

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

In the Matter of the Petition to Revoke Probation
Against:

OXNARD SMOG TEST ONLY, INC.
dba OXNARD SMOG TEST ONLY
CENTER; FIDEL LOPEZ, President
3434 S. Saviers RD, Unit B
Oxnard, CA 93033

Automotive Repair Dealer Registration
No. ARD 233855
Smog Check Test Only Station License
No. TC 233855

and

FIDEL LOPEZ
3592 Almond Drive
Oxnard, CA 93030

Smog Check Inspector License No. EO
143295 (formerly Advanced Emission
Specialist Technician License
No. EA 143295)

Respondents.

Case No. 79/15-121

OAH No. 2015070285

DECISION

The attached Stipulated Revocation of License and 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 October 27, 2015.

DATED: October 6, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10
11 In the Matter of the Petition to Revoke
Probation Against:

12 **OXNARD SMOG TEST ONLY, INC.**
13 **dba OXNARD SMOG TEST ONLY**
14 **CENTER; FIDEL LOPEZ, President**
3434 S. Saviers Rd, Unit B
15 Oxnard, CA 93033

16 Automotive Repair Dealer Registration
No. ARD 233855
17 Smog Check Test Only Station License
No. TC 233855

18
19 And

20 **FIDEL LOPEZ**
3592 Almond Drive
21 Oxnard, CA 93030

22 Smog Check Inspector License No. EO 143295
23 (formerly Advanced Emission Specialist
Technician License No. EA 143295)
24

25 Respondents.
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Case No. 79/15-121

OAH No. 2015070285

**STIPULATED REVOCATION OF
LICENSE AND ORDER**

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Heather Vo, Deputy Attorney General.

7 2. Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center and Fidel Lopez
8 (Respondents) are represented in this proceeding by attorney Emmanuel F. Fobi, whose address is
9 309 South A Street, Oxnard, California 93030.

10 **Automotive Repair Dealer Registration**

11 3. On or about June 28, 2004, the Bureau of Automotive Repair (Bureau) issued
12 Automotive Repair Dealer Registration No. ARD 233855 (registration) to Oxnard Smog Test
13 Only, Inc., doing business as Oxnard Smog Test Only Center, with Fidel Lopez as President
14 (Respondents). The Automotive Repair Dealer Registration was in effect at all times relevant to
15 the charges brought herein and will expire on May 31, 2016, unless renewed.

16 **Smog Check Test Only Station License**

17 4. On or about July 7, 2004, the Bureau issued Smog Check Test Only Station License
18 No. TC 233855 (station license) to Respondents. The Smog Check Test Only Station License
19 was in effect at all times relevant to the charges brought herein and will expire on May 31, 2016,
20 unless renewed.

21 **Advanced Emission Specialist Technician License**

22 5. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
23 Technician License No. EA 143295 ("technician license") to Fidel Lopez. The technician license
24 was in full force and effect at all times relevant to the charges brought herein and expired on
25 April 30, 2013. Upon timely renewal, the license was redesignated as Licensed Smog Check
26 Inspector No. EO 143295¹ and will expire on April 30, 2017, unless renewed.

27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
Emission Specialist Technician (EA) license and Basic Area Technician (EB) license to Smog
(continued...)

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 10. Respondents voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 **CULPABILITY**

6 11. Respondents admit the truth of each and every charge and allegation in Petition to
7 Revoke Probation No. 79/15-121, agree that cause exists for discipline and hereby accept a
8 revocation of the Automotive Repair Dealer Registration No. ARD 233855 and Smog Check Test
9 Only Station License No. TC 233855 issued to Oxnard Smog Test Only, Inc. dba Oxnard Smog
10 Test Only Center for the Bureau's formal acceptance.

11 Respondents also accept a revocation of the Smog Check Inspector License No. EO 143295
12 issued to Fidel Lopez for the Bureau's formal acceptance.

13 12. Respondents understand that by signing this stipulation they enable the Director to
14 issue this order accepting the revocation of the Automotive Repair Dealer Registration No. ARD
15 23385, Smog Check Test Only Station License No. TC 233855, and Smog Check Inspector
16 License No. EO 143295 without further process.

