

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

In the Matter of the Accusation Against:

**JAVIER REGALADO, OWNER,  
DOING BUSINESS AS JR SMOG CHECK  
ONLY**

P.O. Box 52559  
Riverside, CA 92517

3720 Rubidoux Boulevard, #C  
Riverside, CA 92509

Automotive Repair Dealer Registration No. ARD  
267929

Smog Check-Test Only Station License No. TC  
267929

**JAVIER REGALADO, OWNER,  
DOING BUSINESS AS JR AUTO TECH  
AND TRANS FLEET SERVICE**

323 W. La Cadena Dr.  
Riverside, CA 92501

Automotive Repair Dealer Registration No.  
ARD 271569

Respondents.

Case No. 79/15-38

OAH No. 2014100527

**DECISION**

The attached Stipulated Settlement and Disciplinary Order a Only as to Automotive Repair Dealer Registration No. ARD 271569 and No. ARD 267929 and Smog Check-Test Only Station License No. TC 267929 is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Automotive Repair Dealer Registration No. ARD 271569, Automotive Repair Dealer Registration No. ARD 267929 and Smog Check-Test Only Station License No. TC 267929.

This Decision shall become effective

July 17, 2015

DATED:

June 23, 2015



TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
4 State Bar No. 267200  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2634  
7 Facsimile: (619) 645-2061  
E-mail: Adrian.Contreras@doj.ca.gov  
8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 79/15-38

13 **JAVIER REGALADO, OWNER,**  
14 **DOING BUSINESS AS JR SMOG CHECK**  
15 **ONLY**

OAH No. 2014100527

16 **P.O. Box 52559**  
17 **Riverside, CA 92517**

18 **3720 Rubidoux Boulevard, #C**  
19 **Riverside, CA 92509**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER ONLY AS TO**  
**AUTOMOTIVE REPAIR DEALER**  
**REGISTRATION NO. ARD 271569 AND**  
**NO. ARD 267929 AND SMOG CHECK-**  
**TEST ONLY STATION LICENSE NO.**  
**TC 267929**

20 **Automotive Repair Dealer Registration No.**  
21 **ARD 267929**  
22 **Smog Check-Test Only Station License No.**  
23 **TC 267929**

24 **JAVIER REGALADO, OWNER,**  
25 **DOING BUSINESS AS JR AUTO TECH**  
26 **AND TRANS FLEET SERVICE**  
27 **323 W. La Cadena Dr.**  
28 **Riverside, CA 92501**

**Automotive Repair Dealer Registration No.**  
**ARD 271569**

Respondents.

1 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
2 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of  
3 Automotive Repair the parties hereby agree to the following Stipulated Settlement and  
4 Disciplinary Order which will be submitted to the Director for the Director's approval and  
5 adoption as the final disposition of the First Amended Accusation solely with respect to Javier  
6 Regalado, Owner, doing business as JR Smog Check Only and JR Auto Tech and Trans Fleet  
7 Service (collectively Respondent). It does not pertain as the final disposition with respect to  
8 Edgar Chavez.

9 PARTIES

10 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
11 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
12 Harris, Attorney General of the State of California, by Adrian R. Contreras, Deputy Attorney  
13 General.

14 2. Respondent is represented in this proceeding by attorney Luis E. Lopez, Esq., whose  
15 address is: 4076 Brockton Avenue, Riverside, CA 92501.

16 3. On or about February 10, 2012, the Bureau of Automotive Repair issued Automotive  
17 Repair Dealer Registration Number ARD 267929 to Respondent. The Automotive Repair Dealer  
18 Registration was in full force and effect at all times relevant to the charges brought in First  
19 Amended Accusation No. 79/15-38, expired on February 28, 2015, and has not been renewed.

20 4. On or about March 5, 2012, the Bureau of Automotive Repair issued Smog Check-  
21 Test Only Station License Number TC 267929 to Respondent. The Station License was in full  
22 force and effect at all times relevant to the charges brought in First Amended Accusation No.  
23 79/15-38, expired on February 28, 2015, and has not been renewed.

