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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 **JESUS JOSE HERNANDEZ-OWNER DBA**
14 **TOWN OF APPLE VALLEY SMOG**
15 **13641 John Glenn Rd. Suite C**
16 **Apple Valley, CA 92308**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 308219**
19 **Smog Check, Test-Only, Station License No.**
20 **TC 308219**

21 **and**

22 **JESUS JOSE HERNANDEZ**
23 **1188 W Mill Street**
24 **San Bernardino, CA 92410**
25 **Smog Check Inspector License No. EO**
26 **644438**

27 Respondents.

Case No. 79/25-2409

OAH No. 2025100863

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

28 **FINDINGS OF FACT**

1. On or about September 29, 2025, Complainant Patrick Dorais (“Complainant”), in his official capacity as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs, filed Accusation No. 79/25-2409 against Jesus Jose Hernandez-Owner dba Town of Apple Valley Smog (“Respondent Valley Smog”) and Jesus Jose Hernandez

1 (“Respondent Hernandez”) before the Director of the Department of Consumer Affairs.

2 **Jesus Jose Hernandez-Owner dba Town of Apple Valley Smog**

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4 **Automotive Repair Dealer Registration**

5 2. On or about February 8, 2024, the Bureau issued Automotive Repair Dealer
6 Registration Number ARD 308219 to Respondent Valley Smog. The Automotive Repair Dealer
7 Registration was in full force and effect at all times relevant to the charges brought in Accusation
8 No. 79/25-2409 and will expire on February 28, 2027, unless renewed.

9 **Smog Check, Test-Only, Station License**

10 3. On or about April 5, 2024, the Bureau issued Smog Check, Test-Only, Station
11 License Number TC 308219 to Respondent Valley Smog. The Smog Check, Test-Only, Station
12 License was in full force and effect at all times relevant to the charges brought in Accusation No.
13 79/25-2409 and will expire on February 28, 2027, unless renewed.

14 **STAR Station Certification**

15 4. Respondent Valley Smog is also certified as a STAR Station. The certification was
16 issued on or about July 15, 2024, and will remain active unless the ARD registration and/or Smog
17 Check Station license is revoked, canceled, licenses become delinquent, or the certification is
18 invalidated.

19 **Jesus Jose Hernandez**

20 **Smog Check Inspector License**

21 5. On or about July 14, 2023, the Bureau issued Smog Check Inspector License Number
22 EO 644438 to Respondent Hernandez. The Smog Check Inspector License will expire on March
23 31, 2027, unless renewed.

24 6. On or about October 1, 2025, Respondents Valley Smog and Hernandez were served
25 with Accusation No. 79/25-2409.

26 7. On or about October 14, 2025, Respondents Valley Smog and Hernandez signed and
27 returned a Notice of Defense, requesting a hearing in this matter.

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1 8. On or about October 24, 2025, a Notice of Hearing was served by mail at Respondent
2 Valley Smog's address of record, which was and is: 13641 John Glen Road, Suite C, Apple
3 Valley, CA 92308. The Notice of Hearing informed him that an administrative hearing in this
4 matter was scheduled for July 7 to 9, 2026.

5 9. On or about October 24, 2025, a Notice of Hearing was served by mail at Respondent
6 Hernandez's address of record, which was and is: 1188 W Mill Street, San Bernardino, CA
7 92410. The Notice of Hearing informed him that an administrative hearing in this matter was
8 scheduled for July 7 to 9, 2026.

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

11 11. The matter was called for hearing at the date, time, and location set forth in the Notice
12 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
13 Hearing on Respondents Valley Smog and Hernandez was proper. There was no appearance by
14 or on behalf of Respondents. A default was declared, and on motion of counsel for Complainant,
15 the matter was remanded to the Bureau under Government Code section 11520.

16 12. Government Code section 11506(c) states, in pertinent part:

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

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

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

27 14. Pursuant to its authority under Government Code section 11520, the Director, after
28 having reviewed the proof of service dated October 1, 2026, signed by Linda Zamora, USPS
Track & Confirm Notices and Return Receipts, finds Respondents Valley Smog and Hernandez
are 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

1 that the charges and allegations in Accusation No. 79/25-2409 are separately and severally found
2 to be true and correct by clear and convincing evidence.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondents Valley Smog and Hernandez
5 have subjected their Automotive Repair Dealer Registration No. ARD 308219, Smog Check,
6 Test-Only Station License No. TC 308219 and Smog Check Inspector License No. EO 644438 to
7 discipline.

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

9 3. The Director of the Department of Consumer Affairs is authorized to revoke
10 Respondents Valley Smog and Hernandez's Automotive Repair Dealer Registration, Smog
11 Check, Test-Only Station License, and Smog Check Inspector License based upon the following
12 violations alleged in the Accusation, which are supported by the evidence contained in the
13 Default Decision Investigatory Evidence Packet in this case:

- 14 a. Business and Professions Code section 9884.7, subdivision (a)(1) and California
15 Code of Regulation, title 16, sections 3373 (Untrue or Misleading Statement).
- 16 b. Business and Professions Code section 9884.7, subdivision (a)(4) (Fraud).
- 17 c. Business and Professions Code section 9884.7, subdivision (a)(6) (Material Violation
18 of Automotive Repair Act).
- 19 d. Health and Safety Code sections 44072.2, subdivision (a), 44012, 44015, subdivision
20 (b), and 44059 (Failure to Comply with the Motor Vehicle Inspection Program).
- 21 e. Health and Safety Code section 44072.2, subdivision (c), and California Code of
22 Regulations, title 16, sections 3340.24, subdivision (c), 3340.35, subdivision (c),
23 3340.41, subdivision (c), and 3340.42 (Failure to Comply with the Motor Vehicle
24 Inspection Program).
- 25 f. Health and Safety Code sections 44072.2, subdivision (d) in conjunction with
26 44072.10, subdivision (c) (Dishonesty, Fraud or Deceit).
- 27 g. Health and Safety Code sections 44072.2, subdivision (a), 44012, subdivisions (a)
28 and (f), 44032, and 44059 (Violations of the Motor Vehicle Inspection Program).

h. Health and Safety Code section 44072.2, subdivision (c), and California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.30, subdivision (a), 3340.41, subdivision (c), and 3340.42 (Failure to Comply with the Motor Vehicle Inspection Program).

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 308219 and Smog Check, Test-Only Station License No. TC 308219, issued to Respondent Jesus Jose Hernandez-Owner dba Town of Apple Valley Smog ("Respondent Valley Smog"), are revoked.

IT IS SO FURTHERED ORDERED that Smog Check Inspector License Number EO 644438, issued to Respondent Jesus Jose Hernandez ("Respondent Hernandez"), is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents Valley Smog and Hernandez 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 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 24, 2026.

It is so ORDERED September 17, 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
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