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7

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

11 In the Matter of the Accusation Against:

Case No. **79/15-108**

12 **LOS COMPADRES SMOG CHECK**  
17410 Foothill Blvd. Unit D  
13 Fontana, CA 92335  
**ALEXANDER SHAMOUN KOREL - OWNER**  
14 Mailing Address:  
25412 Clovelly Court  
15 Moreno Valley, CA 92553

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

16 Automotive Repair Dealer Registration No.  
ARD 274203  
17 Smog Check Station License No.  
TC 274203

18 and

19 **CHRISTOPHER KOREL**  
20 25412 Clovelly Ct.  
Moreno Valley, CA 92553

21 Smog Check Inspector License No.  
22 EO 636046

23 and

24 **WILLIAM ALLAN GOMEZ-CAMACHO**  
4448 Blue Ridge Dr.  
25 Riverside, CA 92505

26 Smog Check Inspector License No.  
27 EO 636771

28 Respondents.

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 **Automotive Repair Dealer Registration**

6 2. On or about September 9, 2013, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 274203 to Los Compadres Smog Check; Alexander  
8 Shamoun Korel - Owner (Respondent Los Compadres). The Automotive Repair Dealer  
9 Registration was in full force and effect at all times relevant to the charges brought herein and  
10 will expire on September 30, 2015, unless renewed.

11 **Smog Check Station**

12 3. On or about September 24, 2013, the Bureau of Automotive Repair issued Smog  
13 Check Station License Number TC 274203 to Respondent Los Compadres. The Smog Check  
14 Station License was in full force and effect at all times relevant to the charges brought herein and  
15 will expire on September 30, 2015, unless renewed.

16 **Smog Check Inspector License**

17 4. On or about September 19, 2013, the Bureau of Automotive Repair issued Smog  
18 Check Inspector License Number EO 636046 to Christopher Joseph Korel (Respondent Korel).  
19 The Smog Check Inspector License was in full force and effect at all times relevant to the charges  
20 brought herein and will expire on January 31, 2016, unless renewed.

21 **Smog Check Inspector License**

22 5. On or about April 17, 2014, the Bureau of Automotive Repair issued Smog Check  
23 Inspector License Number EO 636771 to William Allan Gomez-Camacho (Respondent Gomez-  
24 Camacho). The Smog Check Inspector License was in full force and effect at all times relevant to  
25 the charges brought herein and will expire on January 31, 2016, unless renewed.

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1 JURISDICTION

2 6. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
3 Bureau of Automotive Repair, under the authority of the following laws.

4 7. Business and Professions Code section 9884.7 provides that the Director may revoke  
5 an automotive repair dealer registration.

6 8. Business and Professions Code section 9884.13 provides, in pertinent part, that the  
7 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a  
8 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or  
9 permanently invalidating (suspending or revoking) a registration.

10 9. Health and Safety Code section 44002 provides, in pertinent part, that the Director  
11 has all the powers and authority granted under the Automotive Repair Act for enforcing the  
12 Motor Vehicle Inspection Program.

13 10. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration  
14 or suspension of a license by operation of law, or by order or decision of the Director of  
15 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the  
16 Director of jurisdiction to proceed with disciplinary action.

17 STATUTORY AND REGULATORY PROVISIONS

18 11. Business and Professions Code section 9884.7 states, in pertinent part:

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

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

28 . . . .

(4) Any other conduct that constitutes fraud.

. . . .

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

6 12. Business and Professions Code section 22, subdivision (a), states:

7 "Board" as used in any provision of this Code, refers to the board in  
8 which the administration of the provision is vested, and unless otherwise expressly  
9 provided, shall include "bureau," "commission," "committee," "department,"  
10 "division," "examining committee," "program," and "agency."

11 13. Business and Professions Code section 477, subdivision (b), states, in pertinent part,  
12 that a "license" includes "registration" and "certificate."

13 14. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

20 . . . .

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

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

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

26 . . . .

27 (c) The department shall revoke the license of any smog check technician  
28 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 . . .

16. Health and Safety Code section 44072.8 states that when a license has been revoked  
or suspended following a hearing under this article, any additional license issued under this  
chapter in the name of the licensee may be likewise revoked or suspended by the director.

