

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:  
13 **CORONA EXPRESS SMOG**  
625 W. Sixth Street  
14 Corona, CA 92882  
**PATHMARAJAN APPADORAI, OWNER**  
15 Automotive Repair Dealer Registration No.  
**ARD 225859**  
16 Smog Check Test Only Station License No.  
**TC 225859**  
17  
and  
18  
**PATHMARAJAN APPADORAI**  
19 1734 Healy Place  
Riverside, CA 92506  
20 Advanced Emission Specialist Technician  
License No. EA 143059  
21  
and  
22  
**DOUGLAS KENT WELLS**  
23 2450 San Gabriel Way, #201  
Corona, CA 92882  
24 Advanced Emission Specialist Technician  
License No. EA 304986  
25  
26 Respondents.

Case No. 79/11-62  
  
**ACCUSATION**  
**SMOG CHECK**

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Complainant alleges:

**PARTIES**

1. Sherry Mehl ("Complainant") brings this 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 a date uncertain in 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 225859 ("registration") to Pathmarajan Appadorai ("Respondent Cordova") doing business as Corona Express Smog. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2012, unless renewed.

**Smog Check Test Only Station License**

3. On or about August 7, 2003, the Bureau issued Smog Check Test Only Station License Number TC 225859 ("station license") to Respondent Corona. The station 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.

**Advanced Emission Specialist Technician License**

4. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist Technician License Number EA 143059 ("technician license") to Pathmarajan Appadorai ("Respondent Appadorai"). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2012, unless renewed.

**Advanced Emission Specialist Technician License**

5. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist Technician License Number EA 304986 ("technician license") to Douglas Kent Wells ("Respondent Wells"). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

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1 the original equipment manufacturer ("OEM") service information shows these vehicles do not  
 2 support the pending codes stored in the PCM memory. The vehicles receiving smog certificates  
 3 were not tested during the OBD II<sup>1</sup> functional test and another vehicle was used, constituting  
 4 clean plugging. Vehicle 1 was inspected and certified by Respondent Wells and vehicles 2  
 5 through 8 were inspected and certified by Respondent Appadorai.

6 **TABLE 1**

Date & Time of Inspection	Vehicle Certified & License No.	Certificate No.
1. 09/4/2008 1311 – 1317 hours	2000 Crysler Concorde, Vin # 2C3HD36J3YH350923	VT396919C
2. 09/6/2008 1204 – 1209 hours	2004 Chevrolet Blazer, Vin # 1GNCS13X94K155606	VT434510C
3. 09/20/2008 1028 – 1035 hours	2004 Ford Focus, License No. 5JUY140	VT606914C
4. 03/2/2009 1720 – 1728 hours	1999 BMW 528, License No. 5RGY683	VX627372C
5. 04/8/2009 1209 – 1215 hours	1998 Dodge Ram, License No. 5U11353	VZ175422C
6. 05/9/2009 1100 – 1105 hours	1999 BMW 325, License No. 4CZG770	VZ619757C
7. 05/9/2009 1610 – 1621 hours	1998 Dodge Ram, License No. 5V35150	VZ619778C
8. 01/12/2010 1633 – 1639 hours	2000 BMW 528i, License No. 4PEL691	WF915803C

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 18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Misleading Statements)**

20 15. Respondent Corona has subjected his registration to discipline under Code section  
 21 9884.7, subdivision (a)(1), in that on or about September 4, 2008, through January 12, 2010, he

22 <sup>1</sup> The On Board Diagnostics (OBD II) functional test is an automated function of the BAR-97  
 23 analyzer. During the OBD II functional test, the technician is required to connect an interface cable from  
 24 the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is located inside the vehicle. Through  
 25 the DLC, the BAR-97 analyzer automatically retrieves information from the vehicle's on-board computer  
 about the status of the readiness indicators, trouble codes, and the MIL (malfunction indicator light). If the  
 vehicle fails the OBD II functional test, it will fail the overall inspection.

