

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

In the Matter of the Accusation Against:

SMOG 4 LESS
SARBJIT SINGH, Owner
1254 W. Clinton
Fresno, CA 93705
Automotive Repair Dealer Registration
No. AF 222344
Smog Check, Test Only, Station License
No. TF 222344

SMOG 4 LESS
SARBJIT SINGH, Owner
2240 N. Blackstone Avenue
Fresno, CA 93703
Automotive Repair Dealer Registration
No. AK 202254
Smog Check, Test Only, Station License
No. TK 202254

SARBJIT SINGH
2240 N. Blackstone
Fresno, CA 93703
Advanced Emission Specialist Technician
License No. EA 306741

and

JAMES FLORIAN SINDBERG
10088 E. Central Avenue
Del Rey, CA 93616
Advanced Emission Specialist Technician
License No. EA 306741

Respondents.

Case No. 79/08-22

OAH No. 2009060817

DECISION

The attached Stipulated Revocation; Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Smog 4 Less, Sarbjit Singh, Owner, Automotive Repair Dealer Registration No. AF 222344, Smog Check, Test Only, Station License No. TF 222344, Automotive Repair Dealer Registration No. AK 202254, Smog Check, Test Only, Station License No. TK 202254, and Advanced Emission Specialist Technician License No. EA 306741.

This Decision shall become effective 12-3-09.

DATED: October 29, 2009



DORÉATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/08-22

13 **SMOG 4 LESS**
14 **SARBJIT SINGH, OWNER**
1254 W. Clinton
15 Fresno, CA 93705
Automotive Repair Dealer Reg. No. AF 222344
16 Smog Check, Test Only,
Station License No. TF 222344,

OAH Case No. 2009060817

**STIPULATED REVOCATION;
STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

18 **SMOG 4 LESS**
19 **SARBJIT SINGH, OWNER**
2240 N. Blackstone Avenue
Fresno, CA 93703
20 Automotive Repair Dealer Reg. No. AK 202254
Smog Check, Test Only,
21 Station License No. TK 202254,

22 **SARBJIT SINGH**
23 2240 N. Blackstone
Fresno, CA 93703
24 Advanced Emission Specialist Technician
License No. EA 306741,

Respondent.

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

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2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
3 brought this action solely in her official capacity and is represented in this matter by Edmund G.
4 Brown Jr., Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney
5 General.

6 **Automotive Repair Dealer Registration No. AF 222344**

7 2. On or about July 26, 2002, the Director of Consumer Affairs ("Director") issued
8 Automotive Repair Dealer Registration Number AF 222344 to Sarbjit Singh ("Respondent
9 Singh"), owner of Smog 4 Less located at 1254 W. Clinton, Fresno, California (hereinafter
10 "Respondent's Clinton Avenue facility"). Respondent's automotive repair dealer registration was
11 in full force and effect at all times relevant to the charges brought in the Accusation, expired on
12 June 30, 2008, and has been cancelled.

13 **Smog Check, Test Only, Station License No. TF 222344**

14 3. On or about August 9, 2002, the Director issued Smog Check, Test Only, Station
15 License Number TF 222344 to Respondent Singh. Respondent's smog check station license was
16 in full force and effect at all times relevant to the charges brought in the Accusation, expired on
17 June 30, 2008, has not been renewed, and is delinquent.

18 **Automotive Repair Dealer Registration No. AK 202254**

19 4. On or about November 10, 1998, the Director issued Automotive Repair Dealer
20 Registration Number AK 202254 to Respondent Singh, owner of Cost U Less Smog Check. On
21 May 18, 1999, Respondent's business name was changed to Smog 4 Less (hereinafter
22 "Respondent's Blackstone Avenue facility"). Respondent's automotive repair dealer registration
23 was in full force and effect at all times relevant to the charges brought in the Accusation, expired
24 on October 31, 2008, and has been cancelled.

