

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

In the Matter of the Accusation Against:

JUNIORS TEST ONLY
JESSE JUNIOR ESPINOZA, Owner
8323 Long Beach Blvd.
South Gate, CA 90280
Automotive Repair Dealer Registration
No. ARD 258121
Smog Check, Test Only, Station License
No. TC 258121

and

JESSE JUNIOR ESPINOZA
14408 S. Butler Avenue
Compton, CA 90221
Advanced Emission Specialist Technician
License No. EA 151078

and

JAVIER ESPINOZA PARRA
8938 Evergreen Ave
South Gate, CA 90280
Advanced Emission Specialist Technician
License No. EA 154440

Respondents.

Case No. 79/12-02

OAH No. L-2011090589

DECISION

The attached Stipulated Settlement and Disciplinary Order Only as to Jesse Junior Espinoza dba Juniors Test Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Jesse Junior Espinoza, dba Juniors Test Only, Automotive Repair Dealer Registration No. ARD 258121 and Smog Check, Test Only, Station License No. TC 258121.

This Decision shall become effective _____

4/3/12

DATED: February 24, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
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**

12 In the Matter of the Accusation Against:

Case No. 79/12-02

13 **JUNIORS TEST ONLY**
14 **8323 Long Beach Blvd**
15 **South Gate, CA 90280**
16 **JESSE JUNIOR ESPINOZA, OWNER**
Automotive Repair Dealer Registration No.
ARD 258121
Smog Check Test Only Station License No.
TC 258121,

OAH No. L-2011090589

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER ONLY AS TO
JESSE JUNIOR ESPINOZA dba
JUNIORS TEST ONLY

17 **AND**

18 **JESSE JUNIOR ESPINOZA**
19 **14408 S. Butler Ave**
20 **Compton, CA 90221**
Advanced Emission Specialist Technician
No. EA 151078,

21 Respondents.
22

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
28 brought this action solely in her official capacity and is represented in this matter by Kamala D.

1 Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy
2 Attorney General.

3 2. Respondent Juniors Test Only; Jesse Junior Espinoza (Respondent) is represented in
4 this proceeding by attorney William Ferreira, Esq. whose address is: 582 Market Street, Ste.
5 #1608, San Francisco, Ca. 94104.

6 **Automotive Repair Dealer Registration No. 258121**

7 3. On or about May 14, 2009, the Bureau issued Automotive Repair Dealer Registration
8 Number ARD 258121 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing
9 business as Juniors Test Only. The registration was in full force and effect at all times relevant to
10 the charges brought herein and will expire on April 30, 2012, unless renewed.

11 **Automotive Repair Dealer Registration No. 250094**

12 4. On an unknown date, the Bureau issued Automotive Repair Dealer Registration
13 Number ARD 250094 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing
14 business as Juniors Test Only. The registration expired on April 30, 2009 and has been canceled.

15 **Automotive Repair Dealer Registration No. 255625**

16 5. On an unknown date, the Bureau issued Automotive Repair Dealer Registration
17 Number ARD 255625 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing
18 business as Juniors Test Only. The registration expired on July 31, 2009 and has been canceled.

19 **Smog Check Test Only Station License No. 258121**

20 6. On or about May 20, 2009, the Bureau issued Smog Check Test Only Station License
21 Number TC 258121 ("station license") to Respondent Juniors. The station license was in full
22 force and effect at all times relevant to the charges brought herein and will expire on April 30,
23 2012, unless renewed.

24 **Smog Check Test Only Station License No. 250094**

25 7. On an unknown date, the Bureau issued Smog Check Test Only Station License
26 Number TC 258121 ("station license") to Respondent Juniors. The station license expired on
27 April 30, 2009, and has been canceled.

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1 **Smog Check Test Only Station License No. 255625**

2 8. On an unknown date, the Bureau issued Smog Check Test Only Station License
3 Number TC 255625 ("station license") to Respondent Juniors. The station license expired on
4 July 31, 2009, and has been canceled.

5 **Advanced Emission Specialist Technician License**

6 9. On a date uncertain in 2005, the Bureau issued Advanced Emission Specialist
7 Technician License Number EA 151078 ("technician license") to Jesse Junior Espinoza. The
8 technician license was in full force and effect at all times relevant to the charges brought herein
9 and will expire on August 31, 2013, unless renewed.

