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

In the Matter of the Accusation Against:

LOUIS RUBEN SALAZAR

4393 Jurupa Ave.
Riverside, CA 92506
Smog Check Technician License
No. EA144763

Respondents.

Case No. 79/10-66

OAH No. 2010110656

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 12, 2010, Complainant Sherry Mehl, in her official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/10-66 against Louis Ruben Salazar (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit "A".)

2. On or about December 14, 2001, the Bureau of Automotive Repair (Bureau) issued Smog Check Technician License No. EA144763 to Respondent. The Smog Check Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

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1 3. On or about April 23, 2010, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 79/10-66, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136
5 and California Code of Regulations, Title 16, section 3303.3, is required to be reported and
6 maintained with the Bureau, which was and is: 4393 Jurupa Ave., Riverside, CA 92506.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about May 3, 2010, the aforementioned documents were returned by the U.S.
11 Postal Service marked "Forward Time Expired." The address on the documents was the same as
12 the address on file with the Bureau. Respondent failed to maintain an updated address with the
13 Bureau and the Bureau has made attempts to serve the Respondent at the address on file.
14 Respondent has not made himself available for service and therefore, has not availed himself of
15 his right to file a notice of defense and appear at hearing.

16 6. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts
19 of the accusation not expressly admitted. Failure to file a notice of defense shall
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
21 may nevertheless grant a hearing.

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
24 79/10-66.

25 8. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the
27 hearing, the agency may take action based upon the respondent's express admissions
28 or upon other evidence and affidavits may be used as evidence without any notice to
29 respondent.

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1 iv. Section 44059- willfully made false entries for the electronic certificates of
2 compliance by certifying that those vehicles had been inspected as required when, in fact, they
3 had not.

4 b. Violations of Regulations pursuant to the Motor Vehicle Inspection Program under
5 Health and Safety Code section 44072.2(c) in conjunction with the California Code of
6 Regulations, title 16, as follows:

7 i. Section 3340.24(c)- falsely or fraudulently issued electronic certificates of
8 compliance without performing bona fide inspections of the emission control devices and systems
9 on those vehicles as required by Health and Safety Code section 44012;

10 ii. Section 3340.30(a) - failed to inspect and test those vehicles in accordance with
11 Health and Safety Code section 44012;

12 iii. Section 3340.41(c) - entered false information into the Emission Inspection
13 System ("EIS") for the electronic certificates of compliance by entering vehicle emission control
14 information for vehicles other than the vehicles being certified;

15 iv. Section 3340.42- failed to conduct the required smog tests and inspections on
16 those vehicles in accordance with the Bureau's specifications.

17 c. Dishonesty, fraud or deceit under Health and Safety Code section 44072.2(d) in that
18 Respondent committed acts involving dishonesty, fraud or deceit whereby another was injured by
19 issuing electronic certificates of compliance for the vehicles without performing bona fide
20 inspections of the emission control devices and systems on those vehicles, thereby depriving the
21 People of the State of California of the protection afforded by the Motor Vehicle Inspection
22 Program.

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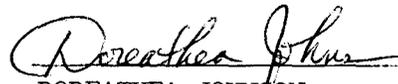
ORDER

IT IS SO ORDERED that Smog Check Technician License No. EA144763, issued to Respondent Louis Ruben Salazar, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Tim Corcoran, 10235 Systems Parkway, Sacramento, CA 95827. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 8/8/11.

It is so ORDERED July 1, 2011


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

80512290.DOC
DOJ Matter ID: SD2009702506

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Special Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 79/10-66

13 **JOJOS TEST ONLY**
10557-1/2 Magnolia Avenue
14 Riverside, CA 92505
ANTOUN ATALLAH, OWNER
15 **Automotive Repair Dealer Registration**
No. ARD250218
16 **Smog Check Test Only Station License**
No. TC 250218,

ACCUSATION
SMOG CHECK

17 and

18 **LOUIS RUBEN SALAZAR**
19 **4393 Jurupa Avenue**
Riverside, CA 92506
20 **Advanced Emission Specialist Technician**
License No. EA 144763

21 Respondents.

22
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
expiration or suspension of a license by operation of law, or by order or decision of the Director
of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
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
3 this article, any additional license issued under this chapter in the name of the
4 licensee may be likewise revoked or suspended by the director.