25 **Smog Check, Test Only, Station License No. TK 202254**

26 5. On or about June 28, 2000, the Director issued Smog Check, Test Only, Station
27 License Number TK 202254 to Respondent Singh. Respondent's smog check station license was

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1 in full force and effect at all times relevant to the charges brought in the Accusation. expired on
2 October 31, 2008, has not been renewed, and is delinquent.

3 **Advanced Emission Specialist Technician License No. EA 306741**

4 6. In or about 1998, the Director issued Advanced Emission Specialist Technician
5 License Number EA 306741 to Respondent Singh. Respondent's advanced emission specialist
6 technician license was in full force and effect at all times relevant to the charges brought herein
7 and will expire on April 30, 2010, unless renewed.

8 JURISDICTION

9 7. Accusation No. 79/08-22 was filed before the Director of Consumer Affairs
10 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
11 Respondent. The Accusation and all other statutorily required documents were properly served
12 on Respondent on November 2, 2007. Respondent timely filed his Notice of Defense contesting
13 the Accusation. A copy of Accusation No. 79/08-22 is attached as exhibit A and incorporated
14 herein by reference.

15 ADVISEMENT AND WAIVERS

16 8. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 79/08-22. Respondent has also carefully read, fully
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
19 Order.

20 9. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
22 his own expense; the right to confront and cross-examine the witnesses against him; the right to
23 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
24 the attendance of witnesses and the production of documents; the right to reconsideration and
25 court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

27 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
2 any financial interest which any partners, officers, or owners of the Respondent facility may have
3 in any other business required to be registered pursuant to section 9884.6 of the Business and
4 Professions Code.

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

9 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that
10 Respondent has failed to comply with the terms and conditions of probation, the Department may,
11 after giving notice and opportunity to be heard, may temporarily suspend or revoke the license.

12 8. **Continuing Education Courses.** During the period of probation, Respondent shall
13 attend and successfully complete a Bureau certified training course in diagnosis and repair of
14 emission systems failures and engine performance, applicable to the class of license held by the
15 Respondent. Said course shall be completed and proof of completion submitted to the Bureau
16 within 60 days of the effective date of this decision and order. If proof of completion of the
17 course is not furnished to the Bureau within the 60-day period, Respondent's license shall be
18 immediately suspended until such proof is received.

19 9. **Cost Recovery.** Respondent shall pay to the Bureau the full costs associated with its
20 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
21 amount of \$ 33,772.50, payable in full upon the filing of an application for licensure or petition
22 for reinstatement of his Automotive Repair Dealer Registration and/or Smog Check Station
23 License.

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1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ROBERT B. MILLER, State Bar No. 57819
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7 Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 79/08-22

13 SMOG 4 LESS
SARBJIT SINGH, OWNER
14 1254 W. Clinton
Fresno, CA 93705
15 Automotive Repair Dealer Reg. No. AF 222344
Smog Check, Test Only, Station License No. TF 222344,

ACCUSATION
(SMOG CHECK)

16 SMOG 4 LESS
17 SARBJIT SINGH, OWNER
2240 N. Blackstone Avenue
18 Fresno, CA 93703
Automotive Repair Dealer Reg. No. AK 202254
19 Smog Check, Test Only, Station License No. TK 202254,

20 SARBJIT SINGH
2240 N. Blackstone
21 Fresno, CA 93703
Advanced Emission Specialist Technician License
22 No. EA 306741,

23 and

24 JAMES FLORIAN SINDBERG
10088 E. Central Avenue
25 Del Rey, CA 93616
Advanced Emission Specialist Technician License
26 No. EA 315216,

27 Respondents.
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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 Reg. No. AF 222344

2. On or about July 26, 2002, the Director of Consumer Affairs ("Director") issued Automotive Repair Dealer Registration Number AF 222344 to Sarbjit Singh ("Respondent Singh"), owner of Smog 4 Less located at 1254 W. Clinton, Fresno, California (hereinafter "Respondent's Clinton Avenue facility"). Respondent's automotive repair dealer registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.

