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

In the Matter of the Accusation Against: **JOSE OMAR ESCUTIA GOMEZ – OWNER DBA NICKS SMOG CHECK** **291 E Highland Ave** **San Bernardino, CA 92404** **Mailing Address:** **4091 Bresee Ave** **Baldwin Park, CA 91706** Automotive Repair Dealer Registration No. ARD 295270 Smog Check Test Only Station License No. TC 295270, and **ADRIAN LEE BARELA** **571 Julie St** **Colton, CA 92324** Smog Check Inspector License No. EO 644603 Respondents.	Case No. 79/24-17475 OAH No. 2025100682 **DEFAULT DECISION AND ORDER AS TO JOSE OMAR ESCUTIA GOMEZ – OWNER DBA NICKS SMOG CHECK** [Gov. Code, §11520]

FINDINGS OF FACT

1. On August 4, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation number 79/24-17475 against Jose Omar Escutia Gomez – Owner dba Nicks Smog Check (Respondent Gomez) and Adrian Lee Barela, before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about August 29, 2019, the Bureau issued Automotive Repair Dealer Registration Number ARD 295270 to Jose Omar Escutia Gomez – Owner dba Nicks Smog Check (Respondent Gomez). The Automotive Repair Dealer Registration was cancelled on July 3, 2024.

3. On or about September 3, 2019, the Bureau issued Smog Check, Test Only, Station License Number TC 295270 to Respondent Gomez. The Smog Check, Test Only, Station License was cancelled on July 3, 2024.

4. Nicks Smog Check was also certified as a STAR station. The certification was issued on October 23, 2024, and was terminated on July 3, 2024.

5. On or about August 8, 2025, Respondent Gomez was served copies of the Accusation number 79/24-17475, Statement to Respondent, Notice of Defense, Request for Discovery and discovery statutes (Government Code sections 11507.5, 11507.6, and 11507.7) by certified and first class mail at Respondent Gomez'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 mailing address of record was and is: 4091 Bresee Ave., Baldwin Park, CA 91706.

6. 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.

7. 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.

8. The Bureau takes official notice of its records and the fact that Respondent Gomez withdrew his Notice of Defense on April 29, 2026, therefore waived his right to a hearing on the merits of Accusation number 79/24-17475.

9. 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 . . . .

10. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated August 8, 2025, signed by Stella Esquivel, finds Respondent Gomez 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 number 79/24-17475, 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 Jose Omar Escutia Gomez – Owner dba Nicks Smog Check has subjected his Automotive Repair Dealer Registration Number ARD 295270 to discipline. Respondent Gomez has also subjected his Smog Check, Test Only, Station License Number TC 295270 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 Gomez'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:

Automotive Repair Dealer Registration

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;

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

Smog Check, Test Only, Station License

d. Health and Safety Code section 44072.2, subdivision (a) - Violations of the Motor Vehicle Inspection Program;

e. Health and Safety Code section 44072.2, subdivision (c) - Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program; and

f. Health and Safety Code section 44072.2, subdivision (d) - Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration Number ARD 295270 and Smog Check, Test Only, Station License Number TC 295270 issued to Respondent Jose Omar Escutia Gomez – Owner dba Nicks Smog Check, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent Gomez 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 Gomez. 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 July 30, 2026.

It is so ORDERED July 21, 2026.

Original signature on file

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

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