4 **COST RECOVERY**

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

9 **SURVEILLANCE OPERATION – OCTOBER 27, 2008**

10 13. On or about October 27, 2008, the Bureau performed a surveillance operation at
11 Respondent JoJos' facility. The surveillance operation and information obtained from the
12 Bureau's Vehicle Information Database ("VID") revealed that between 1307 hours and 1510
13 hours, Respondent Salazar performed three (3) smog inspections that resulted in the issuance of
14 electronic certificates of compliance for the vehicles set forth in Table 1, below, certifying that he
15 had tested and inspected those vehicles and that the vehicles were in compliance with applicable
16 laws and regulations. In fact, Respondent Salazar performed the smog inspections using the clean
17 piping method by using the tail pipe emissions of vehicles other than the vehicles being certified
18 in order to issue the electronic certificates of compliance. The vehicles certified were not in the
19 test bay at the time of the smog inspections.

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Table 1

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
10/27/2008 1307 hours to 1315 hours	1991 Mercedes Benz 190E	Pickup truck	VT943539C
10/27/2008 1436 hours to 1448 hours	1994 Mercedes Benz E320	Mercedes Benz SL600	VT943541C
10/27/2008 1451 hours to 1510 hours	1982 Mazda B-series pickup truck	Mercedes Benz SL600	VT943542C

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements)

14. Respondent JoJos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about October 27, 2008, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

15. Respondent JoJos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about October 27, 2008, he committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

1 **THIRD CAUSE FOR DISCIPLINE**

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

3 16. Respondent JoJos has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (a), in that on or about October 27, 2008, regarding the
5 vehicles set forth in Table 1, above, he violated sections of that Code, as follows:

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

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

11 c. **Section 44015, subdivision (b):** Respondent JoJos issued electronic certificates of
12 compliance without properly testing and inspecting those vehicles to determine if they were in
13 compliance with section 44012 of that Code.

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

17 **FOURTH CAUSE FOR DISCIPLINE**

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

19 17. Respondent JoJos has subjected his station license to discipline under Health and
20 Safety Code section 44072.2, subdivision (c), in that on or about October 27, 2008, regarding the
21 vehicles set forth in Table 1, above, he violated sections of the California Code of Regulations,
22 title 16, as follows:

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

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1 d. **Section 44059:** Respondent Salazar willfully made false entries for the electronic
2 certificates of compliance by certifying that those vehicles had been inspected as required when,
3 in fact, they had not.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 20. Respondent Salazar has subjected his technician license to discipline under Health
7 and Safety Code section 44072.2, subdivision (c), in that on or about October 27, 2008, regarding
8 the vehicles set forth in Table 1, above, he violated sections of the California Code of
9 Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Salazar falsely or fraudulently issued
11 electronic certificates of compliance without performing bona fide inspections of the emission
12 control devices and systems on those vehicles as required by Health and Safety Code section
13 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent Salazar failed to inspect and test those
15 vehicles in accordance with Health and Safety Code section 44012.

16 c. **Section 3340.41, subdivision (c):** Respondent Salazar entered false information into
17 the Emission Inspection System ("EIS") for the electronic certificates of compliance by entering
18 vehicle emission control information for vehicles other than the vehicles being certified.

19 d. **Section 3340.42:** Respondent Salazar failed to conduct the required smog tests and
20 inspections on those vehicles in accordance with the Bureau's specifications.