Smog Check, Test Only, Station License No. TF 222344

3. On or about August 9, 2002, the Director issued Smog Check, Test Only, Station License Number TF 222344 to Respondent Singh. Respondent's smog check station license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.

Automotive Repair Dealer Reg. No. AK 202254

4. On or about November 10, 1998, the Director issued Automotive Repair Dealer Registration Number AK 202254 to Respondent Singh, owner of Cost U Less Smog Check. On May 18, 1999, Respondent's business name was changed to Smog 4 Less (hereinafter "Respondent's Blackstone Avenue facility"). Respondent's automotive repair dealer registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2007, unless renewed.

Smog Check, Test Only, Station License No. TK 202254

5. On or about June 28, 2000, the Director issued Smog Check, Test Only, Station License Number TK 202254 to Respondent Singh. Respondent's smog check station

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1 license was in full force and effect at all times relevant to the charges brought herein and will
2 expire on October 31, 2007, unless renewed.

3 **Advanced Emission Specialist Technician License No. EA 306741**

4 6. In or about 1998, the Director issued Advanced Emission Specialist
5 Technician License Number EA 306741 to Respondent Singh. Respondent's advanced emission
6 specialist technician license was in full force and effect at all times relevant to the charges
7 brought herein and will expire on April 30, 2008, unless renewed.

8 **Advanced Emission Specialist Technician License No. EA 315216**

9 7. In or about 1997, the Director issued Advanced Emission Specialist
10 Technician License Number EA 315216 to James Florian Sindberg ("Respondent Sindberg").
11 Respondent's advanced emission specialist technician license was in full force and effect at all
12 times relevant to the charges brought herein and will expire on February 28, 2009, unless
13 renewed.

14 **JURISDICTION**

15 8. Business and Professions Code ("Bus. & Prof. Code") section 9884.7
16 provides that the Director may invalidate an automotive repair dealer registration.

17 9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the
18 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a
19 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a
20 registration temporarily or permanently.

21 10. Health and Safety Code ("Health & Saf. Code") section 44002 provides,
22 in pertinent part, that the Director has all the powers and authority granted under the Automotive
23 Repair Act for enforcing the Motor Vehicle Inspection Program.

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

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1 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued
2 an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass without performing
3 a bona fide inspection of the emission control devices and systems on the vehicle, thereby
4 depriving the People of the State of California of the protection afforded by the Motor Vehicle
5 Inspection Program.

6 **SIXTH CAUSE FOR DISCIPLINE**

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

8 24. Respondent Sindberg's advanced emission specialist technician license is
9 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
10 that Respondent failed to comply with the following sections of that Code:

- 11 a. **Section 44012:** Respondent failed to perform emission control tests on
12 the 1989 Oldsmobile Cutlass in accordance with procedures prescribed by
13 the department.
14 b. **Section 44059:** Respondent willfully made a false statement with regard
15 to a material matter on the VIR, as set forth in paragraph 19 above.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant
18 to the Motor Vehicle Inspection Program)**

19 25. Respondent Sindberg's advanced emission specialist technician license is
20 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
21 that Respondent failed to comply with the following sections of California Code of Regulations,
22 title 16:

- 23 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
24 issued an electronic smog certificate of compliance for the 1989
25 Oldsmobile Cutlass.
26 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
27 the 1989 Oldsmobile Cutlass in accordance with Health & Saf. Code

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1 sections 44012 and 44035, and California Code of Regulations, title 16,
2 section 3340.42.

3 c. **Section 3340.41, subdivision (c):** Respondent entered false
4 information into the EIS by entering vehicle identification information or
5 emission control system identification data for a vehicle other than the one
6 being tested.

7 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on
8 the 1989 Oldsmobile Cutlass in accordance with the Bureau's
9 specifications.

10 **EIGHTH CAUSE FOR DISCIPLINE**

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

12 26. Respondent's Sindberg's advanced emission specialist technician license
13 is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d),
14 in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.
15 Respondent issued an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass
16 without performing a bona fide inspection of the emission control devices and systems on the
17 vehicle, thereby depriving the People of the State of California of the protection afforded by the
18 Motor Vehicle Inspection Program.

