

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

In the Matter of the First Amended Accusation  
Against:

**JUAN M. GALLARDO, OWNER, DBA  
D C SMOG CHECK**

491 Wildrose Ave. #M  
Colton, CA 92324  
Automotive Repair Dealer Registration No.  
ARD 276708  
Smog Check Station License No. TC 276708

and

**ANGEL FELIPE SANCHEZ ORTEGA**

979 N. Elmwood Ave.  
Rialto, CA 92376  
Smog Check Inspector License No. EO 636276

Respondents.

Case No. 79/16-118

OAH No. 2016060304

**DECISION**

The attached Stipulated Revocation of License and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective February 6, 2018.

DATED: 12/20/17

  
\_\_\_\_\_  
GRACE ARUPO RODRIGUEZ  
Assistant Deputy Director  
Legal Affairs Division  
Department of Consumer Affairs

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6308  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the First Amended Accusation  
Against:  
12

13 **JUAN M. GALLARDO, OWNER, DBA**  
**D C SMOG CHECK**  
14 **491 Wildrose Ave. #M**  
**Colton, CA 92324**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 276708**  
16 **Smog Check Station License No. TC 276708**

17 and

18 **ANGEL FELIPE SANCHEZ ORTEGA**  
**979 N. Elmwood Ave.**  
19 **Rialto, CA 92376**  
**Smog Check Inspector License No.**  
20 **EO 636276**

21 Respondents.

Case No. 79/16-118

OAH No. 2016060304

**STIPULATED REVOCATION OF**  
**LICENSE AND ORDER**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair  
26 ("Bureau"). He brought this action solely in his official capacity and is represented in this matter  
27 by Xavier Becerra, Attorney General of the State of California, by Michael Brown, Deputy  
28 Attorney General.

1       2.     Juan M. Gallardo, Owner, dba D C Smog Check ("Respondent Smog Check") and  
2     Angel Felipe Sanchez Ortega ("Respondent Ortega") are representing themselves in this  
3     proceeding and have chosen not to exercise their right to be represented by counsel.

4     **Juan M. Gallardo, Owner, dba D C Smog Check**

5       **Automotive Repair Dealer Registration**

6       3.     On or about May 27, 2014, the Bureau issued Automobile Repair Dealer Registration  
7     Number ARD 276708 to Respondent Smog Check. The Automobile Repair Dealer Registration  
8     was in full force and effect at all times relevant to the charges brought herein and will expire on  
9     May 31, 2018, unless renewed.

10      **Smog Check, Test Only, Station License**

11      4.     On or about June 1, 2014, the Bureau issued Smog Check, Test Only, Station License  
12     No. TC 276708 to Respondent Smog Check. The Smog Check, Test Only, Station License was  
13     in full force and effect at all times relevant to the charges brought herein and will expire on May  
14     31, 2018, unless renewed.

15      **STAR Station Certification**

16      5.     On or about July 22, 2014, the Bureau certified D C Smog Check as a STAR Station.  
17     The certification will remain active unless ARD 276708 and/or TC 276708 is revoked, canceled,  
18     become delinquent, or the certification is invalidated.

19      **Angel Felipe Sanchez Ortega**

20      **Smog Check Inspector License**

21      6.     On or about November 22, 2013, the Bureau issued Smog Check Inspector License  
22     Number EO 636276 to Respondent Ortega. The Smog Check Inspector License expired on  
23     August 31, 2017, and has not been renewed.

24                   **JURISDICTION**

25      7.     First Amended Accusation No. 79/16-118 was filed before the ("Director"), and is  
26     currently pending against Respondents Smog Check and Ortega. The First Amended Accusation  
27     and all other statutorily required documents were properly served on Respondent on July 18,  
28     2017. Respondents Smog Check and Ortega timely filed their Notice of Defense contesting the

1 First Amended Accusation. A copy of First Amended Accusation No. 79/16-118 is attached as  
2 Exhibit A and incorporated by reference.

3 **ADVISEMENT AND WAIVERS**

4 8. Respondents Smog Check and Ortega have carefully read, and understand the charges  
5 and allegation in First Amended Accusation No. 79/16-118. Respondents Smog Check and  
6 Ortega also have carefully read, and understand the effects of this Stipulated Revocation of  
7 License and Order.

8 9. Respondents Smog Check and Ortega are fully aware of their legal rights in this  
9 matter, including the right to be represented by counsel, at their own expense; the right to  
10 confront and cross-examine the witnesses against them; the right to present evidence and to  
11 testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of  
12 witnesses and the production of documents; the right to reconsideration and court review of an  
13 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
14 and other applicable laws.

15 10. Respondents Smog Check and Ortega voluntarily, knowingly, and intelligently waive  
16 and give up each and every right set forth above.