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1 17. California Code of Regulations, title 16, section 3340.1 states, in pertinent:

2 . . . .

3 "Clean piping," for the purposes of Health and Safety Code section  
4 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of  
5 the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of  
6 compliance for the test vehicle . . .

6 **COST RECOVERY**

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

11 **UNDERCOVER OPERATION #1: APRIL 22, 2014**

12 19. On April 4, 2014, the Bureau conducted an undercover vehicle operation at Los  
13 Compadres Smog Check. The Bureau's vehicle, a 2002 Ford was documented by a representative  
14 from one of the Bureau's Forensic Documentation Laboratories. This Bureau representative  
15 (BAR lab rep) determined the required emissions controls for the vehicle, and removed the 2002  
16 Ford's existing catalytic converter and "H" pipe. The BAR lab rep then installed an illegal, "off-  
17 road" "X" pipe that had no catalytic converters. The BAR lab rep also removed the 2002 Ford's  
18 existing air filter housing and inlet tube, and replaced them with a non approved cold air inlet  
19 system that did not have an Executive Order (EO) sticker and is not a legal intake system in  
20 California. The BAR lab rep also installed an illegal open breather, modifying the 2002 Ford's  
21 positive crankcase ventilation (PCV) system. The BAR lab rep also installed a modification to  
22 prevent the 2002 Ford's MIL from illuminating with the missing catalytic converters. The  
23 components installed by the BAR lab rep caused the 2002 Ford, in its mechanical condition, to  
24 fail the smog test for Gross Polluter tailpipe emissions, and missing or modified components.

25 20. On April 9, 2014, the BAR lab rep released custody of the 2002 Ford in the same  
26 mechanical condition to a Bureau Field Representative (BAR field rep) at an undisclosed location  
27 in the city of Riverside, California.

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1           21. On April 22, 2014, a Bureau undercover operator (undercover operator) was  
2 instructed to drive the 2002 Ford, which was still in the same mechanical condition, to a  
3 prearranged location in the city of Fontana, California. The undercover operator was then  
4 instructed to drive the vehicle to Los Compadres Smog Check (Respondent Los Compadres'  
5 facility), located at 17410 Foothill Blvd. Unit D, Fontana, CA, and request a Smog Check  
6 inspection. The undercover operator drove to Respondent's facility, parked in their parking lot  
7 and walked towards the facility, at which point he was met by an individual later identified as  
8 Respondent Korel. The undercover operator also saw two other individuals at the facility at that  
9 time; one of them was later identified as Respondent Gomez-Camacho, the other was an  
10 unidentified male.

11           22. Respondent Korel informed the undercover operator that there was one vehicle ahead  
12 of him and for him to take a seat. Shortly thereafter, Respondent Korel approached the  
13 undercover operator and asked for the 2002 Ford's keys. Respondent Korel then drove the 2002  
14 Ford into the smog-testing bay of Respondent Los Compadres' facility. At this point,  
15 Respondent Gomez-Camacho asked for and received the undercover operator's DMV Renewal  
16 Notice. The vehicle was in the smog test bay when the undercover operator then approached  
17 Respondent Korel and informed him that he had been referred to Respondent Los Compadres'  
18 facility by an unnamed third party who had also told the undercover operator that Respondent Los  
19 Compadres Smog Check would pass his vehicle for \$150.00. Respondent Korel then asked the  
20 undercover operator for his personal identification. The undercover operator provided his  
21 identification, at which point Respondent Korel stated, "we usually charge \$200.00 to \$250.00 to  
22 make it pass". The undercover operator responded by asking Respondent Korel if it could be  
23 done for \$200.00, to which Respondent Korel replied, "Yes". The undercover operator then  
24 agreed to the \$200.00 amount. Thereafter, Respondent Korel stated that it would take about 15  
25 minutes and for the undercover operator to sit and wait.

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1           23. The undercover operator sat in a chair and positioned himself near the front office and  
2 smog bay testing area so that he had an unobstructed view of the 2002 Ford being tested. The  
3 undercover operator did not sign any documents, nor did he receive any paperwork prior to the  
4 smog test being performed.

