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7

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

11 In the Matter of the Accusation Against:

Case No. 77/15-14

12 **ROADHAUS MOTORSPORT;**
13 **RESPONDENT RONALD URBAN**
14 **MUGNAINI, Owner**
10638 Ramona Avenue
Montclair, CA 91763

A C C U S A T I O N

15 **Automotive Repair Dealer Registration No.**
ARD 125948
16 **Brake Station License No. BS 125948**
17 **Lamp Station License No. LS 125948**

18 **RESPONDENT RONALD MUGNAINI,**
10638 Ramona Avenue
Montclair, CA 91763

19 **Brake Adjustor License No. BA 28104**
20 **Lamp Adjustor License No. LA 28104**

21 Respondents.

22 Complainant alleges:

23 **PARTIES**

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

26 2. In or about 1986, the Bureau of Automotive Repair issued Automotive Repair Dealer
27 Registration Number ARD 125948 to Roadhaus Motorsport; Respondent Ronald Urban
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1 Mugnaini, owner (Respondent). The Automotive Repair Dealer Registration will expire on June
2 30, 2015, unless renewed.

3 3. On or about February 23, 1998, the Bureau of Automotive Repair issued Lamp
4 Station License Number LS 125948 to Respondent, doing business as Roadhaus Motorsport. The
5 Lamp Station License was in full force and effect at all times relevant to the charges brought
6 herein and will expire on June 30, 2015, unless renewed.

7 4. On or about February 23, 1998, the Bureau of Automotive Repair issued Brake
8 Station License Number BS 125948 to Respondent, doing business as Roadhaus Motorsport. The
9 Brake Station License was in full force and effect at all times relevant to the charges brought
10 herein and will expire on June 30, 2015, unless renewed.

11 5. In or about 1990, the Bureau of Automotive Repair issued Brake Adjustor License
12 Number BA 28104 to Respondent. The Brake Adjustor License was in full force and effect at all
13 times relevant to the charges brought herein and will expire on April 30, 2016, unless renewed.

14 6. In or about 1990, the Bureau of Automotive Repair issued Lamp Adjustor License
15 Number LA 28104 to Respondent. The Lamp Adjustor License was in full force and effect at all
16 times relevant to the charges brought herein and will expire on April 30, 2016, unless renewed.

17 7. On or about July 28, 1994, the Bureau of Automotive Repair issued Smog Check
18 Station License Number RC 125948 to Respondent, doing business as Roadhaus Motorsport, that
19 was due to expire on June 30, 2010; however the license was revoked on July 20, 2009.

20 8. In or about 1996, the Bureau of Automotive Repair issued Advanced Emission
21 Specialist (EA) Technician License Number EA28104 to Respondent, that was due to expire on
22 April 30, 2010; however the license was revoked on July 20, 2009.

23 JURISDICTION

24 9. This Accusation is brought before the Director of Consumer Affairs (Director) for the
25 Bureau of Automotive Repair, under the authority of the following laws. All section references
26 are to the Business and Professions Code unless otherwise indicated.

27 10. Business and Professions Code ("Code") section 9884.7 provides that the director
28 may revoke an automotive repair dealer registration.

1 copy of the invoice shall be given to the customer and one copy shall be retained by the
2 automotive repair dealer.

3 14. Section 9884.9 of the Code states:

4 "(a) The automotive repair dealer shall give to the customer a written estimated price for
5 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue
6 before authorization to proceed is obtained from the customer. No charge shall be made for work
7 done or parts supplied in excess of the estimated price without the oral or written consent of the
8 customer that shall be obtained at some time after it is determined that the estimated price is
9 insufficient and before the work not estimated is done or the parts not estimated are supplied.
10 Written consent or authorization for an increase in the original estimated price may be provided
11 by electronic mail or facsimile transmission from the customer. The bureau may specify in
12 regulation the procedures to be followed by an automotive repair dealer if an authorization or
13 consent for an increase in the original estimated price is provided by electronic mail or facsimile
14 transmission. If that consent is oral, the dealer shall make a notation on the work order of the
15 date, time, name of person authorizing the additional repairs and telephone number called, if any,
16 together with a specification of the additional parts and labor and the total additional cost, and
17 shall do either of the following:

18 "(1) Make a notation on the invoice of the same facts set forth in the notation on the work
19 order.

20 (2) Upon completion of the repairs, obtain the customer's signature or initials to an
21 acknowledgment of notice and consent, if there is an oral consent of the customer to additional
22 repairs, in the following language:

23 "I acknowledge notice and oral approval of an increase in the original estimated price.

24 _____
25 (signature or initials)"

26 "Nothing in this section shall be construed as requiring an automotive repair dealer to give a
27 written estimated price if the dealer does not agree to perform the requested repair."
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1 15. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend
2 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
3 Automotive Repair Act.

4 16. Section 9889.3 of the Code states, in pertinent part:

5 The director may suspend, revoke, or take other disciplinary action against a license as
6 provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair
7 Act] if the licensee or any partner, officer, or director thereof:

8 (a) Violates any section of the Business and Professions Code which relates to his or her
9 licensed activities.

10 ...

11 (c) Violates any of the regulations promulgated by the director pursuant to this chapter [the
12 Automotive Repair Act].

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

14 ...

15 “(h) Violates or attempts to violate the provisions of this chapter relating to the particular
16 activity for which he or she is licensed.”

17 17. Section 9889.7 of the Code provides, in pertinent part, that the expiration or
18 suspension of a license by operation of law or by order or decision of the Director or a court of
19 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
20 proceed with any disciplinary proceedings.

