

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 KIM M. SETTLES
Deputy Attorney General
4 State Bar No. 116945
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2138
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 and Petition to
Revoke Probation Against:

13 **GURJIT SINGH MINHAS, Owner**
14 **BERKELEY SMOG TEST ONLY**
CENTER
15 **1010 Carleton Street # A**
Berkeley, CA 94710
16 **Automotive Repair Dealer No. ARD 254780**
17 **Smog Check Test Only Station License No.**
TC 254780

18 **SAN PABLO SMOG TEST ONLY**
19 **CENTER**
20 **6305 San Pablo Avenue**
Oakland, CA 94608
21 **Automotive Repair Dealer No. ARD 254540**
22 **Smog Check Test Only Station License No.**
TC 254540

23 **DANIEL RICHARD HORD**
24 **863 Allview Avenue**
El Sobrante, CA 94803
25 **Advanced Emission Specialist Technician**
License No. EA 153387

26 Respondents.

27
28 ///

Case No. 79/13-11

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

Smog Check

1 Complainant alleges:

2 **PARTIES**

3 1. John Wallauch (Complainant) brings this Accusation and Petition to Revoke
4 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair,
5 Department of Consumer Affairs.

6 **Berkeley Smog Test Only Center; Gurjit Singh Minhas, Owner**

7 2. On or about May 8, 2008, the Director of Consumer Affairs (“Director”) issued
8 Automotive Repair Dealer Registration Number ARD 254780 to Gurjit Singh Minhas
9 (“Respondent Minhas”), owner of Berkeley Smog Test Only Center. On November 14, 2011,
10 respondent’s registration was revoked, however, the revocation was stayed and Respondent was
11 placed on probation for three years on terms and conditions, as set forth in paragraphs 7, 8, and 9
12 below. The Automotive Repair Dealer Registration will expire on March 31, 2013, unless
13 renewed.

14 3. On or about May 16, 2008, the Director issued Smog Check Test Only Station
15 License Number TC254780 to Gurjit Singh Minhas (“Respondent Minhas”), owner of Berkeley
16 Smog Test Only Center. On November 14, 2011, respondent’s license was revoked, however, the
17 revocation was stayed and Respondent was placed on probation for three years on terms and
18 conditions, as set forth in paragraphs 7, 8, and 9 below. The Smog Check Test Only Station will
19 expire on March 31, 2013, unless renewed.

20 **San Pablo Smog Test Only Center; Gurjit Singh Minhas, Owner**

21 4. On or about April 18, 2008, the Director issued Automotive Repair Dealer
22 Registration Number ARD 254540 to Gurjit Singh Minhas (“Respondent Minhas”), owner of San
23 Pablo Smog Test Only Center. The Automotive Repair Dealer Registration will expire on March
24 13, 2013, unless renewed.

25 5. On or about April 21, 2008, the Director issued Smog Check Test Only Station
26 License Number TC 254540 to Gurjit Singh Minhas (“Respondent Minhas”), owner of San Pablo
27 Smog Test Only Center. The Smog Test Only Station License will expire on March 31, 2013.
28 unless renewed.

1 **Daniel Richard Hord**

2 6. In or about 2006, the Director issued Advanced Emission Specialist Technician
3 License Number EA 153387 ("technician license") to Respondent Hord. Respondent's technician
4 license was cited on January 23, 2009; August 18, 2009; and January 25, 2010, for failure to
5 follow inspection procedures. Respondent's technician license will expire on October 31, 2012,
6 unless renewed.

7 **DISCIPLINARY HISTORY**

8 7. In a disciplinary action entitled "In the Matter of the Accusation Against: *Berkeley*
9 *Smog Test Only Center, Gurjit Singh Minhas, Owner*" Case No. 79/11-66, the Bureau of
10 Automotive Repair issued a Decision and Order effective November 14, 2011, in which
11 Respondent, Minhas' Automotive Repair Dealer Registration No. ARD 254780 and Smog Check
12 Test Only Station License No. TC 254780 was revoked. However, the revocations were stayed
13 and Respondent's Automotive Repair Dealer Registration and Smog Check Test Only Station
14 License were placed on probation for three (3) years with certain terms and conditions. A copy of
15 that Decision and Order is attached as Exhibit A and is incorporated by reference.