5           24. Respondent Korel drove the 2002 Ford onto the dynamometer and exited the vehicle.  
6 Respondent Korel then entered information into the Emissions Inspection System (EIS) machine.  
7 Shortly thereafter, he re-entered the 2002 Ford and raised the engine revolutions per minute  
8 (RPMs). As this was occurring, Respondent Gomez-Camacho removed the EIS machine exhaust  
9 sample probe, which was located on the exterior portion of the facility's building, from the wall  
10 and inserted it into the 2002 Ford's tailpipe. Respondent Gomez-Camacho then handed the EIS  
11 machine's On-Board Diagnostics (OBDII) cable to Respondent Korel, who ran the vehicle on the  
12 dynamometer, while giving instructions to Respondent Gomez-Camacho and the other  
13 unidentified male who was assisting, by saying "hold it right there".

14           25. Upon the completion of the emissions portion of the test, the unidentified male  
15 removed the EIS machine exhaust sample probe from the 2002 Ford's exhaust tailpipe and  
16 returned it to its previous location on the exterior portion of the building. Respondent Korel then  
17 handed the OBDII cable to Respondent Gomez-Camacho, exited the vehicle, and continued the  
18 smog check inspection process by inputting information into the EIS machine. At this point, the  
19 unidentified male backed the 2002 Ford out of the smog check-testing bay and parked it in the  
20 driveway near the building.

21           26. Respondent Gomez-Camacho removed the Vehicle Inspection Report (VIR) from the  
22 EIS machine's printer and walked over to the desk located within the front office area. The  
23 undercover operator then stood up walked over to the counter of the front office. While standing  
24 there, the undercover operator observed Respondent Gomez-Camacho sign the VIR. Respondent  
25 Gomez-Camacho then handed the undercover operator two (2) documents; an estimate and an  
26 invoice, and asked the undercover operator to sign both documents, which he did. The  
27 undercover operator then asked if the amount was \$200.00, to which Respondent Gomez-  
28 Camacho responded, "Yes". After the undercover operator paid Respondent Gomez-Camacho

1 the \$200.00, Respondent Gomez-Camacho provided him with an unsigned estimate and an  
2 unsigned invoice with a business card attached, the VIR that the undercover operator had  
3 previously watched Respondent Gomez-Camacho sign; the DMV Renewal Notice the undercover  
4 operator had previously given him. Respondent Gomez-Camacho then commented to the  
5 undercover operator that the 2002 Ford had no "cats". The undercover operator then asked  
6 Respondent Gomez-Camacho if he could bring another vehicle to them to be tested, and asked if  
7 the price would be the same. Respondent Gomez-Camacho said that he was pretty sure he could  
8 do so, but that he would need to look at the vehicle first. Just prior to leaving, the undercover  
9 operator also asked Respondent Korel about returning to the facility with a "hot rod" vehicle to be  
10 tested. Respondent Korel said "no problem, but I have to look at it first to give you a price". At  
11 such time, Respondent Korel also mentioned to the undercover operator that the 2002 Ford did  
12 not have any catalytic converters. The undercover operator then left the Respondent's facility to  
13 meet with the Bureau field representative assigned to the case.

14 27. A Bureau field representative subsequently downloaded the BAR 97 Test Detail from  
15 the Bureau's Vehicle Information Database (VID) and confirmed that Respondent Los  
16 Compadres had fraudulently issued Certificate of Compliance [REDACTED] with regard to the  
17 2002 Ford.

18 28. On April 29, 2014, a Bureau representative performed a smog check inspection on the  
19 2002 Ford, which was still in the same mechanical condition. The Bureau representative noted  
20 that the 2002 Ford had an aftermarket cold air intake system, an open PCV breather element, no  
21 catalytic converters, and that an aftermarket "X" pipe had been installed without catalytic  
22 converters. The 2002 Ford failed the inspection due to the following reasons: "Modified PCV,  
23 Missing Catalytic Converters and Modified Other Emission Related Components". In addition,  
24 the vehicle failed the tailpipe emissions portion of the Acceleration Simulation Mode (ASM) test  
25 due to high Hydrocarbons (HC), Carbon Monoxide (CO) and Oxides of Nitrogen (NO) at both 15  
26 mph and 25 mph.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 29. Respondent Los Compadres' registration is subject to disciplinary action pursuant to  
4 Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent Los  
5 Compadres made or authorized statements which he knew or in the exercise of reasonable care  
6 should have known to be untrue or misleading, as follows:

7 a. Respondent Los Compadres allowed its employee, Respondent Korel, to certify under  
8 penalty of perjury on the VIR that he performed the smog inspection on the Bureau's 2002 Ford  
9 in accordance with all Bureau requirements and that the vehicle had passed the inspection and  
10 was in compliance with applicable laws and regulations. In fact, Respondent Korel used clean  
11 piping methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle  
12 as required by Health and Safety Code section 44012.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 30. Respondent Los Compadres' registration is subject to disciplinary action pursuant to  
16 Business and Professions Code section 9884.7, subdivision (a)(4), in that Respondent Los  
17 Compadres committed an act that constitutes fraud, as follows: Respondent Los Compadres  
18 allowed its employee, i.e. Respondent Korel to issue an electronic smog certificate of compliance  
19 for the Bureau's 2002 Ford without ensuring that a bona fide inspection was performed of the  
20 emission control devices and systems on the vehicle, thereby depriving the People of the State of  
21 California of the protection afforded by the Motor Vehicle Inspection Program.

22 **THIRD CAUSE FOR DISCIPLINE**

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

24 31. Respondent Los Compadres' smog check station license is subject to disciplinary  
25 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent  
26 Los Compadres failed to comply with the following sections of that Code:

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1 a. **Section 44012:** Respondent Los Compadres failed to ensure that the emission control  
2 tests were performed on the Bureau's 2002 Ford in accordance with procedures prescribed by the  
3 department.

4 b. **Section 44015:** Respondent Los Compadres allowed its employee, i.e., Respondent  
5 Korel to issue an electronic smog certificate of compliance for the Bureau's 2002 Ford without  
6 ensuring that the vehicle was properly tested and inspected to determine if it was in compliance  
7 with Health and Safety. Code section 44012.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant**  
10 **to the Motor Vehicle Inspection Program)**

11 32. Respondent Los Compadres' smog check station license is subject to disciplinary  
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent  
13 Los Compadres failed to comply with the provisions of California Code of Regulations, title 16,  
14 as follows:

15 a. **Section 3340.35, subdivision (c):** Respondent Los Compadres allowed its employee  
16 Respondent Korel to issue an electronic smog certificate of compliance for the Bureau's 2002  
17 Ford even though the vehicle had not been inspected in accordance with Health and Safety Code  
18 section 3340.42.

19 b. **Section 3340.41, subdivision (c):** Respondent Los Compadres allowed its employee,  
20 i.e., Respondent Korel to enter false information into the EIS by entering vehicle identification  
21 information or emission control system identification data for a vehicle other than the one being  
22 tested.

23 c. **Section 3340.42:** Respondent Los Compadres failed to ensure that the required smog  
24 tests were conducted on the Bureau's 2002 Ford in accordance with the Bureau's specifications.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 33. Respondent Los Compadres' smog check station license is subject to disciplinary  
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent  
5 Los Compadres committed a dishonest, fraudulent or deceitful act whereby another is injured by  
6 allowing its employee Respondent Korel to issue an electronic smog certificate of compliance for  
7 the Bureau's 2002 Ford without ensuring that a bona fide inspection was performed of the  
8 emission control devices and systems on the vehicle, thereby depriving the People of the State of  
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 34. Respondent Korel's technician license is subject to disciplinary action pursuant to  
13 Health and Safety Code section 44072.2, subdivision (a), in that Respondent Korel failed to  
14 comply with section 44012 of that Code in a material respect, as follows: Respondent Korel  
15 failed to perform the emission control tests on the Bureau's 2002 Ford in accordance with  
16 procedures prescribed by the department.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant**  
19 **to the Motor Vehicle Inspection Program)**

20 35. Respondent Korel's technician license is subject to disciplinary action pursuant to  
21 Health and Safety Code section 44072.2, subdivision (c), in that Respondent Korel failed to  
22 comply with provisions of California Code of Regulations, title 16, as follows:

23 a. **Section 3340.30, subdivision (a):** Respondent Korel failed to inspect and test the  
24 Bureau's 2002 Ford in accordance with Health and Safety Code sections 44012 and 44035, and  
25 California Code of Regulations, title 16, section 3340.42.

