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

In the Matter of the Accusation Against:

Case No. 79/13-63

**FAST SMOG CHECK TEST ONLY;  
MANUEL A. MIRANDAS  
1140 E. Slauson Avenue, Unit B  
Los Angeles, CA 90011  
Automotive Repair Dealer Registration No.  
ARD 266095  
Smog Check, Test Only, Station License No.  
TC 266095**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about April 17, 2013, Complainant John Wallauch, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/13-63 against Fast Smog Check Test Only; Manuel A. Mirandas, Owner (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about July 29, 2011, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 266095 to Respondent. The Automotive

1 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
2 in Accusation No. 79/13-63 and will expire on July 31, 2013, unless renewed.

3 3. On or about September 8, 2011, the Bureau of Automotive Repair issued Smog  
4 Check, Test Only, Station License No. TC 266095 to Respondent. The Smog Check, Test Only,  
5 Station License was in full force and effect at all times relevant to the charges brought in  
6 Accusation No. 79/13-63 and will expire on July 31, 2013, unless renewed.

7 4. On or about April 22, 2013, Respondent was served by Certified and First Class Mail  
8 copies of the Accusation No. 79/13-63, Statement to Respondent, Notice of Defense, Request for  
9 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
10 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
11 required to be reported and maintained with the Bureau. Respondent's address of record was and  
12 is: 1140 E. Slauson Avenue, Unit B Los Angeles, CA 90011.

13 5. Service of the Accusation was effective as a matter of law under the provisions of  
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
15 124.

16 6. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
19 of the accusation not expressly admitted. Failure to file a notice of defense shall  
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
21 may nevertheless grant a hearing.

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
24 79/13-63.

25 8. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the  
27 hearing, the agency may take action based upon the respondent's express admissions  
28 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

9. Pursuant to its authority under Government Code section 11520, the Director after  
having reviewed the proof of service dated April 22, 2013, signed by Lisa M. Robinson, finds

1 Respondent is in default. The Director will take action without further hearing and, based on  
2 Accusation, No. 79/13-63, proof of service and on the Affidavit of Bureau Representative Allen  
3 Steele, finds that the allegations in Accusation are true.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent has subjected his Automotive  
6 Repair Dealer Registration and Smog Check Test Only Station License to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
9 Repair Dealer Registration and Smog Check Station License based upon the following violations  
10 alleged in the Accusation which are supported by the evidence contained in the affidavit of  
11 Bureau Representative Allen Steele:

12 a. Business and Professions Code section 9884.7, subdivision (a)(1) (Misleading  
13 Statements.)

14 b. Business and Professions Code section 9884.7, subdivision (a)(4) (Fraud.)

15 c. Health and Safety Code section 44072.2, subdivision (a) (Violations of the Motor  
16 Vehicle Inspection Program.)

17 d. Health and Safety Code section 44072.2, subdivision (c) (Violations of Regulations  
18 Pursuant to the Motor Vehicle Inspection Program.)

19 e. Health and Safety Code section 44072.2, subdivision (d) (Dishonesty, Fraud or  
20 Deceit.)

21 ORDER

22 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 266095 and  
23 Smog Check Test Only Station License No. TC 266095, heretofore issued to Respondent are  
24 revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
26 written motion requesting that the Decision be vacated and stating the grounds relied on within  
27 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
28 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho

1 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
2 on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on SEP 05 2013.

4 It is so ORDERED August 2, 2013

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DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

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DOJ Matter ID:LA2013508692

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

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11 In the Matter of the Accusation Against:

Case No. 79/13-63

12 **FAST SMOG CHECK TEST ONLY;**  
13 **MANUEL A. MIRANDAS, Owner**  
14 **1140 E. Slauson Avenue, Unit B**  
**Los Angeles, CA 90011**

**A C C U S A T I O N**

15 **Automotive Repair Dealer Registration No.**  
**ARD 266095**  
16 **Smog Check, Test Only, Station License No.**  
**TC 266095**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about July 29, 2011, the Bureau of Automotive Repair issued Automotive  
24 Repair Dealer Registration Number ARD 266095 to Fast Smog Check Test Only; Manuel A.  
25 Mirandas, Owner (Respondent). The Automotive Repair Dealer Registration was in full force  
26 and effect at all times relevant to the charges brought herein and will expire on July 31, 2013,  
27 unless renewed.  
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1 two tables below, certifying that they had been tested and inspected and that the vehicles were in  
 2 compliance with applicable laws and regulations:

3 **Table 1 (9-7-2012)**

4

5 Test Times	Vehicle in EIS Data (License Plate #)	Vehicle Tested (License Plate #)	Certificate Issued
6 1155-1212	1983 BMW 5-Series (3APB132)	1996 Chevrolet Astro Van (4EVV815)	XL305918C
7 1231-1240	1993 Toyota Celica (3DJD274)	1996 Chevrolet Astro Van (4EVV815)	XL305919C
8 1351-1407	2006 Volkswagon New Beetle Vin # 3VWRW31C86M410872	1998 Lincoln Navigator (6GLS432) and 1996 Chevrolet Astro Van (4EVV815)	XL305921C
9 1436-1445	1999 Ford Contour, Vin # 1FAFP66L2XK197185	1996 Chevrolet Astro Van (4EVV815)	XL305922C
10 1517-1528	1993 Mercedes 190E (3SZD264)	1996 Chevrolet Astro Van (4EVV815)	XL305924C

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14 **Table 2 (9-13-2012)**

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16 Test Times	Vehicle in EIS Data (License Plate #)	Vehicle Tested (License Plate #)	Certificate Issued
17 1555-1601	1991 GMC 3500 (8K55855)	1996 Chevrolet Astro Van (4EVV815) and 1998 Lincoln Navigator (6GLS432)	XL416033C
18 1619-1624	1999 BMW 5-Series (6KRM385)	1996 Chevrolet Astro Van (4EVV815) and 1998 Lincoln Navigator (6GLS432)	XL416035C
19 1629-1633	1998 Chevrolet Venture (4AZW393)	1996 Chevrolet Astro Van (4EVV815) and 1998 Lincoln Navigator (6GLS432)	XL416036C
20 1638-1646	1988 Mazda truck (8M82817)	1996 Chevrolet Astro Van (4EVV815) and 1998 Lincoln Navigator (6GLS432)	XL416037C
21 1651-1655	1989 Chevrolet Van (3Y23456)	1996 Chevrolet Astro Van (4EVV815) and 1998 Lincoln Navigator (6GLS432)	XL416038C

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1659-1705	2002 Nissan Altima (4UEA556)	1996 Chevrolet Astro Van (4EUV815) and 1998 Lincoln Navigator (6GLS432)	XL416039C
1710-1714	2000 Ford Expedition (5EJY296)	1996 Chevrolet Astro Van (4EUV815) and 1998 Lincoln Navigator (6GLS432)	XL416040C
1720-1724	1991 Toyota Camry (4SDB293)	1996 Chevrolet Astro Van (4EUV815) and 1998 Lincoln Navigator (6GLS432)	XL416041C

13. In fact, Respondent performed the smog inspections using the clean piping method by utilizing the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the electronic certificates of compliance. The vehicles certified were not in the test bay at the time of the smog inspections.

**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

14. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about September 7 and again on September 13, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Tables 1 and 2, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

15. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about September 7 and again on September 13, he committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Tables 1 and 2, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

1 **THIRD CAUSE FOR DISCIPLINE**

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

3 16. Respondent has subjected his station license to discipline under Health and Safety  
4 Code section 44072.2, subdivision (a), in that on or about September 7 and again on September  
5 13, regarding the vehicles set forth in Tables 1 and 2, above, he violated sections of that Code, as  
6 follows:

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

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

12 c. **Section 44015, subdivision (b):** Respondent issued electronic certificates of  
13 compliance without properly testing and inspecting the vehicles to determine if they were in  
14 compliance with section 44012 of that Code.

15 d. **Section 44059:** Respondent willfully made false entries for the electronic certificates  
16 of compliance by certifying that those vehicles had been inspected as required when, in fact, he  
17 had not.

18 **FOURTH CAUSE FOR DISCIPLINE**

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

20 17. Respondent has subjected his station license to discipline under Health and Safety  
21 Code section 44072.2, subdivision (c), in that on or about September 7 and again on September  
22 13, regarding the vehicles set forth in Tables 1 and 2, above, he violated sections of the California  
23 Code of Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
25 electronic certificates of compliance without performing bona fide inspections of the emission  
26 control devices and systems on those vehicles as required by Health and Safety Code section  
27 44012.



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- 2. Revoking or suspending Smog Check, Test Only, Station License Number TC 266095, issued to Respondent;
- 3. Ordering Respondent 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;
- 4. Taking such other and further action as deemed necessary and proper.

DATED: April 17, 2013

*John Wallauch by [Signature]*  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*  
*DOUG BAATH*

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