24 1. On or about January 29, 2013, the Bureau of Automotive Repair issued Automotive  
25 Repair Dealer Registration Number ARD 271569 to Respondent. The Automotive Repair Dealer  
26 Registration was in full force and effect at all times relevant to the charges brought herein and  
27 will expire on January 31, 2016, unless renewed.

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1 IT IS FURTHER ORDERED THAT Automotive Repair Dealer Registration No. ARD  
2 271569 issued to Javier Regalado, Owner, doing business as JR Auto Tech and Trans Fleet  
3 Service, is revoked. However, the revocation for Automotive Repair Dealer Registration No.  
4 ARD 271569 is stayed and it is placed on probation for three (3) years on the following terms and  
5 conditions.

6 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
7 automotive inspections, estimates and repairs.

8 2. **Reporting.** Respondent or Respondent's authorized representative must report in  
9 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
10 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
11 maintaining compliance with the terms and conditions of probation.

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

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

18 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
19 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
20 until the final decision on the accusation, and the period of probation shall be extended until such  
21 decision.

22 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
23 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
24 after giving notice and opportunity to be heard, temporarily or permanently revoke the  
25 registration.

26 7. **Cost Recovery.** Respondent shall pay the Bureau cost recovery for costs in the  
27 amount of \$12,035.48. Payments shall be made by certified funds (money order or cashier's  
28 check only) in 24 consecutive, equal monthly installments with the final payment due 12 months


1 before the termination of probation. Failure to complete payment of cost recovery within this  
2 time frame shall constitute a violation of probation which may subject Respondent's registration  
3 to outright revocation; however, the Director or the Director's Bureau of Automotive Repair  
4 designee may elect to continue probation until such time as reimbursement of the entire cost  
5 recovery amount has been made to the Bureau.

6 ACCEPTANCE

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

13  
14 DATED:

3/27/15

  
JAVIER REGALADO, OWNER AND  
AUTHORIZED AGENT OF JR SMOG CHECK  
ONLY AND JR AUTO TECH AND TRANS FLEET  
SERVICE  
Respondent

18 I have read and fully discussed with Respondent the terms and conditions and other matters  
19 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
20 content.

21 DATED:

3/27/15

  
LUIS E. LOPEZ, ESQ.  
Attorney for Respondent

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ENDORSEMENT

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

Dated: 4/2/2015

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

  
ADRIAN R. CONTRERAS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 79/15-38**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
4 State Bar No. 267200  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2634  
7 Facsimile: (619) 645-2061  
E-mail: Adrian.Contreras@doj.ca.gov  
8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

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14 **DOING BUSINESS AS JR SMOG CHECK ONLY**  
15 **P.O. Box 52559**  
**Riverside, CA 92517**

16 **3720 Rubidoux Boulevard, #C**  
17 **Riverside, CA 92509**

18 **Automotive Repair Dealer Registration No. ARD**  
**267929**

19 **Smog Check-Test Only Station License No. TC**  
20 **267929**

21 **JAVIER REGALADO, OWNER,**  
22 **DOING BUSINESS AS JR AUTO TECH AND**  
**TRANS FLEET SERVICE**  
23 **323 W. La Cadena Dr.**  
**Riverside, CA 92501**

24 **Automotive Repair Dealer Registration No. ARD**  
25 **271569**

26 Respondents.

27  
28 ///

Case No. 79/15-38

OAH No. 2014100527

**FIRST AMENDED**  
**ACCUSATION**

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about February 10, 2012, the Bureau of Automotive Repair issued Automotive  
6 Repair Dealer Registration Number ARD 267929 (the Registration) to Javier Regalado, Owner,  
7 doing business as JR Smog Check Only (Respondent Regalado). The Automotive Repair Dealer  
8 Registration was in full force and effect at all times relevant to the charges brought herein and  
9 will expire on February 28, 2015, unless renewed.

10 3. On or about March 5, 2012, the Bureau of Automotive Repair issued Smog Check-  
11 Test Only Station License Number TC 267929 (the Station License) to Respondent Regalado.  
12 The Station License was in full force and effect at all times relevant to the charges brought herein  
13 and will expire on February 28, 2015, unless renewed.

