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

12 In the Matter of the Accusation Against:

Case No. 77/22-14892

13 **RODOLFO MONTANO COBIAN**
14 **aka RODOLFO COBIAN MONTANO**
dba CONTINENTAL AUTO REPAIR
15 19469 Grangeville Blvd.
Lemoore, CA 93245
16 **Automotive Repair Dealer Registration No. ARD**
17 **256824**
Smog Check Station License No. RC 256824
18

ACCUSATION

19 **RODOLFO MONTANO COBIAN**
20 **aka RODOLFO COBIAN MONTANO**
17739 Iona Ave.
Lemoore, CA 93245
21 **Smog Check Inspector License No. EO 632544**
Smog Check Repair Technician License No. EI 632544
22

Respondent.

23
24 **PARTIES**

25 1. Patrick Dorais (Complainant) brings this Accusation 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 – Continental Auto Repair**

2 2. On or about December 3, 2008, the Bureau issued Automotive Repair Dealer Number
3 256824 to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as
4 Continental Auto Repair (Respondent Continental). The registration was in full force and effect
5 at all times relevant to the charges brought herein and will expire on November 30, 2024, unless
6 renewed.

7 **Smog Check Station License – Continental Auto Repair**

8 3. On or about December 12, 2008, the Bureau issued Smog Check Station License
9 Number RC 256824 to Respondent Continental. The license was in full force and effect at all
10 times relevant to the charges brought herein and expires on November 30, 2024, unless renewed.

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12 **Smog Check Repair Technician License – Rodolfo Montano Cobian**

13 4. On or about August 13, 2012, the Bureau issued Smog Check Repair Technician
14 License Number EI 632544 to Rodolfo Montano Cobian, also known as Rodolfo Cobian
15 Montano (Respondent Cobian). The license was in full force and effect at all times relevant to
16 the charges brought herein and will expire August 31, 2024, unless renewed.

17 **Smog Check Inspector License – Rodolfo Montano Cobian**

18 5. On or about August 13, 2012, the Bureau issued Smog Check Inspector License
19 Number EO 632544 to Respondent Cobian. The license was in full force and effect at all times
20 relevant to the charges brought herein and will expire August 31, 2024, unless renewed.

21 **JURISDICTION**

22 6. This Accusation is brought before the Director of the Department of Consumer
23 Affairs (Director) for the Bureau, under the authority of the following laws. All section
24 references are to the Business and Professions Code (Code) unless otherwise indicated.

25 7. Code section 9884.7 provides, in pertinent part, that the Director may revoke an
26 automotive repair dealer registration.

27 8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
28 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding

1 against an automotive repair dealer or to render a decision temporarily or permanently
2 invalidating (suspending or revoking) a registration

3 9. Health and Safety Code section 44002 provides, in pertinent part, that the Director
4 has all the powers and authority granted under the Automotive Repair Act for enforcing the
5 Motor Vehicle Inspection Program.

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

10 11. Health and Safety Code section 44072.8 states that when a license has been revoked
11 or suspended following a hearing under this article, any additional license issued under this
12 chapter in the name of the licensee may be likewise revoked or suspended by the director.

13 **STATUTORY PROVISIONS**

14 12. Code section 9884.7 states, in pertinent part:

15 (a) The director, where the automotive repair dealer cannot show there was a
16 bona fide error, may deny, suspend, revoke, or place on probation, the registration of
17 an automotive repair dealer for any of the following acts or omissions related to the
18 conduct of the business of the automotive repair dealer, which are done by the
19 automotive repair dealer or any automotive technician, employee, partner, officer, or
20 member of the automotive repair dealer.

21 (1) Making or authorizing in any manner or by any means whatever any
22 statement written or oral which is untrue or misleading, and which is known, or which
23 by the exercise of reasonable care should be known, to be untrue or misleading.

24 . . .

25 (4) Any other conduct which constitutes fraud.

26 . . .

27 (6) Failure in any material respect to comply with the provisions of this
28 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or
regulations adopted pursuant to it.

. . .

(b) Except as provided for in subdivision (c), if an automotive repair dealer
operates more than one place of business in this state, the director pursuant to
subdivision (a) shall only suspend, revoke, or place on probation the registration of
the specific place of business which has violated any of the provisions of this chapter.

1 This violation, or action by the director, shall not affect in any manner the right of the
2 automotive repair dealer to operate his or her other places of business.

