

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

In the Matter of the Accusation Against:

AAA SPEEDY SMOG
590 Saratoga Avenue
San Jose, CA 95129
MILUS SOLAKOV, Owner

Automotive Repair Dealer Registration
No. ARD 229060
Smog Check , Test Only, Station License
No. TC 229060

and

ANGEL LUIS BERNABE
5471 Don Juan Circle
San Jose, CA 95123

Advanced Emission Specialist Technician
License No. EA 631056

Respondents.

Case No. 79/11-74

OAH No. 2011061330

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 11/29/11.

DATED: October 25, 2011


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
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7 *Attorneys for Complainant*

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. 79/11-74

13 **AAA SPEEDY SMOG**
14 **590 Saratoga Avenue**
San Jose, CA 95129
MILUS SOLAKOV, OWNER

OAH No. 2011061330

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Automotive Repair Dealer Registration**
16 **No. ARD229060**
Smog Check Test Only Station License
17 **No. TC229060**

18 **and**

19 **ANGEL LUIS BERNABE**
20 **5471 Don Juan Circle**
San Jose, CA 95123

21 **Advanced Emission Specialist Technician**
22 **License No. EA631056**

23 Respondents.

24
25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
26 entitled proceedings that the following matters are true:

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PARTIES

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2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
3 brought this action solely in her official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Shana A. Bagley, Deputy Attorney
5 General.

6 2. Respondent Milus K. Solakov doing business as AAA Speedy Smog (“Respondent
7 AAA”) and Respondent Angel Luis Bernabe (“Respondent Bernabe”) are representing
8 themselves in this proceeding and have chosen not to exercise their right to be represented by
9 counsel.

10 3. In 2003, the Bureau issued Automotive Repair Dealer Registration Number
11 ARD229060 (“registration”) to Respondent AAA. The registration was in full force and effect at
12 all times relevant to the charges brought in the Accusation and will expire on August 31, 2011,
13 unless renewed.

14 4. In 2003, the Bureau issued Smog Check Test Only Station License Number
15 TC229060 (“station license”) to Respondent AAA. The station license was in full force and
16 effect at all times relevant to the charges brought in the Accusation and will expire on August 31,
17 2011, unless renewed.

18 5. On or about June 1, 2009, the Bureau issued Advanced Emission Specialist
19 Technician License Number EA631056 (“technician license”) to Respondent Bernabe. The
20 technician license was in full force and effect at all times relevant to the charges brought in the
21 Accusation and will expire on February 28, 2013, unless renewed.

JURISDICTION

22
23 6. Accusation No. 79/11-74 was filed before the Director of Consumer Affairs
24 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
25 Respondents. The Accusation and all other statutorily required documents were properly served
26 on Respondents on March 14, 2011. Respondents timely filed a Notice of Defense contesting the
27 Accusation. A copy of Accusation No. 79/11-74 is attached as Exhibit A and incorporated by
28 reference.

1 participation by Respondents. By signing the stipulation, Respondents understand and agree that
2 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
3 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
4 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
5 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
6 Director shall not be disqualified from further action by having considered this matter.

7 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
8 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
9 effect as the originals.

10 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
15 writing executed by an authorized representative of each of the parties.

16 16. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Director may, without further notice or formal proceeding, issue and enter the following
18 Disciplinary Order:

19 **DISCIPLINARY ORDER AS TO MILUS SOLAKOV**

20 **DOING BUSINESS AS AAA SPEEDY SMOG**

21 IT IS HEREBY ORDERED that Automotive Repair Dealer No. ARD229060 and Smog
22 Check Test Only No. TC229060 issued to Respondent Milus Solakov, doing business as AAA
23 Speedy Smog, is revoked. However, the revocation is stayed and Respondent is placed on
24 probation for three (3) years on the following terms and conditions.

25 1. **Actual Suspension.** Automotive Repair Dealer No. ARD229060 and Smog Check
26 Test Only No. TC229060 issued to Respondent Milus Solakov are suspended for 15 days, with
27 the suspension to be served beginning the effective date of this stipulation.

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1 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
2 automotive inspections, estimates and repairs.

3 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
4 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
5 conspicuously displayed in a location open to and frequented by customers and shall remain
6 posted during the entire period of actual suspension.