14 4. On or about January 29, 2013, the Bureau of Automotive Repair issued Automotive  
15 Repair Dealer Registration Number ARD 271569 (the Affiliated Registration) to Respondent  
16 Regalado, doing business as JR Auto Tech and Trans Fleet Service. The Affiliated Registration  
17 was in full force and effect at all times relevant to the charges brought herein and will expire on  
18 January 31, 2016, unless renewed.

19 **JURISDICTION**

20 5. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
21 Bureau of Automotive Repair, under the authority of the following laws.

22 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
23 surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a  
24 disciplinary action during the period within which the license may be renewed, restored, reissued  
25 or reinstated.

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

3 8. Section 9884.20 of the Code states:

4 "All accusations against automotive repair dealers shall be filed within three years after the  
5 performance of the act or omission alleged as the ground for disciplinary action, except that with  
6 respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action,  
7 the accusation may be filed within two years after the discovery, by the bureau, of the alleged  
8 facts constituting the fraud or misrepresentation."

9 9. Section 9884.22 of the Code states:

10 "(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny  
11 at any time any registration required by this article on any of the grounds for disciplinary action  
12 provided in this article. The proceedings under this article shall be conducted in accordance with  
13 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
14 Code, and the director shall have all the powers granted therein.

15 "..."

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

19 11. Section 44072 of the Health and Safety Code states:

20 "Any license issued under this chapter and the regulations adopted pursuant to it may be  
21 suspended or revoked by the director. The director may refuse to issue a license to any applicant  
22 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted  
23 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2  
24 of the Government Code, and the director shall have all the powers granted therein."

25 12. Section 44072.4 of the Health and Safety Code states:

26 "The director may take disciplinary action against any licensee after a hearing as provided  
27 in this article by any of the following:

28 "(a) Imposing probation upon terms and conditions to be set forth by the director.

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1        17. Section 23.7 of the Code states:

2        "Unless otherwise expressly provided, 'license' means license, certificate, registration, or  
3 other means to engage in a business or profession regulated by this code or referred to in Section  
4 1000 or 3600."

5        18. Section 9884.7 of the Code states:

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

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

14        "...

15        "(4) Any other conduct that constitutes fraud.

16        "...

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

21        19. Section 44072.2 of the Health and Safety Code states:

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

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

28        "...

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

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

• • • • •

20. Section 44072.10 of the Health and Safety Code states:

66

“(c) The department shall revoke the license of any smog check 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:

“(1) Clean piping, as defined by the department.

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

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

“(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.”

## REGULATORY PROVISIONS

21. California Code of Regulations, title 16, section 3340.1, states:

“ . . .

“‘Clean piping,’ for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of compliance for the test vehicle.

“ ”

## COSTS

22. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## FIRST UNDERCOVER RUN

23. At all times alleged in this Accusation, Edgar Chavez (Chavez) and Jessie were acting in the course and within the scope of a technician, employee, partner, officer, or member of Respondent Regalado.

24. On January 9, 2014, at approximately 1045 hours, a Bureau representative gave an undercover operator (the Operator) a Bureau-documented 2001 Honda. In its documented condition, the 2001 Honda had the following parts removed: exhaust manifold, catalytic converter, air intake cleaner assembly, Positive Crankcase Ventilation hose, camshaft gears, and fuel pressure regulator. It had aftermarket exhaust headers and pipes without a catalytic converter, an aftermarket air intake system, adjustable camshaft gears, an adjustable fuel pressure regulator, and a breather assembly in place of the Positive Crankcase Ventilation hose. This condition rendered the vehicle incapable of passing a proper smog inspection because of Gross Polluter tailpipe emissions, missing and modified parts, and an illuminated system malfunction light with a P0420 Catalyst System Efficiency code. The Operator was instructed to take the vehicle to Respondent Regalado's smog station, JR Smog Check Only, for a smog inspection.

25. When the Operator arrived at JR Smog Check Only, he spoke with one of Respondent Regalado's employees, Jessie. The Operator told Jessie that he had a vehicle that needed to pass its smog inspection. After quoting the Operator \$180.00, Jessie told the Operator that the station's emission analyzer wasn't working and asked him to return another day. The Operator left the smog station.