19 **VIDEO SURVEILLANCE OF JUNE 6, 2007**

20 27. On June 6, 2007, a representative of the Bureau conducted a surveillance
21 operation at Respondent's Clinton Avenue facility. The Bureau determined through the
22 surveillance operation and information obtained from the Bureau's VID that Respondent
23 Sindberg issued electronic smog Certificate of Compliance #MS186934C on behalf of
24 Respondent Singh, certifying that he had tested and inspected a 1990 Chevrolet Lumina, License
25 #2SRC377, and that the vehicle was in compliance with applicable laws and regulations. In fact,
26 Respondent conducted the inspection using the exhaust emissions of another vehicle, a 1991
27 Toyota Camry, License #2WTR725 (clean-piping), resulting in the issuance of a fraudulent
28 certificate of compliance for the 1990 Chevrolet Lumina. The Bureau also determined that the

1 1990 Chevrolet Lumina had previously failed two smog inspections performed at another facility
2 located in Napa, California, once as a gross polluter.²

3 28. On July 5, 2007, the Bureau obtained a copy of a VIR from Smog 4 Less
4 relating to the smog inspection on the 1990 Chevrolet Lumina.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 29. Respondent Singh's ARD Registration is subject to disciplinary action
8 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or
9 authorized a statement which he knew or in the exercise of reasonable care should have known to
10 be untrue or misleading. Respondent's technician, Sindberg, represented on the VIR that he
11 performed the smog inspection on the 1990 Chevrolet Lumina in accordance with all Bureau
12 requirements and that the vehicle had passed inspection and was in compliance with applicable
13 laws and regulations. In fact, Respondent used clean-piping methods in order to issue a
14 certificate for the vehicle and did not test or inspect the vehicle as required by Health & Saf.
15 Code section 44012.

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 30. Respondent Singh's ARD registration is subject to disciplinary action
19 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed
20 an act which constitutes fraud. Respondent issued an electronic smog certificate of compliance
21 for the 1990 Chevrolet Lumina without performing a bona fide inspection of the emission control
22 devices and systems on the vehicle, thereby depriving the People of the State of California of the
23 protection afforded by the Motor Vehicle Inspection Program.

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27 2. Pursuant to Health & Saf. Code section 39032.5, "gross polluter" means a vehicle with excess
28 hydrocarbon, carbon monoxide, or oxides of nitrogen emissions as established by the department in consultation
with the state board.

1 control system identification data for a vehicle other than the one being
2 tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on
4 the 1990 Chevrolet Lumina in accordance with the Bureau's
5 specifications.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

8 33. Respondent Singh's smog check station license is subject to disciplinary
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
10 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued
11 an electronic smog certificate of compliance for the 1990 Chevrolet Lumina without performing
12 a bona fide inspection of the emission control devices and systems on the vehicle, thereby
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle
14 Inspection Program.

15 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

17 34. Respondent Sindberg's advanced emission specialist technician license is
18 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
19 that Respondent failed to comply with the following sections of that Code:

- 20 a. **Section 44012:** Respondent failed to perform emission control tests on
21 the 1990 Chevrolet Lumina in accordance with procedures prescribed by
22 the department.
23 b. **Section 44059:** Respondent willfully made a false statement with regard
24 to a material matter on the VIR, as set forth in paragraph 29 above.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**
3 **to the Motor Vehicle Inspection Program)**

4 35. Respondent Sindberg's advanced emission specialist technician license is
5 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
6 that Respondent failed to comply with the following sections of California Code of Regulations,
7 title 16:

- 8 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
9 issued an electronic smog certificate of compliance for the 1990
10 Chevrolet Lumina..
- 11 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
12 the 1990 Chevrolet Lumina in accordance with Health & Saf. Code
13 sections 44012 and 44035, and California Code of Regulations, title 16,
14 section 3340.42.
- 15 c. **Section 3340.41, subdivision (c):** Respondent entered false
16 information into the EIS by entering vehicle identification information or
17 emission control system identification data for a vehicle other than the one
18 being tested.
- 19 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on
20 the 1990 Chevrolet Lumina in accordance with the Bureau's
21 specifications.

