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

In the Matter of the Accusation Against:

**JONATHAN ROYCE KIRKWOOD, DBA  
SMOG CITY  
1589 E. Mission Blvd.  
Pomona, CA 91766**

**Automotive Repair Dealer Registration No.  
ARD 307038  
Smog Check, Test-Only, Station License No.  
TC 307038,**

**and**

**HECTOR ALBERTO SOTO  
315 S. Essey Ave.  
Compton, CA 90221**

**Smog Check Inspector License No. EO  
643731**

Respondents.

Case No. 79/25-2302

OAH No.

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 15, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation

1 No. 79/25-2302 against Jonathan Royce Kirkwood, dba Smog City (Respondent Kirkwood) and  
2 Hector Alberto Soto (Respondent Soto) before the Director of the Department of Consumer  
3 Affairs. (Accusation attached as Exhibit A.)

4 2. On or about September 22, 2023, Bureau of Automotive Repair issued Automotive  
5 Repair Dealer Registration Number ARD 307038 to Respondent Kirkwood. The Automotive  
6 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
7 in Accusation No. 79/25-2302 and will expire on September 30, 2025, unless renewed.

8 3. On or about October 4, 2023, Bureau of Automotive Repair issued Smog Check,  
9 Test-Only, Station License Number TC 307038 to Respondent Kirkwood. The Smog Check,  
10 Test-Only, Station License was in full force and effect at all times relevant to the charges brought  
11 in Accusation No. 79/25-2302 and will expire on September 30, 2025, unless renewed.

12 4. On or about June 20, 2022, Bureau of Automotive Repair issued Smog Check  
13 Inspector License Number EO 643731 to Respondent Soto. The Smog Check Inspector License  
14 was in full force and effect at all times relevant to the charges brought in Accusation No. 79/25-  
15 2302 and will expire on March 31, 2026, unless renewed.

16 5. On or about April 18, 2025, Respondent Kirkwood was served by Certified and First  
17 Class Mail copies of the Accusation No. 79/25-2302, Statement to Respondent, Notice of  
18 Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5,  
19 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
20 Professions Code section 136, is required to be reported and maintained with the Bureau.

21 Respondent Kirkwood's address of record was and is 1589 E. Mission Blvd., Pomona, CA 91766.

22 6. On or about April 18, 2025, Respondent Soto was served by Certified and First Class  
23 Mail copies of the Accusation No. 79/25-2302, Statement to Respondent, Notice of Defense,  
24 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
25 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
26 section 136, is required to be reported and maintained with the Bureau. Respondent Soto's  
27 address of record was and is 315 S. Essey Ave., Compton, CA 90221.

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

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

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

9           9.     The Bureau takes official notice of its records and the fact that Respondent Kirkwood  
10 and Respondent Soto failed to file a Notice of Defense within 15 days after service upon them of  
11 the Accusation, and therefore waived their rights to a hearing on the merits of Accusation No.  
12 79/25-2302.

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

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

18           11.    Pursuant to its authority under Government Code section 11520, the Director after  
19 having reviewed the proof of service dated April 18, 2025, signed by A. Trujillo, finds  
20 Respondent Kirkwood and Respondent Soto are in default. The Director will take action without  
21 further hearing and, based on the relevant evidence contained in the Default Decision  
22 Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation  
23 No. 79/25-2302, are separately and severally, found to be true and correct by clear and  
24 convincing evidence.

### **DETERMINATION OF ISSUES**

25           1.     Based on the foregoing findings of fact, Respondent Jonathan Royce Kirkwood, dba  
26 Smog City has subjected his Automotive Repair Dealer Registration No. ARD 307038 and Smog  
27 Check, Test-Only, Station License No. TC 307038 to discipline.

28           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 and his Smog Check, Test-Only, Station

1 License based upon the following violations alleged in the Accusation which are supported by the  
2 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

- 3 a. Misleading Statements [Business and Professions Code section 9884.7,  
4 subdivision (a)(1)];
- 5 b. Fraud [Business and Professions Code section 9884.7, subdivision (a)(4)];
- 6 c. Material Violation of Automotive Repair Act [Business and Professions Code  
7 section 9884.7, subdivision (a)(6)];
- 8 d. Violation of Motor Vehicle Inspection Program [Health and Safety Code  
9 section 44072.2, subdivision (a)];
- 10 e. Violation of Motor Vehicle Inspection Program Regulations [Health and Safety  
11 Code section 44072.2, subdivision (c)];
- 12 f. Dishonesty, Fraud and/or Deceit [Health and Safety Code section 44072.2,  
13 subdivision (d)];

14 4. Based on the foregoing findings of fact, Respondent Hector Alberto Soto has  
15 subjected his Smog Check Inspector License Number EO 643731 to discipline.

16 5. The agency has jurisdiction to adjudicate this case by default.

17 6. The Director of the Department of Consumer Affairs is authorized to revoke  
18 Respondent's Automotive Repair Dealer Registration and his Smog Check, Test-Only, Station  
19 License based upon the following violations alleged in the Accusation which are supported by the  
20 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

- 21 a. Violation of Motor Vehicle Inspection Program [Health and Safety Code  
22 section 44072.2, subdivision (a)];
- 23 b. Violation of Motor Vehicle Inspection Program Regulations [Health and Safety  
24 Code section 44072.2, subdivision (c)];
- 25 c. Dishonesty, Fraud and/or Deceit [Health and Safety Code section 44072.2,  
26 subdivision (d)];

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**ORDER**

IT IS SO ORDERED that the following licenses and registration are revoked:

1. Automotive Repair Dealer Registration No. ARD 307038, issued to Respondent Jonathan Royce Kirkwood, dba Smog City;
2. Smog Check, Test-Only, Station License No. TC 307038, issued to Respondent Jonathan Royce Kirkwood, dba Smog City; and
3. Smog Check Inspector License Number EO 643731, issued to Hector Alberto Soto.

Pursuant to Government Code section 11520, subdivision (c), Respondents 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 Respondents. 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 August 15, 2025.

It is so ORDERED August 13, 2025

Signed Copy on File

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

Default Decision and Order - LIC.docx  
 DOJ Matter ID:LA2025600995

Attachment:  
 Exhibit A: Accusation