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

12 In the Matter of the Accusation Against:

Case No. 79/24-5528

13 **FRANCISCO L. LOPEZ, dba UNITECH**
14 **AUTO REPAIR**
15 **544 W. First St., Suite D**
16 **Rialto, CA 92376**

DEFAULT DECISION AND ORDER

17 **Automotive Repair Dealer Registration No.**
18 **ARD 278513**
19 **Smog Check, Test-and-Repair, Station**
20 **License No. RC 278513,**

[Gov. Code, §11520]

(As to Francisco L. Lopez Only)

21 **FRANCISCO L. LOPEZ**
22 **544 W. First St., Suite D**
23 **Rialto, CA 92376**

24 **Mailing Address:**

25 **243 N. Meridian Ave., Space 213 Suite N**
26 **San Bernardino, CA 92376**

27 **Smog Check Inspector No. EO 638184**
28 **Smog Check Repair Technician No. EI**
638184

and

1 full force and effect at all times relevant to the charges brought in Accusation No. 79/24-5528 and
2 will expire on January 31, 2025, unless renewed.

3 5. On or about July 30, 2015, the Bureau of Automotive Repair issued Smog Check
4 Repair Technician License Number EI 638184 to Respondent. The Smog Check Repair
5 Technician License was in full force and effect at all times relevant to the charges in Accusation
6 No. 79/24-5528 herein and will expire on January 31, 2025, unless renewed.

7 6. On or about September 11, 2024, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 79/24-5528, Statement to Respondent, Notice of Defense,
9 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
10 and 11507.7) at Respondent's mailing addresses of record which, pursuant to Business and
11 Professions Code section 136, are required to be reported and maintained with the Bureau.
12 Respondent's mailing addresses of record were and are: 544 W. First St., Suite D, Rialto, CA
13 92376; and 243 N. Meridian Ave., Space 213 Suite N, San Bernardino, CA 92376.

14 7. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505(c) and/or Business and Professions Code section 124.

16 8. Government Code section 11506(c) states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense . . . and the notice shall be deemed a specific denial of all
19 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
20 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
21 discretion may nevertheless grant a hearing.

22 9. The Bureau takes official notice of its records and the fact that Respondent failed to
23 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
24 waived his right to a hearing on the merits of Accusation No. 79/24-5528.

25 10. California Government Code section 11520(a) states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense . . . or to appear at
27 the hearing, the agency may take action based upon the respondent's express
28 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent

11 Pursuant to its authority under Government Code section 11520, the Director after
having reviewed the proof of service dated September 11, 2024, signed by A. Trujillo, finds

1 Respondent is in default. The Director will take action without further hearing and, based on the
2 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
3 finds that the charges and allegations in Accusation No. 79/24-5528, are separately and severally,
4 found to be true and correct by clear and convincing evidence.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Francisco L. Lopez has subjected
7 the following registration and licenses to discipline: Automotive Repair Dealer Registration
8 Number ARD 278513; Smog Check, Test-and-Repair, Station License Number RC 278513;
9 Smog Check Inspector License Number EO 638184; and Smog Check Repair Technician License
10 Number EI 638184.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Director of the Department of Consumer Affairs is authorized to revoke
13 Respondent's Automotive Repair Dealer Registration based upon the following violations alleged
14 in the Accusation which are supported by the evidence contained in the Default Decision
15 Investigatory Evidence Packet in this case:

16 a. False/Misleading Statements [Business and Professions Code section 9884.7,
17 subdivision (a)(1)];

18 b. Fraudulent Conduct [Business and Professions Code section 9884.7, subdivision
19 (a)(4)];

20 c. Material Violation of Automotive Repair Act [Business and Professions Code section
21 9884.7, subdivision (a)(6)];

22 d. Violation of Motor Vehicle Inspection Program [Health and Safety Code section
23 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44012, section
24 44015, subdivision (b), section 44032 and section 44059];

25 e. Violation of Motor Vehicle Inspection Program [Health and Safety Code section
26 44072.2, subdivision (c), in conjunction with California Code of Regulations, title 16, section
27 3340.24, subdivision (c), section 3340.30, subdivision (a), section 3340.35, subdivision (c),
28 section 3340.41, subdivision (c), and section 3340.42];

- 1 f. Dishonesty/Fraud/Deceit [Health and Safety Code section 44072.2, subdivision (d)];
2 and
3 g. Fraudulent Inspection/Certification [Health and Safety Code section 44072.10,
4 subdivision (c).

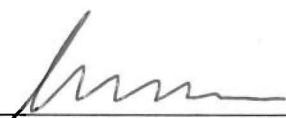
5 **ORDER**

6 IT IS SO ORDERED that the following registration and licenses, issued to Francisco L.
7 Lopez, are revoked: Automotive Repair Dealer Registration Number ARD 278513; Smog Check,
8 Test-and-Repair, Station License Number RC 278513; Smog Check Inspector License Number
9 EO 638184; and Smog Check Repair Technician License Number EI 638184.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
11 written motion requesting that the Decision be vacated and stating the grounds relied on within
12 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
13 Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Blvd., Rancho
14 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on
15 a showing of good cause, as defined in the statute. The agency in its discretion may vacate the
16 Decision and grant a hearing on a showing of good cause, as defined in the statute.

17 This Decision shall become effective on JAN 22 2025.

18 It is so ORDERED Jan. 8, 2025

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21 GRACE ARUPO RODRIGUEZ
22 Assistant Deputy Director
23 Division of Legal Affairs
24 Department of Consumer Affairs

23 Default Decision and Order - LIC.docx
24 DOJ Matter ID:LA2024603726

24 Attachment:
25 Exhibit A: Accusation