

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 VIVIAN CHO
Deputy Attorney General
4 State Bar No. 293773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6603
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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. 79/19-3590

13 **MARIA I. SANCHEZ dba HERMANOS**
14 **TEST ONLY**
27437 5th St #2
15 Highland, CA 92346

ACCUSATION

16 Automotive Repair Dealer Registration
No. ARD 267653
17 Smog Check, Test Only, Station License
18 No. TC 267653,

19 **OCTAVIO GONZALEZ**
627 South Olive Ave Unit A
20 Rialto, CA 92376

Smog Check Inspector License No. EO 635621

21 and

22 **ELEAZAR BRYAN LOPEZ**
25016 Vine St
23 San Bernardino, CA 92410

24 Smog Check Inspector License No. EO 633439

25 Respondents.
26

PARTIES

1
2 1. Patrick Dorais (“Complainant”) brings this Accusation solely in his official capacity
3 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

4 ***Maria I. Sanchez***

5 2. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer
6 Registration No. ARD 267653 to Maria I. Sanchez (“Respondent Sanchez”) doing business as
7 Hermanos Test Only. The Automotive Repair Dealer Registration was in full force and effect at
8 all times relevant to the charges brought herein and will expire on January 31, 2020, unless
9 renewed.

10 3. On or about January 6, 2012, the Bureau issued Smog Check, Test Only, Station
11 License No. TC 267653 to Respondent Sanchez doing business as Hermanos Test Only. The Smog
12 Check, Test Only, Station License was in full force and effect at all times relevant to the charges
13 brought herein and will expire on January 31, 2020, unless renewed.

14 4. On or about October 26, 2011, the Bureau issued Automotive Repair Dealer
15 Registration No. ARD 266963 to (“Respondent Sanchez”) doing business as One Stop Test Only.
16 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
17 charges brought herein and will expire on October 31, 2020, unless renewed.

18 5. On or about November 9, 2011, the Bureau issued Smog Check, Test Only, Station
19 License No. TC 266963 to (“Respondent Sanchez”) doing business as One Stop Test Only. The
20 Smog Check, Test Only, Station License was in full force and effect at all times relevant to the
21 charges brought herein and will expire on October 31, 2020, unless renewed.

22 ***Octavio Gonzales***

23 6. On or about June 13, 2013, the Bureau issued Smog Check Inspector No. EO
24 635621 to Octavio Gonzalez (“Respondent Gonzalez”). The Smog Check Inspector was in full
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,
26 2021, unless renewed.

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1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
2 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
3 proceedings against the licensee, or to render a decision suspending or revoking the license.

4 13. Section 44072.8 of the Health and Safety Code states:

5 When a license has been revoked or suspended following a hearing
6 under this article, any additional license issued under this chapter in
7 the name of the licensee may be likewise revoked or suspended by
8 the director.

8 **STATUTORY PROVISIONS**

9 14. Section 477 of the Business and Professions Code provides, in pertinent part, that
10 “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
11 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
12 to engage in a business or profession regulated by the Business and Professions Code.

13 15. Business and Professions Code section 9884.7 states, in pertinent part:

14 (a) The director, where the automotive repair dealer cannot show there
15 was a bona fide error, may refuse to validate, or may invalidate
16 temporarily or permanently, the registration of an automotive repair
17 dealer for any of the following acts or omissions related to the conduct
18 of the business of the automotive repair dealer, which are done by the
19 automotive repair dealer or any automotive technician, employee,
20 partner, officer, or member of the automotive repair dealer.

18 (1) Making or authorizing in any manner or by any
19 means whatever any statement written or oral which is
20 untrue or misleading, and which is known, or which by
21 the exercise of reasonable care should be known, to be
22 untrue or misleading.

21

22 (4) Any other conduct that constitutes fraud.

23

23 (6) Failure in any material respect to comply with the
24 provisions of this chapter or regulations adopted
25 pursuant to it.

25

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

1 16. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog
2 check stations shall be performed in accordance with procedures prescribed by the department.

3 17. Health and Safety Code section 44015, subdivision (b), provides that a certificate
4 of compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
5 40012.

6 18. Health and Safety Code section 44072.2 states, in pertinent part:

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

9 (a) Violates any section of this chapter [the Motor
10 Vehicle Inspection Program (Health and Safety Code §
11 44000, et seq.)] and the regulations adopted pursuant to
it, which related to the licensed activities.

12 . . .

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

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

16 . . .

17 (h) Violates or attempts to violate the provisions of this
18 chapter relating to the particular activity for which he or
she is licensed.

19 19. Health and Safety Code section 44072.10 states, in pertinent part:

20

21 (c) The department shall revoke the license of any smog check
22 technician or station licensee who fraudulently certifies vehicles or
participates in the fraudulent inspection of vehicles. A fraudulent
inspection includes, but is not limited to, all of the following:

23 (1) Clean piping, as defined by the department

24 (2) Tampering with a vehicle emission control system
25 or test analyzer system.