21 18. Section 9889.9 of the Code states:

22 “When any license has been revoked or suspended following a hearing under the provisions
23 of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of
24 the licensee may be likewise revoked or suspended by the director.”

25 19. Section 9889.16 of the Code states:

26 “Whenever a licensed adjuster in a licensed station upon an inspection or after an
27 adjustment, made in conformity with the instructions of the bureau, determines that the lamps or
28 the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when

1 requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form
2 prescribed by the director, which certificate shall contain the date of issuance, the make and
3 registration number of the vehicle, the name of the owner of the vehicle, and the official license
4 of the station.”

5 20. Section 9889.22 of the Code states: The willful making of any false statement or
6 entry with regard to a material matter in any oath, affidavit, certificate of compliance or
7 noncompliance, or application form which is required by this chapter or Chapter 5 (commencing
8 with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury
9 and is punishable as provided in the Penal Code

10 REGULATORY PROVISIONS

11 21. California Code of Regulations, title 16, section 3305 states, in pertinent part:

12 (a) Performance Standards. All adjusting, inspecting, servicing, and repairing of brake
13 systems and lamp systems shall be performed in official stations in accordance with current
14 standards, specifications, instructions, and directives issued by the bureau and by the
15 manufacturer of the device or vehicle.

16 22. California Code of Regulations, title 16, section 3316 states, in pertinent part:

17 (d)(2) Inspection of the Entire Lighting System. “Where all of the lamps, lighting
18 equipment, and related electrical systems on a vehicle have been inspected and found in
19 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall
20 certify that the entire system meets all such requirement.”

21 23. California Code of Regulations, title 16, section 3321 states, in pertinent part:

22 (c)(2) Inspection of the Entire Brake System. “Where the entire brake system on any
23 vehicle has been inspected or tested and found in compliance with all requirements of the
24 Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate
25 shall certify that the entire system meets all such requirements.”

26 24. California Code of Regulations, title 16, section 3353, states in pertinent part:

27 “No work for compensation shall be commenced and no charges shall accrue without
28 specific authorization from the customer in accordance with the following requirements:

1 misadjusted so that it would not pass a lamp inspection. A defective high beam light bulb was
2 installed in the right headlight assembly, which did not illuminate and would not pass a lamp
3 inspection. The right rear brake lamp had a defective light bulb installed, which did not illuminate
4 and would not pass a lamp inspection. All other running lights were documented to be in working
5 condition.

6 30. After the operator arrived at Respondent Roadhaus Motorsport's facility and
7 requested a brake and lamp inspection, he ultimately met "Ron" (Respondent Ronald Mugnaini)
8 who walked with the operator to the Bureau's 2002 Honda parked on Kimberly Avenue, a cul
9 de sac next to Respondent's facility because the lot was full. The operator provided Respondent
10 with the keys for the vehicle. Respondent Mugnaini entered the vehicle and started the engine.
11 Respondent exited the vehicle and used a flashlight to look at the left front wheel area. He then
12 reentered the vehicle turning the steering wheel to the right. Respondent then turned on the
13 vehicle's lights and emergency flasher switch and walked around the vehicle and then reentered
14 the vehicle to release the hood latch. Respondent informed the operator that one of the front
15 headlamp's high beams was inoperative and needed replacement. The operator asked
16 Respondent if the light needed replacement prior to receiving the certificate, to which he
17 answered "yes". Respondent then stated he would "let it go", stating he was sure the operator
18 could perform the repair himself. Respondent then closed the hood, walked to the rear of the
19 vehicle and asked the operator to step on the brake pedal, which he did. Respondent stated, "one,
20 two, three, all the brake lights are working".

21 31. Respondent informed the operator that the inspection was completed and he was
22 now going to fill out the paperwork. Respondent had not provided a price for the
23 inspection nor presented any documents to the operator up to this time. The operator turned off
24 the vehicle's engine and followed Respondent Mugnaini into Roadhaus Motorsport's office.
25 Respondent produced two certificate books and filled in the blank areas of the certificates by
26 writing information and signing the documents. He then provided the operator with a
27 "Certificate of Adjustment-Brake Adjustment" # BC [REDACTED] and a "Certificate of
28 Adjustment-Lamp Adjustment" # LC [REDACTED] that recorded the inspections were performed by

1 Adjuster Respondent Ronald Mugnaini, BA and LA #028104. The operator asked how much he
2 owed for the inspections and Respondent stated sixty dollars (\$60.00). The operator gave
3 Respondent sixty dollars (\$60.00) in cash.

4 32. Respondent did not provide an estimate or invoice for the service, or a receipt
5 for the transaction. During the time that the vehicle was at Respondent's facility, Roadhaus
6 Motorsport, at no point was any lamp equipment used to inspect the lights on the Bureau's
7 2002 Honda. Additionally, the vehicle was never lifted off the ground, the vehicle's wheels were
8 never removed, and the vehicle was never road tested.

9 33. In addition to the operator having observed improper brake and lamp inspection
10 procedures by Respondent, a Bureau representative re-inspected the vehicle and found the
11 following: all wheel tamper seals were intact, confirming the wheels were not removed during the
12 inspection. The right front rotor was still below the manufacturer's minimum thickness and in
13 need of replacement. The right front high beam light and the right rear brake light were still
14 inoperable. Finally, the left headlight aim was still out of adjustment and the tamper seal was still
15 intact.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Untrue or Misleading Statements)**

18 34. Respondent Ronald Mugnaini, dba, Roadhaus Motorsport's ARD registration is
19 subject to discipline under Code section 9884.7(a)(1), in that on or about September 19, 2013,
20 regarding the 2002 Honda, Respondent made or authorized statements which he knew or in the
21 exercise of reasonable care should have known to be untrue or misleading, as follows:

22 a. Respondent issued fraudulent Certificates of Adjustment under penalty of perjury by
23 stating the brake and lamp systems on the vehicle were in compliance with the Vehicle Code and
24 Bureau Regulations when in fact they were not.

