1	Xavier Becerra	
	Attorney General of California CHAR SACHSON	
	Supervising Deputy Attorney General	
	LESLIE E. BRAST Deputy Attorney General	
	State Bar No. 203296 455 Golden Gate Avenue, Suite 11000	
;	San Francisco, CA 94102-7004 Telephone: (415) 510-3373	
	Facsimile: (415) 703-5480 Attorneys for Complainant	
, ⁻	Allorneys for Complainant	
	BEFORE 1	THE
	DEPARTMENT OF CON FOR THE BUREAU OF AU	
	FOR THE BUREAU OF AU STATE OF CAL	
· -	In the Matter of the Accusation Against:	Case No. 79 116-16114
	MARTIN HERNANDEZ – OWNER, D.B.A. TRI VALLEY CAR CARE	ACCUSATION
	1412 Portola Ave. Livermore, CA 94551	
	Mailing Address: 1739 First St.	
	Livermore, CA 94550	
	Automotive Repair Dealer Registration No. ARD 250215	
	Smog Check Station License No. RC 250215	
	MARTIN HERNANDEZ – OWNER, D.B.A. TRI VALLEY CAR CARE	
	1737 First St. Livermore, CA 94550	· ·
	Automotive Repair Dealer	
	Registration No. ARD 250216 Smog Check Station License No. RC 250216	
	MARTIN HERNANDEZ – OWNER,	
•	D.B.A. TRI VALLEY CAR CARE 4212 First Street	
	Pleasanton, CA 94566 Mailing Address:	
	1739 First St. Livermore, CA 94550	
	Automotive Repair Dealer	
	Registration No. ARD 263831 Smog Check Station License No. TC 263831	
	······································	

1	MAGNO RAMON ANGEL
2 .	331 Beall Cir. Westley, CA 95387
. 3	Mailing Address: PO Box 273
4	Westley, CA 95387 Smog Check Inspector License No. EO 635174
5	
_	NICK NOEL ANKLAM 474 Humboldt Way
6	Livermore, CA 94551 Smog Check Inspector License No. EO 635425
,7	Smog Check Repair Technician License No. EI 635425
8	JONATHAN EZEQUIEL VILLEGAS
9	849 E. Stanley Blvd. #191 Livermore, CA 94550
- 10	Smog Check Inspector License No. EO 635766
11	CHRISTOPHER MARTIN HERNANDEZ 1737 First St.
12	Livermore, CA 94550
13	Mailing Address: 1070 Glenn Canyon
14	Livermore, CA 94551 Smog Check Inspector License No. EO 631794
15	Smog Check Repair Technician License No. EI 631794
16	Respondents.
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18	Complainant alleges:
19	PARTIES
20	1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
21	the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.
22	2. On or about May 18, 2007, the Bureau issued Automotive Repair Dealer Registration
23	Number ARD 250215 to Martin Hernandez – Owner, d.b.a. Tri Valley Car Care (Respondent
24	Owner). On or about February 23, 2015, the Bureau issued Smog Check Station License Number
25	RC 250215 to Respondent Owner. The Automotive Repair Dealer Registration and the Smog
26	Check Station License were in full force and effect at all times relevant to the charges brought
27	herein and will expire on April 30, 2019, unless renewed.
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3. In 2007 the Bureau issued Automotive Repair Dealer Registration Number ARD 250216 to Respondent Owner. On or about June 10, 2015, the Bureau issued Smog Check Station License Number RC 250216 to Respondent Owner. The Automotive Repair Dealer Registration and the Smog Check Station License were in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2019, unless renewed.

6 4. On or about January 19, 2011, the Bureau issued Automotive Repair Dealer
7 Registration Number ARD 263831 to Respondent Owner. On or about February 27, 2011, the
8 Bureau issued Smog Check Station License Number TC 263831 to Respondent Owner. The
9 Automotive Repair Dealer Registration and Smog Check Station License were in full force and
10 effect at all times relevant to the charges brought herein and will expire on January 31, 2019,
11 unless renewed.

5. On or about January 30, 2013, the Bureau issued Smog Check Inspector License
Number EO 635174 to Magno Ramon Angel (Respondent Angel). The Smog Check Inspector
License was in full force and effect at all times relevant to the charges brought herein and will
expire on December 31, 2018, unless renewed.

On or about April 19, 2013, the Bureau issued Smog Check Inspector License
 Number EO 635425 to Nick Noel Anklam (Respondent Anklam). On or about September 20,
 2016, the Bureau issued Smog Check Repair Technician License Number EI 635425 to
 Respondent Anklam. Both licenses were in full force and effect at all times relevant to the
 charges brought herein and will expire on December 31, 2020, unless renewed.