22 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

24 36. Respondent Sindberg's advanced emission specialist technician license is
25 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
26 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.
27 Respondent issued an electronic smog certificate of compliance for the 1990 Chevrolet Lumina
28 without performing a bona fide inspection of the emission control devices and systems on the

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

3 **BLACKSTONE AVENUE FACILITY**

4 **VIDEO SURVEILLANCE OF JUNE 12, 2007**

5 37. On June 12, 2007, a representative of the Bureau conducted a surveillance
6 operation at Respondent's Blackstone Avenue facility. The Bureau determined through the
7 surveillance operation and information obtained from the Bureau's VID that Respondent
8 Sindberg issued electronic smog Certificate of Compliance #MS376764C on behalf of
9 Respondent Singh, certifying that he had tested and inspected a 1980 Chevrolet Camaro, License
10 #1DKV602 (the vehicle was subsequently issued a new license plate, #5ZPH711), and that the
11 vehicle was in compliance with applicable laws and regulations. In fact, Respondent conducted
12 the inspection using the exhaust emissions of another vehicle, a Ford Thunderbird (clean-piping),
13 resulting in the issuance of a fraudulent certificate of compliance for the 1980 Chevrolet Camaro.
14 The Bureau also determined that the 1980 Chevrolet Camaro had previously failed two smog
15 inspections performed in March 2006, at another facility located in Fresno, California. The
16 vehicle failed both inspections as a gross polluter.

17 38. On July 5, 2007, the Bureau obtained a copy of a VIR from Smog 4 Less
18 relating to the smog inspection on the 1980 Chevrolet Camaro.

19 **SEVENTEENTH CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 39. Respondent Singh's Automotive Repair Dealer Registration Number
22 AK 202254 (hereinafter "ARD Registration") is subject to disciplinary action pursuant to Bus. &
23 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement
24 which he knew or in the exercise of reasonable care should have known to be untrue or
25 misleading. Respondent's technician, Sindberg, represented on the VIR that he performed the
26 smog inspection on the 1980 Chevrolet Camaro in accordance with all Bureau requirements and
27 that the vehicle had passed inspection and was in compliance with applicable laws and

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1 regulations. In fact, Respondent used clean-piping methods in order to issue a certificate for the
2 vehicle and did not test or inspect the vehicle as required by Health & Saf. Code section 44012.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 40. Respondent Singh's ARD registration is subject to disciplinary action
6 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed
7 an act which constitutes fraud. Respondent issued an electronic smog certificate of compliance
8 for the 1980 Chevrolet Camaro without performing a bona fide inspection of the emission control
9 devices and systems on the vehicle, thereby depriving the People of the State of California of the
10 protection afforded by the Motor Vehicle Inspection Program.

11 **NINETEENTH CAUSE FOR DISCIPLINE**

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

13 41. Respondent Singh's Smog Check, Test Only, Station License Number
14 TK 202254 (hereinafter "smog check station license") is subject to disciplinary action pursuant to
15 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
16 the following sections of that Code:

- 17 a. **Section 44012:** Respondent failed to perform emission control tests on
18 the 1980 Chevrolet Camaro in accordance with procedures prescribed by
19 the department.
- 20 b. **Section 44015:** Respondent issued an electronic smog certificate of
21 compliance for the 1980 Chevrolet Camaro without properly testing and
22 inspecting the vehicle to determine if it was in compliance with Health
23 & Saf. Code section 44012.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**
3 **to the Motor Vehicle Inspection Program)**

4 42. Respondent Singh's smog check station license is subject to disciplinary
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
6 to comply with the following sections of California Code of Regulations, title 16:

- 7 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently
8 issued an electronic smog certificate of compliance for the 1980
9 Chevrolet Camaro.
- 10 b. **Section 3340.35, subdivision (c)**: Respondent issued an electronic smog
11 certificate of compliance for the 1980 Chevrolet Camaro even though
12 the vehicle had not been inspected in accordance with California Code of
13 Regulations, title 16, section 3340.42.
- 14 c. **Section 3340.41, subdivision (c)**: Respondent entered false information
15 into the EIS by entering vehicle identification information or emission
16 control system identification data for a vehicle other than the one being
17 tested.
- 18 d. **Section 3340.42**: Respondent failed to conduct the required smog tests on
19 the 1980 Chevrolet Camaro in accordance with the Bureau's
20 specifications.

21 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

23 43. Respondent Singh's smog check station license is subject to disciplinary
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
25 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued
26 an electronic smog certificate of compliance for the 1980 Chevrolet Camaro without performing
27 a bona fide inspection of the emission control devices and systems on the 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 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

5 44. Respondent Sindberg's advanced emission specialist technician license is
6 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
7 that Respondent failed to comply with the following sections of that Code:

- 8 a. **Section 44012:** Respondent failed to perform emission control tests on
9 the 1980 Chevrolet Camaro in accordance with procedures prescribed by
10 the department.
11 b. **Section 44059:** Respondent willfully made a false statement with regard
12 to a material matter on the VIR, as set forth in paragraph 39 above.

13 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant
15 to the Motor Vehicle Inspection Program)**

16 45. Respondent Sindberg's advanced emission specialist technician license is
17 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
18 that Respondent failed to comply with the following sections of California Code of Regulations,
19 title 16:

- 20 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
21 issued an electronic smog certificate of compliance for the 1980
22 Chevrolet Camaro.
23 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
24 the 1980 Chevrolet Camaro in accordance with Health & Saf. Code
25 sections 44012 and 44035, and California Code of Regulations, title 16,
26 section 3340.42.
27 c. **Section 3340.41, subdivision (c):** Respondent entered false
28 information into the EIS by entering vehicle identification information or

1 emission control system identification data for a vehicle other than the
2 one being tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on
4 the 1980 Chevrolet Camaro in accordance with the Bureau's
5 specifications.

6 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

8 46. Respondent Sindberg's advanced emission specialist technician license is
9 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
10 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.
11 Respondent issued an electronic smog certificate of compliance for the 1980 Chevrolet Camaro
12 without performing a bona fide inspection of the emission control devices and systems on the
13 vehicle, thereby depriving the People of the State of California of the protection afforded by the
14 Motor Vehicle Inspection Program.

15 **VIDEO SURVEILLANCE OF JUNE 28, 2007**

16 47. On June 28, 2007, a representative of the Bureau conducted a surveillance
17 operation at Respondent's Blackstone Avenue facility. The Bureau determined through the
18 surveillance operation and information obtained from the Bureau's VID that Respondent
19 Sindberg issued electronic smog certificates of compliance on behalf of Respondent Singh,
20 certifying that he had tested and inspected the vehicles identified below (vehicles 1 and 2) and
21 that the vehicles were in compliance with applicable laws and regulations. In fact, Sindberg
22 conducted the inspections using clean-piping methods, resulting in the issuance of fraudulent
23 certificates of compliance for the vehicles. Further, the Bureau determined that vehicle 1 had
24 failed a smog inspection as a gross polluter just three days earlier (June 25, 2007); the inspection
25 was performed at another facility located in Fresno, California. On July 5, 2007, the Bureau
26 obtained copies of the VIR's from Smog 4 Less relating to the smog inspections on vehicles 1
27 and 2.

