

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

In the Matter of the Accusation Against:

**PAJARO AUTO CENTER
ALEXIS QUITASOL BAJOG
aka ALEXIS QUITASOL BAJOG, Owner**
225 Salinas Road, Bldg. 4-B
Watsonville, California 95076
Mailing Address:
115 Paloma Way
Watsonville, CA 95076

Automotive Repair Dealer Registration
No. ARD 240495
Smog Check Station License No. RC 240495

and

MIGUEL R. GARCIA
P. O. Box 1841
Watsonville, CA 95077

Advanced Emission Specialist Technician
License No. EA 037113

Respondents.

Case No. 79/11-46

OAH No. 2011070086

DECISION

The attached Stipulated Revocation of Registration and Smog Check Station License and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Pajaro Auto Center, Alexis Quitasol Bajog, Owner, Automotive Repair Dealer Registration No. ARD 240495 and Smog Check Station License No. RC 240495.

This Decision shall become effective 3/16/12.

DATED: February 9, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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:

Case No. 79/11-46

13 **PAJARO AUTO CENTER**
14 **ALEXIS QUITASOL BAJOG,**
15 **a.k.a. ALEXIS QUITASOL BAJOG,**
16 **OWNER**
17 **225 Salinas Road, Bldg. 4-B**
18 **Watsonville, California 95076**
19 **Mailing Address:**
20 **115 Paloma Way**
21 **Watsonville, CA 95076**

OAH No. 2011070086

**STIPULATED REVOCATION OF
REGISTRATION AND SMOG CHECK
STATION LICENSE AND ORDER**

22 **Automotive Repair Dealer Reg.**
23 **No. ARD 240495**
24 **Smog Check Station License No. RC 240495**

25 **and**

26 **MIGUEL R. GARCIA**
27 **P.O. Box 1841**
28 **Watsonville, CA 95077**

Advanced Emission Specialist Technician
License No. EA 037113

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

1 **PARTIES**

2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
3 brought this action solely in her official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Shana A. Bagley, Deputy Attorney
5 General.

6 2. Alexis Q. Bajog, also known as Alexis Quitasol Bajog, owner of Pajaro Auto Center
7 (Respondent Pajaro) is represented in this proceeding by attorney Michael B. Levin, Esq., whose
8 address is Law Offices of Michael B. Levin, 3727 Camino del Rio South, Suite 200, San Diego,
9 CA 92108.

10 3. On or about August 16, 2005, the Director of Consumer Affairs (Director) issued
11 Automotive Repair Dealer Registration Number ARD 240495 to Respondent Pajaro. Respondent
12 Pajaro's registration was in full force and effect at all times relevant to the charges brought in
13 Accusation No. 79/11-46 and will expire on June 30, 2012, unless renewed.

14 4. On or about August 18, 2005, the Director issued Smog Check Station License
15 Number RC 240495 to Respondent Pajaro. Respondent Pajaro's smog check station license was
16 in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-46 and
17 will expire on June 30, 2012, unless renewed.

18 **JURISDICTION**

19 5. Accusation No. 79/11-46 was filed before the Director of Consumer Affairs
20 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against all
21 Respondents. The Accusation and all other statutorily required documents were properly served
22 on all Respondents on December 17, 2010. Respondent Pajaro timely filed its Notice of Defense
23 contesting the Accusation. A copy of Accusation No. 79/11-46 is attached as Exhibit A and
24 incorporated by reference.

25 **ADVISEMENT AND WAIVERS**

26 6. Respondent has carefully read, fully discussed with counsel, and understand the
27 charges and allegations in Accusation No. 79/11-46. Respondent also has carefully read, fully
28

1 discussed with counsel, and understands the effects of this Stipulated Revocation of Registration
2 and Smog Check Station License and Order.

3 7. Respondent is fully aware of its legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
5 its own expense; the right to confront and cross-examine the witnesses against it; the right to
6 present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
7 compel the attendance of witnesses and the production of documents; the right to reconsideration
8 and court review of an adverse decision; and all other rights accorded by the California
9 Administrative Procedure Act and other applicable laws.

10 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
11 every right set forth above.