7. On or about July 15, 2013, the Bureau issued Smog Check Inspector License Number
 EO 635766 to Jonathan Ezequiel Villegas (Respondent Villegas). The Smog Check Inspector
 License was in full force and effect at all times relevant to the charges brought herein and will
 expire on April 30, 2019, unless renewed.

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8. In February 2010, Advanced Emission Specialist Technician License Number EA
 631794 was issued to Christopher Martin Hernandez (Respondent Hernandez), and cancelled on
 December 30, 2013. ¹ Thereafter, the license was renewed pursuant to Respondent's election as
 Smog Check Inspector License Number EO 631794, effective December 30, 2013, and Smog
 Check Repair Technician License Number EI 631794, effective October 1, 2014. Both licenses
 were in full force and effect at all times relevant to the charges brought herein and will expire on
 December 31, 2019, unless renewed.

JURISDICTION

9 9. This Accusation is brought before the Director of the Department of Consumer
10 Affairs (Director) for the Bureau under the authority of the following laws.

10. Section 9884.13 of the Business and Professions Code (Code) provides, in pertinent 12 part, that the expiration of a valid registration shall not deprive the Director or Bureau Chief of 13 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to 14 render a decision invalidating a registration temporarily or permanently.

15 11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
16 expiration or suspension of a license by operation of law, or by order or decision of the Director,
17 or a court of law, or the voluntary surrender of the license, shall not deprive the Director of
18 jurisdiction to proceed with disciplinary action.

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

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¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license and and/or Smog Check Repair Technician (EI) license.

1	STATUTORY AND REGULATORY PROVISIONS
2	13. Section 9884.7 of the Code states, in pertinent part:
3 4 5 6	(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
7	(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
9	••••
	(4) Any other conduct that constitutes fraud.
10	• • •
11 12	(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
13	•••
14	(c) Notwithstanding subdivision (b), the director may suspend, revoke, or
15 16	place on probation 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.
17	14. Section 44012 of the Health and Safety Code requires that tests at smog check
18	stations be performed in accordance with procedures prescribed by the department.
19	15. Section 44059 of the Health and Safety Code states, in pertinent part:
20	The willful making of any false statement or entry with regard to a
21	material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury
22	and is punishable as provided in the Penal Code.
23	16. Section 44072.2 of the Health and Safety Code states, in pertinent part:
24 25	The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
26	(a) Violates any section of this chapter and the regulations adopted
27	pursuant to it, which related to the licensed activities.
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	(MARTIN HERNANDEZ, d.b.a. Tri Valley Car Care, et al.) ACCUSATIO

1	(c) Violates any of the regulations adopted by the director pursuant to this chapter.
2	(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured."
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4 5	(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.
6	17. Section 44072.10(c) of the Health and Safety Code states:
7	The department shall revoke the license of any smog check technician or
8	station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:
9	
10	(1) Clean piping, as defined by the department
11	18. California Code of Regulations, title 16, section 3340.24(c) states:
12	The bureau may suspend or revoke the license of or pursue other legal
13	action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.
14	19. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:
15	A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:
16	(a) Inspect, test and repair vehicles, as applicable, in accordance with
17	section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.
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20	20. California Code of Regulations, title 16, section 3340.41(c), states:
21	No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for
22	any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.
23	
24	21. California Code of Regulations, title 16, section 3340.42, states, in pertinent part:
25	Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.
26	(a) All vehicles subject to a smog check inspection, shall receive one of
27	the following test methods:
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	(MARTIN HERNANDEZ, d.b.a. Tri Valley Car Care, et al.) ACCUSATIO

1 2	(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.
3	(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:
5	(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.
6 7	(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.
8	22. California Code of Regulations, title 16, section 3340.45, states:
9 10	(a) All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the following:
11	(1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.
12 13	(2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This manual shall become effective on or after January 1, 2013.
14	<u>COSTS</u>
15	23. Code section 125.3 provides, in pertinent part, that a Board may request the
16	administrative law judge to direct a licentiate found to have committed a violation or violations of
17	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
. 18	enforcement of the case.
.19	FACTUAL SUMMARY
20	Smog Check Program Background
21	24. California's Smog Check Program requires the owners of most motor vehicles in
22	California to take and pass a Smog Check inspection and receive a Certificate of Compliance
23.	every two years when renewing their registration and also when the vehicle's title is transferred.
24	These inspections are performed by Smog Check inspectors at Smog Check Stations, both of
25	which are licensed by the Bureau of Automotive Repair (BAR).
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27	111
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25. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a vehicle's configuration (e.g., all-wheel drive or traction control), a similar test called a Two Speed Idle (TSI) is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions at idle as well as 2500 RPM.