26 (3) Tampering with a vehicle in a manner that would
27 cause the vehicle to falsely pass or falsely fail an
28 inspection.

1 (4) Intentional or willful violation of this chapter or
2 any regulation, standard, or procedure of the department
3 implementing this chapter

4 **REGULATORY PROVISIONS**

5 20. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

6 The bureau may suspend or revoke the license of or pursue other
7 legal action against a licensee, if the licensee falsely or fraudulently
8 issues or obtains a certificate of compliance or a certificate of
9 noncompliance.

10 21. California Code of Regulations, title 16, section 3340.30, subdivision (a), states:

11 A licensed smog check inspector and/or repair technician shall
12 comply with the following requirements at all times while licensed:

13 (a) Inspect, test and repair vehicles, as applicable, in
14 accordance with section 44012 of the Health and Safety
15 Code, section 44035 of the Health and Safety Code, and
16 section 3340.42 of this article.

17 22. California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

18

19 (c) A licensed station shall issue a certificate of compliance or
20 noncompliance to the owner or operator of any vehicle that has been
21 inspected in accordance with the procedures specified in section
22 3340.42 of this article and has all the required emission control
23 equipment and devices installed and functioning correctly. . . .

24 23. California Code of Regulations, title 16, section 3340.41, subdivision (c), states, in
25 pertinent part:

26 . . . Nor shall any person knowingly enter into the BAR-97
27 Emissions Inspection System or the OBD Inspection System any
28 false information about the vehicle being tested.

29 24. California Code of Regulations, title 16, section 3340.42, sets forth specific
30 emissions test methods and procedures which apply to all vehicles inspected in the State of
31 California.

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1 25. California Code of Regulations, title 16, section 3340.45, states:

2 (a) All Smog Check inspections shall be performed in accordance
3 with requirements and procedures prescribed in the following:

4 (1) Smog Check Manual, dated 2013, which is hereby
5 incorporated by reference. This manual became effective
6 on or after January 1, 2013. This manual shall remain in
effect until subparagraph (2) is implemented.

7 (2) Smog Check Manual, dated November 2, 2017, which
8 is hereby incorporated by reference. This manual shall
become effective on August 2, 2018.

9 **COST RECOVERY**

10 26. Business and Professions Code section 125.3 provides, in pertinent part, that the
11 Board may request the administrative law judge to direct a licentiate found to have committed a
12 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
13 investigation and enforcement of the case, with failure of the licentiate to comply subjecting the
14 license to not being renewed or reinstated. If a case settles, recovery of investigation and
15 enforcement costs may be included in a stipulated settlement.

16 **BACKGROUND: CALIFORNIA SMOG CHECK INSPECTION PROGRAM**

17 27. A smog check inspection of a pre-2000 model year vehicle includes three portions:
18 tailpipe, visual, and functional. A vehicle must pass all three portions to pass the overall inspection
19 and receive a Certificate of Compliance. The Certification of Compliance is then transmitted
20 electronically to the Vehicle Information Database (“Database”).

21 28. The tailpipe inspection measures levels of hydrocarbons, carbon monoxide, oxides
22 of nitrogen, carbon dioxide, and oxygen emitted by a vehicle.

23 a. Pre-2000 model year vehicles registered in certain Enhanced Areas² must
24 undergo an Acceleration Simulation Mode (ASM) inspection using an Emission Inspection
25 System (EIS), also known as the BAR-97. The BAR-97 is a computer-based, five-gas analyzer
26 that measures hydrocarbons, carbon monoxide, nitrogen oxide, carbon dioxide, and oxygen.

27 _____
28 ² Enhanced Areas do not meet federal or state air quality standards for ozone and carbon monoxide.
Vehicles in Enhanced Areas are required to under Biennial Smog Check inspections.

1 During the ASM inspection, a vehicle undergoes a loaded mode test on a dynamometer. The
2 vehicle's drive wheels are placed on rollers and the vehicle is driven at speeds of 15 and 25 miles
3 per hour to simulate driving conditions while the emissions are sampled by the EIS. Mode 1 begins
4 when the vehicle speed stabilizes at 15 miles per hour, and Mode 2 begins when the vehicle speed
5 stabilizes at 25 miles per hour.

6 b. Pre-2000 model year vehicles registered in Basic Areas and vehicles that are
7 incompatible with the ASM inspection must undergo a Two Speed Idle (TSI) inspection. Rather
8 than applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the
9 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and oxygen at two test sequences—
10 2500 revolutions per minute and idle.

11 29. During the visual inspection, the technician must inspect emission control
12 components to verify that they are present and properly connected.