17 **CULPABILITY**

18 11. Respondents Smog Check and Ortega admits the truth of each and every charge and  
19 allegation in First Amended Accusation No. 79/16-118.

20 12. Respondents Smog Check and Ortega agree that its Automotive Repair Dealer  
21 Registration No. ARD 276708, Smog Check, Test Only, Station License No. TC 276708 and  
22 Smog Check Inspector License Number EO 636276 are subject to discipline and they agree to be  
23 bound by the Director of Consumer Affairs imposition of discipline as set forth in the  
24 Disciplinary Order below.

25 **CONTINGENCY**

26 13. This stipulation shall be subject to approval by the Director or the Director's designee.  
27 Respondents Smog Check and Ortega understand and agree that counsel for Complainant and the  
28 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff

1 regarding this stipulation and revocation, without notice to or participation by Respondents Smog  
2 Check and Ortega. By signing the stipulation, Respondents Smog Check and Ortega understand  
3 and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to  
4 the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as  
5 the Decision and Order, the Stipulated Revocation of License and Order shall be of no force or  
6 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
7 and the Director shall not be disqualified from further action by having considered this matter.

8 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
9 copies of this Stipulated Revocation of License and Order, including Portable Document Format  
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11 15. This Stipulated Revocation of License and Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral). This Stipulated Revocation of License and  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
18 the Director may, without further notice or formal proceeding, issue and enter the following  
19 Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 276708,  
22 and Smog Check, Test Only, Station License No. TC 276708 issued to Respondent Juan M.  
23 Gallardo, Owner, doing business as D C Smog Check are revoked and accepted by the Director of  
24 Consumer Affairs.

25 IT IS HEREBY ORDERED that Smog Check Inspector License Number EO 636276 issued  
26 to Respondent Angel Felipe Sanchez Ortega is revoked and accepted by the Director of  
27 Consumer Affairs.

28 ///

1        1.    The revocation of Respondents Smog Check and Ortegas' Automotive Repair Dealer,  
2 Smog Check, Test Only, Station License and Smog Check Inspector License and the acceptance  
3 of the revoked licenses by the Bureau shall constitute the imposition of discipline against  
4 Respondents Smog Check and Ortega. This stipulation constitutes a record of the discipline and  
5 shall become a part of Respondents Smog Check and Ortegas' license history with the Bureau of  
6 Automotive Repair.

7        2.    Respondents Smog Check and Ortega shall lose all rights and privileges as an  
8 Automotive Repair Dealer, Smog Check Station and Smog Check Inspector in California as of  
9 the effective date of the Director's Decision and Order.

10       3.    Respondents Smog Check and Ortega shall cause to be delivered to the Bureau their  
11 pocket license and, if one was issued, their wall certificate on or before the effective date of the  
12 Decision and Order.

13       4.    If Respondents Smog Check and Ortega ever apply for licensure or petition for  
14 reinstatement in the State of California, the Bureau shall treat it as a new application for licensure.  
15 Respondents Smog Check and Ortega must comply with all the laws, regulations, and procedures  
16 for licensure in effect at the time the application or petition is filed, and all of the charges and  
17 allegations contained in First Amended Accusation No. 79/16-118 shall be deemed to be true,  
18 correct, and admitted by Respondents when the Director determines whether to grant or deny the  
19 application.

20       5.    Respondents Smog Check and Ortega shall pay the agency its costs of investigation  
21 and enforcement in the amount of \$20,095.97 prior to issuance of a new or reinstated license.

22    ///

23    ///

24    ///

25    ///

26    ///

27    ///

28    ///

**Exhibit A**

**First Amended Accusation No. 79/16-118**

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 Attorneys for Complainant

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 79/16-118

13 JUAN M. GALLARDO, OWNER, DBA  
14 D C SMOG CHECK  
491 Wildrose Ave. #M  
Colton, CA 92324  
15 Automotive Repair Dealer Registration No.  
ARD 276708  
16 Smog Check Station License No. TC 276708

FIRST AMENDED ACCUSATION

17 and

18 ANGEL FELIPE SANCHEZ ORTEGA  
979 N. Elmwood Ave.  
19 Rialto, CA 92376  
Smog Check Inspector License No.  
20 EO 636276

21 Respondents.

22  
23 Complainant alleges:

24 PARTIES

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

28 ///



1 Juan M. Gallardo, Owner, dba D.C Smog Check

2 Automotive Repair Dealer Registration

3 2. On or about May 27, 2014, the Bureau issued Automobile Repair Dealer Registration  
4 Number ARD 276708 to Juan M. Gallardo, Owner, doing business as D C Smog Check,  
5 (Respondent Smog Check). The Automobile Repair Dealer Registration was in full force and  
6 effect at all times relevant to the charges brought herein and will expire on May 31, 2018, unless  
7 renewed.

