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

In the Matter of the Accusation Against: **MATT JAMES BORSKI, DBA I10 SMOG** **11303 Bean Street** **Beaumont, CA 92223** **Automotive Repair Dealer Registration No. ARD 293433** **Smog Check Test Only Station License No. TC 293433,** **TREVOR JAMES BASSETT** **P.O. Box 53** **Lytle Creek, CA 92358** **Smog Check Inspector License No. EO 640833,** **and** **DAVID NEIL GARDNER** **P.O. Box 225** **Calimesa, CA 92320** **Advanced Emission Specialist Technician License No. EA 632275** **Smog Check Inspector License No. EO 632275** **Smog Check Repair Technician License No. EI 632275** Respondents.	Case No. 79/21-13939 OAH No. **DEFAULT DECISION AND ORDER ONLY AS TO MATT JAMES BORSKI, DBA I10 SMOG** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 11, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/21-13939 against Matt James Borski, doing business as I10 Smog (respondent Borski); Trevor James Bassett (respondent Bassett), and David Neil Gardner (respondent Gardner) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. Respondents Bassett and Gardner returned their Notices of Defense and, as such, are not subject to this Default Decision and Order.

3. On February 14, 2019, the bureau issued Automotive Repair Dealer Registration number ARD 293433 to respondent Borski. The Automotive Repair Dealer registration was in full force and effect at all times relevant to the charges brought herein, was due to expire on February 28, 2023, and was cancelled on June 9, 2022. Notwithstanding the cancellation of the registration, the bureau maintains jurisdiction in this action pursuant to Business and Professions Code sections 118, subdivision (b), and 9884.13.

4. On February 22, 2019, the bureau issued Smog Check Test Only Station License number TC 293433 to respondent Borski. The Smog Check Test Only Station License was in full force and effect at all times relevant to the charges brought herein, was due to expire on February 28, 2023, and was cancelled on June 9, 2022. Notwithstanding the cancellation of the license, the bureau maintains jurisdiction in this action pursuant to Business and Professions Code sections 118, subdivision (b), and 9884.13.

5. On or about September 19, 2024, respondent Borski was served by Certified and First Class Mail copies of the Accusation No. 79/21-13939, Statement to respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at respondent Borski'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:

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Station Address:	Mailing Address:
18998 Valley Blvd., Unit #B	11303 Bean St.
Bloomington, CA 92316	Beaumont, CA 92223

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

7. Government Code section 11506, subdivision (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.

8. The bureau takes official notice of its records and the fact that respondent Borski failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 79/21-13939.

9. California Government Code section 11520, subdivision (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 . . . .

10. Pursuant to its authority under Government Code section 11520, the director after having reviewed the proof of service dated September 19, 2024, signed by Alfred Ryan Palma, finds respondent Borski 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 against respondent Borski in Accusation No. 79/21-13939, are separately and severally, found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, respondent Borski has subjected his Automotive Repair Dealer Registration number ARD 293433 and Smog Check Test Only Station License number TC 293433 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. Making or authorizing the making of untrue or misleading statements. (Bus. & Prof. Code, § 9884.7, subd. (a)(1).)

b. Fraud. (Bus. & Prof. Code, § 9884.7, subd. (a)(4).)

c. Material violation of the Automotive Repair Act. (Bus. & Prof. Code, § 9884.7, subd. (a)(6).)

4. The Director of the Department of Consumer Affairs is authorized to revoke respondent's 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. Violations of the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (a).)

b. Failure to comply with regulations pursuant to the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (c).)

c. Dishonesty, fraud, or deceit. (Health & Saf. Code, § 44072.2, subd. (d).)

5. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the director finds that respondent Borski has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration number ARD 293433, issued to respondent Matt James Borski, doing business as I10 Smog, is revoked.

IT IS FURTHER ORDERED that pursuant to Business and Professions Code section 9884.7, subdivision (c), the registration for all places of business operated in this state by respondent Matt James Borski are revoked.

IT IS FURTHER ORDERED that Smog Check Test Only Station License number TC 293433, issued to respondent Matt James Borski, doing business as I10 Smog, is revoked.

IT IS FURTHER ORDERED that pursuant to Health and Safety Code section 44072.8, any additional license issued under chapter 5 of part 5 of division 26 of the Health and Safety Code in the name of Matt James Borski is revoked.

Pursuant to Government Code section 11520, subdivision (c), respondent Matt James Borski may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven days after service of the Decision on him. The motion should be sent to the Bureau of Automotive Repair, Department of Consumer Affairs, ATTN: Patrick Lutfi, 10949 North Mather Boulevard, Rancho Cordova, California 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 March 18, 2025.

It is so ORDERED March 5, 2025.

Original signature on file

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