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

12 In the Matter of the Accusation Against:

Case No. 79/14-42

13 **R & R SMOG UNLIMITED**  
3321 W. Florence Avenue  
Los Angeles, CA 90043  
14 **RILENE JANICE CHAPPELLE,**  
**PARTNER, RENELL K. SHAW,**  
15 **PARTNER**  
Automotive Repair Dealer Registration  
16 No. ARD 270669  
Smog Check Test Only Station License  
17 No. TC 270669

**A C C U S A T I O N**  
**S M O G C H E C K**

18 and

19 **RILENE JANICE CHAPPELLE**  
5901 S. Verdun Avenue  
20 Los Angeles, CA 90043

21 **Advanced Emission Specialist Technician**  
License No. EA 634123, (to be redesignated  
22 upon renewal as EO 634123 and/or EI  
23 634123)

Respondents.

25 Complainant alleges:  
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1 **PARTIES**

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

5 **Automotive Repair Dealer Registration**

6 2. On or about October 24, 2012, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 270669 (“registration”) to Rilene Janice Chappelle, partner, Renell K.  
8 Shaw, partner, doing business as R & R Smog Unlimited (“Respondent R & R”). The  
9 registration was in full force and effect at all times relevant to the charges brought herein and will  
10 expire on October 31, 2014, unless renewed.

11 **Smog Check Test Only Station License**

12 3. On or about November 29, 2012, the Bureau issued Smog Check Test Only Station  
13 License Number TC 270669 (“station license”) to Respondent R & R. The station license was in  
14 full force and effect at all times relevant to the charges brought herein and will expire on October  
15 31, 2014, unless renewed.

16 **Advanced Emission Specialist Technician License**

17 4. On or about March 15, 2012, the Bureau of Automotive Repair issued Advanced  
18 Emission Specialist Technician License Number EA 634123 to Rilene Janice Chappelle  
19 (“Respondent Chappelle”). The Advanced Emission Specialist Technician License will expire on  
20 August 31, 2014, unless it is renewed. Upon timely renewal of the license, the license will be  
21 redesignated as EO 634123 and/or EI 634123.<sup>1</sup>

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26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.





1 this article and has all the required emission control equipment and devices installed and  
2 functioning correctly.”

3 15. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into  
4 the emissions inspection system any vehicle identification information or emission control system  
5 identification data for any vehicle other than the one being tested. Nor shall any person  
6 knowingly enter into the emissions inspection system any false information about the vehicle  
7 being tested.”

8 16. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
9 procedures which apply to all vehicles inspected in the State of California.

10 17. CCR, title 16, section 3340.28, subdivision (e), states that “[u]pon renewal of an  
11 unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license  
12 issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog  
13 Check Inspector, Smog Check Repair Technician, or both.”

#### 14 COST RECOVERY

15 18. Code section 125.3 provides, in pertinent part, that a Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 VIDEO SURVEILLANCE OPERATION OF APRIL 17, 2013

20 19. On or about April 17, 2013, representatives of the Bureau conducted a video  
21 surveillance operation of Respondent's smog check facility. The surveillance video and  
22 information obtained from the Bureau's vehicle information database (“VID”) revealed that  
23 Respondent Chappelle performed nine (9) smog inspections, which resulted in the issuance of  
24 electronic certificates of compliance for the vehicles set forth in Table 1, below, certifying that  
25 she had tested and inspected those vehicles and that the vehicles were in compliance with  
26 applicable laws and regulations. In fact, Respondent Chappelle performed the smog inspections  
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1 using the clean piping method<sup>2</sup> by using the tail pipe emissions of vehicles other than the vehicles  
 2 being certified in order to issue the electronic certificates of compliance. The vehicles certified  
 3 were not in the test bay at the time of the smog inspections.

4 **Table 1**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
4/17/2013 10:55 hours to 11:06 hours	1995 Ford Mustang, License # 5BMB755	2001 Mazda Protégé, License # 4RIB734	XT383660C
4/17/2013 11:25 hours to 11:37 hours	1992 Dodge Caravan License #3BAE938	2001 Mazda Protégé, License # 4RIB734	XT383661C
4/17/2013 11:49 hours to 12:03 hours	1996 Chevrolet C1500 Pickup, License #6E91152	2002 Chevrolet C1500 Tahoe, License # 6PYN783	XT383662C
4/17/2013 12:33 hours to 12:45 hours	1992 Honda Accord License #6RET705	2001 Mazda Protégé, License # 4RIB734	XT383663C
4/17/2013 12:53 hours to 13:05 hours	2001 Mitsubishi Galant License # 480053V	2001 Mazda Protégé, License # 4RIB734	XT383664C
4/17/2013 13:14 hours to 13:23 hours	1996 Honda Civic License #5NMM820	2001 Mazda Protégé, License # 4RIB734	XT383665C
4/17/2013 13:57 hours to 14:18 hours	1983 GMC C1500 Sierra License #3J69550	2002 Chevrolet C1500 Tahoe, License # 6PYN783	XT383666C

25  
 26 <sup>2</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
 27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
 28 compliance or are not present in the smog check area during the time of the certification.

