6 Attorneys for Complainant  
7  
8

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

12 In the Matter of the Accusation Against:

Case No. 77/08 22

13 L.A. SMOG CENTER  
FEDERICO LATORRE,  
14 a.k.a. ROBERT LATORRE, OWNER  
3671 S. Grand Avenue  
15 Los Angeles, CA 90007

**ACCUSATION**

16 Automotive Repair Dealer Reg. No. ARD 224922  
Smog Check Station License No. RC 224922  
17 Official Lamp Station License No. LS 224922  
Official Brake Station License No. BS 224922  
18

and

19 FEDERICO LATORRE  
20 4560 W. 120th Street, #1  
Hawthorne, CA 90250  
21

Advanced Emission Specialist Technician License  
22 No. EA 134462  
Lamp Adjuster License No. LA 134462  
23 Brake Adjuster License No. BA 134462

24 Respondents.  
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Complainant alleges:

**PARTIES**

1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

**Federico Latorre dba L.A. Smog Center:**

2. On or about January 30, 2003, the Director of Consumer Affairs ("Director") issued Automotive Repair Dealer Registration Number ARD 224922 to Federico Latorre, also known as Robert Latorre ("Respondent"), owner of L.A. Smog Center. Respondent's automotive repair dealer registration was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2008, unless renewed.

3. On or about February 3, 2003, the Director issued Smog Check Station License Number RC 224922 to Respondent. Respondent's smog check station license was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2008, unless renewed.

4. On or about February 7, 2003, the Director issued Official Lamp Station License Number LS 224922 to Respondent. Respondent's official lamp station license was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2008, unless renewed.

5. On or about February 7, 2003, the Director issued Official Brake Station License Number BS 224922 to Respondent. Respondent's official brake station license was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2008, unless renewed.

**Federico Latorre:**

6. In or about 1997, the Director issued Advanced Emission Specialist Technician License Number EA 134462 to Respondent. Respondent's advanced emission specialist technician license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2009, unless renewed.





1 equipment manufacturer crash parts or nonoriginal equipment manufacturer  
2 aftermarket crash parts. One copy of the invoice shall be given to the customer  
and one copy shall be retained by the automotive repair dealer.

3 17. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

4 The automotive repair dealer shall give to the customer a written  
5 estimated price for labor and parts necessary for a specific job. No work shall  
6 be done and no charges shall accrue before authorization to proceed is obtained  
7 from the customer. No charge shall be made for work done or parts supplied in  
8 excess of the estimated price without the oral or written consent of the customer  
9 that shall be obtained at some time after it is determined that the estimated price  
10 is insufficient and before the work not estimated is done or the parts not  
11 estimated are supplied. Written consent or authorization for an increase in the  
12 original estimated price may be provided by electronic mail or facsimile  
transmission from the customer. The bureau may specify in regulation the  
procedures to be followed by an automotive repair dealer when an authorization  
or consent for an increase in the original estimated price is provided by electronic  
mail or facsimile transmission. If that consent is oral, the dealer shall make a  
notation on the work order of the date, time, name of person authorizing the  
additional repairs and telephone number called, if any, together with a  
specification of the additional parts and labor and the total additional cost . . .

13 18. Bus. & Prof. Code section 9889.3 states, in pertinent part:

14 The director may suspend, revoke, or take other disciplinary action  
15 against a license as provided in this article [Article 7 (commencing with  
16 section 9889.1) of the Automotive Repair Act] if the licensee or any partner,  
officer, or director thereof:

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

18 . . . .

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

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

22 . . . .

23 (h) Violates or attempts to violate the provisions of this chapter  
24 relating to the particular activity for which he or she is licensed . . .

25 19. Bus. & Prof. Code section 9889.16 states:

26 Whenever a licensed adjuster in a licensed station upon an inspection  
27 or after an adjustment, made in conformity with the instructions of the  
bureau, determines that the lamps or the brakes upon any vehicle conform with  
28 the requirements of the Vehicle Code, he shall, when requested by the owner  
or driver of the vehicle, issue a certificate of adjustment on a form prescribed

1 by the director, which certificate shall contain the date of issuance, the make  
2 and registration number of the vehicle, the name of the owner of the vehicle,  
and the official license of the station.

