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7 **BEFORE THE**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/22-5235

12 **RAUL ISLAS DBA EL GORDO SMOG**
13 **18184 Valley Blvd**
14 **Bloomington, CA 92316**

15 **Automotive Repair Dealer Registration No.**
16 **ARD 298967**
17 **Smog Check, Test Only Station License No.**
18 **TC 298967,**

19 **TRAVOR EMANUEL DOUGLAS**
20 **861 Woodhill St.**
21 **Rialto, CA 92376**

22 **Smog Check Inspector License No. EO**
23 **643069,**

24 **ARMANDO EMMANUEL MORALES**
25 **34992 Acacia Ave**
26 **Yucaipa, CA 92399**

27 **Smog Check Inspector License No. EO**
28 **637315,**

and

29 **EDUARDO GARCIA MACARENA**
30 **14655 Wood Rd**
31 **Riverside, CA 92508**

32 **Smog Check Inspector License No. EO**
33 **640392**

Respondents.

DEFAULT DECISION AND ORDER
ONLY AS TO RESPONDENT RAUL
ISLAS DBA EL GORDO SMOG
[ARD/TC 298967]

[Gov. Code, §11520]

FINDINGS OF FACT

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2 1. On or about July 15, 2024, Complainant Patrick Dorais, in his official capacity as the
3 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
4 No. 79/22-5235 against Raul Islas dba El Gordo Smog (Respondent Islas) before the Director of
5 the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

6 2. On or about February 3, 2021, the Bureau of Automotive Repair (Bureau) issued
7 Automotive Repair Dealer Registration No. ARD 298967 to Respondent Islas. The Automotive
8 Repair Dealer Registration expired on February 28, 2023, and has not been renewed.

9 3. On or about September 30, 2021, the Bureau of Automotive Repair issued Smog
10 Check Test Only Station License No. TC 298967 to Respondent Islas. The Smog Check Test
11 Only Station License expired on February 28, 2023, and has not been renewed.

12 4. On or about July 18, 2024, Respondent Islas was served by Certified and First Class
13 Mail copies of the Accusation No. 79/22-5235, Statement to Respondent, Notice of Defense,
14 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
15 and 11507.7) at Respondent Islas's address of record which, pursuant to Business and Professions
16 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
17 address of record was and is:

18 18184 Valley Blvd
19 Bloomington, CA 92316.

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

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

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

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7. The Bureau takes official notice of its records and the fact that Respondent Islas 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. 79/22-5235.

8. 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

9. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated July 18, 2024, signed by Janice Park, finds Respondent Islas 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. 79/22-5235, 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 Raul Islas dba El Gordo Smog has subjected his Automotive Repair Dealer Registration No. ARD 298967 and Smog Check Test Only Station License No. TC 298967 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 Islas'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. 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]; and

c. Business and Professions Code section 9884.7, subdivision (a)(6) [material violation of Automotive Repair Act].

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1 4. The Director of the Department of Consumer Affairs is authorized to revoke
2 Respondent Islas's Smog Check Test Only Station License based upon the following violations
3 alleged in the Accusation which are supported by the evidence contained in the Default Decision
4 Investigatory Evidence Packet in this case:

5 a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
6 Health and Safety Code sections 44012 [failure to ensure emission control tests were performed
7 in accordance with procedures prescribed by the department] and 44015, subdivision (b), [issuing
8 electronic certificates of compliance without ensuring vehicles were properly tested and
9 inspected];

10 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
11 provisions of the California Code of Regulations, title 16 (CCR), as follows: CCR section
12 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of
13 compliance]; CCR section 3340.30, subdivision (a) [failure to inspect and test vehicles in
14 accordance with Health and Safety Code sections 44012 and 44035, and CCR section 3340.42];
15 CCR section 3340.35, subdivision (c) [issuing electronic smog certificates of compliant to
16 vehicles that had not been inspected in accordance with CCR section 3340.42]; CCR section
17 3340.41, subdivision (c) [knowingly entering false information into the emissions inspection
18 system]; and CCR section 3340.42 [failure to ensure that required smog tests were conducted in
19 accordance with Bureau specifications]; and

20 c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
21 and Safety Code section 44072.10, subdivision (c) [dishonest, fraudulent, or deceitful acts
22 whereby another was injured].

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 298967 and Smog Check Test Only Station License No. TC 298967, both issued to Respondent Raul Islas dba El Gordo Smog, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent Islas 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 March 19, 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

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DOJ Matter ID:LA2024601701

Attachment:
Exhibit A: Accusation