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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:

**NICHOLAS STEVEN JAURE DBA
ROUTE 66 SMOG CHECK
17855 Foothill Blvd, Unit #2
Fontana, CA 92335**

**Automotive Repair Dealer Registration No.
ARD 294139
Smog Check, Test Only Station License No.
TC 294139,**

and

**ARMANDO EMMANUEL MORALES
34992 Acacia Ave
Yucaipa, CA 92399**

**Smog Check Inspector License No. EO
637315**

Case No. 79/21-6703

**DEFAULT DECISION AND ORDER
FOR RESPONDENT NICHOLAS
STEVEN JAURE DBA ROUTE 66 SMOG
CHECK, ONLY**

[Gov. Code, §11520]

Respondents.

FINDINGS OF FACT

1
2 1. On or about January 4, 2023, Complainant Patrick Dorais, in his official capacity as
3 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
4 No. 79/21-6703 against Nicholas Steven Jaure dba Route 66 Smog Check (Respondent) before
5 the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

6 2. On or about May 7, 2019, the Bureau of Automotive Repair (Bureau) issued
7 Automotive Repair Dealer Registration No. ARD 294139 to Respondent. The Automotive
8 Repair Dealer Registration expired on May 31, 2022, and has not been renewed.

9 3. On or about May 24, 2019, the Bureau of Automotive Repair issued Smog Check,
10 Test Only Station License No. TC 294139 to Respondent. The Smog Check, Test Only Station
11 License expired on May 31, 2022, and has not been renewed.

12 4. On or about January 11, 2023, Respondent was served by Certified and First Class
13 Mail copies of the Accusation No. 79/21-6703, Statement to Respondent, Notice of Defense,
14 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
15 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
16 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
17 address of record was and is: 17855 Foothill Blvd, Unit #2, Fontana, CA 92335.

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

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

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

26 7. The Bureau takes official notice of its records and the fact that Respondent failed to
27 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
28 waived his right to a hearing on the merits of Accusation No. 79/21-6703.

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1 8. California Government Code section 11520(a) states, in pertinent part:

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

5 9. Pursuant to its authority under Government Code section 11520, the Director after
6 having reviewed the proof of service dated January 11, 2023, signed by Alfred Palma finds
7 Respondent is in default. The Director will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
9 finds that the charges and allegations in Accusation No. 79/21-6703, are separately and severally,
10 found to be true and correct by clear and convincing evidence.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent Nicholas Steven Jaure dba Route
13 66 Smog Check has subjected his Automotive Repair Dealer Registration No. ARD 294139 to
14 discipline.

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

16 3. The Director of the Department of Consumer Affairs is authorized to revoke
17 Respondent's Automotive Repair Dealer Registration based upon the following violations alleged
18 in the Accusation, which are supported by the evidence contained in the Default Decision
19 Investigatory Evidence Packet in this case:

20 Automotive Repair Dealer Registration No. ARD 294139

21 a. **Untrue or Misleading Statements** – Business and Professions Code section 9884.7,
22 subdivision (a)(1);

23 b. **Fraud** – Business and Professions Code section 9884.7, subdivision (a)(4);

24 c. **Violation of the Motor Vehicle Inspection Program** – Business and Professions
25 Code section 9884.7, subdivision (a)(6);

26 d. **False and Misleading Records** – Health and Safety Code section 44072.2,
27 subdivision (c), in conjunction with California Code of Regulations, title 16 section 3373.

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1 Smog Check Test Only Station License No. TC 294139

- 2 a. **Violation of the Motor Vehicle Inspection Program** – Health and Safety Code
3 section 44072.2, subdivision (a) in conjunction with sections 44012, subdivision (a), 44012,
4 subdivision (f) and 44015, subdivision (b);
- 5 b. **Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**
6 **Program** – Health and Safety Code section 44072.2, subdivision (c) in conjunction with Cal.
7 Code of Regulations, title 16 sections 3340.35, subdivision (c) and 3373;
- 8 c. **Dishonesty, Fraud or Deceit** – Health and Safety Code section 44072.2, subdivision
9 (d);
- 10 d. **Clean Piping** – Health and Safety Code section 44072.10, subdivision (c)(1);
- 11 e. **Willful Violation of Regulations, Standards or Procedures** – Health and Safety
12 Code section 44072.10, subdivision (c)(4).

13 **ORDER**

14 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 294139 and
15 Smog Check Test Only Station License No. TC 294139 issued to Respondent Nicholas Steven
16 Jaure dba Route 66 Smog Check, is revoked.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
20 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 N. Mather Blvd., Rancho
21 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing
22 on a showing of good cause, as defined in the statute.

23 This Decision shall become effective on May 24, 2023.

24 It is so ORDERED May 15, 2023

25 Signature on file

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

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DOJ Matter ID:LA2022602639