10 **JURISDICTION**

11 10. Accusation No. 79/12-02 was filed before the Director of Consumer Affairs
12 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
13 Respondent. The Accusation and all other statutorily required documents were properly served
14 on Respondent on August 18, 2011. Respondent timely filed his Notice of Defense contesting the
15 Accusation. A copy of Accusation No. 79/12-02 is attached as Exhibit A and incorporated herein
16 by reference.

17 **ADVISEMENT AND WAIVERS**

18 11. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 79/12-02. Respondent has also carefully read, fully
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
21 Order.

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

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

CULPABILITY

14. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/12-02.

15. Respondent agrees that his Automotive Repair Dealer Registration is subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

16. Respondent Juniors Test Only; Jesse Junior Espinoza has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

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

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

19. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 20. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Director may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Automotive Repair Dealers Registration Nos.
9 ARD250094 and ARD255625 and Smog Check, Test Only Station License Nos. TC250094 and
10 TC255625 are all revoked.

11 IT IS HEREBY FURTHER ORDERED that Automotive Repair Dealer Registration No.
12 ARD 258121 and Smog Check, Test Only, Station License No. TC 258121 issued to Respondent
13 Juniors Test Only; Jesse Junior Espinoza (Respondent) are revoked. However, the revocation as
14 to both is stayed and Respondent's license and registration are each placed on probation for a
15 period of three (3) years on the following terms and conditions:

16 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 258121 and
17 Smog Check, Test Only, Station License No. TC 258121 issued to Respondent Juniors Test Only;
18 Jesse Junior Espinoza are each suspended for a period of fifteen (15) consecutive days
19 commencing on the effective date of this decision.

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

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

26 4. **Reporting.** Respondent or Respondent's authorized representative must report in
27 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
28 Bureau, but no more frequently than each quarter, on the methods used and success achieved in

maintaining compliance with the terms and conditions of probation.

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

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

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

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

9. **Cost Recovery.** Respondent shall pay to the Bureau the costs of investigation and enforcement in the amount of \$3415.00 payable in twenty-four (24) equal installments, paid in full, no later than 12 months before probation terminates. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent's license and/or registration to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may elect to continue probation until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog Check, Test Only, Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,

1 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
2 Affairs

3 DATED: 01 30 12 
4 ~~JUNIORS TEST ONLY; JESSE JUNIOR ESPINOZA~~
5 Respondent
6

7 I have read and fully discussed with Respondent Juniors Test Only; Jesse Junior Espinoza
8 the terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10 DATED: 1-31-12 
11 William Ferreira, Esq.
12 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: 1-31-2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GREGORY J. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-02

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/12-02

12 **JUNIORS TEST ONLY**
13 **8323 Long Beach Blvd**
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14 **JESSE JUNIOR ESPINOZA, OWNER**
Automotive Repair Dealer Registration No.
15 **ARD 258121**
Smog Check Test Only Station License No.
16 **TC 258121,**

A C C U S A T I O N

S M O G C H E C K

17 **AND**

18 **JESSE JUNIOR ESPINOZA**
14408 S. Butler Ave
Compton, CA 90221
19 **Advanced Emission Specialist Technician**
No. EA 151078,

20 **AND**

21 **JAVIER ESPINOZA PARRA**
22 **8938 Evergreen Ave**
South Gate, CA 90280
23 **Advanced Emission Specialist Technician**
24 **No. EA 154440,**

25 Respondents.

26
27 Complainant alleges:
28

1 **PARTIES**

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

4 **Automotive Repair Dealer Registration**

5 2. On or about May 14, 2009, the Bureau issued Automotive Repair Dealer Registration
6 Number ARD 258121 ("registration") to Jesse Junior Espinoza ("Respondent Juniors") doing
7 business as Juniors Test Only. The registration was in full force and effect at all times relevant to
8 the charges brought herein and will expire on April 30, 2012, unless renewed.

9 **Smog Check Test Only Station License**

10 3. On or about May 20, 2009, the Bureau issued Smog Check Test Only Station License
11 Number TC 258121 ("station license") to Respondent Juniors. The station license was in full
12 force and effect at all times relevant to the charges brought herein and will expire on April 30,
13 2012, unless renewed.

14 **Advanced Emission Specialist Technician License**

15 4. On a date uncertain in 2005, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 151078 ("technician license") to Jesse Junior Espinoza. The
17 technician license was in full force and effect at all times relevant to the charges brought herein
18 and will expire on August 31, 2011, unless renewed.