8 Smog Check, Test Only, Station License

9 3. On or about June 1, 2014, the Bureau issued Smog Check, Test Only, Station License  
10 No. TC 276708 to Respondent Smog Check. The Smog Check, Test Only, Station License was in  
11 full force and effect at all times relevant to the charges brought herein and will expire on May 31,  
12 2018, unless renewed.

13 STAR Station Certification

14 4. On or about July 24, 2014, the Bureau certified D C Smog Check as a STAR Station.  
15 The certification will remain active unless ARD 276708 and/or TC 276708 is revoked, canceled,  
16 become delinquent, or the certification is invalidated.

17 Angel Felipe Sanchez Ortega

18 Smog Check Inspector License

19 5. On or about November 22, 2013, the Bureau issued Smog Check Inspector License  
20 Number EO 636276 ("inspector license") to Angel Felipe Sanchez Ortega ("Respondent Ortega").  
21 The Smog Check Inspector License was in full force and effect at all times relevant to the charges  
22 brought herein and will expire on August 31, 2017, unless renewed.

23 JURISDICTION

24 6. Business and Professions Code ("Code") section 9884.7 provides that the Director  
25 may revoke an automotive repair dealer registration.

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  
28

1 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
2 temporarily or permanently.

3 8. Health and Safety Code section 44002 provides, in pertinent part, that the Director  
4 has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor  
5 Vehicle Inspection Program.

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

#### 10 STATUTORY PROVISIONS

11 10. Section 9884.7 of the Code states:

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

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

20 ...

21 "(4) Any other conduct which constitutes fraud.

22 ...

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

27 ///

28 ///

1        11. Section 44012 of the Health and Safety Code states:

2        "The test at the smog check stations shall be performed in accordance with procedures  
3        prescribed by the department and may require loaded mode dynamometer testing in enhanced  
4        areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other  
5        appropriate test procedures as determined by the department in consultation with the state board.  
6        The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode  
7        dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning  
8        no earlier than January 1, 2013. However, the department, in consultation with the state board,  
9        may prescribe alternative test procedures that include loaded mode dynamometer or two-speed  
10       idle testing for vehicles with onboard diagnostic systems that the department and the state board  
11       determine exhibit operational problems. The department shall ensure, as appropriate to the test  
12       method, the following:

13        "(a) Emission control systems required by state and federal law are reducing excess  
14        emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of  
15        Section 44013.

16        "(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of  
17        the vehicle's emission control system.

18        "(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of  
19        hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded  
20        mode are tested in accordance with procedures prescribed by the department. In determining how  
21        loaded mode and evaporative emissions testing shall be conducted, the department shall ensure  
22        that the emission reduction targets for the enhanced program are met.

23        "(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and  
24        crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic  
25        compound emissions, in accordance with procedures prescribed by the department.

26        "(e) For diesel-powered vehicles, a visual inspection is made of emission control devices  
27        and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the  
28        department, that may include, but are not limited to, onboard diagnostic testing. The test may

1 include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon  
2 the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

3 "(f) A visual or functional check is made of emission control devices specified by the  
4 department, including the catalytic converter in those instances in which the department  
5 determines it to be necessary to meet the findings of Section 44001. The visual or functional  
6 check shall be performed in accordance with procedures prescribed by the department.

7 "(g) A determination as to whether the motor vehicle complies with the emission standards  
8 for that vehicle's class and model-year as prescribed by the department.

9 "(h) An analysis of pass and fail rates of vehicles subject to an onboard diagnostic test and a  
10 tailpipe test to assess whether any vehicles passing their onboard diagnostic test have, or would  
11 have, failed a tailpipe test, and whether any vehicles failing their onboard diagnostic test have or  
12 would have passed a tailpipe test.

13 "(i) The test procedures may authorize smog check stations to refuse the testing of a vehicle  
14 that would be unsafe to test, or that cannot physically be inspected, as specified by the department  
15 by regulation. The refusal to test a vehicle for those reasons shall not excuse or exempt the  
16 vehicle from compliance with all applicable requirements of this chapter."

17 12. Section 44015 of the Health and Safety Code states:

18 ....

19 "(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to  
20 issue certificates shall issue a certificate of compliance or a certificate of noncompliance."

21 13. Section 44059 of the Health and Safety Code states:

22 "The willful making of any false statement or entry with regard to a material matter in any  
23 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
24 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business  
25 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code."

26 ///

27 ///

28 ///

1       14. Section 44072.2 of the Health and Safety Code states:

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

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

8       ...

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

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

11       15. Section 44072.8 of the Health and Safety Code states:

12       "When a license has been revoked or suspended following a hearing under this article, any  
13 additional license issued under this chapter in the name of the licensee may be likewise revoked  
14 or suspended by the director."