3 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
4 place on probation, the registration for all places of business operated in this state by
5 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
6 engaged in a course of repeated and willful violations of this chapter, or regulations
7 adopted pursuant to it. . . .

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14 13. Code section 9884.8 states:

15 All work done by an automotive repair dealer, including all warranty work,
16 shall be recorded on an invoice and shall describe all service work done and parts
17 supplied. Service work and parts shall be listed separately on the invoice, which shall
18 also state separately the subtotal prices for service work and for parts, not including
19 sales tax, and shall state separately the sales tax, if any, applicable to each. If any
20 used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that
21 fact. If a part of a component system is composed of new and used, rebuilt or
22 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include
23 a statement indicating whether any crash parts are original equipment manufacturer
24 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy
25 of the invoice shall be given to the customer and one copy shall be retained by the
26 automotive repair dealer.

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14 14. Code section 9884.9 states, in pertinent part:

15 (a) The automotive repair dealer shall give to the customer a written
16 estimated price for labor and parts necessary for a specific job. No work shall be
17 done and no charges shall accrue before authorization to proceed is obtained from
18 the customer. No charge shall be made for work done or parts supplied in excess of
19 the estimated price without the oral or written consent of the customer that shall be
20 obtained at some time after it is determined that the estimated price is insufficient
21 and before the work not estimated is done or the parts not estimated are supplied.
22 Written consent or authorization for an increase in the original estimated price may
23 be provided by electronic mail or facsimile transmission from the customer. The
24 bureau may specify in regulation the procedures to be followed by an automotive
25 repair dealer if an authorization or consent for an increase in the original estimated
26 price is provided by electronic mail or facsimile transmission. If that consent is
27 oral, the dealer shall make a notation on the work order of the date, time, name of
28 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, and shall do either of the following:

(1) Make a notation on the invoice of the same facts set forth in the
notation on the work order.

(2) Upon completion of the repairs, obtain the customer's signature or
initials to an acknowledgment of notice and consent, if there is an oral consent of
the customer to additional repairs, in the following language:

"I acknowledge notice and oral approval of an increase in the original

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1 18. California Code of Regulations, title 16, section 3356 states, in pertinent part:

2 (a) All invoices for service and repair work performed, and parts supplied, as
3 provided for in Section 9884.8 of the Business and Professions Code, shall comply
4 with this section.

5 . . .

6 (c) The invoice shall separately list, describe and identify all of the following:

7 (1) All services and repairs performed, including any diagnosis or warranty
8 repairs, and the prices for each.

9 . . .

10 (e) If additional authorization was obtained per section 3354(a), and the
11 authorization was made orally or electrically, the automotive repair dealer shall
12 record the oral or electronic authorization on the invoice.

13 (1) The invoice shall include the following additional information:

14 . . .

15 (D) A description of all additional parts and labor, the cost for the additional
16 parts and labor and the total price for all repairs. . . .

17 **COST RECOVERY**

18 19. Code section 125.3 provides, in pertinent part, that the Director may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
21 of the case, with failure of the licentiate to comply subjecting the license to not being renewed or
22 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
23 stipulated settlement.

24 **CONSUMER COMPLAINT NO. 1-2002 HONDA ACCORD**

25 20. On or about February 1, 2022, the Bureau received a consumer complaint from
26 consumer C.W. stating that on or about October 15, 2021, she took her vehicle (a 2002 Honda
27 Accord) to Respondent Continental's facility for an inspection and diagnosis because the check
28 engine light was on and the vehicle was misfiring intermittently. Respondent Cobian inspected
the vehicle and determined that the cause of the misfire was the result of faulty ignition coils and
defective spark plugs. The total cost of the repairs totaled \$855.33. C.W. used \$850 in vouchers

1 from the Tune In Tune-Up (TITU) program and paid \$5.33 out of pocket. C.W. was provided
2 with Invoice No. 30250. After C.W. picked up her vehicle, the check engine light came back on.

3 21. On or about February 3, 2022, C.W. took her vehicle to Visailia Honda for an
4 inspection because the check engine light came back on. Visalia Honda determined that the
5 misfire and illuminated check engine light were caused by the mechanical engine valves being
6 out of adjustment. C.W. paid Visailia Honda \$686.63 for the repair.