3 20. Bus. & Prof. Code section 9889.22 states:

4 The willful making of any false statement or entry with regard to a  
5 material matter in any oath, affidavit, certificate of compliance or  
6 noncompliance, or application form which is required by this chapter [the  
7 Automotive Repair Act] or Chapter 5 (commencing with Section 44000)  
of Part 5 of Division 26 of the Health and Safety Code constitutes perjury  
and is punishable as provided in the Penal Code.

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

13 22. Bus. & Prof. Code section 22, subdivision (a), states:

14 "Board" as used in any provision of this Code, refers to the board in  
15 which the administration of the provision is vested, and unless otherwise expressly  
16 provided, shall include "bureau," "commission," "committee," "department,"  
"division," "examining committee," "program," and "agency."

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

19 24. Health & Saf. Code section 44072.2 states, in pertinent part:

20 The director may suspend, revoke, or take other disciplinary action  
21 against a license as provided in this article if the licensee, or any partner,  
officer, or director thereof, does any of the following:

22 . . . .

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

25 25. Health & Saf. Code section 44072.8 states that when a license has been  
26 revoked or suspended following a hearing under this article, any additional license issued under  
27 this chapter in the name of the licensee may be likewise revoked or suspended by the director.

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1 Cost Recovery

2 26. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board  
3 may request the administrative law judge to direct a licensee found to have committed a  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
5 investigation and enforcement of the case.

6 UNDERCOVER OPERATION #1: 1991 BUICK CENTURY

7 27. On October 23, 2007, an undercover operator with the Bureau, using the  
8 fictitious name "Manny Garcia" (hereinafter "operator"), took the Bureau's 1991 Buick Century  
9 to Respondent's facility and requested a brake and lamp inspection for a salvaged vehicle. The  
10 rear brake drums on the Bureau-documented vehicle were machined beyond the manufacturer's  
11 drum discard diameter specifications, the left headlamp was out of adjustment, and the back-up  
12 lamps were not functioning. Respondent told the operator that the inspection cost \$90. The  
13 operator signed and received a copy of a written estimate. Respondent placed a headlamp aimer  
14 in front of the headlamps, then drove the vehicle out of the shop. Respondent returned after a  
15 few minutes and told the operator that he was out of lamp certificates. Respondent stated that he  
16 needed to go and "get one", which would take about 30 minutes. The operator agreed to wait.  
17 Respondent drove off in the vehicle and returned after approximately 30 minutes. The operator  
18 paid Respondent \$90 in cash and received copies of Certificate of Brake Adjustment Number  
19 BC 543685 issued by Respondent, and Certificate of Lamp Adjustment Number LC 529719  
20 issued by another automotive repair facility, LA Auto Repair, located in Los Angeles, California.  
21 The operator was not given a final invoice.

22 28. Later that same day, a representative of the Bureau inspected the vehicle  
23 and found that the rear brake drums were not within manufacturer's specifications, the wheels  
24 and rear brake drums had not been removed to inspect the brakes, the cap to the brake master  
25 cylinder had not been removed to check the brake fluid level, the left headlamp was still out of  
26 adjustment, and the back-up lights still were not functioning.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 29. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), Respondent  
5 made or authorized statements which he knew or in the exercise of reasonable care should have  
6 known to be untrue or misleading, as follows:

7 a. Respondent certified under penalty of perjury on Brake Certificate Number  
8 BC 543685 that the applicable inspection was performed on the brake system on the Bureau's  
9 1991 Buick Century. In fact, Respondent failed to inspect the brakes on the vehicle, and failed to  
10 remove the brake master cylinder cap to check the brake fluid level.

11 b. Respondent certified under penalty of perjury on Brake Certificate Number  
12 BC 543685 that the rear brake drums on the Bureau's 1991 Buick Century were in a satisfactory  
13 condition. In fact, the rear brake drums had been machined beyond the manufacturer's drum  
14 discard diameter specifications.