26 b. **Section 3340.41, subdivision (c):** Respondent Korel entered false information into  
27 the EIS by entering vehicle identification information or emission control system identification  
28 data for a vehicle other than the one being tested.

1 c. **Section 3340.42:** Respondent Korel failed to conduct the required smog tests on the  
2 Bureau's 2002 Ford in accordance with the Bureau's specifications.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 36. Respondent Korel's technician license is subject to disciplinary action pursuant to  
6 Health and Safety Code section 44072.2, subdivision (d), in that Respondent Korel committed a  
7 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
8 certificate of compliance for the Bureau's 2002 Ford without performing a bona fide inspection of  
9 the emission control devices and systems on the vehicle, thereby depriving the People of the State  
10 of California of the protection afforded by the Motor Vehicle Inspection Program.

11 **NINTH CAUSE FOR DISCIPLINE**

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

13 34. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
14 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Gomez-  
15 Camacho failed to comply with section 44012 of that Code in a material respect, as follows:  
16 Respondent Gomez-Camacho failed to perform the emission control tests on the Bureau's 2002  
17 Ford in accordance with procedures prescribed by the department.

18 **TENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations Pursuant**  
20 **to the Motor Vehicle Inspection Program)**

21 35. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
22 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Gomez-  
23 Camacho failed to comply with provisions of California Code of Regulations, title 16, as follows:

24 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's  
25 2002 Ford in accordance with Health and Safety Code sections 44012 and 44035, and California  
26 Code of Regulations, title 16, section 3340.42.

27 b. **Section 3340.42:** Respondent Gomez-Camacho failed to conduct the required smog  
28 tests on the Bureau's 2002 Ford in accordance with the Bureau's specifications.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Gomez-  
5 Camacho committed a dishonest, fraudulent or deceitful act whereby another is injured by  
6 actively participating in the issuance of an electronic smog certificate of compliance for the  
7 Bureau's 2002 Ford without performing a bona fide inspection of the emission control devices  
8 and systems on the vehicle, thereby depriving the People of the State of California of the  
9 protection afforded by the Motor Vehicle Inspection Program.

10 **UNDERCOVER OPERATION #2: APRIL 30, 2014**

11 37. The Bureau's vehicle, a 1997 Acura was documented by a representative from one of  
12 the Bureau's Forensic Documentation Laboratories. On April 29, 2014, a Bureau representative  
13 inspected the 1997 Acura and found a modified PVC system, missing catalytic converter, missing  
14 rear oxygen sensor, modified spark control system (non approved external ignition coil), modified  
15 fuel injection system (adjustable fuel pressure regulator and non-approved fuel injectors),  
16 adjustable camshaft sprockets and non-approved exhaust system (headers) and also failing  
17 functional checks of the malfunction indicator light (light on at all times) and the ignition timing  
18 for out of manufacturer's specification. The 1997 Acura also exceeded the gross polluter limits  
19 for exhaust emissions for oxides of nitrogen (NOX) and exceeded the fail limits for carbon  
20 monoxide (CO) and hydrocarbons (HC).

21 38. On April 30, 2014, another Bureau representative independently inspected the 1997  
22 Acura and confirmed it had a modified PVC system, missing catalytic converter, missing rear  
23 oxygen sensor, modified spark control system (non-approved external ignition coil), modified  
24 fuel injection system (adjustable fuel pressure regulator and non-approved fuel injectors), non-  
25 approved exhaust system (headers), and the malfunction indicator light (MIL) was on at all times.  
26 Later that same day, a Bureau undercover operator (undercover operator ) drove the 1997 Acura  
27 to Respondent Los Compadres' facility to request a smog inspection on the vehicle. Upon arrival,  
28 the undercover operator told Respondent Korel that he had returned with the other car they had

1 previously discussed. Respondent Korel then took the keys to the 1997 Acura and asked the  
2 undercover operator to wait. Respondent Korel then walked out to the 1997 Acura and drove it  
3 into the Smog Check testing bay.