15                               REGULATORY PROVISIONS

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

17       ...

18       "(c) The bureau may suspend or revoke the license of or pursue other legal action against a  
19 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
20 certificate of noncompliance."

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

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

24       "(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the  
25 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this  
26 article."

27       ///

28       ///

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

2 "A licensed station shall issue a certificate of compliance or noncompliance to the owner or  
3 operator of any vehicle that has been inspected in accordance with the procedures specified in  
4 section 3340.42 of this article and has all the required emission control equipment and devices  
5 installed and functioning correctly."

6 19. California Code of Regulations, title 16, section 3340.42, states:

7 "Smog check inspection methods are prescribed in the Smog Check Manual, referenced by  
8 section 3340.45.

9 "(a) All vehicles subject to a smog check inspection, shall receive one of the following test  
10 methods:

11 "(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year  
12 vehicle, except diesel-powered, registered in the enhanced program areas of the state. The  
13 loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of  
14 nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of  
15 Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode  
16 (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

17 "On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection  
18 shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table  
19 (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby  
20 incorporated by reference. If the emissions standards for a specific vehicle are not included in this  
21 table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE  
22 I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured  
23 emissions are less than or equal to the applicable emission standards specified in the applicable  
24 table.

25 "(2) A two-speed idle mode test shall be the test method used to inspect 1976 - 1999 model-  
26 year vehicles, except diesel-powered, registered in all program areas of the state, except in those  
27 areas of the state where the enhanced program has been implemented. The two-speed idle mode  
28 test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and

1 again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of  
2 Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall  
3 be measured and compared to the emission standards set forth in this section and as shown in  
4 TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are  
5 less than or equal to the applicable emissions standards specified in Table III.

6 "(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered  
7 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.  
8 The OBD test failure criteria are specified in section 3340.42.2.

9 "(b) In addition to subsection (a), all vehicles subject to the smog check program shall  
10 receive the following:

11 "(1) A visual inspection of emission control components and systems to verify the vehicle's  
12 emission control systems are properly installed.

13 "(2) A functional inspection of emission control systems as specified in the Smog Check  
14 Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper  
15 operation.

16 "(c) The bureau may require any combination of the inspection methods in sections (a) and  
17 (b) under any of the following circumstances:

18 "(1) Vehicles that the department randomly selects pursuant to Health and Safety Code  
19 section 44014.7 as a means of identifying potential operational problems with vehicle OBD  
20 systems.

21 "(2) Vehicles identified by the bureau as being operationally or physically incompatible  
22 with inspection equipment.

23 "(3) Vehicles with OBD systems that have demonstrated operational problems.

24 "(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are  
25 as follows:

26 "(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides  
27 of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables  
28 described in subsection (a), as applicable.

1       “(2) Vehicles with emission levels exceeding the emission standards for gross polluters  
2 during an initial inspection will be considered gross polluters and the provisions pertaining to  
3 gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and  
4 44081 of the Health and Safety Code.

5       “(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until  
6 the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle  
7 included in the tables described in subsection (a), as applicable. However, the provisions  
8 described in section 44017 of the Health and Safety Code may apply.

9       “(4) This subsection applies in all program areas statewide to vehicles requiring inspection  
10 pursuant to sections 44005 and 44011 of the Health and Safety Code.”

#### 11                               COST RECOVERY

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

#### 18                               FACTUAL BACKGROUND

19       21. On or about June 8, 2015, a Bureau Representative conducted an investigation in  
20 which he reviewed On-board Diagnostic Inspection System (OIS) test data for Respondent Smog  
21 Check. The test data revealed anomalies consistent with fraudulent Smog Check activities. A  
22 further in depth analysis of OIS test data revealed that there were a total of thirteen (13) vehicles  
23 of various years, make and models that were issued 13 fraudulent Certificates of Compliance.  
24 The OIS test data from these thirteen (13) vehicles were compared to the OIS test data of similar  
25 vehicles of the same year, make and model that received passing Smog Check inspections and  
26 received smog certificates. The data comparison showed multiple discrepancies with thirteen (13)  
27 vehicles that were all certified with the e-VIN missing, incorrect vehicle communication  
28



protocols<sup>1</sup> and incorrect Parameter Identification (PID) count, which confirms the vehicles receiving smog certificates were fraudulently tested during the smog inspection using the clean plugging method<sup>2</sup>. The discrepancies in the OIS Test Detail showed that the OIS Data Acquisition Device (DAD) was not connected to the thirteen (13) vehicles. Table 1 illustrates the clean plugging activities at Respondent Smog Check between April 6, 2015, through October 28, 2015. All of the following inspections were performed by Respondent Ortega.