16 8. Condition 2 of Respondent Minhas' probation states that Respondent shall comply
17 with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

18 9. Condition 8 of Respondent Minhas' probation states that should the Director
19 determine that Respondent has failed to comply with the terms and conditions of probation, the
20 Department may, after giving notice and opportunity to be heard, suspend or revoke the
21 registration and license.

22 10. The Bureau issued Citation #C09-0861 to Respondent, Minhas, owner, San Pablo
23 Test Only Center, on January 23, 2009. Respondent Minhas paid a fine in the amount of \$500.00.
24 A Citation conference was held on March 19, 2009.

25 11. The Bureau issued Citation #C2010-0137 to Respondent, Minhas, owner, San Pablo
26 Test Only Center, on August 18, 2009. Respondent Minhas paid a fine in the amount of
27 \$1,000.00. A Citation conference was held on September 28, 2009.
28

1 (8) Making false promises of a character likely to influence, persuade, or induce a
2 customer to authorize the repair, service, or maintenance of automobiles.

3 (9) Having repair work done by someone other than the dealer or his or her employees
4 without the knowledge or consent of the customer unless the dealer can demonstrate that the
5 customer could not reasonably have been notified.

6 (10) Conviction of a violation of Section 551 of the Penal Code.

7 Upon denying of registration, the director shall notify the applicant thereof, in writing, by
8 personal service or mail addressed to the address of the applicant set forth in the application, and
9 the applicant shall be given a hearing under Section 9884.12 if, within 30 days thereafter, he or
10 she files with the bureau a written request for hearing, otherwise the denial is deemed affirmed.

11 "(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more
12 than one place of business in this state, the director pursuant to subdivision (a) shall only suspend,
13 revoke, or place on probation the registration of the specific place of business which has violated
14 any of the provisions of this chapter. This violation, or action by the director, shall not affect in
15 any manner the right of the automotive repair dealer to operate his or her other places of business.

16 "(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
17 probation the registration for all places of business operated in this state by an automotive repair
18 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
19 and willful violations of this chapter, or regulations adopted pursuant to it."

20 22. Health and Safety Code section 44072.2 states, in pertinent part:

21 "The director may suspend, revoke, or take other disciplinary action against a license as
22 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
23 following:

24 "(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health
25 and Saf. Code, § 44000, et seq.) and the regulations adopted pursuant to it, which related to the
26 licensed activities.

27 "(b) Is convicted of any crime substantially related to the qualifications, functions, and
28 duties of the license holder in question.

- 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 another is injured.
- 3 "(e) Has misrepresented a material fact in obtaining a license.
- 4 "(f) Aids or abets unlicensed persons to evade the provisions of this chapter.
- 5 "(g) Fails to make and keep records showing his or her transactions as a licensee, or fails to
- 6 have those records available for inspection by the director or his or her duly authorized
- 7 representative for a period of not less than three years after completion of any transaction to
- 8 which the records refer, or refuses to comply with a written request of the director to make the
- 9 records available for inspection.
- 10 "(h) Violates or attempts to violate the provisions of this chapter relating to the particular
- 11 activity for which he or she is licensed."

12 23. Health and Safety Code section 44072.8 states:

13 "When a license has been revoked or suspended following a hearing under this article, any

14 additional license issued under this chapter in the name of the licensee may be likewise revoked

15 or suspended by the director."

16 24. Health and Safety Code section 44072.10 states in pertinent part:

17 ...

18 (c) The department shall revoke the license of any smog check technician or station

19 licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of

20 vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

21 ...

22 (4) Intentional or willful violation of this chapter or any regulation, standard, or

23 procedure of the department implementing this chapter. . .

24 25. Business and Professions Code section 477 provides, in pertinent part, that "Board"

25 includes "bureau," "commission," "committee," "department," "division," "examining

26 committee," "program," and "agency." "License" includes certificate, registration or other means

27 to engage in a business or profession regulated by the Code.

28

1 **COST RECOVERY**

2 26. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
3 may request the administrative law judge to direct a licentiate found to have committed a
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case.

6 **ACCUSATION**

7 **Undercover Operation #1: 2002 Dodge Dakota**

8 27. On November 9, 2011, an undercover operator with the Bureau (“operator”) took the
9 Bureau’s 2002 Dodge Dakota to Berkeley Smog Test Only Center located in Berkeley,
10 California, and requested a smog inspection from Respondent Hord. The evaporative emission
11 control system (“EVAP”) canister had been removed from the Bureau-documented vehicle (the
12 vehicle would not pass a California smog check inspection in this condition). Respondent Hord
13 performed the smog inspection. After the inspection was completed, the operator paid \$59.95 and
14 received a copy of an invoice and a Vehicle Inspection Report (VIR). The VIR indicated that a
15 smog inspection had been performed on the vehicle by Respondent Hord at Respondent Minhas’
16 facility and that the vehicle had passed the inspection, resulting in the issuance of electronic smog
17 Certificate of Compliance Number OI284227C.