13 30. The functional test, depending on the vehicle, may include checking the ignition
14 timing, malfunction indicator light, and Exhaust Gas Recirculation system, as well as conducting a
15 low-pressure test of the evaporative emissions controls, a visible smoke test, and a pressure test of
16 the fuel cap. An On-Board Diagnostics (OBDII) functional test is also performed on most 1996
17 to 1999 model year vehicles. The OBDII system monitors the vehicle's emission control system
18 performance and includes self-diagnostic and reporting functions. During an OBDII functional
19 test, the technician connects a test cable from EIS to the vehicle's Diagnostic Link Connector.
20 Through the Diagnostic Link Connector, the EIS retrieves information from the vehicle's on-board
21 computer about its ability to communicate, the status of the readiness monitors and the malfunction
22 indicator light command, as well as diagnostic trouble codes. The readiness monitors indicate
23 whether the OBDII system has run a sufficient number of self-tests on the vehicle's emission and
24 engine control systems. A failure of one or more of the OBDII functional criteria, depending on
25 model year of the vehicle, will result in the vehicle failing its smog check inspection. In addition
26 to reporting the outcome of the OBDII functional test, the smog check inspection results also show
27 diagnostic trouble codes if there are any in the vehicle's on-board computer memory.

28 ///

1 31. The technician must enter the results of the visual and functional inspections into
2 the EIS. The EIS determines whether the vehicle passed the inspection based on the results of the
3 tailpipe, visual, and functional tests. A vehicle must pass all three parts to pass the overall inspection
4 and receive a Certificate of Compliance. The EIS generates a Vehicle Inspection Report (VIR),
5 which includes the test results and the Certificate of Compliance number issued to a passing vehicle.
6 An electronic copy of the VIR is transmitted to the Vehicle Information Database (VID).³ A
7 physical copy is printed, which the technician must sign under penalty of perjury, indicating that
8 the inspection was performed in accordance with Bureau guidelines.

CLEAN GASSING

9
10 32. On or around June 13, 2019, Bureau Representative Ian Evans and Air Quality
11 Engineer Francis Di Genova conducted a detailed review of second-by-second⁴ data for smog
12 check inspections performed at Hermanos Test Only and found that they revealed a pattern of
13 readings consistent with clean gassing. Bureau Representative Evans and Air Quality Engineer Di
14 Genova identified the allowable emission levels or “cutpoints” for Mode 1 and Mode 2 of the ASM
15 inspection of a particular vehicle. The cutpoints were then compared to second-by-second data
16 obtained from Hermanos Test Only. Based on discrepancies in the second-by-second test data,
17 Bureau Representative Evans and Bureau Air Quality Engineer Di Genova determined that twelve
18 (12) pre-2000 model year vehicles⁵ received fraudulent Smog Check Certificates of Compliance
19 by way of clean gassing, as set forth in detail in paragraph 32 below.

20 33. “Clean gassing” is a method by which surrogate gases are introduced into a Smog
21 Check analyzer, or Emission Inspection System (EIS), in order to dilute the exhaust of pollution-

22 ³ The VID contains data from the DMV, emission standards, smog check inspections, smog check
23 stations and technicians, and Certificates of Compliance. The VID receives passing smog check
24 results immediately following the inspection. During the vehicle registration process, the DMV
25 accesses the VID to verify that the vehicle has been tested and certified. The Bureau can also
26 access the VID to view test data on smog check inspections performed at any smog check station,
27 or search for, retrieve, and print a test record for a particular vehicle that has been tested.

28 ⁴ Second-by-second data refers to vehicle emissions and speed data recorded on a second-by-
second basis throughout the smog check ASM tests.

⁵ The Bureau’s initial investigation consisted of 14 vehicles. For the purposes of Complainant’s
Accusation, vehicle 6 (1992 Honda Accord) and vehicle 14 (1998 Chevrolet Tahoe) have been
omitted.

causing emissions. This alters the vehicle exhaust samples and causes the EIS to issue a passing test result based on a fraudulent reading of exhaust emissions rather than the actual vehicle emissions. Unlike clean piping or clean plugging, where another car is substituted for the failing car, another car is not involved in clean gassing.

34. Further review of test data revealed that all 12 vehicles were tested on two separate dates at Hermanos Test Only. The tailpipe portion of the inspections for all 12 vehicles were performed using the BAR 97-ASM test at two loaded mode sequences of 15 and 25 miles per hour. All 12 vehicles failed the first inspection for failing at least the tailpipe portion of the inspection. Most vehicles underwent their second inspection at Hermanos Test Only within days after their failing first inspection. All 12 vehicles passed the tailpipe portion of their second inspections and were issued fraudulent electronic Smog Check Certificates of Compliance. Eleven of the 12 inspections, performed by way of clean gassing, were conducted by Respondent Gonzales. One of the 12 inspections, performed by way of clean gassing, was conducted by Respondent Lopez. Respondents' clean gassing activities as to these 12 vehicles that occurred between March 21, 2016 and April 4, 2019 are illustrated below in Table 1 below and set forth in further detail below:

TABLE 1

No. ⁶	First Test Date (Failed)	Second Test Date (Passed)	Vehicle (Year, Make, Model) License No. & VIN No.	Certificate No.
1	3/12/2016	3/21/2016	1997 Toyota Camry CA License No. 3VAC693 VIN No. 4T1BG22K0VU093905	YZ588086C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
2	9/16/2017	11/15/2017	1994 Acura Integra CA License No. 7MCC625 VIN No. JH4DC4452RS048749	HH624835C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
3	12/23/2017	12/28/2017	1998 Honda Accord CA License No. 7PYV864 VIN No. 1HGCG2250WA004163	HJ513291C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
4	2/15/2018	2/24/2018	1993 Ford F150 Super Cab Short CA License No. 8D66279 VIN No. 1FTEX15N3PKB55295	HN897821C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		

⁶ To maintain consistency between the numbering of vehicles in this Accusation with those set forth in the Bureau's investigation, vehicles numbered 6 and 14 are omitted from Table 1.

No.	First Test Date (Failed)	Second Test Date (Passed)	Vehicle (Year, Make, Model) License No. & VIN No.	Certificate No.
5	1/27/2018	3/10/2018	1994 Nissan Pickup 2WD CA License No. 05393U1 VIN No. 1N6SD11S9RC366647	HN897838C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
7	7/26/2018	7/31/2018	1996 Toyota 4Runner CA License No. 7URH904 VIN No. JT3GN86R8T0014807	HV187727C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
8	7/28/2018	8/3/2018	1981 Chevrolet C10 Pickup CA License No. None VIN No. 1GCEC14H8BS101913	HV187733C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
9	8/16/2018	8/22/2018	1990 Honda Civic CA License No. 8APJ022 VIN No. 1HGED4663LA008347	QM506960C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
10	9/13/2018	9/20/2018	1998 Honda Civic CA License No. 4CXW546 VIN No. 1HGEJ8143WL128888	QO644803C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
11	5/15/2018	11/20/2018	1993 Chevrolet C1500 Pickup CA License No. 4N49301 VIN No. 2GCEC19K0P1107829	HV894732C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
12	12/10/2018	12/12/2018	1999 Nissan Altima CA License No. 4TFH568 VIN No. 1N4DL01D2XC143671	HZ016765C
	Gonzalez (EO 635621)	Gonzalez (EO 635621)		
13	4/2/2019	4/4/2019	1990 Toyota Cab/Chassis CA License No. 8G57437 VIN No. JT5VN94T4L0015780	ID828087C
	Lopez (EO 633439)	Lopez (EO 633439)		

a. Vehicle 1: 1997 Toyota Camry

On March 21, 2016 at 11:36:37 a.m., a 1997 Toyota Camry (CA License #3VAC693; VIN 4T1BG22K0VU093905) was inspected under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. YZ588086C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of hydrocarbons (HC), carbon monoxide (CO), and/or nitrogen oxides (NO_x):

///

- At 59 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 70 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 94 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only just nine days prior on March 12, 2016 at 11:58:26 a.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of HC and CO exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

b. Vehicle 2: 1994 Acura Integra

On November 15, 2017 at 3:18:22 p.m., a 1994 Acura Integra (CA License # 7MCC625; VIN JH4DC4452RS048749) was inspected under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. HH624835C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 45 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 61 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 87 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only about two months prior on September 16, 2017 at 12:50:45 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of HC, CO, and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

c. Vehicle 3: 1998 Honda Accord

On December 28, 2017 at 5:27:59 p.m., a 1998 Honda Accord (CA License # 7PYV864; VIN 1HGCG2250WA004163) was inspected under Respondent Gonzalez's Smog Check

1 Inspector License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez
2 issued Certificate of Compliance No. HJ513291C.

3 Second-by-second data shows the emission readings are inconsistent with a legitimate
4 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
5 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 6 • At 38 seconds, during a period of continued steady-state vehicle speed, levels
7 of HC, CO, and NO_x began to drop.
- 8 • At 56 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
9 prior levels.
- At 84 seconds, levels of HC, CO, and NO_x began to drop sharply again.

10 The same vehicle was tested at Hermanos Test Only just five days prior on December 23,
11 2017 at 1:17:42 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO
12 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of
13 HC, CO, and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

14 **d. Vehicle 4: 1993 Ford F150 Super Cab Short**

15 On February 24, 2018 at 9:32:49 a.m., a 1993 Ford F150 Super Cab Short (CA License
16 #8D66279; VIN 1FTEX15N3PKB55295) was inspected under Respondent Gonzalez's Smog
17 Check Inspector License No. EO 635621. The vehicle passed the inspection and Respondent
18 Sanchez issued Certificate of Compliance No. HN897821C.