17 **CONTINGENCY**

18 13. This stipulation shall be subject to approval by the Director or the Director's designee.
19 Respondents understand and agree that counsel for Complainant and the staff of the Bureau of
20 Automotive Repair may communicate directly with the Director and staff regarding this
21 stipulation and revocation, without notice to or participation by Respondents or their counsel. By
22 signing the stipulation, Respondents understand and agree that they may not withdraw their
23 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
24 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
25 Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
26 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
27 from further action by having considered this matter.

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DATED: _____

Signature page attached

FIDEL LOPEZ

Smog Check Inspector License No. EO 143295
Respondent

I have read and fully discussed with Respondents Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center and Fidel Lopez the terms and conditions and other matters contained in this Stipulated Revocation of License and Order. I approve its form and content.

DATED: _____

EMMANUEL F. FOBI, Esq.

Attorney for Respondents

ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS

Attorney General of California

THOMAS L. RINALDI

Supervising Deputy Attorney General

HEATHER VO

Deputy Attorney General

Attorneys for Complainant

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DATED: 09-22-2015



FIDEL LOPEZ
Smog Check Inspector License No. EO 143295
Respondent

I have read and fully discussed with Respondents Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center and Fidel Lopez the terms and conditions and other matters contained in this Stipulated Revocation of License and Order. I approve its form and content.

DATED: 9/22/15



EMMANUEL F. FOBI, Esq.
Attorney for Respondents

ENDORSEMENT

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

Dated:

September 23, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



HEATHER VO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 79/15-121

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke
12 Probation Against:
13 **OXNARD SMOG TEST ONLY, INC.**
14 **dba OXNARD SMOG TEST ONLY**
15 **CENTER; FIDEL LOPEZ, President**
3434 S. Saviers Rd, Unit B
Oxnard, CA 93033
16 Automotive Repair Dealer Registration
17 No. ARD 233855
18 Smog Check Test Only Station License
No. TC 233855
19 And
20 **FIDEL LOPEZ**
21 3592 Almond Drive
Oxnard, CA 93030
22
23 Smog Check Inspector License No. EO 143295
(formerly Advanced Emission Specialist
24 Technician License No. EA 143295)
25 Respondents.

Case No. **79/15-121**
PETITION TO REVOKE PROBATION

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Complainant alleges:

PARTIES

1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

Automotive Repair Dealer Registration

2. On or about June 28, 2004, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 233855 (registration) to Oxnard Smog Test Only, Inc., doing business as Oxnard Smog Test Only Center, with Fidel Lopez as President (Respondents). The Automotive Repair Dealer Registration was in effect at all times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

Smog Check Test Only Station License

3. On or about July 7, 2004, the Bureau issued Smog Check Test Only Station License No. TC 233855 (station license) to Respondents. The Smog Check Test Only Station License was in effect at all times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

Advanced Emission Specialist Technician License

4. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist Technician License No. EA 143295 ("technician license") to Fidel Lopez. The technician license was in full force and effect at all times relevant to the charges brought herein and expired on April 30, 2013. Upon timely renewal, the license was redesignated as Licensed Smog Check Inspector No. EO 143295¹ and will expire on April 30, 2017, unless renewed.

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¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist Technician (EA) license and Basic Area Technician (EB) license to Smog Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 “(2) Causing or allowing a customer to sign any work order that does not state the repairs
2 requested by the customer or the automobile's odometer reading at the time of repair.

3 “(3) Failing or refusing to give to a customer a copy of any document requiring his or her
4 signature, as soon as the customer signs the document.”

5 10. Business and Professions Code section 9884.8 states:

6 “All work done by an automotive repair dealer, including all warranty work, shall be
7 recorded on an invoice and shall describe all service work done and parts supplied. Service work
8 and parts shall be listed separately on the invoice, which shall also state separately the subtotal
9 prices for service work and for parts, not including sales tax, and shall state separately the sales
10 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice
11 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt
12 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a
13 statement indicating whether any crash parts are original equipment manufacturer crash parts or
14 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be
15 given to the customer and one copy shall be retained by the automotive repair dealer.”

