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

In the Matter of the Accusation Against:

DANNY'S TEST AND REPAIR, INC, DANIEL ANTONIO ESPINOZA ENRRIQUEZ, PRESIDENT/SECRETARY/TREASURER

Automotive Repair Dealer Registration No. ARD 307073

Smog Check Test and Repair Station License No. RC 307073

Vehicle Safety Systems Station License No. VS 307073

and

DANIEL ANTONIO ESPINOZA ENRRIQUEZ

Smog Check Inspector License No. EO 635325

Smog Check Repair Technician License No. EI 635325

Vehicle Safety Systems Technician License No. ST 635325

Respondents.

Agency Case No. 77/26-2103

OAH No. 2026070403

PROPOSED DECISION

Irina Tentser, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on July 29, 2026, via videoconference.

Travis M. Peery, Deputy Attorney General, appeared on behalf of Patrick Dorais (Complainant), Chief of the Bureau of Automotive Repair, Department of Consumer Affairs (Bureau).

Frank C. Brucculeri, Attorney, Frank Brucculeri Law Corporation, appeared on behalf of Respondents Danny's Test and Repair Inc (Respondent Danny's) and Daniel Antonio Espinoza Enrriquez (Respondent Enrriquez) (collectively Respondents). Respondent Enrriquez, President/Secretary/Treasurer of Respondent Danny's, was present throughout the hearing.

Testimony and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on July 29, 2026.

After the record closed, the ALJ, on her own motion, issued a protective order placing Exhibit E, containing confidential information, i.e., a medical record, under seal.

FACTUAL FINDINGS

Jurisdictional Matters

1. Complainant filed the Accusation in his official capacity in this matter.

2. Respondents filed a timely Notice of Defense in this matter requesting an administrative hearing. Respondents' affirmative defenses, as contained in Respondents' Notice of Defense, were considered in issuing this Decision and found to be legally unpersuasive by the ALJ.

3. On September 26, 2023, the Bureau issued Automotive Repair Dealer Registration number ARD 307073 (ARD) to Respondent Danny's. The ARD was in full force and effect at all relevant times and will expire on September 30, 2026.

4. On October 26, 2023, the Bureau issued Smog Check Test and Repair Station license number RC 307073 to Respondent Danny's. The Smog Check Test and Repair Station license was in full force and effect at all relevant times and will expire on September 30, 2026.

5. Respondent Danny's is certified as a STAR Station. The certification was issued on January 19, 2024. It will remain active unless the ARD and/or Smog Check Station license is revoked, canceled, the licenses become delinquent, or the certification is invalidated.

6. On July 12, 2024, the Bureau issued Respondent Danny's Vehicle Safety System Station (VSSS) license number VS 307073. The VSSS license was in full force and effect at all relevant times and will expire on September 30, 2026. On June 5, 2026, an OAH administrative law judge issued an Order on Petition for Interim Suspension (Interim Suspension Order) suspending VSSS license number VS 307703 pending a final decision in the Accusation filed in this matter by Complainant.

7. On March 20, 2013, the Bureau issued Smog Check Inspector license number EO 635325 to Respondent Enrriquez. The Smog Check Inspector license was in full force and effect at all relevant times and will expire on June 30, 2027. The Interim

Suspension Order also suspended Smog Check Inspector license number EO 635325 pending a final decision in the Accusation filed in this matter by Complainant.

8. On April 14, 2014, the Bureau issued Smog Check Repair Technician license number EI 635325 to Respondent Enrriquez. The Smog Check Repair Technician license was in full force and effect at all relevant times and expired June 30, 2026. No evidence was submitted by the parties at hearing regarding whether the license has been renewed. The Interim Suspension Order also suspended Smog Check Repair Technician license number EI 635325 pending a final decision in the Accusation filed in this matter by Complainant.

9. On April 9, 2024, the Bureau issued Vehicle Safety System Technician (VST) license number ST 635325 to Respondent Enrriquez. The VST license was in full force and effect at all relevant times and expired on June 30, 2026. No evidence was submitted by the parties at hearing regarding whether the license has been renewed. The Interim Suspension Order also suspended the VST license number ST 635325 pending a final decision in the Accusation filed in this matter by Complainant.

10. With the exception of the Interim Suspension Order related to the same allegations as constitute the basis for the Accusation in this matter, there was no evidence presented that Respondents' licenses have previously been disciplined by the Bureau.

California's Vehicle Safety System Inspection Program - Description

11. The Vehicle Safety System Inspection Program (VSSI Program) description set forth below is based on the incorporation of the Accusation's VSSI Program description, the credible hearing testimony of the Bureau's Automotive

Program Specialist Marc Ortega (Ortega) at hearing, and Ortega's Bureau Investigation Report. (Exhibit 3.)

12. On March 27, 2024, the Bureau's VSSI Program began statewide. The new inspection combined and replaced the Bureau's Brake and Lamp inspection programs and added other vehicle safety system assessments into one comprehensive inspection designed in part to protect the public by ensuring that certain specified vehicles are safe to drive on public roads and highways. The inspection, which is required by California Vehicle Code section 11519, subdivision (a)(3), for reviving a "total loss" vehicle, as deemed by an insurer, to a salvage title, includes an inspection of the following safety systems and areas:

- Lighting System: consists of checking the condition and operation of original equipment, any replacement and customer-added lights, reflectors, and verifying correct headlight alignment.

- Passenger Compartment: consists of separate inspections of items located in or on the passenger compartment to ensure they are functioning as designed by the manufacturer. Those items, when equipped, include the windshield, windshield wipers, mirrors, seatbelts, rear window, and a visual inspection of the Supplemental Restraint System (SRS).

- Tires and Wheels: consists of inspections to ensure the tires are safe, the wheels are free of cracks and bends, and inspections of the Tire Pressure Monitoring System and wheels, including the mounting area and center disc, center bore, and lug holes.

- Brake System: partial disassembly and inspection of the vehicle's brakes to ensure that the component parts and system are functioning properly with

manufacturer and component manufacturer specifications. All wheels must be removed from the vehicle to perform a thorough and complete brake inspection.

- Steering and Suspension Systems: a physical and visual inspection that includes all bushings, bearings, ball-type socket joints, arms, rods, struts, bars, subframes, belts, power assist fluids, steering gears, steering columns, shocks, springs, linkages, and steering and suspension-related sensors, switches, and wiring.

- Body Structure: a visual inspection of the vehicle panels, frame/unibody, fuel system, and other components to ensure they are securely fastened, are free of damage affecting functionality, and operate as designed.

