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5 **BEFORE THE**
6 **DEPARTMENT OF CONSUMER AFFAIRS**
7 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 79/24-6085

10 **COMPA SMOG CHECK,**
11 **YECY HERRERA, OWNER**
12 12839 Ella Avenue Apt. A
13 Orosi, CA 93647

DEFAULT DECISION AND ORDER-
COMPA SMOG CHECK AND YECY
HERRERA ONLY

14 **Automotive Repair Dealer Registration No.**
15 **ARD 304895**
16 **Smog Check, Test Only, Station License No.**
17 **TC 304895,**

[Gov. Code, §11520]

18 **YECY HERRERA**
19 P.O. Box 481
20 Selma, CA 93662

21 Mailing Address:
22 2233 Valley View Street
23 Selma, CA 93662

24 **Smog Check Inspector License No. EO**
25 **643481,**

26 **and**

27 **JORGE KEITH ABRAHAM JR.**
28 718 Faller Avenue Apt. #A
Sanger, CA 93657

Smog Check Inspector License No. EO
638608

Respondents.

FINDINGS OF FACT

1. On or about November 20, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed Accusation Number 79/24-6085 against Compa Smog Check, Yecy Herrera, and Jorge Keith Abraham, Jr. (Respondents) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about January 31, 2023, the Bureau issued Automotive Repair Dealer Registration Number ARD 304895 to Compa Smog Check (Respondent Compa), with Yecy Herrera as the owner. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-6085 and will expire on January 31, 2026, unless renewed.

3. On or about March 21, 2023, the Bureau issued Smog Check, Test Only, Station License Number TC 304895 to Respondent Compa. The Smog Check, Test Only, Station License was in full force and effect at all times relevant to the charges brought in Accusation Number 79/24-6085 and will expire on January 31, 2026, unless renewed.

4. On or about January 14, 2022, the Bureau issued Smog Check Inspector License Number EO 643481 to Yecy Herrera (Respondent Herrera). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-6085 and will expire on October 31, 2025, unless renewed.

5. On or about September 28, 2015, the Bureau issued Smog Check Inspector License Number EO 638608 to Jorge Keith Abraham Jr. (Respondent Abraham). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-6085 and will expire on October 31, 2025, unless renewed.

6. On or about November 25, 2024, Respondents were served by Certified and First Class Mail copies of the Accusation No. 79/24-6085, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondents' addresses of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau.

1 Respondent Compa's address of record was and is: 12839 Ella Avenue Apt. A, Orosi, CA 93647.
2 Respondent Herrera's addresses of record was and is: P.O. Box 481, Selma, CA 93662, and 2233
3 Valley View Street, Selma, CA 93662. Respondent Abraham's address of record was and is: 718
4 Faller Avenue, Apt. #A, Sanger, CA 93657.

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

7 8. Government Code section 11506(c) states, in pertinent part:

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

13 9. The Bureau takes official notice of its records and the fact that Respondent Compa
14 and Respondent Herrera failed to file a Notice of Defense within 15 days after service upon them
15 of the Accusation, and therefore waived their rights to a hearing on the merits of Accusation
16 Number 79/24-6085.

17 10. California Government Code section 11520(a) states, in pertinent part:

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

22 11. Pursuant to its authority under Government Code section 11520, the Director after
23 having reviewed the proof of service dated November 25, 2024, signed by Susan Heaton, and
24 signed return receipt and USPS Track & Confirm Notices, finds Respondent Compa and
25 Respondent Herrera are in default. The Director will take action without further hearing and,
26 based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet
27 in this matter, finds that the charges and allegations in Accusation Number 79/24-6085, are
28 separately and severally, found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Compa Smog Check has subjected its Automotive Repair Dealer Registration Number ARD 304895 and Smog Check, Test Only, Station License Number TC 304895 to discipline.

2. Based on the foregoing findings of fact, Respondent Yecy Herrera has subjected his Smog Check Inspector License Number EO 638608 to discipline.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Director of the Department of Consumer Affairs is authorized to revoke Respondent Compa Smog Check's Automotive Repair Dealer Registration and Smog Check, Test Only, Station License, and Respondent Yecy Herrera's Smog Check Inspector 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:

a. Respondent Compa's registration is subject to disciplinary action pursuant to Business and Professions Code (Code) section 9884.7, subdivision (a)(4), in that Respondent Compa committed acts that constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 15, identified in paragraphs 39 through 68 of Accusation Number 79/24-6085, without ensuring that bona fide inspections were performed of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

b. Respondent Compa's registration is subject to disciplinary action pursuant Code section 9884.7, subdivision (a)(6), in that Respondent Compa failed in a material respect to comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent Compa issued electronic certificates of compliance for Vehicles 1 through 15, identified in paragraphs 39 through 68 of Accusation Number 79/24-6085 without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 c. Respondent Compa's smog check, test only, station license is subject to disciplinary
2 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent
3 Compa failed to comply with the following sections of the California Code Regulations, title 16:

4 i. **Section 3340.24, subdivision (c):** Respondent Compa falsely or fraudulently
5 issued electronic smog certificates of compliance for Vehicles 1 through 15, identified in
6 paragraphs 39 through 68 in Accusation Number 79/24-6085.