12 CULPABILITY

13 9. Respondent Pajaro admits the truth of each and every charge and allegation in
14 Accusation No. 79/11-46. Respondent Pajaro agrees that cause exists for discipline and further
15 agrees to the permanent invalidation of Automotive Repair Dealer Registration No. ARD 240495
16 and the revocation of Smog Check Station License No. RC 240495, subject to the Director's
17 formal adoption thereof.

18 10. Any admissions, general or specific, express or implied, do not constitute admissions
19 for any other purpose or proceeding to which the Department of Consumer Affairs or the Bureau
20 of Automotive Repair are not a party, including third party civil, criminal, or administrative
21 proceedings.

22 CONTINGENCY

23 11. This stipulation shall be subject to approval by the Director of Consumer Affairs or
24 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
25 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
26 Department of Consumer Affairs regarding this stipulation and Revocation, without notice to or
27 participation by Respondent or its counsel. By signing the stipulation, Respondent understands
28 and agrees that it may not withdraw its agreement or seek to rescind the stipulation prior to the

1 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
2 Decision and Order, the Stipulated Revocation of Registration and Smog Check Station License
3 and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any
4 legal action between the parties, and the Director shall not be disqualified from further action by
5 having considered this matter.

6 12. The parties understand and agree that facsimile copies of this Stipulated Revocation
7 of Registration and Smog Check Station License and Order, including facsimile signatures
8 thereto, shall have the same force and effect as the originals.

9 13. This Stipulated Revocation of Registration and Smog Check Station License and
10 Order is intended by the parties to be an integrated writing representing the complete, final, and
11 exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous
12 agreements, understandings, discussions, negotiations, and commitments (written or oral). This
13 Stipulated Revocation of Registration and Smog Check Station License and Order may not be
14 altered, amended, modified, supplemented, or otherwise changed except by a writing executed by
15 an authorized representative of each of the parties.

16 14. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Director may, without further notice or formal proceeding, issue and enter the following
18 Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Automotive Repair Dealer No. ARD 240495 and Smog
21 Check Station No. RC 240495, issued to Respondent Alexis Q. Bajog, also known as Alexis
22 Quitasol Bajog, owner of Pajaro Auto Center, are revoked.

23 1. The revocation of Respondent's Automotive Repair Dealer Registration and Smog
24 Check Station License shall constitute the imposition of discipline against Respondent. This
25 stipulation constitutes a record of the discipline and shall become a part of Respondent's license
26 history with the Bureau of Automotive Repair.

27 2. Respondent shall lose all rights and privileges as an Automotive Repair Dealer and
28 Smog Check Station in California as of the effective date of the Director's Decision and Order.

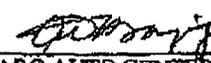
1 3. Respondent shall cause to be delivered to the Bureau its pocket licenses and, if issued,
2 wall certificates, on or before the effective date of the Decision and Order.

3 4. Respondent shall not petition for reinstatement or apply for any new registration or
4 license with the Bureau for a period of one year from the effective date of this Decision and
5 Order. If Respondent ever applies for licensure or petition for reinstatement in the State of
6 California, the Bureau shall treat it as a new application for licensure. Respondent must comply
7 with all the laws, regulations and procedures for licensure in effect at the time the application or
8 petition is filed, and all of the charges and allegations contained in Accusation No. 79/11-46 shall
9 be deemed to be true, correct and admitted by Respondent when the Director determines whether
10 to grant or deny the application or petition.

11 6. The total costs of investigation and enforcement of this case are \$12,293.98. These
12 costs are the actual and total costs incurred by the Bureau to investigate and prosecute the case.
13 The Bureau agrees to waive recovery of these costs unless and until Respondent Pajaro applies
14 for reinstatement or for any new registration or license with the Bureau, in which case
15 Respondent shall pay these costs in full at the time when such application is made.

16 ACCEPTANCE

17 I have carefully read the above Stipulated Revocation of Registration and Smog Check
18 Station License and Order and have fully discussed it with my attorney, Michael B. Levin, Esq. I
19 understand the stipulation and the effect it will have on my Automotive Repair Dealer and Smog
20 Check Station. I enter into this Stipulated Revocation of Registration and Smog Check Station
21 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Director of Consumer Affairs.