- Road Test: a road test which consists of a stopping test, a visual inspection of the instrument cluster and any controls, and an evaluation of the control and stability of the vehicle at speed. Additionally, the inspection includes a scan of the vehicle's on-board diagnostics.

13. The VSSI inspection also requires use of the BAR-Safety Inspection System (BAR-SIS). The BAR-SIS is used by licensed VSTs to report safety system inspection findings and issue digital Vehicle Safety Systems Certificates of Compliance (VSS Certificates). The BAR-SIS is computer software owned and developed by the Bureau, and with the Bureau's On-Board Diagnostic Inspection System (BAR-OIS) used for smog inspections, and is housed on the Bureau's California Vehicle Inspection System (Cal-VIS). The BAR-SIS consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On-Board Diagnostic II (OBD II) scan tool that, when commanded by the BAR-SIS software, retrieves OBD II and

safety system data from OBDII-equipped vehicles. The DAD is the only BAR-certified component of the BAR-SIS. The BAR-SIS uses its software to communicate with the Vehicle Information Database (VID) through an internet connection. The bar code scanner is used to input inspection information such as the Vehicle Identification Number (VIN) and Department of Motor Vehicles (DMV) information such as Vehicle Identification Number (VIN). The printer provides a Vehicle Safety Report (VSR) containing inspection results for motorists and a VSS Certificate number for passing vehicles.

14. The BAR-SIS requires the VST to indicate if the safety systems and areas requiring inspection have passed or failed the inspection. If a safety system passes inspection, the VST records the system as passing and follows the BAR-SIS prompts to enter additional system information specific to the vehicle. If a safety system fails the inspection, the VST records the system as failing and follows the BAR-SIS prompts to enter information about the cause of the failure using drop-down menus.

15. A VST must be biometrically enrolled with the Bureau and use a biometric device, authenticating his/her identity, to gain access and report safety system inspection findings in the BAR-SIS. Upon completion of a VSSI inspection of all required safety systems and areas of the vehicle, pass or fail, the VST certifies, under penalty of perjury, under the laws of the State of California, that he/she performed the VSSI inspection in accordance with inspection criteria and standards detailed in the VSSI Manual. The certification is made with a second biometric authentication.

16. Only a VST working in a licensed VSSS may perform a VSSI inspection and authorize the issuance of a VSS Certificate. VSSI inspections can only be performed in an area of the station that the Bureau has approved during the initial on-site licensing inspection. The inspection area shall be within a building and large

enough to accommodate the types of motor vehicles being inspected. The Bureau makes an exception to the inspection requirements by approving a work area adjacent to a building for purposes of inspecting vehicle safety systems on buses, trucks, truck tractors, trailers, and semi-trailers during the initial on-site licensing inspection by the Bureau's representative and include a description of location and approximate size of the adjacent work area. Licensed stations and technicians must follow the procedures contained in the VSSI Manual.

17. Except under special circumstances, a VSS Certificate is required by the DMV to register a salvaged vehicle or a special construction vehicle. A VSSI inspection may also be required to clear an enforcement document issued by the California Highway Patrol or other police agencies.

18. A salvaged vehicle is one that has been damaged to such an extent that the vehicle's insurer deems it too expensive to repair as defined by Vehicle Code Section 554. Given the extensive damage often sustained by salvage vehicles, there is a need for an inspection to check the integrity of the vehicle's safety systems.

19. After Bureau personnel reviewed confidential information, the Bureau initiated an investigation into the VSSI activities of Respondent Danny's and Respondent Enrriquez.

July 11, 2024 Initial Station Inspection

20. On July 11, 2024, a Bureau representative visited Respondent Danny's to conduct a VSSS initial inspection. (Exhibit 6.) The Bureau representative advised Respondent Enrriquez during the visit that licensed VSSSs and VSTs must follow the procedures contained in the VSSI Manual and that compliance with the Automotive Repair Act is mandatory. Respondent Enrriquez told the Bureau representative that the

VSSI inspections would be performed in the two service bays on the left side of Respondent Danny's facility. Respondent Enrriquez signed the Station Inspection Report issued by the Bureau as part of the July 11, 2024 visit. (*Ibid.*)

January 29, 2026 Surveillance of Respondents

21. On January 29, 2026, Ortega conducted a video surveillance and observation of Respondents from 0738 hours to 1257 hours. (Testimony of Ortega; Exhibits 3 and 37.) The video surveillance and observation conducted by Ortega and the VID information for Respondent Danny's revealed that Respondents issued 10 fraudulent VSS Certificates during this period. The VSS Certificates were issued for vehicles that Respondents had not fully inspected in compliance with the VSSI requirements.

22. The fraudulent inspections were conducted on the following vehicles on the morning of January 29, 2026:

- 2019 Kia Sportage LX 2019 between 1033 hours and 1038 hours;
- 2019 Toyota Tacoma Double Cab between 1050 and 1052 hours;
- 2022 Nissan Altima SR between 1059 hours and 1101 hours;
- 2018 Buick Encore Preferred II between 1124 hours and 1126 hours;
- 2004 Toyota Tacoma Double Cab between 1134 hours and 1138 hours;
- 2005 Ford Explorer Limited between 1141 hours and 1147 hours;
- 2016 Honda Civic EX between 1157 hours and 1201 hours;
- 2015 Honda Civic LX between 1204 hours and 1208 hours;

- 2022 Honda Civic LX between 1213 hours and 1218 hours; and,
- 2015 Toyota RAV4 XLE between 1258 hours and 1244 hours.

(Testimonies of Ortega and Respondent; Exhibits 3; 13-34; and 37.)

23. During Respondents' fraudulent inspections of the 10 vehicles, the vehicles never entered either of the two inspection bays approved by the Bureau for conducting VSSI inspections; were not raised or lifted by Respondent Enrriquez to remove the vehicles' wheels to inspect or obtain break measurements as required for proper brake system and tire and wheel inspections; no proper or complete inspection of the steering and suspension components was performed by Respondent Enrriquez as required during a VSSI inspection; the vehicles were not driven by Respondent Enrriquez to perform the road test for obtaining the stopping distance as required during a VSSI inspection; Respondent Enrriquez failed to open all the doors and rear hatch as required for a proper passenger compartment inspection and proper body structure inspection; and Respondent Enrriquez never used an optical aimer for checking the headlamps and failed to visually inspect exterior lights as required for a proper light system inspection.

24. Respondent Enrriquez appeared to be moving without difficulty throughout the video surveillance. (Exhibit 37.) For example, the surveillance video shows that after Respondents fraudulently inspected the 2005 Ford Explorer Limited, Respondent Enrriquez and another individual physically pushed the vehicle out of Respondent Danny's facility. (Exhibit 37 at 11:49:05 AM to 11:49:36 AM.)