21 **EIGHTH CAUSE FOR DISCIPLINE**

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

23 21. Respondent Salazar has subjected his technician license to discipline under Health
24 and Safety Code section 44072.2, subdivision (d), in that on or about October 27, 2008, he
25 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
26 electronic certificates of compliance for the vehicles set forth in Table 1, above, without
27 performing bona fide inspections of the emission control devices and systems on those vehicles,
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1 thereby depriving the People of the State of California of the protection afforded by the Motor
2 Vehicle Inspection Program.

3 **SURVEILLANCE OPERATION – OCTOBER 28, 2008**

4 22. On or about October 28, 2008, the Bureau performed a second surveillance at
5 Respondent JoJos' facility. The surveillance operation and information obtained from the
6 Bureau's VID revealed that between 1114 hours and 1128 hours, Respondent Salazar performed a
7 smog inspection of a 1991 Nissan Sentra that resulted in a issuance of electronic Certificate of
8 Compliance No. VT943545C, certifying that he had tested and inspected the vehicle and that the
9 vehicle was in compliance with applicable laws and regulations. In fact, Respondent Salazar
10 performed the smog inspection using the clean piping method by using the tail pipe emissions of
11 a Toyota Tercel in order to issue the electronic certificate of compliance. The vehicle certified
12 was not in the test bay at the time of the smog inspection.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Misleading Statements)**

15 23. Respondent JoJos has subjected his registration to discipline under Code section
16 9884.7, subdivision (a)(1), in that on or about October 28 200 8, he made statements which he
17 knew or which by exercise of reasonable care he should have known were untrue or misleading
18 when he issued electronic Certificate of Compliance No. VT943545C for the 1991 Nissan Sentra,
19 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
20 the vehicle had been clean piped.

21 **TENTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 24. Respondent JoJos has subjected his registration to discipline under Code section
24 9884.7, subdivision (a)(4), in that on or about October 28 2008, he committed acts which
25 constitute fraud by issuing electronic Certificate of Compliance No. VT943545C for the 1991
26 Nissan Sentra without performing a bona fide inspection of the emission control devices and
27 systems on that vehicle, thereby depriving the People of the State of California of the protection
28 afforded by the Motor Vehicle Inspection Program.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

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

3 25. Respondent JoJos has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (a), in that on or about October 28, 2008, regarding the
5 1991 Nissan Sentra, he violated sections of that Code, as follows:

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

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

11 c. **Section 44015, subdivision (b):** Respondent JoJos issued electronic Certificate of
12 Compliance No. VT943545C without properly testing and inspecting the vehicle to determine if it
13 was in compliance with section 44012 of that Code.

14 d. **Section 44059:** Respondent JoJos willfully made false entries for electronic
15 Certificate of Compliance No. VT943545C, certifying that the vehicle had been inspected as
16 required when, in fact, it had not.

17 **TWELFTH CAUSE FOR DISCIPLINE**

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

19 26. Respondent JoJos has subjected his station license to discipline under Health and
20 Safety Code section 44072.2, subdivision (c), in that on or about October 28, 2008, regarding the
21 1991 Nissan Sentra, he violated sections of the California Code of Regulations, title 16, as
22 follows:

23 a. **Section 3340.24, subdivision (c):** Respondent JoJos falsely or fraudulently issued
24 electronic Certificate of Compliance No. VT943545C without performing a bona fide inspection
25 of the emission control devices and systems on that vehicle as required by Health and Safety
26 Code section 44012.

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1 d. **Section 44059:** Respondent Salazar willfully made false entries for electronic
2 Certificate of Compliance No. VT943545C, certifying that the vehicle had been inspected as
3 required when, in fact, it had not.

4 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

6 29. Respondent Salazar has subjected his technician license to discipline under Health
7 and Safety Code section 44072.2, subdivision (c), in that on or about October 28, 2008, regarding
8 the 1991 Nissan Sentra, he violated sections of the California Code of Regulations, title 16, as
9 follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Salazar falsely or fraudulently issued
11 electronic Certificate of Compliance No. VT943545C without performing a bona fide inspection
12 of the emission control devices and systems on that vehicle as required by Health and Safety
13 Code section 44012.