16 11. Health and Safety Code section 44012, subdivision (f) states:

17 “The test at the smog check stations shall be performed in accordance with procedures
18 prescribed by the department and may require loaded mode dynamometer testing in enhanced
19 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
20 appropriate test procedures as determined by the department in consultation with the state board.
21 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode
22 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning
23 no earlier than January 1, 2013. However, the department, in consultation with the state board,
24 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed
25 idle testing for vehicles with onboard diagnostic systems that the department and the state board
26 determine exhibit operational problems. The department shall ensure, as appropriate to the test
27 method, the following:

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1 15. California Code of Regulations, title 16, section 3356 states, in pertinent part:
2 "(a) All invoices for service and repair work performed, and parts supplied, as provided
3 for in Section 9884.8 of the Business and Professions Code, shall comply with the following:
4 "(1) The invoice shall show the automotive repair dealer's registration number and the
5 corresponding business name and address as shown in the Bureau's records. If the automotive
6 repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b)
7 of Section 3371 of this chapter."

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Obey All Laws)**

10 16. At all times during probation, Respondents were subject to the following condition:
11 Condition #(2) "OBEY ALL LAWS. Comply with all statutes, regulations and rules
12 governing automotive inspections, estimates and repairs."

13 17. Respondents' probation is subject to revocation because he failed to comply with
14 Probation Condition 2, reference above. The facts and circumstances regarding these violations
15 are as follows:

16 **Probation Conference on December 26, 2013**

17 18. During a probation conference with Respondents on December 26, 2013, Bureau
18 Representative James Ayres performed an invoice review which revealed violations. Prior to the
19 probation conference, the Bureau conducted a probation run on December 11, 2013 on
20 Respondents to verify compliance of the terms and condition of the probation order. Respondents
21 performed an inspection on a 2002 Ford Mustang with a missing exhaust gas recirculation (EGR)
22 valve. While Respondents failed the vehicle, he committed violations of the Automotive Repair
23 Act as follows:

24 a. Code section 9884.7(a)(2): Respondents failed to properly document the odometer
25 reading on the signed estimate #238388.

26 b. Code section 9884.8 and CCR section 3356(a): Respondents failed to properly show the
27 dealer registration number on the invoice. The Automotive Repair Dealer number noted on the
28 invoice was AE233855, which should be 233855.

1 Undercover Operation on August 20, 2014

2 19. On or about August 20, 2014, the Bureau conducted an undercover operation in which
3 it sent a 1988 Toyota Corolla to Respondents with a missing air injection system. Respondents
4 failed to perform a proper smog inspection and issued a Certificate of Compliance [REDACTED] to a
5 Bureau documented vehicle that should not have passed a properly performed smog inspection, in
6 violation of the following provisions:

7 a. **Health and Safety Code section 44012, subdivision (f):** Respondents failed to
8 perform a visual/functional check of emission control devices according to procedures prescribed
9 by the department.

10 b. **California Code of Regulations, title 16, section 3340.35, subdivision (c):**
11 Respondents issued a certificate of compliance to a vehicle which had not been inspected in
12 accordance with California Code of Regulations, title 16, section 3340.42 or did not have required
13 emission control devices installed and functioning.

14 c. **Business and Professions Code section 9884.8 and California Code of**
15 **Regulations, title 16, section 3356, subdivision (a)(1):** Respondents failed to show dealer
16 registration number on invoice.

17 d. **Business and Professions Code section 9884.7, subdivision (a)(2):** Respondents
18 caused or allowed a customer to sign a work order that did not state the automobile's odometer
19 reading at the time of repair.

20 e. **Business and Professions Code section 9884.7, subdivision (a)(3):** Respondents
21 failed to provide a customer with a copy of a signed document.

22 f. **Health and Safety Code section 44032:** Respondents shall perform tests of
23 emission control systems and devices in accordance with Health and Safety Code section 44012.

24 g. **California Code of Regulations, title 16, section 3340.30, subdivision (a):**
25 Respondents shall inspect, test and repair vehicles in accordance with Health and Safety Code
26 sections 44012, 44035, and California Code of Regulations, title 16, section 3340.42.

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PRAYER

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

1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/13-50 and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer Registration No. ARD 233855 issued to Oxnard Smog Test Only, Inc., doing business as Oxnard Smog Test Only Center, with Fidel Lopez as President;
2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 233855, issued to Oxnard Smog Test Only, Inc., doing business as Oxnard Smog Test Only Center, with Fidel Lopez as President;
3. Revoking or suspending Smog Check Test Only Station License No. TC 233855, issued to Oxnard Smog Test Only, Inc., doing business as Oxnard Smog Test Only Center, with Fidel Lopez as President;
4. Revoking or suspending Smog Check Inspector License No. EO 143295, issued to Fidel Lopez; and
5. Taking such other and further action as deemed necessary and proper.

