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

In the Matter of the Accusation Against:  
  
**C GARCIA TEST ONLY,**  
ILIANA GARCIA, Owner  
2731 Gage Ave., Unit A  
Huntington Park, CA 90255  
**Automotive Repair Dealer Registration No.**  
**ARD 260386**  
**Smog Check Test Only Station License No.**  
**TC 260386,**  
  
and  
  
**JUAN CARLOS GARCIA**  
12644 Eastbrook Ave.  
Downey, CA 90242  
**Smog Check Inspector License No. EO**  
**147562** (previously designated as Advanced  
Emission Specialist Technician License No.  
EA 147562),  
  
Respondents.

Case No. 79/15-95

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 6, 2015, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-95 against C Garcia Test Only, Iliana Garcia, owner, and Juan Carlos Garcia, smog

1 check inspector (collectively, "Respondents") before the Director of Consumer Affairs.  
2 (Accusation attached as Exhibit A.)

3 2. On or about January 5, 2010, the Bureau of Automotive Repair ("Bureau") issued  
4 Automotive Repair Dealer Registration Number ARD 260386 to C Garcia Test Only, Iliana  
5 Garcia, owner. The registration was in full force and effect at all times relevant to the charges  
6 brought herein and expired on December 31, 2014.

7 3. On or about January 20, 2010, the Director issued Smog Check Test Only Station  
8 License ("station license") No. TC 260386 to C Garcia Test Only, Iliana Garcia, owner. The  
9 station license was in full force and effect at all times relevant to the charges brought herein and  
10 expired on December 31, 2014.

11 4. On a date uncertain in 2003, the Director issued Advanced Emission Specialist  
12 Technician License No. EA 147562 to Juan Carlos Garcia ("Respondent Garcia"). Upon timely  
13 renewal of the license, the license was re-designated, at Respondent Garcia's election, as Smog  
14 Check Inspector License No. EO 147562.<sup>1</sup> The license expired on June 24, 2014.

15 5. On or about February 23, 2015, Respondents were served by Certified Mail copies of  
16 the Accusation No. 79/15-95, Statement to Respondent, Notice of Defense, Request for  
17 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
18 their addresses of record which, pursuant to Business and Professions Code section 136, are  
19 required to be reported and maintained with the Bureau. The address of record for Respondent C  
20 Garcia Test Only, Iliana Garcia, owner, was and is 2731 Gage Ave. Unit A, Huntington Park, CA  
21 90255. The address of record for Respondent Juan Carlos Garcia was and is 12644 Eastbrook  
22 Ave., Downey, CA 90242.

23 6. Service of the Accusation on Respondents was effective as a matter of law under the  
24 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
25 Code section 124.

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

1 7. Government Code section 11506 states, in pertinent part:

2 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
3 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
4 of the accusation not expressly admitted. Failure to file a notice of defense shall  
5 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
6 may nevertheless grant a hearing.

7 8. Respondents failed to file a Notice of Defense within 15 days after service upon them  
8 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.  
9 79/15-95.

10 9. California Government Code section 11520 states, in pertinent part:

11 (a) If the respondent either fails to file a notice of defense or to appear at the  
12 hearing, the agency may take action based upon the respondent's express admissions  
13 or upon other evidence and affidavits may be used as evidence without any notice to  
14 respondent.

15 10. Pursuant to its authority under Government Code section 11520, the Director after  
16 having reviewed the proof of service dated February 23, 2015, signed by Gilda R. Sanchez, (and  
17 return envelope related to service upon Respondent Garcia, and signed certified mail return  
18 receipt related to service upon Respondent C Garcia Test Only, Iliana Garcia, owner) finds  
19 Respondents are in default. The Director will take action without further hearing and, based on  
20 Accusation, No. 79/15-95, proof of service, and on the Affidavit of Bureau Representative Paul  
21 Vitelli, finds that the allegations in Accusation are true.