19 Second-by-second data shows the emission readings are inconsistent with a legitimate
20 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
21 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 22 • At 36 seconds, during a period of continued steady-state vehicle speed, levels
23 of HC, CO, and NO_x began to drop.
- 24 • At 50 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
25 prior levels.
- 26 • At 60 seconds, levels of HC, CO, and NO_x began to drop sharply again.
- 27 • At 79 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
28 prior levels.
- At 109 seconds, levels of HC, CO, and NO_x began to drop sharply again.

1 The same vehicle was tested at Hermanos Test Only just nine days prior on February 15,
2 2018 at 4:15:58 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO
3 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of
4 HC, CO, and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

5 **e. Vehicle 5: 1994 Nissan Pickup 2WD**

6 On March 10, 2018 at 10:20:16 a.m., a 1994 Nissan Pickup 2WD (CA License #05393U1;
7 VIN 1N6SD11S9RC366647) was inspected under Respondent Gonzalez's Smog Check Inspector
8 License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued
9 Certificate of Compliance No. HN897838C.

10 Second-by-second data shows the emission readings are inconsistent with a legitimate
11 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
12 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 13 • At 29 seconds, during a period of continued steady-state vehicle speed, levels
14 of HC, CO, and NO_x began to drop.
- 15 • At 48 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
16 prior levels.
- At 75 seconds, levels of HC, CO, and NO_x began to drop sharply again.

17 The same vehicle was tested at Hermanos Test Only six weeks prior on January 27, 2018
18 at 12:53:28 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621.
19 This vehicle failed the previous inspection. Second-by-second data shows that levels of HC, CO,
20 and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

21 **f. Vehicle 7: 1996 Toyota 4Runner**

22 On July 31, 2018 at 2:26:47 p.m., a 1996 Toyota 4Runner (CA License #7URH904; VIN
23 JT3GN86R8T0014807) was inspected under Respondent Gonzalez's Smog Check Inspector
24 License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued
25 Certificate of Compliance No. HV187727C.

26 Second-by-second data shows the emission readings are inconsistent with a legitimate
27 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
28 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 55 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 72 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 99 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only just five days prior on July 26, 2018 at 2:33:53 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of HC and NO_x exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

g. Vehicle 8: 1981 Chevrolet C10 Pickup

On August 3, 2018 at 1:47:29 p.m., a 1981 Chevrolet C10 Pickup (CA License None; VIN 1GCEC14H8BS101913) was inspected under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. HV187733C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 30 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 47 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 65 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only just six days prior on July 28, 2018 at 12:26:48 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of HC and CO exceeded the cutpoints during both loaded mode sequences of the ASM test.

h. Vehicle 9: 1990 Honda Civic

On August 22, 2018 at 1:23:33 p.m., a 1990 Honda Civic (CA License #8APJ022; VIN 1HGED4663LA008347) was inspected under Respondent Gonzalez's Smog Check Inspector

1 License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued
2 Certificate of Compliance No. QM506960C.

3 Second-by-second data shows the emission readings are inconsistent with a legitimate
4 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
5 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 6 • At 37 seconds, during a period of continued steady-state vehicle speed, levels
7 of HC, CO, and NO_x began to drop.
- 8 • At 54 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
9 prior levels.
- At 86 seconds, levels of HC, CO, and NO_x began to drop sharply again.

10 The same vehicle was tested at Hermanos Test Only just six days prior on August 16, 2018
11 at 1:43:32 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621.
12 This vehicle failed the previous inspection. Second-by-second data shows that levels of NO_x
13 exceeded the cutpoints during both loaded mode sequences of the ASM test.

14 **i. Vehicle 10: 1998 Honda Civic**

15 On September 20, 2018 at 11:25:52 a.m., a 1998 Honda Civic (CA License #4CXW546;
16 VIN 1HGEJ8143WL128888) was inspected under Respondent Gonzalez's Smog Check Inspector
17 License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued
18 Certificate of Compliance No. QO644803C.

19 Second-by-second data shows the emission readings are inconsistent with a legitimate
20 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
21 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 22 • At 36 seconds, during a period of continued steady-state vehicle speed, levels
23 of HC, CO, and NO_x began to drop.
- 24 • At 53 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
25 prior levels.
- 26 • At 68 seconds, levels of HC, CO, and NO_x began to drop sharply again.
- 27 • At 93 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
28 prior levels.
- At 118 seconds, levels of HC, CO, and NO_x began to drop sharply again.

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1 The same vehicle was tested at Hermanos Test Only just seven days prior on September
2 13, 2018 at 2:34:34 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO
3 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of
4 HC and NO_x exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

5 **j. Vehicle 11: 1993 Chevrolet C1500 Pickup**

6 On November 20, 2018 at 3:15:20 p.m., a 1993 Chevrolet C1500 Pickup (CA License
7 #4N49301; VIN 2GCEC19K0P1107829) was inspected under Respondent Gonzalez's Smog
8 Check Inspector License No. EO 635621. The vehicle passed the inspection and Respondent
9 Sanchez issued Certificate of Compliance No. HV894732C.