4 39. The undercover operator then approached the 1997 Acura and asked Respondent  
5 Korel for the price of the Smog Check inspection. Respondent Korel responded by asking "What  
6 did I charge you last time?" To which the Bureau's undercover operator responded "\$200.00 "  
7 Respondent Korel then asked the undercover operator for his DMV paperwork (which was  
8 provided) and stated "let me check the history on the vehicle" and walked over to a computer on a  
9 nearby desk. Respondent Korel then returned and stated that the price would be the same. The  
10 undercover operator asked "\$200.00?", to which Respondent Korel replied, "Yes".

11 40. The undercover operator then positioned himself near the smog bay testing area so  
12 that he had an unobstructed view of the vehicle being tested. At this point, the undercover  
13 operator had not received any documents of any type from Respondent Korel.

14 41. Respondent Korel then entered information into the Smog Check EIS machine.  
15 Shortly thereafter, Respondent Korel entered the 1997 Acura and positioned it on the  
16 dynamometer. Respondent Gomez-Camacho then removed the EIS machine's exhaust sample  
17 probe from the wall of the Respondent-facility's building and inserted it into the 1997 Acura's  
18 exhaust tailpipe.

19 42. Respondent Gomez-Camacho then retrieved the OBDII cable from the EIS machine  
20 and handed it to Respondent Korel. Respondent Gomez-Camacho then walked to the rear of the  
21 EIS machine while Respondent Korel remained seated in the 1997 Acura while it was positioned  
22 on the dynamometer with the engine running. Respondent Korel then motioned with his left hand  
23 to Respondent Gomez-Camacho, who then proceeded to crouch down behind the EIS machine.  
24 Respondent Gomez-Camacho then gestured to Respondent Korel by nodding his head, and stood  
25 up. Respondent Korel thereafter proceeded with the Smog Check inspection by handing the  
26 OBDII cable to Respondent Gomez-Camacho. At this point, another unidentified Hispanic male  
27 arrived and removed the emission probe from the 1997 Acura's tailpipe and hung it back on a  
28 hook on the building wall.

1           43. Respondent Gomez-Camacho then entered information into the EIS machine, while  
2 Respondent Korel backed the 1997 Acura out of the smog bay and parked it. Respondent Korel  
3 then completed the paperwork and handed the undercover operator two (2) documents - an  
4 estimate and an invoice – and had the undercover operator sign them and give them back to  
5 (Respondent Korel). At such time, Respondent Korel asked the undercover operator if he worked  
6 for the Bureau, to which the undercover operator replied "No". The undercover operator then  
7 confirmed that the price for the services rendered was \$200.00 and handed Respondent Korel that  
8 amount in cash. Respondent Korel then gave the undercover operator an unsigned estimate and  
9 invoice, which included a business card attached, a VIR, and the DMV Renewal Notice that the  
10 undercover operator had previously provided.

11           44. Immediately thereafter, the undercover operator drove the 1997 Acura to a designated  
12 location and met with another Bureau representative. The undercover operator provided the  
13 Bureau representative with the documents he had received from Respondent Korel. The  
14 representative then confirmed that the Bureau's Acura still had a modified PVC system, missing  
15 catalytic converter, missing rear oxygen sensor, modified spark control system (non-approved  
16 external ignition coil), modified fuel injection system (adjustable fuel pressure regulator and non-  
17 approved fuel injectors), non-approved exhaust system (headers), and the check engine light was  
18 still on.

19           45. A Bureau field representative subsequently downloaded the BAR 97 Test Detail from  
20 the Bureau's Vehicle Information Database (VID) and confirmed that Respondent Los  
21 Compadres had fraudulently issued Certificate of Compliance [REDACTED] with regard to the  
22 1997 Acura.