23
24 DATED: 11/16/2011 
25 PAJARO AUTO CENTER; ALEXIS QUITASOL
BAJOG, Respondent

26 ///

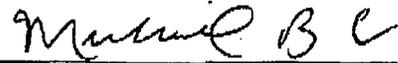
27 ///

28

1 I have read and fully discussed with Respondent Pajaro Auto Center; Alexis Quitasol Bajog
2 the terms and conditions and other matters contained in this Stipulated Revocation of Registration
3 and Smog Check Station License and Order. I approve its form and content.

4 DATED:

11/16/11


MICHAEL B. LEVIN, ESQ.
Attorney for Respondent

6
7 **ENDORSEMENT**

8 The foregoing Stipulated Revocation of Registration and Smog Check Station License and
9 Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

10 Dated:

Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 DIANN SOKOLOFF
14 Supervising Deputy Attorney General

15 SHANA A. BAGLEY
16 Deputy Attorney General
17 *Attorneys for Complainant*

18 SF2010900474/ Stipulation.rtf
19
20
21
22
23
24
25
26
27
28

1 I have read and fully discussed with Respondent Pajaro Auto Center; Alexis Quitasol Bajog
2 the terms and conditions and other matters contained in this Stipulated Revocation of Registration
3 and Smog Check Station License and Order. I approve its form and content.

4 DATED: _____

MICHAEL B. LEVIN, ESQ.
Attorney for Respondent

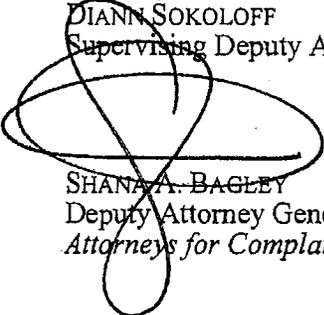
6
7 **ENDORSEMENT**

8 The foregoing Stipulated Revocation of Registration and Smog Check Station License and
9 Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

10 Dated: 16 November 2011

Respectfully submitted,

11 KAMALA D. HARRIS
Attorney General of California
12 DIANN SOKOLOFF
Supervising Deputy Attorney General

13
14 
15 SHANTIA BAGLEY
Deputy Attorney General
Attorneys for Complainant

16
17
18 SF2010900474/ Stipulation.rtf

Exhibit A

Accusation No. 79/11-46

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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:

Case No. 79/11-46

13 **PAJARO AUTO CENTER**
14 **ALEXIS Q. BAJOG,**
a.k.a. **ALEXIS QUITASOL BAJOG, OWNER**
225 Salinas Road, Bldg. 4-B
Watsonville, California 95076
15 Mailing Address:
115 Paloma Way
Watsonville, CA 95076
Automotive Repair Dealer Reg. No. ARD 240495
17 Smog Check Station License No. RC 240495

13 **A C C U S A T I O N**
14
15 (Smog Check)

18 and

19 **MIGUEL R. GARCIA**
P.O. Box 1841
20 Watsonville, CA 95077
Advanced Emission Specialist Technician
21 License No. EA 037113

22 Respondents.

24 Complainant alleges:

25 **PARTIES**

26 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
27 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

28 ///

1 Alexis Q. Bajog a.k.a Alexis Quitasol Bajog, owner of Pajaro Auto Center

2 2. On or about August 16, 2005, the Director of Consumer Affairs ("Director") issued
3 Automotive Repair Dealer Registration Number ARD 240495 ("registration") to Alexis Q. Bajog,
4 also known as Alexis Quitasol Bajog ("Respondent Bajog"), owner of Pajaro Auto Center.
5 Respondent's registration was immediately revoked, the revocation was stayed, and Respondent
6 was placed on probation for three (3) years, as set forth in paragraph 9 below. Respondent's
7 registration was in full force and effect at all times relevant to the charges brought herein and will
8 expire on June 30, 2011, unless renewed.

9 3. On or about August 18, 2005, the Director issued Smog Check Station License
10 Number RC 240495 to Respondent Bajog. Respondent's smog check station license was
11 immediately revoked, the revocation was stayed, and Respondent was placed on probation for
12 three (3) years, as set forth in paragraph 9 below. Respondent's smog check station license was in
13 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
14 2011, unless renewed.