25 b. Respondent Roadhaus Motorsport certified under penalty of perjury on Brake
26 Certificate Number [REDACTED] that the applicable inspection was performed, when in fact
27 Respondent's adjuster, Respondent Mugnaini failed to inspect the brake system on the vehicle as
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1 evidenced by his failure to lift the vehicle off the ground, remove the right front wheel and/or
2 road test the vehicle.

3 c. Respondent's adjuster, Respondent Ronald Mugnaini certified under penalty of
4 perjury on Brake Certificate Number [REDACTED] that the right front brake rotor was within
5 manufacturer's specifications when it was not.

6 d. Respondent Roadhaus Motorsport certified under penalty of perjury on Lamp
7 Certificate Number [REDACTED] that the applicable inspection was performed, when in fact
8 Respondent's adjuster, Respondent Mugnaini at no point used any lamp equipment to inspect the
9 lights on the Bureau's 2002 Honda.

10 e. Respondent's adjuster, Respondent Ronald Mugnaini certified under penalty of
11 perjury on Lamp Certificate Number [REDACTED] that the lights on the vehicle were in
12 compliance with the Vehicle Code, when in fact the right front high beam and the right rear brake
13 lights were inoperable and the left headlight aim was out of adjustment. Respondent Mugnaini
14 issued the Lamp Certificate knowing that the right front high beam was inoperable, telling the
15 Bureau's operator he would "let it go".

16 f. Respondent failed to create and issue the Bureau's operator an estimate for services
17 and further failed to create and provide the operator with an invoice upon completion of the work.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 35. Respondent Roadhaus Motorsport's registration is subject to discipline pursuant to
21 Code section 9884.7(a)(4), in that on or about September 19, 2013, regarding the 2002 Honda,
22 Respondent Roadhaus Motorsport committed acts that constitute fraud, as follows:

23 a. Respondent Roadhaus Motorsport obtained payment from the operator for performing
24 the applicable inspections and adjustments on the vehicle's brake and lamp systems as specified
25 by the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Roadhaus
26 Motorsport failed to perform the necessary inspections.

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28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 36. Respondent Roadhaus Motorsport's registration is subject to discipline under Code
4 section 9884.7(a)(5), in that on or about September 19, 2013, regarding the 2002 Honda,
5 Respondent Roadhaus Motorsport committed acts constituting gross negligence, in that
6 Respondent's adjuster, Respondent Mugnaini, failed to properly inspect the vehicle's brake and
7 lamp systems and issued Brake Certificate [REDACTED] and Lamp Certificate Number
8 [REDACTED] indicating that the vehicle's brake and lamp systems were in satisfactory condition
9 and were in accordance with the Vehicle Code when, in fact, they were not.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Code)**

12 37. Respondent Roadhaus Motorsport's registration is subject to discipline pursuant to
13 Code section 9884.7(a)(6), in that on or about September 19, 2013, regarding the 2002 Honda,
14 Respondent Roadhaus Motorsport failed to comply with provisions of that Code in the following
15 material respects:

- 16 a. **Section 9884.9(a):** Respondent Roadhaus Motorsport failed to provide the operator
17 with a written estimated price for parts and labor for a specific job.
- 18 b. **Section 9884.8:** Respondent Roadhaus Motorsport failed to provide the operator
19 with an invoice after the work was performed.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations)**

22 38. Respondent Roadhaus Motorsport's registration is subject to discipline pursuant to
23 Code section 9884.7(a)(6), in that on or about September 19, 2013, regarding the 2002 Honda,
24 Respondent Roadhaus Motorsport failed to comply with provisions of California Code of
25 Regulations, title 16, in the following material respects:

- 26 a. **Section 3305(a):** Respondent Mugnaini failed to perform a brake and lamp
27 inspection in accordance with the vehicle's manufacturer standards and/or current standards,
28 specifications, recommended procedures, and/or directives issued by the Bureau.

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NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

42. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(a), in that on or about September 19, 2013, regarding the 2002 Honda, Respondent Mugnaini violated sections of the Code, relating to his licensed activities in the following material respects:

a. **Section 9889.16:**

i. Respondent Mugnaini issued Brake Certificate Number [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the right front brake rotor was out of manufacturer's specifications.

ii. Respondent Mugnaini issued Lamp Certificate Number [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code in that the right front high beam and the right rear brake light were inoperable and the left headlight aim was out of adjustment.

TENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

43. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(c), in that on or about September 19, 2013, regarding the 2002 Honda, Respondent Mugnaini failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3373:** Respondent Mugnaini issued Lamp Certificate Number

[REDACTED] and Brake Certificate Number [REDACTED] certifying that the vehicle's lamp and brake system had been inspected and were in satisfactory condition when, in fact, they were not.

b. **Section 3316(d)(2):** Respondent Mugnaini issued Lamp Certificate Number

[REDACTED] certifying that the vehicle's lamp system had been inspected and was in satisfactory condition when, in fact, it was not.