22 **DETERMINATION OF ISSUES**

23 1. Based on the foregoing findings of fact, Respondent C Garcia Test Only, Iliana  
24 Garcia, owner, has subjected her Automotive Repair Dealer Registration No. ARD 260386 to  
25 discipline.

26 2. The agency has jurisdiction to adjudicate this case by default.

27 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
28 Repair Dealer Registration based upon the following violations alleged in the Accusation which  
are supported by the evidence contained in the affidavit of Bureau Representative Paul Vitelli in  
this case:

a. Business and Professions Code § 9884.7(a)(1) [Untrue Misleading Statements];



1 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 260386,  
2 heretofore issued to Respondent C Garcia Test Only; Iliana Garcia, owner, is revoked.

3 IT IS FURTHER ORDERED that Smog Check Test Only Station License No. TC 260386,  
4 heretofore issued to Respondent C Garcia Test Only; Iliana Garcia, owner, is revoked.

5 IT IS FURTHER ORDERED that Smog Check Inspector License No. EO 147562  
6 (previously designated as Advanced Emission Specialist Technician License No. EA 147562)  
7 heretofore issued to Respondent Juan Carlos Garcia, is revoked.

8 Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a  
9 written motion requesting that the Decision be vacated and stating the grounds relied on within  
10 seven (7) days after service of the Decision on Respondents. The motion should be sent to the  
11 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
12 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
13 on a showing of good cause, as defined in the statute.

14 This Decision shall become effective on October 30, 2015.

15 It is so ORDERED October 11, 2015

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TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
4 State Bar No. 247590  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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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. 79/15-95

12 **C GARCIA TEST ONLY,**  
ILIANA GARCIA, Owner  
13 2731 Gage Ave., Unit A  
Huntington Park, CA 90255  
14 **Automotive Repair Dealer Registration No.**  
**ARD 260386**  
15 **Smog Check Station License No. TC 260386,**

**ACCUSATION**

**(SMOG CHECK)**

16 and

17 **JUAN CARLOS GARCIA**  
12644 Eastbrook Ave.  
18 Downey, CA 90242  
**Smog Check Inspector License No. EO**  
19 **147562** (previously designated as Advanced  
Emission Technician License No. EA 147562),  
20

21 Respondents.

22 Complainant alleges:

23 **PARTIES**

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

26 **C Garcia Test Only**

27 2. On January 5, 2010, the Director of Consumer Affairs ("Director") issued Automotive  
28 Repair Dealer Registration ("registration") No. ARD 260386 to C Garcia Test Only (Respondent

1 Test Only). The registered owner of Respondent Test Only is Iliana Garcia. The registration was  
2 in full force and effect at all times relevant to the charges brought herein and expired on  
3 December 31, 2014.

4 3. On or about January 20, 2010, the Director issued Smog Check Test Only Station  
5 License ("station license") No. TC260386 to Respondent Test Only. The station license was in  
6 full force and effect at all times relevant to the charges brought herein and expired on December  
7 31, 2014.

8 **Juan Carlos Garcia**

9 4. On a date uncertain in 2003, the Director issued Advanced Emission Specialist  
10 Technician License No. EA 147562 to Juan Carlos Garcia ("Respondent Garcia"). Upon timely  
11 renewal of the license, the license was re-designated, at Respondent Garcia's election, as Smog  
12 Check Inspector License No. EO 147562.<sup>1</sup> The license was in full force and effect at all times  
13 relevant to the charges brought herein and expired on June 25, 2014.

14 **JURISDICTION**

15 5. Business and Professions Code ("Code") section 9884.7 provides that the Director  
16 may revoke an automotive repair dealer registration.

17 6. Code section 9884.13 provides, in pertinent part: that the expiration of a valid  
18 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
19 against an automotive repair dealer or to render a decision temporarily or permanently  
20 invalidating (suspending or revoking) a registration.

