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7
8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 79/09-75

11 **CALIFORNIA SMOG SHOP &**
12 **AUTO CARE**
982 East Thompson Boulevard
13 Ventura, CA 93001
SANTIAGO R. LOPEZ, OWNER

A C C U S A T I O N

14 Automotive Repair Dealer
15 Registration No. ARD 227660
Smog Check Station License No. RC 227660

16 **SANTIAGO R. LOPEZ**
17 3121 South M Street
Oxnard, CA 93003

18 Advanced Emission Specialist Technician
19 License No. EA 139273

20 Respondent.

21
22 Sherry Mehl ("Complainant") alleges:

23 **PARTIES**

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

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1 **Automotive Repair Dealer Registration**

2 2. On or about May 30, 2003, the Bureau issued Automotive Repair Dealer
3 Number ARD 227660 ("registration") to Santiago R. Lopez ("Respondent"), doing business as
4 California Smog Shop & Auto Care. The registration will expire on May 31, 2009, unless
5 renewed.

6 **Smog Check Station License**

7 3. On or about June 3, 2003, the Bureau issued Smog Check Station License
8 Number RC 227660 to Respondent. The registration will expire on May 31, 2009, unless
9 renewed.

10 **Advanced Emission Specialist Technician License**

11 4. In or around 1998, the Bureau issued Advanced Emission Specialist
12 Technician Number EA 139273 to Respondent. The technician license will expire on May 31,
13 2010, unless renewed.

14 **STATUTORY PROVISIONS**

15 5. Business and Professions Code ("Code") section 9884.7 states, in pertinent
16 part:

17 (a) The director, where the automotive repair dealer cannot show there
18 was a bona fide error, may refuse to validate, or may invalidate temporarily or
19 permanently, the registration of an automotive repair dealer for any of the
20 following acts or omissions related to the conduct of the business of the
21 automotive repair dealer, which are done by the automotive repair dealer or any
22 automotive technician, employee, partner, officer, or member of the automotive
23 repair dealer.

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

28 (4) Any other conduct which constitutes fraud.

 (6) Failure in any material respect to comply with the provisions of this
chapter or regulations adopted pursuant to it.

 (7) Any willful departure from or disregard of accepted trade standards for
good and workmanlike repair in any material respect, which is prejudicial to another without
consent of the owner or his or her duly authorized representative.

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1 [10](b) Except as provided for in subdivision (c), if an automotive
2 repair dealer operates more than one place of business in this state, the director
3 pursuant to subdivision (a) shall only invalidate temporarily or permanently the
4 registration of the specific place of business which has violated any of the
5 provisions of this chapter. This violation, or action by the director, shall not affect
6 in any manner the right of the automotive repair dealer to operate his or her other
7 places of business.

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

13 6. Code section 9884.8 states, in pertinent part:

14 All work done by an automotive repair dealer, including all warranty
15 work, shall be recorded on an invoice and shall describe all service work done and
16 parts supplied. Service work and parts shall be listed separately on the invoice,
17 which shall also state separately the subtotal prices for service work and for parts,
18 not including sales tax, and shall state separately the sales tax, if any, applicable to
19 each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall
20 clearly state that fact. If a part of a component system is composed of new and
21 used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The
22 invoice shall include a statement indicating whether any crash parts are original
23 equipment manufacturer crash parts or nonoriginal equipment manufacturer
24 aftermarket crash parts. One copy of the invoice shall be given to the customer
25 and one copy shall be retained by the automotive repair dealer.

26 7. Code section 9884.9 states, in pertinent part:

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

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

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

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

3 _____
(signature or initials)"

4 Nothing in this section shall be construed as requiring an automotive
5 repair dealer to give a written estimated price if the dealer does not agree to
6 perform the requested repair.

7 8. Code section 9884.13 provides, in pertinent part, that the expiration of a
8 valid registration shall not deprive the director or chief of jurisdiction to proceed with a
9 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a
10 registration temporarily or permanently.

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

14 10. Health and Safety Code section 44072.2 states:

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

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

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

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

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

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

1 (d), by failing to follow manufacturer's recommended procedures to diagnose and repair
2 emission failures.