1 c. **Section 3321(c)(2):** Respondent Mugnaini issued Brake Certificate Number
2 [REDACTED] certifying that the vehicle's brake system had been inspected and was in satisfactory
3 condition when, in fact, it was not.

4 **ELEVENTH CAUSE FOR DISCIPLINE**

5 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

6 44. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline
7 under Code section 9889.3(d), in that on or about September 19, 2013, regarding the 2002 Honda,
8 Respondent Mugnaini committed acts involving dishonesty, fraud, or deceit, by issuing Brake
9 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED] certifying that the
10 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,
11 when, in fact, they were not, as more particularly set forth in paragraphs 29-33.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 **(Perjury)**

14 45. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline
15 under Code section 9889.3(a) in conjunction with section 9889.22 , in that on or about September
16 19, 2013, regarding the 2002 Honda , Respondent Mugnaini committed perjury by issuing Brake
17 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED] certifying that he had
18 performed the applicable inspection, adjustment or repair as specified by the Bureau and the
19 manufacturer and that all statements on the certificates were true, when in fact they were not, as
20 more particularly set forth in paragraphs 30-33.

21 **UNDERCOVER OPERATION NO. 2: 2000 Toyota**

22 46. On November 6, 2013, an undercover operator of the Bureau ("operator") took the
23 Bureau's 2000 Toyota, to Respondent Roadhaus Motorsport's facility and requested a brake and
24 lamp inspection. The vehicle's documented defects included a brake system with the left front
25 brake rotor below minimum manufacturer's specification and in need of replacement. The vehicle
26 was documented with a right rear brake drum exceeding the maximum manufacturer's
27 specification and in need of replacement. The vehicle was documented with the right front brake
28 rotor and left rear brake drum within specification so the vehicle would meet manufacturer's

1 brake specification. The front left headlight was intentionally misadjusted so that it would not
2 pass a lamp inspection. Two (2) defective license plate lamps were installed, which did not
3 illuminate and would not pass a lamp inspection. A defective left reverse lamp bulb filament was
4 installed in the vehicle, which did not illuminate and would not pass a lamp inspection. All other
5 running lights were also documented to be in working condition.

6 47. The operator arrived at Roadhaus Motorsport and found the parking lot was full, so
7 he parked on Kimberly Avenue, the cul-de-sac next to Roadhaus Motorsport. After the operator
8 arrived at Respondent Roadhaus Motorsport's facility, he requested a brake and lamp inspection
9 from the owner "Ron" (Respondent Ronald Mugnaini), whom he identified as the man he had
10 met during the first undercover operation on September 19, 2013. Respondent Mugnaini told the
11 operator that he did not have brake and lamp certificates in stock and that he could not perform
12 the inspection without the certificates, telling the operator that he should return another day, and
13 provided him with a business card from Roadhaus Motorsport. The Bureau operator then left the
14 facility

15 48. On November 19, 2013, the operator phoned Respondent Roadhaus Motorsport and
16 asked if they had brake and lamp certificates in stock. He was told that Respondent did have
17 brake and lamp certificates and that the inspections could be performed.

18 49. On November 21, 2013, the operator returned to Respondent Roadhaus and finding
19 the parking lot was full, he parked on Kimberly Avenue, the cul-de-sac next to Roadhaus
20 Motorsport. The operator entered Roadhaus Motorsport on foot and requested a brake and lamp
21 inspection from an employee. The employee directed The operator to the owner, Respondent
22 Ronald Mugnaini, for the inspection. The operator informed Mugnaini that he had brought a
23 vehicle for a brake and lamp inspection. Respondent instructed the operator to park the vehicle in
24 the facility's driveway.

25 50. After the vehicle was parked, Respondent walked around the vehicle and opened the
26 driver's door and checked the vehicle's odometer. Mugnaini stated the vehicle had low mileage
27 and the vehicle was in good condition. Respondent Mugnaini directed the operator to Roadhaus
28 Motorsport's office, and then they both walked to the office. Respondent requested the vehicle's

1 registration, which the operator gave him. Respondent had not provided a price for the inspection
2 nor presented any documents to the operator up to that point.

3 51. Respondent Mugnaini produced two (2) certificate books, filled in the blank areas of
4 the certificates by writing information and then signed the documents. Respondent Mugnaini then
5 provided The operator with a "Certificate of Adjustment-Brake Adjustment" no. [REDACTED]
6 and a "Certificate of Adjustment-Lamp Adjustment" no. [REDACTED] that recorded that
7 inspections were performed by Adjuster Ronald Mugnaini.

8 52. Respondent Mugnaini stapled the certificates to the vehicle registration, handed the
9 operator the documents, and stated that he was done. The operator handed Respondent Mugnaini
10 a one hundred dollar bill (\$100.00) and received forty dollars (\$40.00) in change. The operator
11 paid sixty dollars (\$60.00) for the brake and lamp certificates. Respondent Mugnaini did not
12 provide an estimate or invoice for the service, or a receipt for the transaction. During the time that
13 the vehicle was at Roadhaus Motorsport, at no point was any lamp equipment used to inspect the
14 lights on the Bureau's 2000 Toyota. Additionally, the vehicle was never lifted off the ground, the
15 vehicle's wheels were never removed, and the vehicle was never road tested. Respondent Ronald
16 Mugnaini incorrectly dated the brake and lamp certificates as November 20, 2013, when in fact
17 the correct date was November 21, 2013.