TABLE 1

Test No.	Test Date and Time*	Vehicle Certified & License No. and VIN No.	Certificate No.	Technician License No.	OIS Test Data Details
1.	4/06/2015 1842-1846 hours	2006 Honda S2000 7HFC015	PQ365982C	EO636276 (Respondent Ortega)	Comm. Protocol: JVPW1850 (expected ICAN29bt5)  PID Count: 21 (expected 36)  e-VIN-Missing
2.	04/07/2015 1912-1917 hours	2005 Ford Explorer Eddie Bauer 6ZQX539	PQ365987C	EO636276 (Respondent Ortega)	Comm. Protocol: JVPW1850 (expected ICAN11bt5)  PID Count: 21 (expected 47)  e-VIN-Missing
3.	04/14/2015 1846-1852 hours	2007 Dodge Ram 3500 ST/SLT 94426R1	PQ788256C	EO636276 (Respondent Ortega)	Comm. Protocol: JVPW1850 (expected ICAN11bt5)  PID Count: 21 (expected 34)

<sup>1</sup> Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a communication interface. This automated determination of the communication interface, or protocol, is built into the Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles manufactured and sold in the United States that are subject to the Smog Check program.

<sup>2</sup> Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

					e-VIN-Missing
4.	04/20/2015 1915-1919 hours	2007 BMW 328i 6JLN614	PQ788275C	EO636276 (Respondent Ortega)	Comm. Protocol: JPWM1850 (expected KWPF)  PID Count: 20 (expected 21)  e-VIN-Missing
5.	04/28/2015 1831-1833 hours	2006 Cadillac SRX 6VMS945	PQ788298C	EO636276 (Respondent Ortega)	Comm. Protocol: JVPW1850 (expected ICAN11bt5)  PID Count: 21 (expected 42)  e-VIN-Missing
6.	10/2/2015 0754-0759 hours	2005 Dodge Ram 1500 Quad ST/SLT RYCHE1	PY039455C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected JVPW)  PID Count: 16 (expected 23)  e-VIN-Missing
7.	10/04/2015 1323-1327 hours	2005 Cadillac C/T CTS HI Feature DP795CF	PY039472C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 16 (expected 42)  e-VIN-Missing
8.	10/07/2015 0815-0819 hours	2010 Porsche 911 GT3 VIN No. WP0AC2A94AS783091	PY039480C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 16 (expected 44)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

					e-VIN-Missing
9.	10/10/2015 0740-0750 hours	2014 Ford Fusion Titanium  VIN No. 3FA6P0K9XER333028	PY039493C	EO636276 (Respondent Ortega)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 20 (expected 38)  e-VIN-Missing
10.	10/18/2015 1603-1607 hours	2008 Chevrolet Corvette 6DXD960	PY333832C	EO636276 (Respondent Ortega)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 16 (expected 43)  e-VIN-Missing
11.	10/21/2015 0812-0817 hours	2007 Mercedes Benz GL450 4 MATIC 6AXJ802	PY333841C	EO636276 (Respondent Ortega)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 16 (expected 44)  e-VIN-Missing
12.	10/23/2015 0816-0820 hours	2009 Nissan Maxima S/SV 6FYG769	PY333850C	EO636276 (Respondent Ortega)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 16 (expected 43)  e-VIN-Missing
13.	10/28/2015 1742-1749 hours	2006 GMC Savana G3500 Diesel 8P32515	PY640520C	EO636276 (Respondent Ortega)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 16 (expected 28)

\* Test times are in military time.

### FIRST CAUSE FOR DISCIPLINE

#### (Untrue or Misleading Statements)

22. Respondent Smog Check's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in that between April 6, 2015, through October 28, 2015, Respondent Smog Check made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Smog Check certified that vehicles 1 through 13, set forth above in Table 1, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Smog Check conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles during the OBD II functional tests in order to issue smog certificates of compliance for the 13 vehicles, and did not test or inspect the 13 vehicles as required by Health and Safety Code section 44012.

### SECOND CAUSE FOR DISCIPLINE

#### (Fraud)

23. Respondent Smog Check's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between April 6, 2015, through October 28, 2015, Respondent Smog Check committed acts which constitute fraud by issuing electronic certificates of compliance for vehicles 1 through 13, set forth above in Table 1, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

### THIRD CAUSE FOR DISCIPLINE

#### (Failure to Comply with the Motor Vehicle Inspection Program)

24. Respondent Smog Check's station license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between April 6, 2015, through October

1 28, 2015, regarding vehicles 1 through 13, set forth above in Table 1, Respondent failed to  
2 comply with the following sections of that Code:

3 a. Section 44012: Respondent Smog Check failed to ensure that the emission control tests  
4 were performed on vehicles 1 through 13, in accordance with procedures prescribed by the  
5 department.

