

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

In the Matter of the Accusation Against:

AMIGOS TEST ONLY;
CHRISTOPHER KYLE LADD, OWNER
9712 Jurupa Road, Unit A
Riverside, CA 92509

Automotive Repair Dealer Registration
No. ARD 259225
Smog Check, Test Only, Station License
No. TC 259225

and

GEORGE DAVID THOMPSON
12655 2nd Street, Spc-1
Yucaipa, CA 92399

Advanced Emission Specialist Technician
License No. EA152894

Respondents.

Case No. 79/11-100

OAH No. 2011081112

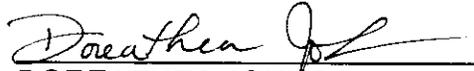
DECISION

The attached Stipulated Settlement and Disciplinary Order as to Respondent Christopher Kyle Ladd, dba Amigos Test Only 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 Amigos Test Only, Christopher Kyle Ladd, Owner, Automotive Repair Dealer Registration No. ARD 259225 and Smog Check, Test Only, Station License No. TC 259225.

This Decision shall become effective _____

9/24/12

DATED: September 4, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 G. MICHAEL GERMAN
Deputy Attorney General
4 State Bar No. 103312
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/11-100

12 **AMIGOS TEST ONLY; CHRISTOPHER**
13 **KYLE LADD, OWNER**
14 **9712 Jurupa Road, Unit A**
Riverside, CA 92509

OAH No. 2011081112

STIPULATED SETTLEMENT

15 **Automotive Repair Dealer Registration No.**
ARD 259225

AND DISCIPLINARY ORDER AS TO

16 **Smog Check, Test Only, Station License No.**
TC 259225

RESPONDENT CHRISTOPHER KYLE

LADD, DBA AMIGOS TEST ONLY

17 **and**

18 **GEORGE DAVID THOMPSON**
19 **12655 2nd Street, Spc-1**
Yucaipa, CA 92399

20 **Advanced Emission Specialist Technician**
License No. EA 152894

21 **Respondents.**

22
23 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Complainant John Wallauch is the Chief of the Bureau of Automotive Repair
27 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
28

1 Kamala D. Harris, Attorney General of the State of California, by G. Michael German, Deputy
2 Attorney General.

3 2. Respondent Christopher Kyle Ladd, dba Amigos Test Only is represented in this
4 proceeding by attorney Michael B. Levin, Esq., whose address is: 3727 Camino del Rio South,
5 Suite 200, San Diego, CA 92108-4035.

6 3. On or about August 26, 2009, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration No. ARD 259225 to Respondent. The Automotive Repair Dealer
8 Registration was in full force and effect at all times relevant to the charges brought in Accusation
9 No. 79/11-100 and will expire on July 31, 2012, unless renewed.

10 4. On or about October 1, 2009, the Bureau of Automotive Repair issued Smog Check,
11 Test Only, Station License No. TC 259225 to Respondent. 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 79/11-100 and will expire on July 31, 2012, unless renewed.

14 JURISDICTION

15 5. Accusation No. 79/11-100 was filed before the Director of Consumer Affairs
16 (Director), for the Bureau, and is currently pending against Respondent. The Accusation and all
17 other statutorily required documents were properly served on Respondent on July 27, 2011.
18 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
19 No. 79/11-100 is attached as exhibit A.

20 ADVISEMENT AND WAIVERS

21 6. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 79/11-100. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 7. Respondent is fully aware of his legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
28 to the issuance of subpoenas to compel the attendance of witnesses and the production of

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 79/11-100.

8 10. Respondent agrees that his Automotive Repair Dealer Registration and Smog Check,
9 Test Only, Station License are subject to discipline and he agrees to be bound by the Director's
10 probationary terms as set forth in the Disciplinary Order below.

11 RESERVATION

12 11. The admissions made by Respondent herein are only for the purposes of this
13 proceeding, or any other proceedings in which the Director, Bureau, or other professional
14 licensing agency is involved, and shall not be admissible in any other criminal or civil
15 proceeding.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Director or his designee.
18 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau may
19 communicate directly with the Director and staff of the Department of Consumer Affairs
20 regarding this stipulation and settlement, without notice to or participation by Respondent or his
21 counsel. By signing the stipulation, Respondent understands and agrees that he may not
22 withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers
23 and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the
24 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
25 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall
26 not be disqualified from further action by having considered this matter.

