

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

In the Matter of the Accusation Against:

Case No. 79/10-74

**WOODCREST SMOG & TEST ONLY;  
LUIS ENRIQUE ZAMORA, OWNER  
18451 Van Buren Blvd.,  
Riverside, CA 92508  
Automotive Repair Dealer Registration No. ARD 238340  
Smog Check Test Only Station License No. TC238340**

and

**PETER JAMES DEVANEY  
30300 Antelope Road, No. 1216  
Menifee, CA 92584  
Advanced Emission Specialist Technician License No. EA 140761**

Respondents.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order as to Respondent Luis Enrique Zamora is hereby adopted by the Director of Consumer Affairs and the Bureau of Automotive Repair as the Decision and Order in the above entitled matter only as to Respondent Luis Enrique Zamora: Smog Technician License No. EA144504; Automotive Repair Dealer Registration No ARD 238340 (dba Woodcrest Smog & Test Only); Smog Test Station License No. TC238340 (dba Woodcrest Smog & Test Only); Automotive Repair Dealer Registration No ARD 2442841 (dba Circle City Smog & Test Only); and, Smog Test Station License No. TC244841 (dba Circle City Smog & Test Only), Automotive Repair Dealer Registration No. ARD 259565 (All Specialist Auto Repair).

This Decision shall become effective on April 29, 2011.

It is so ORDERED April 29, 2011.

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMELA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/10-74

13 **WOODCREST SMOG & TEST ONLY;**  
14 **LUIS ENRIQUE ZAMORA, OWNER**  
15 **18451 Van Buren Blvd.**  
16 **Riverside, CA 92508**  
17 **Automotive Repair Dealer Registration**  
18 **No. ARD 238340**  
19 **Smog Check Test Only Station License**  
20 **No. TC238340**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT LUIS ENRIQUE**  
**ZAMORA**

21 **and**

22 **PETER JAMES DEVANEY**  
23 **30300 Antelope Road, No. 1216**  
24 **Menifee, CA 92584**  
25 **Advanced Emission Specialist Technician**  
26 **License No. EA 140761**

27 Respondents.

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

**PARTIES**

1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She brought this action solely in her official capacity and is represented in this matter by Kamela D. Harris, Attorney General of the State of California, by Loretta A. West, Deputy Attorney General.

1           2.    Luis Enrique Zamora (Respondent Zamora) is representing himself in this proceeding  
2 and has chosen not to exercise his right to be represented by counsel.

3           **Advanced Emission Specialist Technician License No. EA 144504**

4           3.    On or about January 1, 2001, the Bureau of Automotive Repair issued Advanced  
5 Emission Specialist Technician License No. EA 144504 to Respondent Zamora. The Advanced  
6 Emission Specialist Technician License was in full force and effect at all times relevant to the  
7 charges brought in Accusation No. 79/10-74 and will expire on August 31, 2011, unless renewed.

8           **Automotive Repair Dealer Registration No. ARD 238340**

9           4.    On April 22, 2005, the Bureau of Automotive Repair issued Automotive Repair  
10 Dealer Registration Number ARD 238340 to Respondent Zamora (Respondent Zamora) doing  
11 business as Woodcrest Smog & Test Only (Woodcrest registration). The Woodcrest registration  
12 was in full force and effect at all times relevant to the charges brought herein, and will expire on  
13 March 31, 2011, unless renewed.

14           **Smog Check, Test Only, Station License No. TC 238340**

15           5.    On April 27, 2005, the Bureau of Automotive Repair issued Smog Check, Test Only,  
16 Station License Number TC 238340 to Respondent Zamora doing business as Woodcrest Smog &  
17 Test Only (Woodcrest station license). The Woodcrest station license was in full force and effect  
18 at all times relevant to the charges brought herein and will expire on March 31, 2011, unless  
19 renewed.