15 SECOND CAUSE FOR DISCIPLINE

16 (Fraud)

17 30. Respondent's automotive repair dealer registration is subject to  
18 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), Respondent  
19 committed an act which constitutes fraud, as follows: Respondent charged and obtained payment  
20 from the operator for performing the applicable inspection, adjustment, or repair of the brake  
21 system on the Bureau's 1991 Buick Century as specified by the Bureau and in accordance with  
22 the Vehicle Code. In fact, Respondent failed to conduct the inspection or perform the necessary  
23 repairs in compliance with Bureau Regulations or the Vehicle Code as set forth in paragraph 29  
24 above.

25 THIRD CAUSE FOR DISCIPLINE

26 (Unauthorized Sublet of Repairs)

27 31. Respondent's automotive repair dealer registration is subject to  
28 disciplinary action pursuant to Code section 9884.7, subdivision (a)(9), in that Respondent sublet

1 the lamp inspection on the Bureau's 1991 Buick Century to LA Auto Repair without the  
2 operator's knowledge or consent.

3 **FOURTH CAUSE FOR DISCIPLINE**

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

5 32. Respondent's automotive repair dealer registration is subject to  
6 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
7 Respondent failed to comply with provisions of that Code in the following material respects:

- 8 a. **Section 9884.8:** Respondent failed to provide the operator with an invoice  
9 listing all service work performed on the Bureau's 1991 Buick Century.
- 10 b. **Section 9889.16:** Respondent issued Brake Certificate Number  
11 BC 543685 as to the Bureau's 1991 Buick Century when the vehicle was  
12 not in compliance with Bureau Regulations or the requirements of the  
13 Vehicle Code.
- 14 c. **Section 9889.22:** Respondent willfully made false statements or entries  
15 on Brake Certificate Number BC 543685, as set forth in paragraph 29  
16 above.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations)**

19 33. Respondent's automotive repair dealer registration is subject to  
20 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
21 Respondent failed to comply with provisions of California Code of Regulations, title 16, in the  
22 following material respects:

- 23 a. **Section 3305, subdivision (a):** Respondent failed to perform the  
24 inspection of the brake system on the Bureau's 1991 Buick Century  
25 in accordance with the specifications, instructions, and directives issued by  
26 the Bureau and the vehicle manufacturer.
- 27 b. **Section 3321, subdivision (c)(2):** Respondent issued Brake Certificate  
28 Number BC 543685 as to the Bureau's 1991 Buick Century when the

1 brake system on the vehicle had not been tested or inspected, as set forth in  
2 paragraph 29 above.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 34. Respondent's official brake station license is subject to disciplinary action  
6 pursuant to Bus. & Prof. Code sections 9889.3, subdivision (a), and 9889.3, subdivision (h), in  
7 that Respondent violated the provisions of Bus. & Prof. Code sections 9884.8, 9889.16, and  
8 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 32 above.

9 **SEVENTH CAUSE FOR DISCIPLINE**

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

11 35. Respondent's official brake station license is subject to disciplinary action  
12 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
13 comply with the provisions of California Code of Regulations, title 16, sections 3305,  
14 subdivision (a), and 3321, subdivision (c)(2), as set forth in paragraph 33 above.

15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 36. Respondent's official brake station license is subject to disciplinary action  
18 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed an  
19 act involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph  
20 30 above.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Code)**

23 37. Respondent's brake adjuster license is subject to disciplinary action  
24 pursuant to Bus. & Prof. Code sections 9889.3, subdivision (a), and 9889.3, subdivision (h), in  
25 that he violated the provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating to his  
26 licensed activities, as set forth in subparagraphs 32 (b) and (c) above.

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1 TENTH CAUSE FOR DISCIPLINE

2 (Violations of Regulations)

3 38. Respondent's brake adjuster license is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with  
5 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and  
6 3321, subdivision (c)(2), as set forth in paragraph 33 above.