DATED: May 14, 2015

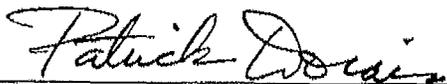

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/13-50

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

In the Matter of the Accusation Against:

**OXNARD SMOG TEST ONLY, INC. dba
OXNARD SMOG TEST ONLY CENTER;
FIDEL LOPEZ, President
3434 S. Saviers Rd, Unit B
Oxnard, CA 93033**

Automotive Repair Dealer Registration
No. ARD 233855
Smog Check, Test Only, Station License No.
TC 233855

and

**FIDEL LOPEZ
3592 Almond Drive
Oxnard, CA 93030**

Advanced Emission Specialist Technician
License No. EA 143295
Smog Check Inspector License No. EO 143295

Respondents.

Case No. 79/13-50

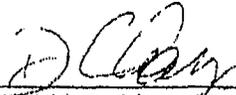
DECISION

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

OCT 09 2013

DATED: September 17, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418

5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2574
Facsimile: (213) 897-2804
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. 79/13-50

13 **OXNARD SMOG TEST ONLY, INC. dba**
14 **OXNARD SMOG TEST ONLY CENTER;**
15 **FIDEL LOPEZ, President**
16 **3434 S. Saviers Rd, Unit B**
17 **Oxnard, CA 93033**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 **Automotive Repair Dealer Registration No.**
19 **ARD 233855**
20 **Smog Check, Test Only, Station License No.**
21 **TC 233855**

22 And

23 **FIDEL LOPEZ**
24 **3592 Almond Drive**
25 **Oxnard, CA 93030**

26 **Advanced Emission Specialist Technician**
27 **License No. EA 143295**

28 **Smog Check Inspector License No. EO**
143295

Respondents.

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

PARTIES

1
2 1. Patrick Dorais (Complainant) is the Acting Chief of the Bureau of Automotive
3 Repair. He brought this action solely in his official capacity and is represented in this matter by
4 Kamala D. Harris, Attorney General of the State of California, by Heather Hua, Deputy Attorney
5 General.

6 2. Respondent Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center; Fidel
7 Lopez as President (Respondent) is represented in this proceeding by attorney Emmanuel F. Fobi,
8 Esq., whose address is: 309 South A Street, Oxnard, CA 93030.

9 **Automotive Repair Dealer Registration**

10 3. On or about June 28, 2004, the Bureau of Automotive Repair issued Automotive
11 Repair Dealer Registration Number ARD 233855 ("registration") to Oxnard Smog Test Only
12 Inc., Fidel Lopez - President, doing business as Oxnard Smog Test Only Center ("Respondent").
13 The registration was in full force and effect at all times relevant to the charges brought herein and
14 will expire on May 31, 2014, unless renewed.

15 **Smog Check Test Only Station License**

16 4. On or about July 7, 2004, the Bureau of Automotive Repair issued Smog Check, Test
17 Only, Station License Number TC 233855 ("station license") to Respondent. The station license
18 was in full force and effect at all times relevant to the charges brought herein and will expire on
19 May 31, 2014, unless renewed.

20 **Advanced Emission Specialist Technician License**

21 5. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
22 Technician License Number EA 143295 ("technician license") to Respondent. The technician
23 license was in full force and effect at all times relevant to the charges brought herein and expired
24 on April 30, 2013. Upon timely renewal, the license was redesignated as Licensed Smog Check
25 Inspector No. EO 143295¹ and will expire on April 30, 2015.

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area Technician (EB) license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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JURISDICTION

6. Accusation No. 79/13-50 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 6, 2013. Respondent timely filed its Notice of Defense contesting the Accusation.

7. A copy of Accusation No. 79/13-50 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 79/13-50. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/13-50.

12. Respondent agrees that its Automotive Repair Dealer Registration, Smog Check Test Only Station License, Advanced Emission Specialist Technician License, and Smog Check

1 Inspector are subject to discipline and they agree to be bound by the Director's probationary terms
2 as set forth in the Disciplinary Order below.

3 CONTINGENCY

4 13. This stipulation shall be subject to approval by the Director of Consumer Affairs or
5 the Director's designee. Respondent understands and agrees that counsel for Complainant and the
6 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
7 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
8 or participation by Respondent or its counsel. By signing the stipulation, Respondent understands
9 and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the
10 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
11 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
12 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
13 and the Director shall not be disqualified from further action by having considered this matter.