6 b. Section 44015: Respondent Smog Check issued electronic certificates of compliance  
7 for vehicles 1 through 13, without ensuring that the vehicles were properly tested and inspected to  
8 determine if they were in compliance with Health and Safety Code section 44012.

9 c. Section 44059: Respondent Smog Check willfully made false entries for the electronic  
10 certificates of compliance by certifying that those vehicles had been inspected as required when,  
11 in fact, they had not.

12 **FOURTH CAUSE FOR DISCIPLINE**

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

15 25. Respondent Smog Check's station license is subject to discipline pursuant to Health  
16 and Safety Code section 44072.2, subdivision (c), in that between April 6, 2015, through October  
17 28, 2015, regarding vehicles 1 through 13, set forth above in Table 1, Respondent failed to  
18 comply with provisions of California Code of Regulations, title 16, as follows:

19 a. Section 3340.24, subdivision (c): Respondent Smog Check falsely or fraudulently  
20 issued electronic certificates of compliance for those vehicles without performing bona fide  
21 inspections of the emission control devices and systems on the vehicles as required by Health and  
22 Safety Code section 44012.

23 b. Section 3340.35, subdivision (c): Respondent Smog Check issued electronic  
24 certificates of compliance even though those vehicles had not been inspected in accordance with  
25 section 3340.42 of that Code.

26 c. Section 3340.42: Respondent Smog Check failed to conduct the required smog tests and  
27 inspections on those vehicles in accordance with the Bureau's specifications.

28 ///

1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 26. Respondent Smog Check's station license is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2, subdivision (d), in that between April 6, 2015, through October  
5 28, 2015, regarding vehicles 1 through 13, set forth above in Table 1, Respondent Smog Check  
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
7 electronic certificates of compliance for those vehicles without performing bona fide inspections  
8 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
9 State of 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 27. Respondent Ortega's inspector license is subject to discipline pursuant to Health  
13 and Safety Code section 44072.2, subdivision (a), in that between April 6, 2015, through October  
14 28, 2015, regarding vehicles 1 through 13, set forth above in Table 1, he failed to comply with  
15 section 44012 of that Code in a material respect, as follows: Respondent Ortega failed to perform  
16 the emission control tests on those vehicles in accordance with procedures prescribed by the  
17 department.

18 SEVENTH CAUSE FOR DISCIPLINE

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

21 28. Respondent Ortega's inspector license is subject to discipline pursuant to Health  
22 and Safety Code section 44072.2, subdivision (c), in that between April 6, 2015, through October  
23 28, 2015, regarding vehicles 1 through 13, set forth above in Table 1, he failed to comply with  
24 provisions of California Code of Regulations, title 16, as follows:

25 a. Section 3340.24, subdivision (c): Respondent Ortega falsely or fraudulently issued  
26 electronic certificates of compliance without performing bona fide inspections of the emission  
27 control devices and systems on those vehicles as required by Health and Safety Code section  
28 44012.

1 b. Section 3340.30 subdivision (a): Respondent Ortega failed to inspect and test those  
2 vehicles in accordance with Health and Safety Code sections 44012.

3 c. Section 3340.42: Respondent Ortega failed to conduct the required smog tests and  
4 inspections on those vehicles in accordance with the Bureau's specifications.

#### 5 EIGHTH CAUSE FOR DISCIPLINE

##### 6 (Dishonesty, Fraud or Deceit)

7 29. Respondent Ortega's inspector license is subject to discipline pursuant to Health and  
8 Safety Code section 44072.2, subdivision (d), in that between April 6, 2015, through October 28,  
9 2015, regarding vehicles 1 through 13, set forth above in Table 1, he committed acts involving  
10 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
11 compliance without performing bona fide inspections of the emission control devices and systems  
12 on those vehicles, thereby depriving the People of the State of California of the protection  
13 afforded by the Motor Vehicle Inspection Program.

#### 14 FACTUAL BACKGROUND

15 30. A Bureau Representative conducted an investigation in which he reviewed On-board  
16 Diagnostic Inspection System (OIS) test data for Respondent Smog Check. The test data revealed  
17 anomalies consistent with fraudulent Smog Check activities. A further in depth analysis of OIS  
18 test data revealed that there were a total of five (5) vehicles of various years, make and models  
19 that were issued five (5) fraudulent Certificates of Compliance. The OIS test data from these five  
20 (5) vehicles were compared to the OIS test data of similar vehicles of the same year, make and  
21 model that received passing Smog Check inspections and received smog certificates. The data  
22 comparison showed multiple discrepancies with five (5) vehicles that were all certified with the e-  
23 VIN missing, incorrect vehicle communication protocols and incorrect Parameter Identification  
24 (PID) count, which confirms the vehicles receiving smog certificates were fraudulently tested  
25 during the smog inspection using the clean plugging method. The discrepancies in the OIS Test  
26 Detail showed that the OIS Data Acquisition Device (DAD) was not connected to the five (5)  
27 vehicles. Table 2 illustrates the clean plugging activities at Respondent Smog Check between  
28

January 7, 2017, through January 12, 2017. All of the following inspections were performed by Respondent Ortega.