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

11 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
12 any financial interest which any partners, officers, or owners of the Respondent facility may have
13 in any other business required to be registered pursuant to Section 9884.6 of the Business and
14 Professions Code.

15 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
16 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

17 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
18 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
19 until the final decision on the accusation, and the period of probation shall be extended until such
20 decision.

21 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
22 Respondent has failed to comply with the terms and conditions of probation, the Department may,
23 after giving notice and opportunity to be heard temporarily or permanently invalidate the
24 registration and suspend or revoke the license.

25 9. **Cost Recovery.** The total costs of investigation and enforcement of this case are
26 \$7,361.76. These costs are the actual and total costs incurred by the Bureau to investigate and
27 prosecute the case, pursuant to Business and Professions Code section 125.3, and all Respondents
28 in these proceedings shall be jointly and severally liable for their payment to the Bureau.

1 Payment to the Bureau of the full amount of cost recovery shall be received no later than 6
2 months before probation terminates. Failure to complete payment of cost recovery within this
3 time frame shall constitute a violation of probation which may subject Respondent's license and
4 registration to outright revocation; however, the Director or the Director's Bureau of Automotive
5 Repair designee may elect to continue probation until such time as reimbursement of the entire
6 cost recovery amount has been made to the Bureau.

7 **DISCIPLINARY ORDER AS TO ANGEL LUIS BERNABE**

8 IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA
9 631056 issued to Respondent Angel Luis Bernabe, is revoked. However, the revocation is stayed
10 and Respondent is placed on probation for three (3) years on the following terms and conditions.

11 10. **Obey All Laws.** Comply with all statutes, regulations and rules governing
12 automotive inspections, estimates and repairs.

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

17 12. **Report Financial Interest.** Within 30 days of the effective date of this action, report
18 any financial interest which any partners, officers, or owners of the Respondent facility may have
19 in any other business required to be registered pursuant to Section 9884.6 of the Business and
20 Professions Code.

21 13. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
22 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

23 14. **Jurisdiction.** If an accusation is filed against Respondent during the term of
24 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
25 until the final decision on the accusation, and the period of probation shall be extended until such
26 decision.

27 ///

28 ///

1 15. **Violation of Probation.** Should the Director of Consumer Affairs determine that
2 Respondent has failed to comply with the terms and conditions of probation, the Department may,
3 after giving notice and opportunity to be heard, suspend or revoke the license.

4 16. **Continuing Education Courses.** During the period of probation, Respondent shall
5 attend and successfully complete a Bureau certified Basic Clean Air Car Course (68 hours) Said
6 course shall be completed and proof of completion submitted to the Bureau within 180 days of
7 the effective date of this decision and order. If proof of completion of the course is not furnished
8 to the Bureau within the 180-day period, Respondents' license shall be immediately suspended
9 until such proof is received. Proof of completion shall be provided to: the Bureau of Automotive
10 Repair, Case Management Unit, 10220 Systems Parkway, Suite B, Sacramento, CA 95827/

11 17. **Restrictions.** During the period of probation, Respondent shall not perform any form
12 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
13 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
14 properly perform such work, and BAR has been given 10 days notice of the availability of the
15 equipment for inspection by a BAR representative.

16 18. **Cost Recovery.** The total costs of investigation and enforcement of this case are
17 \$7,361.76. These costs are the actual and total costs incurred by the Bureau to investigate and
18 prosecute the case, pursuant to Business and Professions Code section 125.3, and all Respondents
19 in these proceedings shall be jointly and severally liable for their payment to the Bureau.
20 Payment to the Bureau of the full amount of cost recovery shall be received no later than 6
21 months before probation terminates. Failure to complete payment of cost recovery within this
22 time frame shall constitute a violation of probation which may subject Respondent's license to
23 outright revocation; however, the Director or the Director's Bureau of Automotive Repair
24 designee may elect to continue probation until such time as reimbursement of the entire cost
25 recovery amount has been made to the Bureau.

