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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 **SMOG QUIK**  
14 **7555 Auburn Boulevard, Unit B**  
15 **Citrus Heights, CA 95610**  
16 **DALE L. MERCER, Owner**  
17 **Automotive Repair Dealer Registration No. ARD**  
18 **232421**  
19 **Smog Check Test Only Station License No. TC**  
20 **232421**  
21 **And**  
22 **DALE L. MERCER**  
23 **6427 Oak Creek Way**  
24 **Citrus Heights, CA 95621**  
25 **Advanced Emission specialist Technician License**  
26 **No. EA 109104**  
27 Respondents.

Case No. 79/12-104

**A C C U S A T I O N**  
**SMOG CHECK**

28 John Wallauch ("Complainant") alleges:

**PARTIES**

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

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1 Code section 44032 (qualified technicians shall perform tests of emission control systems and  
2 devices in accordance with section 44012 of that Code), and California Code of Regulations, title  
3 16, section 3340.30(a) (qualified technicians shall inspect, test, and repair vehicles in accordance  
4 with sections 44012 and 44035 of the Health and Safety Code, and California Code of  
5 Regulations, title 16, section 3340.42). On or about March 17, 2010, the Bureau served  
6 Respondent with the citation, requiring Respondent to complete a 68-hour Clean Air Course.  
7 However, Respondent did not appeal the citation within thirty (30) days of service nor has the  
8 Respondent complied with the citation by completing the required training.

9 **OTHER MATTERS**

10 13. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station  
11 License Number TC 232421, issued to Dale L. Mercer, is revoked or suspended, any additional  
12 license issued under this chapter in the name of said licensee may be likewise revoked or  
13 suspended by the director.

14 14. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
15 Technician License Number EA 109104, issued to Dale L. Mercer, is revoked or suspended, any  
16 additional license issued under this chapter in the name of said licensee may be likewise revoked  
17 or suspended by the director.

18 **PRAYER**

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

21 1. Revoking or suspending Smog Check Test Only Station License Number  
22 TC 232421, issued to Dale L. Mercer, doing business as Smog Quik;

23 2. Revoking or suspending Advanced Emission Specialist Technician License  
24 Number EA109104, issued to Dale L. Mercer;

25 3. Revoking or suspending any additional license issued under Chapter 5 of the  
26 Health and Safety Code in the name of Dale L. Mercer;

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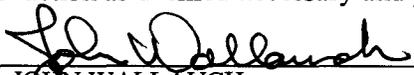
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4. Ordering Dale L. Mercer to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: MARCH 21, 2012



JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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