23           46. On April 30, 2014, a Bureau representative performed a California Smog Check  
24 Vehicle Inspection, BAR-97 ASM Test on the 1997 Acura, which failed the inspection due to a  
25 modified PVC system, missing catalytic converter, missing rear oxygen sensor, modified spark  
26 control system (non-approved external ignition coil), modified fuel injection system (adjustable  
27 fuel pressure regulator and non-approved fuel injectors), non-approved exhaust system (headers),  
28 and because the check engine light was still on.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 47. Respondent Los Compadres' registration is subject to disciplinary action pursuant to  
4 Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent Los  
5 Compadres made or authorized statements which he knew or in the exercise of reasonable care  
6 should have known to be untrue or misleading, as follows:

7 a. Respondent Los Compadres allowed its employee, Respondent Korel, to certify under  
8 penalty of perjury on the VIR that he performed the smog inspection on the Bureau's 1997 Acura  
9 in accordance with all Bureau requirements and that the vehicle had passed the inspection and  
10 was in compliance with applicable laws and regulations. In fact, Respondent Korel used clean  
11 piping methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle  
12 as required by Health and Safety Code section 44012.

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 48. Respondent Los Compadres' registration is subject to disciplinary action pursuant to  
16 Business and Professions Code section 9884.7, subdivision (a)(4), in that Respondent Los  
17 Compadres committed an act that constitutes fraud, as follows: Respondent Los Compadres  
18 allowed its employee, i.e. Respondent Korel to issue an electronic smog certificate of compliance  
19 for the Bureau's 1997 Acura without ensuring that a bona fide inspection was performed of the  
20 emission control devices and systems on the vehicle, thereby depriving the People of the State of  
21 California of the protection afforded by the Motor Vehicle Inspection Program.

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

24 49. Respondent Los Compadres' smog check station license is subject to disciplinary  
25 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent  
26 Los Compadres failed to comply with the following sections of that Code:

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1 a. **Section 44012:** Respondent Los Compadres failed to ensure that the emission control  
2 tests were performed on the Bureau's 1997 Acura in accordance with procedures prescribed by  
3 the department.

4 b. **Section 44015:** Respondent Los Compadres allowed its employee, i.e., Respondent  
5 Korel to issue an electronic smog certificate of compliance for the Bureau's 1997 Acura without  
6 ensuring that the vehicle was properly tested and inspected to determine if it was in compliance  
7 with Health and Safety Code section 44012.

8 **FIFTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant**  
10 **to the Motor Vehicle Inspection Program)**

11 50. Respondent Los Compadres' smog check station license is subject to disciplinary  
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent  
13 Los Compadres failed to comply with the provisions of California Code of Regulations, title 16,  
14 as follows:

15 a. **Section 3340.35, subdivision (c):** Respondent Los Compadres allowed its employee  
16 Respondent Korel to issue an electronic smog certificate of compliance for the Bureau's 1997  
17 Acura even though the vehicle had not been inspected in accordance with Health and Safety Code  
18 section 3340.42.

19 b. **Section 3340.41, subdivision (c):** Respondent Los Compadres allowed its employee,  
20 i.e., Respondent Gomez-Camacho to enter false information into the EIS by entering vehicle  
21 identification information or emission control system identification data for a vehicle other than  
22 the one being tested.

23 c. **Section 3340.42:** Respondent Los Compadres failed to ensure that the required smog  
24 tests were conducted on the Bureau's 1997 Acura in accordance with the Bureau's specifications.

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**SIXTEENTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

51 Respondent Los Compadres' smog check station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Los Compadres committed a dishonest, fraudulent or deceitful act whereby another is injured by allowing its employee Respondent Korel to issue an electronic smog certificate of compliance for the Bureau's 1997 Acura without ensuring that a bona fide inspection was performed of the emission control devices and systems on the vehicle, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**SEVENTEENTH CAUSE FOR DISCIPLINE**

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

52. Respondent Korel's technician license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Korel failed to comply with section 44012 of that Code in a material respect, as follows: Respondent Korel failed to perform the emission control tests on the Bureau's 1997 Acura in accordance with procedures prescribed by the department.

**EIGHTEENTH CAUSE FOR DISCIPLINE**

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

53. Respondent Korel's technician license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Korel failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.30, subdivision (a)**: Respondent Korel failed to inspect and test the Bureau's 1997 Acura in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.42**: Respondent Korel failed to conduct the required smog tests on the Bureau's 1997 Acura in accordance with the Bureau's specifications.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

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

3 54. Respondent Korel's technician license is subject to disciplinary action pursuant to  
4 Health and Safety Code section 44072.2, subdivision (d), in that Respondent Korel committed a  
5 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
6 certificate of compliance for the Bureau's 1997 Acura without performing a bona fide inspection  
7 of the emission control devices and systems on the vehicle, thereby depriving the People of the  
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.