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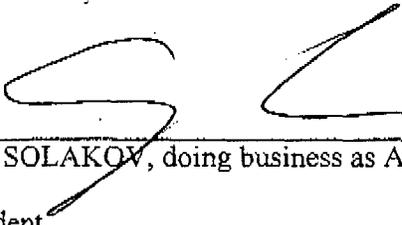
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ACCEPTANCE

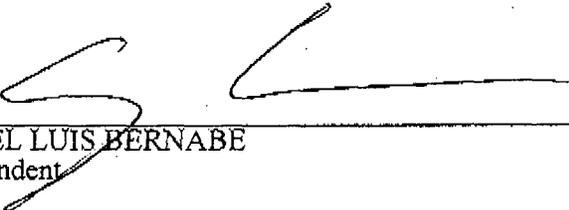
I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog Check Test Only License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 9-20-11


MILUS SOLAKOV, doing business as AAA SPEEDY
SMOG
Respondent

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 9-20-11


ANGEL LUIS BERNABE
Respondent

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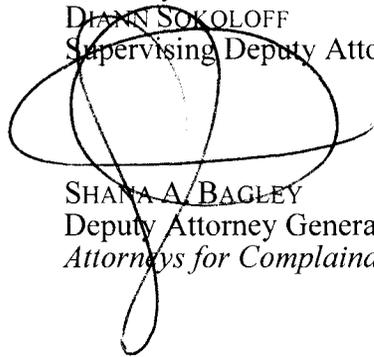
ENDORSEMENT

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

Dated: 19 September, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

SF2010900278/ Stipulation.rtf

Exhibit A

Accusation No. 79/11-74

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
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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:
13 **AAA SPEEDY SMOG**
590 Saratoga Avenue
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14 **MILUS SOLAKOV, OWNER**
Automotive Repair Dealer Registration
15 No. 229060
Smog Check Test Only Station License
16 No. TC 229060
17 and
18 **ANGEL LUIS BERNABE**
5471 Don Juan Circle
19 San Jose, CA 95123
Advanced Emission Specialist Technician
20 License No. EA 631056
21 Respondents.

Case No. 79 111-74
ACCUSATION
SMOG CHECK

23 Complainant alleges:

24 **PARTIES**

25 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
26 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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28 ///

1 the specific place of business which has violated any of the provisions of this chapter.
2 This violation, or action by the director, shall not affect in any manner the right of the
3 automotive repair dealer to operate his or her other places of business.

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

9
10 6. Code section 118, subdivision (b) states:

11 The suspension, expiration, or forfeiture by operation of law of a license
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by
13 order of the board or by order of a court of law, or its surrender without the written
14 consent of the board, shall not, during any period in which it may be renewed,
15 restored, reissued, or reinstated, deprive the board of its authority to institute or
16 continue a disciplinary proceeding against the licensee upon any ground provided by
17 law or to enter an order suspending or revoking the license or otherwise taking
18 disciplinary action against the licensee on any such ground.

19
20 7. Code section 9884.9 states, in pertinent part:

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

(signature or initials)"

1 8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
2 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
3 proceeding against an automotive repair dealer or to render a decision invalidating a registration
4 temporarily or permanently.

5 9. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
6 "commission," "committee," "department," "division," "examining committee," "program," and
7 "agency." "License" includes certificate, registration or other means to engage in a business or
8 profession regulated by the Code.

9 10. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
10 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
11 the Motor Vehicle Inspection Program.

12 11. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

16 (a) Violates any section of this chapter [the Motor Vehicle Inspection
17 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted
18 pursuant to it, which related to the licensed activities.

19 (c) Violates any of the regulations adopted by the director pursuant to
20 this chapter.

21 (d) Commits any act involving dishonesty, fraud, or deceit whereby
22 another is injured.

23 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
24 expiration or suspension of a license by operation of law, or by order or decision of the Director
25 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
26 the Director of jurisdiction to proceed with disciplinary action.

27 13. Section 44072.8 of the Health and Safety Code states:

28 When a license has been revoked or suspended following a hearing under
this article, any additional license issued under this chapter in the name of the
licensee may be likewise revoked or suspended by the director.

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1 d. Section 44059: Respondent AAA willfully made false entries for electronic
2 Certificate of Compliance No. NU021941, certifying that the vehicle had been inspected as
3 required when, in fact, it had not.