18 28. On January 9, 2012, the Bureau performed a smog inspection on the vehicle. The
19 vehicle failed the inspection due to a missing EVAP canister.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 29. Respondent Minhas’ registration is subject to disciplinary action pursuant to Business
23 and Professions Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a
24 statement which he knew or in the exercise of reasonable care should have known to be untrue or
25 misleading, as follows: Respondent Minhas’ technician, Respondent Hord, certified under
26 penalty of perjury on the VIR that the Bureau’s 2002 Dodge Dakota had passed inspection and
27 was in compliance with applicable laws and regulations. In fact, the EVAP canister had been
28

1 removed from the vehicle and as such, the vehicle would not pass the inspection required by
2 Health and Safety Code section 44012.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 30. Respondent Minhas' registration is subject to disciplinary action pursuant to Business
6 and Professions Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
7 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 2002
8 Dodge Dakota when, in fact, a bona fide inspection had not been performed of the emission
9 control devices and systems on the vehicle, thereby depriving the People of the State of California
10 of the protection afforded by the Motor Vehicle Inspection Program.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Motor Vehicle Inspection Program)**

13 31. Respondent Minhas' smog check station license is subject to disciplinary action
14 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to
15 comply with provisions of that code, as follows:

16 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
17 performed on the Bureau's 2002 Dodge Dakota in accordance with procedures prescribed by the
18 department.

19 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
20 the Bureau's 2002 Dodge Dakota without ensuring that the vehicle was properly tested and
21 inspected to determine if it was in compliance with Health and Safety Code section 44012.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

24 32. Respondent Minhas' smog check station license is subject to disciplinary action
25 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to
26 comply with provisions of title 16, California Code of Regulations, as follows:

27 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
28 electronic smog certificate of compliance for the Bureau's 2002 Dodge Dakota without ensuring

1 that a bona fide inspection was performed of the emission control devices and systems on the
2 vehicle as required by health and Safety Code section 44012.

3 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate
4 of compliance for the Bureau's 2002 Dodge Dakota even though the vehicle had not been
5 inspected in accordance with title 16, California Code of Regulations, section 3340.42.

6 c. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
7 conducted on the Bureau's 2002 Dodge Dakota in accordance with the Bureau's specifications.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty Fraud or Deceit)**

10 33. Respondent Minhas' smog check station license is subject to disciplinary action
11 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
12 committed an act involving dishonesty, fraud, or deceit whereby another is injured by issuing an
13 electronic smog certificate of compliance for the Bureau's 2002 Dodge Dakota when, in fact, a
14 bona fide inspection was not performed of the emission control devices and systems on the
15 vehicle. This conduct thereby deprived the People of the State of California of the protection
16 afforded by the Motor Vehicle Inspection Program.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Motor Vehicle Inspection Program)**

19 34. Respondent Hord's technician license is subject to disciplinary action pursuant to
20 Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to comply
21 with provisions of that Code, as follows:

22 a. **Section 44012:** Respondent failed to perform the emission control tests on the
23 Bureau's 2002 Dodge Dakota in accordance with procedures prescribed by the department.

24 b. **Section 44059:** Respondent willfully made false entries on the VIR, as set forth in
25 paragraph 27, above.

26 ///

27 ///

28 ///

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 35. Respondent Hord's technician license is subject to disciplinary action pursuant to
4 Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to comply
5 with provisions of title 16, California Code of Regulations, as follows:

6 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
7 electronic smog certificate of compliance for the Bureau's 2002 Dodge Dakota.

8 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's
9 2002 Dodge Dakota in accordance with Health and Safety Code sections 44012 and 44035, and
10 title 16, California Code of Regulations, section 3340.42.

11 c. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
12 Bureau's 2002 Dodge Dakota in accordance with the Bureau's specifications.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Dishonesty, Fraud or Deceit)**

15 36. Respondent Hord's technician license is subject to disciplinary action pursuant to
16 Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed a
17 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog
18 certificate of compliance for the Bureau's 2002 Dodge Dakota without performing a bona fide
19 inspection of the emission control devices and systems on the vehicle. This conduct thereby
20 deprived the People of the State of California of the protection afforded by the Motor Vehicle
21 Inspection Program.

