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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:
PAO-CHOY SAELEE
2462 Homestead Circle
Richmond, CA 94806
Smog Check Technician - Advanced
Emission Specialist License No. EA 152621

Respondent.

Case No. 79/11-66

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 1, 2011, Complainant Sherry Mehl, in her official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/11-66 against Pao-Choy Saelee (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. In 2006, the Bureau of Automotive Repair (Bureau) issued Smog Check Technician - Advanced Emission Specialist License No. EA 152621 to Respondent. The Smog Check Technician - Advanced Emission Specialist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2012, unless renewed.

3. On or about February 11, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79/11-66, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
2 Code section 136, is required to be reported and maintained with the Bureau, which was and is:
3 2462 Homestead Circle
4 Richmond, CA 94806.

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

8 5. Government Code section 11506 states, in pertinent part:

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

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 79/11-66.

17 7. California Government Code section 11520 states, in pertinent part:

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

22 8. Pursuant to its authority under Government Code section 11520, the Director, after
23 having reviewed the proof of service dated February 11, 2011, signed by Blanca Sobalvarro, and
24 the certified mail receipt, finds Respondent is in default. The Director will take action without
25 further hearing and, based on Accusation, No. 79/11-66, the proof of service, the certified mail
26 receipt, and the Affidavit of Bureau Representative Roy Peach, finds that the allegations in
27 Accusation are true.

28 DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Pao-Choy Saelee has subjected
his Smog Check Technician - Advanced Emission Specialist License No. EA 152621 to
discipline.

1 2. The agency has jurisdiction to adjudicate this case by default.

2 3. The Director of Consumer Affairs is authorized to revoke Respondent's Smog Check
3 Technician - Advanced Emission Specialist License based upon the following violations alleged
4 in the Accusation which are supported by the affidavit of Bureau Representative Roy Peach in
5 this case:

6 a. Violation of Health and Safety Code §§ 44072.2(a), 44012(a), 44012(f), and 44032 in
7 regards to the inspection of the 1990 Mercury Sable described in the Accusation, on October 29,
8 2009, at Berkeley Smog Test Only Center.

9 b. Violation of Health and Safety Code § 44072.2(c) and Title 16, §§ 3340.24(c),
10 3340.30(a), 3340.41(c), and 3340.42, California Code of Regulations in regards to the inspection
11 of the 1990 Mercury Sable described in the Accusation, on October 29, 2009, at Berkeley Smog
12 Test Only Center.

13 c. Commission of acts involving dishonesty, fraud or deceit in violation of Health and
14 Safety Code § 44072.2(d), with regard to the inspection of the 1990 Mercury Sable described in
15 the Accusation, on October 29, 2009, at Berkeley Smog Test Only Center, in that Respondent
16 issued electronic Certificate of Compliance No. NO199733 without performing a bona fide
17 inspection of the emission control devices and systems on that vehicle.

18 d. Violation of Health and Safety Code §§ 44072.2(a), 44012(a), 44012(f), and 44032 in
19 regards to the inspection of the 1990 Honda Accord described in the Accusation, on March 10,
20 2010, at Berkeley Smog Test Only Center.

21 e. Violation of Health and Safety Code § 44072.2(c) and Title 16, §§ 3340.24(c),
22 3340.30(a), 3340.41(c), and 3340.42, California Code of Regulations in regards to the inspection
23 of the 1990 Honda Accord described in the Accusation, on March 10, 2010, at Berkeley Smog
24 Test Only Center.

25 f. Commission of acts involving dishonesty, fraud or deceit in violation of Health and
26 Safety Code § 44072.2(d), with regard to the inspection of the 1990 Honda Accord described in
27 the Accusation, on March 10, 2010, at Berkeley Smog Test Only Center, in that Respondent
28

1 issued electronic Certificate of Compliance No. NQ941079 without performing a bona fide
2 inspection of the emission control devices and systems on that vehicle.

3 ORDER

4 IT IS SO ORDERED that Smog Check Technician - Advanced Emission Specialist License
5 No. EA 152621, heretofore issued to Respondent Pao-Choy Saelee, is revoked.

6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve
7 a written motion requesting that the Decision be vacated and stating the grounds relied on
8 within seven (7) days after service of the Decision on Respondent. The motion should be
9 sent to the Bureau of Automotive Repair, ATTN: Tim Corcoran, 10220 Systems Parkway,
10 Suite B, Sacramento, CA 95827. The agency in its discretion may vacate the Decision and
11 grant a hearing on a showing of good cause, as defined in the statute.