20           **Automotive Repair Dealer Registration No. ARD 242841**

21           6.    On or about January 1, 2005, the Bureau of Automotive Repair issued Automotive  
22 Repair Dealer Registration Number ARD 242841 to Respondent Zamora doing business as Circle  
23 City Smog & Test Only (Circle City registration). The Circle City registration was in full force  
24 and effect at all times relevant to the charges brought herein, and will expire on March 31, 2011,  
25 unless renewed.

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1           **Smog Check, Test Only, Station License No. TC 242841**

2           7.     On May 10, 2006, the Bureau of Automotive Repair issued Smog Check, Test Only,  
3 Station License Number TC 242841 to Respondent Zamora doing business as Circle City Smog  
4 & Test Only (Circle City station license). The Circle City station license was in full force and  
5 effect at all times relevant to the charges brought herein and will expire on March 31, 2011,  
6 unless renewed.

7           **Automotive Repair Dealer Registration No. ARD 259565**

8           8.     On or about January 1, 2005, the Bureau of Automotive Repair issued Automotive  
9 Repair Dealer Registration Number ARD 259565 to Respondent Zamora doing business as All  
10 Specialist Auto Repair (All Specialist Auto Repair registration). The All Specialist Auto Repair  
11 registration was in full force and effect at all times relevant to the charges brought herein, and  
12 will expire on September 30, 2011, unless renewed.

13                           **JURISDICTION**

14           9.     On April 28, 2010, Accusation No. 79/10-74 was filed before the Director of  
15 Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently  
16 pending against Respondent Zamora. The Accusation and all other statutorily required  
17 documents were properly served on Respondent Zamora on May 7, 2010. Respondent Zamora  
18 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 79/10-74  
19 is attached as exhibit A and incorporated herein by reference.

20                           **ADVISEMENT AND WAIVERS**

21           10.    Respondent Zamora has carefully read, and understands the charges and allegations in  
22 Accusation No. 79/10-74. Respondent Zamora has also carefully read, and understands the  
23 effects of this Stipulated Settlement and Disciplinary Order.

24           11.    Respondent Zamora is fully aware of his legal rights in this matter, including the right  
25 to a hearing on the charges and allegations in the Accusation; the right to be represented by  
26 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
27 the right to present evidence and to testify on his own behalf; the right to the issuance of  
28 subpoenas to compel the attendance of witnesses and the production of documents; the right to

1 reconsideration and court review of an adverse decision; and all other rights accorded by the  
2 California Administrative Procedure Act and other applicable laws.

3 12. Respondent Zamora voluntarily, knowingly, and intelligently waives and gives up  
4 each and every right set forth above.

5 **CULPABILITY**

6 13. Respondent Zamora admits the truth of each and every charge and allegation in  
7 Accusation No. 79/10-74.

8 14. Respondent Zamora agrees that his Automotive Repair Dealership Registrations,  
9 Smog Station Licenses, and Smog Technician license are subject to discipline and agrees to be  
10 bound by the Director's imposition of discipline as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

12 15. This stipulation shall be subject to approval by the Director or his designee.  
13 Respondent Zamora understands and agrees that counsel for Complainant and the staff of the  
14 Bureau of Automotive Repair may communicate directly with the Director and staff of the  
15 Department of Consumer Affairs regarding this stipulated settlement, without notice to or  
16 participation by Respondent Zamora or his counsel. By signing the stipulation, Respondent  
17 Zamora understands and agrees that he may not withdraw his agreement or seek to rescind the  
18 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt  
19 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
21 between the parties, and the Director shall not be disqualified from further action by having  
22 considered this matter.

23 16. The parties understand and agree that facsimile copies of this Stipulated Settlement  
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
25 effect as the originals.

26 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 18. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Director may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No.  
9 ARD 238340 (Woodcrest Automotive Repair Dealer Registration), and Smog Check, Test Only,  
10 Station License Number TC 238340 (Woodcrest Smog Station License) issued to Luis Enrique  
11 Zamora doing business as Woodcrest Smog & Test Only, are revoked.

