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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:

Case No. 79/15-32

**A & A TEST ONLY CENTER; ESTEBAN  
FEDEROVSKY  
20450 Lassen St., Unit B  
Chatsworth, CA 91311  
Automotive Repair Dealer Registration No.  
ARD 265797  
Smog Check Test Only Station License No.  
TC 265797**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about August 29, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-32 against A & A Test Only Center; Esteban Federovsky (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about July 7, 2011, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 265797 to Respondent. The Automotive Repair Dealer Registration expired on July 31, 2013, and has not been renewed.

1           3.     On or about August 5, 2011, the Bureau of Automotive Repair issued Smog Check  
2 Test Only Station License No. TC 265797 to Respondent. The Smog Check Test Only Station  
3 License was due to expire on July 31, 2013, however, was suspended on February 11, 2013, and  
4 has not been renewed.

5           4.     On or about September 4, 2014, Respondent was served by Certified and First Class  
6 Mail copies of the Accusation No. 79/15-32, Statement to Respondent, Notice of Defense,  
7 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
8 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
9 Code section 136, is required to be reported and maintained with the Bureau. Respondent's  
10 address of record was and is: 20450 Lassen St., Unit B, Chatsworth, CA 91311.

11           5.     Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

14           6.     On or about September 15, 2014, the signed "Domestic Return Receipt" was returned  
15 by the U.S. Postal Service acknowledging receipt of the aforementioned documents.

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

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

22           8.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
24 79/15-32.

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

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

30           10.    Pursuant to its authority under Government Code section 11520, the Director after  
31 having reviewed the proof of service dated September 4, 2014, signed by Teresa Sutton, and

1 signed "Domestic Return Receipt" finds Respondent is in default. The Director will take action  
2 without further hearing and, based on Accusation, No. 79/15-32, proof of service and on the  
3 Affidavit of Bureau Representative Joseph B. Cheung, finds that the allegations in Accusation are  
4 true.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent A & A Test Only Center;  
7 Esteban Federovsky has subjected his Smog Check Test Only Station License No. TC 265797 to  
8 discipline.

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

10 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
11 Repair Dealer Registration based upon the following violations alleged in the Accusation which  
12 are supported by the evidence contained in the affidavit of Bureau Representative Joseph B.  
13 Cheung in this case:

14 a. Respondent Federovsky has subjected his station license to discipline pursuant to  
15 Health and Safety Code section 44050, subdivision (e), in that the Bureau issued the following  
16 citation against Respondent's station license: on or about December 20, 2012, the Bureau issued  
17 Citation No. C2013-0421 to Respondent Federovsky against his station license for violation of  
18 Health and Safety Code section 44012, subdivision (f), (failure to perform a visual/functional  
19 check of emission control devices). On or about January 3, 2013, the Bureau served Respondent  
20 Federovsky with the citation. The Bureau ordered Respondent Federovsky to pay a fine of  
21 \$1000.00. Respondent Federovsky failed to appeal the citation and the citation became effective  
22 on February 3, 2013. To date, Respondent Federovsky has failed to pay the fine.

23 ORDER

24 IT IS SO ORDERED that Smog Check Test Only Station License No. TC 265797,  
25 heretofore issued to Respondent A & A Test Only Center; Esteban Federovsky, is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
27 written motion requesting that the Decision be vacated and stating the grounds relied on within  
28 seven (7) days after service of the Decision on Respondent. The motion should be sent to the

1 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
2 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
3 on a showing of good cause, as defined in the statute.

4 This Decision shall become effective on February 24, 2015

5 It is so ORDERED 01/05/15

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7 

8 TAMARA COLSON  
9 Assistant General Counsel  
10 Department of Consumer Affairs

11 51618797.DOCX  
12 DOJ Matter ID:LA2014512431

13 Attachment:  
14 Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
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  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/15-32

12 **A & A TEST ONLY CENTER; ESTEBAN**  
13 **FEDEROVSKY**

**STATEMENT TO RESPONDENT**

[Gov. Code §§ 11504, 11505(b)]

14 Respondent.

15 TO RESPONDENT:

16 Enclosed is a copy of the Accusation that has been filed with the Director of Consumer  
17 Affairs, Bureau of Automotive Repair (Bureau), and which is hereby served on you.

18 Unless a written request for a hearing signed by you or on your behalf is delivered or  
19 mailed to the Bureau, represented by Supervising Deputy Attorney General Gregory J. Salute,  
20 within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to  
21 you, you will be deemed to have waived your right to a hearing in this matter and the Bureau may  
22 proceed upon the Accusation without a hearing and may take action thereon as provided by law.