26. On January 14, 2014, at 1019 hours, the Operator returned to Respondent Regalado's smog station, JR Smog Check Only, for the inspection. Three males were at the station, including Jessie and Edgar Chavez. Jessie asked the Operator for the keys and drove the Honda into the testing bay, and opened the hood.

27. Chavez clean-piped the Bureau-documented Honda using the exhaust sample from a Mercedes Benz ML430, CA License Number 6WGS663.

28. After the inspection, Jessie removed the probes from the exhaust of both vehicles. Chavez got out of the Honda, went to the analyzer, and typed on the keyboard. Jessie gave the



1 Operator a work order to fill out. Jessie gave the Operator a copy of the invoice and the Vehicle  
2 Inspection Report showing that the vehicle passed and that a certificate of compliance had been  
3 issued. The Operator paid Jessie \$180.00, left with the vehicle, and returned custody of it to a  
4 Bureau representative.

5 29. Later, a Bureau representative re-inspected the Honda. He confirmed that the  
6 condition of the Honda had not changed since he released custody of it previously for the  
7 undercover operation and that it would still fail a proper smog inspection in its condition.

### 8 SECOND UNDERCOVER RUN

9 30. On February 25, 2014, a Bureau representative gave an Operator a Bureau-  
10 documented 2002 Ford. In its documented condition, the vehicle had its existing catalytic  
11 converter and H-pipe removed. A Bureau representative installed an illegal, off-road X-pipe that  
12 had no catalytic converters. The vehicle's existing air filter housing and inlet tube had been  
13 removed; they were replaced with a non-approved cold air inlet system that did not have an  
14 Executive Order sticker and was illegal. The Bureau representative also installed an illegal open  
15 breather and a modification to prevent the malfunction indicator light from illuminating. In its  
16 documented condition, the vehicle would fail a proper smog inspection because of Gross Polluter  
17 tailpipe emissions and missing and modified components. The Operator was instructed to take  
18 the vehicle to Respondent Regalado's smog station, JR Smog Check Only, ask them to perform a  
19 smog inspection on that vehicle, and tell them that it needed to pass.

20 31. At 1130 hours on February 25, 2014, the Operator arrived at Respondent Regalado's  
21 smog station, JR Smog Check Only. Jessie and Chavez were there. The Operator told Jessie that  
22 he needed to have the Ford pass its smog inspection. Jessie quoted him \$120.00 for the  
23 inspection.

24 32. Jessie had the Operator fill out a work order. The Operator paid Jessie \$120.00. The  
25 Operator received a copy of the invoice and Vehicle Inspection Report showing that a certificate  
26 of compliance was issued. The Operator left with the Bureau-documented 2002 Ford and  
27 returned custody of it to a Bureau representative.

33. Later, a Bureau representative re-inspected it. He confirmed that the condition of the Ford had not changed since he released custody of it previously for the undercover operation and that it still would fail a proper smog inspection in its condition.

34. Respondents had clean-piped the Bureau-documented Ford; a GMC Safari, California license number 4YFP153; and a Honda Civic, California license number 5KKU100 using the exhaust sample from a Honda Civic, California License number 6VXG265. All three of these certified smog inspections resulted in smog certificates of compliance being issued.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

35. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 23-34.

36. Respondent Regalado's Registration is subject to disciplinary action under section 9884.7, subdivision (a)(1), in that Respondent Regalado made or authorized statements which Respondent Regalado knew or in the exercise of reasonable care should have known to be untrue or misleading as follows: Respondent Regalado certified that the four vehicles described in paragraphs 23-34 were properly inspected and passed their smog inspections, when in fact and in truth those vehicles were not properly inspected.

## SECOND CAUSE FOR DISCIPLINE

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

37. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 23-36.

