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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 **MICHAEL PASQUIER**
14 **DBA SERENITY SMOG**
15 712 N. 13th St., Unit 30
16 San Jose, CA 95112

17 **Alternate Address:**

18 2135 Little Orchard St., #93
19 San Jose, CA 95125

20 **Mailing Address:**

21 1741 Welch Ave., #2
22 San Jose, CA 95112

23 **Automotive Repair Dealer Registration No. ARD 307952**
24 **Smog Check Station, Test Only, License No. TC 307952**
25 **Smog Check Inspector License No. EO 643710**

26 Respondent.

Case No. 79/24-4730

OAH No. 2025040914

**DEFAULT DECISION AND
ORDER**

[Gov. Code, §11520]

27 **FINDINGS OF FACT**

28 1. On or about September 26, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/24-4730 against Michael Pasquier dba Serenity Smog (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

1 2. On or about January 4, 2024, the Bureau issued Automotive Repair Dealer Registration
2 Number ARD 307952 to Michael Pasquier dba Serenity Smog (Respondent). The Automotive
3 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
4 herein and was cancelled on September 11, 2025. Pursuant to Business and Professions Code
5 section 118(b), the cancellation does not deprive the Bureau of its authority to institute or
6 continue this disciplinary proceeding.

7 3. On or about February 13, 2024, the Bureau issued Smog Check Station, Test Only,
8 License Number TC 307952 to Respondent. The Smog Check Station, Test Only, License was in
9 full force and effect at all times relevant to the charges brought herein and was cancelled on
10 September 11, 2025. Pursuant to Business and Professions Code section 118(b), the cancellation
11 does not deprive the Bureau of its authority to institute or continue this disciplinary proceeding.

12 4. On or about June 9, 2022, the Bureau issued Smog Check Inspector License Number
13 EO 643710 to Respondent. The Smog Check Inspector License was in full force and effect at all
14 times relevant to the charges brought herein and will expire on October 31, 2026, unless renewed.

15 5. On or about September 27, 2024, Respondent was served with Accusation No. 79/24-
16 4730.

17 6. On or about October 9, 2024, Respondent signed and returned a Notice of Defense,
18 requesting a hearing in this matter.

19 7. On or about April 24, 2025, a Notice of Hearing was served by certified mail at
20 Respondent's addresses of record which were and are: 712 N. 13th St., Unit 30, San Jose, CA
21 95112; 2135 Little Orchard St., #93, San Jose, CA 95125; 1741 Welch Ave., #2, San Jose, CA
22 95112. The Notice of Hearing informed Respondent that an administrative hearing in this matter
23 was scheduled for December 3, 2025.

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

26 9. The matter was called for hearing at the date, time and location set forth in the Notice
27 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
28 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A

1 default was declared and on motion of counsel for Complainant, the matter was remanded to the
2 Bureau under Government Code section 11520.

3 10. 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 11. California Government Code section 11520(a) states, in pertinent part:

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

14 12. Pursuant to its authority under Government Code section 11520, the Director after
15 having reviewed the proofs of service dated September 27, 2024, and April 24, 2025, signed by
16 R. Quijada and Suzann Kowalski, finds Respondent is in default. The Director will take action
17 without further hearing and, based on the relevant evidence contained in the Default Decision
18 Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation
19 No. 79/24-4730, are separately and severally, found to be true and correct by clear and
20 convincing evidence.

21 **DETERMINATION OF ISSUES**

22 1. Based on the foregoing findings of fact, Respondent Michael Pasquier dba Serenity
23 Smog has subjected his Automotive Repair Dealer Registration No. ARD 307952, Smog Check
24 Station, Test Only, License No. TC 307952, and Smog Check Inspector License No. EO 643710
25 to discipline. The agency has jurisdiction to adjudicate this case by default.

26 3. The Director of the Department of Consumer Affairs is authorized to revoke
27 Respondent's Automotive Repair Dealer Registration, Smog Check Station, Test Only, License,
28 and 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:

- 1 a. Respondent has subjected his Automotive Repair Dealer Registration to discipline
2 under Business and Professions Code (Code) section 9884.7, subdivision (a)(1), in
3 that Respondent made statements which he knew or which by exercise of reasonable
4 care should have known were untrue or misleading.
- 5 b. Respondent has subjected his Automotive Repair Dealer Registration to discipline
6 under Code section 9884.7, subdivision (a)(4), in that he committed acts and is
7 responsible for acts which constitute fraud.
- 8 c. Respondent has subjected his Automotive Repair Dealer Registration to discipline
9 under Code section 9884.7, subdivision (a)(6), in that he violated California Code of
10 Regulations, title 16, section 3373, by creating and issuing false or misleading
11 certificates of compliance and vehicle inspection reports.
- 12 d. Respondent has subjected his Smog Check Station License and Smog Check
13 Inspector License to discipline under Health and Safety Code sections 44072.10
14 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud
15 or deceit, whereby another was injured, by issuing electronic certificates of
16 compliance for vehicles without performing bona fide inspections of the emission
17 control devices and systems on the vehicles, thereby depriving the People of the State
18 of California of the protection afforded by the Motor Vehicle Inspection Program.
- 19 e. Respondent's Smog Check Station License and Smog Check Inspector License are
20 subject to discipline under Health and Safety Code sections 44072.10 and/or 44072.2,
21 subdivisions (a) and (c), in that he violated sections of that Code and/or applicable
22 regulations as follows:
- 23 i. Health and Safety Code Section 44012: Respondent failed to ensure that smog
24 inspections were performed on vehicles in accordance with procedures
25 prescribed by the department.
- 26 ii. Health and Safety Code Section 44059: Respondent willfully made false
27 statements in issuing the Smog Certificates of compliance and on the Vehicle
28 Inspection Reports.

- 1 iii. Code of Regulations, title 16, Section 3340.24, subdivision (c): Respondent
2 falsely or fraudulently issued electronic certificates of compliance to certain
3 vehicles without performing bona fide inspections of the emission control
4 devices and systems on those vehicles.
- 5 iv. Code of Regulations, title 16, Section 3340.30, subdivision (a): Respondent
6 failed to inspect the vehicles in accordance with Health and Safety Code section
7 44012 and California Code of Regulations title 16, section 3340.42.
- 8 v. Code of Regulations, title 16, Section 3340.41, subdivision (c): Respondent
9 entered false information about vehicles being tested into OIS.
- 10 vi. Code of Regulations, title 16, Section 3340.41, subdivision (h): Respondent had
11 electronic devices and/or software capable of simulating the OBD data stream
12 from a vehicle and/or manipulating OBD VIN, calibration identification,
13 calibration verification number, MIL status, readiness, or diagnostic trouble
14 codes collected from a vehicle during a Smog Check Inspection in the approved
15 testing area of the station.
- 16 vii. Code of Regulations, title 16, Section 3340.42: Respondent failed to conduct the
17 required smog tests and inspections on certain vehicles in accordance with the
18 Bureau's specifications.
- 19 viii. Code of Regulations, title 16, Section 3340.45: Respondent violated the
20 procedures contained in the Smog Check Manual by entering vehicle
21 identification information for a vehicle that was not being tested.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 307952, Smog Check Station, Test Only, License No. TC 307952, and Smog Check Inspector License No. EO 643710 issued to Respondent Michael Pasquier dba Serenity Smog, 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 June 15, 2024.

It is so ORDERED June 10, 2024



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

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DOJ Matter ID:SF2024401509

Attachment:
Exhibit A: Accusation