7 ii. **Section 3340.30, subdivision (a):** Respondent Compa failed to inspect and test
8 Vehicles 1 through 15, identified in paragraphs 39 through 68 in Accusation Number 79/24-6085,
9 in accordance with Health & Saf. Code sections 44012 and 44035, and Cal Code Regs., title 16,
10 section 3340.42.

11 iii. **Section 3340.35, subdivision (c):** Respondent Compa issued electronic smog
12 certificates of compliance for Vehicles 1 through 15, identified in paragraphs 39 through 68 in
13 Accusation Number 79/24-6085, even though those vehicles had not been properly inspected in
14 accordance with section 3340.42.

15 iv. **Section 3340.41, subdivision (c):** Respondent Compa knowingly entered false
16 information into the emissions inspection system for Vehicles 1 through 15, identified in
17 paragraphs 39 through 68 in Accusation Number 79/24-6085.

18 v. **Section 3340.42:** Respondent Compa failed to ensure that the smog
19 inspections conducted on Vehicles 1 through 15, identified in paragraphs 39 through 68 in
20 Accusation Number 79/24-6085, were done in accordance with the Bureau's specifications.

21 d. Respondent Compa's smog check, test only, station license is subject to disciplinary
22 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to
23 Vehicles 1 through 15, identified in paragraphs 39 through 68 in Accusation Number 79/24-6085,
24 Respondent Compa failed to comply with the Health & Saf. Code, as follows:

25 i. **Health & Saf. Code, section 44012:** Respondent Compa failed to ensure that
26 the emission control tests were performed on the vehicles in accordance with procedures
27 prescribed by the department.

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1 ii. **Health & Saf. Code, section 44015:** Respondent Compa issued electronic
2 smog certificates of compliance for the vehicles without ensuring that the vehicles were properly
3 tested and inspected to determine if they were in compliance with Health & Saf. Code section
4 44012.

5 e. Respondent Compa's smog check, test only, station license is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
7 Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Compa committed
8 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
9 certificates of compliance for Vehicles 1 through 15, identified in paragraphs 39 through 68 in
10 Accusation Number 79/24-6085, without ensuring that a bona fide inspection had been performed
11 of the emission control devices and systems on the vehicles, thereby depriving the people of the
12 State of California of the protection afforded by the Motor Vehicle Inspection Program.

13 f. Respondent Herrera's smog check inspector license is subject to disciplinary action
14 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Herrera
15 violated section 44032 of that Code. Specifically, Respondent Herrera failed to perform the
16 emission control tests on Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs
17 39 through 42, 45 through 50, and 53 through 64, in Accusation Number 79/24-6085, in accord
18 with procedures prescribed by the department.

19 g. Respondent Herrera's smog check inspector license is subject to disciplinary action
20 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1, 2,
21 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs 39 through 42, 45 through 50, and 53
22 through 64 in Accusation Number 79/24-6085, Respondent Herrera failed to comply with
23 provisions of the Cal. Code Regs., as follows:

24 i. **Section 3340.24, subdivision (c):** Respondent Herrera falsely or fraudulently
25 issued electronic smog certificates of compliance for Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and
26 13, identified in paragraphs 39 through 42, 45 through 50, and 53 through 64, in Accusation
27 Number 79/24-6085.

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ii. **Section 3340.30, subdivision (a)**: Respondent Herrera failed to inspect and test Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs 39 through 42, 45 through 50, and 53 through 64, in Accusation Number 79/24-6085, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

iii. **Section 3340.41, subdivision (c):** Respondent Herrera knowingly entered false information into the emissions inspection system for Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs 39 through 42, 45 through 50, and 53 through 64, in Accusation Number 79/24-6085.

iv. **Section 3340.42:** Respondent Herrera failed to ensure that the smog inspections conducted on Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs 39 through 42, 45 through 50, and 53 through 64, in Accusation Number 79/24-6085, were done in accordance with the Bureau's specifications.

h. Respondent Herrera's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Herrera committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13, identified in paragraphs 39 through 42, 45 through 50, and 53 through 64, in Accusation Number 79/24-6085, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

ORDER

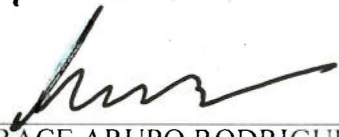
IT IS SO ORDERED that Automotive Repair Dealer Registration Number ARD 304895, and Smog Check, Test Only, Station License Number TC 304895, issued to Respondent Company, Yecy Herrera, owner, are revoked.

IT IS SO ORDERED that Smog Check Inspector License Number EO 643481, issued to Respondent Yecy Herrera, is revoked.

1 Pursuant to Government Code section 11520, subdivision (c), Respondent Compa and/or
2 Respondent Herrera may serve a written motion requesting that the Decision be vacated and
3 stating the grounds relied on within seven (7) days after service of the Decision on Respondent.
4 The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, Bureau of
5 Automotive Repair, Department of Consumer Affairs, 10949 North Mather Boulevard, Ranch
6 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on
7 a showing of good cause, as defined in the statute.

8 This Decision shall become effective on June 16, 2025.

9 It is so ORDERED May 19, 2025

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12 GRACE ARUPO RODRIGUEZ
13 Assistant Deputy Director
14 Division of Legal Affairs
15 Department of Consumer Affairs

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17 DOJ Matter ID SA2024302970

18 Attachment:
19 Exhibit A: Accusation
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