27
28

1 person or in writing as prescribed by the Bureau, on a schedule set by the Bureau, but no more
2 frequently than each quarter, on the methods used and success achieved in maintaining
3 compliance with the terms and conditions of probation.

4 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
5 any financial interest which any partners, officers, or owners of the Respondent facility may have
6 in any other business required to be registered pursuant to Section 9884.6 of the Business and
7 Professions Code.

8 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
9 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

10 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
11 probation, the Department shall have continuing jurisdiction over this matter until the final
12 decision on the accusation, and the period of probation shall be extended until such decision.

13 8. **Violation of Probation.** Should the Director determine that Respondent has failed to
14 comply with the terms and conditions of probation, the Department may, after giving notice and
15 opportunity to be heard temporarily or permanently invalidate the ARD registration and suspend
16 or revoke the smog station license.

17 9. **Restrictions.** During the period of probation, Respondent shall not perform any form
18 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
19 installed, and maintained the diagnostic and repair equipment prescribed by the Bureau necessary
20 to properly perform such work, and the Bureau has been given 10 days notice of the availability
21 of the equipment for inspection by a Bureau representative.

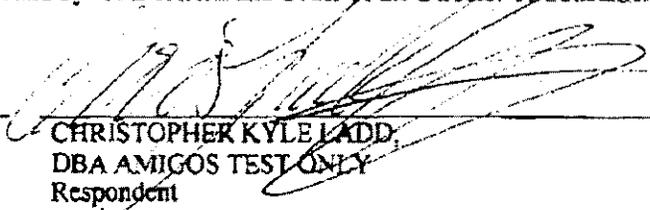
22 10. **Cost Recovery.** Respondent shall pay the Bureau \$7,466.30, which represents 75%
23 of the \$9,955.06 total investigation and enforcement costs incurred in this case to date, in 24
24 installments of \$311.10 each commencing on the effective date of this Decision. Full payment to
25 the Bureau of this amount shall be received no later than 12 months before probation terminates.
26 Failure to complete payment of cost recovery within this time frame shall constitute a violation of
27 probation which may subject Respondent's ARD registration and smog station license to outright
28 revocation; however, the Director or the Director's Bureau designee may elect to continue

1 probation until such time as reimbursement of the entire cost recovery amount has been made to
2 the Bureau.

3 11. **Employment Prohibition.** Respondent must not employ George David Thompson,
4 Advanced Emissions Specialist License No. EA152894, in any capacity, for the duration of
5 probation at Amigos Test Only, or any other business in which he has an ownership interest.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect
9 it will have on my Automotive Repair Dealer Registration, and Smog Check, Test Only, Station
10 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
11 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
12 Affairs.

13 DATED: 0-25-12 
14 CHRISTOPHER KYLE LADD,
15 DBA AMIGOS TEST ONLY
Respondent

16 I have read and fully discussed with Respondent Christopher Kyle Ladd, dba Amigos Test
17 Only the terms and conditions and other matters contained in the above Stipulated Settlement and
18 Disciplinary Order. I approve its form and content.

19 DATED: 5/26/12 
20 MICHAEL B. LEVIN, ESQ.
21 Attorney for Respondent

22 ENDORSEMENT

23 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
24 submitted for consideration by the Director of Consumer Affairs.

25 DATED: May 29, 2012
26 KAMALA D. HARRIS
27 Attorney General of California
28 
G. MICHAEL GERMAN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 79/11-100

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 G. MICHAEL GERMAN
Deputy Attorney General
4 State Bar No. 103312
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
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. 79/11-100

13 **AMIGOS TEST ONLY**
14 **9712 Jurupa Road, Unit A**
Riverside, CA 92509
15 **CHRISTOPHER KYLE LADD, OWNER**
Automotive Repair Dealer Registration No.
ARD 259225
16 **Smog Check Test Only Station License No.**
TC 259225,

A C C U S A T I O N
SMOG CHECK

17 and

18 **GEORGE DAVID THOMPSON**
19 **12655 2nd Street, Spc-1**
Yucaipa, CA 92399
20 **Advanced Emission Specialist Technician**
License No. EA 152894

21 Respondents.

22
23
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.