25. The fraudulent VSSI inspections of the 10 vehicles by Respondents were each performed in under five minutes, with many performed in under two to three

minutes. (Exhibits 12, p. A120; 14, p. A129; 16, p. A138; 18, p.A147; 20, p. A157; 22, p. A168; 24, p. A176; 26, p. A185; 28, p. A193; 30, p. A201.)

26. Based on Respondent Enrriquez's fraudulent inspections, Respondent Danny's issued fraudulent VSS Certificates for each of the 10 vehicles set forth in Factual Finding 22. The fraudulent VSS Certificates include as follows:

- 2019 Kia Sportage LX 2019, VSS Certificate of Compliance number VA396975S;
- 2019 Toyota Tacoma Double Cab, VSS Certificate of Compliance number VA396976S;
- 2022 Nissan Altima SR, VSS Certificate of Compliance number VA396977S;
- 2018 Buick Encore Preferred II, VSS Certificate of Compliance number VA396978S;
- 2004 Toyota Tacoma Double Cab, VSS Certificate of Compliance number 396979S;
- 2005 Ford Explorer Limited, VSS Certificate of Compliance number 396980S;
- 2016 Honda Civic EX, VSS Certificate of Compliance number VA396981S;
- 2015 Honda Civic LX, VSS Certificate of Compliance number VA396982S;
- 2022 Honda Civic LX, VSS Certificate of Compliance number VA396983S; and,
- 2015 Toyota RAV4 XLE, VSS Certificate of Compliance number VA396984S.

February 3, 2026 Station Inspection Report

27. On February 3, 2026, Ortega, on behalf of the Bureau, visited Respondent Danny's and met with Respondent Enrriquez regarding the 10 fraudulently inspected and certified vehicles in question. (Exhibit 8.) The purpose of Ortega's inspection was to obtain invoices, Vehicle Inspection Reports (VIRs), and VSRs for the 10 vehicles fraudulently inspected and certified by Respondents on January 29, 2026.

28. On February 3, 2026, Ortega did not disclose to Respondent Enrriquez that the Bureau had conducted surveillance of Respondents on January 29, 2026, and determined that the vehicles were fraudulently inspected and certified.

29. On February 3, 2026, Respondent Enrriquez told Ortega that: he does not share his personal Smog Check Inspector license or his VST licenses, access codes, or biometric data with anyone else; he personally performed the Smog Check and Vehicle Safety inspections for the 10 vehicles; personally signed the VIRs and VSRs under penalty of perjury; and performed all the inspection items listed on the VSRs, including road tests, brake measurements, headlamp aim, and suspension. Respondent Enrriquez also told Ortega that two people are required to check the vehicle lights; that he uses any available vehicle lift to raise the vehicles inspected; he removes the tires and measures the brake rotors, brake drums, and brake material, uses a headlamp aimer on each vehicle certified that he keeps in the office; and he performs the stopping test by driving the vehicles on 55th Street and around the block and back to Respondent Danny's facility.

30. Respondent Enrriquez failed to report to Ortega on February 3, 2026, that Respondents fraudulently inspected and certified the 10 vehicles in question.

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31. Respondent Enrriquez did not tell Ortega on February 3, 2026, that he did not properly inspect the 10 vehicles in question because he was feeling ill on January 29, 2026, as a result of having a bad reaction to an Ozempic shot he received several days before January 29, 2026.

32. Respondent Enrriquez made willfully false statements to Ortega on February 3, 2026, regarding Respondents' fraudulent VSSI inspections and certifications of the 10 vehicles on January 29, 2026.

33. Respondent Enrriquez signed the February 3, 2026 Bureau Station Inspection Report. (Exhibit 8.)

February 5, 2026 Station Inspection Report

34. On February 5, 2026, Ortega, on behalf of the Bureau, visited Respondent Danny's and met with Respondent Enrriquez. The purpose of Ortega's inspection was to review Respondent Danny's estimates and invoices for the 10 fraudulently inspected and certified vehicles by Respondents on January 29, 2026, and to interview Respondent Enrriquez regarding his process of performing VSSI inspections. (Exhibit 10.)

35. On February 5, 2026, during Ortega's interview regarding how he performed the 10 relevant vehicle VSSI inspections, Respondent Enrriquez stated that for the 10 certified vehicles he checked all the seatbelts, windows, and body panels for damage. Respondent Enrriquez further stated that the VSSI inspections he performs take about 30 minutes and that during the inspections he has two employees to help him with the heavy labor to raise the vehicle on a lift, remove the tires, check the brake systems and suspension, and put the tires back on.

36. Respondent Enrriquez failed to report to Ortega on February 5, 2026, that Respondents fraudulently inspected and certified the 10 vehicles in question.

37. Respondent Enrriquez did not tell Ortega on February 5, 2026 that Respondent Enrriquez failed to comply with the VSSI inspection requirements on January 29, 2026, when inspecting the 10 vehicles in question because he was feeling ill from having a bad reaction to an Ozempic shot he received a couple of days earlier.

38. Respondent Enrriquez made willfully false statements to Ortega on February 5, 2026 regarding Respondents' VSSI inspections and certifications of the 10 vehicles.

39. Respondent Enrriquez signed the February 5, 2026 Bureau Station Inspection Report. (Exhibit 10.)

Respondents' Evidence

40. Respondents admitted at hearing that on January 29, 2026, 10 VSS Certificates were fraudulently issued by Respondent Danny's for inspections purportedly performed by Respondent Enrriquez.

41. Respondents argued that Respondent Enrriquez's medical emergency mitigated Respondents' fraudulent conduct on January 29, 2026, that the January 29, 2026 fraudulent inspections were an isolated incident, and that the Bureau did not have sufficient basis to revoke Respondents' licensees based on the mitigating evidence and based on the Respondents' Bureau discipline-free license history. Respondents maintained that probation short of revocation, such as suspension and/or probation, was sufficient discipline to protect the public under the circumstances. Respondents also argued that the financial damage to Respondents'

employees and to Respondent Enrriquez's ability to support his family warranted discipline short of revocation under the circumstances.

42. According to Respondent Enrriquez, he suffered a medical emergency after receiving an injection of too much Ozempic, a semaglutide, from his girlfriend on January 27, 2026. Respondent Enrriquez testified that he received more than eight times the correct dosage of the medication, and it was first time using the drug. Within hours of the injection, Respondent Enrriquez felt ill and experienced nausea, vomiting, severe abdominal pain, headaches, and dizziness. He became weak, dehydrated, light-headed, and non-functional. Respondent Enrriquez went to a medical facility and was treated for an overdose of Ozempic. (Exhibit E.) He was released later on the same day.