15 **Miguel R. Garcia**

16 4. In or about 2004, the Director issued Advanced Emission Specialist Technician
17 License Number EA 037113 ("technician license") to Miguel R. Garcia ("Respondent Garcia").
18 Respondent's technician license was in full force and effect at all times relevant to the charges
19 brought herein and will expire on July 31, 2012, unless renewed.

20 **DISCIPLINARY HISTORY**

21 5. On or about June 21, 1991, the Director issued Automotive Repair Dealer
22 Registration Number AF161198 ("registration") to Pajaro Auto Center ("Pajaro"); with Jeminez
23 Fabuna Bajog and Respondent Bajog as partners. On or about July 10, 1991, the Director issued
24 Smog Check Station License Number RF161198 to Pajaro.

25 6. On November 5, 2004, Accusation No. 79/05-30 was filed against Pajaro.

26 7. On May 18, 2005, pursuant to the Decision after Reconsideration in the disciplinary
27 action titled *In the Matter of the Accusation and Petition to Revoke Probation Against: Pajaro*
28 *Auto Center, etc.*, Case No. 79/05-30, the Director permanently invalidated Pajaro's registration

1 and revoked its smog check station license. The permanent invalidation and revocation were
2 stayed and Pajaro was placed on probation for three (3) years subject to certain terms and
3 conditions. Pajaro's registration and smog check station license were also suspended for ten (10)
4 days.

5 8. In or about July 2005, Respondent Bajog submitted applications to the Bureau for an
6 automotive repair dealer registration and smog check station license as sole owner of Pajaro Auto
7 Center.

8 9. On August 11, 2005, in the disciplinary proceeding titled *In the Matter of the*
9 *Statement of Issues Against: Alexis Q. Bajog, Owner of Pajaro Auto Center*, Case No.
10 79/05-30 S, Respondent Bajog entered into a Stipulation and Agreement, Decision and Order,
11 with the Director. Respondent stipulated that Accusation Number 79/05-30 may be deemed to
12 constitute a Statement of Issues against her for purposes of denial of her applications, and that a
13 registration and smog check station license may be issued to her contingent upon her full
14 compliance with the requirements for licensure. The Director ordered that upon issuance of a
15 registration and smog check station license to Respondent, Respondent's registration and smog
16 check station license would be immediately revoked, the revocations stayed, and Respondent
17 placed on probation for three (3) years subject to the same terms and conditions of probation set
18 forth in the Decision after Reconsideration.

19 JURISDICTION

20 10. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
21 the Director may revoke an automotive repair dealer registration.

22 11. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
23 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
24 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
25 invalidating (suspending or revoking) a registration.

26 12. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
27 part, that the Director has all the powers and authority granted under the Automotive Repair Act
28 for enforcing the Motor Vehicle Inspection Program.

1 (c) Violates any of the regulations adopted by the director pursuant to
this chapter.

2 (d) Commits any act involving dishonesty, fraud, or deceit whereby
3 another is injured . . .

4 17. Health & Saf. Code section 44072.10 states, in pertinent part:

5
6 (c) The department shall revoke the license of any smog check technician
7 or station licensee who fraudulently certifies vehicles or participates in the fraudulent
8 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
the following:

9
10 (4) Intentional or willful violation of this chapter or any regulation,
standard, or procedure of the department implementing this chapter . . .

11 18. Health & Saf. Code section 44072.8 states that when a license has been revoked or
12 suspended following a hearing under this article, any additional license issued under this chapter
13 in the name of the licensee may be likewise revoked or suspended by the director.

14 COST RECOVERY

15 19. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
16 the administrative law judge to direct a licensee found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 VID DATA REVIEW

20 20. The Bureau initiated an investigation against Respondent Bajog based on a review of
21 information from the Bureau's Vehicle Information Database ("VID"), which indicated that
22 Respondent may be engaging in fraudulent smog check activities.

23 21. On June 2, 2010, and July 8, 2010, a representative of the Bureau conducted detailed
24 reviews of VID data for all smog inspections performed at Respondent Bajog's facility for the
25 periods of July 15, 2009, to August 31, 2009, and July 15, 2009, to May 27, 2010. The
26 representative found that the 12 vehicles identified below recorded various diagnostic trouble

27 ///

28 ///

1 codes (hereinafter "code") during the OBD II tests¹. The representative obtained information
2 indicating that certain of these codes were not applicable to the vehicles. The VID data also
3 showed that Respondent Garcia had performed the inspections on all of the vehicles.