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

16 c. **Section 3340.41, subdivision (c):** Respondent Salazar entered false information into
17 the EIS for electronic Certificate of Compliance No. VT943545C by entering vehicle emission
18 control information for a vehicle other than the vehicle being tested.

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

21 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

23 30. Respondent Salazar has subjected his technician license to discipline under Health
24 and Safety Code section 44072.2, subdivision (d), in that on or about October 28, 2008, regarding
25 the 1991 Nissan Sentra, he committed acts involving dishonesty, fraud or deceit whereby another
26 was injured by issuing electronic Certificate of Compliance No. VT943545C without performing
27 a bona fide inspection of the emission control devices and systems on that vehicle, thereby
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1 depriving the People of the State of California of the protection afforded by the Motor Vehicle
2 Inspection Program.

3 **SURVEILLANCE OPERATION – OCTOBER 29, 2008**

4 31. On or about October 29, 2008, the Bureau performed a third surveillance at
5 Respondent JoJos' facility. The surveillance operation and information obtained from the
6 Bureau's VID revealed that between 1248 hours and 1315 hours, Respondent Salazar performed
7 two (2) smog inspections that resulted in the issuance of electronic certificates of compliance for
8 the vehicles set forth in Table 2, below, certifying that he had tested and inspected those vehicles
9 and that the vehicles were in compliance with applicable laws and regulations. In fact,
10 Respondent Salazar performed the smog inspections using the clean piping method by using the
11 tail pipe emissions of vehicles other than the vehicles being certified in order to issue the
12 electronic certificates of compliance. The vehicles certified were not in the test bay at the time of
13 the smog inspections.

14 **Table 2**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
10/29/2008 1248 hours to 1258 hours	1998 Honda Accord	Dodge pickup	VT943549C
10/29/2008 1304 hours to 1315 hours	1993 Mercedes Benz 190E	Mitsubishi pickup	VT943550C

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22 **SEVENTEENTH CAUSE FOR DISCIPLINE**

23 **(Misleading Statements)**

24 32. Respondent JoJos has subjected his registration to discipline under Code section
25 9884.7, subdivision (a)(1), in that on or about October 29, 2008, he made statements which he
26 knew or which by exercise of reasonable care he should have known were untrue or misleading
27 when he issued electronic certificates of compliance for the vehicles set forth in Table 2, above,
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1 certifying that those vehicles were in compliance with applicable laws and regulations when, in
2 fact, the vehicles had been clean piped.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 33. Respondent JoJos has subjected his registration to discipline under Code section
6 9884.7, subdivision (a)(4), in that on or about October 29, 2008, he committed acts which
7 constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Table
8 2, above, without performing bona fide inspections of the emission control devices and systems
9 on those vehicles, thereby depriving the People of the State of California of the protection
10 afforded by the Motor Vehicle Inspection Program.

11 **NINETEENTH CAUSE FOR DISCIPLINE**

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

13 34. Respondent JoJos has subjected his station license to discipline under Health and
14 Safety Code section 44072.2, subdivision (a), in that on or about October 29, 2008, regarding the
15 vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

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

21 c. **Section 44015, subdivision (b):** Respondent JoJos issued electronic certificates of
22 compliance without properly testing and inspecting the vehicles to determine if they were in
23 compliance with section 44012 of that Code.

24 d. **Section 44059:** Respondent JoJos willfully made false entries for the electronic
25 certificates of compliance by certifying that those vehicles had been inspected as required when,
26 in fact, they had not.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

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

3 35. Respondent JoJos has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (c), in that on or about October 29, 2008, regarding the
5 vehicles set forth in Table 2, above, he violated sections of the California Code of Regulations,
6 title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent JoJos falsely or fraudulently issued
8 electronic certificates of compliance without performing bona fide inspections of the emission
9 control devices and systems on those vehicles as required by Health and Safety Code section
10 44012.