7 UNDERCOVER OPERATION #2: 1987 OLDSMOBILE DELTA 88

8 39. On November 27, 2007, the operator, using the fictitious name "Manny  
9 Garcia", took the Bureau's 1987 Oldsmobile Delta 88 to Respondent's facility and requested a  
10 brake and lamp inspection for a salvaged vehicle. The rear brake drums on the Bureau-  
11 documented vehicle were machined beyond the manufacturer's drum discard diameter  
12 specifications, the left headlamp was out of adjustment, and the left rear side clearance lamp was  
13 not functioning. Respondent's employee, whose identity is presently unknown to the Bureau,  
14 had the operator complete and sign a work order for the inspection, then gave the operator a  
15 copy. The employee asked the operator for the DMV paperwork. After approximately 15  
16 minutes, the employee filled out the brake and lamp certificates. The operator paid the employee  
17 \$90 in cash and received copies of an invoice, Certificate of Brake Adjustment Number BC  
18 573012, and Certificate of Lamp Adjustment Number LC 563678. The employee signed the  
19 certificates using Respondent's name and brake and lamp adjuster license numbers. As the  
20 operator paid for the certificates, he observed Respondent at the facility. During the entire time  
21 the operator was at the facility, he never observed Respondent or the employee inspect or road  
22 test the vehicle.

23 40. Later that same day, a representative of the Bureau inspected the vehicle  
24 and found that the rear brake drums were not within manufacturer's specifications, the wheels  
25 and rear brake drums had not been removed to inspect the brakes, the left headlamp was still out  
26 of adjustment, and the left rear side clearance lamp was still not functioning.

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1 ELEVENTH CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 41. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1). Respondent  
5 made or authorized statements which he knew or in the exercise of reasonable care should have  
6 known to be untrue or misleading, as follows:

7 a. Respondent's employee certified under penalty of perjury on Brake  
8 Certificate Number BC 573012 that the applicable inspection was performed on the brake system  
9 on the Bureau's 1987 Oldsmobile Delta 88. In fact, neither Respondent nor the employee  
10 inspected the brake system on the vehicle.

11 b. Respondent's employee certified under penalty of perjury on Brake  
12 Certificate Number BC 573012 that the rear brake drums on the Bureau's 1987 Oldsmobile Delta  
13 88 were in a satisfactory condition. In fact, the rear brake drums had been machined beyond the  
14 manufacturer's drum discard diameter specifications.

15 c. Respondent's employee certified under penalty of perjury on Brake  
16 Certificate Number BC 573012 that the Bureau's 1987 Oldsmobile Delta 88 had a stopping  
17 distance of 25 feet from a speed of 20 miles per hour as a result of a road-test when, in fact,  
18 neither Respondent nor the employee road-tested the vehicle.

19 d. Respondent's employee certified under penalty of perjury on Lamp  
20 Certificate Number LC 563678 that the applicable adjustment had been performed on the lighting  
21 system on the Bureau's 1987 Oldsmobile Delta 88. In fact, the left headlamp had not been  
22 adjusted.

23 e. Respondent's employee certified under penalty of perjury on Lamp  
24 Certificate Number LC 563678 that the applicable repair had been performed on the lighting  
25 system on the Bureau's 1987 Oldsmobile Delta 88. In fact, the left rear side clearance lamp was  
26 not functioning.

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1 TWELFTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 42. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4). Respondent  
5 committed an act which constitutes fraud, as follows: Respondent charged and obtained payment  
6 from the operator for performing the applicable inspections, adjustments, or repairs of the brake  
7 and lighting systems on the Bureau's 1987 Oldsmobile Delta 88 as specified by the Bureau and in  
8 accordance with the Vehicle Code. In fact, Respondent failed to perform the necessary  
9 inspections, adjustments, and repairs in compliance with Bureau Regulations or the Vehicle  
10 Code, as set forth in paragraph 41 above.

11 THIRTEENTH CAUSE FOR DISCIPLINE

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

13 43. Respondent's automotive repair dealer registration is subject to  
14 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
15 Respondent failed to comply with provisions of that Code in the following material respects:

- 16 a. Section 9889.16: Respondent issued Brake Certificate Number  
17 BC 573012 and Lamp Certificate Number LC 563678 as to the Bureau's  
18 1987 Oldsmobile Delta 88 when the vehicle was not in compliance with  
19 Bureau Regulations or the requirements of the Vehicle Code.
- 20 b. Section 9889.22: Respondent's employee willfully made false statements  
21 or entries on Brake Certificate Number BC 573012 and Lamp Certificate  
22 Number LC 563678, as set forth in paragraph 41 above.