38. Respondent Regalado's Station License is subject to disciplinary action under Health and Safety Code sections 44072.10, subdivision (c), and 44072.2, subdivision (a), in that Respondent Regalado failed to comply with the following sections of that Code:

a. **Section 44012**: failed to perform the tests of the emission control systems and devices on the vehicles described in paragraphs 23-36 in accordance with procedures prescribed by the Department.

b. **Section 44015**: issued certificates of compliance for the vehicles described in paragraphs 23-36 without properly testing and inspecting them to determine if they were in compliance with Health & Safety Code section 44012.

c. **Section 44035**: failed to meet or maintain the standards prescribed for qualification, equipment, performance, or conduct by failing to properly perform smog inspections on the vehicles described in paragraphs 23-36 or certifying that such tests had been properly performed, when in fact they were not properly performed.

### THIRD CAUSE FOR DISCIPLINE

**(Failure to Comply with Regulations Under the Motor Vehicle Inspection Program)**

39. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 23-38.

40. Respondent Regalado's Station License is subject to disciplinary action under Health and Safety Code sections 44072.10, subdivision (c) and 44072.2, subdivision (a), in that Respondent Regalado failed to comply with the following sections of California Code of Regulations, title 16:

a. **Section 3340.35, subdivision (c)**: Respondent Regalado failed to inspect and test the vehicles described in paragraphs 23-38 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to ensure that these vehicles had all the required emission control equipment and devices installed and functioning correctly.

b. **Section 3340.41, subdivision (c)**: Respondent Regalado knowingly entered into the Emissions Inspection System false information about the vehicles described in paragraphs 23-38, providing results for smog inspections which were not actually performed.

c. **Section 3340.42**: Respondent Regalado failed to conduct the required smog tests on the vehicles described in paragraphs 23-38 in accordance with the Bureau's specifications.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 41. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 23-40.

5 42. Respondent Regalado's Registration is subject to disciplinary action under Code  
6 section 9884.7, subdivision (a)(4), and Respondent Regalado's Station License is subject to  
7 disciplinary action under Health and Safety Code sections 44072.10, subdivision (c) and 44072.2,  
8 subdivision (d), in that Respondent Regalado committed dishonest, fraudulent, or deceitful acts  
9 whereby another is injured by issuing smog inspection certificates for the vehicles described in  
10 paragraphs 23-40 without performing bona fide inspections of the emission control devices and  
11 systems on them, thereby depriving the People of the State of California of the protection afforded  
12 by the Motor Vehicle Inspection Program.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Clean Piping)**

15 43. Complainant re-alleges and incorporates by reference the allegations set forth above  
16 in paragraphs 23-42.

17 44. Respondent Regalado's Station license is subject to disciplinary action for clean  
18 piping under Health & Safety Code, § 44072.10, subdivision (c)(1), as defined in California Code  
19 of Regulations, title 16, section 3340.1, in that Respondent Regalado used a substitute exhaust  
20 emission sample of one vehicle in place of another vehicle's exhaust emission sample in order to  
21 cause the Emissions Inspection System to issue certificates of compliance for the inspections  
22 described in paragraphs 23-42.

23 **OTHER MATTERS**

24 45. Under Code section 9884.7, subdivision (c), the Director may suspend, revoke or  
25 place on probation the registration for all places of business operated in this State by Respondent  
26 Regalado upon a finding that Respondent Regalado has, or is, engaged in a course of repeated and  
27 willful violations of the laws and regulations pertaining to an automotive repair dealer.  
28


46. Under Health & Safety Code section 44072.8, if Respondent Regalado's Station License is revoked or suspended, the Director may likewise revoke or suspend any additional license issued under Chapter 5 of the Health and Safety Code in the name of Respondent Regalado.

### 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 or suspending Automotive Repair Dealer Registration Number ARD 267929, issued to Javier Regalado, Owner, doing business as JR Smog Check Only;
2. Revoking or suspending Smog Check-Test Only Station License Number TC 267929, issued to Javier Regalado, Owner, doing business as JR Smog Check Only;
3. Revoking or suspending the registration for all places of business operated in this State by Javier Regalado, including Automotive Repair Dealer Registration No. ARD 271569;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Javier Regalado;
5. Ordering Javier Regalado, Owner, doing business as JR Smog Check Only, 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
6. Taking such other and further action as deemed necessary and proper.

DATED: March 2, 2015

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

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