9 26. The inspector also performs visual and functional tests on the vehicle as outlined in 10 the Smog Check Manual. The visual inspection of the emission control components verifies that 11 the required emission control devices are present and properly connected. Functional tests are 12 also performed which, depending on the vehicle, may include checking the vehicle's various 13 controls and systems (e.g., ignition timing, malfunction indicator light, exhaust gas recirculation 14 system, etc.).

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The BAR-OIS

27. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
the use of the On Board Diagnostic Inspection System (BAR-OIS) instead of the Emission
Inspection System (EIS) for the smog testing of 2000 model year and newer gas powered and
hybrid vehicles.

28. The new BAR-OIS smog inspection utilizes a Data Acquisition Device (DAD), a
computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a
vehicle's On Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAROIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the
vehicle. The bar code scanner is used to input technician information, the vehicle identification
number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection
Reports.

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29. Data retrieved and recorded during an BAR-OIS smog check can include: the eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle's specific "language" that the PCM uses to relay information; and the number of Parameter Identifications (PIDs), which is the number of specific data values that vehicle's PCM provides related to emission controls.²

30. As part of BAR-OIS smog inspections, the technician also performs a visual and functional test on the vehicle. The BAR-OIS software makes the determination whether or not the vehicle passes the inspection based on the results of the data and the visual and functional tests. If the vehicle passes the inspection, a certificate of compliance is issued. The information from the smog inspection is then transmitted to the Vehicle Information Data (VID). The technician affirms a statement for each inspection that the inspection performed complied with all applicable laws and regulations.

31. The Bureau can access the VID to view test data on smog check inspections
performed at any Smog Check station. The Bureau can also search for, retrieve, and print the test
record for any particular vehicle which has been tested.

32. The Bureau has become aware of several methods used by Smog Check stations and
Smog Check technicians to issue improper/fraudulent smog certificates of compliance. One
method is known as clean plugging. Clean plugging involves using another vehicle's properly
functioning OBD II system, or another source, to generate passing diagnostic readings for a
vehicle that is not in smog compliance or not even present for testing.

Clean Plugging Allegations

33. The Bureau initiated an investigation of Respondents. A review of the data revealed
that the following vehicles purportedly tested by Respondents at three of Respondent Owner's
shops were clean plugged and issued fraudulent certificates of compliance as detailed below.
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² For PID count and communication protocol, the "Expected Value" reported on the charts, below, is the value generated by like vehicles.

n December 2015 and F an plugged and issued f spondent Owner's Porte 2004 HONE	 12 PORTOLA AVENUE LIVERMORE Sebruary 2017, Respondents Straudulent certificates of consola Avenue shop in Livermo OA ACCORD EX, VIN 1HO Technician: Respondent HO eVIN Number 	mpliance to the folore, California: GCM725X4A0101	llowing 11
an plugged and issued f spondent Owner's Porte 2004 HONE Cert. # QA872266C	Fraudulent certificates of con ola Avenue shop in Livermo DA ACCORD EX, VIN 1H0 Technician: Respondent H0	mpliance to the folore, California: GCM725X4A0101	llowing 11
spondent Owner's Porte 2004 HONE Cert. # QA872266C	ola Avenue shop in Livermo DA ACCORD EX, VIN 1H0 Technician: Respondent H0	ore, California: GCM725X4A0101	
2004 HONE Cert. # QA872266C	DA ACCORD EX, VIN 1HO Technician: Respondent Ho	GCM725X4A0101	.52
Cert. # QA872266C	Technician: Respondent He		.52
Cert. # QA872266C	Technician: Respondent He		152
Cert. # QA872266C		ernandez	
	eVIN Number		
Fraudulent Inspection		Protocol	PID Cour
x	IHGCP26469A066124 ³	ICAN29bt500	37 19
(12/16/2015)			
Expected Value	Not Reported	I914	20
		ŕ	
2010 NISSAN	SENTRA/S/SR/SL, VIN 3	N1AB6AP1AL67	/9 ⁰ 40
	Technician: Respondent	Villegas	
Cert. # YZ134479C	eVIN Number	Protocol	PID Cour
Fraudulent Inspection	Not Reported	19140808	18
(2/26/2016)			
Expected Value	3N1AB6AP1AL679040	ICAN11BT5	39
	······································		•
		·	
	•		
A066124, was certified	at Tri Valley Car Care on I	December 19, 201	5, and was t)4 Honda
	2010 NISSAN Cert. # YZ134479C Fraudulent Inspection (2/26/2016) Expected Value OIS data also showed t A066124, was certified penerate the frauduler	2010 NISSAN SENTRA/S/SR/SL, VIN 3 Technician: Respondent V Cert. # YZ134479C Fraudulent Inspection Not Reported (2/26/2016) Expected Value 3N1AB6AP1AL679040 OIS data also showed that a 2009 Honda Accord I A066124, was certified at Tri Valley Car Care on Do generate the fraudulent Smog Certificate of Company 10	2010 NISSAN SENTRA/S/SR/SL, VIN 3N1AB6AP1AL67 Technician: Respondent Villegas Cert. # YZ134479C eVIN Number Protocol Fraudulent Inspection Not Reported I9140808 (2/26/2016)