23 The request for hearing may be made by delivering or mailing one of the enclosed forms  
24 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in  
25 section 11506 of the Government Code, to

26 **Gregory J. Salute**  
**Supervising Deputy Attorney General**  
27 **Ronald Reagan Building**  
**300 South Spring Street, Suite 1702**  
28 **Los Angeles, CA 90013**

1 You may, but need not, be represented by counsel at any or all stages of these proceedings.

2 The enclosed Notice of Defense, if signed and filed with the Bureau, shall be deemed a  
3 specific denial of all parts of the Accusation, but you will not be permitted to raise any objection  
4 to the form of the Accusation unless you file a further Notice of Defense as provided in section  
5 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

6 If you file any Notice of Defense within the time permitted, a hearing will be held on the  
7 charges made in the Accusation.

8 The hearing may be postponed for good cause. If you have good cause, you are obliged to  
9 notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles,  
10 CA 90013, within ten (10) working days after you discover the good cause. Failure to notify the  
11 Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

12 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

13 If you desire the names and addresses of witnesses or an opportunity to inspect and copy  
14 the items mentioned in section 11507.6 of the Government Code in the possession, custody or  
15 control of the Bureau you may send a Request for Discovery to the above designated Supervising  
16 Deputy Attorney General.

17 **NOTICE REGARDING STIPULATED SETTLEMENTS**

18 It may be possible to avoid the time, expense and uncertainties involved in an  
19 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
20 settlement is a binding written agreement between you and the government regarding the matters  
21 charged and the discipline to be imposed. Such a stipulation would have to be approved by the  
22 Director of Consumer Affairs, Bureau of Automotive Repair but, once approved, it would be  
23 incorporated into a final order.

24 Any stipulation must be consistent with the Bureau's established disciplinary guidelines;  
25 however, all matters in mitigation or aggravation will be considered. A copy of the Bureau's  
26 Disciplinary Guidelines will be provided to you on your written request to the state agency  
27 bringing this action.

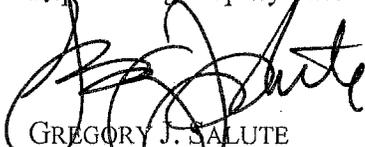
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If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Supervising Deputy Attorney General Gregory J. Salute at the earliest opportunity.

Dated: September 3, 2014

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



GREGORY J. SALUTE  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
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:  
13 **Esteban Federovsky dba A & A Test Only Center,**  
14 **20450 Lassen Street, Unit B,**  
15 **Chatsworth, CA 91311**  
16 **Automotive Repair Dealer Registration No. ARD 265797**  
17 **Smog Check Station License No. TC 265797**  
18 Respondent.

Case No. *79/15-32*

19 **ACCUSATION**  
20 **SMOG CHECK**

21 Complainant alleges:

22 **PARTIES**

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

25 **Automotive Repair Dealer Registration**

26 2. On or about July 7, 2011, the Bureau issued Automotive Repair Dealer Registration  
27 Number ARD 265797 to Esteban Federovsky dba A & A Test Only Center ("Respondent or  
28 Federovsky"). The automotive repair dealer registration was in full force and effect at all times  
relevant to the charges brought herein, expired on July 31, 2013 and has not been renewed.

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1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
2 the Director of jurisdiction to proceed with disciplinary action.

3 9. Section 44072.8 of the Health and Safety Code states:

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

6 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Failure to Pay Administrative Fine)**

13 11. Respondent Federovsky has subjected his station license to discipline pursuant to  
14 Health and Safety Code section 44050, subdivision (e), in that the Bureau issued the following  
15 citation against Respondent's station license: on or about December 20, 2012, the Bureau issued  
16 Citation No. C2013-0421 to Respondent Federovsky against his station license for violation of  
17 Health and Safety Code section 44012, subdivision (f), (failure to perform a visual/functional  
18 check of emission control devices). On or about January 3, 2013, the Bureau served Respondent  
19 Federovsky with the citation. The Bureau ordered Respondent Federovsky to pay a fine of  
20 \$1000.00. Respondent Federovsky failed to appeal the citation and the citation became effective  
21 on February 3, 2013. To date, Respondent Federovsky has failed to pay the fine.

22 **OTHER MATTERS**

23 12. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
24 Number TC 265797, issued to Esteban Federovsky dba A & A Test Only Center is revoked or  
25 suspended, any additional license issued under this chapter in the name of said licensee may be  
26 likewise revoked or suspended by the director.

27 ///

28 ///

PRAYER

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

1. Revoking or suspending Esteban Federovsky dba A & A Test Only Center Smog Check Station License Number TC 265797;
2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Esteban Federovsky dba A & A Test Only Center;
3. Ordering Esteban Federovsky dba A & A Test Only Center to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: August 29, 2014 Patrick Doraïs

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

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