26 Clean plugging is the use of the OBD II readiness monitor status and stored fault code (trouble  
 27 code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle  
 28 that is not in compliance due to a failure to complete the minimum number of self tests, known as  
 monitors, or due to the presence of a stored fault code that indicates an emission control system or  
 component failure.

1 made statements which he knew or which by exercise of reasonable care he should have known  
2 were untrue or misleading as follows: Respondent Corona certified that vehicles 1 through 8, set  
3 forth in Table 1, above, had passed inspection and were in compliance with applicable laws and  
4 regulations. In fact, Respondent Corona conducted the inspections on those vehicles using clean  
5 plugging methods by substituting or using different vehicles during the OBD II functional tests in  
6 order to issue smog certificates of compliance for the 8 vehicles, and did not test or inspect the 8  
7 vehicles as required by Health and Safety Code section 44012.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 16. Respondent Corona has subjected his registration to discipline under Code section  
11 9884.7, subdivision (a)(4), in that on or about September 4, 2008, through January 12, 2010, he  
12 committed acts which constitute fraud by issuing electronic certificates of compliance for  
13 vehicles 1 through 8, set forth in Table 1, above, without performing bona fide inspections of the  
14 emission control devices and systems on those vehicles, thereby depriving the People of the State  
15 of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **THIRD CAUSE FOR DISCIPLINE**

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

18 17. Respondent Corona has subjected his station license to discipline under Health and  
19 Safety Code section 44072.2, subdivision (a), in that on or about September 4, 2008, through  
20 January 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he violated sections  
21 of that Code, as follows:

22 a. **Section 44012:** Respondent Corona failed to ensure that the emission control tests  
23 were performed on vehicles 1 through 8, in accordance with procedures prescribed by the  
24 department.

25 b. **Section 44015:** Respondent Corona issued electronic certificates of compliance for  
26 vehicles 1 through 8, without ensuring that the vehicles were properly tested and inspected to  
27 determine if they were in compliance with Health and Safety Code section 44012.

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1 c. **Section 44059:** Respondent Corona 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 **FOURTH CAUSE FOR DISCIPLINE**

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

6 18. Respondent Corona has subjected his station license to discipline under Health and  
7 Safety Code section 44072.2, subdivision (c), in that on or about September 4, 2008, through  
8 January 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he violated sections  
9 of the California Code of Regulations, title 16, as follows:

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

14 b. **Section 3340.35, subdivision (c):** Respondent Corona issued electronic certificates  
15 of compliance even though those vehicles had not been inspected in accordance with section  
16 3340.42 of that Code.

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

19 **FIFTH CAUSE FOR DISCIPLINE**

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

21 19. Respondent Corona subjected his station license to discipline under Health and Safety  
22 Code section 44072.2, subdivision (d), in that on or about September 4, 2008, through January  
23 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he committed acts involving  
24 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
25 compliance for those vehicles without performing bona fide inspections of the emission control  
26 devices and system on the vehicles, thereby depriving the People of the State of California of the  
27 protection afforded by the Motor Vehicle Inspection Program.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 20. Respondent Wells has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (a), in that on or about September 4, 2008, regarding  
5 vehicle 1, set forth in Table 1, above, Respondent failed to comply with section 44012 of that  
6 Code in a material respect, as follows: Respondent Wells failed to perform the emission control  
7 tests on that vehicle in accordance with procedures prescribed by the department.

8 SEVENTH CAUSE FOR DISCIPLINE

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

10 21. Respondent Wells has subjected his technician license to discipline under Health and  
11 Safety Code section 44072.2, subdivision (c), in that on or about September 4, 2008, regarding  
12 vehicle 1, set forth in Table 1, above, he violated sections of the California Code of Regulations,  
13 title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent Wells falsely or fraudulently issued  
15 the electronic certificate of compliance without performing a bona fide inspection of the emission  
16 control devices and systems on that vehicle as required by Health and Safety Code section 44012.