CLEAN PLUG #3	2001 NISSAN MAXII	MA GXE/SE/GLE/20ANNI Technician: Respondent		A21T31726
PLUG #3	Cert. # QC639766C	eVIN Number	Protocol	
	Fraudulent Inspection	1FMJK1H52EEF27841 ⁴	ICAN11bt500	PID Cour
	(6/20/2016)	IFWJKINJZEEFZ/041	ICANT 101500	43
	Expected Value	Not Reported	 I914	22
L				
CLEAN	2007 CHEVROLE	T AVALANCHE C1500, V	IN 3GNEC12077	'G196337 ⁵
PLUG #4		Technician: Respondent	Angel	
-	Cert. # ZJ106903C	eVIN Number	Protocol	PID Cour
	Fraudulent Inspection	2GCEC19T3111359816	JVPW1850	23
	(8/13/2016)			
·	Expected Value	3GNEC12077G196337	ICAN11bt5	44 1 77
CLEAN	Expected Value 2005 SUBARU	IMPREEZA WRX STI, VI		44 7
CLEAN PLUG #5	2005 SUBARU	IMPREEZA WRX STI, VI Technician: Respondent	N JF1GD70605L Angel	511008
		IMPREEZA WRX STI, VI	N JF1GD70605L	511008
	2005 SUBARU	IMPREEZA WRX STI, VI Technician: Respondent	N JF1GD70605L Angel	511008
	2005 SUBARU Cert. # ZJ302906C	IMPREEZA WRX STI, VI Technician: Respondent eVIN Number	N JF1GD70605L Angel Protocol	511008 PID Cour
	2005 SUBARU Cert. # ZJ302906C Fraudulent Inspection	IMPREEZA WRX STI, VI Technician: Respondent eVIN Number	N JF1GD70605L Angel Protocol	511008 PID Cour
PLUG #5 4 Th 1FMJK1H52 day, and was Nissan Maxi ⁵ OI check inspec performed. ⁶ Th 2GCEC19T	2005 SUBARU Cert. # ZJ302906C Fraudulent Inspection (8/20/2016) Expected Value e OIS data also showed t 2EEF27841, was certified s the vehicle used to gene ima. S data showed that the sa ction at A+ Auto Service e OIS data also showed t 311135981, was certified	IMPREEZA WRX STI, VI Technician: Respondent eVIN Number Not Reported JF1GD70605L511008 hat a 2014 Ford Expedition d at Tri Valley Car Care by erate the fraudulent certification the 2007 Chevrolet Avalance Center the same day the fraction that a 2001 Chevrolet Silver at Tri Valley Car Care by F	N JF1GD70605L Angel Protocol I9140808 KWPF EL XLT/KING R Respondent Ange te of compliance f che C1500 failed a udulent inspection ado C1500, VIN Respondent Angel	511008 PID Coun 21 19 RA, VIN l on the same for the 2001 an OIS smog n was on the same
PLUG #5 4 Th 1FMJK1H52 day, and was Nissan Maxi ⁵ OI check inspec performed. ⁶ Th 2GCEC19T	2005 SUBARU Cert. # ZJ302906C Fraudulent Inspection (8/20/2016) Expected Value e OIS data also showed t 2EEF27841, was certified s the vehicle used to gene ima. S data showed that the sa ction at A+ Auto Service e OIS data also showed t 311135981, was certified s the vehicle used to gene	IMPREEZA WRX STI, VI Technician: Respondent eVIN Number Not Reported JF1GD70605L511008 hat a 2014 Ford Expedition d at Tri Valley Car Care by erate the fraudulent certification ume 2007 Chevrolet Avaland Center the same day the fraction hat a 2001 Chevrolet Silver	N JF1GD70605L Angel Protocol I9140808 KWPF EL XLT/KING R Respondent Ange te of compliance f che C1500 failed a udulent inspection ado C1500, VIN Respondent Angel	511008 PID Coun 21 19 RA, VIN l on the same for the 2001 an OIS smog n was on the same