1 (c) Notwithstanding subdivision (b), the director may invalidate
2 temporarily or permanently, the registration for all places of business operated in this
3 state by an automotive repair dealer upon a finding that the automotive repair dealer
4 has, or is, engaged in a course of repeated and willful violations of this chapter, or
5 regulations adopted pursuant to it."

6 6. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
7 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
8 proceeding against an automotive repair dealer or to render a decision invalidating a registration
9 temporarily or permanently.

10 7. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
11 "commission," "committee," "department," "division," "examining committee," "program," and
12 agency." "License" includes certificate, registration or other means to engage in a business or
13 profession regulated by the Code.

14 8. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
15 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
16 the Motor Vehicle Inspection Program.

17 9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

28 10. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
29 expiration or suspension of a license by operation of law, or by order or decision of the Director
30 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
31 the Director of jurisdiction to proceed with disciplinary action.

///

///

1 11. Section 44072.8 of the Health and Safety Code states:

2 "When a license has been revoked or suspended following a hearing under this article, any
3 additional license issued under this chapter in the name of the licensee may be likewise revoked
4 or suspended by the director."

5 **COST RECOVERY**

6 12. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **UNDERCOVER OPERATION – AUGUST 25, 2010**

11 13. On or about August 25, 2010, a Bureau undercover operator ("operator") drove a
12 Bureau-documented 1992 Buick Skylark to Respondent Amigos' facility and requested a smog
13 inspection. The vehicle could not pass the emissions portion of a smog inspection because the
14 vehicle had a defective oxygen sensor circuit. The operator spoke with an unidentified male
15 employee ("male #1") and provided him with an "Amigos Smog Check" business card, a failed
16 Vehicle Inspection Report ("VIR") and an invoice dated July 20, 2010. At that time, another
17 male ("male #2") approached the operator explaining that the vehicle may fail again and if it did,
18 they would not be able to test it again for several days. Male #2 went on to say, "we can test it
19 now and it will pass." The operator asked how much it would cost and was told by male #2 that
20 the cost would be \$150. The operator authorized the inspection and provided male #2 with the
21 vehicle's registration. Male #1 then brought the operator an invoice that was filled in with the
22 exception of the operator's name and address. The operator provided that information but was
23 not provided with a copy of the document. Respondent Thompson performed the smog
24 inspection and issued Certificate of Compliance Number WN404270 for the 1992 Buick Skylark.
25 After the inspection was performed, the operator paid male #1 \$150 and was provided with a
26 current VIR and the registration; however, the operator was not provided with an invoice.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 14. Respondent Amigos has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(1), in that on or about August 25, 2010, he made statements which he
5 knew or which by exercise of reasonable care he should have known were untrue or misleading
6 when he issued electronic Certificate of Compliance No. WN404270 for the 1992 Buick Skylark,
7 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
8 the vehicle's oxygen sensor circuit was defective.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 15. Respondent Amigos has subjected his registration to discipline under Code section
12 9884.7, subdivision (a)(4), in that on or about August 25, 2010, he committed acts which
13 constitute fraud by issuing electronic Certificate of Compliance No. WN404270 for the 1992
14 Buick Skylark, without performing a bona fide inspection of the emission control devices and
15 systems on that vehicle, thereby depriving the People of the State of California of the protection
16 afforded by the Motor Vehicle Inspection Program.

17 **THIRD CAUSE FOR DISCIPLINE**

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

19 16. Respondent Amigos has subjected his station license to discipline under Health and
20 Safety Code section 44072.2, subdivision (a), in that on or about August 25, 2010, regarding the
21 1992 Buick Skylark, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (a):** Respondent Amigos failed to determine that all
23 emission control devices and systems required by law were installed and functioning correctly in
24 accordance with test procedures.

