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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 First Amended Accusation
12 Against:

Case No. 79/12-01

13 **ORANGEVALE SMOG**
14 **9200 Greenback Lane**
15 **Orangevale, CA 95662**
16 **BENJAMIN JUDAH HEMMER, PARTNER,**
17 **JOSEPH LACY HEMMER, PARTNER**
18 **Automotive Repair Dealer Registration No.**
19 **ARD 253105**
20 **Smog Check Test Only Station License No.**
21 **TC 253105**

FIRST AMENDED ACCUSATION
SMOG CHECK

18 and

19 **BENJAMIN JUDAH HEMMER**
20 **5745 Raybel Avenue**
21 **Sacramento, CA 95841**
22 **Advanced Emission Specialist Technician**
23 **License No. EA 630550**

22 and

23 **MATTHEW ALBERT HEISCH**
24 **1007 South Ridge Drive**
25 **Auburn, CA 95603**
26 **Advanced Emission Specialist Technician**
27 **License No. EA 144523**

26 Respondents.

28 Complainant alleges:

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PARTIES

1. Sherry Mehl (“Complainant”) brings this First Amended Accusation solely in her official capacity as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs.

Automotive Repair Dealer Registration

2. On or about January 11, 2008, the Bureau issued Automotive Repair Dealer Registration Number ARD 253105 (“registration”) to Orangevale Smog (“Respondent Orangevale Smog”) with Benjamin Judah Hemmer and Joseph Lacy Hemmer as partners. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

Smog Check Test Only Station License

3. On or about January 14, 2008, the Bureau issued Smog Check Test Only Station License Number TC 253105 (“station license”) to Respondent Orangevale Smog. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

Advanced Emission Specialist Technician License

4. On or about October 17, 2008, the Bureau issued Advanced Emission Specialist Technician License Number EA 630550 (“technician license”) to Benjamin Judah Hemmer (“Respondent Hemmer”). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

Advanced Emission Specialist Technician License

5. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist Technician License Number EA 144523 (“technician license”) to Matthew Albert Heisch (“Respondent Heisch”). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2013, unless renewed.

STATUTORY PROVISIONS

6. Section 9884.7 of the Business and Professions Code (“Code”) states, in pertinent part:

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

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

10 (3) Failing or refusing to give to a customer a copy of any document
11 requiring his or her signature, as soon as the customer signs the document.

12 (4) Any other conduct that constitutes fraud.

13 (b) Except as provided for in subdivision (c), if an automotive repair
14 dealer operates more than one place of business in this state, the director pursuant to
15 subdivision (a) shall only suspend, revoke, or place on probation the registration of
16 the specific place of business which has violated any of the provisions of this chapter.
17 This violation, or action by the director, shall not affect in any manner the right of the
18 automotive repair dealer to operate his or her other places of business.

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

24 7. Code section 118, subdivision (b) states:

25 The suspension, expiration, or forfeiture by operation of law of a license
26 issued by a board in the department, or its suspension, forfeiture, or cancellation by
27 order of the board or by order of a court of law, or its surrender without the written
28 consent of the board, shall not, during any period in which it may be renewed,
restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

8. Code section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written
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

1 authorizing the additional repairs and telephone number called, if any, together with a
2 specification of the additional parts and labor and the total additional cost, and shall
3 do either of the following:

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

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

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

11 _____
12 (signature or initials)"

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

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

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

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

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

28 (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.

(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.

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1 Corsica, certifying that the vehicle was in compliance with applicable laws and regulations when,
2 in fact, the vehicle's PCV system was missing.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 18. Respondent Orangevale Smog has subjected its registration to discipline under Code
6 section 9884.7, subdivision (a)(4), in that on or about March 29, 2010, it committed acts which
7 constitute fraud by issuing electronic Certificate of Compliance No. NS377311 for the 1990
8 Chevrolet Corsica, without performing a bona fide inspection of the emission control devices and
9 systems on that vehicle, thereby depriving the People of the State of California of the protection
10 afforded by the Motor Vehicle Inspection Program.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 19. Respondent Orangevale Smog has subjected its station license to discipline under
14 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 29, 2010,
15 regarding the 1990 Chevrolet Corsica, it violated sections of that Code, as follows:

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

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

22 c. **Section 44015, subdivision (b):** Respondent Orangevale Smog issued electronic
23 Certificate of Compliance No. NS377311 without properly testing and inspecting the vehicle to
24 determine if it was in compliance with section 44012 of that Code.