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Time of Smog Inspection	Vehicle Certified	Certificate No.	Vehicle Actually Tested
1. 0851-0858	1995 Ford Windstar; License #CK28337 (the vehicle was subsequently issued a new license plate, #5YWD824)	MS515098C	Ford Taurus
2. 0904-0913	1984 Honda Accord; License #5UXF431	MS515099C	Toyota Tercel

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

48. Respondent Singh's ARD Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading. Respondent's technician, Sindberg, represented on the VIR's that he performed the smog inspections on vehicles 1 and 2, identified in paragraph 47 above, in accordance with all Bureau requirements and that the vehicles had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent used clean-piping methods in order to issue certificates for the vehicles and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Fraud)

49. Respondent Singh's ARD registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud. Respondent issued electronic smog certificates of compliance for vehicles 1 and 2, identified in paragraph 47 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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control system identification data for vehicles other than the ones being tested.

- d. **Section 3340.42:** Respondent failed to conduct the required smog tests on vehicles 1 and 2, identified in paragraph 47 above, in accordance with the Bureau's specifications.

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

52. Respondent Singh's smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured. Respondent issued electronic smog certificate of compliance for vehicles 1 and 2, identified in paragraph 47 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRTIETH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

53. Respondent Sindberg's advanced emission specialist technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the following sections of that Code:

- a. **Section 44012:** Respondent failed to perform emission control tests on vehicles 1 and 2, identified in paragraph 47 above, in accordance with procedures prescribed by the department.
- b. **Section 44059:** Respondent willfully made false statements with regard to a material matter on the VIR's, as set forth in paragraph 48 above.

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

3 **OTHER MATTERS**

4 56. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the
5 Director may refuse to validate, or may invalidate temporarily or permanently, the registrations
6 for all places of business operated in this state by Respondent Sarbjit Singh, owner of Smog 4
7 Less, including, but not limited to, Automotive Repair Dealer Registration Number AF 222344
8 and Automotive Repair Dealer Registration Number AK 202254, upon a finding that said
9 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
10 regulations pertaining to an automotive repair dealer.

11 57. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test
12 Only, Station License Number TF 222344, issued to Sarbjit Singh, owner of Smog 4 Less,
13 is revoked or suspended, any additional license issued under this chapter in the name of said
14 licensee, including, but not limited to, Smog Check, Test Only, Station License Number
15 TK 202254 and Advanced Emission Specialist Technician License Number EA 306741, may be
16 likewise revoked or suspended by the Director.

17 58. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test
18 Only, Station License Number TK 202254, issued to Sarbjit Singh, owner of Smog 4 Less,
19 is revoked or suspended, any additional license issued under this chapter in the name of said
20 licensee, including, but not limited to, Smog Check, Test Only, Station License Number
21 TF 222344 and Advanced Emission Specialist Technician License Number EA 306741 may be
22 likewise revoked or suspended by the Director.

23 59. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission
24 Specialist Technician License Number EA 315216, issued to Respondent James Florian
25 Sindberg, is revoked or suspended, any additional license issued under this chapter in the name
26 of said licensee may be likewise revoked or suspended by the Director.

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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 Registration Number AF 222344, issued to Sarbjit Singh, owner of Smog 4 Less;

2. Temporarily or permanently invalidating Automotive Repair Dealer Registration Number AK 202254, issued to Sarbjit Singh, owner of Smog 4 Less;

3. Temporarily or permanently invalidating any other automotive repair dealer registration issued to Sarbjit Singh;

4. Revoking or suspending Smog Check, Test Only, Station License Number TF 222344, issued to Sarbjit Singh, owner of Smog 4 Less;

5. Revoking or suspending Smog Check, Test Only, Station License Number TK 202254, issued to Sarbjit Singh, owner of Smog 4 Less;

6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Sarbjit Singh, including, but not limited to, Advanced Emission Specialist Technician License Number EA 306741;

7. Revoking or suspending Advanced Emission Specialist Technician License Number EA 315216, issued to James Florian Sindberg;

8. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of James Florian Sindberg;

9. Ordering Respondent Sarbjit Singh, owner of Smog 4 Less, and James Florian Sindberg, to pay the Director of Consumer Affairs the reasonable costs of the

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1 investigation and enforcement of this case, pursuant to Business and Professions Code section
2 125.3;

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

4 DATED: 9-26-07.

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

Complainant