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

19 c. **Section 3340.42:** Respondent Wells 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 22. Respondent Wells has subjected his technician license to discipline under Health and  
24 Safety Code section 44072.2, subdivision (d), in that on or about September 4, 2008, regarding  
25 vehicle 1, set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit  
26 whereby another was injured by issuing the electronic certificate of compliance without  
27 performing a bona fide inspection of the emission control devices and systems on that vehicle,  
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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 **NINTH CAUSE FOR DISCIPLINE**

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

5 23. Respondent Appadorai has subjected his technician license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (a), in that on or about September 6, 2008, through  
7 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, Respondent  
8 Appadorai failed to comply with section 44012 of that Code in a material respect, as follows:  
9 Respondent Appadorai failed to perform the emission control tests on those vehicles in  
10 accordance with procedures prescribed by the department.

11 **TENTH CAUSE FOR DISCIPLINE**

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

13 24. Respondent Appadorai has subjected his technician license to discipline under Health  
14 and Safety Code section 44072.2, subdivision (c), in that on or about September 6, 2008, through  
15 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, he violated sections  
16 of the California Code of Regulations, title 16, as follows:

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

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

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

25 **ELEVENTH CAUSE FOR DISCIPLINE**

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

27 25. Respondent Appadorai has subjected his technician license to discipline under Health  
28 and Safety Code section 44072.2, subdivision (d), in that on or about September 6, 2008, through

1 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, he committed acts  
2 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
3 certificates of compliance without performing bona fide inspections of the emission control  
4 devices and systems on those vehicles, thereby depriving the People of the State of California of  
5 the protection afforded by the Motor Vehicle Inspection Program.

6 **OTHER MATTERS**

7 26. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
8 or may invalidate temporarily or permanently, the registrations for all places of business operated  
9 in this state by Pathmarajan Appadorai doing business as Corona Express Smog upon a finding  
10 that he has, or is, engaged in a course of repeated and willful violations of the laws and  
11 regulations pertaining to an automotive repair dealer.

12 27. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
13 License Number TC 225859, issued to Pathmarajan Appadorai doing business as Corona Express  
14 Smog, is revoked or suspended, any additional license issued under this chapter in the name of  
15 said licensee, including Advanced Emission Specialist Technician License Number EA143059,  
16 issued to Pathmarajan Appadorai, may be likewise revoked or suspended by the director.

17 28. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
18 Technician License Number EA 304986, issued to Douglas Kent Wells, is revoked or suspended,  
19 any additional license issued under this chapter in the name of said licensee may be likewise  
20 revoked or suspended by the director.

21 **PRAYER**

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

24 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
25 Registration Number ARD 225859, issued to Pathmarajan Appadorai doing business as Corona  
26 Express Smog;

27 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
28 registration issued in the name of Pathmarajan Appadorai;

1           3.    Revoking or suspending Smog Check Test Only Station License Number TC 225859,  
2 issued to Pathmarajan Appadorai doing business as Corona Express Smog;

3           4.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
4 and Safety Code in the name of Pathmarajan Appadorai, including but not limited to Advanced  
5 Emission Specialist Technician License Number EA143059;

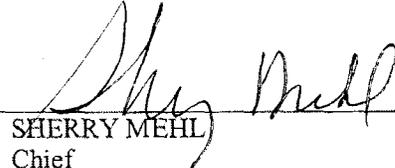
6           5.    Revoking or suspending Advanced Emission Specialist Technician License Number  
7 EA 304986, issued to Douglas Kent Wells;

8           6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
9 and Safety Code in the name of Douglas Kent Wells;

10          7.    Ordering Pathmarajan Appadorai and Douglas Kent Wells to pay the Bureau of  
11 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3; and,

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

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15  
16 DATED: 1/25/11

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

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