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

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

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

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 233855;
28 Smog Check, Test Only, Station License No. TC 233855; Advanced Emission Specialist

1 Technician License Number EA 143295; and Smog Check Inspector License EO 143295 issued
2 to Respondent Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center; Fidel Lopez, as
3 President (Respondent) is revoked. However, the revocation is stayed and Respondent is placed
4 on probation for three (3) years on the following terms and conditions.

5 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 233855;
6 Smog Check, Test Only, Station License No. TC 233855; and Advanced Emission Specialist
7 Technician License No. EA 143295; and Smog Check Inspector License EO 143295 is suspended
8 for fifteen (15) consecutive days to begin on the effective date of the decision.

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

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

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

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

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

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

1 8. **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 9. **False and Misleading Advertising.** If the accusation involves false and misleading
5 advertising, during the period of probation, Respondent shall submit any proposed advertising
6 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

7 10. **Continuing Education Courses.** During the period of probation, Respondent shall
8 attend and successfully complete a Bureau Certified License Inspector Training Course (Level 1)
9 and a Bureau Certified License Inspector Training Course (Level 2) both within one hundred
10 eighty (180) days of the effective date of the decision. Said courses shall be completed and proof
11 of completion submitted to the Bureau within 180 days of the effective date of this decision and
12 order. If proof of completion of the course is not furnished to the Bureau within the 180-day
13 period, Respondent's license shall be immediately suspended until such proof is received.

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

19 12. **Cost Recovery.** Respondents shall be jointly and severally responsible to pay the
20 Bureau the full amount of cost recovery in the amount of five thousand nine hundred forty-four
21 dollars (\$5,944.00). Payment to the Bureau shall be received in twenty four (24) equal
22 installments with the final payment due twelve (12) months before the termination of probation.
23 Failure to complete payment of cost recovery within this time frame shall constitute a violation of
24 probation which may subject Respondent's license and registration to outright revocation;
25 however, the Director or the Director's Bureau of Automotive Repair designee may elect to
26 continue probation until such time as reimbursement of the entire cost recovery amount has been
27 made to the Bureau.

28

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Emmanuel F. Fobi, Esq. I understand the stipulation and the effect
4 it will have on my Automotive Repair Dealer Registration; Smog Check, Test Only, Station
5 License; Advanced Emission Specialist Technician; and Smog Check Inspector License. I enter
6 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
7 and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

8
9
10
11 DATED: _____

Signature page attached.
OXNARD SMOG TEST ONLY, INC. dba OXNARD
SMOG TEST ONLY CENTER;
FIDEL LOPEZ, President
Respondent

12
13
14
15 I have read and fully discussed with Respondent Oxnard Smog Test Only, Inc. dba Oxnard
16 Smog Test Only Center; Fidel Lopez as President the terms and conditions and other matters
17 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and
18 content.

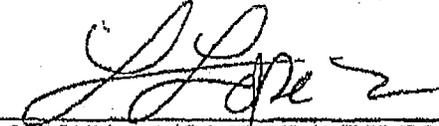
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21 DATED: _____

EMMANUEL F. FOBI, Esq.
Attorney for Respondent

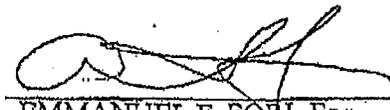
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Emmanuel F. Fobi, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration; Smog Check, Test Only, Station License; Advanced Emission Specialist Technician; and Smog Check Inspector 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: 7/31/13 
OXNARD SMOG TEST ONLY, INC. dba OXNARD
SMOG TEST ONLY CENTER;
FIDEL LOPEZ, President
Respondent

I have read and fully discussed with Respondent Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center; Fidel Lopez as President the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/28/13 
EMMANUEL F. FOBI, Esq.
Attorney for Respondent

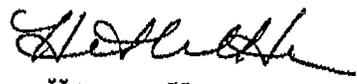
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ENDORSEMENT

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

Dated: *August 5, 2013*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


HEATHER HUA
Deputy Attorney General
Attorneys for Complainant

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1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 79/13-50