CLEAN	2008 GM(C SIERRA C1500, VIN 1G	TEC14X78Z1127	02
PLUG #6		Technician: Respondent	Angel	• .
-	Cert. # ZJ302920C	eVIN Number	Protocol	PID Cou
	Fraudulent Inspection	Not Reported	19140808	17
-	(8/22/2016)	•		
	Expected Value	1GTEC14X78Z112702	ICAN11bt5	43 7
•				······································
CLEAN	2005 HYUNDA	I ELANTRA GLS/GT, VIN	KMHDN46D25U	J069904
PLUG #7		·Technician: Respondent	Angel	
	Cert. # ZJ522038C	eVIN Number	Protocol	PID Cou
	Fraudulent Inspection	1J4RS6GT4BC503904 ⁷	ICAN11bt500	41
	(8/31/2016)			
	Expected Value	KMHDN46D25U069904	KWPF	15 17 1, 1
-				1, 17 or 17
			· .	
CLEAN	2006 TOY	OTA SCION XB, VIN JTI	.KT324X6403561	9
PLUG #8		Technician: Respondent	Angel	· .
	Cert. # QE143512C	eVIN Number	Protocol	PID Cou
	Fraudulent Inspection	1J4RS6GT4BC503904 ⁸	ICAN11bt500	· 41
•	(9/13/2016)			
	Expected Value	JTLKT324X64035619	ICAN11bt5	34
		•		
		•		
7 DN	VV records show that the	e vehicle used to generate th	e fraudulent certif	icate of
compliance 1J4RS6GT4	for the 2005 Hyundai Ela BC503904, registered to	antra was a 2011 Jeep Grand Respondent Angel.	I Cherokee Overla	ind, VIN
. ⁸ DN	IV records show that the	vehicle used to generate the	fraudulent certifi	cate of
compliance 1J4RS6GT4	for the 2006 Toyota Scio BC503904, registered to	n XB was a 2011 Jeep Gran Respondent Angel.	id Cherokee Over]	and, VIN