23 FOURTEENTH CAUSE FOR DISCIPLINE

24 (Violations of Regulations)

25 44. Respondent's automotive repair dealer registration is subject to  
26 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that

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1 Respondent failed to comply with provisions of California Code of Regulations, title 16, in the  
2 following material respects:

- 3 a. Section 3305, subdivision (a): Respondent failed to perform the  
4 inspection of the brake system and inspection, adjustment, and repair of  
5 the lamp system on the Bureau's 1987 Oldsmobile Delta 88 in accordance  
6 with the specifications, instructions, and directives issued by the Bureau  
7 and the vehicle manufacturer.
- 8 b. Section 3316, subdivision (d)(2): Respondent issued Lamp Certificate  
9 Number LC 563678 as to the Bureau's 1987 Oldsmobile Delta 88 when all  
10 of the lamps, lighting equipment, and/or related electrical systems on the  
11 vehicle had not been inspected and were not in compliance with Bureau  
12 regulations, as set forth in paragraph 41 above.
- 13 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate  
14 Number BC 573012 as to the Bureau's 1987 Oldsmobile Delta 88 when  
15 the brake system on the vehicle had not been tested or inspected, as set  
16 forth in paragraph 41 above.

17 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

19 45. Respondent's official brake and lamp station licenses are subject to  
20 disciplinary action pursuant to Bus. & Prof. Code sections 9889.3, subdivision (a), and 9889.3,  
21 subdivision (h), in that Respondent violated the provisions of Bus. & Prof. Code sections  
22 9889.16 and 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 43  
23 above.

24 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

26 46. Respondent's official brake and lamp station licenses are subject to  
27 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that  
28 Respondent failed to comply with the provisions of California Code of Regulations, title 16.

1 sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2).  
2 as set forth in paragraph 44 above.

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

5 47. Respondent's official brake and lamp station licenses are subject to  
6 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that  
7 Respondent committed an act involving dishonesty, fraud, or deceit whereby another was  
8 injured, as set forth in paragraph 42 above.

9 **UNDERCOVER OPERATION #3: 2000 TOYOTA TACOMA**

10 48. On February 5, 2008, the operator, using the fictitious name "Manny  
11 Garcia", took the Bureau's 2000 Toyota Tacoma to Respondent's facility and requested a brake  
12 and lamp inspection for a salvaged vehicle. The rear brake drums on the Bureau-documented  
13 vehicle were machined beyond the manufacturer's drum discard diameter specifications, the left  
14 headlamp was out of adjustment, and defective lamps had been installed in the back up lights,  
15 preventing them from functioning. Respondent pulled the vehicle halfway into the first stall,  
16 turned the lights on, and went around the vehicle. Respondent then drove the vehicle off the  
17 premises, and returned after approximately fifteen minutes. The operator signed and received a  
18 copy of an invoice, paid Respondent \$85, and received copies of Certificate of Brake Adjustment  
19 Number BC 611464 and Certificate of Lamp Adjustment Number LC 589982.

20 49. Later that same day, a representative of the Bureau inspected the vehicle  
21 and found that the rear brake drums were not within manufacturer's specifications, the wheels  
22 and rear brake drums had not been removed to inspect the brakes, the left headlamp was still out  
23 of adjustment, and the back up lamps still were not functioning.

24 **EIGHTEENTH CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 50. Respondent's automotive repair dealer registration is subject to  
27 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1). Respondent

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1 made or authorized statements which he knew or in the exercise of reasonable care should have  
2 known to be untrue or misleading, as follows:

3 a. Respondent certified under penalty of perjury on Brake Certificate Number  
4 BC 611464 that the applicable inspection was performed on the brake system on the Bureau's  
5 2000 Toyota Tacoma. In fact, Respondent failed to inspect the brake system on the vehicle.

6 b. Respondent certified under penalty of perjury on Brake Certificate Number  
7 BC 611464 that the rear brake drums on the Bureau's 2000 Toyota Tacoma were in a satisfactory  
8 condition. In fact, the rear brake drums had been machined beyond the manufacturer's drum  
9 discard diameter specifications.

10 c. Respondent certified under penalty of perjury on Lamp Certificate Number  
11 LC 589982 that the applicable adjustment had been performed on the lighting system on the  
12 Bureau's 2000 Toyota Tacoma. In fact, the left headlamp was still out of adjustment.