10 Second-by-second data shows the emission readings are inconsistent with a legitimate
11 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
12 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 13 • At 27 seconds, during a period of continued steady-state vehicle speed, levels
14 of HC, CO, and NO_x began to drop.
- 15 • At 44 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
16 prior levels.
- 17 • At 66 seconds, levels of HC, CO, and NO_x began to drop sharply again.

18 The same vehicle was tested at Hermanos Test Only about six months prior on May 15,
19 2018 at 1:05:47 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO
20 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of
21 NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

22 **k. Vehicle 12: 1999 Nissan Altima**

23 On December 12, 2018 at 2:55:24 p.m., a 1999 Nissan Altima (CA License #4TFH568; VIN
24 1N4DL01D2XC143671) was inspected under Respondent Gonzalez's Smog Check Inspector
25 License No. EO 635621. The vehicle passed the inspection and Respondent Sanchez issued
26 Certificate of Compliance No. HZ016765C.

27 Second-by-second data shows the emission readings are inconsistent with a legitimate
28 smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous
29 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 46 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 63 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 84 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only just two days prior on December 10, 2018 at 4:44:07 p.m. under Respondent Gonzalez's Smog Check Inspector License No. EO 635621. This vehicle failed the previous inspection. Second-by-second data shows that levels of HC and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

I. Vehicle 13: 1990 Toyota Cab/Chassis

On April 4, 2019 at 12:49:25 p.m., a 1990 Toyota Cab/Chassis (CA License #8G57437; VIN JT5VN94T4L0015780) was inspected under Respondent Lopez's Smog Check Inspector License No. EO 633439. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. ID828087C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 44 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 55 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 88 seconds, levels of HC, CO, and NO_x began to drop sharply again.

The same vehicle was tested at Hermanos Test Only just two days prior on April 2, 2019 at 11:32:59 p.m. under Respondent Lopez's Smog Check Inspector License No. EO 633439. This vehicle failed the previous inspection. Second-by-second data shows that levels of NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

35. The data analysis conducted on Hermanos Test Only shows that Respondents participated in a scheme to perform at least 12 fraudulent Smog Check inspections between March 21, 2016 and April 4, 2019, resulting in the issuance of 12 fraudulent electronic Smog Check Certificates of Compliance.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements:**

3 **Automotive Repair Dealer Registration - Respondent Sanchez)**

4 36. Respondent Sanchez’s Automotive Repair Dealer Registration is subject to
5 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1),
6 in that between March 21, 2016 and April 4, 2019, Respondent Sanchez made or authorized
7 statements which she knew or in the exercise of reasonable care should have known to be untrue
8 or misleading, as follows: Respondent Sanchez certified that the vehicles set forth above in Table
9 1 had passed inspection and were in compliance with applicable laws and regulations. In fact,
10 Respondent Sanchez used the clean gassing method in order to issue smog certificates of
11 compliance, and did not test or inspect the vehicles as required by Health and Safety Code section
12 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 32 through 35, inclusive, as though set forth fully herein.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Fraud: Automotive Repair Dealer Registration - Respondent Sanchez)**

16 37. Respondent Sanchez’s Automotive Repair Dealer Registration is subject to
17 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
18 in that between March 21, 2016 and April 4, 2019, Respondent Sanchez committed acts which
19 constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in
20 Table 1 without performing bona fide inspections of the emission control devices and systems on
21 those vehicles, thereby depriving the People of the State of California of the protection afforded
22 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as though set
24 forth fully herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act:**

3 **Automotive Repair Dealer Registration - Respondent Sanchez)**

4 38. Respondent Sanchez's Automotive Repair Dealer Registration is subject to
5 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
6 in that between March 21, 2016 and April 4, 2019, she failed in a material respect to comply with
7 the provisions of this chapter or regulations adopted pursuant to it when she issued electronic
8 certificates of compliance for the vehicles identified in Table 1 above without performing bona
9 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program:**

15 **Smog Check Test Only Station License - Respondent Sanchez)**

16 39. Respondent Sanchez's Smog Check Test Only Station License is subject to
17 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
18 between March 21, 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1,
19 Respondent Sanchez failed to comply with the following sections of the Health and Safety Code:

20 a. **Section 44012:** Respondent Sanchez failed to ensure that the emission
21 control tests were performed on the vehicles in accordance with procedures prescribed by the
22 department.

23 b. **Section 44015:** Respondent Sanchez issued electronic smog certificates of
24 compliance for the vehicles identified in Table 1 above without ensuring that the vehicles were
25 properly tested and inspected to determine if they were in compliance with Health and Safety Code
26 section 44012.