18 53. In addition to the fact that the operator observed that no brake and lamp inspection
19 had been performed, a Bureau representative re-inspected the vehicle and found the following:
20 all wheel tamper seals were intact, confirming the wheels were not removed during the
21 inspection, the left front rotor was still below the manufacturer's minimum thickness and in need
22 of replacement. The right rear brake drum was still exceeding the manufacturer's maximum
23 diameter specification and in need of replacement. The two license plate lamps were inoperable
24 and did not illuminate and were in need of replacement. The left reverse lamp bulb was
25 inoperable and did not illuminate and was in need of replacement. Finally, the left headlight aim
26 was still out of adjustment and the tamper seal on the headlamp adjustment screw remained
27 intact.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 54. Respondent Ronald Mugnaini, dba, Roadhaus Motorsport's ARD registration is
4 subject to discipline under Code section 9884.7(a)(1), in that on or about November 21, 2013,
5 regarding the 2000 Toyota, Respondent made or authorized statements which he knew or in the
6 exercise of reasonable care should have known to be untrue or misleading, as follows:

7 a. Respondent issued fraudulent Certificates of Adjustment under penalty of perjury by
8 stating the brake and lamp systems on the vehicle were in compliance with the Vehicle Code and
9 Bureau Regulations when in fact they were not.

10 b. Respondent Roadhaus Motorsport certified under penalty of perjury on Brake
11 Certificate Number [REDACTED] that the applicable inspection was performed, when in fact
12 Respondent's adjuster, Respondent Mugnaini failed to inspect the brake system on the vehicle as
13 evidenced by his failure to lift the vehicle off the ground, remove the left front and right rear
14 wheels and/or road test the vehicle.

15 c. Respondent's adjuster, Respondent Ronald Mugnaini certified under penalty of
16 perjury on Brake Certificate Number [REDACTED] that the left front brake rotor and right rear
17 brake drum were within manufacturer's specifications when they were not.

18 d. Respondent Roadhaus Motorsport certified under penalty of perjury on Lamp
19 Certificate Number [REDACTED] that the applicable inspection was performed, when in fact
20 Respondent's adjuster, Respondent Mugnaini at no point used any lamp equipment to inspect the
21 lights on the Bureau's 2000 Toyota.

22 e. Respondent's adjuster, Respondent Ronald Mugnaini certified under penalty of
23 perjury on Lamp Certificate Number [REDACTED] that the lights on the vehicle were in
24 compliance with the Vehicle Code, when in fact the left headlight was out of adjustment, the two
25 license plate lamps were inoperable, did not illuminate and were in need of replacement and the
26 left reverse lamp bulb was inoperable, did not illuminate and was in need of replacement.

27 f. Respondent failed to create and issue the Bureau's operator an estimate for services
28 and further failed to create and provide the operator with an invoice upon completion of the work.

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SEVENTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

59. Respondent Roadhaus Motorsport's brake and lamp station licenses are subject to discipline under Code section 9889.3(a), in that on or about November 21, 2013, regarding the 2000 Toyota, Respondent Roadhaus Motorsport violated sections of the Code, relating to its licensed activities, as more particularly set forth above in paragraph 57.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

60. Respondent Roadhaus Motorsport's brake and lamp station licenses are subject to discipline under Code section 9889.3(c), in that on or about November 21, 2013, regarding the 2000 Toyota, Respondent Roadhaus Motorsport failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraph 58.

NINETEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

61. Respondent Roadhaus Motorsport's brake and lamp station licenses are subject to discipline pursuant to Code section 9889.3(d), in that on or about November 21, 2013, regarding the 2000 Toyota, Respondent Roadhaus Motorsport committed acts involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth above in paragraphs 49-53.

TWENTIETH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

62. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(a), in that on or about November 21, 2013, regarding the 2000 Toyota, Respondent Mugnaini violated sections of the Code, relating to his licensed activities in the following material respects:

a. **Section 9889.16:**

i. Respondent Mugnaini issued Brake Certificate Number [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of

1 the Vehicle Code, in that the left front brake rotor was below the manufacturer's discard
2 specification and the right rear break drum exceeded the manufacturer's specification.

3 ii. Respondent Mugnaini issued Lamp Certificate Number [REDACTED] for the
4 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of
5 the Vehicle Code , in that the left front headlamp was out of adjustment, the two license plate
6 lamps were inoperable and would not light and the left reverse lamp was inoperable and would
7 not light.

8 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations)**

10 63. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline
11 under Code section 9889.3(c), in that on or about November 21, 2013, regarding the 2000 Toyota,
12 Respondent Mugnaini failed to comply with provisions of California Code of Regulations, title
13 16, in the following material respects:

14 a. **Section 3373:** Respondent Mugnaini issued Lamp Certificate Number
15 [REDACTED] and Brake Certificate Number [REDACTED], certifying that the vehicle's lamp and
16 brake system had been inspected and were in satisfactory condition when, in fact, they were not.

17 b. **Section 3316(d)(2):** Respondent Mugnaini issued Lamp Certificate Number
18 [REDACTED] certifying that the vehicle's lamp system had been inspected and was in satisfactory
19 condition when, in fact, it was not.

20 c. **Section 3321(c)(2):** Respondent Mugnaini issued Brake Certificate Number
21 [REDACTED] certifying that the vehicle's brake system had been inspected and was in satisfactory
22 condition when, in fact, it was not.

23 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

24 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

25 64. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline
26 under Code section 9889.3(d), in that on or about November 21, 2013, regarding the 2000
27 Toyota, Respondent Mugnaini committed acts involving dishonesty, fraud, or deceit, by issuing
28 Brake Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED] certifying that

1 the brake and lamp systems were in satisfactory condition and in accordance with the Vehicle
2 Code, when, in fact, they were not.

