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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. *79/16-97*

13 **1 STOP AUTO CENTER,**  
**JOSE ALFREDO ROMERO, Owner**  
6126 S. San Pedro St.  
14 Los Angeles, CA 90003  
**Automotive Repair Dealer Registration No. ARD**  
15 **276524**  
**Smog Check, Test Only, Station License No. TC**  
16 **276524,**

**A C C U S A T I O N**  
(SMOG CHECK)

17 and

18 **JOSE ALFEDO ROMERO**  
123½ East 51<sup>st</sup> St.  
19 Los Angeles, CA 90011  
**Smog Check Inspector License No. EO 635507,**

20 Respondents.  
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22 Complainant alleges:

23 **PARTIES**

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

26 **1 Stop Auto Center**

27 2. On or about May 6, 2014, the Director of Consumer Affairs ("Director") issued  
28 Automotive Repair Dealer Registration ("registration") No. ARD 276524 to Jose Alfredo

1 Romero, doing business as 1 Stop Auto Center ("Respondent 1 Stop"). The registration was in  
2 full force and effect at all times relevant to the charges brought herein. It expired on May 31,  
3 2015, and has not been renewed.

4 3. On or about May 22, 2014, the Director issued Smog Check, Test Only, Station  
5 License ("station license") No. TC 276524 to Respondent 1 Stop. The station license was in full  
6 force and effect at all times relevant to the charges brought herein. It expired on May 31, 2015,  
7 and has not been renewed.

8 **Jose Alfredo Romero**

9 4. On or about May 10, 2013, the Director issued Smog Check Inspector License No. EO  
10 635507 to Jose Alfredo Romero ("Respondent Romero"). The license was in full force and effect  
11 at all times relevant to the charges brought herein, and will expire on February 28, 2017, unless  
12 renewed.

13 **JURISDICTION**

14 5. Business and Professions Code ("Code") section 9884.7 provides that the Director  
15 may revoke an automotive repair dealer registration.

16 6. Code section 9884.13 provides, in pertinent part: that the expiration of a valid  
17 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
18 against an automotive repair dealer or to render a decision temporarily or permanently  
19 invalidating (suspending or revoking) a registration.

20 7. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
21 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
22 the Motor Vehicle Inspection Program.

23 8. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
24 [u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
25 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
26 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

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12. Section 44012 of the Health and Safety Code states, in pertinent part:

The test at the smog check station shall be performed in accordance with procedures prescribed by the department.

(f) A visual or functional check is made of emission control devices specified by the department.

13. Section 44032 of the Health and Safety Code states, in pertinent part:

No person shall perform. . . tests or repairs of emission control devices or systems . . . unless the person. . . is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

14. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

(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.

(f) Aids or abets unlicensed persons to evade the provisions of this chapter.

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

16. Section 44072.8 of the Health and Safety Code states:

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.

**REGULATORY PROVISIONS**

17. Section 3340.24 of the California Code of Regulations, title 16, states, in pertinent part:

(c) The bureau may suspend or revoke the license of or pursue other legal

1 action against a licensee, if the licensee falsely or fraudulently issues or obtains a  
2 certificate of compliance or a certificate of noncompliance.

3 18. Section 3340.30 of the California Code of Regulations, title 16, states, in  
4 pertinent part:

5 A smog check technician shall comply with the following requirements at all  
6 times while licensed.

7 (a) A licensed technician shall inspect, test and repair vehicles in accordance  
8 with section 44012 of the Health and Safety Code, section 44035 of the Health and  
9 Safety Code, and section 3340.42 of this article.

10 19. Section 3340.35 of the California Code of Regulations, title 16, states, in  
11 pertinent part:

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

16 20. Section 3340.41 of the California Code of Regulations, title 16, states, in  
17 pertinent part:

18 (c) No person shall enter into the emissions inspection system any vehicle  
19 identification information or emission control system identification data for any  
20 vehicle other than the one being tested. Nor shall any person knowingly enter into the  
21 emissions inspection system any false information about the vehicle being tested.

22 21. Section 3340.42 of the California Code of Regulations, title 16, states, in  
23 pertinent part that licensed smog check stations and technicians shall conduct tests and  
24 inspections in accordance with smog check emissions test methods and standards.

