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

11  
12 In the Matter of the Accusation Against:

Case No. 79/14-118

13 **JASON LEANDREW JASPER d.b.a.**  
**BAY AREA SMOG PROS**  
14 598 E. 3rd Street, Suite B  
Pittsburg, CA 94565

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

(SMOG CHECK)

15 **Smog Check, Test Only, Station License No.**  
16 **TC 261865**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about July 22, 2010, the Bureau of Automotive Repair issued Smog Check,  
24 Test Only, Station License Number TC 261865 to Jason Leandrew Jasper doing business as Bay  
25 Area Smog Pros (Respondent). The Smog Check, Test Only, Station License was suspended on  
26 or around May 19, 2011, and subsequently expired under suspension on or around April 30, 2012.

27 **JURISDICTION**

28 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the

1 Bureau of Automotive Repair, under the authority of the following laws.

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

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

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

13 STATUTORY PROVISION

14 7. Section 44050, subdivision (e), of the Health and Safety Code, states:  
15 "Failure to comply with an order of abatement or payment of an administrative fine issued by  
16 the department pursuant to this section is grounds for suspension or revocation of the license, or  
17 placing the licensee on probation"

18 COST RECOVERY

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

23 CAUSE FOR DISCIPLINE  
24 (Failure to Pay Administrative Fine)  
(Health & Saf. Code § 44050, subd. (e))

25 9. Respondent has subjected his Smog Check, Test Only, Station License to discipline  
26 because he failed to pay an administrative fine issued by the Bureau of Automotive Repair.  
27 (Health & Saf. Code § 44050, subd. (e).) The circumstances are that Respondent failed to pay the  
28 \$1,000.00 fine required by Citation No. C2011-0357, which was issued on or about September 30,

1 2010, and served on Respondent at a citation conference on or about October 28, 2010.  
2 Respondent did not appeal the citation, which alleged that on September 3, 2010, he issued a  
3 certificate of compliance for a vehicle that had a missing fuel evaporative storage canister.

4 PRAYER

5 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
6 Accusation, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 7 1. Revoking or suspending Smog Check, Test Only, Station License Number TC  
8 261865, issued to Jason Leandrew Jasper doing business as Bay Area Smog Pros;  
9 2. Ordering Jason Leandrew Jasper to pay the Bureau of Automotive Repair the  
10 reasonable costs of the investigation and enforcement of this case, under Business and Professions  
11 Code section 125.3;  
12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: April 15, 2014



14 PATRICK DORAIS  
15 Chief  
16 Bureau of Automotive Repair  
17 Department of Consumer Affairs  
18 State of California  
19 *Complainant*

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