12 This Decision shall become effective on 6/21/11.

13 It is so ORDERED May 23, 2011

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16 
17 DOREATHEA JOHNSON
18 Deputy Director, Legal Affairs
19 Department of Consumer Affairs

20 20446501.DOC
21 DOJ Matter ID:SF2010201740

22 Attachment:
23 Exhibit A: Accusation
24
25
26
27
28

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 BRETT A. KINGSBURY
Deputy Attorney General
4 State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1192
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

Case No. 79/11-66

12 **BERKELEY SMOG TEST ONLY CENTER**
1010 Carleton Street # A
13 Berkeley, CA 94710
14 **GURJIT SINGH MINHAS, OWNER**
Automotive Repair Dealer Registration
No. ARD 254780
15 Smog Check Test Only Station License
No. TC 254780

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

16 and

17 **PAO-CHOY SAELEE**
2462 Homestead Circle
18 Richmond, CA 94806
19 Advanced Emission Specialist Technician License
No. EA 152621

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

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

26 **Automotive Repair Dealer Registration**

27 2. On or about May 8, 2008, the Bureau issued Automotive Repair Dealer Registration
28 Number ARD 254780 ("registration") to Gurjit Singh Minhas ("Respondent Berkeley") doing

1 business as Berkeley Smog Test Only Center. The registration was in full force and effect at all
2 times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed.

3 **Smog Check Test Only Station License**

4 3. On or about May 16, 2008, the Bureau issued Smog Check Test Only Station License
5 Number TC 254780 ("station license") to Respondent Berkeley. The station license was in full
6 force and effect at all times relevant to the charges brought herein and will expire on March 31,
7 2011, unless renewed.

8 **Advanced Emission Specialist Technician License**

9 4. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist
10 Technician License Number EA 152621 ("technician license") to Pao-Choy Saelee ("Respondent
11 Saelee"). The technician license was in full force and effect at all times relevant to the charges
12 brought herein and will expire on January 31, 2012, unless renewed.

13 **STATUTORY PROVISIONS**

14 5. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
15 part:

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

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

25 (4) Any other conduct which constitutes fraud.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 **COST RECOVERY**

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

6 **UNDERCOVER OPERATION – OCTOBER 29, 2009**

7 13. On or about October 29, 2009, a Bureau undercover operator (“operator”) drove a
8 Bureau-documented 1990 Mercury Sable to Respondent Berkeley’s facility and requested a smog
9 inspection. The vehicle could not pass the functional portion of a smog inspection because the
10 vehicle’s ignition timing was adjusted beyond the manufacturer’s specifications. The operator
11 signed a work order and was provided with an estimate prior to the smog inspection. Respondent
12 Saelee performed the smog inspection and issued electronic Certificate of Compliance No.
13 NO199733 for that vehicle. Further, Respondent Saelee failed to perform a fuel cap integrity test
14 and LPFET test on that vehicle. The operator paid \$59.95 for the smog inspection and received a
15 copy of Invoice No. 0012690.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Misleading Statements)**

18 14. Respondent Berkeley has subjected his registration to discipline under Code section
19 9884.7, subdivision (a)(1), in that on or about October 29, 2009, he made statements which he
20 knew or which by exercise of reasonable care he should have known were untrue or misleading
21 when he issued electronic Certificate of Compliance No. NO199733 for the 1990 Mercury Sable,
22 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
23 the vehicle’s ignition timing was adjusted beyond the manufacturer’s specifications.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 15. Respondent Berkeley has subjected his registration to discipline under Code section
27 9884.7, subdivision (a)(4), in that on or about October 29, 2009, he committed acts which
28 constitute fraud by issuing electronic Certificate of Compliance No. NO199733 for the 1990

1 Mercury Sable, without performing a bona fide inspection of the emission control devices and
2 systems on that vehicle, thereby depriving the People of the State of California of the protection
3 afforded by the Motor Vehicle Inspection Program.

4 **THIRD CAUSE FOR DISCIPLINE**

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

6 16. Respondent Berkeley has subjected his station license to discipline under Health and
7 Safety Code section 44072.2, subdivision (a), in that on or about October 29, 2009, regarding the
8 1990 Mercury Sable, he violated sections of that Code, as follows:

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

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

14 c. **Section 44015, subdivision (b):** Respondent Berkeley issued electronic Certificate
15 of Compliance No. NO199733 without properly testing and inspecting that vehicle to determine if
16 it was in compliance with section 44012 of that Code.

17 d. **Section 44059:** Respondent Berkeley willfully made false entries for the electronic
18 Certificate of Compliance No. NO199733, certifying that the vehicle had been inspected as
19 required when, in fact, it had not.

