

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

In the Matter of the Accusation Against:

**CALIFORNIA SMOG & REPAIR**  
1647 Front Street, Sp. A  
Livingston, CA 95334  
**DIONISIO DIAZ BUSTOS, PARTNER**  
**ISIDRO L. SOLORIO**  
Automotive Repair Dealer Registration No.  
ARD 206200  
Smog Check Station License No. RC 206200

and

**DIONISIO DIAZ BUSTOS**  
877 Maple Court  
Livingston, CA 95334  
Advanced Emission Specialist Technician License  
EA 038100

Respondents.

Case No. 79/11-75

OAH No. 2012051023

**DECISION**

The attached 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. The typographical errors on page 2, lines 10, 11 and 15, are noted: The expiration date of the Automotive Repair Dealer Registration No. ARD 206200 and the Smog Check Station License No. RC 206200 should be changed from "July 31, 2013" to "July 31, 2014."

This Decision shall become effective

AUG 30 2013

DATED: August 5, 2013

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
4 State Bar No. 108991  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0603  
Facsimile: (916) 327-8643  
7 E-mail: Brian.Turner@doj.ca.gov  
*Attorneys for Complainant*

8

9

10

11

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

12

13

14

15

16

17

18

19

20

21

22

23

In the Matter of the Accusation Against:  
**CALIFORNIA SMOG & REPAIR**  
1647 Front Street, Sp. A  
Livingston, CA 95334  
**DIONISIO DIAZ BUSTOS, PARTNER**  
**ISIDRO L. SOLORIO**  
Automotive Repair Dealer Registration No.  
ARD 206200  
Smog Check Station License No. RC 206200  
  
and  
  
**DIONISIO DIAZ BUSTOS**  
877 Maple Court  
Livingston, CA 95334  
Advanced Emission Specialist Technician  
License No. EA 038100  
  
Respondents.

Case No. 79/11-75  
OAH No. 2012051023

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

24

25

26

27

28

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

**PARTIES**

1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau). He brought this action solely in his official capacity and is represented in this matter by

1 Kamala D. Harris, Attorney General of the State of California, by Brian S. Turner, Deputy  
2 Attorney General.

3 2. Respondent California Smog & Repair; Dionisio Diaz Bustos; Partner Isidro L.  
4 Solorio; Respondent Advanced Emission Technician Specialist Dionisio Diaz Bustos  
5 (Respondents) are representing themselves in this proceeding and have chosen not to exercise  
6 their right to be represented by counsel.

7 3. On or about July 30, 1999, the Bureau issued Automotive Repair Dealer Registration  
8 No. ARD 206200 to California Smog & Repair; Dionisio Diaz Bustos; Isidro L. Solorio  
9 (Respondents). The Automotive Repair Dealer Registration was in full force and effect at all  
10 times relevant to the charges brought in Accusation No. 79/11-75 and will expire on July 31,  
11 2013, unless renewed.

12 4. On or about September 20, 1999, the Bureau issued Smog Check Station License No.  
13 RC 206200 to California Smog & Repair; Dionisio Diaz Bustos; Isidro L. Solorio (Respondent).  
14 The Smog Check Station License was in full force and effect at all times relevant to the charges  
15 brought in Accusation No. 79/11-75 and will expire on July 31, 2013, unless renewed.

16 5. In 1998 the Bureau issued Advanced Emission Specialist Technician License  
17 No. EA 038100 (technician license) to Dionisio Diaz Bustos (Respondent Bustos). The  
18 technician license was in full force and effect at all times relevant to the charges brought herein  
19 and will expire on April 30, 2014 unless renewed.

20 **JURISDICTION**

21 6. Accusation No. 79/11-75 was filed before the Director of Consumer Affairs  
22 (Director), for the Bureau, and is currently pending against Respondent and Respondent Bustos.  
23 The Accusation and all other statutorily required documents were properly served on Respondent  
24 and Respondent Bustos on April 11, 2011. Respondent and Respondent Bustos timely filed their  
25 Notice of Defense contesting the Accusation.

26 7. A copy of Accusation No. 79/11-75 is attached as exhibit A and incorporated herein  
27 by reference.

28 ///



1 Bustos understand and agree that they may not withdraw their agreement or seek to rescind the  
2 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt  
3 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
4 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
5 between the parties, and the Director shall not be disqualified from further action by having  
6 considered this matter.

7 14. The parties understand and agree that facsimile or email copies of this Stipulated  
8 Settlement and Disciplinary Order, including facsimile or email signatures thereto, shall have the  
9 same force and effect as the originals.

10 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
15 writing executed by an authorized representative of each of the parties.