	2005 CHEVR	OLET CORVETTE, VIN 1	G1YY24U05510	4978 ⁹
PLUG #9		Technician: Respondent	Angel	
	Cert. # QG578670C.	eVIN Number	Protocol	PID Count
	Fraudulent Inspection	Not Reported	JVPW1850	22
	(10/29/2016) .			
	Expected Value	1G1YY24U055104978	ICAN11bt5	43, 43 7, 0
				43 7 15.
	· · · · · · · · · · · · · · · · · · ·			
CLEAN	2000 Te	OYOTA RAV4, VIN JT3GI	210V6Y7066779	
PLUG #10)	Technician: Respondent	Angel	
	Cert. # ZJ994074C	eVIN Number	Protocol	PID Count
	Fraudulent Inspection	1J4RS6GT4BC503904 ¹⁰	ICAN11bt500	41
	(11/12/2016)		-	•
•	Expected Value	Not Reported	I914	16 or 17
CLEAN	2002 CHEVROL	ET SUBURBAN C1500, V	IN 1GNEC16T22	2J110380
CLEAN PLUG #11	· ·	ET SUBURBAN C1500, V Technician: Respondent		LJ110380
	· ·			2J110380 PID Count
		Technician: Respondent	Angel	
	Cert. # ZP275312C	Technician: Respondent eVIN Number	Angel Protocol	PID Count
	Cert. # ZP275312C Fraudulent Inspection	Technician: Respondent eVIN Number	Angel Protocol	PID Count 44
PLUG #11	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380	Angel Protocol ICAN29bt500 JVPW	PID Count 44 21, 22 or 23
PLUG #11	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett	Angel Protocol ICAN29bt500 JVPW	PID Count 44 21, 22 or 22
PLUG #11	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sa at Hi Tech Automotive on DMV records show that the	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate t	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn	PID Count 44 21, 22 or 23 nog check ificate of
PLUG #11	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sa at Hi Tech Automotive on DMV records show that the	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate to V4 was a 2011 Jeep Grand C	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn he fraudulent cert	PID Count 44 21, 22 or 23 nog check ificate of
PLUG #11 9 C inspection 10 compliance 1J4RS6GT	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sa at Hi Tech Automotive on DMV records show that the for the 2000 Toyota RAV 4BC503904, registered to The OIS data also showed	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate t V4 was a 2011 Jeep Grand C Respondent Angel. that a 2011 Honda Accord I	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn he fraudulent cert herokee Overland EX-L, VIN	PID Count 44 21, 22 or 23 nog check ificate of 1, VIN
PLUG #11 9 C inspection 10 compliance 1J4RS6GT 11 - 1HGCP3F8 day, and wa	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sat Hi Tech Automotive on DMV records show that the for the 2000 Toyota RAV 4BC503904, registered to Che OIS data also showed 35BA018421, was certified as the vehicle used to generate the set of the context of	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate t V4 was a 2011 Jeep Grand C Respondent Angel. that a 2011 Honda Accord I d at Tri Valley Car Care by	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn he fraudulent cert herokee Overland EX-L, VIN Respondent Ange	PID Count 44 21, 22 or 23 nog check ificate of 1, VIN
PLUG #11 9 C inspection 10 compliance 1J4RS6GT 11 - 1HGCP3F8	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sat Hi Tech Automotive on DMV records show that the for the 2000 Toyota RAV 4BC503904, registered to Che OIS data also showed 35BA018421, was certified as the vehicle used to generate the set of the context of	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate t V4 was a 2011 Jeep Grand C Respondent Angel. that a 2011 Honda Accord I	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn he fraudulent cert herokee Overland EX-L, VIN Respondent Ange	PID Count 44 21, 22 or 23 nog check ificate of 1, VIN
PLUG #11 9 C inspection 10 compliance 1J4RS6GT 11 1HGCP3F8 day, and wa	Cert. # ZP275312C Fraudulent Inspection (2/4/2017) Expected Value IS data showed that the sat Hi Tech Automotive on DMV records show that the for the 2000 Toyota RAV 4BC503904, registered to Che OIS data also showed 35BA018421, was certified as the vehicle used to generate the set of the context of	Technician: Respondent eVIN Number 1HGCP3F85BA018421 ¹¹ 1GNEC16T22J110380 ame 2005 Chevrolet Corvett October 18, 2016. he vehicle used to generate t V4 was a 2011 Jeep Grand C Respondent Angel. that a 2011 Honda Accord I d at Tri Valley Car Care by	Angel Protocol ICAN29bt500 JVPW e failed an OIS sn he fraudulent cert herokee Overland EX-L, VIN Respondent Ange	PID Count 44 21, 22 or 23 nog check ificate of 1, VIN

