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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. 79/26-5731

13 **CHULIS SMOG CHECK, DESEREE**
14 **MARIBEL CHALACAN, AKA DESEREE**
15 **MARIBEL CHALACAN FLORES,**
16 **OWNER**
17 **1525 South Tippecanoe Ave**
18 **San Bernardino, CA 92408**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 **Mailing Address:**
17 **1243 Darlene Ct.**
18 **Redlands, CA 92374**

18 **Automotive Repair Dealer Registration No.**
19 **ARD 301458**
20 **Smog Check, Test-Only, Station License No.**
21 **TC 301458**

21 **and**

22 **DESEREE MARIBEL CHALACAN**
23 **FLORES**
24 **1243 Darlene Ct.**
25 **Redlands, CA 92374**

24 **Smog Check Inspector License No. EO**
25 **643526**

26
27 Respondents.
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FINDINGS OF FACT

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2 1. On or about May 11, 2026, Complainant Patrick Dorais, in his official capacity as the
3 Chief of the Bureau of Automotive Repair (Bureua), Department of Consumer Affairs, filed
4 Accusation No. 79/26-5731 against Deseree Maribel Chalacan, dba Chulis Smog Check
5 (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached
6 as Exhibit A.)

7 2. On or about January 10, 2022, the Bureau issued Automotive Repair Dealer
8 Registration No. ARD 301458 to Respondent. The Automotive Repair Dealer Registration was
9 in full force and effect at all times relevant to the charges brought in Accusation No. 79/26-5731
10 and will expire on January 31, 2027, unless renewed.

11 3. On or about January 13, 2022, the Bureau issued Smog Check, Test-Only, Station
12 License No. TC 301458 to Respondent. The Smog Check, Test-Only, Station License was in full
13 force and effect at all times relevant to the charges brought in Accusation No. 79/26-5731 and
14 will expire on January 31, 2027, unless renewed.

15 4. On or about February 7, 2022, the Bureau issued Smog Check Inspector License
16 Number EO 643526 to Respondent. The Smog Check Inspector License was in full force and
17 effect at all times relevant to the charges brought herein, expired on May 31, 2026, and has not
18 been renewed.

19 5. On or about May 13, 2026, Respondent was served by Certified and First Class Mail
20 copies of the Accusation No. 79/26-5731, Statement to Respondent, Notice of Defense, Request
21 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
22 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
23 section 136, is required to be reported and maintained with the Bureau. Respondent's addresses
24 of record were and are: 1525 South Tippecanoe Ave., San Bernardino, CA 92408 and Mailing:
25 1243 Darlene Court, Redlands, CA 92374.

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

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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 failed to file a Notice of Defense within 15 days after service upon her of the Accusation and therefore waived her right to a hearing on the merits of Accusation No. 79/26-5731.

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 May 13, 2026, signed by Patricia Nava, finds Respondent 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. 79/26-5731, 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 has subjected her Automotive Repair Dealer Registration No. ARD 301458, Smog Check, Test-Only, Station License No. TC 301458, and Smog Check Inspector License Number EO 643526 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. Business and Professions Code section 9884.7, subdivision (a)(1) [untrue or misleading statements];

- 1 b. Business and Professions Code section 9884.7, subdivision (a)(4) [fraud]; and
2 c. Business and Professions Code section 9884.7, subdivision (a)(6) [material violation
3 of Automotive Repair Act].

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

8 a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
9 Health and Safety Code sections 44012 [failure to ensure emission control tests were performed
10 in accordance with procedures prescribed by the department], 44015, subdivision (b), [issuing
11 electronic certificates of compliance without ensuring vehicles were properly tested and
12 inspected] and 44059 [willfully making false entries for the electronic smog certificates of
13 compliance for the vehicles by certifying that the vehicles had been inspected as required when,
14 in fact, they had not];

15 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
16 provisions of the California Code of Regulations, title 16 (CCR), as follows: CCR section
17 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of
18 compliance]; CCR section 3340.35, subdivision (c) [issuing electronic smog certificates of
19 compliant to vehicles that had not been inspected in accordance with CCR section 3340.42]; CCR
20 section 3340.41, subdivision (c) [knowingly entering false information into the emissions
21 inspection system]; CCR section 3340.42 [failure to ensure that required smog tests were
22 conducted in accordance with Bureau specifications]; and CCR section 3373 [withholding or
23 inserting statements or information in an estimate, invoice, work order, or record required to be
24 maintained by California Code of Regulations, title 16, section 3340.15, subdivision (e), which
25 caused the document to be false or misleading for the vehicles].

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

1 5. The Director of the Department of Consumer Affairs is authorized to revoke
2 Respondent's Smog Check Inspector License based upon the following violations alleged in the
3 Accusation which are supported by the evidence contained in the Default Decision Investigatory
4 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, subdivisions (a) and (f), 44032 and 44059;

7 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
8 the following sections of title 16 of the California Code of Regulations: 3340.24, subdivision (c),
9 3340.30, subdivision (a), 3340.41, subdivision (c), and 3340.42; and

10 c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
11 and Safety code section 44072.10, subdivision (c), for committing acts involving dishonesty,
12 fraud, or deceit.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 301458, Smog Check, Test-Only, Station License No. TC 301458, and Smog Check Inspector License Number EO 643526, all issued to Respondent, are 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 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 September 17, 2026.

It is so ORDERED August 31, 2026.

Original signature on file

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

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