3 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

4 **(Perjury)**

5 65. Respondent Mugnaini's brake and lamp adjuster licenses are subject to discipline
6 under Code section 9889.3(a) in conjunction with section 9889.22 , in that on or about November
7 21, 2013, regarding the 2000 Toyota, Respondent Mugnaini committed perjury by issuing Brake
8 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that he had
9 performed the applicable inspection, adjustment or repair as specified by the Bureau and the
10 manufacturer and that all statements on the certificates were true, when in fact they were not, as
11 more particularly set forth in paragraphs 49-53.

12 **DISCIPLINE CONSIDERATIONS**

13 66. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about July 20, 2009, in a prior disciplinary action entitled In the
15 Matter of the Accusation Against Respondent Ronald Urban Mugnaini before the Bureau of
16 Automotive Repair, in Case Number 79/09-05. Respondent's ARD License, Smog Check
17 Station License, Smog Check Technician License, Lamp Station License and Brake Station
18 License, were each and all revoked but with revocation stayed as to ARD License, Lamp Station
19 License and Brake Station License, only, and Respondent was placed on three (3) years probation
20 under certain terms and conditions as more particularly described in the prior decision that is now
21 final and is incorporated by reference as if fully set forth. A true and correct copy of the Decision
22 in Case Number 79/09-05 is attached hereto as Exhibit A.

23 **OTHER MATTERS**

24 67. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
25 probation the registrations for all places of business operated in this state by Ronald Mugnaini,
26 upon a finding that he has, or is, engaged in a course of repeated and willful violation of the laws
27 and regulations pertaining to an automotive repair dealer.

28

1 5. Revoking or suspending Lamp Adjuster License Number LA 28104, issued to
2 Respondent Ronald Urban Mugnaini;

3 6. Ordering Respondent Ronald Mugnaini to pay the Bureau of Automotive Repair the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3;

6 7. Taking such other and further action as deemed necessary and proper.

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DATED: August 28, 2014



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

LA2014511487
roadhaus Accusation FINAL (W).docx

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

In the Matter of the Accusation Against:

**ROADHAUS MOTORSPORT
RONALD URBAN MUGNAINI,
aka RONALD NUGNAINI, Owner**
10638 Ramona Avenue
Montclair, CA 91763-4119

Automotive Repair Dealer Registration
No. ARD 125948
Smog Check Station License
No. RC 125948
Official Lamp Station License No. LS 125948
Official Brake Station License No. BS 125948

and

RONALD MUGNAINI
16210 Suttles Drive
Riverside, CA 92504

Advanced Emission Specialist Technician
License No. EA 028104

Respondents.

Case No. 79/09-05

OAH Case No. 2008120808

DECISION

The attached Stipulated Settlement and Disciplinary 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 7/20/09.

DATED: June 15, 2009



PATRICIA HARRIS
Acting Chief Deputy Director
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK, State Bar No. 117851
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-9954
Facsimile: (213) 897-2804
6

Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

12 ROADHAUS MOTORSPORT; RONALD
URBAN MUGNAINI
13 16210 Suttles Drive
Riverside, CA 92504
14

15 Automotive Repair Dealer Registration No.
ARD125948
16 Smog Check Station No. RC125948
Lamp Station License No. LS125948

17 Respondent.
18

Case No. 79/09-05

O.A.H. No. L 2008120808

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 PARTIES

22 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive
23 Repair. She brought this action solely in her official capacity and is represented in this matter by
24 Edmund G. Brown Jr., Attorney General of the State of California, by Shawn P. Cook, Deputy
25 Attorney General.

26 2. Respondent Roadhaus Motorsport; Ronald Urban Mugnaini Ronald Urban
27 Mugnaini (Respondent) is representing himself in this proceeding and has chosen not to exercise
28 his right to be represented by counsel.

1 staff of the Department of Consumer Affairs regarding this stipulation and settlement, without
2 notice to or participation by Respondent. By signing the stipulation, Respondent understands and
3 agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time
4 the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
5 Decision and Order, the Stipulated Settlement and Disciplinary 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 15. The parties understand and agree that facsimile copies of this Stipulated
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
10 force and effect as the originals.

11 16. In consideration of the foregoing admissions and stipulations, the parties
12 agree that the Director may, without further notice or formal proceeding, issue and enter the
13 following Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No.
16 ARD125948 issued to Respondent; Smog Check Station License No. RC125948 issued to
17 Respondent; Advanced Emission Specialist Technician License No. EA028104 issued to
18 Respondent; and Lamp Station License No. LS125948 issued to Respondent Ronald Urban, *125948*
19 d.b.a. Roadhaus Motorsport (Respondent) are each and all revoked. However, the revocation is
20 stayed only as to Automotive Repair Dealer Registration No. ARD125948 issued to Respondent
21 and Lamp Station License No. LS125948 *and Brake Station License No. 125948*
22 probation for three (3) years as to Automotive Repair Dealer Registration No. ARD125948 and
23 Lamp Station License No. LS125948 *and Brake Station License No. BS 125948* on the following terms and conditions.

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

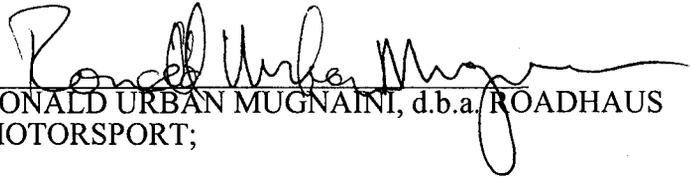
26 2. **Reporting.** Respondent or Respondent's authorized representative must
27 report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule

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(C) RM
(C) RM
(C) RM

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
2 bound by the Decision and Order of the Director of Consumer Affairs.