TABLE 2

Test No.	Test Date and Time*	Vehicle Certified & License No. and VIN No.	Certificate No.	Technician License No.	OIS Test Data Details
1.	01/07/2017 0813-0816 hours	2008 Nissan Altima Hybrid 6CSB280	ZN348728C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 16 (expected 39/18 or 39/22)  e-VIN-Missing
2.	01/07/2017 1129-1133 hours	2005 Dodge RAM 1500 ST 7V29830	ZN348735C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected JVPW)  PID Count: 16 (expected 22/3 or 23/3)  e-VIN-Missing
3.	01/07/2017 1250-1253 hours	2005 Chevrolet Cavalier 5JDL100	ZN348738C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected JVPW)  PID Count: 16 (expected 18)  e-VIN-Missing
4.	01/07/2017 1300-1303 hours	2008 Chevrolet Silverado C2500 HEAVY DUTY  VIN No. 1GCHC29K08E182582	ZN348739C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 16 (expected 43/7)



					e-VIN-Missing
5.	01/12/2017 0921-925 hours	2010 Toyota Corolla BASE 7CNJ713	ZN521883C	EO636276 (Respondent Ortega)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 16 (expected 39)  e-VIN-Missing

\* Test times are in military time.

#### NINTH CAUSE FOR DISCIPLINE

##### (Untrue or Misleading Statements)

31. Respondent Smog Check's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in that between January 7, 2017, through January 12, 2017, Respondent Smog Check made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Smog Check certified that vehicles 1 through 5, set forth above in Table 2, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Smog Check conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles during the OBD II functional tests in order to issue smog certificates of compliance for the 5 vehicles, and did not test or inspect the 5 vehicles as required by Health and Safety Code section.44012.

#### TENTH CAUSE FOR DISCIPLINE

##### (Fraud)

32. Respondent Smog Check's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between January 7, 2017, through January 12, 2017, Respondent Smog Check committed acts which constitute fraud by issuing electronic certificates of compliance for vehicles 1 through 5, set forth above in Table 2, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the

1 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
2 Program.

3 ELEVENTH CAUSE FOR DISCIPLINE

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

5 33. Respondent Smog Check's station license is subject to discipline pursuant to Health  
6 and Safety Code section 44072.2, subdivision (a), in that between January 7, 2017, through  
7 January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, Respondent failed to  
8 comply with the following sections of that Code:

9 a. Section 44012: Respondent Smog Check failed to ensure that the emission control tests  
10 were performed on vehicles 1 through 5, in accordance with procedures prescribed by the  
11 department.

12 b. Section 44015: Respondent Smog Check issued electronic certificates of compliance  
13 for vehicles 1 through 5, without ensuring that the vehicles were properly tested and inspected to  
14 determine if they were in compliance with Health and Safety Code section 44012.

15 c. Section 44059: Respondent Smog Check willfully made false entries for the electronic  
16 certificates of compliance by certifying that those vehicles had been inspected as required when,  
17 in fact, they had not.

18 TWELFTH CAUSE FOR DISCIPLINE

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

21 34. Respondent Smog Check's station license is subject to discipline pursuant to Health  
22 and Safety Code section 44072.2, subdivision (c), in that between January 7, 2017, through  
23 January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, Respondent failed to  
24 comply with provisions of California Code of Regulations, title 16, as follows:

25 a. Section 3340.24, subdivision (c): Respondent Smog Check falsely or fraudulently  
26 issued electronic certificates of compliance for those vehicles without performing bona fide  
27 inspections of the emission control devices and systems on the vehicles as required by Health and  
28 Safety Code section 44012.

1       b. Section 3340.35, subdivision (c): Respondent Smog Check issued electronic  
2 certificates of compliance even though those vehicles had not been inspected in accordance with  
3 section 3340.42 of that Code.

4       c. Section 3340.42: Respondent Smog Check failed to conduct the required smog tests and  
5 inspections on those vehicles in accordance with the Bureau's specifications.

6                                   **THIRTIETH CAUSE FOR DISCIPLINE**

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

8       35.     Respondent Smog Check's station license is subject to discipline pursuant to  
9 Health and Safety Code section 44072.2, subdivision (d), in that between January 7, 2017,  
10 through January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, Respondent  
11 Smog Check committed acts involving dishonesty, fraud or deceit whereby another was injured  
12 by issuing electronic certificates of compliance for those vehicles without performing bona fide  
13 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
14 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
15 Program.