19 **Advanced Emission Specialist Technician License**

20 5. On a date uncertain in 2007, the Bureau issued Advanced Emission Specialist
21 Technician Number EA 154440 ("technician license") to Javier Espinoza Parra ("Respondent
22 Parra"). The technician license was in full force and effect at all times relevant to the charges
23 brought herein and will expire on March 31, 2013, unless renewed.

24 **STATUTORY PROVISIONS**

25 6. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
26 part:

27 (a) The director, where the automotive repair dealer cannot show there
28 was a bona fide error, may refuse to validate, or may invalidate temporarily or
permanently, the registration of an automotive repair dealer for any of the following

1 acts or omissions related to the conduct of the business of the automotive repair
2 dealer, which are done by the automotive repair dealer or any automotive technician,
3 employee, partner, officer, or member of the automotive repair dealer.

4 (1) Making or authorizing in any manner or by any means whatever any
5 statement written or oral which is untrue or misleading, and which is known, or which
6 by the exercise of reasonable care should be known, to be untrue or misleading.

7 (4) Any other conduct which constitutes fraud.

8 (b) Except as provided for in subdivision (c), if an automotive repair
9 dealer operates more than one place of business in this state, the director pursuant to
10 subdivision (a) shall only invalidate temporarily or permanently the registration of the
11 specific place of business which has violated any of the provisions of this chapter.
12 This violation, or action by the director, shall not affect in any manner the right of the
13 automotive repair dealer to operate his or her other places of business.

14 (c) Notwithstanding subdivision (b), the director may invalidate
15 temporarily or permanently, the registration for all places of business operated in this
16 state by an automotive repair dealer upon a finding that the automotive repair dealer
17 has, or is, engaged in a course of repeated and willful violations of this chapter, or
18 regulations adopted pursuant to it.

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

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

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

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

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

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

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

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

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

8 12. Section 44072.8 of the Health and Safety Code states:

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

12 **COST RECOVERY**

13 13. Code section 125.3 provides, in pertinent part, that a Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **BACKGROUND INFORMATION**

18 14. On July 13, 2010, Respondent Juniors and Respondent Parra issued Certificate of
19 Compliance Number WL654506C to a 1990 Toyota truck, License Number 8U03979, certifying
20 that the vehicle had been tested and inspected and that the vehicle was in compliance with
21 applicable laws and regulations. In fact, Respondent Parra performed the smog inspection using
22 the clean piping method¹ by using the tail pipe emissions of a vehicle other than the vehicle being
23 certified, in order to issue the certificate of compliance. The 1990 Toyota was not on Respondent
24 Juniors' premises at the time of the inspection and certification.

25
26 ¹ "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of
27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in
28 compliance or are not present in the smog check area during the time of the certification.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 14. Respondent Juniors' registration is subject to discipline under Code section 9884.7,
4 subdivision (a)(1), in that he made statements which he knew or which by exercise of reasonable
5 care he should have known were untrue or misleading by issuing electronic Certificate of
6 Compliance Number WL654506C to the 1990 Toyota truck, certifying that the vehicle was in
7 compliance with applicable laws and regulations when, in fact, that vehicle had been clean piped.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 15. Respondent Juniors' registration is subject to discipline under Code section 9884.7,
11 subdivision (a)(4), in that he committed acts which constitute fraud by issuing electronic
12 Certificate of Compliance Number WL654506C for the 1990 Toyota truck 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 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violation of the Motor Vehicle Inspection Program)**

18 16. Respondent Juniors' station license is subject to discipline under Health and Safety
19 Code section 44072.2, subdivision (a), in that regarding the 1990 Toyota truck, he violated
20 sections of that Code, as follows:

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

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

26 c. **Section 44015, subdivision (b):** Respondent Juniors issued electronic Certificate of
27 Compliance Number WL654506C without properly testing and inspecting that vehicle to
28 determine if it was in compliance with section 44012 of that Code.

1 d. **Section 44059:** Respondent Juniors willfully made false entries for electronic
2 Certificate of Compliance Number WL654506C by certifying that the vehicle had been inspected
3 as required when, in fact, it had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

6 17. Respondent Juniors' station license is subject to discipline under Health and Safety
7 Code section 44072.2, subdivision (c), in that regarding the 1990 Toyota truck, he violated
8 sections of the California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent Juniors falsely or fraudulently issued
10 electronic Certificate of Compliance Number WL654506C without performing a bona fide
11 inspection of the emission control devices and systems on that vehicle as required by Health and
12 Safety Code section 44012.

13 b. **Section 3340.35, subdivision (c):** Respondent Juniors issued electronic Certificate of
14 Compliance Number WL654506C even though that vehicle had not been inspected in accordance
15 with section 3340.42 of that Code.

