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

11
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.
16 **ARD 259225**
Smog Check Test Only Station License No.
17 **TC 259225,**

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

18 and

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

21 Respondents.

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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.
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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.

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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.

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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.

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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.

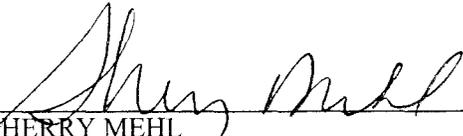
PRAYER

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: _____

5/17/11


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

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