3 **UNDERCOVER OPERATION - MARCH 20, 2007**

4 30. On March 20, 2007, a Bureau undercover operator using the alias
5 Terry Jones ("operator") spoke to an unidentified male at Respondent's facility over the
6 telephone. The operator informed Respondent that her son's 1999 Honda Civic, California
7 License Plate No. 4EBU317, had been towed to Respondent's facility because the vehicle started
8 to run "rough" after the spark plugs were replaced. The only repair necessary was a spark plug
9 gap adjustment, clearance of a trouble code, and performing drive cycles to complete the self-test
10 readiness monitors. The operator told Respondent that the vehicle's "check engine" light was
11 illuminated, and that she wanted the vehicle's rough running condition diagnosed, and a smog
12 inspection. In a subsequent telephone conversation, Respondent told the operator that he
13 repaired the damaged spark plug threads and replaced all four spark plugs, which he told her
14 were incorrect. Respondent informed the operator that the cost was \$200.00 and told her that the
15 smog check had not yet been performed. The operator gave Respondent a credit card number for
16 the work performed and for a smog check. The operator was not provided with a written
17 estimate.

18 31. Respondent performed the smog inspection and issued electronic
19 Certificate of Compliance No. MQ209426, certifying that he had tested and inspected the vehicle
20 and that the vehicle was in compliance with applicable laws and regulations. Respondent told
21 the operator in a later telephone conversation that the vehicle passed the smog inspection and that
22 her bill was just under \$200. The operator made arrangements with Respondent to pick the
23 vehicle up after Respondent's facility closed and asked Respondent to leave the paperwork inside
24 the vehicle. When the operator retrieved the car, she found that Respondent did not leave an
25 invoice or other paperwork.

26 32. On March 21, 2007, the operator telephoned Respondent and requested
27 paperwork for the vehicle. Respondent mailed to the operator a Vehicle Inspection Report
28 ("VIR"), a credit card receipt in the amount of \$200, and Invoice No. 4084, dated March 20,

1 2007, in the amount of \$195.74 ("Invoice No. 4084"), which included the following notations:
2 "WRONG SPARK PLUGS & TREAD DAMAGED," "R & R SPARK PLUGS," "REVIVE
3 SPARK PLUGS TREADS," and "CK ENG LT 'on' P0300 = RANDOM MISFIRE."

4 33. On March 27, 2007, the Bureau re-inspected the vehicle, using Invoice No.
5 4084, Respondent's entries into the Emission Inspection System ("EIS"), and the VIR, and made
6 the following findings:

- 7 a. The spark plugs had not been replaced.
- 8 b. The spark plug threads did not require repair.
- 9 c. The engine fault code was incorrectly diagnosed.
- 10 d. The ignition timing functional test on the VIR was recorded as "N/A."
- 11 e. "N" had been entered into the EIS for *Repairs Performed Before Test*
12 after performing repairs.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Untrue or Misleading Statements)**

15 34. Respondent has subjected his registration to discipline under Code section
16 9884.7, subdivision (a)(1), in that on or about March 20, 2007, Respondent made or authorized
17 statements which he knew or in the exercise of reasonable care he should have known to be
18 untrue or misleading by making representations, as follows:

- 19 a. Respondent falsely represented that he replaced incorrect spark plugs
20 when, in fact, the spark plugs did not require replacement and were not replaced.
- 21 b. Respondent falsely represented that the spark plug threads needed to be
22 repaired when, in fact, the spark plugs threads did not require repair.
- 23 c. Respondent recorded "N/A" on the VIR for the ignition timing functional
24 test; however, that test is applicable because the vehicle's engine ignition timing is adjustable.
- 25 d. Respondent entered into the EIS "N" for *Repairs Performed Before Test*
26 after he performed repairs.
- 27 e. Respondent charged \$200 to the operator's credit card for Invoice No.
28 4084, which totaled \$195.74.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 35. Respondent has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(4), in that on or about March 20, 2007, he committed acts which
5 constitute fraud, as follows:

6 a. Respondent issued electronic Certificate of Compliance No. MQ209426
7 for the 1999 Honda Civic, without performing a bona fide inspection of the emission control
8 devices and systems on the vehicle, thereby depriving the People of the State of California of the
9 protection afforded by the Motor Vehicle Inspection Program.

10 b. Respondent received payment for unnecessary services, repairs or charges,
11 as more fully set forth in paragraph 33, subparagraphs a through d, above.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Code)**

14 36. Respondent has subjected his registration to discipline under Code section
15 9884.7, subdivision (a)(6), in that on or about March 20, 2007, Respondent failed to comply with
16 the following Code sections:

17 **Section 9884.8:**

18 a. Regarding Invoice No. 4084, Respondent failed to record all service work
19 performed and parts used in the repair of the operator's vehicle.