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

18 **FIFTH CAUSE FOR DISCIPLINE**

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

20 18. Respondent Juniors' station license is subject to discipline under Health and Safety
21 Code section 44072.2, subdivision (d), in that regarding the 1990 Toyota truck, he committed acts
22 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
23 Certificate of Compliance Number WL654506C for that vehicle without performing a bona fide
24 inspection of the emission control devices and systems on the vehicle, thereby depriving the
25 People of the State of California of the protection afforded by the Motor Vehicle Inspection
26 Program.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 19. Respondent Parra has subjected his technician license to discipline under Health and
4 Safety Code section 44072.2, subdivision (a), in that regarding the 1990 Toyota truck, he violated
5 sections of that Code, as follows:

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

11 c. **Section 44032:** Respondent Parra failed to perform tests of the emission control
12 devices and systems on that vehicle in accordance with section 44012 of that Code, in that the
13 vehicle had been clean piped.

14 d. **Section 44059:** Respondent Parra entered false information for Certificate of
15 Compliance Number WL654506C by certifying that the vehicle had been inspected as required
16 when, in fact, it had not.

17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 20. Respondent Parra has subjected his technician license to discipline under Health and
20 Safety Code section 44072.2, subdivision (c), in that regarding the 1990 Toyota truck, he violated
21 sections of the California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Parra falsely or fraudulently issued
23 electronic Certificate of Compliance Number WL654506C without performing a bona fide
24 inspection of the emission control devices and systems on that vehicle as required by Health and
25 Safety Code section 44012.

26 b. **Section 3340.30, subdivision (a):** Respondent Parra 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 Parra entered false information into
2 the Emission Inspection System for electronic Certificate of Compliance Number WL654506C by
3 entering vehicle identification information or emission control information for a vehicle other
4 than the vehicle being certified.

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

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Parra has subjected his technician license to discipline under Health and
10 Safety Code section 44072.2, subdivision (d), in that he committed acts involving dishonesty,
11 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance
12 Number WL654506C for the 1990 Toyota truck without performing a bona fide inspection of the
13 emission control devices and systems on that vehicle, thereby depriving the People of the State of
14 California of the protection afforded by the Motor Vehicle Inspection Program.

15 **OTHER MATTERS**

16 31. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
17 or permanently or refuse to validate, the registrations for all places of business operated in this
18 state by Jesse Junior Espinoza doing business as Juniors Test Only, upon a finding that he has, or
19 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
20 an automotive repair dealer.

21 32. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
22 License Number TC 258121, issued to Jesse Junior Espinoza doing business as Juniors Test Only,
23 is revoked or suspended, any additional license issued under this chapter in the name of said
24 licensee may be likewise revoked or suspended by the director including, but not limited to
25 Advanced Emission Specialist Technician License Number EA 151078, issued to Jesse Junior
26 Espinoza.

27 33. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
28 Technician License Number EA 154440, issued to Javier Espinoza Parra is revoked or suspended,

1 any additional license issued under this chapter in the name of said licensee may be likewise
2 revoked or suspended by the director.

3 **PRAYER**

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

6 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
7 Registration Number ARD 258121, issued to Jesse Junior Espinoza doing business as Juniors
8 Test Only;

9 2. Revoking, suspending, or placing on probation any other automotive repair dealer
10 registration issued in the name Jesse Junior Espinoza;

11 3. Revoking or suspending Smog Check Test Only Station License Number TC 258121,
12 issued to Jesse Junior Espinoza doing business as Juniors Test Only;

13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
14 and Safety Code in the name of Jesse Junior Espinoza including, but not limited to Advanced
15 Emission Specialist Technician License Number EA 151078;

16 5. Revoking or suspending Advanced Emission Specialist Technician Number EA
17 154440, issued to Javier Espinoza Parra;

18 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
19 and Safety Code in the name of Javier Espinoza Parra;

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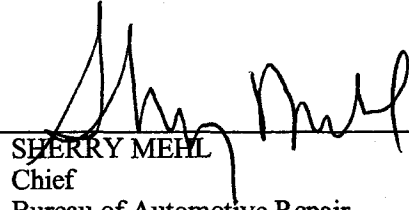
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1 7. Ordering Jesse Junior Espinoza and Javier Espinoza Parra to pay the Bureau of
2 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and,

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

6
7 DATED: _____

7/6/11


SHERRY MEHL

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant