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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:

13 **NICK ANTHONY YNIGUEZ, DBA**
14 **SUPREMO SMOG CHECK**

15 15334 Valley Blvd.
16 Fontana, CA 92337

17 **Automotive Repair Dealer Registration No.**
18 **ARD 305939**
19 **Smog Check, Test-Only, Station License No.**
20 **TC 305939**

21 **BRANDON ALEXANDER SORIANO**

22 18335 Jakes Way, Apt. 201
23 Canyon Country, CA 91387

24 **Smog Check Inspector License No. EO**
25 **643670**

26 **and**

27 **JULIO CESAR ROCHA**

28 3376 N.E. Street, Apt. 4
San Bernardino, CA 92405

Smog Check Inspector License No. EO
642569

Respondents.

Case No. 79/24-20966

OAH No. 2025110738

DEFAULT DECISION AND ORDER

(As to Nick Anthony Yniguez Only)

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 25, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/24-20966 against Nick Anthony Yniguez, dba Supremo Smog Check (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about May 31, 2023, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 305939 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/24-20966 and will expire on May 31, 2027, unless renewed.

3. On or about December 20, 2023, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License No. TC 305939 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. 79/24-20966 and will expire on May 31, 2027, unless renewed.

4. On or about August 28, 2025, Respondent was served with Accusation No. 79/24-20966.

5. On or about October 27, 2025, Respondent signed and returned a Notice of Defense, requesting a hearing in this matter.

6. On March 20, 2026, a Notice of Continued Hearing was served by mail at the business address of Respondent's attorney of record, Frank C. Brucculeri, which was and is 34221 Golden Lantern, Suite 203, Dana Point, CA 92629. The Notice of Continued Hearing informed counsel that an administrative hearing in this matter was scheduled for August 5, 2026.

7. On March 20, 2026, a Notice of Continued Hearing was also served by mail at Respondent's address of record which was and is: 15334 Valley Blvd., Fontana, CA 92337. The Notice of Continued Hearing informed Respondent that an administrative hearing in this matter was scheduled for August 5, 2026.

8. 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.

1 9. The matter was called for hearing at the date, time and location set forth in the Notice
2 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
3 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
4 default was declared and on motion of counsel for Complainant, the matter was remanded to the
5 Bureau under Government Code section 11520.

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

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

12 11. California Government Code section 11520(a) states, in pertinent part:

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

17 12. Pursuant to its authority under Government Code section 11520, the Director after
18 having reviewed the proof of service dated August 28, 2025, signed by S. Hearn, finds
19 Respondent is in default. The Director will take action without further hearing and, based on the
20 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
21 finds that the charges and allegations in Accusation No. 79/24-20966, are separately and
22 severally, found to be true and correct by clear and convincing evidence.

23 **DETERMINATION OF ISSUES**

24 1. Based on the foregoing findings of fact, Respondent Nick Anthony Yniguez, dba
25 Supremo Smog Check, has subjected his Automotive Repair Dealer Registration No. ARD
26 305939 and Smog Check, Test-Only, Station License No. TC 305939 to discipline.

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

28 3. The Director of the Department of Consumer Affairs is authorized to revoke
Respondent's Automotive Repair Dealer Registration and Smog Check, Test-Only, Station
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. Misleading Statements (ARD): Business & Professions Code section, 9884.7, subdivision (a)(1);
- b. Fraud (ARD): Business & Professions Code section, 9884.7, subdivision (a)(4);
- c. Material Violation of Automotive Repair Act (ARD): Business & Professions Code section, 9884.7, subdivision (a)(6);
- d. Violation of Motor Vehicle Inspection Program (Station License): Health & Safety Code section 44072.2, subdivision (a);
- e. Violation of Motor Vehicle Inspection Program Regulations (Station License): Health & Safety Code section 44072.2, subdivision (c); and
- f. Dishonesty/Fraud/Deceit (Station License: Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c).

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 305939 and Smog Check, Test-Only, Station License No. TC 305939, issued to Respondent Nick Anthony Yniguez, dba Supremo Smog Check, 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 them. 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 14, 2026.

It is so ORDERED October 6, 2026.

Original signature on file

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

Default Decision and Order - LIC.docx
DOJ Matter ID:LA2025602105