20 b. Regarding Invoice No. 4084, Respondent failed to document all parts as
21 new, used, rebuilt or reconditioned.

22 **Section 9884.9, subdivision (a):**

23 c. Respondent failed to provide the operator with a written estimated price
24 for parts and labor for a specific job prior to commencement of repairs.

25 d. Respondent failed to document on Invoice No. 4084, the operator's
26 authorization for additional repairs prior to commencing those repairs.

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1 NINTH CAUSE FOR DISCIPLINE

2 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

3 37. Respondent has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(6), in that on or about March 20, 2007, Respondent violated provisions
5 of that Code, as follows:

6 a. Regulation 3356, subdivision (a)(1): Regarding Invoice No. 4084,
7 Respondent omitted his address and used the name "California Auto Care & Smog Shop Inc.,"
8 which does not correspond with the Bureau's record of Respondent's business name.

9 b. Regulation 3340.41, subdivision (d): Respondent failed to follow
10 applicable specifications and procedures for diagnosing the vehicle's engine warning light, as
11 more fully described in paragraph 38, below.

12 TENTH CAUSE FOR DISCIPLINE

13 **(Departure From Accepted Trade Standards - Regulations)**

14 38. Respondent has subjected his registration to discipline under Code section
15 9884.7, subdivision (a)(7), in that on or about October 30, 2007, Respondent willfully departed
16 from or disregarded accepted trade standards for good and workmanlike repair as defined by
17 Regulation section 3340.41, subdivision (d), by failing to follow the applicable specifications and
18 procedures when diagnosing the 1999 Honda Civic's check engine light.

19 ELEVENTH CAUSE FOR DISCIPLINE

20 **(Violation of the Motor Vehicle Inspection Program)**

21 39. Respondent has subjected his station license to discipline under Health and
22 Safety Code section 44072.2, subdivision (a), in that on or about March 20, 2007, regarding the
23 1999 Honda Civic, he violated sections of that Code, as follows:

24 a. Section 44012, subdivision (f): Respondent failed to perform emission
25 control tests on the vehicle in accordance with procedures prescribed by the department.

26 b. Section 44015, subdivision (b): Respondent issued electronic Certificate
27 of Compliance No. MQ209426 for the 1999 Honda Civic without properly testing and inspecting
28 it to determine if the vehicle was in compliance with section 44012 of that Code.

1 c. **Section 44016:** Respondent failed to properly diagnose the 1999 Honda
2 Civic's check engine light.

3 d. **Section 44059:** Respondent willfully made false entries for electronic
4 Certificate of Compliance No. MQ209426 for the 1999 Honda Civic by certifying that the
5 vehicle had been inspected as required when, in fact, it had not.

6 **TWELFTH CAUSE FOR DISCIPLINE**

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

8 40. Respondent has subjected his station license to discipline under Health and
9 Safety Code section 44072.2, subdivision (c), in that on or about March 20, 2007, regarding the
10 1999 Honda Civic, he violated sections of the Regulations, as follows:

11 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
12 issued electronic Certificate of Compliance No. MQ209426 for the 1999 Honda Civic without
13 performing a bona fide inspection of the emission control devices and systems on the vehicle as
14 required by Health and Safety Code section 44012.

15 b. **Section 3340.35, subdivision (c):** Respondent issued the electronic
16 Certificate of Compliance No. MQ209426 for the 1999 Honda Civic, even though the vehicle
17 had not been inspected in accordance with section 3340.42 of that Code.

18 c. **Section 3340.42:** Respondent failed to conduct the required smog tests
19 and inspections of the vehicle in accordance with the Bureau's specifications.

20 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

22 41. Respondent has subjected his technician license to discipline under Health
23 and Safety Code section 44072.2, subdivision (a), in that on or about March 20, 2007, regarding
24 the 1999 Honda Civic, he violated sections of that Code, as follows:

25 a. **Section 44012, subdivision (f):** Respondent failed to determine that all
26 emission control devices and systems required by law were installed and functioning correctly on
27 the vehicle in accordance with test procedures.

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1 b. Section 44016: Respondent failed to properly diagnose the 1999 Honda
2 Civic's check engine light.

3 c. Section 44032: Respondent failed to perform tests of the emission control
4 devices and systems on the vehicle in accordance with section 44012 of that Code.

5 d. Section 44059: Respondent entered false information into the EIS for the
6 electronic certificates of compliance, by certifying that the vehicle had been inspected as required
7 when, in fact, it had not been.