43. Respondent Enrriquez testified he continued to experience symptoms from the overdose for approximately a week. About two days after the Ozempic dose was administered, on January 29, 2026, Respondent Enrriquez went to Respondent Danny's and conducted VIIS inspections still feeling ill. On February 3, 2026, during his interview with Ortega, Respondent Enrriquez remembers telling Ortega that he had generally felt ill the week prior. Respondent did not testify he specifically told Ortega that he was ill on January 29, 2026. He did not admit to Ortega at any point Respondents did not follow VISS procedures when they inspected and issued VSS certificates for the 10 cars on January 29. Ortega testified at hearing he did not recall Respondent Enrriquez telling him that he felt ill at any point during the February 3 or February 5 station inspections.

44. Respondent Enrriquez expressed sincere regret about his actions at hearing. Respondent Enrriquez also expressed regret for lying to Ortega on February 3 and 5, 2026, regarding the 10 January 29, 2026 vehicle inspections and failing to acknowledge that Respondents violated the VSS program when they inspected and

certified the vehicles. Respondent Enrriquez promised to cooperate with the Bureau and stated that he has installed additional video cameras in the station for constant surveillance. (Exhibits I-J.) Respondent Enrriquez admitted during cross-examination, however, that two video cameras were already installed at the facility as of January 29, 2026, when the 10 vehicles were inspected. Respondents offered to provide the Bureau with real-time access to the videos and inspection documentation. According to Respondent Enrriquez, Respondents now photograph and document each step and the VST's findings in the VSSI inspections for the customer receipt and station records. Respondent Enrriquez did not provide a reasonable and convincing explanation for how the installation of additional video cameras at Respondent Danny's facility would deter Respondents from committing future Bureau violations considering the presence of video cameras at the facility on January 29, 2026, did not stop them from engaging in fraudulent conduct on that day.

45. Respondent Enrriquez asserted he and his family and his employees and their families will be financially devastated by the revocation of Respondents' licenses. Respondent Enrriquez credibly claims that his family and his seven licensed employees depend on the business to support their families. Respondent Enrriquez is in the second year of a five-year lease for the premises of Respondent Danny's and must pay $3,500 per month for the lease. He testified he also supports his elderly parents and pays $3,000 per month for child support for his two children. Respondent Enrriquez testified he has invested $120,000 in the business. While the realities of the financial impact of Bureau license discipline are acknowledged, Respondent Enrriquez's testimony fails to recognize the primary focus of license discipline is the protection of the public. Here, Respondents' fraudulent conduct directly led to 10 salvaged vehicles being issued fraudulent VSS Certificates, which potentially endangers the public.

46. Respondents argue that allowing them to continue in business will not endanger the public's health, safety, or welfare and that the misconduct, if any, involves only the VSSI Program and not the operation of the Smog Check Station. Respondents assert that this misconduct occurred under extraordinary circumstances, was a lapse of judgment in performing inspections while ill, Respondents have never been disciplined for any other automotive or smog inspection or repair issues, and operated without incident for four months before the interim suspension petition was filed by the Bureau.

47. Respondents' employees, Perla Morales and Denise Braud, testified in support of Respondents at hearing. Both witnesses testified that Respondent Enrriquez was visibly ill as a result of the Ozempic injection on January 29, 2026. Both testified that Respondent Enrriquez was a great boss who led by example and was "honest" and "trustworthy" despite conducting fraudulent inspections on January 29, 2026. The witnesses' testimonies are afforded little weight based on their vested financial interest in Respondents remaining licensed by the Bureau and the potential loss of their livelihood in the event the licenses are revoked.

48. Respondents claimed throughout hearing that they enjoy a high rate of customer satisfaction. However, no customer testimonials were submitted into evidence by Respondents corroborating those claims.

49. Respondent Enrriquez testified that he loves working with cars. He began his career working with cars when he was a teenager and always dreamed of owning his own station. Respondent Enrriquez credibly testified that Respondents will adhere to any probationary terms if Respondents are allowed to retain their Bureau licenses.

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Analysis

50. The conduct and credibility of Respondent Enrriquez, who owns and operates Respondent Danny's, are at issue in this matter. Respondent Enrriquez's Ozempic-related illness somewhat mitigates Respondents' fraudulent conduct on January 29, 2026. However, even if his illness is credited, this was not the case of Respondent Enrriquez inadvertently overlooking some aspects of the VSSI inspection for the 10 cars he inspected. This was Respondent Enrriquez pervasively and willfully omitting most, if not all, of the required parts of a VSSI inspection for 10 cars; taking less than five minutes to fraudulently inspect each car before issuing a fraudulent certificate by the facility he owns and operates, Respondent Danny's.

51. No evidence was presented by Respondents that they tried to rectify the fraudulent inspections of the 10 vehicles by, for example, notifying the consumers on whose vehicles the inspections were performed that their vehicles were fraudulently inspected and certified on January 29, 2026, and offering to properly perform the inspections.

52. Respondents argue that the Bureau has not established harm to the public by Respondents' fraudulent actions because no evidence was presented that the 10 vehicles fraudulently inspected and certified by Respondents were involved in any accidents that harmed consumers after the inspections. Respondents' argument is unpersuasive and demonstrates an intrinsic lack of understanding that the purpose of the VSSI Program is to protect consumers. The harm to the public was established by Respondents' fraudulent conduct. Respondents' willful failure to perform bona fide VSSI inspections on the 10 vehicles deprived the People of the State of California of the protection afforded by the VSSI Program.

53. Further, while Respondents argue that the conduct was isolated to January 29, Respondent Enrriquez compounded his fraudulent conduct by lying about it to Bureau representative Ortega on two additional occasions, February 3 and 5. He now asks this court to believe he will adhere to Bureau rules and regulations in the future and has learned his lesson from his past misconduct. Based on his vested financial interest in the survival of the business on which Respondent Enrriquez, his employees, and his family depend for their daily livelihood, and his newly acquired understanding that violation of the Bureau's rules and regulations may result in the discipline of his licenses, Respondent Enrriquez's claims of rehabilitation are sufficiently credited such that only his VSSI program-related licenses warrant revocation by the Bureau.

54. Other than Respondents' fraudulent conduct in relation to the VSSI program on January 29, 2026, there is no evidence in this case that Respondent Enrriquez's misconduct extended to his other operations of Respondent Danny's or that it was part of a pattern or practice. None of Respondents' licenses have been subject to past discipline by the Bureau. There is no evidence of consumer complaints based on Respondents' operations. Accordingly, the interests of the public can be protected by revoking all of Respondents' VSSI program-related licenses and placing Respondents' Smog Station and ARD licenses on probation under appropriate terms and conditions. More expansive measures of discipline under the circumstances would be unduly punitive.