3
4 DATED: 29 MAY 2009.

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6 
7 RONALD URBAN MUGNAINI, d.b.a. ROADHAUS
8 MOTORSPORT;

8 Respondent

9 ENDORSEMENT

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

12
13 DATED: 29 May 2009

14 EDMUND G. BROWN JR., Attorney General
15 of the State of California

16 MARC D. GREENBAUM
17 Supervising Deputy Attorney General

18
19 
20 SHAWN P. COOK
21 Deputy Attorney General

22 Attorneys for Complainant

23 DOJ Matter ID: LA2008900306
24 60419361.wpd

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Exhibit A
Accusation No. 79/09-05

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GREGORY J. SALUTE, State Bar No. 164015
Supervising Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2520
Facsimile: (213) 897-2804

6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

12 ROADHAUS MOTORSPORT
13 RONALD URBAN MUGNAINI,
a.k.a. RONALD MUGNAINI, OWNER
14 10638 Ramona Avenue
Montclair, CA 91763-4119

15 Automotive Repair Dealer Reg. No. ARD 125948
16 Smog Check Station License No. RC 125948
Official Lamp Station License No. LS 125948
17 Official Brake Station License No. BS 125948

18 and

19 RONALD MUGNAINI
16210 Suttles Drive
Riverside, CA 92504

20 Advanced Emission Specialist Technician License
21 No. EA 028104

22 Respondents.

Case No. 79/09-05

ACCUSATION

SMOG CHECK

23
24 Complainant alleges:

25 **PARTIES**

26 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official
27 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer
28 Affairs.

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Roadhaus Motorsport:

2. On or about June 30, 1986, the Director of Consumer Affairs (“Director”) issued Automotive Repair Dealer Registration Number ARD 125948 to Ronald Urban Mugnaini, also known as Ronald Mugnaini (“Respondent”), owner of Roadhaus. Between July 18, 1994, and June 30, 1995, Respondent’s business name was changed to Roadhaus Motorsport. Respondent’s automotive repair dealer registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

3. On or about July 28, 1994, the Director issued Smog Check Station License Number RC 125948 to Respondent. Respondent’s smog check station license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

4. On or about February 23, 1998, the Director issued Official Lamp Station License Number LS 125948 to Respondent. Respondent’s lamp station license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

5. On or about February 23, 1998, the Director issued Official Brake Station License Number BS 125948 to Respondent. Respondent’s brake station license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

Ronald Mugnaini:

6. In or about 1996, the Director issued Advanced Emission Specialist Technician License Number EA 028104 to Respondent. Respondent’s advanced emission specialist technician license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2010, unless renewed.

JURISDICTION

7. Business and Professions Code (“Bus. & Prof. Code”) section 9884.7 provides that the Director may invalidate an automotive repair dealer registration.

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(4) Any other conduct which constitutes fraud.

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(c) Notwithstanding subdivision (b), the director may refuse to validate, or may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

14. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

....

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

15. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

16. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency”, and that a “license” includes “registration” and “certificate.”

17. Health & Saf. Code section 44072.2 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 Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

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(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 . . .

18. Health & Saf. Code section 44072.10 states, in pertinent part:

.....

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

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

19. California Code of Regulations, title 16, section 3340.41.5 states, in pertinent part:

A tampered emissions control system is an emissions control system which is missing, modified or disconnected. An emissions control system which has a missing, modified, or disconnected emissions related component is also deemed a tampered emissions control system. For purposes of the visual emission control system inspection pursuant to Health and Safety Code Section 44012(a), the terms missing, modified and disconnected are defined as follows:

(a) Missing. A missing emissions control system or component is one which has been removed from the vehicle or engine.

(b) Modified. An emissions control system is deemed to have been modified if:

(1) the system has been disabled, even though it is present and properly connected to the engine and/or vehicle;

(2) an emissions related component of the system has been replaced by a component not marketed by its manufacturer for street use on the vehicle; or

(3) an emissions related component of the system has been changed such that there is no capacity for connection with or operation of other emissions control components or systems . . .

20. Health & Saf. 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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Cost Recovery

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

CONSUMER COMPLAINT (HENDRICKSON): 1977 TOYOTA LAND CRUISER

22. On or about July 2, 2007, consumer Everett Hendrickson (“Hendrickson”) purchased a 1977 Toyota Land Cruiser from Edwin Aguilar (“Aguilar”) for \$5,701 through the eBay Internet auction site. The information posted on eBay indicated that the factory installed Toyota 6-cylinder engine on the vehicle had been replaced with a Chevrolet 350 V-8 engine.

23. On or about July 5, 2007, Hendrickson took possession of the vehicle from Aguilar. Aguilar gave Hendrickson a vehicle inspection report and stated that the vehicle had passed a smog inspection that day.

24. On or about July 6, 2007, Hendrickson reviewed the vehicle inspection report and noted that the engine size was listed as “4.2L” and that the unit was described as a 6-cylinder engine. Hendrickson contacted the Bureau and spoke with Bureau Representative Gerald Gean (“Gean”). Hendrickson told Gean he was concerned that the vehicle may have been illegally smogged. Gean made arrangements to have the vehicle inspected at the Consumer Assistance and Referee Center (“CARC”).