7 22. Respondent Continental refunded C.W. \$5.33.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 23. Respondent Continental's registration is subject to discipline under Code section
11 9884.7, subdivision (a)(1), in that on or about October 15, 2021, regarding the 2002 Honda
12 Accord, Respondent Continental made statements which it knew or which by exercise of
13 reasonable care should have known were untrue or misleading, in that Respondent Continental
14 falsely represented to C.W. that the vehicle's misfire and illuminated check engine light were
15 caused by faulty ignition coils and defective spark plugs, when in fact, it was determined by
16 Visailia Honda that the cause was the mechanical valve being out of adjustment.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Provisions of the Automotive Repair Act)**

19 24. Respondent Continental's registration is subject to discipline under Code section
20 9884.7, subdivision (a)(6), in that, regarding the 2002 Honda Accord, Respondent Continental
21 failed to comply with the provisions of that Code, in the following material respects:

22 a. **Section 9884.8:** Respondent Continental failed to provide a description for the
23 abbreviation "ECT" recorded on Invoice No. 30250.

24 b. **Section 9884.9(a):** Respondent Continental failed to record the specifications for
25 additional authorization regarding Revision #1, recorded on Invoice No. 30250. Respondent
26 Continental's revised job description recorded on Invoice No. 30250 as "Failed test" is not a
27 specific repair.

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1 **THIRD CAUSE FOR DISCIPLINE**

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

3 25. Respondent Continental's registration is subject to discipline pursuant to Code section
4 9884.7, subdivision (a)(6), in that, regarding the 2002 Honda Accord, Respondent Continental
5 failed to comply with provisions of California Code of Regulations, title 16, in the following
6 material respects:

7 a. **Section 3354(a)(2):** Respondent Continental failed to provide C.W. with an estimate
8 that described all additional parts and labor before any additional diagnosis or repairs were
9 performed, specifically, Respondent Continental failed to record the specifications for additional
10 authorization for Revision #1 on Invoice No. 30250. Respondent Continental's revised job
11 description is recorded on Invoice No. 30250 as "Failed test."

12 b. **Section 3356(c)(1):** Respondent Continental failed to record all services and repairs
13 performed, including any diagnosis or warranty repairs and the price for each, specifically,
14 Respondent Continental recorded the abbreviation "ECT" on Invoice No. 30250 and did not
15 provide a description.

16 **CONSUMER COMPLAINT NO. 2-1994 GMC TRUCK**

17 26. On or about August 4, 2022, the Bureau received a complaint from consumer M.E.
18 stating that on or about July 20, 2022, he took his 1994 GMC pickup to Respondent Continental's
19 facility for an inspection due to the vehicle failing a smog test. Respondent Continental told M.E.
20 the vehicle had an electrical issue and they needed to perform an electrical diagnosis for \$250.
21 Respondent Continental performed the electrical diagnosis that did not determine the cause for
22 the failed smog test and recommended further testing. M.E. declined further diagnosis.
23 Respondent Continental charged M.E. a total of \$375 that included pre-smog testing and
24 diagnosis. M.E. paid \$250 and the remaining balance of \$125 was paid with TITU vouchers.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 27. Respondent Continental's registration is subject to discipline under Code section
28 9884.7, subdivision (a)(1), in that, regarding the 1994 GMC pickup, Respondent Continental

1 made or authorized statements which it knew or in the exercise of reasonable care should have
2 known to be untrue or misleading, as follows: Respondent Continental recorded on Repair Order
3 No. 32133, "This is an open estimate, price is subject to change without notice due to part
4 availability or pricing," when in fact, it is required to provide an estimate for parts and labor for a
5 specific job.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Provisions of the Automotive Repair Act)**

8 28. Respondent Continental's registration is subject to discipline under Code section
9 9884.7, subdivision (a)(6), in that, regarding the 1994 GMC pickup, Respondent Continental
10 failed to comply with the provisions of that Code, in the following material respects:

11 a. **Section 9884.8:** Respondent Continental failed to record the results of the service
12 work to "Diagnose Cause of Electrical Issue" and "Diagnose Cause of Smog Failure" on Invoice
13 No. 32133.

14 b. **Section 9884.9(a):** Respondent Continental failed to record the specifications for the
15 additional authorization on Invoice No. 32133 and for Revision #1 "communication issue/circuit"
16 and Revisions #2 and #3 "Pre-Smog Failure." The job descriptions are not specific.