16                                   **FOURTEENTH CAUSE FOR DISCIPLINE**

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

18       36.     Respondent Ortega's inspector license is subject to discipline pursuant to Health  
19 and Safety Code section 44072.2, subdivision (a), in that between January 7, 2017, through  
20 January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, he failed to comply  
21 with section 44012 of that Code in a material respect, as follows: Respondent Ortega failed to  
22 perform the emission control tests on those vehicles in accordance with procedures prescribed by  
23 the department.

24                                   **FIFTEENTH CAUSE FOR DISCIPLINE**

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

27       37.     Respondent Ortega's inspector license is subject to discipline pursuant to Health  
28 and Safety Code section 44072.2, subdivision (c), in that between January 7, 2017, through

1 January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, he failed to comply  
2 with provisions of California Code of Regulations, title 16, as follows:

3 a. Section 3340.24, subdivision (c): Respondent Ortega falsely or fraudulently issued  
4 electronic certificates of compliance without performing bona fide inspections of the emission  
5 control devices and systems on those vehicles as required by Health and Safety Code section  
6 44012.

7 b. Section 3340.30 subdivision (a): Respondent Ortega failed to inspect and test those  
8 vehicles in accordance with Health and Safety Code sections 44012.

9 c. Section 3340.42: Respondent Ortega failed to conduct the required smog tests and  
10 inspections on those vehicles in accordance with the Bureau's specifications.

11 **SIXTIETH CAUSE FOR DISCIPLINE**

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

13  
14 38. Respondent Ortega's inspector license is subject to discipline pursuant to Health  
15 and Safety Code section 44072.2, subdivision (d), in that between January 7, 2017, through  
16 January 12, 2017, regarding vehicles 1 through 5, set forth above in Table 2, he committed acts  
17 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
18 certificates of compliance without performing bona fide inspections of the emission control  
19 devices and systems on those vehicles, thereby depriving the People of the State of California of  
20 the protection afforded by the Motor Vehicle Inspection Program.

21 **OTHER MATTERS**

22 39. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke, or  
23 place on probation the registrations for all places of business operated in this state by Juan M.  
24 Gallardo, Owner, doing business as D C Smog Check, upon a finding that he has, or is, engaged  
25 in a course of repeated and willful violation of the laws and regulations pertaining to an  
26 automotive repair dealer.

27 40. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only,  
28 Station License Number TC 276708, issued to Juan M. Gallardo, Owner, doing business as D C

1 Smog Check, is revoked or suspended, any additional license issued under this Chapter 5 of Part 5  
2 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or  
3 suspended by the director.

4 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
5 License No. EO 636276, issued to Angel Felipe Sanchez Ortega, is revoked or suspended, any  
6 additional license issued under this Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in  
7 the name of said licensee may be likewise revoked or suspended by the director.

#### 8 DISCIPLINE CONSIDERATIONS

9 42. To determine the degree of discipline, if any, to be imposed on Respondent Smog  
10 Check, Complainant alleges that on or about March 4, 2015, in a prior action, the Bureau of  
11 Automotive Repair issued Citation Number C2015-0146 and ordered Respondent Smog Check to  
12 pay a citation fine of \$1,000.00. That Citation is now final and is incorporated by reference as if  
13 fully set forth.

14 43. To determine the degree of discipline, if any, to be imposed on Respondent Ortega,  
15 Complainant alleges that on or about March 4, 2015, in a prior action, the Bureau of Automotive  
16 Repair issued Citation Number M2015-0147 and ordered Respondent Ortega to complete an 8  
17 hour training class. That Citation is now final and is incorporated by reference as if fully set  
18 forth.

#### 19 PRAYER

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

22 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
23 276708, issued to Juan M. Gallardo, Owner, doing business as D C Smog Check;

24 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
25 registration issued to Juan M. Gallardo;

26 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
27 276708, issued to Juan M. Gallardo, Owner, doing business as D C Smog Check;

28 ///

1 4. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26  
2 of the Health and Safety Code in the name of Juan M. Gallardo;

3 5. Revoking or suspending Smog Check Inspector License Number EO 626276, issued  
4 to Angel Felipe Sanchez Ortega;

5 6. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26  
6 of the Health and Safety Code in the name of Angel Felipe Sanchez Ortega;

7 7. Ordering Juan M. Gallardo, Owner, doing business as D C Smog Check and Angel  
8 Felipe Sanchez Ortega to pay the Bureau of Automotive Repair the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to Business and Professions Code section  
10 125.3; and

11 8. Taking such other and further action as deemed necessary and proper.  
12

13  
14 DATED: July 17, 2017

Patrick Dora

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

15  
16  
17  
18  
19 LA2016500134  
52047133\_3.doc  
20  
21  
22  
23  
24  
25  
26  
27  
28