13 d. Respondent certified under penalty of perjury on Lamp Certificate Number  
14 LC 589982 that the applicable repair had been performed on the lighting system on the Bureau's  
15 2000 Toyota Tacoma. In fact, the back up lamps still were not functioning.

16 **NINETEENTH CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 51. Respondent's automotive repair dealer registration is subject to  
19 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4). Respondent  
20 committed an act which constitutes fraud, as follows: Respondent charged and obtained payment  
21 from the operator for performing the applicable inspections, adjustments, or repairs of the brake  
22 and lighting systems on the Bureau's 2000 Toyota Tacoma as specified by the Bureau and in  
23 accordance with the Vehicle Code. In fact, Respondent failed to perform the necessary  
24 inspections, adjustments, and repairs in compliance with Bureau Regulations or the Vehicle  
25 Code, as set forth in paragraph 50 above.

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1 TWENTIETH CAUSE FOR DISCIPLINE

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

3 52. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
5 Respondent failed to comply with provisions of that Code in the following material respects:

- 6 a. Section 9884.8, subdivision (a): Respondent failed to provide the  
7 operator with a written estimate for parts and/or labor necessary for the  
8 brake and lamp inspections on the Bureau's 2000 Toyota Tacoma.  
9 Further, Respondent failed to obtain the operator's authorization for the  
10 inspections in that he failed to have the operator sign a work order.
- 11 b. Section 9889.16: Respondent issued Brake Certificate Number  
12 BC 611464 and Lamp Certificate Number LC 589982 as to the Bureau's  
13 2000 Toyota Tacoma when the vehicle was not in compliance with Bureau  
14 Regulations or the requirements of the Vehicle Code.
- 15 c. Section 9889.22: Respondent willfully made false statements or entries  
16 on Brake Certificate Number BC 611464 and Lamp Certificate Number  
17 LC 589982, as set forth in paragraph 50 above.

18 TWENTY-FIRST CAUSE FOR DISCIPLINE

19 (Violations of Regulations)

20 53. Respondent's automotive repair dealer registration is subject to  
21 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
22 Respondent failed to comply with provisions of California Code of Regulations, title 16, in the  
23 following material respects:

- 24 a. Section 3305, subdivision (a): Respondent failed to perform the  
25 inspection of the brake system and inspection, adjustment, and repair of  
26 the lamp system on the Bureau's 2000 Toyota Tacoma in accordance  
27 with the specifications, instructions, and directives issued by the Bureau  
28 and the vehicle manufacturer.

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b. Section 3316, subdivision (d)(2): Respondent issued Lamp Certificate Number LC 589982 as to the Bureau's 2000 Toyota Tacoma when all of the lamps, lighting equipment, and/or related electrical systems on the vehicle had not been inspected and were not in compliance with Bureau regulations, as set forth in paragraph 50 above.

c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate Number BC 611464 as to the Bureau's 2000 Toyota Tacoma when the brake system on the vehicle had not been tested or inspected, as set forth in paragraph 50 above.

**TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

54. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code sections 9889.3, subdivision (a), and 9889.3, subdivision (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16 and 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 52 above.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

55. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 53 above.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

56. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that

1 Respondent committed an act involving dishonesty, fraud, or deceit whereby another was  
2 injured, as set forth in paragraph 51 above.

3 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code)**

5 57. Respondent's brake and lamp adjuster licenses are subject to disciplinary  
6 action pursuant to Bus. & Prof. Code sections 9889.3, subdivision (a), and 9889.3, subdivision  
7 (h), in that he violated the provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating  
8 to his licensed activities, as set forth in subparagraphs 52 (b) and (c) above.

9 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

10 **(Violations of Regulations)**

11 58. Respondent's brake and lamp adjuster licenses are subject to disciplinary  
12 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply  
13 with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a),  
14 and 3316, subdivision (d)(2), as set forth in paragraph 53 above.

15 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

17 59. Respondent's smog check station and advanced emission specialist  
18 technician licenses are subject to disciplinary action pursuant to Health & Saf. Code section  
19 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts  
20 whereby another is injured, as set forth in paragraphs 30, 42, and 51 above.