17 **SIXTH CAUSE FOR DISCIPLINE**

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

19 29. Respondent Continental's registration is subject to discipline pursuant to Code section
20 9884.7, subdivision (a)(6), in that, regarding the 1994 GMC pickup, Respondent Continental
21 failed to comply with provisions of California Code of Regulations, title 16, in the following
22 material respects:

23 a. **Section 3354(a)(2):** Respondent Continental failed to record the specifications for
24 additional authorization on Invoice No. 32133 and for Revision #1 "communication
25 issues/circuit" and for Revisions #2 and #3 "Pre-Smog Failure." The job descriptions are not
26 specific.

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b. **Section 3356(c)(1)**: Respondent Continental failed to record the results of the service work to “Diagnose Cause of Electrical Issue” and “Diagnose Cause of Smog Failure” on Invoice No. 32133.

UNDERCOVER OPERATION NO. 1–2007 CHEVROLET TAHOE

30. On or about October 4, 2022, a Bureau undercover operator (operator) drove a 2007 Chevrolet Tahoe to Respondent Continental’s facility and requested an inspection of the vehicle because the check engine light was on and the vehicle was running rough. The only repair necessary to correct the illuminated Malfunction Indicator Lamp (MIL) and engine misfire condition was to replace the defective #3 fuel injector and clear the diagnostic trouble codes. The operator was greeted by Respondent Cobian and was given an estimate totaling \$125 for the inspection. The operator signed the estimate and was provided with a copy.

31. On or about October 5, 2022, a male by the name of “Luis” spoke with the operator and stated that the engine was defective and making a knocking noise, and that Respondent Cobian recommended replacing the engine. “Luis” stated that the facility did not do engine tear downs, they only replaced engines. “Luis” told the operator that it would cost \$6,909 for a remanufactured AutoZone engine, or \$7,565 for a used engine.

32. On or about October 6, 2022, the operator contacted Respondent Cobian regarding the information that was received from “Luis” recommending that the engine be replaced. Respondent Cobian told the operator that the camshaft and lifters had failed which allowed debris to circulate in the engine and the only way to fix it was to replace the engine. The operator authorized the replacement of the engine with the AutoZone engine. Respondent Cobian stated that he needed a deposit of \$3,800 to order the engine.

33. On or about October 7, 2022, the operator went to Respondent Continental’s facility and met with Respondent Cobian. The operator gave Respondent Cobain \$3,780 in cash for the deposit. Respondent Cobian provided the operator with a copy of a repair order and a receipt. Respondent Cobian told the operator the vehicle would be ready in approximately four weeks.

34. On or about October 24, 2022, Respondent Cobian contacted the operator and stated that the radiator was plugged and needed to be replaced so that it would not affect the warranty on

1 engine. Respondent Cobian stated that the cost of the radiator would be \$189 for the part only
2 and that he would not charge for the labor. The operator told Respondent Cobian that the radiator
3 was new but authorized the replacement. The operator requested that the other radiator be
4 returned to her.

5 35. On or about November 3, 2022, the operator contacted Respondent Cobian regarding
6 the status of the repairs to the vehicle. Respondent Cobian told the operator that the vehicle was
7 ready to be picked up.

8 36. On or about November 4, 2022, the operator returned to the facility and met with
9 “Luis” who stated the balance due was \$3,711.32. The operator paid “Luis” \$3,720, and “Luis”
10 provided the operator with \$8.68, a copy of the invoice, and the radiator.

11 37. On or about November 9, 2022, a Bureau specialist took possession of the vehicle and
12 found that the vehicle continued to misfire and the check engine light was still illuminated.
13 Between November 9 and 28, 2022, the Bureau specialist inspected the vehicle using Invoice No.
14 32842, as a reference, and found the following items were unnecessarily replaced:

- 15 a. Engine assembly
- 16 b. Radiator
- 17 c. Water pump
- 18 d. Thermostat
- 19 e. Radiator hose(s)
- 20 f. Heater hose(s)
- 21 g. Spark plugs
- 22 h. Spark plug wires
- i. Camshaft position sensor
- j. Engine oil and oil filter
- l. Engine coolant
- m. Left motor mount
- n. Idler Pulley

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 38. Respondent Continental’s registration is subject to discipline under Code section
26 9884.7, subdivision (a)(1), in that, regarding the 2007 Chevrolet Tahoe, Respondent Continental
27 made or authorized statements which it knew or in the exercise of reasonable care should have
28 known to be untrue or misleading, as follows:

1 a. Respondent Continental recorded on Repair Order No. 32842, "This is an open
2 estimate, price is subject to change without notice due to part availability or pricing" when, in
3 fact, Respondent is required to provide an estimate for parts and labor for a specific job.