27 c. **Section 44072.10, subdivision (c)(2) through (c)(4):** Respondent Sanchez
28 issued electronic smog certificates of compliance for the vehicles identified in Table 1 above by

1 way of tampering with the vehicles' emission control systems or test analyzer systems, causing
2 them to falsely pass the inspection, in intentional and willful violation of this chapter or any
3 regulation, standard, or procedure of the department implementing this chapter.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above
5 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:
8 Smog Check Test Only Station License - Respondent Sanchez)**

9 40. Respondent Sanchez's Smog Check Test Only Station License is subject to
10 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
11 between March 21, 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1,
12 Respondent Sanchez failed to comply with the following provisions of California Code of
13 Regulations, title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent Sanchez or fraudulently
15 issued electronic smog certificates of compliance for the vehicles identified in Table 1 above.

16 b. **Section 3340.35, subdivision (c):** Respondent Sanchez issued electronic
17 smog certificates of compliance for the vehicles identified in Table 1 above, even though the
18 vehicles had not been inspected in accordance with section 3340.42.

19 c. **Section 3340.41, subdivision (c):** Respondent Sanchez knowingly entered
20 false information into the emissions inspection system for the vehicles identified in Table 1.

21 d. **Section 3340.42:** Respondent Sanchez failed to ensure that the required
22 smog tests were conducted on the vehicles identified in Table 1 above, in accordance with the
23 Bureau's specifications.

24 e. **Section 3340.45:** Respondent Sanchez failed to perform smog check
25 inspections on the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 32 through 35, inclusive, as though set forth fully herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit:**

3 **Smog Check Test Only Station License - Respondent Sanchez)**

4 41. Respondent Sanchez's Smog Check Test Only Station License is subject to
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that
6 between March 21, 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1,
7 Respondent Sanchez committed acts involving dishonesty, fraud, or deceit whereby another was
8 injured, by issuing electronic certificates of compliance for those vehicles without performing bona
9 fide inspections of the emission control devices and systems on the vehicles, thereby depriving the
10 People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program:**

15 **Smog Check Inspector License - Respondent Gonzalez)**

16 42. Respondent Gonzalez's Smog Check Inspector License is subject to discipline
17 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between March 21,
18 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1, Respondent Gonzalez
19 failed to comply with section 44012 of the Health and Safety Code in a material respect, as follows:
20 Respondent Gonzalez failed to perform the emission control tests on those vehicles in accordance
21 with procedures prescribed by the department. Complainant refers to, and by this reference
22 incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as though set
23 forth fully herein.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program:**

26 **Smog Check Inspector License - Respondent Gonzalez)**

27 43. Respondent Gonzalez's Smog Check Inspector License is subject to discipline
28 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between March 21,

1 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1, Respondent Gonzalez
2 failed to comply with Health and Safety Code section 44072.10, subdivision (c)(2) through (c)(4).
3 Specifically, Respondent Gonzalez issued electronic smog certificates of compliance for the
4 vehicles identified in Table 1 above, by way of tampering with the vehicles' emission control
5 systems or test analyzer systems, causing them to falsely pass the inspection, in intentional and
6 willful violation of this chapter or any regulation, standard, or procedure of the department
7 implementing this chapter. Complainant refers to, and by this reference incorporates, the
8 allegations set forth above in paragraphs 32 through 35, inclusive, as though set forth fully herein.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:
11 Smog Check Inspector License - Respondent Gonzalez)**

12 44. Respondent Gonzalez's Smog Check Inspector License is subject to discipline
13 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 21,
14 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1, he failed to comply with
15 provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Gonzalez falsely or
17 fraudulently issued electronic smog certificates of compliance for the vehicles identified in Table
18 1 above.

19 b. **Section 3340.30, subdivision (a):** Respondent Gonzalez failed to inspect
20 and test the vehicles identified in Table 1 above, in accordance with Health and Safety Code
21 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.41, subdivision (c):** Respondent Gonzalez knowingly
23 entered false information into the emissions inspection system for the vehicles identified in Table
24 1 above.

25 d. **Section 3340.42:** Respondent Gonzalez failed to conduct the required
26 smog tests on the vehicles identified in Table 1 above, in accordance with the Bureau's
27 specifications.

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1 e. **Section 3340.45:** Respondent Gonzalez failed to perform smog check
2 inspections on the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in
4 paragraphs 32 through 35, inclusive, as though set forth fully herein.

5 **TENTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit:**

7 **Smog Check Inspector License - Respondent Gonzalez)**

8 45. Respondent Gonzalez’s Smog Check Inspector License is subject to disciplinary
9 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between March
10 21, 2016 and April 4, 2019, regarding the vehicles set forth above in Table 1, Respondent Gonzalez
11 committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing
12 electronic certificates of compliance for those vehicles without performing bona fide inspections
13 of the emission control devices and systems on the vehicles, thereby depriving the People of the
14 State of California of the protection afforded by the Motor Vehicle Inspection Program.
15 Complainant refers to, and by this reference incorporates, the allegations set forth above in
16 paragraphs 32 through 35, inclusive, as though set forth fully herein.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