Costs

55. Complainant presented certifications stating that the Department of Justice has billed the Bureau $7,569.75 concerning the case through July 23, 2026, and

that the BAR incurred an additional $6,367.40 in investigating it, for a total of $13,937.15. (Exhibits 33 and 34.) The costs are reasonable.

56. Except as set forth in this Decision, all other allegations in the Accusation and all other contentions by the parties lack merit or constitute surplusage.

LEGAL CONCLUSIONS

Jurisdiction

1. The expiration of a valid registration shall not deprive the Director of the Department of Consumer Affairs (Director), under whose authority the Accusation in this matter was brought, of jurisdiction to proceed with a disciplinary proceeding against an ARD automotive repair dealer or to issue a decision temporarily or permanently invalidating (suspending or revoking) a registration. (Bus. & Prof. Code, §§ 118, subd. (b), 9884.13, and 9889.7.)

2. The Director may revoke any Vehicle Safety System Inspection license issued pursuant to Article 6.5. (Bus. & Prof. Code, § 9889.1.)

3. The Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44002.)

4. The expiration or suspension of a license by operation of law, or by order or decision of the Director of the Department, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with a disciplinary action. (Health & Saf. Code, § 44072.6)

Burden and Standard of Proof

5. The burden of proving the charges in an administrative disciplinary proceeding is on the party making the charges through the production of evidence. (*Brown v. City of Los Angeles* (2002) 102 Cal.App.4th 155, 175.) To impose discipline on a nonprofessional license, Complainant must prove cause for discipline by a preponderance of the evidence (*Imports Performance v. Dept. of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-917 (*Imports Performance*), which means "'evidence that has more convincing force than that opposed to it.' [Citation.]" (*People ex rel. Brown v. Tri- Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

6. The automotive repair dealer registration, smog check station and repair and inspector and technician licenses, and vehicle safety system station and technician licenses, are nonprofessional licenses. An automotive repair dealer registration is a nonprofessional license because it does not require the extensive education, training, or testing necessary to obtain a professional license. (See *Imports Performance, supra*, 201 Cal.App.4th at pp. 916-917*; Mann v. Dept. of Motor Vehicles* (1999) 76 Cal.App.4th 312, 319; *San Benito Foods v. Veneman* (1996) 50 Cal.App.4th 1889, 1894.) An automotive repair dealer registration "shall" be issued to any person who simply applies for it and pays a fee. (Bus. & Prof. Code, § 9884.2.)

7. An automotive repair dealer can become licensed as a smog test station by merely applying, paying a fee, and passing a BAR inspection. (Cal. Code Regs., tit. 16, § 3340.10.) While a smog check inspector license applicant is required to complete course work (Cal. Code Regs., tit. 16, § 3340.28, subd. (b)) and pass an examination (Cal. Code Regs., tit. 16, § 3340.29), these requirements are not similar to the "extensive educational, training and testing requirements" necessary to obtain a professional

license. (*Imports Performance, supra*, 201 Cal.App.4th at p. 916.) By extension, the same reasoning applies to a vehicle safety system station and technician license.

Applicable Statutes

8. Business and Professions Code section 9884.7 provides, in pertinent part:

> (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading. [¶] . . . [¶]
>
> (4) Any other conduct that constitutes fraud. [¶] . . . [¶]
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it. [¶] . . . [¶]

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(e) For purposes of this section, "fraud" includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

(1) Any act or omission that is included within the definition of either "actual fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573 of the Civil Code.

(2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.

(3) A promise or representation not made honestly and in good faith.

(4) An intentional failure to disclose a material fact.

(5) Any act in violation of Section 484 of the Penal Code.

(All further statutory references are to the Business and Professions Code unless otherwise noted.)

9. Section 9889.3 provides, in pertinent part:

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

(a) Violates any section of the Business and Professions Code that relates to his or her licensed activities. [¶] . . . [¶]

> (c) Violates any of the regulations promulgated by the director pursuant to this chapter.
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured. [¶] . . . [¶]
>
> (h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

10. For a VSSI inspection, a licensee shall issue to the owner or driver of a vehicle a certification of compliance on a form prescribed by the Director if, after conducting an inspection of, and any necessary repair to, the safety systems of the vehicle, the licensee determines that the safety systems conform with the inspection criteria and standards adopted by the Director. (Bus. & Prof. Code, § 9888.6, subd. (a).)

11. The Director may suspend, revoke, or take other disciplinary action against a license "if the licensee, or any partner, officer, or director thereof, does any of the following: [¶] (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured ..... " (Health & Saf. Code, § 44072.2, subd. (d).)

Applicable Regulations

12. California Code of Regulations, title 16 (Regulations), section 3311.1, sets forth vehicle safety systems inspection program station performance, work area, and vehicle safety systems technician requirements, and states, in pertinent part:

> (c) Vehicle safety systems technicians shall perform all vehicle safety systems inspections in accordance with the requirements and procedures prescribed in the document

entitled "Vehicle Safety Systems Inspection Manual", dated April 2025, which is hereby incorporated by reference. [¶] . . . [¶]

(e) The inspection, specified in subdivision (c) of this section, for which a vehicle safety systems inspection station is licensed, shall be performed only in an area of the station the Bureau has approved during the initial on-site licensing inspection referenced in section 3312.1 of this Article. The inspection area shall be within a building and be large enough to accommodate the motor vehicle being inspected. The Bureau shall make an exception to the inspection area requirements of this subdivision by approving a work area adjacent to a building for purposes of inspecting vehicle safety systems on buses, trucks, truck tractors, trailers, and semitrailers during the initial on-site licensing inspection. Any such exception shall be documented on the report of the initial on-site licensing inspection, referenced in section 3312.1 of this Article, by the Bureau's representative and include a description of location and approximate size of the adjacent work area.

13. To maintain licensure by the Bureau, all vehicle safety systems inspection stations shall require their employees to comply with the standards and criteria contained in this Article and in Article 6.5 (commencing with section 9888.5) of the Code, and all inspections shall comply with those standards and criteria. The vehicle safety systems inspection station shall be responsible for all inspections conducted in

the station by those performing the inspections. (Cal. Code Regs., tit.16, § 3311.2, subd. (b).)

14. Regulations, section 3311.1, sets forth the VSSI program vehicle certificate of compliance requirements and states, in pertinent part:

> (d) A licensed vehicle safety systems technician shall authorize the issuance of an electronic certificate of compliance for any vehicle that has passed a vehicle safety systems inspection, as described in Chapter 1.6 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article. An electronic certificate of compliance shall consist of: (1) The certificate of compliance number issued by the Bureau when the vehicle passes the inspection in accordance with this Article.

