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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 **RIGOBERTO FUENTES RODRIGUEZ,**
14 **dba R & R SMOG**
15 **801 W. El Segundo Blvd.**
16 **Compton, CA 90222**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 292829**
19 **Smog Check, Test Only, Station License No.**
20 **TC 292829**

21 **and**

22 **HUMBERTO ORTIZ, aka HUMBERTO**
23 **NOE ORTIZ ALVARADO**
24 **6808 11th Ave.**
25 **Los Angeles, CA 90043**

26 **Smog Check Inspector No. EO 641121**
27 **Smog Check Repair Technician No. EI**
28 **641121**

Respondents.

Case No. 79/24-7830

OAH No. 2025040098

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

(As to Rigoberto Fuentes Rodriguez Only)

26 **FINDINGS OF FACT**

27 1. On or about January 27, 2025, Complainant Patrick Dorais, in his official capacity as
28 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation

1 No. 79/24-7830 against Rigoberto Fuentes Rodriguez, dba R & R Smog (Respondent) before the
2 Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

3 2. On or about December 7, 2018, Bureau of Automotive Repair issued Automotive
4 Repair Dealer Registration Number ARD 292829 to Respondent. The Automotive Repair Dealer
5 Registration was in full force and effect at all times relevant to the charges brought in Accusation
6 No. 79/24-7830 and will expire on December 31, 2025, unless renewed.

7 3. On or about January 17, 2019, Bureau of Automotive Repair issued Smog Check,
8 Test-Only, Station License Number TC 292829 to Respondent. The Smog Check, Test-Only,
9 Station License was in full force and effect at all times relevant to the charges brought in
10 Accusation No. 79/24-7830 and will expire on December 31, 2025, unless renewed.

11 4. On or about February 3, 2025, Respondent was served with Accusation No. 79/24-
12 7830.

13 5. On or about February 18, 2025, Respondent signed and returned a Notice of Defense,
14 requesting a hearing in this matter.

15 6. On, April 18, 2025, a Notice of Hearing was served by mail at Respondent's address
16 of record which was and is 801 W. El Segundo Blvd., Compton, CA 90222. On, April 18, 2025,
17 a Notice of Hearing was also served by mail at a separate mailing address maintained by the
18 Bureau for Respondent which was and is 4341 Palmerstone St., Compton, CA 90221.
19 The Notice of Hearing informed Respondent that an administrative hearing in this matter was
20 scheduled for July 17, 2025.

21 7. The matter was called for hearing at the date, time and location set forth in the Notice
22 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
23 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
24 default was declared and on motion of counsel for Complainant, the matter was remanded to the
25 Bureau under Government Code section 11520.

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

27 (c) The respondent shall be entitled to a hearing on the merits if the respondent
28 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

1 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
2 discretion may nevertheless grant a hearing.

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

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

8 10. Pursuant to its authority under Government Code section 11520, the Director after
9 having reviewed the Notice of Hearing proof of service dated April 18, 2025, signed by A.
10 Trujillo, finds Respondent is in default. The Director will take action without further hearing and,
11 based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet
12 in this matter, finds that the charges and allegations in Accusation No. 79/24-7830, are separately
13 and severally, found to be true and correct by clear and convincing evidence.

14 **DETERMINATION OF ISSUES**

15 1. Based on the foregoing findings of fact, Respondent Rigoberto Fuentes Rodriguez,
16 dba R & R Smog has subjected his Automotive Repair Dealer Registration No. ARD 292829 to
17 discipline.

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

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

23 a. Misleading Statements [Business & Professions Code section 9884.7, subdivision
24 (a)(1)];

25 b. Fraud [Business & Professions Code section 9884.7, subdivision (a)(4)];

26 c. Material Violation of Automotive Repair Act [Business & Professions Code section
27 9884.7, subdivision (a)(6)];

28 d. Violation of Motor Vehicle Inspection Program [Health & Safety Code section
44072.2, subdivision (a);

- 1 e. Violation of Motor Vehicle Inspection Program Regulations [Health & Safety Code
2 section 44072.2, subdivision (c);
3 f. Dishonesty, Fraud and/or Deceit [Health & Safety Code section 44072.2, subdivision
4 (d); and
5 g. Fraudulent Inspection/Certification [Health & Safety Code section 44072.10,
6 subdivision (c).

7 **ORDER**

8 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 292829 and
9 Smog Check, Test-Only, Station License Number TC 292829, issued to Respondent Rigoberto
10 Fuentes Rodriguez, dba R & R Smog, are revoked.

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

17 This Decision shall become effective on September 30, 2025.

18 It is so ORDERED Sept. 22, 2025

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20 
21 GRACE ARUPO RODRIGUEZ
22 Assistant Deputy Director
23 Division of Legal Affairs
24 Department of Consumer Affairs

25 Default Decision and Order - LIC.docx
26 DOJ Matter ID:LA2024604146

27 Attachment:
28 Exhibit A: Accusation