21 **OTHER MATTERS**

22 60. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the  
23 Director may refuse to validate, or may invalidate temporarily or permanently, the registrations  
24 for all places of business operated in this state by Respondent Federico Latorre, also known as  
25 Robert Latorre, owner of L.A. Smog Center, upon a finding that said Respondent has, or is,  
26 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
27 automotive repair dealer.

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1           61. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station  
2 License Number RC 224922, issued to Respondent Federico Latorre, also known as Robert  
3 Latorre, owner of L.A. Smog Center, is revoked or suspended, any additional license issued  
4 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
5 Director.

6           62. Pursuant to Bus. & Prof. Code section 9889.9, if Official Lamp Station  
7 License Number LS 224922, issued to Respondent Federico Latorre, also known as Robert  
8 Latorre, owner of L.A. Smog Center, is revoked or suspended, any additional license issued  
9 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
10 Director.

11           63. Pursuant to Bus. & Prof. Code section 9889.9, if Official Brake Station  
12 License Number BS 224922, issued to Respondent Federico Latorre, also known as Robert  
13 Latorre, owner of L.A. Smog Center, is revoked or suspended, any additional license issued  
14 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
15 Director.

16           64. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission  
17 Specialist Technician License Number EA 134462, issued to Respondent Federico Latorre, also  
18 known as Robert Latorre, is revoked or suspended, any additional license issued under this  
19 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

20           65. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License  
21 Number LA 134462, issued to Respondent Federico Latorre, also known as Robert Latorre, is  
22 revoked or suspended, any additional license issued under this chapter in the name of said  
23 licensee may be likewise revoked or suspended by the Director.

24           66. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License  
25 Number BA 134462, issued to Respondent Federico Latorre, also known as Robert Latorre,  
26 is revoked or suspended, any additional license issued under this chapter in the name of said  
27 licensee may be likewise revoked or suspended by the Director.

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1 PRAYER

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

4 1. Temporarily or permanently invalidating Automotive Repair Dealer  
5 Registration Number ARD 224922, issued to Federico Latorre, also known as Robert Latorre,  
6 owner of L.A. Smog Center;

7 2. Temporarily or permanently invalidating any other automotive repair  
8 dealer automotive repair dealer registration issued to Federico Latorre, also known as Robert  
9 Latorre;

10 3. Revoking or suspending Smog Check Station License Number  
11 RC 224922, issued to Federico Latorre, also known as Robert Latorre, owner of L.A. Smog  
12 Center;

13 4. Revoking or suspending Advanced Emission Specialist Technician  
14 License Number EA 134462, issued to Federico Latorre, also known as Robert Latorre;

15 5. Revoking or suspending any additional license issued under Chapter 5 of  
16 the Health and Safety Code in the name of Federico Latorre, also known as Robert Latorre;

17 6. Revoking or suspending Official Lamp Station License Number  
18 LS 224922, issued to Federico Latorre, also known as Robert Latorre, owner of L.A. Smog  
19 Center;

20 7. Revoking or suspending Official Brake Station License Number  
21 BS 224922, issued to Federico Latorre, also known as Robert Latorre, owner of L.A. Smog  
22 Center;

23 8. Revoking or suspending Lamp Adjuster License Number LA 134462,  
24 issued to Federico Latorre, also known as Robert Latorre;

25 9. Revoking or suspending Brake Adjuster License Number BA 134462,  
26 issued to Federico Latorre, also known as Robert Latorre;

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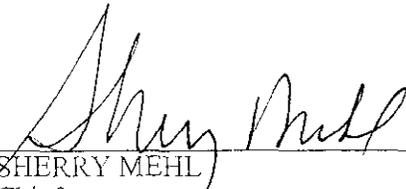
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1                   10.     Revoking or suspending any additional license issued under Articles  
2 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Federico Latorre,  
3 also known as Robert Latorre;

4                   11.     Ordering Respondent Federico Latorre, also known as Robert Latorre,  
5 individually, and as owner of L.A. Smog Center, to pay the Director of Consumer Affairs the  
6 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
7 Professions Code section 125.3;

8                   12.     Taking such other and further action as deemed necessary and proper.

9 DATED: 10-23-08

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11   
12 SHERRY MEHL  
13 Chief  
14 Bureau of Automotive Repair  
15 Department of Consumer Affairs  
16 State of California

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27 Complainant