12 OXNARD SMOG TEST ONLY, INC. dba
OXNARD SMOG TEST ONLY CENTER;
13 FIDEL LOPEZ, President
3434 S. Saviers Rd, Unit B
14 Oxnard, CA 93033

ACCUSATION
smog check

15 Automotive Repair Dealer Registration No.
ARD 233855
16 Smog Check, Test Only, Station License No.
TC 233855
17

18 And

19 FIDEL LOPEZ
3592 Almond Drive
20 Oxnard, CA 93030

21 Advanced Emission Specialist Technician
License No. EA 143295

22 Respondents.
23

24 Complainant alleges:
25

26 PARTIES

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

1 (b) Except as provided for in subdivision (c), if an automotive repair
2 dealer operates more than one place of business in this state, the director pursuant to
3 subdivision (a) shall only suspend, revoke, or place on probation the registration of
the specific place of business which has violated any of the provisions of this chapter.
This violation, or action by the director, shall not affect in any manner the right of the
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,
engaged in a course of repeated and willful violations of this chapter, or regulations
adopted pursuant to it.

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

11 8. Section 9884.9 of the Code states, in pertinent part:

12 (a) The automotive repair dealer shall give to the customer a written estimated price
13 for labor and parts necessary for a specific job. No work shall be done and no charges shall
14 accrue before authorization to proceed is obtained from the customer. No charge shall be
15 made for work done or parts supplied in excess of the estimated price without the oral or
16 written consent of the customer that shall be obtained at some time after it is determined
17 that the estimated price is insufficient and before the work not estimated is done or the parts
18 not estimated are supplied. Written consent or authorization for an increase in the original
19 estimated price may be provided by electronic mail or facsimile transmission from the
20 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:

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

22 (2) Upon completion of the repairs, obtain the customer's signature or initials to an
23 acknowledgment of notice and consent, if there is an oral consent of the customer to
additional repairs, in the following language:
24 "I acknowledge notice and oral approval of an increase in the original estimated price.

25 (signature or initials)"

26 :Nothing in this section shall be construed as requiring an automotive repair dealer to give a
written estimated price if the dealer does not agree to perform the requested repair.

27 9. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
28 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary

1 proceeding against an automotive repair dealer or to render a decision invalidating a registration
2 temporarily or permanently.

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

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

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

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

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

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

17 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
18 expiration or suspension of a license by operation of law, or by order or decision of the Director
19 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
20 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
21 proceedings against the licensee, or to render a decision suspending or revoking the license.

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

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

26 14. Section 118, subdivision (b) of the Code states:

27 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
28 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
order of a court of law, or its surrender without the written consent of the board, shall not, during
any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee upon any ground

1 provided by law or to enter an order suspending or revoking the license or otherwise taking
2 disciplinary action against the licensee on any such ground.

3 15. Section 22 of the Code states:

4 "(a) 'Board' as used in any provisions of this Code, refers to the board in which the
5 administration, of the provision is vested, and unless otherwise expressly provided, shall include
6 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and
7 'agency.'

8 "(b) Whenever the regulatory program of a board that is subject to review by the Joint
9 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2
10 (commencing with Section 473), is taken over by the department, that program shall be
11 designated as a 'bureau.'"

12 16. Section 477, subdivision (b) of the Code states:

13 As used in this division:

14 "(b) 'License' includes certificate, registration or other means to engage in a
15 business or profession regulated by this code."

16 COST RECOVERY

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

23 UNDERCOVER OPERATION - July 25, 2012

24 18. On or about July 25, 2012, a Bureau undercover operator ("operator") drove a Bureau
25 documented 1999 Chevrolet Malibu to Oxnard Smog Test Only Center and requested a smog
26 inspection. The Positive Crankcase Ventilation ("PCV") components had been removed, causing
27 the vehicle to be incapable of passing a smog inspection. The operator was not provided with a
28 written estimate and did not sign a work order prior to the smog inspection. Respondent's smog

1 check technician performed the smog inspection and issued electronic Certificate of Compliance
2 [REDACTED], certifying that he had tested and inspected the vehicle and that it was in
3 compliance with applicable laws and regulations when, in fact, the vehicle could not have passed
4 the visual portion of the smog inspection due to the fact that the PCV components had been
5 removed from the vehicle. The operator paid Respondent \$50, and was provided with a copy of
6 Invoice No. [REDACTED] and a Vehicle Inspection Report.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Untrue or Misleading Statements)