22 **Undercover Operation #2: 1995 Chevrolet Impala SS**

23 37. On December 7, 2011, an undercover operator with the Bureau ("operator") took the
24 Bureau's 1995 Chevrolet Impala SS to Berkeley Smog Test Only Center located in Berkeley,
25 California, and requested a smog inspection from Respondent Hord. The Positive Crankcase
26 Ventilation ("PCV") valve and feed pipe had been removed from the Bureau-documented vehicle
27 and plugs were installed (the vehicle would not pass a California smog check inspection in this
28 condition). Respondent Hord performed the smog inspection. After the inspection was

1 completed, the operator paid \$59.95 and received a copy of an invoice and estimate and a Vehicle
2 Inspection Report (VIR). The VIR indicated that a smog inspection had been performed on the
3 vehicle by Respondent Hord at Respondent Minhas' facility and that the vehicle had passed the
4 inspection, resulting in the issuance of electronic smog Certificate of Compliance Number
5 OI586741C.

6 38. On January 5, 2012, the Bureau performed a smog inspection on the vehicle. The
7 vehicle failed the inspection due to a missing PCV valve and feed pipe.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 39. Respondent Minhas' registration is subject to disciplinary action pursuant to Business
11 and Professions Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a
12 statement which he knew or in the exercise of reasonable care should have known to be untrue or
13 misleading, as follows: Respondent Minhas' technician, Respondent Hord, certified under
14 penalty of perjury on the VIR that the Bureau's 1995 Chevrolet Impala SS had passed inspection
15 and was in compliance with applicable laws and regulations. In fact, the PCV valve and feed pipe
16 had been removed from the vehicle and as such, the vehicle would not pass the inspection
17 required by Health and Safety Code section 44012.

18 **TENTH CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 40. Respondent Minhas' registration is subject to disciplinary action pursuant to Business
21 and Professions Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
22 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1995
23 Chevrolet Impala SS when, in fact, a bona fide inspection had not been performed of the emission
24 control devices and systems on the vehicle. This conduct thereby deprived the People of the State
25 of California of the protection afforded by the Motor Vehicle Inspection Program.

26 ///

27 ///

28 ///

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty Fraud or Deceit)**

3 43. Respondent Minhas' smog check station license is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
5 committed an act involving dishonesty, fraud, or deceit whereby another is injured by issuing an
6 electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Impala SS when, in
7 fact, a bona fide inspection was not performed of the emission control devices and systems on the
8 vehicle. This conduct thereby deprived the People of the State of California of the protection
9 afforded by the Motor Vehicle Inspection Program.

10 **FOURTEENTH CAUSE FOR DISCIPLINE**

11 **(Violations of the Motor Vehicle Inspection Program)**

12 44. Respondent Hord's technician license is subject to disciplinary action pursuant to
13 Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to comply
14 with provisions of that Code, as follows:

15 a. **Section 44012:** Respondent failed to perform the emission control tests on the
16 Bureau's 1995 Chevrolet Impala SS in accordance with procedures prescribed by the department.

17 b. **Section 44059:** Respondent willfully made false entries on the VIR, as set forth in
18 paragraph 27, above.

19 **FIFTEENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 45. Respondent Hord's technician license is subject to disciplinary action pursuant to
22 Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to comply
23 with provisions of title 16, California Code of Regulations, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
25 electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Impala SS.

26 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's
27 1995 Chevrolet Impala SS in accordance with Health and Safety Code sections 44012 and 44035,
28 and title 16, California Code of Regulations, section 3340.42.

1 c. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
2 Bureau's 1995 Chevrolet Impala SS in accordance with the Bureau's specifications.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit)**

5 46. Respondent Hord's technician license is subject to disciplinary action pursuant to
6 Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed a
7 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog
8 certificate of compliance for the Bureau's 1995 Chevrolet Impala SS without performing a bona
9 fide inspection of the emission control devices and systems on the vehicle. This conduct thereby
10 deprived the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 **Undercover Operation #4: 1997 Chevrolet Astro Van**

13 47. On February 13, 2012, an undercover operator with the Bureau ("operator") took the
14 Bureau's 1997 Chevrolet Astro Van to Berkeley Smog Test Only Center located in Berkeley,
15 California, and requested a smog inspection from technician, Samer Elzein. The EVAP canister
16 had been removed from the Bureau-documented vehicle (the vehicle would not pass a California
17 smog check inspection in this condition). Samer Elzein performed the smog inspection. After the
18 inspection was completed, the operator paid \$69.95 and received a copy of an invoice and
19 estimate and a Vehicle Inspection Report (VIR). The VIR indicated that a smog inspection had
20 been performed on the vehicle by Samer Elzein at Respondent Minhas' facility and that the
21 vehicle had passed the inspection, resulting in the issuance of electronic smog Certificate of
22 Compliance Number OK457110C.