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

24 8. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
25 [u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission

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

1 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
2 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

3 STATUTORY PROVISIONS

4 9. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent  
5 part:

6 (a) The director, where the automotive repair dealer cannot show there was a bona fide  
7 error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an  
8 automotive repair dealer for any of the following acts or omissions related to the conduct of the  
9 business of the automotive repair dealer, which are done by the automotive repair dealer or any  
10 automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

14 (4) Any other conduct which constitutes fraud.

15 (6) Failure in any material respect to comply with the provisions of this chapter [the  
16 Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted  
17 pursuant to it.

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

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

10. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau,"  
"commission," "committee," "department," "division," "examining committee," "program,"  
and "agency." "License" includes certificate, registration or other means to engage in a  
business or profession regulated by the Code.

11. Section 118(b) of the Code states:

The suspension, expiration, or forfeiture by operation of law of a license issued  
by a 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,

1 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
2 proceeding against the licensee upon any ground provided by law or to enter an order  
3 suspending or revoking the license or otherwise taking disciplinary action against the  
4 licensee on any such ground.

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

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

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

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

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

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

19 14. Section 44072.8 of the Health and Safety Code states:

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

### 23 REGULATORY PROVISIONS

24 15. Section 3340.24 of the California Code of Regulations states, in pertinent part:

25 (c) The bureau may suspend or revoke the license of or pursue other legal  
26 action against a licensee, if the licensee falsely or fraudulently issues or obtains a  
27 certificate of compliance or a certificate of noncompliance.

28 16. Section 3340.30 of the California Code of Regulations, states, in pertinent part:

A smog check technician shall comply with the following requirements at all  
times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance  
with section 44012 of the Health and Safety Code, section 44035 of the Health and  
Safety Code, and section 3340.42 of this article.

17. Section 3340.35 of the California Code of Regulations, states, in pertinent part:

(c) A licensed station shall issue a certificate of compliance or noncompliance  
to the owner or operator of any vehicle that has been inspected in accordance with the

1 procedures specified in section 3340.42 of this article and has all the required  
2 emission control equipment and devices installed and functioning correctly.

3 18. Section 3340.41 of the California Code of Regulations, states, in pertinent part:

4 (c) No person shall enter into the emissions inspection system any vehicle  
5 identification information or emission control system identification data for any  
6 vehicle other than the one being tested. Nor shall any person knowingly enter into the  
7 emissions inspection system any false information about the vehicle being tested.

8 19. Section 3340.42 of the California Code of Regulations, states, in pertinent part  
9 that licensed smog check stations and technicians shall conduct tests and inspections in  
10 accordance with smog check emissions test methods and standards.

#### 11 COST RECOVERY

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

#### 16 VID DATA REVIEW

17 21. Beginning in January of 2014, the Bureau conducted a detailed review of its Vehicle  
18 Information Database ("VID") and examined data for all smog inspections performed at  
19 Respondent Test Only automotive repair dealership for the month of January 2014. The review of  
20 the OBD II functional tests<sup>2</sup> showed a pattern of the same OBD II diagnostic trouble code  
21 (P0650) occurring in the VID data for January 1<sup>st</sup> to January 20, 2014. One or more OBD II fault  
22 codes will be stored in the vehicle's on-board computer when a fault in a circuit is detected by the  
23 computer. The diagnostic trouble code P0650 is used by some manufacturers to indicate an  
24 inoperative Malfunction Indicator Light. The Bureau specifically examined the VID data, in  
25 detail, for nine (9) of the vehicles that were certified in January 2014, and it was determined that

26 <sup>2</sup> The On Board Diagnostic, generation II ("OBD II"), functional test is an automated function of  
27 the BAR-97 Emissions Inspection System analyzer ("EIS"). The EIS includes a computer based,  
28 five-gas analyzer that tests vehicles under simulated driving conditions to detect oxides of  
nitrogen, hydrocarbons, and carbon monoxide emissions. During the OBD II functional test, the  
technician is required to connect an interface cable from the EIS to a Diagnostic Link Connector  
(DLC) which is located inside the vehicle. Through the DLC, the EIS automatically retrieves  
information from the vehicle's on-board computer about the status of the readiness indicators,  
trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II functional  
test, it will fail the overall inspection.