4 b. Respondent Continental told the operator the warranty coverage on the engine was
5 three years or 36,000 miles, when in fact, it states on Invoice No. 32842, dated November 4,
6 2022, that the warranty is "1 year or 12K miles whichever comes first."

7 c. Respondent Continental told the operator that a new engine was needed to repair the
8 "internal engine damage" to correct the misfire, when in fact, the only repair necessary was the
9 replacement of the defective #3 fuel injector.

10 d. Respondent Continental told the operator a new radiator was needed, when in fact, it
11 was not.

12 e. Respondent Continental recorded on Invoice No. 32842, dated November 4, 2022,
13 that the idler pulley was replaced, when in fact, it was not.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Fraudulent Acts)**

16 39. Respondent Continental's registration is subject to discipline under Code section
17 9884.7, subdivision (a)(4), in that, regarding the 2007 Chevrolet Tahoe, Respondent Continental
18 committed acts which constitute fraud by receiving payment from the operator for repairs that
19 were not necessary or were not performed, as follows:

20 a. Respondent Continental replaced the engine and unnecessary parts to correct the
21 vehicle's misfire condition, when in fact, the only repair necessary was the replacement of the
22 defective #3 fuel injector, as more particularly set forth above in paragraph 35.

23 b. Respondent Continental charged the operator twice for part numbers 15055343 and
24 15055342 on Invoice No. 32842, dated November 4, 2022.

25 c. Respondent Continental charged the operator for the replacement of the idler pulley
26 on Invoice No. 32842, dated November 4, 2022, when in fact, it was not replaced.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Provisions of the Automotive Repair Act)**

3 40. Respondent Continental's registration is subject to discipline under Code section
4 9884.7, subdivision (a)(6), in that, regarding the 2007 Chevrolet Tahoe, Respondent Continental
5 failed to comply with the provisions of that Code, in the following material respects:

6 a. **Section 9884.8:** Respondent Continental failed to describe the labor to install the
7 water pump, wire set, spark plugs, heater hose fitting-inlet, heater hose fitting-outlet, heater hose
8 inlet, heater hose outlet, left side motor mount, thermostat, tee auxiliary heater inlet hose (x2),
9 idler pulley, fuel injection, and camshaft position sensor.

10 b. **Section 9884.9(a):** Respondent Continental failed to record additional authorization
11 regarding Revision #1 for "internal engine knock noise" and Revision #2 for "required repairs"
12 on Invoice No. 32842.

13 **TENTH CAUSE FOR DISCIPLINE**

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

15 41. Respondent Continental's registration is subject to discipline pursuant to Code section
16 9884.7, subdivision (a)(6), in that, regarding the 2007 Chevrolet Tahoe, Respondent Continental
17 failed to comply with provisions of California Code of Regulations, title 16, in the following
18 material respects:

19 a. **Section 3353.1(a):** Respondent Continental failed to obtain the operator's specific
20 authorization for diagnosis or repairs, including no-charge and warranty repairs, for the
21 replacement of the water pump, wire set, spark plugs, heater hose fitting-inlet, heater hose fitting-
22 outlet, heater hose inlet, heater hose outlet, left side motor mount, thermostat, tee auxiliary heater
23 inlet hose (x2), idler pulley, fuel injector, and camshaft position sensor.

24 b. **Section 3354(a)(1):** Respondent Continental failed to provide the operator with an
25 estimate that described all additional parts and labor before any additional diagnosis or repairs
26 were commenced, specifically, the replacement of the water pump, wire set, spark plugs, heater
27 hose fitting-inlet, heater hose fitting-outlet, heater hose inlet, heater hose outlet, left side motor
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1 mount, thermostat, tee auxiliary heater inlet hose (x2), idler pulley, fuel injector, and camshaft
2 position sensor.