4 22. The Bureau concluded that Respondent Garcia performed the smog inspections on the
5 vehicles using a different vehicle(s) during the OBD II tests, a method known as "clean
6 plugging",² resulting in the issuance of fraudulent certificates of compliance for the vehicles.

7 23. On August 17, 2010, the representative performed a station inspection at Respondent
8 Bajog's facility and obtained copies of vehicle inspection reports pertaining to the smog
9 inspections conducted on vehicles 1 through 3, 5 through 7, and 9 through 11. Bajog confirmed
10 that she was the owner of vehicle 4, the 1996 Dodge Caravan.

Date and Time of Inspection	Vehicle Certified and VIN or License No.	Certificate of Compliance No.
1. 07/15/2009 17:59-18:06	2002 Dodge Ram 1500; VIN No. 3D7HA18N82G204832	NM114395C
2. 07/21/2009 14:30-14:42	2003 Chrysler PT Cruiser; VIN No. 3C4FY58B23T589324	NM253802C
3. 07/25/2009 15:07-15:17	1997 Mitsubishi Montero; License No. 3XLT478	NM309310C
4. 08/12/2009 14:39-14:50	1996 Dodge Caravan; License No. XCELJRJ	NM511530C
5. 08/28/2009 12:30-12:38	2001 Volkswagen Passat; License No. 4UVG909	NM756276C
6. 08/31/2009 13:37-13:44	1998 BMW 3-Series; License No. 6HZZP823	NM790912C
7. 11/10/2009 16:06-16:21	1996 Nissan 200SX; License No. 5EHD831	NO618544C

21 ¹ The On Board Diagnostics (OBD II) functional test is an automated function of the
22 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an
23 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is
24 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves
information from the vehicle's on-board computer about the status of the readiness indicators,
trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II
functional test, it will fail the overall inspection.

25 ² Clean-plugging is the use of the OBD II readiness monitor status and stored fault code
26 (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to
27 another vehicle that is not in compliance due to a failure to complete the minimum number of self
28 tests, known as monitors, or due to the presence of a stored fault code that indicates an emission
control system or component failure.

Date and Time of Inspection	Vehicle Certified and VIN or License No.	Certificate of Compliance No.
8. 02/19/2010 13:13-13:21	1997 Nissan Sentra; Illinois License No. 8386366	NQ841721C
9. 03/20/2010 12:56-13:04	2004 Mitsubishi Galant; VIN No. 4A3AB76S54E099579	NS249386C
10. 04/15/2010 16:44-16:52	1997 BMW 5-Series; License No. 6CIB378	NS636835C
11. 04/23/2010 15:28-15:36	1999 Dodge Durango; VIN No. 1B4HR28Y3XF681760	NS747772C
12. 05/27/2010 13:50-13:56	1997 Plymouth Voyager; VIN No. 2P4GP44R1VR250477	NU195197C

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

24. Respondent Bajog's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which she knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent Bajog's smog check technician, Respondent Garcia, certified under penalty of perjury on the vehicle inspection reports for vehicles 1 through 3, 5 through 7, and 9 through 11, identified in paragraph 23 above, that he performed the smog inspections on the vehicles in accordance with all Bureau requirements and that the vehicles had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Garcia conducted the inspections on the vehicles using clean-plugging methods in that he used a different vehicle(s) during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

b. Respondent Bajog's smog check technician, Respondent Garcia, certified that vehicles 4, 8, and 12, identified in paragraph 23 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Garcia conducted the inspections on the vehicles using clean-plugging methods in that he substituted or used a different vehicle(s) during the OBD II functional tests in order to issue smog certificates of compliance for

///

1 the vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section
2 44012.

3 SECOND CAUSE FOR DISCIPLINE

4 (Fraud)

5 25. Respondent Bajog's registration is subject to disciplinary action pursuant to Bus. &
6 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute
7 fraud by issuing electronic smog certificates of compliance for vehicles 1 through 12, identified in
8 paragraph 23 above, without performing bona fide inspections of the emission control devices
9 and systems on the vehicles, thereby depriving the People of the State of California of the
10 protection afforded by the Motor Vehicle Inspection Program.