1 none of the vehicles support the P0650 diagnostic trouble code. Vehicles 1 through 9, set forth in  
 2 Table 1 below, were all certified with a pending P0650 diagnostic trouble code stored in the  
 3 vehicle's on-board computer while the original equipment manufacturer (OEM) service  
 4 information shows these vehicles do not support a P0650 diagnostic trouble code.

5 22. The VID data also showed that all the inspections on these vehicles were performed  
 6 under the technician license of Respondent Garcia. The Bureau concluded that Respondent Garcia  
 7 performed the smog inspections on the vehicles using different vehicle(s) during the OBD II tests,  
 8 a method known as "clean plugging,"<sup>3</sup> resulting in the issuance of fraudulent certificates of  
 9 compliance for the vehicles that were tested as outlined in Table 1 below.

10 **OBDII Clean Plug Table 1**

Vehicle Certified								
#	Test Date Start-End	Year	Make	Model	License #	Unsupported Code	Certificate #	Tech. Id.#
1	01/02/2014 16:23 -16:40	1999	Ford	Contour	5HFA982	P0650	YB594471C	EO147562
2	01/02/2014 16:47 -17:01	1996	Buick	Regal	5CMS194	P0650	YB594472C	EO147562
3	01/06/2014 16:19 -16:27	2002	Ford	Focus	4WIW882	P0650	YB594490C	EO147562
4	01/07/2014 10:00 -10:08	2004	Dodge	Ram	8R62560	P0650	YB594495C	EO147562
5	01/08/2014 08:29 -08:41	1997	Ford	Explorer	6THF565	P0650	YB719803C	EO147562
6	01/08/2014 08:48 -08:55	1996	GMC	G2500 Van	8S97474	P0650	YB719804C	EO147562
7	01/13/2014 12:32 -12:42	2008	Toyota	Sienna	6DKT595	P0650	YB719837C	EO147562

23  
 24 <sup>3</sup> Clean plugging is the use of the OBD II readiness monitor status and stored code status of a  
 25 passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is not  
 26 in compliance due to the noncompliant vehicle's failure to complete the minimum number of self  
 27 tests, known as monitors, or due to the presence of a stored fault code that indicates an emission  
 28 control system or component failure. Clean plugging occurs during the inspection of a vehicle  
 that has an OBD II system. To clean plug a vehicle, the smog technician enters information into  
 the EIS for the vehicle the technician wishes to certify and then plugs the OBD II system  
 connector from the EIS into another vehicle that has a properly functioning OBD II system for the  
 purpose of obtaining a "Passing" OBD II functional test result.

8	01/15/2014 08:43 -08:58	2002	Acura	RSX	None	P0650	YB841456C	EO147562
9	01/15/2014 16:09 -16:17	2004	Toyota	Camry Solara	6TRN411	P0650	YB841463C	EO147562

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

23. Respondent Test Only's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that she made or authorized statements which it knew, or in the exercise of reasonable care should have known to be untrue or misleading as follows: Respondent Test Only certified that vehicles 1 through 9, identified in Table 1 of paragraph 22 above, had passed inspection and were in compliance with applicable laws and regulations when in fact, Respondent Test Only conducted the inspections on the vehicles using clean-plugging methods in that, a different vehicle(s) was substituted during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles, and the vehicles were not tested or inspected, as required by Health and Safety Code section 44012.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

24. Respondent Test Only's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that she committed acts that constitute fraud by issuing electronic smog certificates of compliance for the vehicles 1 through 9, identified in Table 1 of paragraph 22 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**THIRD CAUSE FOR DISCIPLINE**

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

25. Respondent Test Only's station license is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that she failed to comply with the following sections of that Code:

- a. **Section 44012:** Respondent Test Only failed to ensure that all emission control

1 devices and systems required by law for vehicles 1 through 9, identified in Table 1 of paragraph  
2 22 above, were installed and functioning correctly in accordance with test procedures.

