

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

EDUARDO GARCIA, dba GARCIA SMOG CHECK

1122 South G Street, Unit #8

Perris, CA 92570

Automotive Repair Dealer Registration No. ARD 299140

Smog Check Test Only Station License No. TC 299140

EDUARDO GARCIA MACARENA

14655 Wood Rd.

Riverside, CA 92508

Smog Check Inspector License No. EO 640392

and

KRISTYNA RAMIREZ

829 Anira Court

Perris, CA 92571

Mailing Address:

25350 Santiago SR, #188

Moreno Valley, CA 92551

Smog Check Inspector License No. EO 643510

Respondents.

Case No. 79/24-4120

OAH No. 2025010035

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Eduardo Garcia dba Garcia Smog Check and Eduardo Garcia Macarena only is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on June 26, 2025.

IT IS SO ORDERED May 19, 2025.

Signature on file

GRACE ARUPO RODRIGUEZ

Assistant Deputy Director

Legal Affairs Division

Department of Consumer Affairs

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Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **EDUARDO GARCIA, DBA GARCIA**
14 **SMOG CHECK**
15 **1122 South G Street, Unit #B**
16 **Perris, CA 92570**

17 **Automotive Repair Dealer Registration**
18 **Number ARD 299140**
19 **Smog Check, Test-Only, Station License**
20 **Number TC 299140,**

21 **EDUARDO GARCIA MACARENA**
22 **14655 Wood Rd**
23 **Riverside, CA 92508**

24 **Smog Check Inspector License Number EO**
25 **640392,**

26 **and**

27 **KRISTYNA RAMIREZ**
28 **25350 Santiago SR, #188**
Moreno Valley, CA 92551

Smog Check Inspector License Number EO
643510

Respondents.

Case Number 79/24-4120

OAH Number 2025010035

STIPULATED REVOCATION OF
LICENSE AND ORDER AS TO
EDUARDO GARCIA, DBA GARCIA
SMOG CHECK AND EDUARDO
GARCIA MACARENA ONLY

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). Complainant brought this action solely in his official capacity and is represented in this
6 matter by Rob Bonta, Attorney General of the State of California, by Craig S. Menchin, Deputy
7 Attorney General.

8 2. Eduardo Garcia, dba Garcia Smog Check (Respondent Garcia Smog Check) and
9 Eduardo Macarena Garcia (Respondent Garcia) are represented in this proceeding by attorney
10 Frank C. Brucculeri, Esq., whose address is: 24341 La Hermosa Avenue, Laguna Niguel, CA
11 92677.

12 3. On or about March 1, 2021, the Bureau issued Automotive Repair Dealer Registration
13 Number ARD 299140 to Eduardo Garcia, dba Garcia Smog Check (Respondent Garcia Smog
14 Check). The Automotive Repair Dealer Registration expired on March 31, 2024, and has not
15 been renewed. However, the registration was cancelled on January 22, 2024.

16 4. On or about March 15, 2021, the Bureau issued Smog Check, Test-Only, Station
17 License Number TC 299140 to Eduardo Garcia, dba Garcia Smog Check. The Smog Check,
18 Test-Only, Station License expired on March 31, 2024, and has not been renewed. However, the
19 license was cancelled on January 22, 2024.

20 5. On or about July 3, 2017, the Bureau issued Smog Check Inspector License Number
21 EO 640392, to Eduardo Garcia Macarena, (Respondent Macarena). The Smog Check Inspector
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on January 31, 2027, unless otherwise renewed.

24 **JURISDICTION**

25 6. Accusation Number 79/24-4120 was filed before the (Director), and is currently
26 pending against Respondent. The Accusation and all other statutorily required documents were
27 properly served on Respondent on August 29, 2024. Respondents timely filed their Notice of
28

1 Defense contesting the Accusation. A copy of Accusation Number 79/24-4120 is attached as
2 Exhibit A and incorporated by reference.

3 **ADVISEMENT AND WAIVERS**

4 7. Respondent has carefully read, fully discussed with counsel, and understands the
5 charges and allegations in Accusation Number 79/24-4120. Respondent also has carefully read,
6 fully discussed with counsel, and understands the effects of this Stipulated Revocation of License
7 and Order.

8 8. Respondent is fully aware of his legal rights in this matter, including the right to a
9 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
10 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
11 to the issuance of subpoenas to compel the attendance of witnesses and the production of
12 documents; the right to reconsideration and court review of an adverse decision; and all other
13 rights accorded by the California Administrative Procedure Act and other applicable laws.

14 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
15 every right set forth above.

16 **CULPABILITY**

17 10. Respondent understands that the charges and allegations in Accusation Number
18 79/24-4120, if proven at a hearing, constitute cause for imposing discipline upon his Automotive
19 Repair Dealer Registration, Smog Check Inspector License, and Smog Check, Test-Only, Station
20 License.

21 11. For the purpose of resolving the Accusation without the expense and uncertainty of
22 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
23 basis for the charges in the Accusation and that those charges constitute cause for discipline.
24 Respondent hereby gives up his right to contest that cause for discipline exists based on those
25 charges.

26 12. Respondent understands that by signing this stipulation he enables the Director to
27 issue his order accepting the revocation of his Automotive Repair Dealer Registration, Smog
28 Check Inspector License, and Smog Check Test-Only Station License, without further process.

CONTINGENCY

13. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff regarding this stipulation and Revocation, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Revocation of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Revocation of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Revocation of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD 299140, and Smog Check, Test-Only, Station License Number TC 299140 issued to Respondent Eduardo Garcia, dba Garcia Smog Check; and Smog Check Inspector License Number EO 640392 issued to Respondent Eduardo Garcia Macarena are all revoked by the Bureau.

1. The revocation of Respondent's Automotive Repair Dealer Registration and Smog Check, Test-Only, Station License; and the revocation of Respondent's Smog Check Inspector's License by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Bureau.

2. Respondent shall lose all rights and privileges as a holder of an ARD registration, Smog Check Test-Only Station Licensee, and Smog Check Inspector in California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau any physical licenses and registrations on or before the effective date of the Decision and Order.

4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation Number 79/24-4120 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$7,022.16 prior to issuance of a new license.

6. If Respondent should ever apply or reapply for a new license or certification, all of the charges and allegations contained in Accusation, Number 79/24-4120 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Revocation of License and Order and have fully discussed it with my attorney Frank C. Brucculeri, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check, Test-Only, Station License, and Smog Check Inspector's License. I enter into this Stipulated Revocation of License

1 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
2 Order of the Director of the Department of Consumer Affairs.

3
4 DATED: April 21, 2025

Original signature on file

EDUARDO GARCIA, DBA GARCIA
SMOG CHECK
Respondent

6
7 DATED: April 21, 2025

Original signature on file

EDUARDO GARCIA MACARENA
Respondent

9
10 I have read and fully discussed with Respondent Eduardo Garcia, dba Garcia Smog Check,
11 and Eduardo Garcia Macarena the terms and conditions and other matters contained in this
12 Stipulated Revocation of License and Order. I approve its form and content.

13
14 DATED: April 21, 2025

Original signature on file

FRANK C. BRUCCULERI, ESQ.
Attorney for Respondent

16
17 **ENDORSEMENT**

18 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
19 for consideration by the Director of the Department of Consumer Affairs.

20 DATED: April 22, 2025

Respectfully submitted,

21 ROB BONTA
Attorney General of California
22 GREGORY J. SALUTE
Supervising Deputy Attorney General

23 Original signature on file

24 CRAIG S. MENCHIN
Deputy Attorney General
25 *Attorneys for Complainant*
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