16 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Director may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 206200  
21 issued to California Smog and Repair, Dionisio Diaz Bustos and Partner Isidro L. Solorio, Smog  
22 Check Station License No. RC 206200 issued to Respondent California Smog & Repair; Dionisio  
23 Diaz Bustos; Partner Isidro L. Solorio (Respondent) and Advanced Emission Specialist  
24 Technician License No. EA 038100 are revoked. The revocations are stayed and Respondent  
25 and Respondent Bustos are placed on probation for four (4) years on the following terms and  
26 conditions.

27 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 206200 issued  
28 to Respondent California Smog & Repair, Dionisio Diaz Bustos and Partner Isidro L. Isidro,

1 Smog Check Station License No. RC 206200 and Advanced Emission Specialist Technician No.  
2 EA 038100 are each suspended for fifteen (15) consecutive days commencing on the effective  
3 date of the disciplinary order.

4 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
5 automotive inspections, estimates and repairs.

6 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
7 and ending dates of the suspensions and stating the reason (s) for the suspensions. The sign shall  
8 be conspicuously displayed in a location open to and frequented by customers and shall remain  
9 posted during the entire period of actual suspension.

10 4. **Reporting.** Respondent and Respondent Bustos or their authorized representative  
11 must report in person or in writing as prescribed by the Bureau on a schedule set by the Bureau,  
12 but no more frequently than each quarter, on the methods used and success achieved in  
13 maintaining compliance with the terms and conditions of probation.

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

18 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
19 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

20 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
21 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
22 until the final decision on the accusation, and the period of probation shall be extended until such  
23 decision. If an accusation is filed against Respondent Bustos' Advanced Emission Specialist  
24 Technician License during the term of probation, the Director shall have continuing jurisdiction  
25 over this matter until a final decision on the accusation, and the period of probation shall be  
26 extended until such decision.

27 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
28 Respondent and/or Respondent Bustos have failed to comply with the terms and conditions of

1 probation, the Department may, after giving notice and opportunity to be heard temporarily or  
2 permanently suspend or revoke Respondent's Automotive Dealer Registration and/or Smog  
3 Check Station Licenses and/or Respondent Bustos' Advanced Emission Specialist Technician's  
4 License.

5 9. **False and Misleading Advertising.** If the accusation involves false and misleading  
6 advertising, during the period of probation, Respondent shall submit any proposed advertising  
7 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

8 10. **Continuing Education Courses.** During the period of probation, Respondent Bustos  
9 shall attend and successfully complete a sixty-eight (68) hour License Inspector Training Course.  
10 The course shall be completed and proof of completion submitted to the Bureau within 180 days  
11 of the effective date of this decision and order. If proof of completion of the course is not  
12 furnished to the Bureau within the 180 day period, Respondent's Advanced Emission Specialist  
13 Technician License shall be immediately suspended until such proof is received.

14 11. **Restrictions.** During the period of probation, Respondent and Respondent Bustos  
15 shall not perform any form of smog inspection, or emission system diagnosis or repair, until  
16 Respondent has purchased, installed, and maintained the diagnostic and repair equipment  
17 prescribed by BAR necessary to properly perform such work, and BAR has been given 10 days  
18 notice of the availability of the equipment for inspection by a BAR representative.

19 12. **Cost Recovery.** Payment to the Bureau of the full amount of costs of investigation  
20 and enforcement in the amount of \$8,297 shall be received no later than twelve (12) months  
21 before probation terminates. Payments shall be made in equal monthly installments starting with  
22 the effective date of this disciplinary order. Failure to complete payment of cost recovery within  
23 this time frame shall constitute a violation of probation which may subject Respondent's  
24 registration and license and Respondent Bustos' license to outright revocation; however, the  
25 Director or the Director's Bureau of Automotive Repair designee may elect to continue probation  
26 until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

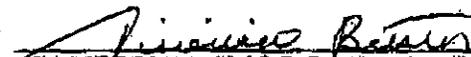
27 ///

28 ///

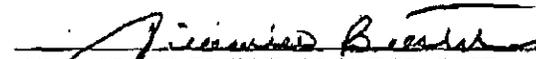
1 ACCEPTANCE

2 We have carefully read the Stipulated Settlement and Disciplinary Order. We understand  
3 the stipulation and the effect it will have on our Automotive Repair Dealer Registration, Smog  
4 Check Station License and Advanced Emission Specialist Technician License. We enter into this  
5 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
6 to be bound by the Decision and Order of the Director of Consumer Affairs.

7  
8 DATED: 12-14-2012

  
9 CALIFORNIA SMOG & REPAIR; DIONISIO DIAZ  
BUSTOS; ISIDRO L. SOLORIO  
10 Respondent

11 DATED: 12-14-2012

  
12 ADVANCED EMISSION SPECIALIST  
13 DIONISIO DIAZ BUSTOS  
14 Respondent

15  
16  
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Director of Consumer Affairs.