9 19. Respondent's registration is subject to discipline under Business & Professions Code
10 section 9884.7, subdivision (a)(1), in that on or about July 25, 2012, he made statements which he
11 knew or which by exercise of reasonable care should have known to be untrue or misleading by
12 issuing electronic Certificate of Compliance No. [REDACTED] for the 1999 Chevrolet Malibu,
13 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact, it
14 could not have passed the visual portion of the smog inspection due to the fact that the PCV
15 components had been removed from the vehicle.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Fraud)

18 20. Respondent's registration is subject to discipline under Business & Professions Code
19 section 9884.7, subdivision (a)(4), in that on or about July 25, 2012, he committed acts
20 constituting fraud by issuing electronic Certificate of Compliance [REDACTED] for the 1999
21 Chevrolet Malibu without performing a bona fide inspection of the emission control devices and
22 systems on the vehicle, thereby depriving the People of the State of California of the protection
23 afforded by the Motor Vehicle Inspection Program.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Failure to Comply with Code)

26 21. Respondent has subjected his registration to discipline pursuant to Bus & Prof Code
27 section 9884.7, subdivision (a)(6), in that on or about July 25, 2012, Respondent failed to comply
28 with the following section of that code:

1 a. Section 9884.9, subdivision (a): Respondent failed to provide the operator with a
2 written estimated price for parts and labor for a specific job.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Violations of the Motor Vehicle Inspection Program)

5 22. Respondent's station license is subject to discipline pursuant to Health & Safety Code
6 section 44072.2, subdivision (a), in that on or about July 25, 2012, regarding the 1999 Chevrolet
7 Malibu, he failed to comply with the following sections of that Code:

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

11 b. Section 44012, subdivision (f): Respondent failed to perform emission control
12 inspections on the vehicle in accordance with procedures prescribed by the department.

13 c. Section 44015, subdivision (b): Respondent issued electronic Certificate of
14 Compliance [REDACTED] for the vehicle without properly inspecting the vehicle to determine
15 if it was in compliance with Health & Safety Code section 44012.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 (Failure to Comply with Regulations)

18 23. Respondent's station license is subject to discipline pursuant to Health & Safety Code
19 section 44072.2, subdivision (c), in that on or about July 25, 2012, regarding the 1999 Chevrolet
20 Malibu, he failed to comply with provisions of California Code of Regulations, title 16, as
21 follows:

22 a. Section 3340.35, subdivision (c): Respondent issued electronic Certificate of
23 Compliance No. [REDACTED] for the vehicle even though the vehicle had not been inspected in
24 accordance with section 3340.42.

25 b. Section 3340.41, subdivision (c): Respondent entered false information into the
26 Emissions Inspection System unit by entering "Pass" for the visual portion of the inspection
27 when, in fact, the PCV components had been removed from the vehicle.

28

1 c. Section 3340.42: Respondent failed to perform an emission control inspection on the
2 vehicle in accordance with procedures prescribed by the department.

3 SIXTH CAUSE FOR DISCIPLINE

4 (Dishonesty, Fraud or Deceit)

5 24. Respondent's station license is subject to discipline pursuant to Health & Safety Code
6 section 44072.2, subdivision (d), in that on or about July 25, 2012, regarding the 1999 Chevrolet
7 Malibu, he committed dishonest, fraudulent or deceitful acts whereby another is injured by
8 issuing electronic Certificate of Compliance [REDACTED] for the vehicle without performing a
9 bona fide inspection of the emission control devices and systems on the vehicle, thereby
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 PRIOR CITATIONS

13 25. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complaint alleges the following:

15 a. On or about October 6, 2010, the Bureau issued Citation No. C2011-0402 against
16 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
17 visual/functional check of emission control devices according to procedures prescribed by the
18 department), and California Code of Regulations, title 16, section 3340.35(c) (issuing a certificate
19 of compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
20 Bureau undercover vehicle that was not in compliance with Health & Safety Code section 44012.
21 The Bureau assessed civil penalties totaling \$1000.00 against Respondent for the violations.
22 Respondent complied with this citation on November 8, 2010.

