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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. 79/15-87

13 **GURPREET SINGH, Owner**
14 **dba ALPINE SMOG**
15 **716 East Lodi Ave.**
16 **Lodi, CA 95240**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 260402**
19 **Smog Check Station License No. RC 260402**

ACCUSATION

(SMOG CHECK)

20 **GURPREET SINGH**
21 **1532 Blackbird Place**
22 **Lodi, CA 95240**
23 **Smog Check Repair Technician No. EI 153759**
24 **Smog Check Inspector License No. EO 153759**
25 **(formerly Advanced Emission Specialist**
26 **Technician License No. EA 15379)**

Respondent.

27 Patrick Dorais ("Complainant") alleges:

28 **PARTIES**

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

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1 **Automotive Repair Dealer Registration**

2 2. On or about January 7, 2010, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 260402 (“registration”) to Gurpreet Singh (“Respondent”), doing
4 business as Alpine Smog. The registration was in full force and effect at all times relevant to the
5 charges brought herein. The license expired on October 31, 2014, and has not been renewed.

6 **Smog Check Station License**

7 3. On or about December 28, 2012, the Bureau issued Smog Check Station License
8 Number RC 260402 (“station license”) to Respondent. The station license was in full force and
9 effect at all times relevant to the charges brought herein. The license expired on October 31,
10 2014, and has not been renewed.

11 **Smog Check Repair Technician**

12 4. In 2006, the Bureau issued Advanced Emission Specialist Technician License
13 Number EA 153759 to Respondent. Respondent’s advanced emission specialist technician
14 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
15 section 3340.28(e), the license was renewed, pursuant to Respondent’s election, as Smog Check
16 Repair Technician License Number EI 153759 (“repair technician license”), effective
17 October 16, 2012.¹ The technician license was in full force and effect at all times relevant to the
18 charges brought herein and will expire on September 30, 2016, unless renewed.

19 **Smog Check Inspector**

20 5. In 2006, the Bureau issued Advanced Emission Specialist Technician License
21 Number EA 153759 to Respondent. Respondent’s advanced emission specialist technician
22 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
23 section 3340.28(e), the license was renewed, pursuant to Respondent’s election, as Smog Check
24 Inspector License Number EO 153759 (“inspector license”), effective October 16, 2012. The
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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 inspector license was in full force and effect at all times relevant to the charges brought herein
2 and will expire on September 30, 2016, unless renewed.

3 **STATUTORY PROVISIONS**

4 6. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
5 part:

6 (a) The director, where the automotive repair dealer cannot show there was a
7 bona fide error, may deny, suspend, revoke, or place on probation, the registration of
8 an automotive repair dealer for any of the following acts or omissions related to the
9 conduct of the business of the automotive repair dealer, which are done by the
10 automotive repair dealer or any automotive technician, employee, partner, officer, or
11 member of the automotive repair dealer.

12 (1) Making or authorizing in any manner or by any means whatever any
13 statement written or oral which is untrue or misleading, and which is known, or which
14 by the exercise of reasonable care should be known, to be untrue or misleading.

15 (3) Failing or refusing to give to a customer a copy of any document
16 requiring his or her signature, as soon as the customer signs the document.

17 (4) Any other conduct which constitutes fraud.

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

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

7. Section 9884.13 of the Code states:

"The expiration of a valid registration shall not deprive the director or chief of jurisdiction
to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
or to render a decision invalidating a registration temporarily or permanently."

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

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1 signed a written estimate but did not receive a copy prior to the inspection being performed. The
2 operator then observed Respondent perform a smog inspection on the vehicle. Following the
3 inspection, Respondent told the operator that the vehicle had failed the inspection due to a
4 missing exhaust gas recirculation valve and exhaust gas cooler. The operator paid Respondent
5 \$60 and received a copy of a Vehicle Inspection Report, Estimate No. [REDACTED] and Invoice No. [REDACTED].

6 14. Later that same day (September 19, 2013) the Bureau conducted a field inspection
7 at Respondent's facility. During the field inspection, Respondent admitted and acknowledged
8 that he had used his brother Pardeep Singh's Smog Check Inspector License Number EO 633402
9 and access code to perform the smog inspection on the undercover vehicle. Furthermore,
10 Respondent knew or should have known that he was not qualified or eligible to perform the smog
11 inspection due to a low "STAR" score and that he would not have access to the EIS using his own
12 name and license information.²

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Untrue or Misleading Statements)**

15 15. Respondent's registration is subject to discipline pursuant to Code section
16 9884.7(a)(1), in that on or about September 19, 2013, Respondent made or authorized statements
17 which he knew or in the exercise of reasonable care should have known to be untrue or
18 misleading in that Respondent certified that his brother, Pardeep Singh, had performed the smog
19 inspection on the Bureau's 2006 Chevrolet. In fact, Respondent used his brother Pardeep Singh's
20 Smog Check Inspector License Number EO 633402 and confidential access code to access the
21 EIS and perform the smog inspection on the vehicle.

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25 ² Respondent holds Smog Check Inspector License Number EO 153759, but he is not
26 eligible to be employed for the purposes of performing smog check inspections at a "STAR"
27 certified Smog Check Station due to a low "STAR" score. Respondent was not assigned to the
28 Emissions Inspection System (EIS) at Alpine Smog at the time the Bureau conducted the
undercover vehicle operation and therefore, Respondent could not legally perform the smog
inspection.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 16. Respondent's registration is subject to discipline pursuant to Code section
4 9884.7(a)(4), in that on or about September 19, 2013, regarding the 2006 Chevrolet, Respondent
5 committed acts which constitute fraud by using his brother, Pardeep Singh's Smog Check
6 Inspector License Number EO 633402 and confidential access code to access the EIS and enter
7 false information into the unit concerning the identity of the technician performing the smog
8 inspection on the Bureau's undercover vehicle. Furthermore, Respondent knew or should have
9 known that he was not qualified or eligible to perform the smog inspection due to a low "STAR"
10 score and that he would not have access to the EIS using his own name and license information.
11 Therefore, a bona fide inspection of the emission control devices and systems on the vehicle was
12 not performed, thereby depriving the People of the State of California of the protection afforded
13 by the Motor Vehicle Inspection Program.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Provide a Copy of a Signed Document)**

16 17. Respondent's registration is subject to discipline under Code section 9884.7(a)(3),
17 in that on or about September 19, 2013, regarding the Chevrolet, Respondent failed to provide the
18 operator with a copy of the estimate as soon as the operator signed the document.

19 **FOURTH CAUSE FOR DISCIPLINE**

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

21 18. Respondent's station license and inspector license are subject to discipline under
22 Health & Safety Code section 44072.2(a), in that on or about September 19, 2013, regarding the
23 Chevrolet, Respondent failed to comply with the following sections of that Code:

24 a. **Section 44012(f):** Respondent failed to perform emission control tests on the
25 vehicle in accordance with procedures prescribed by the department.

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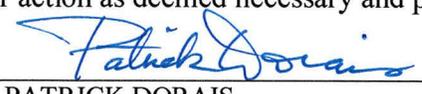
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7. Ordering Gurpreet Singh to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: December 11, 2014



PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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