3 b. **Section 44012, subdivision (f):** Respondent Test Only failed to ensure that the  
4 emission control tests were performed on vehicles 1 through 9, identified in Table 1 of paragraph  
5 22 above, in accordance with procedures prescribed by the Bureau.

6 c. **Section 44015, subdivision (b):** Respondent Test Only issued electronic smog  
7 certificates of compliance for vehicles 1 through 9, identified in Table 1 of paragraph 22 above,  
8 without ensuring that the vehicles were properly tested and inspected to determine if they were in  
9 compliance with Health & Safety Code section 44012.

#### 10 **FOURTH CAUSE FOR DISCIPLINE**

##### 11 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

12 26. Respondent Test Only's station license is subject to disciplinary action pursuant to  
13 Health & Safety Code section 44072.2, subdivision (c), in that she failed to comply with  
14 provisions of California Code of Regulations, title 16, as follows:

15 a. **Section 3340.35, subdivision (c):** Respondent Test Only issued electronic smog  
16 certificates of compliance for vehicles 1 through 9, identified in Table 1 of paragraph 22 above,  
17 even though the vehicles had not been inspected in accordance with section 3340.42.

18 b. **Section 3340.42:** Respondent Test Only failed to ensure that the required smog  
19 tests were conducted on vehicles 1 through 9, identified in Table 1 of paragraph 22 above, in  
20 accordance with Bureau specifications.

#### 21 **FIFTH CAUSE FOR DISCIPLINE**

##### 22 **(Violations of the Motor Vehicle Inspection Program)**

23 27. Respondent Garcia's smog check inspector license is subject to disciplinary action  
24 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply  
25 with the following sections of that Code:

26 a. **Section 44012, subdivision (f):** Respondent Garcia failed to perform the emission  
27 control tests on vehicles 1 through 9, identified in Table 1 of paragraph 22 above, in accordance  
28 with procedures prescribed by the department.



1 OTHER MATTERS

2 30. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke or place on probation the registration for all places of business operated in this  
4 state by Iliana Garcia, upon a finding that she has, or is, engaged in a course of repeated and  
5 willful violations of the laws and regulations pertaining to an automotive repair dealer.

6 31. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License  
7 Number TC 260386, issued to C Garcia Test Only, is revoked or suspended, any additional  
8 license issued under the same chapter in the name of said licensee may be likewise revoked or  
9 suspended by the Director.

10 32. Pursuant to Health & Safety Code section 44072.8, if Respondent Juan Carlos Garcia's  
11 Smog Check Inspector License No. EO 147562 ( previously designated as Advanced Emission  
12 Technician License No. EA 147562) is revoked or suspended, any additional license issued under  
13 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

14 PRAYER

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

- 17 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
18 260386, issued to C Garcia Test Only;
- 19 2. Revoking or suspending Smog Check Station License Number TC 260386, issued to  
20 C Garcia Test Only;
- 21 3. Revoking or suspending any additional license issued under Chapter 5 of the Health  
22 and Safety Code in the name of C Garcia Test Only;
- 23 4. Revoking or suspending Juan Carlos Garcia's Smog Check Inspector License No. EO  
24 147562;
- 25 5. Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 and Safety Code in the name of Juan Carlos Garcia;
- 27 6. Ordering C Garcia Test Only and Juan Carlos Garcia to pay the Director the  
28 reasonable costs of the investigation and enforcement of this case, pursuant to Business and

1 Professions Code section 125.3; and

2 7. Taking such other and further action as deemed necessary and proper.

3  
4 DATED: February 6, 2015 

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

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