12 1. The revocation of Respondent Zamora's Woodcrest Automotive Repair Dealer  
13 Registration and Woodcrest Station License shall constitute the imposition of discipline against  
14 Respondent Zamora. This stipulation constitutes a record of the discipline and shall become a  
15 part of Respondent Zamora's license histories with the Bureau.

16 2. Respondent Zamora shall lose all rights and privileges as to Woodcrest Automotive  
17 Repair Dealer Registration No ARD 238340 and Woodcrest Station License No. TC 238340 as of  
18 the effective date of the Director's Decision and Order.

19 3. Respondent Zamora shall cause to be delivered to the Bureau all of his Woodcrest  
20 Smog & Test Only registration, wall license, and pocket license certificates relating to  
21 Woodcrest Automotive Repair Dealer Registration No. ARD 238340 and Woodcrest Smog  
22 Station License No. TC 238340, on or before the effective date of the Decision and Order.

23 4. Should Respondent Zamora ever apply or reapply for a new license or certification, or  
24 petition for reinstatement of a license, all of the charges and allegations contained in Accusation  
25 No. 79/10-74 shall be deemed to be true, correct, and admitted by Respondent Zamora for the  
26 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

27 **IT IS FURTHER ORDERED THAT** that Emission Specialist Technician License No.  
28 EA 144504 issued to Respondent Zamora, Automotive Repair Dealer Registration Number ARD

1 242841 issued to Respondent Zamora doing business as Circle City Smog & Test Only, Station  
2 License Number TC 242841 issued to Respondent Zamora doing business as Circle City Smog &  
3 Test Only, and, Automotive Repair Dealer Registration Number ARD 259565 issued to  
4 Respondent Zamora doing business as All Specialist Auto Repair are each revoked. However,  
5 each revocation is stayed and Respondent Zamora and each license is placed on probation for  
6 three (3) years on the following terms and conditions.

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

9 2. **Reporting.** Respondent Zamora or his authorized representative must report in  
10 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
11 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
12 maintaining compliance with the terms and conditions of probation.

13 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report  
14 any financial interest which any partners, officers, or owners of any of Respondent Zamora's  
15 facilities may have in any other business required to be registered pursuant to Section 9884.6 of  
16 the Business and Professions Code.

17 4. **Random Inspections.** Respondent Zamora or his designee shall provide Bureau  
18 representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up  
19 to and including the point of completion.

20 5. **Jurisdiction.** If an accusation is filed against Respondent Zamora during the term of  
21 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
22 until the final decision on the accusation, and the period of probation shall be extended until such  
23 decision.

24 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
25 Respondent Zamora has failed to comply with the terms and conditions of probation, the  
26 Department may, after giving notice and opportunity to be heard, revoke all licenses and  
27 registrations issued to Respondent Zamora.

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ENDORSEMENT

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

Dated: 4-4-11 4/5/11

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General



LORETTA A. WEST  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/10-74**

1 EDMUND G. BROWN JR.  
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2 ALFREDO TERRAZAS  
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3 LINDA K. SCHNEIDER  
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*Attorneys for Complainant*

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15 **LUIS ENRIQUE ZAMORA, OWNER**  
**Automotive Repair Dealer Registration**  
16 **No. ARD 238340**  
**Smog Check Test Only Station License**  
17 **No. TC 238340**

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

18 and

19 **PETER JAMES DEVANEY**  
30300 Antelope Road, No. 1216  
20 **Meniffee, CA 92584**  
**Advanced Emission Specialist Technician**  
21 **License No. EA 140761**

22 Respondents.

23 Complainant alleges:

24 **PARTIES**

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

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

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

10 7. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
11 "commission," "committee," "department," "division," "examining committee," "program," and  
12 "agency." "License" includes certificate, registration or other means to engage in a business or  
13 profession regulated by the Code.

14 8. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
15 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
16 the Motor Vehicle Inspection Program.