### 25 COST RECOVERY

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

### 29 FRAUDULENT SMOG INSPECTIONS

30 23. On March 6, 2015, Bureau Representatives conducted an undercover video  
31 surveillance at 1 Stop Auto Center. From their position they were able to observe the smog check  
32 test bay and computer. The representatives recognized Respondent Jose Alfredo Romero from a  
33 photograph they had obtained prior to the surveillance. After the surveillance the representatives  
34 printed a VID (Vehicle Information Database) test summary. The summary revealed that

1 Respondents 1 Stop and Romero fraudulently tested at least five (5) vehicles resulting in the  
 2 issuance of five (5) fraudulent Certificates of Compliance using the "Clean Piping"<sup>1</sup> method on  
 3 vehicles that were not present at the time of each purported test.

4 24. On March 9, 2015, the Bureau Representatives returned to 1 Stop and entered the  
 5 premises. As they approached the test bay they observed a 1998 Ford Taurus station wagon  
 6 running on the dynamometer and Respondent Romero standing at the smog check computer  
 7 entering information. After Romero completed the inspection, one of the representatives  
 8 collected the VIR (Vehicle Information Report) for the test. The VIR revealed that Romero had  
 9 entered information into the computer for a 2001 Ford Mustang coupe even though no such  
 10 vehicle was present.

11 25. The following chart illustrates the fraudulent Smog Check inspections that occurred  
 12 during the surveillance of March 6, 2015 and the station visit on March 9, 2015:

13 Test No.	14 Test Date and Time	15 Vehicle Allegedly Tested and License	16 Vehicle Actually Tested	17 Certificate	18 Details
15 1	3/6/15 1421 to 1433 hrs.	1998 Ford F150 7X85599	Unknown	YP361852C	No Ford F150 was in the test bay at the time of the smog inspection.
17 2	3/6/15 1439 to 1450 hrs.	1984 Toyota pick up 6K14439	Unknown	YP361853C	No Toyota pick up was in the test bay at the time of the smog inspection.
19 3	3/6/15 1454 to 1510 hrs.	1983 Overland motorhome 5FXA226	Unknown	YP361854C	No Overland motorhome was in the test bay at the time of the smog inspection.
21 4	3/6/15 1525 to 1534 hrs.	1996 Mercedes E320 6YKD442	Unknown	YP361855C	No Mercedes E320 was in the test bay at the time of the smog inspection.
23 5	3/6/15 1540 to 1556 hrs.	1995 Dodge Dakota 5B52076	Unknown	YP361856C	No Dodge Dakota was in the test bay at the time of the smog inspection.
25 6	3/9/15 1131 to 1144 hrs.	2001 Ford Mustang 5EVK915	1998 Ford Taurus wagon	None.	Romero tested the Ford Taurus in place of the Ford Mustang.

26 <sup>1</sup> "Clean Piping" is a method used to fraudulently certify vehicles that will not pass a smog check test on  
 27 their own or are not present during the time the test is performed. To "Clean Pipe," the inspector uses a "clean"  
 28 exhaust gas sample that will pass a Smog Check emissions test, enters erroneous data into the analyzer, and transfers this information to the state database. This results in a vehicle obtaining a fraudulent Smog Check certificate.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 26. Respondent 1 Stop's registration is subject to disciplinary action pursuant to Code  
4 section 9884.7, subdivision (a)(1), in that it made or authorized statements which it knew, or in the  
5 exercise of reasonable care should have known, to be untrue or misleading as follows: Respondent  
6 certified that at least five (5) vehicles had passed inspection and were in compliance with applicable  
7 laws and regulations when in fact, Respondent conducted the inspections on the vehicles without  
8 performing the visual and functional portions of a smog check inspection, as required by Health and  
9 Safety Code section 44012.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 27. Respondent 1 Stop's registration is subject to disciplinary action pursuant to Code  
13 section 9884.7, subdivision (a)(4), in that it committed acts that constitute fraud by issuing  
14 electronic smog Certificates of Compliance for vehicles without performing bona fide inspections  
15 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
16 State of California of the protection afforded by the Motor Vehicle Inspection Program.