4 SIXTH CAUSE FOR DISCIPLINE

5 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

6 21. Respondent AAA has subjected his station license to discipline under Health and
7 Safety Code section 44072.2, subdivision (c), in that on or about May 15, 2010, regarding the
8 1996 Honda Accord, he violated sections of the California Code of Regulations, title 16, as
9 follows:

10 a. Section 3340.24, subdivision (c): Respondent AAA falsely or fraudulently issued
11 electronic Certificate of Compliance No. NU021941 without performing a bona fide inspection of
12 the emission control devices and systems on that vehicle as required by Health and Safety Code
13 section 44012.

14 b. Section 3340.35, subdivision (c): Respondent AAA issued electronic Certificate of
15 Compliance No. NU021941 even though that vehicle had not been inspected in accordance with
16 section 3340.42 of that Code.

17 c. Section 3340.42: Respondent AAA failed to conduct the required smog tests and
18 inspections on that vehicle in accordance with the Bureau's specifications.

19 SEVENTH CAUSE FOR DISCIPLINE

20 (Dishonesty, Fraud or Deceit)

21 22. Respondent AAA subjected his station license to discipline under Health and Safety
22 Code section 44072.2, subdivision (d), in that on or about May 15, 2010, regarding the 1996
23 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another was
24 injured by issuing electronic Certificate of Compliance No. NU021941 for that vehicle without
25 performing a bona fide inspection of the emission control devices and system on the vehicle,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 23. Respondent Bernabe has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (a), in that on or about May 15, 2010, regarding the
5 1996 Honda Accord, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (a):** Respondent Bernabe failed to determine that all
7 emission control devices and systems required by law were installed and functioning correctly in
8 accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent Bernabe failed to perform emission
10 control tests on that vehicle in accordance with procedures prescribed by the department.

11 c. **Section 44032:** Respondent Bernabe failed to perform tests of the emission control
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

13 d. **Section 44059:** Respondent Bernabe willfully made false entries for electronic
14 Certificate of Compliance No. NU021941, certifying that the vehicle had been inspected as
15 required when, in fact, it had not.

16 NINTH CAUSE FOR DISCIPLINE

17 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

18 24. Respondent Bernabe has subjected his technician license to discipline under Health
19 and Safety Code section 44072.2, subdivision (c), in that on or about May 15, 2010, regarding the
20 1996 Honda Accord, he violated sections of the California Code of Regulations, title 16, as
21 follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Bernabe falsely or fraudulently issued
23 electronic Certificate of Compliance No. NU021941 without performing a bona fide inspection of
24 the emission control devices and systems on that vehicle as required by Health and Safety Code
25 section 44012.

26 b. **Section 3340.30, subdivision (a):** Respondent Bernabe failed to inspect and test that
27 vehicle in accordance with Health and Safety Code section 44012.

28

1 c. Section 3340.41, subdivision (c): Respondent Bernabe entered false information into
2 the Emission Inspection System for electronic Certificate of Compliance No. NU021941 by
3 entering "Pass" for the visual inspection of the fuel evaporative controls when, in fact, the vehicle
4 could not pass the visual inspection because the vehicle's EVAP assembly was missing.

5 d. Section 3340.42: Respondent Bernabe failed to conduct the required smog tests and
6 inspections on that vehicle in accordance with the Bureau's specifications.

7 **TENTH CAUSE FOR DISCIPLINE**

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

9 25. Respondent Bernabe has subjected his technician license to discipline under Health
10 and Safety Code section 44072.2, subdivision (d), in that on or about May 15, 2010, regarding the
11 1996 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another
12 was injured by issuing electronic Certificate of Compliance No. NU021941 without performing a
13 bona fide inspection of the emission control devices and systems on that vehicle, thereby
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle
15 Inspection Program.

16 **PRIOR CITATIONS**

17 26. To determine the degree of penalty, if any, to be imposed upon Respondent,
18 Complainant alleges as follows:

19 a. On October 12, 2005, the Bureau issued Citation No. C06-0202 to Respondent AAA
20 against his registration and station licenses for violations of Health and Safety Code section
21 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
22 and California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c)
23 (issuing a certificate of compliance to a vehicle improperly tested). Respondent AAA issued a
24 certificate of compliance to a Bureau vehicle with the ignition timing adjusted beyond the
25 manufacturer's specifications. The Bureau assessed a civil penalty of \$500. Respondent AAA
26 complied with this citation on November 9, 2005.

