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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 **MARTIN GANZALEZ LOPEZ**
14 **DBA RIALTO & CACTUS SMOG**
15 **640 W. Rialto Avenue**
16 **Rialto, CA 92376**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 285136**
19 **Smog Check Test Only Station License No.**
20 **TC 285136**

21 Respondent.

Case No. 79/24-17992

22 **DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

23 **FINDINGS OF FACT**

24 1. On or about June 30, 2025, Complainant Patrick Dorais, in his official capacity as the
25 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
26 No. 79/24-17992 against Martin Ganzalez Lopez dba Rialto & Cactus Smog (Respondent) before
27 the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

28 2. On or about October 21, 2016, the Bureau of Automotive Repair (Bureau) issued
Automotive Repair Dealer Registration No. ARD 285136 to Respondent. The Automotive

1 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
2 in Accusation No. 79/24-17992 and will expire on October 31, 2026, unless renewed.

3 3. On or about December 22, 2016, the Bureau issued Smog Check Test Only Station
4 License No. TC 285136 to Respondent. The Smog Check Test Only Station License was in full
5 force and effect at all times relevant to the charges brought in Accusation No. 79/24-17992 and
6 will expire on October 31, 2026, unless renewed.

7 4. On or about May 15, 2019, the Bureau certified Rialto & Cactus Smog as a STAR
8 station. The certification will remain active unless the ARD registration and/or Smog Check Test
9 Only Station license is revoked, cancelled, licenses become delinquent, or certification is
10 suspended.

11 5. On or about July 3, 2025, Respondent was served by Certified and First Class Mail
12 copies of the Accusation No. 79/24-17992, Statement to Respondent, Notice of Defense, Request
13 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
14 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
15 section 136, is required to be reported and maintained with the Bureau. Respondent's address of
16 record was and is:

17 640 W. Rialto Ave.
18 Rialto , CA 92376.

19 6. Service of the Accusation was effective as a matter of law under the provisions of
20 Government Code section 11505(c) and/or Business and Professions Code section 124.

21 7. Government Code section 11506(c) states, in pertinent part:

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

27 8. On or about August 23, 2025, Respondent, through counsel, filed a Notice of
28 Defense
that was accepted by the Bureau.

9. On or about February 11, 2026, Respondent withdrew his Notice of Defense.

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10. The Bureau takes official notice of its records and the fact that Respondent withdrew his Notice of Defense, and therefore waived his right to a hearing on the merits of Accusation No. 79/24-17992.

11. California Government Code section 11520(a) states, in pertinent part:

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

12. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated July 3, 2025, signed by Janice Park, the Notice of Defense filed by Respondent, and Respondent's subsequent Withdrawal of Notice of Defense, finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/24-17992, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Martin Ganzalez Lopez dba Rialto & Cactus Smog has subjected his Automotive Repair Dealer Registration No. ARD 285136 to discipline.

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

3. The Director of the Department of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code section 9884.7, subdivision (a)(1) [untrue or misleading statements];

b. Business and Professions Code section 9884.7, subdivision (a)(4) [fraud]; and

c. Business and Professions Code section 9884.7, subdivision (a)(6) [material violation of Automotive Repair Act].

1 4. The Director of the Department of Consumer Affairs is authorized to revoke
2 Respondent's Smog Check Test Only Station License based upon the following violations alleged
3 in the Accusation which are supported by the evidence contained in the Default Decision
4 Investigatory Evidence Packet in this case:

5 a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
6 Health and Safety Code sections 44012 [failure to ensure emission control tests were performed
7 in accordance with procedures prescribed by the department] and 44015, subdivision (b), [issuing
8 electronic certificates of compliance without ensuring vehicles were properly tested and
9 inspected];

10 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
11 provisions of the California Code of Regulations, title 16 (CCR), as follows: CCR section
12 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of
13 compliance]; CCR section 3340.30, subdivision (a) [failure to inspect and test vehicles in
14 accordance with Health and Safety Code sections 44012 and 44035, and CCR section 3340.42];
15 CCR section 3340.35, subdivision (c) [issuing electronic smog certificates of compliant to
16 vehicles that had not been inspected in accordance with CCR section 3340.42]; and CCR section
17 3340.42 [failure to ensure that required smog tests were conducted in accordance with Bureau
18 specifications]; and

19 c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
20 and Safety Code section 44072.10, subdivision (c) [dishonest, fraudulent, or deceitful acts
21 whereby another was injured].

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 285136 and Smog Check Test Only Station License No. TC 285136, both issued to Respondent Martin Ganzalez Lopez dba Rialto & Cactus Smog, are revoked.

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

This Decision shall become effective on June 8, 2026.

It is so ORDERED May 28, 2026.

Original signature on file

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Division of Legal Affairs
Department of Consumer Affairs

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