25 **FOURTH CAUSE FOR DISCIPLINE**

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

27 20. Respondent Orangevale Smog has subjected its station license to discipline under
28 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 29, 2010,

1 regarding the 1990 Chevrolet Corsica, it violated sections of the California Code of Regulations,
2 title 16, as follows:

3 a. **Section 3340.35, subdivision (c):** Respondent Orangevale Smog issued electronic
4 Certificate of Compliance No. NS377311 even though that vehicle had not been inspected in
5 accordance with section 3340.42 of that Code.

6 b. **Section 3340.42:** Respondent Orangevale Smog failed to conduct the required smog
7 tests and inspections on that vehicle in accordance with the Bureau's specifications.

8 **FIFTH CAUSE FOR DISCIPLINE**

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

10 21. Respondent Orangevale Smog has subjected its station license to discipline under
11 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 29, 2010,
12 regarding the 1990 Chevrolet Corsica, it committed acts involving dishonesty, fraud or deceit
13 whereby another was injured by issuing electronic Certificate of Compliance No. NS377311 for
14 that vehicle without performing a bona fide inspection of the emission control devices and system
15 on the vehicle, thereby depriving the People of the State of California of the protection afforded
16 by the Motor Vehicle Inspection Program.

17 **SIXTH CAUSE FOR DISCIPLINE**

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

19 22. Respondent Heisch has subjected his technician license to discipline under Health and
20 Safety Code section 44072.2, subdivision (a), in that on or about March 29, 2010, regarding the
21 1990 Chevrolet Corsica, he violated sections of that Code, as follows:

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

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

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 23. Respondent Heisch has subjected his technician license to discipline under Health and
4 Safety Code section 44072.2, subdivision (c), in that on or about March 29, 2010, regarding the
5 1990 Chevrolet Corsica, he violated sections of the California Code of Regulations, title 16, as
6 follows:

7 a. **Section 3340.30, subdivision (a):** Respondent Heisch failed to inspect and test that
8 vehicle in accordance with Health and Safety Code section 44012.

9 b. **Section 3340.41, subdivision (c):** Respondent Heisch entered false information into
10 the Emission Inspection System ("EIS") for electronic Certificate of Compliance No. NS377311
11 by entering "Pass" for the visual inspection of the PCV system when, in fact, the vehicle could
12 not pass the visual inspection because the vehicle's PCV system was missing.

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

15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 24. Respondent Heisch has subjected his technician license to discipline under Health and
18 Safety Code section 44072.2, subdivision (d), in that on or about March 29, 2010, regarding the
19 1990 Chevrolet Corsica, he committed acts involving dishonesty, fraud or deceit whereby another
20 was injured by issuing electronic Certificate of Compliance No. NS377311 without performing a
21 bona fide inspection of the emission control devices and systems on that vehicle, thereby
22 depriving the People of the State of California of the protection afforded by the Motor Vehicle
23 Inspection Program.

24 **UNDERCOVER OPERATION – AUGUST 26, 2010**

25 25. On or about August 26, 2010, a Bureau undercover operator drove a Bureau-
26 documented 1995 Chevrolet Impala to Respondent Orangevale Smog's facility and requested a
27 smog inspection. The vehicle could not pass the visual portion of a smog inspection because the
28 vehicle's positive crankcase ventilation ("PCV") system was missing. The operator signed a

1 work order/estimate but was not provided with a copy of that document prior to the smog
2 inspection. Respondent Hemmer performed the smog inspection and issued electronic Certificate
3 of Compliance No. NW431311 for that vehicle. The operator paid \$68 for the smog inspection
4 and received a copy of an invoice dated August 26, 2010 and the Vehicle Inspection Report.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Misleading Statements)**

7 26. Respondent Orangevale Smog has subjected its registration to discipline under Code
8 section 9884.7, subdivision (a)(1), in that on or about August 26, 2010, it made statements which
9 it knew or which by exercise of reasonable care it should have known were untrue or misleading
10 when it issued electronic Certificate of Compliance No. NW431311 for the 1995 Chevrolet
11 Impala, certifying that the vehicle was in compliance with applicable laws and regulations when,
12 in fact, the vehicle's PCV system was missing.