23 b. On or about February 28, 2011, the Bureau issued Citation No. C2011-0989 against
24 Respondent for violating Health and Safety Code section 44012(f) (failure to determine that
25 emission control devices and systems required by State and Federal law are installed and
26 functioning correctly in accordance with test procedures), and California Code of Regulations,
27 title 16, section 3340.35(c) (issuing a certificate of compliance to a vehicle that was improperly
28 tested), for issuing a certificate of compliance to a Bureau undercover vehicle that was not in

1 compliance with Health & Safety Code section 44012. The Bureau assessed civil penalties
2 totaling \$1,500.00 against Respondent for the violations. Respondent complied with this citation
3 on May 16, 2011.

4 c. On or about May 14, 2012, the Bureau issued Citation No. C2012-1555 against
5 Respondent for violating Health and Safety Code section 44012(f) (failure to perform a
6 visual/functional check of emission control devices according to procedures prescribed by the
7 department), for issuing a certificate of compliance to a Bureau undercover vehicle that was not
8 in compliance with Health & Safety Code section 44012. The Bureau assessed civil penalties
9 totaling \$1,500.00 against Respondent for the violations. Respondent complied with this citation
10 on June 29, 2012.

11 OTHER MATTERS

12 26. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,
13 or place on probation the registrations for all places of business operated in this state by Oxnard
14 Smog Test Only Inc., Fidel Lopez - President, upon a finding that Respondent has, or is, engaged
15 in a course of repeated and willful violations of the laws and regulations pertaining to an
16 automotive repair dealer.

17 27. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
18 Station License Number TC 233855, issued to Oxnard Smog Test Only Inc., Fidel Lopez -
19 President, doing business as Oxnard Smog Test Only Center, is revoked or suspended, any
20 additional license issued under this chapter in the name of said licensees may be likewise revoked
21 or suspended by the director.

22 PRAYER

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

25 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
26 Registration No. ARD 233855, issued to Oxnard Smog Test Only Inc., Fidel Lopez - President,
27 doing business as Oxnard Smog Test Only Center;

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2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Oxnard Smog Test Only Inc., Fidel Lopez - President;

3. Revoking or suspending Smog Check Test Only Station License Number TC 233855, issued to Oxnard Smog Test Only Inc., Fidel Lopez - President, doing business as Oxnard Smog Test Only Center;

4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Oxnard Smog Test Only Inc., Fidel Lopez - President, including, but not limited to Advanced Emission Specialist License Number EA 143295;

5. Ordering Oxnard Smog Test Only Inc., Fidel Lopez - President to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3.

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

DATED: February 15, 2013


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

LA2012508150
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DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Petition to Revoke Probation Against: Oxnard Smog Test Only, Inc. dba Oxnard Smog Test Only Center; Fidel Lopez**

No.: 79/15-21

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 20, 2015, I served the attached **STATEMENT TO RESPONDENT, PETITION TO REVOKE PROBATION, NOTICE OF DEFENSE (2 COPIES), REQUEST FOR DISCOVERY, GOVERNMENT CODE SECTIONS 11507, 11507.6, 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the attached **STATEMENT TO RESPONDENT, PETITION TO REVOKE PROBATION, NOTICE OF DEFENSE (2 COPIES), REQUEST FOR DISCOVERY, GOVERNMENT CODE SECTIONS 11507, 11507.6, 11507.7** was enclosed, in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Oxnard Smog Test Only, Inc.
dba Oxnard Smog Test Only Center;
Fidel Lopez, President
3434 S. Saviers Rd, Unit B
Oxnard, CA 93033

Fidel Lopez
3592 Almond Drive
Oxnard, CA 93030
Respondent

Certified Article Number
9414 7266 9904 2008 1838 96
SENDERS RECORD

Certified Article Number
9414 7266 9904 2008 1838 89
SENDERS RECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 20, 2015, at Los Angeles, California.

Gilda R. Sanchez
Declarant


Signature

9414 7266 9904 2008 1838 89

TO:
Fidel Lopez
3592 Almond Drive
Oxnard, CA 93030

SENDER: Heather Vo

REFERENCE: LA2015500117
Plead Packet

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
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9414 7266 9904 2008 1838 96

TO:
Oxnard Smog Test Only, Inc.
dba Oxnard Smog Test Only Center;
Fidel Lopez, President
3434 S. Saviers Rd, Unit B
Oxnard, CA 93033

SENDER: Heather Vo

REFERENCE: LA2015500117
Pleading Packet

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

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Do Not Use for International Mail

POSTMARK OR DATE