25 b. **Section 44012, subdivision (f):** Respondent Amigos failed to perform emission
26 control tests on that vehicle in accordance with procedures prescribed by the department.

27 ///

28 ///

1 c. **Section 44015, subdivision (b):** Respondent Amigos issued electronic Certificate of
2 Compliance No. WN404270 without properly testing and inspecting the vehicle to determine if it
3 was in compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Amigos willfully made false entries for the electronic
5 Certificate of Compliance No. WN404270, certifying that the vehicle had been inspected as
6 required when, in fact, it had not.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

9 17. Respondent Amigos has subjected his station license to discipline under Health and
10 Safety Code section 44072.2, subdivision (c), in that on or about August 25, 2010, regarding the
11 1992 Buick Skylark, he violated sections of the California Code of Regulations, title 16, as
12 follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or fraudulently issued
14 electronic Certificate of Compliance No. WN404270 without performing a bona fide inspection
15 of the emission control devices and systems on that vehicle as required by Health and Safety
16 Code section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued electronic Certificate
18 of Compliance No. WN404270 even though that vehicle had not been inspected in accordance
19 with section 3340.42 of that Code.

20 c. **Section 3340.42:** Respondent Amigos failed to conduct the required smog tests and
21 inspections on that vehicle in accordance with the Bureau's specifications.

22 **FIFTH CAUSE FOR DISCIPLINE**

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

24 18. Respondent Thompson has subjected his technician license to discipline under Health
25 and Safety Code section 44072.2, subdivision (d), in that on or about August 25, 2010, regarding
26 the 1992 Buick Skylark, he committed acts involving dishonesty, fraud or deceit whereby another
27 was injured by issuing electronic Certificate of Compliance No. WN404270 without performing a
28 bona fide inspection of the emission control devices and system on that vehicle, thereby depriving

1 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
2 Program.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 19. Respondent Thompson has subjected his technician license to discipline under Health
6 and Safety Code section 44072.2, subdivision (a), in that on or about August 25, 2010, regarding
7 the 1992 Buick Skylark, he violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (a):** Respondent Thompson failed to determine that all
9 emission control devices and systems required by law were installed and functioning correctly in
10 accordance with test procedures.

11 b. **Section 44012, subdivision (f):** Respondent Thompson failed to perform emission
12 control tests on that vehicle in accordance with procedures prescribed by the department.

13 c. **Section 44032:** Respondent Thompson failed to perform tests of the emission control
14 devices and systems on that vehicle in accordance with section 44012 of that Code.

15 d. **Section 44059:** Respondent Thompson willfully made false entries for electronic
16 Certificate of Compliance No. WN404270, certifying that the vehicle had been inspected as
17 required when, in fact, it had not.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 20. Respondent Thompson has subjected his technician license to discipline under Health
21 and Safety Code section 44072.2, subdivision (c), in that on or about August 25, 2010, regarding
22 the 1992 Buick Skylark, he violated sections of the California Code of Regulations, title 16, as
23 follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Thompson falsely or fraudulently
25 issued electronic Certificate of Compliance No. WN404270 without performing a bona fide
26 inspection of the emission control devices and systems on that vehicle as required by Health and
27 Safety Code section 44012.

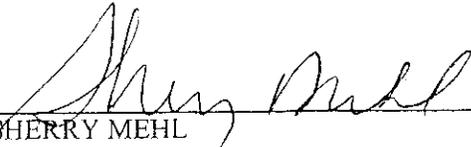
PRAYER

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

1. Revoking, suspending, or placing on probation Automotive Repair Dealer Registration Number ARD 259225, issued to Christopher Kyle Ladd doing business as Amigos Test Only;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued in the name of Christopher Kyle Ladd;
3. Revoking or suspending Smog Check Test Only Station License Number TC 259225, issued to Christopher Kyle Ladd doing business as Amigos Test Only;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Christopher Kyle Ladd;
5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 152894, issued to George David Thompson;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of George David Thompson;
7. Ordering Christopher Kyle Ladd and George David Thompson to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
8. Taking such other and further action as deemed necessary and proper.

DATED: _____

11/17/11


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SD2010703344
10703359.doc