15. No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public. (Cal. Code Regs., tit. 16, § 3373.)

"Fraud" Interpretation and Meaning

16. Administrative discipline for "fraud" is authorized pursuant to sections 9884.7 and 9889.3, as well as Health and Safety Code section 44072.2. "Fraud" is either "actual" or "constructive." (Civ. Code, § 1571.) Actual fraud includes "an intent to deceive another party....." (Civ. Code, § 1572.) Constructive fraud includes "any

breach of duty which, without an actually fraudulent intent, gains an advantage to the person in fault . . . by misleading another to his prejudice....." (Civ. Code, § 1573.)

17. Fraud may be established by direct evidence or it may be inferred from the total circumstances of the case. (*Ach v. Finkelstein* (1968) 264 Cal.App.2d 667, 674-675.) A finding of what constitutes fraud is dependent on the specific facts of a matter and is therefore not limited by an absolute or fixed rule. As applicable to this matter, the Automotive Repair Act does not limit the term "fraud" to actual fraud. To limit the term "fraud" to such an interpretation is contrary to the paramount legislative purpose of the Automotive Repair Act of protecting consumers. (§ 9880.3.)

Causes For Discipline

18. Complainant established through a preponderance of the persuasive and unrebutted evidence that Respondent Danny's issued fraudulent VSS Certificates for 10 vehicles. (Factual Findings 20-25.)

RESPONDENT DANNY'S AUTOMOTIVE REPAIR DEALER REGISTRATION

19. There is cause for the Director to revoke or suspend Respondent Danny's automotive repair dealer registration for the 10 VSSI inspections set forth above for the following reasons:

a. First Cause for Discipline: making statements that Respondent Danny's in the exercise of reasonable care should have known to be untrue or misleading, by issuing VSS Certificates for 10 vehicles certifying those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected, in violation of section 9884.7, subdivision (a)(1).

b. Second Cause for Discipline: fraud, by issuing VSS Certificates without performing bona fide VSSI inspections, thereby depriving the people of the State of California of the protection afforded by the VSSI program, in violation of section 9884.7, subdivision (a)(4).

c. Third Cause for Discipline: materially violating the Automotive Repair Act and applicable adopted regulations by issuing VSS Certificates for the 10 vehicles without performing bona fide VSSI inspections, thereby depriving the people of the State of California of the protection afforded by the VSSI Program, in violation of section 9884.7, subdivision (a)(6).

d. Fourth Cause for Discipline: violation of section 9884.7, subdivision (a)(6), in that, with respect to the 10 fraudulent VSSI inspections, Respondent Danny violated material Bureau regulations of the VSSI Program. Respondent Danny's violations include failing to perform VSSI inspections in accordance with the requirements and procedures prescribed in the document entitled "Vehicle Safety Systems Inspection Manual" (Cal. Code Regs., tit. 16, § 3311.1, subd. (c)); failing to perform VSSI inspections only in an area of the station approved by the Bureau during its initial on-site licensing inspection (Cal. Code Regs., tit. 16, § 3311.1, subd. (e)); failing to ensure that all VSSI inspections performed at its station complied with the VSSI Program standards and criteria set forth in the Automotive Repair Act and regulations enacted pursuant thereto (Cal. Code Regs., tit. 16, § 3311.2 subd. (b)); issuing VSS Certificates to vehicles that had not passed a vehicle safety systems inspection performed in accordance with VSSI Program regulations (Cal. Code Regs., tit. 16, § 3311.3, subd. (d)(1)); and withholding and inserting information in estimates, invoices, work orders, and records required to be maintained by Regulations, section 3312.2, subdivision (f),

that caused the documents to be false and misleading. (Cal Code Regs., tit. 16, § 3373.) (Factual Findings 19-38.)

RESPONDENT DANNY'S VEHICLE SAFETY SYSTEMS STATION LICENSE

20. There is cause for the Director to revoke or suspend Respondent Danny's VSSI license for the 10 VSSI fraudulent inspections and certifications set forth above for the following reasons:

a. Fifth Cause for Discipline: committing acts involving dishonesty, fraud, or deceit whereby another is injured, by issuing VSS Certificates for vehicles without performing bona fide VSSI inspections on the 10 vehicles, thereby depriving the people of the State of California of the protections afforded by the VSSI Program in violation of section 9889.3, subdivision (d).

b. Sixth Cause for Discipline: unlawfully issuing VSS Certificates for 10 vehicles by failing to properly inspect those vehicles to determine if their safety systems conformed with the inspection criteria and standards adopted by the Director in violation of section 9889.3, subdivisions (a) and (h), in conjunction with section 9888.6, subdivision (a).

c. Seventh Cause for Discipline: violation of section 9889.3, subdivision (c), in that, with respect to the 10 fraudulent VSSI inspections, Respondent Danny violated material Bureau regulations of the VSSI Program. Respondent Danny's violations include failing to perform VSSI inspections in accordance with the requirements and procedures prescribed in the document entitled "Vehicle Safety Systems Inspection Manual" (Cal. Code Regs., tit. 16, § 3311.1, subd. (c)); failing to perform VSSI inspections only in an area of the station approved by the Bureau during its initial on-

site licensing inspection (Cal. Code Regs., tit. 16, § 3311.1, subd. (e)); failing to ensure that all VSSI inspections performed at its station complied with the VSSI Program standards and criteria set forth in the Automotive Repair Act and regulations enacted pursuant thereto (Cal. Code Regs., tit. 16, § 3311.2 subd. (b)); issuing VSS Certificates to vehicles that had not passed a vehicle safety systems inspection performed in accordance with the VSSI Program regulations (Cal. Code Regs., tit. 16, § 3311.3, subd. (d)(1)); and withholding and inserting information in estimates, invoices, work orders, and records required to be maintained by Regulations, section 3312.2, subdivision (f), that caused the documents to be false and misleading. (Cal. Code Regs., tit. 16, § 3373.) (Factual Findings 19-38.)

d. Eighth Cause for Discipline: committing acts involving dishonesty, fraud, and deceit whereby another was injured by issuing VSS Certificates to 10 vehicles without performing bona fide VSSI inspections on those vehicles, thereby depriving the People of the State of California of the protection afforded by the VSSI Program in violation of Health and Safety Code, section 44072.2, subdivision (d).