20 **FOURTH CAUSE FOR DISCIPLINE**

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

22 17. Respondent Berkeley has subjected his station license to discipline under Health and
23 Safety Code section 44072.2, subdivision (c), in that on or about October 29, 2009, regarding the
24 1990 Mercury Sable, he violated sections of the California Code of Regulations, title 16, as
25 follows:

26 a. **Section 3340.24, subdivision (c):** Respondent Berkeley falsely or fraudulently
27 issued electronic Certificate of Compliance No. NO199733 without performing a bona fide
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1 inspection of the emission control devices and systems on that vehicle as required by Health and
2 Safety Code section 44012.

3 b. Section 3340.35, subdivision (c): Respondent Berkeley issued electronic Certificate
4 of Compliance No. NO199733 even though that vehicle had not been inspected in accordance
5 with section 3340.42 of that Code.

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

8 **FIFTH CAUSE FOR DISCIPLINE**

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

10 18. Respondent Berkeley subjected his station license to discipline under Health and
11 Safety Code section 44072.2, subdivision (d), in that on or about October 29, 2009, regarding the
12 1990 Mercury Sable, he committed acts involving dishonesty, fraud or deceit whereby another
13 was injured by issuing electronic Certificate of Compliance No. NO199733 for that vehicle
14 without performing a bona fide inspection of the emission control devices and system on the
15 vehicle, thereby depriving the People of the State of California of the protection afforded by the
16 Motor Vehicle Inspection Program.

17 **SIXTH CAUSE FOR DISCIPLINE**

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

19 19. Respondent Saelee has subjected his technician license to discipline under Health and
20 Safety Code section 44072.2, subdivision (a), in that on or about October 29, 2009, regarding the
21 1990 Mercury Sable, he violated sections of that Code, as follows:

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

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

1 d. **Section 44059:** Respondent Saelee willfully made false entries for electronic
2 Certificate of Compliance No. NO199733, certifying that the vehicle had been inspected as
3 required when, in fact, it had not.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 20. Respondent Saelee has subjected his technician license to discipline under Health and
7 Safety Code section 44072.2, subdivision (c), in that on or about October 29, 2009, regarding the
8 1990 Mercury Sable, he violated sections of the California Code of Regulations, title 16, as
9 follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Saelee falsely or fraudulently issued
11 electronic Certificate of Compliance No. NO199733 without performing a bona fide inspection of
12 the emission control devices and systems on that vehicle as required by Health and Safety Code
13 section 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent Saelee 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 Saelee entered false information into
17 the Emission Inspection System ("EIS") for electronic Certificate of Compliance No. NO199733
18 by entering "Pass" for both the ignition timing test and the fuel cap integrity test.

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

21 **EIGHTH CAUSE FOR DISCIPLINE**

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

23 21. Respondent Saelee has subjected his technician license to discipline under Health and
24 Safety Code section 44072.2, subdivision (d), in that on or about October 29, 2009, regarding the
25 1990 Mercury Sable, he committed acts involving dishonesty, fraud or deceit whereby another
26 was injured by issuing electronic Certificate of Compliance No. NO199733 without performing a
27 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 **UNDERCOVER OPERATION – MARCH 10, 2010**

4 22. On or about March 10, 2010, a Bureau undercover operator (“operator”) drove a
5 Bureau-documented 1990 Honda Accord to Respondent Berkeley’s facility and requested a smog
6 inspection. The vehicle could not pass the functional portion of a smog inspection because the
7 vehicle’s ignition timing was adjusted beyond the manufacturer’s specifications. The operator
8 signed a work order and was provided with an estimate prior to the smog inspection. Respondent
9 Saelee performed the smog inspection and issued electronic Certificate of Compliance No.
10 NQ941079 for that vehicle; however, Respondent Saelee failed to perform the fuel cap integrity
11 test and the LPFET test on that vehicle. The operator paid \$69.95 for the smog inspection and
12 received a copy of Invoice No. 0014556.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Misleading Statements)**

15 23. Respondent Berkeley has subjected his registration to discipline under Code section
16 9884.7, subdivision (a)(1), in that on or about March 10, 2010, 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. NQ941079 for the 1990 Honda Accord,
19 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
20 the vehicle’s ignition timing was adjusted beyond the manufacturer’s specifications.

21 **TENTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 24. Respondent Berkeley has subjected his registration to discipline under Code section
24 9884.7, subdivision (a)(4), in that on or about March 10, 2010, he committed acts which
25 constitute fraud by issuing electronic Certificate of Compliance No. NQ941079 for the 1990
26 Honda Accord, 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 Berkeley has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (a), in that on or about March 10, 2010, regarding the
5 1990 Honda Accord, he violated sections of that Code, as follows:

6 a. Section 44012, subdivision (a): Respondent Berkeley 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 Berkeley failed to perform emission
10 control tests on that vehicle in accordance with procedures prescribed by the department.