11 THIRD CAUSE FOR DISCIPLINE

12 (Violations of the Motor Vehicle Inspection Program)

13 26. Respondent Bajog's smog check station license is subject to disciplinary action
14 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
15 comply with the following sections of that Code:

16 a. Section 44012: Respondent failed to ensure that the emission control tests were
17 performed on vehicles 1 through 12, identified in paragraph 23 above, in accordance with
18 procedures prescribed by the department.

19 b. Section 44015: Respondent issued electronic smog certificates of compliance for
20 vehicles 1 through 12, identified in paragraph 23 above, without ensuring that the vehicles were
21 properly tested and inspected to determine if they were in compliance with Health & Saf. Code
22 section 44012.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations Pursuant
3 to the Motor Vehicle Inspection Program)

4 27. Respondent Bajog's smog check station license is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
6 comply with provisions of California Code of Regulations, title 16, as follows:

7 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for vehicles 1 through 12, identified in paragraph 23
9 above.

10 b. Section 3340.35, subdivision (c): Respondent issued electronic smog certificates of
11 compliance for vehicles 1 through 12, identified in paragraph 23 above even though the vehicles
12 had not been inspected in accordance with section 3340.42.

13 c. Section 3340.42: Respondent failed to ensure that the required smog tests were
14 conducted on vehicles 1 through 12, identified in paragraph 23 above in accordance with the
15 Bureau's specifications.

16 FIFTH CAUSE FOR DISCIPLINE

17 (Dishonesty, Fraud or Deceit)

18 28. Respondent Bajog's smog check station license is subject to disciplinary action
19 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
20 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog
21 certificates of compliance for vehicles 1 through 12, identified in paragraph 23 above without
22 performing bona fide inspections of the emission control devices and systems on the vehicles,
23 thereby depriving the People of the State of California of the protection afforded by the Motor
24 Vehicle Inspection Program.

25 ///

26 ///

27 ///

28 ///

1 fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of
2 compliance for vehicles 1 through 12, identified in paragraph 23 above, without performing bona
3 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
4 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program.

6 OTHER MATTERS

7 32. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
8 suspend, revoke or place on probation the registration for all places of business operated in this
9 state by Respondent Alexis Q. Bajog, also known as Alexis Quitasol Bajog, owner of Pajaro Auto
10 Center, upon a finding that Respondent has, or is, engaged in a course of repeated and willful
11 violations of the laws and regulations pertaining to an automotive repair dealer.

12 33. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
13 Number RC 240495, issued to Respondent Alexis Q. Bajog, also known as Alexis Quitasol
14 Bajog, owner of Pajaro Auto Center, is revoked or suspended, any additional license issued under
15 this chapter in the name of said licensee may be likewise revoked or suspended by the director.

16 34. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
17 Technician License Number EA 037113, issued to Respondent Miguel R. Garcia, is revoked or
18 suspended, any additional license issued under this chapter in the name of said licensee may be
19 likewise revoked or suspended by the director.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Director of Consumer Affairs issue a decision:

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 240495, issued to Alexis Q. Bajog, also known as Alexis Quitasol Bajog, owner of Pajaro Auto
25 Center;

26 2. Revoking or suspending any other automotive repair dealer registration issued to
27 Alexis Q. Bajog, also known as Alexis Quitasol Bajog;

28 ///

1 3. Revoking or suspending Smog Check Station License Number RC 240495, issued to
2 Alexis Q. Bajog, also known as Alexis Quitasol Bajog, owner of Pajaro Auto Center;

3 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
4 and Safety Code in the name of Alexis Q. Bajog, also known as Alexis Quitasol Bajog;

5 5. Revoking or suspending Advanced Emission Specialist Technician License Number
6 EA 037113, issued to Miguel R. Garcia;

7 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
8 and Safety Code in the name of Miguel R. Garcia;

9 7. Ordering Respondents Alexis Q. Bajog, also known as Alexis Quitasol Bajog, owner
10 of Pajaro Auto Center, and Miguel R. Garcia to pay the Director of Consumer Affairs the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

13 8. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 12/14/10


16 **SHERRY MEHL**
17 Chief
18 Bureau of Automotive Repair
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

22
23
24
25
26
27 SF2010900474
28 10634782.doc