3 c. **Section 3356(c)(1):** Respondent Continental failed to described the installation and
4 related cost to install the water pump, wire set, spark plugs, heater hose fitting-inlet, heater hose
5 fitting-outlet, heater hose inlet, heater hose outlet, left side motor mount, thermostat, tee auxiliary
6 heater inlet hose (x2), idler pulley, fuel injector, and camshaft position sensor.

7 d. **Section 3356(e)(1)(D):** Respondent Continental failed to record additional
8 authorization for specific jobs for Revision #1 “internal engine knock noise” and for Revision #2
9 “required repairs” on Invoice No. 32842, dated November 4, 2022.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

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

12 42. Respondent Continental’s smog check station license is subject to disciplinary action
13 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Cobian
14 committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in
15 paragraphs 23, 27, 38, and 39 above.

16 **TWELFTH CAUSE FOR DISCIPLINE**

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

18 43. Respondent Cobian’s smog check inspector and smog check repair technician
19 licenses are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
20 (d), in that Respondent Cobian committed dishonest, fraudulent, or deceitful acts whereby another
21 was injured, as set forth in paragraphs 23, 27, 38, and 39 above.

22 **MATTERS IN AGGRAVATION**

23 44. To determine the degree of discipline, if any, Complaint alleges the following:

24 **Automotive Repair Dealer Registration No. ARD 256824**
25 **Smog Check Station License No. RC 256824**

26 a. On or about March 20, 2019, the Bureau issued Citation No. C2019-921 to
27 Respondent Continental's registration and station licenses for violating Health and Safety Code
28 section 44012, subdivision (f) (failure to determine that emission control devices and systems

1 required by State and Federal law were installed and functioning correctly in accordance with test
2 procedures). Respondent Continental issued a certificate of compliance to a Bureau vehicle with
3 missing or modified Air Injection (AIS) System components. The Bureau assessed civil penalties
4 totaling \$1,000 against Respondent Continental for the violation. Respondent Continental
5 complied with this citation.

6 **Rodolfo Montano Cobian**

7 b. On or about March 20, 2019, the Bureau issued Citation No. M2019-922 against
8 Respondent Cobian's Smog Check Inspector License No. EO 632544, for violating Health and
9 Safety Code section 44032 (qualified technicians shall perform tests of emission control devices
10 and systems in accordance with Section 44012). Respondent Cobian issued a certificate of
11 compliance to a Bureau vehicle with missing or modified Air Injection (AIS) System
12 components. Respondent Cobian was required to complete an eight-hour BAR certified smog
13 check citation training course. Respondent Cobian complied with this citation.

14 **OTHER MATTERS**

15 45. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
16 or place on probation the registrations for all places of business operated in this state by Rodolfo
17 Montano Cobian, also known as Rodolfo Cobian Montano, upon a finding that he has or is
18 engaged in a course of repeated and willful violation of the laws and regulations pertaining to an
19 automotive repair dealer.

20 46. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
21 Number RC 256824, issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian
22 Montano, doing business as Continental Auto Repair, is revoked or suspended, any additional
23 license issued under this chapter in the name of said licensee may be likewise revoked or
24 suspended by the director.

25 47. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
26 License No. EO 632544 and Smog Check Repair Technician License No. EI 632544, issued to
27 Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, is revoked or suspended, any
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1 additional license issued under this chapter in the name of said licensee may be likewise revoked
2 or suspended by the director.

3 **PRAYER**

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

6 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 256824,
7 issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as
8 Continental Auto Repair;

9 2. Revoking or suspending any other automotive repair dealer registration issued to
10 Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano;

11 3. Revoking or suspending Smog Check Station License Number RC 256824, issued to
12 Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, doing business as
13 Continental Auto Repair;

14 4. Revoking or suspending Smog Check Inspector License Number EO 632544, issued
15 to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano;

16 5. Revoking or suspending Smog Check Repair Technician License Number EI 632544,
17 issued to Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano;

18 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
19 and Safety Code in the name of Rodolfo Montano Cobian, also known as Rodolfo Cobian
20 Montano;

21 7. Ordering Rodolfo Montano Cobian, also known as Rodolfo Cobian Montano, to pay
22 the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of
23 this case, pursuant to Code section 125.3; and,

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

DATED: As of Digital Signature Date_____

Dorais,
Patrick@DCA
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Dorais,
Patrick@DCA
Date: 2023.12.20 16:24:05
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