13 **TENTH CAUSE FOR DISCIPLINE**

14 **(Failed to Provide a Copy of a Signed Document)**

15 27. Respondent Orangevale Smog has subjected its registration to discipline under Code
16 section 9884.7, subdivision (a)(3), in that on or about August 26, 2010, it failed to provide the
17 operator with a copy of the work order as soon as he signed the document.

18 **ELEVENTH CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 28. Respondent Orangevale Smog has subjected its registration to discipline under Code
21 section 9884.7, subdivision (a)(4), in that on or about August 26, 2010, it committed acts which
22 constitute fraud by issuing electronic Certificate of Compliance No. NW431311 for the 1995
23 Chevrolet Impala, without performing a bona fide inspection of the emission control devices and
24 systems on that vehicle, thereby depriving the People of the State of California of the protection
25 afforded by the Motor Vehicle Inspection Program.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide a Written Estimate)**

3 29. Respondent Orangevale Smog has subjected its registration to discipline under Code
4 section 9884.7, subdivision (a)(6), in that on or about August 26, 2010, it failed to comply with
5 Code section 9884.9, subdivision (a), by failing to provide the operator with a written estimated
6 price for parts and labor for a specific job regarding the smog inspection.

7 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

9 30. Respondent Orangevale Smog has subjected its station license to discipline under
10 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 26, 2010,
11 regarding the 1995 Chevrolet Impala, it violated sections of that Code, as follows:

12 a. **Section 44012, subdivision (a):** Respondent Orangevale Smog failed to determine
13 that all emission control devices and systems required by law were installed and functioning
14 correctly in accordance with test procedures.

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

18 c. **Section 44015, subdivision (b):** Respondent Orangevale Smog issued electronic
19 Certificate of Compliance No. NW431311 without properly testing and inspecting the vehicle to
20 determine if it was in compliance with section 44012 of that Code.

21 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

23 31. Respondent Orangevale Smog has subjected its station license to discipline under
24 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 26, 2010,
25 regarding the 1995 Chevrolet Impala, it violated sections of the California Code of Regulations,
26 title 16, as follows:

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1 a. **Section 3340.35, subdivision (c):** Respondent Orangevale Smog issued electronic
2 Certificate of Compliance No. NW431311 even though that vehicle had not been inspected in
3 accordance with section 3340.42 of that Code.

4 b. **Section 3340.42:** Respondent Orangevale Smog failed to conduct the required smog
5 tests and inspections on that vehicle in accordance with the Bureau's specifications.

6 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

8 32. Respondent Orangevale Smog has subjected its station license to discipline under
9 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 26, 2010,
10 regarding the 1995 Chevrolet Impala, it committed acts involving dishonesty, fraud or deceit
11 whereby another was injured by issuing electronic Certificate of Compliance No. NW431311 for
12 that vehicle without performing a bona fide inspection of the emission control devices and system
13 on the vehicle, thereby depriving the People of the State of California of the protection afforded
14 by the Motor Vehicle Inspection Program.

15 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

17 33. Respondent Hemmer has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (a), in that on or about August 26, 2010, regarding
19 the 1995 Chevrolet Impala, he violated sections of that Code, as follows:

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

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

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

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

3 34. Respondent Hemmer has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (c), in that on or about August 26, 2010, regarding
5 the 1995 Chevrolet Impala, he violated sections of the California Code of Regulations, title 16, as
6 follows:

7 a. **Section 3340.30, subdivision (a):** Respondent Hemmer failed to inspect and test that
8 vehicle in accordance with Health and Safety Code section 44012.

9 b. **Section 3340.41, subdivision (c):** Respondent Hemmer entered false information
10 into the Emission Inspection System for electronic Certificate of Compliance No. NW431311 by
11 entering "Pass" for the visual inspection of the PCV system when, in fact, the vehicle could not
12 pass the visual inspection because the vehicle's PCV system was missing.

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

15 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

17 35. Respondent Hemmer has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (d), in that on or about August 26, 2010, regarding
19 the 1995 Chevrolet Impala, he committed acts involving dishonesty, fraud or deceit whereby
20 another was injured by issuing electronic Certificate of Compliance No. NW431311 without
21 performing a bona fide inspection of the emission control devices and systems on that vehicle,
22 thereby depriving the People of the State of California of the protection afforded by the Motor
23 Vehicle Inspection Program.

