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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 Petition to Revoke
Probation Against,

Case No. **79/16-57**

13 **ECONOMY SMOG**
14 **MARK A. PRICE, OWNER**
1019 Norboe Avenue
Corcoran, California 93212

PETITION TO REVOKE PROBATION

15 **Automotive Repair Dealer No. ARD 234152**
16 **Smog Check Station No. RC 234152**

17 **MARK ALLEN PRICE**
1630 Brewer Avenue
18 Corcoran, California 93212

19 **Smog Check Inspector License No. 138552**
20 **(formerly Advanced Emission Specialist**
Technician License No. EA 138552)

21 Respondent.

22
23 Patrick Dorais ("Petitioner") alleges:

24 **PARTIES**

25 1. Petitioner brings this Petition to Revoke Probation solely in his official capacity as
26 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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1 **Automotive Repair Dealer Registration**

2 2. On or about July 1, 2004, the Bureau issued Automotive Repair Dealer Registration
3 Number ARD 234152 (“Registration”) to Mark Allen Price (“Respondent”), doing business as
4 Economy Smog. The Automotive Repair Dealer Registration expired on June 30, 2015, and has
5 not been renewed.

6 **Smog Check Station License**

7 3. On or about June 9, 2008, the Bureau issued Smog Check Station License Number
8 RC 234152 to Respondent. The Smog Check Station License expired on June 30, 2015, and has
9 not been renewed.

10 **Smog Check Inspector License**

11 4. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist
12 Technician License No. EA 138552 to Respondent. Respondent’s technician license expired on
13 April 30, 2014. Pursuant to California Code of Regulations, title 16 (“Regulations”), section
14 3340.28(e), and effective May 5, 2014, Respondent elected to renew the license as Smog Check
15 Inspector (EO) License Number 138552.¹ The Smog Check Inspector (EO) License was in and
16 effect at all times relevant to the charges brought herein and will expire on April 30, 2016, unless
17 renewed.

18 **Disciplinary Action**

19 5. In a disciplinary action entitled *In the Matter of the Accusation Against Economy*
20 *Smog Mark A. Price, Owner, et al.*, Case No. 79/15-13, the Director of the Department of
21 Consumer Affairs adopted a *Stipulated Settlement and Disciplinary Order*, effective April 23,
22 2015 (the “Decision”). The Decision revoked Respondent’s Automotive Repair Dealer
23 Registration No. ARD 234152, Smog Check Station License No. RC 234152, and Smog Check
24 Inspector (EO) License No. 138552. However, revocations of Respondent’s Registration, Smog
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26 ¹ Effective August 1, 2012, Regulations, sections 3340.28, 3340.29, and 3340.30 were
27 amended to implement a license restructure from the Advanced Emission Specialist Technician
28 (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license
and/or Smog Check Repair Technician (EI) license.

1 Check Station License, and Smog Check Inspector License were stayed. The registration and
2 licenses were placed on probation for three years with certain terms and conditions.

3 **JURISDICTION**

4 6. Probation Term and Condition Number 6 of the decision states:

5 Should the Director of Consumer Affairs determine that Respondent has
6 failed to comply with the terms and conditions of probation, the Department
may, after giving notice and opportunity to be heard revoke the license.

7 7. Grounds exist to revoke Respondent's probation and reimpose the order of revocation
8 of Respondent's registration and licenses as follows:

9 **FIRST CAUSE TO REVOKE PROBATION**

10 (Failure to Report in Person)

11 8. At all times after the effective date of Respondent's probation, Condition 2 of the
12 Decision in Case No. 79/15-13 stated:

13 Respondent or Respondent's authorized representative must report in person
14 or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set
15 by the Bureau, but no more frequently than each quarter, on the methods used and
success achieved in maintaining compliance with the terms and conditions of
probation.

16 9. Respondent's probation is subject to revocation because he failed to comply with
17 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
18 are that Respondent failed to report in person for a probation conference set by the Bureau.
19 Specifically, on or about August 3, 2015, the Bureau sent a Probation Conference Notification to
20 attend a probation conference with the Bureau on August 18, 2015. The notice stated, in part,
21 "Failure to comply with this notice may result in a violation of probation pursuant to the final
22 Decision and Disciplinary order of this case." Respondent failed to attend.

23 **SECOND CAUSE TO REVOKE PROBATION**

24 (Failure to Provide Proof of Completion of a Certified Training Course)

25 10. At all times after the effective date of Respondent's probation, Condition 7 of the
26 Decision in Case No. 79/15-13 stated:

27 During the period of probation, Respondent shall attend and successfully
28 complete a 68 hour Bureau certified training course in diagnosis and repair of
emission systems failures and engine performance, applicable to the class of

1 license held by the Respondent. Said course shall be completed and proof of
2 completion submitted to the Bureau within 60 days of the effective date of this
3 decision and order. If proof of completion of the course is not furnished to the
Bureau within the 60-day period, Respondents' license shall be immediately
suspended until such proof is received.

4 11. Respondent's probation is subject to revocation because he failed to comply with
5 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
6 are that Respondent failed to provide proof of completion by June 22, 2015 (within 60 days of the
7 Decision), of a 68 hour Bureau certified training course in diagnosis and repair of emission
8 failures and engine performance applicable to the class of license held by respondent.

9 **THIRD CAUSE TO REVOKE PROBATION**

10 (Cost Recovery)

11 12. At all times after the effective date of Respondent's probation, Condition 9 of the
12 *Decision* in Case No. 79/15-13 stated:

13 Payment to the Bureau of the full amount of cost recovery in the amount of
14 \$7,583.12 in 30 equal monthly payments beginning with the effective date of the
15 decision and the final payment shall be received no later than 6 months before
16 probation terminates. Failure to complete payment of cost recovery within this time
17 frame shall constitute a violation of probation which may subject Respondent's
licenses and/ or registration to outright revocation; however, the Director or the
Director's Bureau of Automotive Repair designee may elect to continue probation
until such time as reimbursement of the entire cost recovery amount has been made to
the Bureau.

18 13. Respondent's probation is subject to revocation for failing to comply with
19 Condition 9, referenced above, in that Respondent failed to make a monthly payment for cost
20 recovery, commencing April 23, 2015 (the effective date of the Decision), or anytime thereafter.

21 **FOURTH CAUSE TO REVOKE PROBATION**

22 (Failure to Comply With the Terms and Conditions of Probation)

23 14. At all times after the effective date of Respondent's probation, Condition 6 of the
24 *Decision* in Case No. 79/15-13 stated:

25 Should the Director of Consumer Affairs determine that Respondent has failed
26 to comply with the terms and conditions of probation, the Department may, after
giving notice and opportunity to be heard revoke the license.

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- 1 5. Revoking or suspending Smog Check Inspector (EO) License No. 138552 (formerly
2 Advanced Emission Specialist Technician EA License No. 138552), issued to Mark A. Price;
3 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
4 and Safety Code in the name of Mark A. Price;
5 7. Ordering Mark A. Price, owner of Economy Smog, to pay the Director of Consumer
6 Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to
7 Business and Professions Code section 125.3; and,
8 8. Taking such other and further action as deemed necessary and proper.

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10 DATED: February 4, 2016


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

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