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

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| In the Matter of the Accusation Against:<br><br>**RIGOBERTO ROMAN-OWNER DBA SMOG PROS**<br>**105 East 5th Street**<br>**San Bernardino, CA 92410**<br><br>**Automotive Repair Dealer Registration No. ARD 289293**<br>**Smog Check, Test Only, Station License No. TC 289293**<br><br>**and**<br><br>**MIGUEL ANGEL VASQUEZ RODRIGUEZ**<br>**1222 Laurelwood Drive**<br>**San Bernardino, CA 92408**<br><br>**Smog Check Inspector License No. EO 640491**<br><br>Respondents. | Case No. 79/24-10394<br><br>OAH No. 2025010501<br><br>**DEFAULT DECISION AND ORDER ONLY AS TO RESPONDENT RIGOBERTO ROMAN-OWNER DBA SMOG PROS**<br><br>[Gov. Code, §11520] |

## FINDINGS OF FACT

1. On or about January 2, 2025, Complainant Patrick Dorais ("Complainant"), in his official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs, filed Accusation No. 79/24-10394 against Rigoberto Roman-Owner dba Smog

Pros ("Respondent Smog Pros") before the Director of the Department of Consumer Affairs. A copy of the Accusation is attached as Exhibit A and is incorporated herein by reference.

**Rigoberto Roman-Owner dba Smog Pros**

**Automotive Repair Dealer Registration**

2. On or about January 8, 2018, the Bureau issued Automotive Repair Dealer Registration No. ARD 289293 to Respondent Smog Pros. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-10394 and expired on January 31, 2025, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code sections 118, subdivision (b), and 9884.13, does not deprive the Bureau of its authority to institute or continue this disciplinary proceeding.

**Smog Check, Test Only, Station License**

3. On or about February 26, 2018, the Bureau issued Smog Check, Test Only, Station License No. TC 289293 to Respondent Smog Pros. The Smog Check, Test Only, Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-10394 and expired on January 31, 2025, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code sections 118, subdivision (b), and 9884.13, does not deprive the Bureau of its authority to institute or continue this disciplinary proceeding.

4. On or about January 3, 2025, Respondent Smog Pros was served by Certified Mail copies of the Statement to Respondent, Accusation No. 79/24-10394, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: 105 East 5th Street, San Bernardino, CA 92410.

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

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

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

7. On or about January 14, 2025, Respondent Smog Pros signed and returned a Notice of Defense, requesting a hearing in this matter.

8. On or about August 20, 2025, Respondent Smog Pros signed and returned Respondent's Withdrawal of Notice of Defense in this matter. A copy of Respondent's Withdrawal of Notice of Defense is attached as Exhibit B and is incorporated herein by reference.

9. The Bureau takes official notice of its records and the fact that Respondent Smog Pros withdrew his Notice of Defense and therefore waived his right to a hearing on the merits of Accusation No. 79/24-10394.

10. 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 . . . .

11. Pursuant to its authority under Government Code section 11520, the Director, after having reviewed the proof of service dated January 3, 2025, signed by Linda Zamora, USPS Track & Confirm Notice and Return Receipt, finds Respondent Smog Pros 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. 79/24-10394 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, Rigoberto Roman-Owner dba Smog Pros has subjected his Automotive Repair Dealer Registration Number ARD 289293 and Smog Check, Test Only, Station License Number TC 289293 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 and Smog Check, Test Only, Station License 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) and California Code of Regulations, title 16, sections 3373 (Untrue or Misleading Statement).

b. Business and Professions Code section 9884.7, subdivision (a)(4) (Fraud).

c. Business and Professions Code section 9884.7, subdivision (a)(6) (Material Violation of Automotive Repair Act).

d. Health and Safety Code sections 44072.2, subdivision (a), 44012, 44015, subdivision (b), and 44059 (Failure to Comply with the Motor Vehicle Inspection Program).

e. Health and Safety Code section 44072.2, subdivision (c), and California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.35, subdivision (c), 3340.41, subdivision (c), and 3340.42 (Failure to Comply with the Motor Vehicle Inspection Program).

f. Health and Safety Code sections 44072.2, subdivision (d), in conjunction with 44072.10, subdivision (c) (Dishonesty, Fraud or Deceit).

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## ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 289293 and Smog Check, Test Only, Station License No. TC 289293, issued to Rigoberto Roman-Owner dba Smog Pros ("Respondent Smog Pros"), are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent Smog Pros 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 December 19, 2025.

It is so ORDERED December 9, 2025.

Original signature on file

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

Default Decision and Order - LIC.docx
DOJ Matter ID:LA2024605373

Attachments:
Exhibit A: Accusation
Exhibit B: Respondent's Withdrawal of Notice of Defense