17 **THIRD CAUSE FOR DISCIPLINE**

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

19 28. Respondent 1 Stop's station license is subject to disciplinary action pursuant to  
20 Health & Safety Code section 44072.2, subdivision (a), in that it failed to comply with the  
21 following sections of that Code:

22 **a. Section 44012:** Respondent failed to ensure that all emission control devices and  
23 systems required by law for vehicles allegedly tested were installed and functioning correctly in  
24 accordance with test procedures.

25 **b. Section 44012, subdivision (f):** Respondent failed to ensure that the emission control  
26 tests were performed on vehicles allegedly tested in accordance with procedures prescribed by the  
27 Bureau.

28 **c. Section 44015, subdivision (b):** Respondent issued electronic smog Certificates of

1 Compliance for vehicles allegedly tested without ensuring that the vehicles were properly tested  
2 and inspected to determine if they were in compliance with Health & Safety Code section 44012.

3 **FOURTH CAUSE FOR DISCIPLINE**

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

5 29. Respondent 1 Stop's station license is subject to disciplinary action pursuant to  
6 Health & Safety Code section 44072.2, subdivision (c), in that it failed to comply with provisions  
7 of California Code of Regulations, title 16, as follows:

8 a. **Section 3340.35, subdivision (c):** Respondent issued electronic smog Certificates of  
9 Compliance for vehicles even though the vehicles had not been inspected in accordance with  
10 section 3340.42.

11 b. **Section 3340.42:** Respondent failed to ensure that the required smog tests were  
12 conducted on vehicles allegedly tested in accordance with Bureau specifications.

13 **FIFTH CAUSE FOR DISCIPLINE**

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

15 30. Respondent 1 Stop's station license is subject to disciplinary action pursuant to  
16 Health & Safety Code section 44072.2, subdivision (d), in that it committed dishonest,  
17 fraudulent, or deceitful acts whereby another is injured by issuing electronic smog Certificates of  
18 Compliance for vehicles without performing bona fide inspections of the emission control devices  
19 and systems on the vehicles, thereby depriving the People of the State of California of the  
20 protection afforded by the Motor Vehicle Inspection Program.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 31. Respondent Romero's Smog Check Inspector License is subject to disciplinary action  
24 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply  
25 with the following sections of that Code:

26 a. **Section 44012, subdivision (a):** Respondent failed to ensure that all emission control  
27 devices and systems required by law for vehicles allegedly tested were installed and functioning  
28 correctly in accordance with test procedures.



1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 33. Respondent Romero's Smog Check Inspector License is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that he committed  
5 dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog  
6 Certificates of Compliance for vehicles without performing bona fide inspections of the emission  
7 control devices and systems on the vehicles, thereby depriving the People of the State of  
8 California of the protection afforded by the Motor Vehicle Inspection Program.

9 **OTHER MATTERS**

10 34. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
11 suspend, revoke or place on probation the registration for all places of business operated in this  
12 state by Jose Alfredo Romero, upon a finding that he has, or is, engaged in a course of repeated  
13 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

14 35. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License  
15 Number TC 276524, issued to Jose Alfredo Romero doing business as 1 Stop Auto Center, is  
16 revoked or suspended, any additional license issued under the same chapter in the name of said  
17 licensee may be likewise revoked or suspended by the Director.

18 36. Pursuant to Health & Safety Code section 44072.8, if Respondent Jose Alfredo  
19 Romero's Smog Check Inspector License No. EO 635507 is revoked or suspended, any additional  
20 license issued under this chapter in the name of said licensee may be likewise revoked or  
21 suspended by the Director.

22 **PRAYER**

23 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein  
24 alleged, and that following the hearing, the Director issue a decision:

25 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
26 276524, issued to Jose Alfredo Romero doing business as 1 Stop Auto Center;

27 2. Revoking or suspending Smog Check Station License Number TC 276524, issued  
28 to Jose Alfredo Romero doing business as 1 Stop Auto Center ;

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- 3. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Jose Alfredo Romero;
- 4. Revoking or suspending Jose Alfredo Romero's Smog Check Inspector License No. EO 635507;
- 5. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Jose Alfredo Romero;
- 6. Ordering Jose Alfredo Romero and 1 Stop Auto Center to pay the Director the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 7. Taking such other and further action as deemed necessary and proper.

DATED: 4-15-16

~~PATRICK DORAIS~~ by Doug Balogh  
PATRICK DORAIS  
Chief, Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

(rev.3/28/15)