20  
21 Dated: 12/14/12

Respectfully submitted,  
22 KAMALA D. HARRIS  
Attorney General of California  
23 JANICE K. DACHMAN  
Supervising Deputy Attorney General

  
24  
25 BRIAN S. TURNER  
26 Deputy Attorney General  
Attorneys for Complainant

27 SA2010102635  
28 11008029.docx

**Exhibit A**

**Accusation No. 79/11-75**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
4 State Bar No. 108991  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0603  
Facsimile: (916) 327-8643  
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:  
13 **CALIFORNIA SMOG & REPAIR**  
1647 Front Street, Sp. A  
Livingston, CA 95334  
14 **DIONISIO DIAZ BUSTOS, PARTNER**  
**ISIDRO L. SOLORIO**  
15 Automotive Repair Dealer Registration No.  
ARD 206200  
16 Smog Check Station License No. RC 206200  
17 and  
18 **DIONISIO DIAZ BUSTOS**  
877 Maple Court  
19 Livingston, CA 95334  
Advanced Emission Specialist Technician  
20 License No. EA 038100  
21 Respondents.

Case No. 79/11-75

**ACCUSATION**  
**SMOG CHECK**

23 Complainant alleges:

24 **PARTIES**

25 I. 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.

27 ///  
28 ///

1           **Automotive Repair Dealer Registration**

2           2.     On or about July 30, 1999, the Bureau issued Automotive Repair Dealer Registration  
3     Number ARD 206200 ("registration") to California Smog & Repair ("Respondent California  
4     Smog") with Dionisio Diaz Bustos and Isidro L. Solorio as partners. The registration was in full  
5     force and effect at all times relevant to the charges brought herein and will expire on July 31,  
6     2011, unless renewed.

7           **Smog Check Station License**

8           3.     On or about September 20, 1999, the Bureau issued Smog Check Station License  
9     Number RC 206200 ("station license") to Respondent California Smog. The station license was  
10    in full force and effect at all times relevant to the charges brought herein and will expire on July  
11    31, 2011, unless renewed.

12           **Advanced Emission Specialist Technician License**

13           4.     On a date uncertain in 1998, the Bureau issued Advanced Emission Specialist  
14    Technician License Number EA 038100 ("technician license") to Dionisio Diaz Bustos  
15    ("Respondent Bustos"). The technician license was in full force and effect at all times relevant to  
16    the charges brought herein and will expire on April 30, 2012, unless renewed.

17                                    **STATUTORY PROVISIONS**

18           5.     Section 9884.7 of the Code states, in pertinent part:

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

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

28                   (4) Any other conduct which constitutes fraud.

                 (b) Except as provided for in subdivision (c), if an automotive repair  
dealer operates more than one place of business in this state, the director pursuant to  
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.

1 (c) Notwithstanding subdivision (b), the director may invalidate  
temporarily or permanently, the registration for all places of business operated in this  
2 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  
3 regulations adopted pursuant to it.

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

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

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

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

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

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

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

22 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
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 ///

28 ///

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  
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 licensee 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 FACTUAL BACKGROUND

10 13. The Bureau conducted a detailed review of the Vehicle Information Database  
11 ("VID") for all smog inspections performed at Respondent California Smog's facility for the  
12 period March 1, 2010, through May 25, 2010. The VID showed that two different diagnostic  
13 trouble codes stored in memory of the power train control module ("PCM") on two different  
14 vehicles. Vehicles 1 and 2, set forth in the Table 1, below, were both certified with the pending  
15 codes stored in the PCM memory while the original equipment manufacturer ("OEM") service  
16 information shows these two vehicles do not support the pending codes stored in the PCM  
17 memory. The vehicles receiving smog certificates were not tested during the OBD II functional  
18 test<sup>1</sup> and another vehicle was used, constituting clean plugging<sup>2</sup>. Respondent Bustos performed  
19 both smog inspections.

20 ///

21 ///

22 <sup>1</sup> The On Board Diagnostics (OBD II) functional test is an automated function of the  
23 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an  
24 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is  
25 located inside the vehicle. Through 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 <sup>2</sup> Clean plugging is the use of the OBD II readiness monitor status and stored fault code  
27 (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to  
28 another vehicle 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.

TABLE 1

Date and Time	Vehicle Certified	Certificate No.	Technician
1. 3/3/2010 1413 – 1429 hours	2002 GMC K1500 Denali License No. 4WYP528	NQ970441C	Bustos
2. 3/9/2010 0925 – 0934 hours	2002 Nissan Maxima License No. 4WKS403	NS051521C	Bustos

**FIRST CAUSE FOR DISCIPLINE**

(Misleading Statements)

14. Respondent California Smog has subjected its registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 3, 2010, and March 9, 2010, it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading as follows: Respondent California Smog certified that vehicles 1 and 2, identified in Table 1, above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent California Smog conducted the inspections on those vehicles using clean plugging methods by substituting or using different vehicles during the OBD II functional tests in order to issue smog certificates of compliance for those vehicles, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