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

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

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

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

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

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

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

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

5 **COST RECOVERY**

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

10 **SURVEILLANCE OPERATION – AUGUST 12, 2009**

11 13. On or about August 12, 2009, the Bureau performed a videotaped surveillance at  
12 Respondent Woodcrest's facility. The surveillance operation and information obtained from the  
13 Bureau's VID revealed that between 1328 hours and 1334 hours, Respondent Devaney performed  
14 one (1) smog inspection that resulted in the issuance of electronic Certificate of Compliance No.  
15 WB940274C for a 2004 Nissan 350Z, certifying that he had tested and inspected that vehicle and  
16 that the vehicle was in compliance with applicable laws and regulations. In fact, Respondent  
17 Devaney performed the smog inspection using the clean piping<sup>1</sup> method by using the tail pipe  
18 emissions of a vehicle other than the vehicle being certified in order to issue the electronic  
19 certificate of compliance. The vehicle certified was not in the test bay at the time of the smog  
20 inspection

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Misleading Statements)**

23 14. Respondent Woodcrest has subjected his registration to discipline under Code section  
24 9884.7, subdivision (a)(1), in that on or about August 12, 2009, he made statements which he  
25

26 <sup>1</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
28 compliance or are not present in the smog check area during the time of the certification.

1 knew or which by exercise of reasonable care he should have known were untrue or misleading  
2 when he issued electronic Certificate of Compliance No. WB940274C for the 2004 Nissan 350Z,  
3 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
4 the vehicle had been clean piped.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 15. Respondent Woodcrest has subjected his registration to discipline under Code section  
8 9884.7, subdivision (a)(4), in that on or about August 12, 2009, he committed acts which  
9 constitute fraud by issuing electronic Certificate of Compliance No. WB940274C for the 2004  
10 Nissan 350Z without performing a bona fide inspection of the emission control devices and  
11 systems on that vehicle, thereby depriving the People of the State of California of the protection  
12 afforded by the Motor Vehicle Inspection Program.

13 **THIRD CAUSE FOR DISCIPLINE**

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

15 16. Respondent Woodcrest has subjected his station license to discipline under Health  
16 and Safety Code section 44072.2, subdivision (a), in that on or about August 12, 2009, regarding  
17 the 2004 Nissan 350Z, he violated sections of that Code, as follows:

18 a. **Section 44012, subdivision (a):** Respondent Woodcrest failed to determine that all  
19 emission control devices and systems required by law were installed and functioning correctly in  
20 accordance with test procedures.

21 b. **Section 44012, subdivision (f):** Respondent Woodcrest failed to perform emission  
22 control tests on that vehicle in accordance with procedures prescribed by the department.

23 c. **Section 44015, subdivision (b):** Respondent Woodcrest issued electronic Certificate  
24 of Compliance No. WB940274C without properly testing and inspecting that vehicle to determine  
25 if it was in compliance with section 44012 of that Code.

26 d. **Section 44059:** Respondent Woodcrest willfully made false entries for electronic  
27 Certificate of Compliance No. WB940274C, certifying that the vehicle had been inspected as  
28 required when, in fact, it had not.

1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 17. Respondent Woodcrest has subjected his station license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about August 12, 2009, regarding  
5 the 2004 Nissan 350Z, he violated sections of the California Code of Regulations, title 16, as  
6 follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Woodcrest falsely or fraudulently  
8 issued electronic Certificate of Compliance No. WB940274C without performing a bona fide  
9 inspection of the emission control devices and systems on that vehicle as required by Health and  
10 Safety Code section 44012.

11 b. **Section 3340.35, subdivision (c):** Respondent Woodcrest issued electronic  
12 Certificate of Compliance No. WB940274C even though that vehicle had not been inspected in  
13 accordance with section 3340.42 of that Code.