		1737 FIRST STREET	•	
Datu	oon March and Santamba	LIVERMORE	ad Descendent A	
		r 2016, Respondent Owner a	-	•
		cates of compliance to the fo	_	es at
Respondent	Owner's 1737 First Stre	et shop in Livermore, Califo	rma:	
CLEAN	2005 VOLKSWA	GENI NEW JETTA 2.5 VIN		M622870
	2003 VOLKSWA	GEN NEW JETTA 2.5, VI		11032879
PLUG #1	C	Technician: Respondent		
	Cert. # YZ802490C	eVIN Number	Protocol	PID Coun
	Fraudulent Inspection	1J4RS6GT4BC503904 ¹²	ICAN11bt500	41
	(3/17/2016)			
	Expected Value	3VWRG71K05M632879	KWPS	19 12, 20
				or 20 12
<u>.</u>		•		
CLEAN	2006 CHRYS	LER 300 TOURING, VIN 2	2C3KA53G96H32	24715
CLEAN PLUG #2	2006 CHRYS	LER 300 TOURING, VIN 2 Technician: Respondent		4715
	2006 CHRYS Cert. # ZB668164C	•		
		Technician: Respondent	Angel	
	Cert. # ZB668164C	Technician: Respondent	Angel Protocol	PID Coun
	Cert. # ZB668164C Fraudulent Inspection	Technician: Respondent	Angel Protocol	PID Coun
	Cert. # ZB668164C Fraudulent Inspection (4/9/2016)	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³	Angel Protocol ICAN29bt500	PID Coun 44 43 6 or
	Cert. # ZB668164C Fraudulent Inspection (4/9/2016)	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³	Angel Protocol ICAN29bt500	PID Coun 44
	Cert. # ZB668164C Fraudulent Inspection (4/9/2016)	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³	Angel Protocol ICAN29bt500	PID Coun 44 43 6 or
PLUG #2	Cert. # ZB668164C Fraudulent Inspection (4/9/2016) Expected Value	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³ 2C3KA53G96H324715	Angel Protocol ICAN29bt500 ICAN11bt5	PID Coun 44 43 6 or 43 8
PLUG #2	Cert. # ZB668164C Fraudulent Inspection (4/9/2016) Expected Value	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³ 2C3KA53G96H324715 e vehicle used to generate th New Jetta was a 2011 Jeep	Angel Protocol ICAN29bt500 ICAN11bt5 ne fraudulent certi	PID Coun 44 43 6 or 43 8
PLUG #2	Cert. # ZB668164C Fraudulent Inspection (4/9/2016) Expected Value	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³ 2C3KA53G96H324715 e vehicle used to generate th New Jetta was a 2011 Jeep	Angel Protocol ICAN29bt500 ICAN11bt5 ne fraudulent certi	PID Coun 44 43 6 or 43 8
PLUG #2 12 E compliance 1J4RS6GT4 13 T	Cert. # ZB668164C Fraudulent Inspection (4/9/2016) Expected Value MV records show that th for the 2005 Volkswager BC503904, registered to he OIS data also showed	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³ 2C3KA53G96H324715 e vehicle used to generate th New Jetta was a 2011 Jeep Respondent Angel. that a 2010 Honda Accord I	Angel Protocol ICAN29bt500 ICAN11bt5 ne fraudulent certi Grand Cherokee EX-L, VIN	PID Coun 44 43 6 or 43 8 ficate of Overland, V
PLUG #2 ¹² E compliance 1J4RS6GT4 ¹³ T 1HGCP3F8	Cert. # ZB668164C Fraudulent Inspection (4/9/2016) Expected Value MV records show that th for the 2005 Volkswager BC503904, registered to he OIS data also showed 4AA020109, was certifie s the vehicle used to gend	Technician: Respondent eVIN Number 1HGCP3F84AA020109 ¹³ 2C3KA53G96H324715 e vehicle used to generate th New Jetta was a 2011 Jeep Respondent Angel.	Angel Protocol ICAN29bt500 ICAN11bt5 ICAN11bt5 EX-L, VIN Respondent Ange	PID Coun 44 43 6 or 43 8 ficate of Overland, VI
		Technician: Respondent	Angel	

CLEAN .	2007 CHEVROLET	ר SILVERADO K2500HD, א	VIN 1GCHK23E	037F107574
PLUG #3		Technician: Respondent	Angel	
-	Cert. #ZF954157C	eVIN Number	Protocol	PID Coun
	Fraudulent Inspection	IGCHK23255F938599	JVPW1850	12 2
	. (7/11/2016)		- Hailanta-	
· · ·	Expected Value	1GCHK23D37F107574	ICAN11bt5	28 9 3
		· · · ·		
CLEAN	2002 ТОУОТА	CAMRY LE/XLE/SE, VIN	4T1BF30K02U	001747
PLUG #4		Technician: Respondent	Angel	
•	Cert. #QE362099C	eVIN Number	Protocol	PID Coun
	Fraudulent Inspection	IN4AL11D05C201332 ¹⁴	19140808	18
	(9/22/2016)			
	Expected Value	Not Reported	I914	21 or 22
7		LIVERMORE ry 2017, Respondents Owne		, U
clean plugge	d and issued fraudulent c	certificates of compliance to	the following 10	vehicles at
Respondent	Owner's 4212 First Stree	et shop in Livermore, Califor	nia:	
111				
111				
111				
111				
///				
/// ///		41-4 2005 21		
/// ///)5C201332 was certified	that a 2005 Nissan Altima S at Tri Valley Car Care on S nt certificate of compliance f	eptember 15, 201	16, and was th ota Camry.

