

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

In the Matter of the Accusation Against:

**RIGOBERTO TAMAYO-PRESIDENT/SECRETARY/TREASURER dba RIGOS**

**AUTOMOTIVE, INC.**

1625 Pacific Avenue, #163

Oxnard, CA 93033

Automotive Repair Dealer Registration No. ARD 250682

Smog Check Station License No. RC 250682

and

**RIGOBERTO TAMAYO**

1625 Pacific Avenue, #163

Oxnard, CA 93033

Smog Check Inspector License No. EO 632502

Smog Check Repair Technician License No. EI 632502

Respondents.

Case No. 79/23-7565

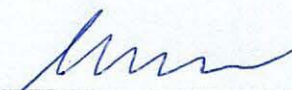
OAH No. 2023120029

**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 JUNE 4, 2024.

IT IS SO ORDERED April 23, 2024.

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

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Attorney General of California  
2 NANCY A. KAISER  
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9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:  
14  
15 **RIGOBERTO TAMAYO-PRESIDENT/  
SECRETARY/TREASURER DBA RIGOS  
AUTOMOTIVE INC.**  
16 **1625 Pacific Avenue, #163  
Oxnard, CA 93033**  
17 **Automotive Repair Dealer Registration No.  
ARD 250682**  
18 **Smog Check Station License No. RC 250682**

19 and

20 **RIGOBERTO TAMAYO**  
21 **1625 Pacific Avenue, #163**  
22 **Oxnard, CA 93033**  
23 **Smog Check Inspector License No. EO  
632502**  
**Smog Check Repair Technician License No.  
EI 632502**

24 Respondents.

Case No. 79/23-7565

OAH No. 2023120029

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

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1 **PARTIES**

2 1. Patrick Dorais (“Complainant”) is the Chief of the Bureau of Automotive Repair  
3 (“Bureau”). He brought this action solely in his official capacity and is represented in this matter  
4 by Rob Bonta, Attorney General of the State of California, by Michael Brown, Deputy Attorney  
5 General.

6 2. Rigoberto Tamayo-President/Secretary/Treasurer dba Rigos Automotive Inc.  
7 (“Respondent Rigos Automotive”) and Rigoberto Tamayo (“Respondent Tamayo”) are  
8 representing themselves in this proceeding and have chosen not to exercise their right to be  
9 represented by counsel.

10 **Rigoberto Tamayo-President/Secretary/Treasurer dba Rigos Automotive Inc.**

11 **Automotive Repair Dealer Registration**

12 3. In 2007, the Bureau issued Automotive Repair Dealer Registration Number ARD  
13 250682 to Respondent Rigos Automotive. The Automotive Repair Dealer Registration was in  
14 full force and effect at all times relevant to the charges brought herein and will expire on May 31,  
15 2024, unless renewed.

16 **Smog Check Station License**

17 4. On or about February 7, 2011, the Bureau issued Smog Check Station License  
18 Number RC 250682 to Respondent Rigos Automotive. The Smog Check Station License was in  
19 full force and effect at all times relevant to the charges brought herein and will expire on May 31,  
20 2024, unless renewed.

21 **STAR Station Certification**

22 5. On or about January 2, 2020, the Bureau certified Rigos Automotive Inc. as a STAR  
23 Station. The certification will remain active unless ARD 250682 and/or RC 250682 is revoked,  
24 canceled, becomes delinquent, or the certification is invalidated.

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1 **RIGOBERTO TAMAYO**

2 **Smog Check Inspector License/Smog Check Repair Technician License**  
3 **(formerly Advanced Emission Specialist Technician License Number EA 632502)**

4 6. On or about September 16, 2010, the Bureau issued Advanced Emission Specialist  
5 Technician License Number EA 632502 to Respondent Tamayo. Respondent Tamayo's  
6 Advanced Emission Specialist Technician License was due to expire on July 31, 2012, however,  
7 was cancelled on July 24, 2012. Pursuant to California Code of Regulations, title 16, section  
8 3340.28, subdivision (e)<sup>1</sup>, the license was renewed, pursuant to Respondent Tamayo's election, as  
9 Smog Check Inspector License Number EO 632502 and Smog Check Repair Technician License  
10 Number EI 632502, effective July 24, 2012. Respondent Tamayo's Smog Check Inspector  
11 License was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on July 31, 2024, unless renewed. Effective July 31, 2022, the Smog Check Repair  
13 Technician License is inactive pending completion of training requirements.