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

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 18. Respondent Woodcrest has subjected his station license to discipline under Health  
19 and Safety Code section 44072.2, subdivision (d), in that on or about August 12, 2009, regarding  
20 the 2004 Nissan 350Z, he committed acts involving dishonesty, fraud or deceit whereby another  
21 was injured by issuing electronic Certificate of Compliance No. WB940274C without performing  
22 a bona fide inspection of the emission control devices and system on that vehicle, thereby  
23 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
24 Inspection Program.

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1 e. **Section 3340.41, subdivision (c):** Respondent Devaney entered false information  
2 into the Emission Inspection System ("EIS") for electronic Certificate of Compliance No.  
3 WB940274C by entering vehicle emission control information for a vehicle other than the vehicle  
4 being certified.

5 d. **Section 3340.42:** Respondent Devaney failed to conduct the required smog tests and  
6 inspections on that vehicle in accordance with the Bureau's specifications.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Devaney has subjected his technician license to discipline under Health  
10 and Safety Code section 44072.2, subdivision (d), in that on or about August 12, 2009, regarding  
11 the 2004 Nissan 350Z, he committed acts involving dishonesty, fraud or deceit whereby another  
12 was injured by issuing electronic Certificate of Compliance No. WB940274C without performing  
13 a bona fide inspection of the emission control devices and systems on that vehicle, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program.

16 **SURVEILLANCE OPERATION – AUGUST 27, 2009**

17 22. On or about August 27, 2009, the Bureau performed a second videotaped surveillance  
18 at Respondent Woodcrest's facility. The surveillance operation and information obtained from  
19 the Bureau's VID revealed that between 1201 hours and 1215 hours, Respondent performed one  
20 (1) smog inspection that resulted in the issuance of electronic Certificate of Compliance No.  
21 WD165206C for a 1998 Toyota Tacoma, certifying that he had tested and inspected that vehicle  
22 and that the vehicle was in compliance with applicable laws and regulations. In fact, Respondent  
23 performed the smog inspection using the clean piping method by using the tail pipe emissions of  
24 a vehicle other than the vehicle being certified in order to issue the electronic certificate of  
25 compliance. The vehicle certified was not in the test bay at the time of the smog inspection

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 23. Respondent Woodcrest has subjected his registration to discipline under Code section  
4 9884.7, subdivision (a)(1), in that on or about August 27, 2009, he made statements which he  
5 knew or which by exercise of reasonable care he should have known were untrue or misleading  
6 when he issued electronic Certificate of Compliance No. WD165206C for the 1998 Toyota  
7 Tacoma, certifying that the vehicle was in compliance with applicable laws and regulations when,  
8 in fact, the vehicle had been clean piped.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 24. Respondent Woodcrest has subjected his registration to discipline under Code section  
12 9884.7, subdivision (a)(4), in that on or about August 27, 2009, he committed acts which  
13 constitute fraud by issuing electronic Certificate of Compliance No. WD165206C for the 1998  
14 Toyota Tacoma without performing a bona fide inspection of the emission control devices and  
15 systems on that vehicle, thereby depriving the People of the State of California of the protection  
16 afforded by the Motor Vehicle Inspection Program.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

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

19 25. Respondent Woodcrest has subjected his station license to discipline under Health  
20 and Safety Code section 44072.2, subdivision (a), in that on or about August 27, 2009, regarding  
21 the 1998 Toyota Tacoma, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (a):** Respondent Woodcrest failed to determine that all  
23 emission control devices and systems required by law were installed and functioning correctly in  
24 accordance with test procedures.

25 b. **Section 44012, subdivision (f):** Respondent Woodcrest failed to perform emission  
26 control tests on that vehicle in accordance with procedures prescribed by the department.

27  
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1 c. **Section 44015, subdivision (b):** Respondent Woodcrest issued electronic Certificate  
2 of Compliance No. WD165206C without properly testing and inspecting that vehicle to determine  
3 if it was in compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Woodcrest willfully made false entries for electronic  
5 Certificate of Compliance No. WD165206C, certifying that the vehicle had been inspected as  
6 required when, in fact, it had not.