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

19 **Smog Check Inspector License - Respondent Lopez)**

20 46. Respondent Lopez’s Smog Check Inspector License is subject to discipline
21 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on April 4, 2019,
22 regarding vehicle no. 13 as set forth above in Table 1, Respondent Lopez failed to comply with
23 section 44012 of the Health and Safety Code in a material respect, as follows: Respondent Lopez
24 failed to perform the emission control tests on that vehicle in accordance with procedures
25 prescribed by the department. Complainant refers to, and by this reference incorporates, the
26 allegations set forth above in paragraphs 32 through 35, inclusive, as though set forth fully herein.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program:**
3 **Smog Check Inspector License - Respondent Lopez)**

4 47. Respondent Lopez’s Smog Check Inspector License is subject to discipline
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on April 4, 2019,
6 regarding vehicle no. 13 as set forth above in Table 1, Respondent Lopez failed to comply with
7 Health and Safety Code section 44072.10, subdivision (c)(2) through (c)(4). Specifically,
8 Respondent Lopez issued an electronic smog certificate of compliance for the vehicle identified in
9 Table 1 above, by way of tampering with the vehicles’ emission control systems or test analyzer
10 systems, causing it to falsely pass the inspection, in intentional and willful violation of this chapter
11 or any regulation, standard, or procedure of the department implementing this chapter.
12 Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 32 through 35, inclusive, as though set forth fully herein.

14 **THIRTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:**
16 **Smog Check Inspector License - Respondent Lopez)**

17 48. Respondent Lopez’s Smog Check Inspector License is subject to discipline
18 pursuant to Health and Safety Code section 44072.2, subdivision (c), on April 4, 2019, regarding
19 vehicle no. 13 as set forth above in Table 1, he failed to comply with provisions of California Code
20 of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Lopez falsely or
22 fraudulently issued electronic smog certificates of compliance for the vehicle identified in Table 1
23 above.

24 b. **Section 3340.30, subdivision (a):** Respondent Lopez failed to inspect and
25 test the vehicle identified in Table 1 above, in accordance with Health and Safety Code sections
26 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

27 c. **Section 3340.41, subdivision (c):** Respondent Lopez knowingly entered
28 false information into the emissions inspection system for the vehicle identified in Table 1 above.

1 d. **Section 3340.42:** Respondent Lopez failed to conduct the required smog
2 tests on the vehicle identified in Table 1 above, in accordance with the Bureau's specifications.

3 e. **Section 3340.45:** Respondent Lopez failed to perform smog check
4 inspections on the vehicle in Table 1 as prescribed in the operative Smog Check Manual.

5 Complainant refers to, and by this reference incorporates, the allegations set forth above in
6 paragraphs 32 through 35, inclusive, as though set forth fully herein.

7 **FOURTEENTH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud or Deceit:**

9 **Smog Check Inspector License - Respondent Lopez)**

10 49. Respondent Lopez's Smog Check Inspector License is subject to disciplinary action
11 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on April 4, 2019,
12 regarding vehicle no. 13 as set forth above in Table 1, Respondent Lopez committed acts involving
13 dishonesty, fraud, or deceit whereby another was injured by issuing an electronic certificate of
14 compliance for that vehicle without performing bona fide inspections of the emission control
15 devices and systems on the vehicle, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
17 reference incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as
18 though set forth fully herein.

19 **OTHER MATTERS**

20 50. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
21 Director may suspend, revoke, or place on probation the registration for all places of business
22 operated in this state by Respondent Sanchez, upon a finding that she has, or is, engaged in a course
23 of repeated and willful violations of the laws and regulations pertaining to an automotive repair
24 dealer.

25 51. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only,
26 Station License Number TC 267653, issued to Respondent Sanchez, is revoked or suspended
27 following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the
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1 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
2 Director.

3 52. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
4 License Number EO 635621, issued to Respondent Gonzalez, is revoked or suspended following
5 a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and
6 Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

7 53. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
8 License Number EO 633439, issued to Respondent Lopez, is revoked or suspended following a
9 hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and
10 Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

11 **PRAYER**

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

14 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
15 267653, issued to Respondent Sanchez;

16 2. Revoking or suspending any other Automotive Repair Dealer Registration issued
17 to Respondent Sanchez;

18 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
19 267653, issued to Respondent Sanchez;

20 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
21 Division 26 of the Health and Safety Code in the name of Respondent Sanchez;

22 5. Revoking or suspending Smog Check Inspector License Number EO 635621,
23 issued to Respondent Octavio Gonzalez;

24 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
25 Division 26 of the Health and Safety Code in the name of Respondent Octavio Gonzalez;

26 7. Revoking or suspending Smog Check Inspector License Number EO 633439,
27 issued to Respondent Eleazar Bryan Lopez;

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8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Eleazar Bryan Lopez;

9. Ordering Respondents Maria I. Sanchez, Octavio Gonzalez, and Eleazar Bryan Lopez 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,

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

DATED: November 8, 2019

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

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