27 b. On February 13, 2009, the Bureau issued Citation No. C09-0935 to Respondent AAA
28 against his registration and station licenses for violations of Health and Safety Code section

1 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
2 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
3 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with
4 a missing positive crankcase ventilation valve. The Bureau assessed a civil penalty of \$500.
5 Respondent AAA complied with this citation on March 20, 2009.

6 c. On October 8, 2009, the Bureau issued Citation No. C2010-0343 to Respondent AAA
7 against his registration and station licenses for violations of Health and Safety Code section
8 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
9 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
10 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with
11 the ignition timing adjusted beyond the manufacturer's specifications. The Bureau assessed a
12 civil penalty of \$1,000. Respondent AAA complied with this citation on November 9, 2009.

13 d. On January 26, 2010, the Bureau issued Citation No. C2010-0727 to Respondent
14 AAA against his registration and station licenses for violations of Health and Safety Code section
15 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
16 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
17 improperly tested). Respondent AAA issued a certificate of compliance to a Bureau vehicle with
18 a missing pulsed secondary air injection/air suction system. The Bureau assessed a civil penalty
19 of \$2,000. Respondent AAA complied with this citation on February 18, 2010.

20 e. On October 8, 2009, the Bureau issued Citation No. M2010-0344 to Respondent
21 Bernabe against his technician license for violations of Health and Safety Code section 44032,
22 (qualified technicians shall perform tests of emission control systems and devices in accordance
23 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")
24 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
25 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
26 3340.42). Respondent Bernabe issued a certificate of compliance to a Bureau vehicle with the
27 ignition timing adjusted beyond the manufacturer's specifications. Respondent Bernabe was
28

1 required to attend an 8-hour training course. Respondent Bernabe complied with this citation on
2 November 11, 2009.

3 f. On January 26, 2010, the Bureau issued Citation No. M2010-0728 to Respondent
4 Bernabe against his technician license for violations of Health and Safety Code section 44032,
5 (qualified technicians shall perform tests of emission control systems and devices in accordance
6 with section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation")
7 section 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
8 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
9 3340.42). Respondent Bernabe issued a certificate of compliance to a Bureau vehicle with a
10 missing pulsed secondary air injection/air suction system. Respondent Bernabe was required to
11 attend a 16-hour training course. Respondent complied with this citation on March 17, 2010.

12 OTHER MATTERS

13 27. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
14 or permanently or refuse to validate, the registrations for all places of business operated in this
15 state by to Milus K. Solakov doing business as AAA Speedy Smog, upon a finding that he has, or
16 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
17 an automotive repair dealer.

18 28. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
19 License Number TC 229060, issued to Milus K. Solakov doing business as AAA Speedy Smog,
20 is revoked or suspended, any additional license issued under this chapter in the name of said
21 licensee may be likewise revoked or suspended by the director.

22 29. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
23 Technician License Number EA 631056, issued to Angel Luis Bernabe, is revoked or suspended,
24 any additional license issued under this chapter in the name of said licensee may be likewise
25 revoked or suspended by the director.

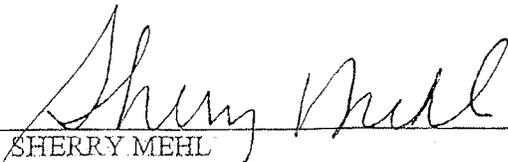
26 PRAYER

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

- 1 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
2 Registration Number ARD 229060, issued to Milus K. Solakov doing business as AAA Speedy
3 Smog;
- 4 2. Revoking, suspending, or placing on probation any additional automotive repair
5 dealer registration issued to Milus K. Solakov doing business as AAA Speedy Smog;
- 6 3 Revoking or suspending Smog Check Test Only Station License Number TC 229060,
7 issued to Milus K. Solakov doing business as AAA Speedy Smog;
- 8 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
9 and Safety Code in the name of Milus K. Solakov doing business as AAA Speedy Smog;
- 10 5. Revoking or suspending Advanced Emission Specialist Technician License Number
11 EA 631056, issued to Angel Luis Bernabe;
- 12 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
13 and Safety Code in the name of Angel Luis Bernabe;
- 14 7. Ordering Milus K. Solakov and Angel Luis Bernabe to pay the Bureau of Automotive
15 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code section 125.3; and,
- 17 8. Taking such other and further action as deemed necessary and proper.

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19
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21 DATED: _____

3/7/11


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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