7 **TWELFTH CAUSE FOR DISCIPLINE**

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

9 26. Respondent Woodcrest has subjected his station license to discipline under Health  
10 and Safety Code section 44072.2, subdivision (c), in that on or about August 27, 2009, regarding  
11 the 1998 Toyota Tacoma, he violated sections of the California Code of Regulations, title 16, as  
12 follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Woodcrest falsely or fraudulently  
14 issued electronic Certificate of Compliance No. WD165206C without performing a bona fide  
15 inspection of the emission control devices and systems on that vehicle as required by Health and  
16 Safety Code section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Woodcrest issued electronic  
18 Certificate of Compliance No. WD165206C even though that vehicle had not been inspected in  
19 accordance with section 3340.42 of that Code.

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

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

24 27. Respondent Woodcrest has subjected his station license to discipline under Health  
25 and Safety Code section 44072.2, subdivision (d), in that on or about August 27, 2009, regarding  
26 the 1998 Toyota Tacoma, he committed acts involving dishonesty, fraud or deceit whereby  
27 another was injured by issuing electronic Certificate of Compliance No. WD165206C for that  
28 vehicle without performing a bona fide inspection of the emission control devices and system on

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

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

5 28. Respondent Devaney has subjected his technician license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (a), in that on or about August 27, 2009, regarding  
7 the 1998 Toyota Tacoma, he violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (a):** Respondent Devaney failed to determine that all  
9 emission control devices and systems required by law were installed and functioning correctly in  
10 accordance with test procedures.

11 b. **Section 44012, subdivision (f):** Respondent Devaney failed to perform emission  
12 control tests on that vehicle in accordance with procedures prescribed by the department.

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

15 d. **Section 44059:** Respondent Devaney willfully made false entries for electronic  
16 Certificate of Compliance No. WD165206C, certifying that the vehicle had been inspected as  
17 required when, in fact, it had not.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

20 29. Respondent Devaney has subjected his technician license to discipline under Health  
21 and Safety Code section 44072.2, subdivision (c), in that on or about August 27, 2009, regarding  
22 the 1998 Toyota Tacoma, he violated sections of the California Code of Regulations, title 16, as  
23 follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Devaney falsely or fraudulently issued  
25 electronic Certificate of Compliance No. WD165206C without performing a bona fide inspection  
26 of the emission control devices and systems on that vehicle as required by Health and Safety  
27 Code section 44012.

28 ///



1 any additional license issued under this chapter in the name of said licensee may be likewise  
2 revoked or suspended by the director.

3 **PRAYER**

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

6 1. Temporarily or permanently invalidating Automotive Repair Dealer Registration  
7 Number ARD 238340, issued to Luis Enrique Zamora doing business as Woodcrest Smog & Test  
8 Only;

9 2. Temporarily or permanently invalidating any other automotive repair dealer  
10 registration issued to Luis Enrique Zamora;

11 3. Revoking or suspending Smog Check Test Only Station License Number TC 238340,  
12 issued to Luis Enrique Zamora doing business as Woodcrest Smog & Test Only;

13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
14 and Safety Code in the name of Luis Enrique Zamora;

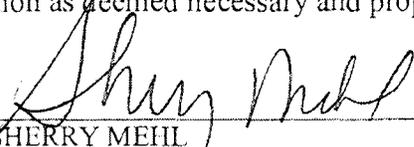
15 5. Revoking or suspending Advanced Emission Specialist Technician License Number  
16 EA 140761, issued to Peter James Devaney;

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

19 7. Ordering Luis Enrique Zamora and Peter James Devaney to pay the Bureau of  
20 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
21 pursuant to Business and Professions Code section 125.3; and,

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

23 DATED: 4/28/10

24   
25 SHERRY MEHL  
26 Chief  
27 Bureau of Automotive Repair  
28 Department of Consumer Affairs  
State of California  
Complainant

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