25. On or about July 9, 2007, Bureau Representative Raymond Gottenbos (“Gottenbos”) reviewed information from the Bureau’s vehicle information database (“VID”). The VID data indicated that Respondent had performed a smog inspection on the vehicle on July 5, 2007, resulting in the issuance of electronic smog Certificate of Compliance # MS399850C for the vehicle.

26. On July 10, 2007, Gean met with Hendrickson at CARC and inspected the vehicle. Gean confirmed that the vehicle was equipped with a V-8 engine. A smog inspection was performed on the vehicle by a referee technician. Hendrickson was later informed that the

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

3 **THIRD CAUSE FOR DISCIPLINE**

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

5 30. Respondent's lamp station and brake station licenses are subject to
6 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that
7 Respondent committed an act involving dishonesty, fraud, or deceit whereby another was
8 injured, as set forth in paragraph 29 above.

9 **FOURTH CAUSE FOR DISCIPLINE**

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

11 31. Respondent's smog check station license is subject to disciplinary action
12 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
13 comply with provisions of that Code, as follows:

- 14 a. **Section 44012:** Respondent failed to perform the emission control tests
15 on the 1977 Toyota Land Cruiser in accordance with procedures
16 prescribed by the department.
- 17 b. **Section 44015:** Respondent issued an electronic smog certificate of
18 compliance for the 1977 Toyota Land Cruiser without properly testing
19 and inspecting the vehicle to determine if it was in compliance with Health
20 & Saf. Code section 44012.
- 21 c. **Section 44015, subdivision (a)(1):** Respondent issued an electronic
22 smog certificate of compliance for the 1977 Toyota Land Cruiser when, in
23 fact, the emissions control system on the vehicle had been illegally
24 modified or tampered with, as set forth in subparagraph 28 (b) above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

4 32. Respondent's smog check station license is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
6 comply with provisions of California Code of Regulations, title 17, as follows:

- 7 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently
8 issued an electronic smog certificate of compliance for the 1977 Toyota
9 Land Cruiser.
- 10 b. **Section 3340.35, subdivision (c)**: Respondent issued an electronic
11 smog certificate of compliance for the 1977 Toyota Land Cruiser even
12 though the vehicle had not been inspected in accordance with section
13 3340.42.
- 14 c. **Section 3340.41, subdivision (c)**: Respondent entered false information
15 into the Emission Inspection System by entering vehicle identification
16 information or emission control system identification data for a vehicle
17 other than the one being tested.
- 18 d. **Section 3340.42**: Respondent failed to conduct the required smog tests
19 on the 1977 Toyota Land Cruiser in accordance with the Bureau's
20 specifications.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 33. Respondent's smog check station license is subject to disciplinary action
24 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a
25 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog
26 certificate of compliance for the 1977 Toyota Land Cruiser without performing a bona fide
27 inspection of the emission control devices and systems on the vehicle, thereby depriving the

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

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 34. Respondent's advanced emission specialist technician license is subject to
6 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that
7 Respondent failed to comply with provisions of that Code, as follows:

- 8 a. **Section 44012:** Respondent failed to perform the emission control tests
9 on the 1977 Toyota Land Cruiser in accordance with procedures
10 prescribed by the department.
11 b. **Section 44059:** Respondent willfully made false entries on the vehicle
12 inspection report, as set forth in subparagraphs 28 (a) through (c) above.

13 **EIGHTH CAUSE FOR DISCIPLINE**

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

16 35. Respondent's advanced emission specialist technician license is subject to
17 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
18 that Respondent failed to comply with provisions of California Code of Regulations, title 17, as
19 follows:

- 20 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
21 issued an electronic smog certificate of compliance for the 1977 Toyota
22 Land Cruiser.
23 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
24 the 1977 Toyota Land Cruiser in accordance with Health & Saf. Code
25 sections 44012 and 44035, and California Code of Regulations, title 17,
26 section 3340.42.
27 c. **Section 3340.41, subdivision (c):** Respondent entered false information
28 into the Emission Inspection System by entering vehicle identification

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information or emission control system identification data for a vehicle other than the one being tested.

d. **Section 3340.42:** Respondent failed to conduct the required smog tests on the 1977 Toyota Land Cruiser in accordance with the Bureau’s specifications.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

36. Respondent’s advanced emission specialist technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog certificate of compliance for the 1977 Toyota Land Cruiser without performing a bona fide inspection 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.

OTHER MATTERS

37. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may refuse to validate, or may invalidate temporarily or permanently, the registrations for all places of business operated in this state by Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport, upon a finding that said Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

38. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License Number RC 125948, issued to Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini, owner of Roadhaus Motorsport, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

39. Pursuant to Bus. & Prof. Code section 9889.9, if Official Lamp Station License Number LS 125948 and/or Official Brake Station License Number BS 125948, issued to

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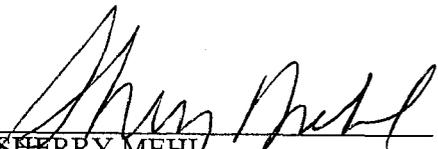
7. Revoking or suspending Official Brake Station License Number
BS 125948, issued to Respondent Ronald Urban Mugnaini, also known as Ronald Mugnaini,
owner of Roadhaus Motorsport;

8. Revoking or suspending any additional license issued under Articles
5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Ronald Urban
Mugnaini, also known as Ronald Mugnaini;

9. Ordering Respondent Ronald Urban Mugnaini, also known as Ronald
Mugnaini, individually and as owner of Roadhaus Motorsport, to pay the Director of Consumer
Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to
Business and Professions Code section 125.3;

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

DATED: 7/28/08


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California

Complainant