9 **TWENTIETH CAUSE FOR DISCIPLINE**

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

11 55. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
12 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Gomez-  
13 Camacho failed to comply with section 44012 of that Code in a material respect, as follows:  
14 Respondent Gomez-Camacho failed to perform the emission control tests on the Bureau's 1997  
15 Acura in accordance with procedures prescribed by the department.

16 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant**  
18 **to the Motor Vehicle Inspection Program)**

19 56. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
20 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Gomez-  
21 Camacho failed to comply with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the Bureau's  
23 1997 Acura in accordance with Health and Safety Code sections 44012 and 44035, and California  
24 Code of Regulations, title 16, section 3340.42.

25 b. **Section 3340.41, subdivision (c)**: Respondent Gomez-Camacho entered false  
26 information into the EIS by entering vehicle identification information or emission control system  
27 identification data for a vehicle other than the one being tested.

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1 c. **Section 3340.42:** Respondent Gomez-Camacho failed to conduct the required smog  
2 tests on the Bureau's 1997 Acura in accordance with the Bureau's specifications.

3 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

5 57. Respondent Gomez-Camacho's technician license is subject to disciplinary action  
6 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Gomez-  
7 Camacho committed a dishonest, fraudulent or deceitful act whereby another is injured by  
8 actively participating in the issuance of an electronic smog certificate of compliance for the  
9 Bureau's 1997 Acura without performing a bona fide inspection of the emission control devices  
10 and systems on the vehicle, thereby depriving the People of the State of California of the  
11 protection afforded by the Motor Vehicle Inspection Program.

12 **OTHER MATTERS**

13 58. Pursuant to Code section 9884.7, subdivision (c), the Bureau may refuse to validate,  
14 or may invalidate temporarily or permanently, the registrations for all places of business operated  
15 in this state by Alexander Shamoun Korel upon a finding that he has, or is, engaged in a course of  
16 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
17 dealer.

18 59. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License  
19 Number TC 274203, issued to Alexander Shamoun Korel, doing business as Los Compadres  
20 Smog Check, is revoked or suspended, any additional license issued under this chapter in the  
21 name of said licensee may be likewise revoked or suspended by the director.

22 60. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
23 No. EO 636046 issued to Christopher Korel is revoked or suspended, any additional license  
24 issued under this chapter in the name of said licensee may be likewise revoked or suspended by  
25 the director.

26 61. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
27 No. EO 636771 issued to William Allan Gomez-Camacho is revoked or suspended, any  
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1 additional license issued under this chapter in the name of said licensee may be likewise revoked  
2 or suspended by the director.

3 **PRAYER**

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

6 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration  
7 Number ARD 274203 issued to Alexander Shamoun Korel, doing business as Los Compadres  
8 Smog Check;

9 2. Revoking, suspending or placing on probation any other automotive repair dealer  
10 registration issued in the name Alexander Shamoun Korel;

11 3. Revoking or suspending Smog Check Station License Number TC 274203, issued to  
12 Alexander Shamoun Korel, doing business as Los Compadres Smog Check;

13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
14 and Safety Code in the name of Alexander Shamoun Korel;

15 5. Revoking or suspending Smog Check Inspector License No. EO 636046, issued to  
16 Christopher Korel;

17 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
18 and Safety Code in the name of Christopher Korel;

19 7. Revoking or suspending Smog Check Inspector License No. EO 636771 issued to  
20 William Allan Gomez-Camacho;

21 8. Revoking or suspending any additional license issued under Chapter 5 of the Health  
22 and Safety Code in the name of William Allan Gomez-Camacho;

23 9. Ordering Alexander Shamoun Korel, Christopher Korel, and William Allan Gomez-  
24 Camacho to jointly and severally pay the Bureau of Automotive Repair the reasonable costs of  
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
26 125.3; and,

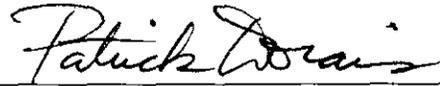
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10. Taking such other and further action as deemed necessary and proper.

DATED: April 21, 2015



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

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