23 48. On February 24, 2012, the Bureau performed a smog inspection on the vehicle. The
24 vehicle failed the inspection due to a missing EVAP canister.

25 **SEVENTEENTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 49. Respondent Minhas' registration is subject to disciplinary action pursuant to Business
28 and Professions Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a

1 statement which he knew or in the exercise of reasonable care should have known to be untrue or
2 misleading, as follows: Respondent Minhas' technician, Samer Elzein, certified under penalty of
3 perjury on the VIR that the Bureau's 1997 Chevrolet Astro Van had passed inspection and was in
4 compliance with applicable laws and regulations. In fact, the EVAP canister had been removed
5 from the vehicle and as such, the vehicle would not pass the inspection required by Health and
6 Safety Code section 44012.

7 **EIGHTEENTH CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 50. Respondent Minhas' registration is subject to disciplinary action pursuant to Business
10 and Professions Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
11 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1997
12 Chevrolet Astro Van when, in fact, a bona fide inspection had not been performed of the emission
13 control devices and systems on the vehicle, thereby depriving the People of the State of California
14 of the protection afforded by the Motor Vehicle Inspection Program.

15 **NINETEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Motor Vehicle Inspection Program)**

17 51. Respondent Minhas' smog check station license is subject to disciplinary action
18 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to
19 comply with provisions of that code, as follows:

20 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
21 performed on the Bureau's 1997 Chevrolet Astro Van in accordance with procedures prescribed
22 by the department.

23 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
24 the Bureau's 1997 Chevrolet Astro Van without ensuring that the vehicle was properly tested and
25 inspected to determine if it was in compliance with Health and Safety Code section 44012.

26 ///

27 ///

28 ///

1 **TWENTIETH CAUSE FOR DISCIPLINE**

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

3 52. Respondent Minhas' smog check station license is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to
5 comply with provisions of title 16, California Code of Regulations, as follows:

6 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
7 electronic smog certificate of compliance for the Bureau's 1997 Chevrolet Astro Van without
8 ensuring that a bona fide inspection was performed of the emission control devices and systems
9 on the vehicle as required by health and Safety Code section 44012.

10 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate
11 of compliance for the Bureau's 1997 Chevrolet Astro Van even though the vehicle had not been
12 inspected in accordance with title 16, California Code of Regulations, section 3340.42.

13 c. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
14 conducted on the Bureau's 1997 Chevrolet Astro Van in accordance with the Bureau's
15 specifications.

16 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

17 **(Dishonesty Fraud or Deceit)**

18 53. Respondent Minhas' smog check station license is subject to disciplinary action
19 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
20 committed an act involving dishonesty, fraud, or deceit whereby another is injured by issuing an
21 electronic smog certificate of compliance for the Bureau's 1997 Chevrolet Astro Van when, in
22 fact, a bona fide inspection was not performed of the emission control devices and systems on the
23 vehicle, thereby depriving the People of the State of California of the protection afforded by the
24 Motor Vehicle Inspection Program.

25 ///

26 ///

27 ///

28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation and Petition to Revoke Probation, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/11-66 and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer No. ARD254780 issued to Gurjit Singh Minhas;

2. Revoking or suspending Automotive Repair Dealer No. ARD254780, issued to Gurjit Singh Minhas;

3. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/11-66 and imposing the disciplinary order that was stayed thereby revoking Smog Check Test Only Station Licence No. TC 254780 issued to Gurjit Singh Minhas;

4. Revoking or suspending Smog Check Test Only Station No. TC254780, issued to Gurjit Singh Minhas;

5. Revoking or suspending Advanced Emission Specialist Technician License No. EA 153387, issued to Daniel Richard Hord;

6. Taking such other and further action as deemed necessary and proper.

DATED: 8/27/12

John Wallauch by [Signature]
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
DEUG BALATTI

SF2012900831
90254227

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/11-66