**SECOND CAUSE FOR DISCIPLINE**

(Fraud)

15. Respondent California Smog has subjected its registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 3, 2010, and March 9, 2010, it committed acts which constitute fraud by issuing electronic certificates of compliance for vehicles 1 and 2, identified 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 c. **Section 3340.42:** Respondent California Smog failed to conduct the required smog  
2 tests and inspections on those vehicles in accordance with the Bureau's specifications.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 18. Respondent California Smog subjected its station license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (d), in that on or about March 3, 2010, and March  
7 9, 2010, regarding vehicles 1 and 2, identified in Table 1, above, it committed acts involving  
8 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
9 compliance for those vehicles without performing bona fide inspections of the emission control  
10 devices and system on the vehicles, thereby depriving the People of the State of California of the  
11 protection afforded by the Motor Vehicle Inspection Program.

12 **SIXTH CAUSE FOR DISCIPLINE**

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

14 19. Respondent Bustos has subjected his technician license to discipline under Health and  
15 Safety Code section 44072.2, subdivision (a), in that on or about, March 3, 2010, and March 9,  
16 2010, regarding vehicles 1 and 2, identified in Table 1, above, Respondent Bustos failed to  
17 comply with section 44012 of that Code in a material respect, as follows: Respondent Bustos  
18 failed to perform the emission control tests on vehicles 1 and 2, in accordance with procedures  
19 prescribed by the department.

20 **SEVENTH CAUSE FOR DISCIPLINE**

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

22 20. Respondent Bustos has subjected his technician license to discipline under Health and  
23 Safety Code section 44072.2, subdivision (c), in that on or about March 3, 2010, and March 9,  
24 2010, regarding vehicles 1 and 2, identified in Table 1, above, he violated sections of the  
25 California Code of Regulations, title 16, as follows:

26 a. **Section 3340.24, subdivision (e):** Respondent Bustos falsely or fraudulently issued  
27 electronic certificates of compliance without performing bona fide inspections of the emission  
28

1 control devices and systems on those vehicles as required by Health and Safety Code section  
2 44012.

3 b. Section 3340.30, subdivision (a): Respondent Bustos failed to inspect and test those  
4 vehicles in accordance with Health and Safety Code section 44012.

5 c. Section 3340.42: Respondent Bustos failed to conduct the required smog tests and  
6 inspections on those vehicles in accordance with the Bureau's specifications.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Bustos has subjected his technician license to discipline under Health and  
10 Safety Code section 44072.2, subdivision (d), in that on or about March 3, 2010, and March 9,  
11 2010, regarding vehicles 1 and 2, identified in Table 1, above, he committed acts involving  
12 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
13 compliance without performing bona fide inspections of the emission control devices and systems  
14 on those vehicles, thereby depriving the People of the State of California of the protection  
15 afforded by the Motor Vehicle Inspection Program.

16 **OTHER MATTERS**

17 22. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
18 or may invalidate temporarily or permanently, the registrations for all places of business operated  
19 in this state by California Smog & Repair, upon a finding that it has, or is, engaged in a course of  
20 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
21 dealer.

22 23. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License  
23 Number RC 206200, issued to California Smog & Repair, is revoked or suspended, any additional  
24 license issued under this chapter in the name of said licensee may be likewise revoked or  
25 suspended by the director.

26 24. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
27 Technician License Number BA 038100, issued to Dionisio Diaz Bustos, is revoked or  
28

1 suspended, any additional license issued under this chapter in the name of said licensee may be  
2 likewise revoked or suspended by the director.

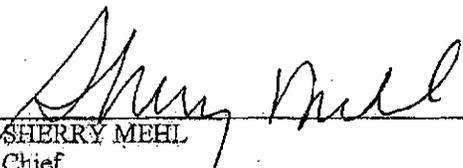
3 PRAYER

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

- 6 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
7 Registration Number ARD 206200, issued to California Smog & Repair;
- 8 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
9 registration issued to California Smog & Repair;
- 10 3. Revoking or suspending Smog Check Station License Number RC 206200, issued to  
11 California Smog & Repair;
- 12 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
13 and Safety Code in the name of California Smog & Repair;
- 14 5. Revoking or suspending Advanced Emission Specialist Technician License Number  
15 EA 038100, issued to Dionisio Diaz Bustos;
- 16 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
17 and Safety Code in the name of Dionisio Diaz Bustos;
- 18 7. Ordering California Smog & Repair and Dionisio Diaz Bustos, to pay the Bureau of  
19 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
20 pursuant to Business and Professions Code section 125.3; and,
- 21 8. Taking such other and further action as deemed necessary and proper.

22  
23  
24 DATED: \_\_\_\_\_

3/9/11

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

25  
26  
27  
28 SA2010102635  
10655957.doc