8 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

10 42. Respondent has subjected his technician license to discipline under Health
11 and Safety Code section 44072.2, subdivision (c), in that on or about March 20, 2007, regarding
12 Certificate of Compliance No. MQ209426 for the 1999 Honda Civic, he violated sections of the
13 Regulations, as follows:

14 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test
15 the vehicle in accordance with Health and Safety Code section 44012.

16 b. Section 3340.41, subdivision (c): Respondent entered false information
17 into the EIS for an electronic certificate of compliance for the vehicle, in that Respondent entered
18 "N" for *Repairs performed Before Test*, to indicate that he had not performed repairs before the
19 test; however, Respondent had performed repairs before performing the test.

20 c. Section 3340.42: Respondent failed to conduct the required smog tests
21 and inspections of the vehicle in accordance with the Bureau's specifications.

22 **UNDERCOVER OPERATION - OCTOBER 30, 2007**

23 43. On October 30, 2007, the operator telephoned Respondent and arranged to
24 have Respondent tow her son's 1995 Chrysler Le Baron, California License Plate No. 3LJA311,
25 to his facility. The operator told Respondent that she thought the fuel pump was not working.
26 The only air conditioning repair necessary was the sealing of a leak on the side hose manifold,
27 the installation of a belt, and evacuation and charge. The operator asked Respondent to perform
28 a smog check after making repairs. In a subsequent telephone conversation, Respondent

1 statements which he knew or in the exercise of reasonable care he should have known to be
2 untrue or misleading by making the following representations:

3 a. Respondent falsely represented to the operator that he installed a "seal" or
4 "comp" kit to repair the air conditioning system when, in fact, he did not.

5 b. Respondent entered "N" into the EIS for *Repairs Performed Before Test*
6 after performing repairs.

7 c. Respondent charged \$734.34 to the operator's credit card for Invoice No.
8 4402, which totaled \$778.17.

9 **SIXTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 49. Respondent has subjected his registration to discipline under Code section
12 9884.7, subdivision (a)(4), in that on or about October 30, 2007, he committed acts which
13 constitute fraud, as follows:

14 a. Respondent issued electronic Certificate of Compliance No. VL325618 for
15 the 1995 Chrysler Le Baron, without performing a bona fide inspection of the emission control
16 devices and systems on the vehicle, thereby depriving the People of the State of California of the
17 protection afforded by the Motor Vehicle Inspection Program.

18 b. Respondent received payment for unnecessary services, repairs or charges,
19 as more fully set forth in paragraph 47, subparagraphs a through b, above.

20 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

22 50. Respondent has subjected his registration to discipline under Code section
23 9884.7, subdivision (a)(6), in that on or about October 30, 2007, Respondent failed to comply
24 with the following Code sections:

25 **Section 9884.8:**

26 a. Regarding Invoice No. 4402, Respondent failed to record all service work
27 performed and parts used in the repair of the operator's vehicle.

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1 b. Regarding Invoice No. 4402, Respondent failed to document all parts as
2 new, used, rebuilt or reconditioned.

3 **Section 9884.9, subdivision (a):**

4 c. Respondent failed to provide the operator with a written estimated price
5 for parts and labor for a specific job prior to commencement of repairs.

6 d. Respondent failed to document on Invoice No. 4402, the operator's
7 authorization for additional repairs prior to commencing those repairs.

8 **EIGHTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Automotive Repair Act)**

10 51. Respondent has subjected his registration to discipline under Code section
11 9884.7, subdivision (a)(6), in that on or about October 30, 2007, Respondent violated provisions
12 of that Code, as follows:

13 a. **Regulation 3356, subdivision (a)(1):** Regarding Invoice No. 4402,
14 Respondent omitted his address and used the name "California Auto Care & Smog Shop Inc.",
15 which does not correspond with the Bureau's record of Respondent's business name.

16 b. **Regulation 3366, subdivision (a)(15) and (16):** Respondent failed to
17 perform required procedures for air conditioning work, as more fully described in paragraph 52,
18 subparagraphs a and b, below.

19 c. **Regulation 3340.41, subdivision (d):** Respondent failed to follow
20 applicable specifications and procedures for diagnosing the vehicle's engine warning light, as
21 more fully described in paragraph 52, subparagraph c, below.