1 2 3 4 5	4/17/2013 14:27 hours to 14:44 hours	1986 Nissan Pickup 4WD, License #2V28313	2001 Mazda Protégé, License # 4RIB734	XT383667C
6 7 8	4/17/2013 15:36 hours to 15:52 hours	1986 Ford F150 Pickup License #3TYA170	White Chevrolet Camaro, License # Unknown	XT383668C

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Misleading Statements)**

11 20. Respondent R & R has subjected its registration to discipline under Code section  
 12 9884.7, subdivision (a)(1), in that on or about the dates specified in Table 1 above, it made  
 13 statements which it knew or which by exercise of reasonable care it should have known were  
 14 untrue or misleading when its employee issued electronic certificates of compliance for the  
 15 vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with  
 16 applicable laws and regulations when, in fact, the vehicles had been clean piped.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 21. Respondent R & R has subjected its registration to discipline under Code section  
 20 9884.7, subdivision (a)(4), in that on or about the dates listed above in Table 1, it committed acts  
 21 which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in  
 22 Table 1, above, without performing bona fide inspections of the emission control devices and  
 23 systems on those vehicles, thereby depriving the People of the State of California of the  
 24 protection afforded by the Motor Vehicle Inspection Program.

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1 d. **Section 44059:** Respondent Chappelle willfully made false entries for the electronic  
2 certificates of compliance by certifying that those vehicles had been inspected as required when,  
3 in fact, they had not.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 26. Respondent Chappelle has subjected her technician license to discipline under Health  
7 and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles set forth in Table  
8 1, above, she violated sections of the California Code of Regulations, title 16, as follows:

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

13 b. **Section 3340.30, subdivision (a):** Respondent Chappelle failed to inspect and test  
14 those vehicles in accordance with Health and Safety Code section 44012.

15 c. **Section 3340.41, subdivision (c):** Respondent Chappelle entered false information  
16 into the Emission Inspection System for the electronic certificates of compliance by entering  
17 vehicle emission control information for vehicles other than the vehicles being certified.

18 d. **Section 3340.42:** Respondent Chappelle failed to conduct the required smog tests  
19 and inspections on those vehicles in accordance with the Bureau's specifications.

20 **EIGHTH CAUSE FOR DISCIPLINE**

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

22 27. Respondent Chappelle has subjected her technician license to discipline under Health  
23 and Safety Code section 44072.2, subdivision (d), in that regarding the vehicles set forth above in  
24 Table 1, she committed acts involving dishonesty, fraud or deceit whereby another was injured by  
25 issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without  
26 performing bona fide inspections of the emission control devices and systems on those vehicles,  
27 thereby depriving the People of the State of California of the protection afforded by the Motor  
28 Vehicle Inspection Program.

1 **OTHER MATTERS**

2 28. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
3 or may invalidate temporarily or permanently, the registrations for all places of business operated  
4 in this state by Rilene Janice Chappelle, partner, and Renell K. Shaw, partner, doing business as R  
5 & R Smog Unlimited, upon a finding that either partner has, or is, engaged in a course of repeated  
6 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

7 29. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
8 License Number TC 270669, issued to Rilene Janice Chappelle, partner, and Renell K. Shaw,  
9 partner, doing business as R & R Smog Unlimited, is revoked or suspended, any additional  
10 license issued under this chapter in the name of said licensee may be likewise revoked or  
11 suspended by the director.

12 30. Pursuant to Health & Saf. Code sections 44072.8, if Respondent Rilene Janice  
13 Chappelle's Advanced Emission Specialist Technician License currently designated as EA  
14 634123 and as redesignated upon timely renewal as EO 634123 and/or EI 634123, is revoked or  
15 suspended, any additional license issued under this chapter in the name of said licensee may be  
16 likewise revoked or suspended by the director.

17 **PRAYER**

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

20 1. Revoking, suspending, placing on probation, Automotive Repair Dealer Registration  
21 Number ARD 270669, issued to Rilene Janice Chappelle and Renell K. Shaw, partners, of R & R  
22 Smog Unlimited;

23 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
24 registration issued to Rilene Janice Chappelle and/or Renell K. Shaw;

25 3. Revoking or suspending Smog Check Test Only Station License Number TC 270669,  
26 issued to Rilene Janice Chappelle and Renell K. Shaw, partners, of R & R Smog Unlimited;

27 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
28 and Safety Code in the name of Rilene Janice Chappelle or Renell K. Shaw;

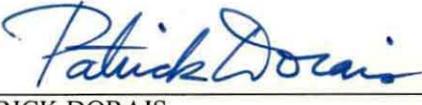
1           5.    Revoking or suspending Advanced Emission Specialist Technician License Number  
2 EA 634123 (and as redesignated upon timely renewal as EO 634123 and/or EI 634123), issued to  
3 Rilene Janice Chappelle;

4           6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
5 and Safety Code in the name of Rilene Janice Chappelle;

6           7.    Ordering Rilene Janice Chappelle and Renell K. Shaw to pay the Bureau of  
7 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
8 pursuant to Business and Professions Code section 125.3; and,

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

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DATED: October 24, 2013 

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

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