11 b. **Section 3340.35, subdivision (c):** Respondent JoJos issued electronic certificates of
12 compliance even though the vehicles had not been inspected in accordance with section 3340.42
13 of that Code.

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

16 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

18 36. Respondent JoJos has subjected his station license to discipline under Health and
19 Safety Code section 44072.2, subdivision (d), in that on or about October 29, 2008, regarding the
20 vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud or deceit
21 whereby another was injured by issuing electronic certificates of compliance for those vehicles
22 without performing bona fide inspections of the emission control devices and system on those
23 vehicles, thereby depriving the People of the State of California of the protection afforded by the
24 Motor Vehicle Inspection Program.

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

3 37. Respondent Salazar has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (a), in that on or about October 29, 2008, regarding
5 the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

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

11 c. **Section 44032:** Respondent Salazar failed to perform tests of the emission control
12 devices and systems on those vehicles in accordance with section 44012 of that Code, in that the
13 vehicle had been clean piped.

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

17 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

19 38. Respondent Salazar has subjected his technician license to discipline under Health
20 and Safety Code section 44072.2, subdivision (c), in that on or about October 29, 2008, regarding
21 the vehicles set forth in Table 2, above, he violated sections of the California Code of
22 Regulations, title 16, as follows:

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

27 b. **Section 3340.30, subdivision (a):** Respondent Salazar failed to inspect and test those
28 vehicles in accordance with Health and Safety Code section 44012.

1 c. **Section 3340.41, subdivision (c):** Respondent Salazar entered false information into
2 the EIS for the electronic certificates of compliance by entering vehicle emission control
3 information for vehicles other than the vehicles being certified.

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

6 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

8 39. Respondent Salazar has subjected his technician license to discipline under Health
9 and Safety Code section 44072.2, subdivision (d), in that on or about October 29, 2008, he
10 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
11 electronic certificates of compliance for the vehicles set forth in Table 2, above, without
12 performing bona fide inspections of the emission control devices and systems on those vehicles,
13 thereby depriving the People of the State of California of the protection afforded by the Motor
14 Vehicle Inspection Program.

15 **OTHER MATTERS**

16 40. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
17 or permanently or refuse to validate, the registrations for all places of business operated in this
18 state by Antoun Atallah doing business as JoJos Test Only, upon a finding that he has, or is,
19 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
20 automotive repair dealer.

21 41. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
22 License Number TC 250218, issued to Antoun Atallah doing business as JoJos Test Only, is
23 revoked or suspended, any additional license issued under this chapter in the name of said
24 licensee may be likewise revoked or suspended by the director.

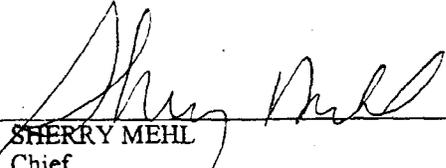
25 42. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
26 Technician License Number EA 144763, issued to Louis Ruben Salazar is revoked or suspended,
27 any additional license issued under this chapter in the name of said licensee may be likewise
28 revoked or suspended by the director.

PRAYER

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

1. Temporarily or permanently invalidating Automotive Repair Dealer License Number ARD 250218, issued to Antoun Atallah doing business as JoJos Test Only;
2. Temporarily or permanently invalidating any other automotive repair dealer registration issued to Antoun Atallah;
3. Revoking or suspending Smog Check Test Only Station License Number TC 250218, issued to Antoun Atallah doing business as JoJos Test Only;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Antoun Atallah;
5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 144763, issued to Louis Ruben Salazar;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Ruben Salazar;
7. Ordering Antoun Atallah and Louis Ruben Salazar 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,
8. Taking such other and further action as deemed necessary and proper.

DATED: 4/19/10


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

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