22 **NINETEENTH CAUSE FOR DISCIPLINE**

23 **(Departure From Accepted Trade Standards - Regulations)**

24 52. Respondent has subjected his registration to discipline under Code section
25 9884.7, subdivision (a)(7), in that on or about October 30, 2007, Respondent willfully departed
26 from or disregarded accepted trade standards for good and workmanlike repair, as follows:

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1 a. **Regulation section 3366, subdivision (a)(15)**: Regarding Invoice No.
2 4402, Respondent failed to meet minimum requirements for air conditioning work by failing to
3 record the high and low pressure readings.

4 b. **Regulation section 3366, subdivision (a)(16)**: Regarding Invoice No.
5 4402, Respondent failed to meet minimum requirements for air conditioning work by failing to
6 record the center air distribution temperature.

7 c. **Regulation section 3340.41 subdivision (d)**: Respondent failed to follow
8 the applicable specifications and procedures when diagnosing the 1995 Chrysler Le Baron's
9 engine warning light.

10 **TWENTIETH CAUSE FOR DISCIPLINE**

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

12 53. Respondent has subjected his station license to discipline under Health and
13 Safety Code section 44072.2, subdivision (a), in that on or about October 31, 2007, regarding the
14 1995 Chrysler Le Baron, he violated sections of that Code, as follows:

15 a. **Section 44012, subdivision (f)**: Respondent failed to perform emission
16 control tests on the vehicle in accordance with procedures prescribed by the department.

17 b. **Section 44015, subdivision (b)**: Respondent issued electronic Certificate
18 of Compliance No. VL325618 for the 1995 Chrysler Le Baron without properly testing and
19 inspecting it to determine if the vehicle was in compliance with section 44012 of that Code.

20 c. **Section 44016**: Respondent failed to properly diagnose the 1995 Chrysler
21 Le Baron's check engine light.

22 d. **Section 44059**: Respondent willfully made false entries for electronic
23 Certificate of Compliance No. VL325618 for the 1995 Chrysler Le Baron by certifying that the
24 vehicle had been inspected as required when, in fact, it had not.

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1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

3 54. Respondent has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (c), in that on or about October 31, 2007, regarding the
5 1995 Chrysler Le Baron, he violated sections of the Regulations, as follows:

6 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
7 issued electronic Certificate of Compliance No. VL325618 for the 1995 Chrysler Le Baron
8 without performing a bona fide inspection of the emission control devices and systems on the
9 vehicle as required by Health and Safety Code section 44012.

10 b. **Section 3340.35, subdivision (c):** Respondent issued the electronic
11 Certificate of Compliance No. VL325618 for the 1995 Chrysler Le Baron, even though the
12 vehicle had not been inspected in accordance with section 3340.42 of that Code.

13 c. **Section 3340.42:** Respondent failed to conduct the required smog tests
14 and inspections of the vehicle in accordance with the Bureau's specifications.

15 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

17 55. Respondent has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (a), in that on or about October 31, 2007, regarding
19 the 1995 Chrysler Le Baron, he violated sections of that Code, as follows:

20 a. **Section 44012, subdivision (f):** Respondent failed to determine that all
21 emission control devices and systems required by law were installed and functioning correctly on
22 the vehicle in accordance with test procedures.

23 b. **Section 44032:** Respondent failed to perform tests of the emission control
24 devices and systems on the vehicle in accordance with section 44012 of that Code.

25 c. **Section 44059:** Respondent entered false information into the EIS for the
26 electronic certificates of compliance, by certifying that the vehicle had been inspected as required
27 when, in fact, it had not been.

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1 PRAYER

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

4 1. Revoking or suspending Automotive Repair Dealer Number ARD 227660,
5 issued to Santiago R. Lopez, doing business as California Smog Shop & Auto Care;

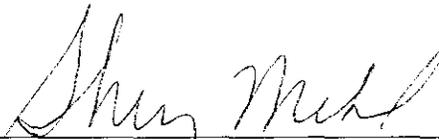
6 2. Revoking or suspending Smog Check Station License Number
7 RC 227660, issued to Santiago R. Lopez, doing business as California Smog Shop & Auto Care;

8 3. Revoking or suspending Advanced Emission Specialist Technician
9 Number EA 139273, issued to Santiago R. Lopez;

10 4. Ordering Santiago R. Lopez to pay the Bureau of Automotive Repair the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,

13 5. Taking such other and further action as deemed necessary and proper.

14 DATED: 2/17/09

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16 SHERRY MEHL
17 Chief
18 Bureau of Automotive Repair
19 Department of Consumer Affairs
20 State of California
21 Complainant