RESPONDENT ENRRIQUEZ'S VEHICLE SAFETY SYSTEMS TECHNICIAN LICENSE

21. There is cause for the Director to revoke or suspend Respondent Enrriquez's VST license for the 10 VSSI fraudulent inspections and certifications set forth above for the following reasons: (Respondent Enrriquez's VST license is referred to as an "Inspector License" instead of a technician license as stated in the Accusation. (Exhibit 1, p. A46.))

a. Ninth Cause for Discipline: committing acts involving dishonesty, fraud, or deceit whereby another is injured, by causing the issuance of VSS Certificates for 10

vehicles without performing bona fide VSSI inspections, thereby depriving the people of the State of California of the protections afforded by the VSSI Program in violation of section 9889.3, subdivision (d).

b. Tenth Cause for Discipline: unlawfully issuing VSS Certificates for 10 vehicles he failed to properly inspect to determine if their safety systems conformed with the inspection criteria and standards adopted by the Director in violation of section 9889.3, subdivisions (a) and (h), in conjunction with section 9888.6, subdivision (a).

c. Eleventh Cause for Discipline: violation of section 9889.3, subdivision (c), in that, with respect to the 10 fraudulent VSSI inspections, Respondent Enrriquez violated material Bureau regulations of the VSSI Program. Respondent Enrriquez's violations include failing to perform VSSI inspections in accordance with the requirements and procedures prescribed in the document entitled "Vehicle Safety Systems Inspection Manual" (Cal. Code Regs., tit. 16, § 3311.1, subd. (c)); failing to perform VSSI inspections only in an area of the station approved by the Bureau during its initial on-site licensing inspection (Cal. Code Regs., tit. 16, § 3311.1, subd. (e)); failing to ensure that all VSSI inspections performed complied with the VSSI Program standards and criteria set forth in the Automotive Repair Act and regulations enacted pursuant thereto (Cal. Code Regs., tit. 16, § 3311.2 subd. (b)); issuing certificates of compliance to vehicles that had not passed a vehicle safety systems inspection performed in accordance with the VSSI Program regulations. (Cal. Code Regs., tit. 16, § 3311.3, subd. (d)); withholding and inserting information in estimates, invoices, work orders, and records required to be maintained by Regulations, section 3312.2, subdivision (f), that caused the documents to be false and misleading. (Cal Code Regs., tit. 16, § 3373.) (Factual Findings 19-38.)

d. Twelfth Cause for Discipline: committing acts involving dishonesty, fraud, and deceit whereby another was injured by issuing VSS Certificates for 10 vehicles without performing bona fide VSSI inspections on those vehicles, thereby depriving the People of the State of California of the protection afforded by the VSSI Program in violation of Health and Safety Code, section 44072.2, subdivision (d).

Disciplinary Considerations

22. The object of administrative license discipline is not to punish the licensee; the primary purpose of these proceedings is to protect the public. (*Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817; see also *Pirouzian v. Superior Court* (2016) 1 Cal.App.5th 438, 448-450; *Imports Performance*, supra, 201 Cal.App.4th at p. 919.) While recognizing the negative financial impact of license discipline on licensees' livelihoods, when the financial interest of the licensee conflicts with the public interest, the public interest shall prevail.

23. All matters in mitigation and rehabilitation have been considered. The Bureau's Guidelines for Disciplinary Orders and Terms of Probation (rev. June 2021) (Guidelines) recommend the revocation of any applicable vehicle safety systems station license and automotive repair dealership license for a station licensee for fraud. (Exhibit 36, Guidelines, p. A287.)

24. Respondent Enrriquez performed 10 fraudulent VSSI inspections at Respondent Danny's and, as a result, issued 10 fraudulent VSS Certificates of Compliance. Respondents' violations were numerous and serious. Respondents provided some assurance to the Bureau that Respondent will operate lawfully in the future. Respondents admitted to the past misconduct and provided some evidence of rehabilitation. Under these circumstances, the goal of public protection requires the

revocation of Respondents' VSSI Program-related licenses. However, based on the absence of evidence that Respondents' fraud with regard to the VSSI Program extended to other parts of Respondents Bureau-licensed activities, and the absence of any prior license discipline related to those other licensed activities, the public will be adequately protected by discipline short of revocation for Respondent Danny's automotive repair dealer registration, subjecting the automotive repair dealership license to a three year probationary period under standard terms and conditions, consistent with Bureau Guidelines and the specifics of this matter.

Costs

25. Section 125.3 provides, in pertinent part:

> (a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. [¶] . . . [¶]
>
> (c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing,

including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a) . . . .

26. California Code of Regulations, title 1, section 1042, provides, in pertinent part:

(b) Except as otherwise provided by law, proof of costs at the Hearing may be made by Declarations that contain specific and sufficient facts to support findings regarding actual costs incurred and the reasonableness of the costs, which shall be presented as follows:

(1) For services provided by a regular agency employee, the Declaration may be executed by the agency or its designee and shall describe the general tasks performed, the time spent on each task and the method of calculating the cost. For other costs, the bill, invoice or similar supporting document shall be attached to the Declaration. [¶] . . . [¶]

(4) The ALJ may permit a party to present testimony relevant to the amount and reasonableness of costs. [¶] . . . [¶]

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(c) The proposed decision shall include a factual finding and legal conclusion on the request for costs and shall state the reasons for denying a request or awarding less than the amount requested. Any award of costs shall be specified in the order.

27. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Supreme Court provided four factors the board was required to consider in deciding whether to reduce or eliminate costs: (1) whether the licensee used the hearing process to obtain dismissal of the charges or a reduction in the severity of the discipline imposed; (2) whether the licensee had a "subjective" good faith belief in the merits of his position; (3) whether the licensee raised a "colorable challenge" to the proposed discipline; and (4) whether the licensee had the financial ability to make payments.

28. The *Zuckerman* criteria were applied in this proceeding. Respondents presented no evidence to challenge the prima facie evidence that Complainant's certification of the Bureau's enforcement and investigatory costs was reasonable. In addition, all of the allegations against Respondents were established by the evidence. The Bureau's investigation was reasonable based on the violations. It is evident, however, that Respondents' finances will be negatively impacted by revocation of the VSSI program-related licenses, which will prevent Respondents from conducting any VSSI inspections. Directing Respondents to pay costs reduced by twenty percent, totaling $11,149.72, is therefore justified.

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Additional Matters

29. Complainant requests an order against Respondent Danny's revoking or suspending all additional Automotive Repair Dealer Registrations issued in the name of Danny's Test and Repair Inc. Section 9884.7, subdivision (c), provides, "[T]he director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of [the Automotive Repair Act], or regulations adopted pursuant to it." Complainant's request is denied as unduly punitive under the established circumstances. A three-year period of probation under standard terms and conditions for all additional Automotive Repair Dealer Registrations issued in the name of Danny's Test and Repair Inc. is, however, warranted and sufficient to protect the public. No evidence of automotive repair dealer registration for other places of business operated by Respondents was offered at hearing.