11 c. Section 44015, subdivision (b): Respondent Berkeley issued electronic Certificate
12 of Compliance No. NQ941079 without properly testing and inspecting that vehicle to determine if
13 it was in compliance with section 44012 of that Code.

14 d. Section 44059: Respondent Berkeley willfully made false entries for the electronic
15 Certificate of Compliance No. NQ941079, 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 Berkeley has subjected his station license to discipline under Health and
20 Safety Code section 44072.2, subdivision (c), in that on or about March 10, 2010, regarding the
21 1990 Honda Accord, he violated sections of the California Code of Regulations, title 16, as
22 follows:

23 a. Section 3340.24, subdivision (c): Respondent Berkeley falsely or fraudulently
24 issued electronic Certificate of Compliance No. NQ941079 without performing a bona fide
25 inspection of the emission control devices and systems on that vehicle as required by Health and
26 Safety Code section 44012.

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1 d. **Section 44059:** Respondent Saelee willfully made false entries for electronic
2 Certificate of Compliance No. NQ941079, 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 Saelee has subjected his technician license to discipline under Health and
7 Safety Code section 44072.2, subdivision (c), in that on or about March 10, 2010, regarding the
8 1990 Honda Accord, he violated sections of the California Code of Regulations, title 16, as
9 follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Saelee falsely or fraudulently issued
11 electronic Certificate of Compliance No. NQ941079 without performing a bona fide inspection of
12 the emission control devices and systems on that vehicle as required by Health and Safety Code
13 section 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent Saelee 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 Saelee entered false information into
17 the EIS for electronic Certificate of Compliance No. NQ941079 by entering "Pass" for the
18 ignition timing tests.

19 d. **Section 3340.42:** Respondent Saelee 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 Saelee has subjected his technician license to discipline under Health and
24 Safety Code section 44072.2, subdivision (d), in that on or about March 10, 2010, regarding the
25 1990 Honda Accord, he committed acts involving dishonesty, fraud or deceit whereby another
26 was injured by issuing electronic Certificate of Compliance No. NQ941079 without performing a
27 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 **OTHER MATTERS**

4 31. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
5 or permanently or refuse to validate, the registrations for all places of business operated in this
6 state by to Gurjit Singh Minhas doing business as Berkeley Smog Test Only Center, upon a
7 finding that he has, or is, engaged in a course of repeated and willful violations of the laws and
8 regulations pertaining to an automotive repair dealer.

9 32. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
10 License Number TC 254780, issued to Gurjit Singh Minhas doing business as Berkeley Smog
11 Test Only Center, is revoked or suspended, any additional license issued under this chapter in the
12 name of said licensee may be likewise revoked or suspended by the director.

13 33. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
14 Technician License Number EA 152621, issued to Pao-Choy Saelee, is revoked or suspended,
15 any additional license issued under this chapter in the name of said licensee may be likewise
16 revoked or suspended by the director.

17 **PRAYER**

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

20 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
21 Registration Number ARD 254780, issued to Gurjit Singh Minhas doing business as Berkeley
22 Smog Test Only Center;

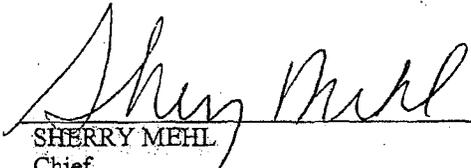
23 2. Revoking, suspending, or placing on probation any other automotive repair dealer
24 registration issued in the name Gurjit Singh Minhas doing business as Berkeley Smog Test Only
25 Center;

26 3. Revoking or suspending Smog Check Test Only Station License Number TC 254780,
27 issued to Gurjit Singh Minhas doing business as Berkeley Smog Test Only Center;

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- 1 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 2 and Safety Code in the name of Gurjit Singh Minhas doing business as Berkeley Smog Test Only
- 3 Center;
- 4 5. Revoking or suspending Advanced Emission Specialist Technician License Number
- 5 EA 152621, issued to Pao-Choy Saelee;
- 6 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 7 and Safety Code in the name of Pao-Choy Saelee;
- 8 7. Ordering Gurjit Singh Minhas and Pao-Choy Saelee to pay the Bureau of Automotive
- 9 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
- 10 Business and Professions Code section 125.3; and,
- 11 8. Taking such other and further action as deemed necessary and proper.
- 12
- 13
- 14

14 DATED: 2/1/11



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

27 SF2010201740
28 10654784.doc