14 **JURISDICTION**

15 7. Accusation No. 79/23-7565 was filed before the Director, and is currently pending  
16 against Respondents Rigos Automotive and Tamayo. The Accusation and all other statutorily  
17 required documents were properly served on Respondents on October 3, 2023. Respondents  
18 timely filed their Notice of Defense contesting the Accusation. A copy of Accusation No. 79/23-  
19 7565 is attached as Exhibit A and incorporated by reference.

20 **ADVISEMENT AND WAIVERS**

21 8. Respondents Rigos Automotive and Tamayo are fully aware of their legal rights in  
22 this matter, including the right to a hearing on the charges and allegations in the Accusation; the  
23 right to confront and cross-examine the witnesses against them; the right to present evidence and  
24 to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of  
25 witnesses and the production of documents; the right to reconsideration and court review of an

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27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
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 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
2 and other applicable laws.

3 9. Respondents Rigos Automotive and Tamayo voluntarily, knowingly, and intelligently  
4 waive and give up each and every right set forth above.

5 **CULPABILITY**

6 10. Respondents Rigos Automotive and Tamayo admit the truth of each and every charge  
7 and allegation in Accusation No. 79/23-7565.

8 11. Respondents Rigos Automotive and Tamayo agree that their Automotive Repair  
9 Dealer Registration No. ARD 250682, Smog Check Station License No. RC 250682, Smog  
10 Check Inspector License Number EO 632502, and Smog Check Repair Technician License  
11 Number EI 632502 are subject to discipline and they agree to be bound by the Director's  
12 probationary terms as set forth in the Disciplinary Order below.

13 **CONTINGENCY**

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

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

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

6           4.     **Access to Examine Vehicles and Records.** Respondent Rigos Automotive shall  
7 provide BAR representatives unrestricted access to examine all vehicles (including parts)  
8 undergoing service, inspection, or repairs, up to and including the point of completion.  
9 Respondent shall also provide BAR representatives unrestricted access to all records pursuant to  
10 BAR laws and regulations.

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

24           6.     **Violation of Probation.** If Respondent Rigos Automotive violates or fails to comply  
25 with the terms and conditions of probation in any respect, the Director, after giving notice and  
26 opportunity to be heard may set aside the stay order and carry out the disciplinary order provided  
27 in the decision. Once Respondent is served notice of BAR's intent to set aside the stay, the  
28 Director shall maintain jurisdiction, and the period of probation shall be extended until final

1 resolution of the matter.

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

11       **8. Cost Recovery.** Respondent Rigos Automotive shall pay the Bureau of Automotive  
12 Repair \$5,551.68 for the reasonable costs of the investigation and enforcement of case No. 79/23-  
13 7565. Respondent shall make such payment as follows: Respondent shall make forty-eight (48)  
14 equal monthly payments of \$115.66 per month, beginning the month of the effective date of the  
15 Director's Decision and Order. Any agreement for a scheduled payment plan shall require full  
16 payment to be completed no later than six (6) months before probation terminates. Respondent  
17 shall make payment by check or money order payable to the Bureau of Automotive Repair and  
18 shall indicate on the check or money order that it is for cost recovery payment for case No. 79/23-  
19 7965. Any order for payment of cost recovery shall remain in effect whether or not probation is  
20 tolled. Probation shall not terminate until full cost recovery payment has been made. BAR  
21 reserves the right to pursue any other lawful measures in collecting on the costs ordered and past  
22 due, in addition to taking action based upon the violation of probation.

23       **9. Completion of Probation.** Upon successful completion of probation, Respondent  
24 Rigos Automotive's affected registration and/or license will be fully restored or issued without  
25 restriction, if Respondent meets all current requirements for registration or licensure and has paid  
26 all outstanding fees, monetary penalties, or cost recovery owed to BAR.

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

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**ENDORSEMENT**

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

DATED: March 14, 2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
NANCY A. KAISER  
Supervising Deputy Attorney General

*Michael Brown*  
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MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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