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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:

Case No. 79/23-12498

13 **DENNIS FRANAS CALLAHAN, DBA**
14 **DENNIS SMOG**
15 **3154 E. Olympic Blvd, Unit #B**
Los Angeles, CA 90023

DEFAULT DECISION AND ORDER
ONLY AS TO DENNIS FRANAS
CALLAHAN, DBA DENNIS SMOG

16 **Automotive Repair Dealer Registration No.**
ARD 296264
17 **Smog Check, Test Only Station License No.**
TC 296264,

[Gov. Code, §11520]

18 **and**

19 **MANUEL LAZCANO, JR.**
20 **3578 Carlin Ave**
Lynwood, CA 90262

21 **Smog Check Inspector License No. EO**
22 **641493**

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24 Respondents.
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FINDINGS OF FACT

1. On or about May 3, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/23-12498 against Dennis Franas Callahan, dba Dennis Smog (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about December 20, 2019, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 296264 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/23-12498 and expired on December 31, 2023, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 9884.13, does not deprive the Director of jurisdiction to proceed with a disciplinary proceeding.

3. On or about March 17, 2020, the Bureau of Automotive Repair issued Smog Check, Test Only Station License No. TC 296264 to Respondent. The Smog Check, Test Only Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/23-12498 and expired on December 31, 2023, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 9884.13, does not deprive the Director of jurisdiction to proceed with a disciplinary proceeding.

4. On or about May 6, 2024, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79/23-12498, Statement to Respondent, 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: 3154 E. Olympic Blvd, Unit #B, Los Angeles, CA 90023.

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.

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

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 7. The Bureau takes official notice of its records and the fact that Respondent failed to
4 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
5 waived his right to a hearing on the merits of Accusation No. 79/23-12498.

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

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

11 9. Pursuant to its authority under Government Code section 11520, the Director after
12 having reviewed the proof of service dated May 6, 2024, signed by Ron Quijada, finds
13 Respondent is in default. The Director will take action without further hearing and, based on the
14 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
15 finds that the charges and allegations in Accusation No. 79/23-12498, are separately and
16 severally, found to be true and correct by clear and convincing evidence.

17 **DETERMINATION OF ISSUES**

18 1. Based on the foregoing findings of fact, Respondent Dennis Franas Callahan, dba
19 Dennis Smog has subjected his Automotive Repair Dealer Registration No. ARD 296264 and
20 Smog Check, Test Only, Station License No. TC 296264 to discipline.

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

22 3. The Director of the Department of Consumer Affairs is authorized to revoke
23 Respondent's Automotive Repair Dealer Registration and Smog Check, Test Only, Station
24 License based upon the following violations alleged in the Accusation which are supported by the
25 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

26 a. Untrue or Misleading Statements: Business and Professions Code section 9884.7,
27 subdivision (a)(1);

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

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

1 d. Violation of the Motor Vehicle Inspection Program: Health and Safety Code section
2 44072.2, subdivision (a), section 44012, section 44015, subdivision (b), and section 44059;

3 e. Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection
4 Program: Health and Safety Code section 44072.2, subdivision (c); California Code of
5 Regulations, title 16, sections 3340.24, subdivision (c); section 3340.35, subdivision (c); section
6 3340.41, subdivision (c); section 3340.42; and section 3373;

7 f. Dishonesty, Fraud, or Deceit: Health and Safety Code section 44072.2, subdivision
8 (d), in conjunction with section 44072.10, subdivision (c);

9 g. Unlawful Software or Simulation Device: Health and Safety Code section 44072.2,
10 subdivision (c), in conjunction with California Code of Regulations, title 16, section 3340.41,
11 subdivision (h); and

12 h. Failure to Provide Bureau Representatives Access to Station: Health and Safety Code
13 section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44035,
14 subdivision (b).

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 296264 and Smog Check, Test Only, Station License No. TC 296264, issued to Respondent Dennis Franas Callahan, dba Dennis Smog, is 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 Blvd., 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 October 17, 2024.

It is so ORDERED October 8, 2024

Signed Copy of File

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

66878539.DOCX
DOJ Matter ID:LA2023605231

Attachment:
Exhibit A: Accusation