24 **DISCIPLINARY CONSIDERATIONS**

25 **Prior Citations**

26 36. To determine the degree of penalty, if any, to be imposed upon Respondents
27 Orangevale Smog and Hemmer, Complainant alleges as follows:

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1 a. On June 29, 2009, the Bureau issued Citation No. C09-1432 to Respondent
2 Orangevale Smog against its registration and station licenses for violations of Health and Safety
3 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
4 control devices) and California Code of Regulations, title 16, ("Regulation"), section 3340.35,
5 subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent
6 Orangevale Smog issued a certificate of compliance to a Bureau vehicle with a missing fuel
7 evaporative storage canister. The Bureau assessed a civil penalty of \$500. Respondent
8 Orangevale Smog complied with this citation on September 3, 2009.

9 b. On September 28, 2009, the Bureau issued Citation No. C2010-0256 to Respondent
10 Orangevale Smog against its registration and station licenses for violations of Health and Safety
11 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
12 control devices) and Regulation, section 3340.35, subdivision (c) (issuing a certificate of
13 compliance to a vehicle improperly tested). Respondent Orangevale Smog issued a certificate of
14 compliance to a Bureau vehicle with a missing PCV system. The Bureau assessed a civil penalty
15 of \$1,000. Respondent Orangevale Smog complied with this citation on December 17, 2009.

16 c. On June 29, 2009, the Bureau issued Citation No. M09-1433 to Respondent Hemmer
17 against his technician license for violations of Health and Safety Code section 44032, (qualified
18 technicians shall perform tests of emission control systems and devices in accordance with
19 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
20 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
21 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
22 3340.42). Respondent Hemmer issued a certificate of compliance to a Bureau vehicle with a
23 missing fuel evaporative storage canister. Respondent Hemmer was required to attend an 8-hour
24 training course. Respondent Hemmer complied with this citation on September 17, 2009.

25 **Additional Undercover Operations**

26 37. Between February 23, 2010, and April 30, 2010, in the course of undercover
27 operations conducted by the Bureau, Respondent Heisch identified a 2001 Chrysler, a 1990

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1 Plymouth, and a 1986 Oldsmobile as Bureau of Automotive Repair (“BAR”) undercover vehicles
2 and refused to perform smog inspections of those vehicles.

3 38. On or about April 30, 2010, the Bureau conducted an undercover operation at
4 Respondent Orangevale Smog’s facility using a 1994 Ford Ranger with a tampered emission
5 control system. The operator spoke with Respondent Heisch and requested a smog inspection.
6 The vehicle was in the service bay for approximately 50 minutes. Respondent Heisch informed
7 the undercover operator that his vehicle failed the smog inspection. During the course of this
8 undercover operation, another Bureau undercover operator brought a 1999 Mazda B3000 to
9 Respondent Orangevale Smog’s facility and requested a smog inspection. The undercover
10 operator spoke with Respondent Heisch and inquired about the length of time it took to perform
11 the smog inspection on the 1994 Ford Ranger. Respondent Heisch told the undercover operator
12 that he had identified the Ford Ranger as a BAR car. Respondent Heisch then told the undercover
13 operator that it would not take very long to smog his vehicle because he had passed the BAR test
14 and should be good for a couple of months. The smog inspection of the 1999 Mazda B3000 was
15 then performed by Respondent Hemmer. After Respondent Hemmer started the smog inspection,
16 the undercover operator heard Respondent Heisch tell Respondent Hemmer about catching 1994
17 Ford Ranger as a BAR car. Respondent Hemmer asked Respondent Heisch if he had checked the
18 current vehicle and Respondent Heisch told Respondent Hemmer that it was not a BAR car.
19 Respondents Heisch and Hemmer subsequently failed the 1999 Mazda B3000.

20 OTHER MATTERS

21 39. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
22 or permanently or refuse to validate, the registrations for all places of business operated in this
23 state by Orangevale Smog, upon a finding that it has, or is, engaged in a course of repeated and
24 willful violations of the laws and regulations pertaining to an automotive repair dealer.

25 40. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
26 License Number TC 253105, issued to Orangevale Smog, is revoked or suspended, any additional
27 license issued under this chapter in the name of said licensee may be likewise revoked or
28 suspended by the director.

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9. Ordering Orangevale Smog, Benjamin Judah Hemmer, and Matthew Albert Heisch to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 2/9/12

Sherry Mehl by Doug Balatt
SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
Doug BALATT
Asst. Chief

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