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

13  
14 In the Matter of the Petition to Revoke Probation  
Against:

Case No. **79/23-878**

15 **LUIS A. LARIOS AND OLIVER LOPEZ,**  
16 **PARTNERS, DBA XPORT SMOG**  
2235 Avenida Costa Este, Suite 600B  
17 **San Diego, CA 92154**

**PETITION TO REVOKE  
PROBATION**

18 **Automotive Repair Dealer Registration No.**  
**ARD 280599**

19 **Smog Check Test Only Station No. TC 280599,**

20 **and**

21 **OLIVER R. LOPEZ GODOY**  
4369 44th Street, #B  
22 **San Diego, CA 92115**

23 **Smog Check Inspector License No. EO 635301**

24 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

6 **Automotive Repair Dealer Registration No. ARD 280599**

7 2. On or about June 19, 2015, the Bureau issued Automotive Repair Dealer Registration  
8 Number ARD 280599 to Luis A. Larios and Oliver Lopez, partners, dba Xport Smog  
9 (Respondent Xport Smog). The Automotive Repair Dealer Registration expired on June 30,  
10 2022, and has not been renewed.

11 **Smog Check Test-Only Station License No. TC 280599**

12 3. On or about October 22, 2015, the Bureau issued Smog Check Test Only Station  
13 Number TC 280599 to Luis A. Larios and Oliver Lopez, partners, dba Xport Smog (Respondent  
14 Xport Smog). The Smog Check Test Only Station license expired on June 30, 2022, and has not  
15 been renewed.

16 **Smog Check Inspector License No. EO 635301**

17 4. On or about March 14, 2013, the Bureau issued Smog Check Inspector License  
18 Number EO 635301 to Oliver R. Lopez Godoy (Respondent Godoy)<sup>1</sup>. The Smog Check  
19 Inspector License expired on November 30, 2020, and has not been renewed.

20 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

21 5. In a disciplinary action titled “*In the Matter of Accusation Against Luis A. Larios and*  
22 *Oliver Lopez, Partners, dba Xport Smog and Oliver Lopez Godoy,*” Case No. 79/18-5886, the  
23 Director of the Department of Consumer Affairs for the Bureau of Automotive Repair issued a  
24 decision, effective June 12, 2020, in which Respondents’ Automotive Repair Dealer Registration,  
25 Smog Check-Test Only Station License, and Smog Check Inspector License were revoked.  
26 However, the revocations were stayed and Respondents’ licenses were placed on probation for a

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28 <sup>1</sup> Oliver Lopez and Oliver R. Lopez Godoy are the same person.

1 period of three (3) years with certain terms and conditions. A copy of that decision is attached as  
2 Exhibit A and is incorporated by reference.

3 6. This Petition to Revoke Probation is brought before the Director for the Bureau under  
4 Probation Term and Condition Number 7 of the Decision and Order “*In the Matter of Accusation*  
5 *Against Luis A. Larios and Oliver Lopez, Partners, dba Xport Smog and Oliver Lopez Godoy,*”  
6 Case No. 79/18-5886. That term and condition states:

7 **Violation of Probation.** If Respondents violate or fail to comply with the terms and  
8 conditions of probation in any respect, the Director, after giving notice and opportunity to be  
9 heard may set aside the stay order and carry out the disciplinary order provided in the decision.  
10 Once Respondents are served notice of the bureau’s intent to set aside the stay, the Director shall  
11 maintain jurisdiction, and the period of probation shall be extended until final resolution of the  
12 matter.

13 **FIRST CAUSE TO REVOKE PROBATION**

14 **(Failure to Maintain Valid, Active Licenses)**

15 7. At all times after the effective date of Respondents’ probation, Condition Number 8  
16 stated:

17 Respondents shall, at all times while on probation, maintain current and active registration  
18 and licenses with the Bureau, including any period during which suspension or probation is  
19 tolled. If Respondents licenses’ are expired at the time a decision becomes effective, the licenses  
20 must be renewed by Respondents within 30 days of that date. If Respondents’ licenses expire  
21 during a term of probation, by operation of law or otherwise, then upon renewal Respondents’  
22 licenses shall be subject to any and all terms and conditions of probation not previously satisfied.  
23 Failure to maintain a current and active registration and/or license during the period of probation  
24 shall constitute a violation of probation.

25 8. Respondent Xport Smog and Respondent Godoy’s probation is subject to revocation  
26 because they failed to comply with probation condition number 8, by allowing their registration  
27 and licenses to expire on November 30, 2020 (Respondent Godoy) and June 30, 2022  
28 (Respondent Xport).

1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Pay Cost Recovery)**

3 9. At all times after the effective date of Respondents' probation, Condition Number 9  
4 stated, in pertinent part:

5 Respondents shall pay the Bureau of Automotive Repair \$4,000 for the reasonable costs of  
6 the investigation and enforcement of case no. 79/18-5886. Respondents shall make payment or  
7 installment payments as directed by the Bureau. Any agreement for a scheduled payment plan  
8 shall require full payment to be completed no later than six (6) months before probation  
9 terminates.

10 10. Respondent Xport Smog and Respondent Godoy's probation are subject to revocation  
11 because they failed to make *any payments* to the Bureau for the cost of the investigation; and have  
12 failed to pay the entire balance six months before probation terminates, which would have been  
13 December 12, 2022.

14 **THIRD CAUSE TO REVOKE PROBATION**

15 **(Failure to Complete Bureau-Specified Training Course)**

16 11. At all times after the effective date of Respondents' probation, Condition Number 13  
17 stated:

18 During the probation period, Respondent Lopez [Godoy] shall attend and successfully  
19 complete a Bureau-specified and approved training course in inspection, diagnosis and/or repair  
20 of emissions systems failures and engine performance, applicable to the class of license held by  
21 Respondent. Respondent Lopez [Godoy] shall provide to the Bureau proof of enrollment in the  
22 course within 30 days of the effective date of the decision, and proof of successful course  
23 completion within 180 days of the effective date of the decision. Failure to provide proof of  
24 enrollment and/or successful course completion to the Bureau within the time frames specified  
25 shall constitute a violation of probation, and Respondent shall be prohibited from issuing any  
26 certificate of compliance or noncompliance until such proof is received.

27 12. Respondent Godoy's probation is subject to revocation because he failed to enroll in  
28 and complete a Bureau-specified and approved training course.

**PRAYER**

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

1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/18-5886 and imposing the disciplinary order that was stayed, thereby revoking Automotive Repair Dealer Registration No. ARD 280599 issued to Luis A. Larios and Oliver Lopez, partners, dba Xport Smog;

2. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/18-5886 and imposing the disciplinary order that was stayed, thereby revoking Smog Check Test Only Station Number License TC 280599 issued to Luis A. Larios and Oliver Lopez, partners, dba Xport Smog;

3. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/18-5886 and imposing the disciplinary order that was stayed, thereby revoking Smog Check Inspector License Number EO 635301 issued to Oliver R. Lopez Godoy;

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

DATED: As of Digital Signature Date

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

SD2023800703

# **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 79/18-5886**