30. Complainant requests an order against Respondents revoking or suspending all additional licenses issued under Article 6.5 of Chapter 20.3 of Division 3 of the Code issued in the name of Danny's Test and Repair Inc. and Daniel Antonio Espinoza Enrriquez. Section 9889.9 provides, "[w]hen any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Article 6.5 (commencing with Section 9888.5) in the name of the licensee may be likewise revoked or suspended by the director." Complainant's request is denied as unduly punitive under the established circumstances. A three-year period of probation under standard terms and conditions for all additional Automotive Repair Dealer Registrations issued in the name of Danny's Test and Repair Inc. is, however, warranted and sufficient to protect the public.

31. Complainant also requests an order against Respondents revoking or suspending all licenses issued under the Motor Vehicles Inspection Program issued in the names of Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez. Health and Safety Code section 44072.8 provides, "[w]hen a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter [i.e., the Motor Vehicle Inspection Program] in the name of the licensee may be likewise revoked or suspended by the director." Complainant's request is denied because the presented mitigating evidence and absence of prior license discipline does not support the outright revocation of any additional licenses Respondents hold under the Motor Vehicle Inspection Program, which would be unduly punitive under the circumstances. However, a three-year period of probation, subject to the standard terms and conditions, for all licenses is warranted to protect the public.

ORDER

1. Vehicle Safety Systems Station license number VS 307073 issued to Respondent Danny's Test and Repair Inc; Daniel Antonio Espinoza Enrriquez President/Secretary/Treasurer is hereby revoked.

2. Vehicle Safety Systems Station license number ST 635325 issued to Respondent Daniel Antonio Espinoza Enrriquez is hereby revoked.

3. The following registrations and licenses, set forth below, are hereby revoked; however, the revocations are stayed, and Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez are placed on probation on the terms and conditions set forth in paragraph 4 of this Order:

(a) Automotive Repair Dealer Registration Number ARD 307073 issued to Respondent Danny's Test and Repair Inc; Daniel Antonio Espinoza Enrriquez, President/Secretary/Treasurer;

(b) Smog Check Test and Repair Station License Number RC 307073 issued to Respondent Danny's Test and Repair Inc; Daniel Antonio Espinoza Enrriquez, President/Secretary/Treasurer;

(c) Smog Check Repair Technician License EI 635325, issued to Respondent Daniel Antonio Espinoza Enrriquez;

(d) Smog Check Inspector License No. 635325, issued to Respondent Daniel Antonio Espinoza Enrriquez;

(e) any and all additional Automotive Repair Dealer Registrations issued in the name of Danny's Test and Repair Inc pursuant to section 9884.7, subdivision (c), of the Business and Professions Code;

(f) any and all additional licenses issued under Article 6.5 of Chapter 20.3 of Division 3 of the Business and Professions Code in the names of Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez pursuant to section 9889.9 of the Business and Professions Code; and,

(g) any and all licenses issued under the Motor Vehicle Inspection Program (Health & Safe. Code, § 44000, et seq.) in the names of Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez pursuant to section 44072.8 of the Health and Safety Code.

4. The probationary terms and conditions for the licenses and registrations set forth in Paragraph 3 above are as follows:

1. Obey All Laws

During the period of probation, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall comply with all federal and state statutes, regulations and rules governing all Bureau of Automotive Repair registrations and licenses held by Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez.

2. Quarterly Reporting

During the period of probation, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall report either by personal appearance or in writing as determined by Bureau of Automotive Repair on a schedule set by Bureau of Automotive Repair, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

3. Reporting Financial Interests

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by Bureau of Automotive Repair during the period of probation, report any financial interest which any Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez or any partners, officers, or owners of any Respondents' facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

4. Access to Examine Vehicles and Records

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall provide Bureau of Automotive Repair representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide Bureau of Automotive Repair representatives unrestricted access to all records pursuant to Bureau of Automotive Repair laws and regulations.

5. Tolling of Probation

If, during probation, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez leaves the jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction of California, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall notify Bureau of Automotive Repair in writing within 10 days of the dates of departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost reimbursement requirements, restitution requirements, training requirements, and that Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez obey all laws, shall be held in abeyance during any period of time of 30 days or more in which Respondent is not residing or engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of 30 days or more in which Respondents

Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez are not residing or engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

6. Violation of Probation

If Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez violate or fail to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard, may set aside the stay order and carry out the disciplinary order provided in the decision. Once Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez are served notice of Bureau of Automotive Repair's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

7. Maintain a Valid License

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall, at all times while on probation, maintain a current and active registration and/or license(s) with Bureau of Automotive Repair, including any period during which suspension or probation is tolled. If Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez registrations or licenses are expired at the time the decision becomes effective, the registrations or licenses must be renewed by

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez within 30 days of that date. If Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez's registration(s) or license(s) expire during a term of probation, by operation of law or otherwise, then upon renewal Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez's registration(s) or license(s) shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration(s) and/or license(s) during the period of probation shall also constitute a violation of probation.

8. Cost Recovery

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall pay the Bureau of Automotive Repair $11,149.72 for the reasonable costs of the investigation and enforcement of Case No. 77/26-2103. Respondents shall make such payment as directed by Bureau of Automotive Repair. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six (6) months before probation terminates. Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for Case No. 77/26-2103. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. Bureau of Automotive Repair reserves the right to pursue any

other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

9. Completion of Probation

Upon successful completion of probation, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez's affected registration(s) and license(s) will be fully restored or issued without restriction, if Respondents Danny's Test and Repair Inc. and Daniel Antonio Espinoza Enrriquez meet all current requirements for registration or licensure and have paid all outstanding fees, monetary penalties, cost recovery, and probation monitoring costs owed to Bureau of Automotive Repair.

10. License Surrender

Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez cease business operations or are otherwise unable to satisfy the terms and conditions of probation, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez may request that the stay be vacated. Such request shall be made in writing to Bureau of Automotive Repair. The Director and the Bureau of Automotive Repair Chief reserve the right to evaluate the Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the

Director will vacate the stay order and carry out the disciplinary order provided in the decision.

Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of Bureau of Automotive Repair at any time before the date of the originally scheduled completion of probation. If Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez apply to Bureau of Automotive Repair for a registration or license at any time after that date, Respondents Danny's Test and Repair Inc and Daniel Antonio Espinoza Enrriquez must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to Bureau of Automotive Repair and left outstanding at the time of surrender.

DATE: 08/21/2026

Signed cop on file

IRINA TENTSER

Administrative Law Judge

Office of Administrative Hearings