CLEAN	2009 HO	NDA CIVIC LX, VIN 19X	FA16559E038201	1
PLUG #1		Technician: Respondent A	Anklam	1
-	Cert. # PS676188C	eVIN Number	Protocol	PID Co
	Fraudulent Inspection	5FNRL38628B056799	ICAN29bt500	44 1
	(6/22/2015)			
	Expected Value	19XFA16559E038201	ICAN29bt5	39 1
CLEAN	2005 TC	DYOTA PRIUS, VIN JTDK	B20U253107770	••••••
PLUG #2		Technician: Respondent A	Anklam	
	Cert. # YT960506C	eVIN Number	Protocol	PID Co
	Fraudulent Inspection	JTEEW41A582025765	ICAN11bt500	45 2
	(8/20/2015)			
	Expected Value	JTDKB20U253107770	ICAN11bt5	37 21, 37
				17 or 37 2
CLEAN	2001 FOR	D ESCAPE XLT, VIN 1FM		73
CLEAN PLUG #3	2001 FOR	D ESCAPE XLT, VIN 1FM Technician: Respondent A		73
	2001 FOR Cert. # PY670783C	,		
		Technician: Respondent A	Anklam	
	Cert. # PY670783C	Technician: Respondent A	Anklam Protocol	PID Co
	Cert. # PY670783C Fraudulent Inspection	Technician: Respondent A	Anklam Protocol	PID Co
	Cert. # PY670783C Fraudulent Inspection (10/30/2015) Expected Value	Technician: Respondent A eVIN Number 1FMCU9DG4AKA03725	Anklam Protocol ICAN11bt500 JPWM	PID Co 45 20 or 2
PLUG #3	Cert. # PY670783C Fraudulent Inspection (10/30/2015) Expected Value	Technician: Respondent A eVIN Number 1FMCU9DG4AKA03725 1FMCU04181KF53873	Anklam Protocol ICAN11bt500 JPWM TEGD21A750122	PID Co 45 20 or 2
PLUG #3 CLEAN	Cert. # PY670783C Fraudulent Inspection (10/30/2015) Expected Value	Technician: Respondent A eVIN Number 1FMCU9DG4AKA03725 1FMCU04181KF53873 TA HIGHLANDER, VIN J	Anklam Protocol ICAN11bt500 JPWM TEGD21A750122	PID Co 45 20 or 1 2475
PLUG #3 CLEAN	Cert. # PY670783C Fraudulent Inspection (10/30/2015) Expected Value 2005 TOYO	Technician: Respondent A eVIN Number 1FMCU9DG4AKA03725 1FMCU04181KF53873 FA HIGHLANDER, VIN J Technician: Respondent V	Anklam Protocol ICAN11bt500 JPWM TEGD21A750122 /illegas	PID Co 45 20 or 1 2475
PLUG #3 CLEAN	Cert. # PY670783C Fraudulent Inspection (10/30/2015) Expected Value 2005 TOYO Cert. #ZB810057C	Technician: Respondent A eVIN Number 1FMCU9DG4AKA03725 1FMCU04181KF53873 FA HIGHLANDER, VIN J Technician: Respondent V eVIN Number	Anklam Protocol ICAN11bt500 JPWM TEGD21A750122 /illegas Protocol	PID Co 45 20 or 2 2475 PID Co

	1		• •			
	· 2	CLEÁN	2000 CHI	EVROLET S10, VIN 1GCC	S1443Y8163152 ¹	5
	3	PLUG #5	· · · · · · · · · · · · · · · · · · ·	Technician: Respondent	Angel	
	4		Cert. # QE595912C	eVIN Number	Protocol	PID Count
	5		Fraudulent Inspection (9/26/2016)	IJ4RS6GT4BC503904 ¹⁶	ICAN11bt500	41
	7		Expected Value	Not Reported	JVPW	16 or 17
	8	L	· ·	• .	· · · · · · · · · · · · · · · · · · ·	
	9	CLEAN	2010 TO	YOTA VENZA, VIN 4T3Z	K3BB3AU02745	<u>.</u> 1
	10	PLUG #6	·	Technician: Respondent V		
	11		Cert. # QE595913C	eVIN Number	Protocol	PID Count
	12		Fraudulent Inspection	Not Reported	19140808	20
	13		(9/27/2016)			
	14	· · · · · · · · · · · · · · · · · · ·	Expected Value	4T3ZK3BB3AU027451	ICAN11bt5	47 17
	15	· · ·	Leannaichtean a Green an tha ann a			I
	16	CLEAN	2006 NISSAN	350Z ROADSTER, VIN J	N1AZ36A36M45	4016
	17	PLUG #7		Technician: Respondent	Angel	<i>,</i>
	18		Cert. # ZN513581C	eVIN Number	Protocol	PID Count
	19		Fraudulent Inspection	1J4RS6GT4BC503904 ¹⁷	ICAN11bt50	41
	20		(1/16/2017)	0		
	21		Expected Value	JN1AZ36A36M454016	I914	22
				•		· · · · · ·
•	22	15 01	······································		9-1010	11
	22 23	¹⁵ Ol inspection at	S data showed that the s Buls Auto Service & Sr	ame 2000 Chevrolet S10 fa nog the same day the fraudu	iled an OIS smog llent inspection wa	check as performed.
•		inspection at ¹⁶ DI	Buls Auto Service & Sr. MV records show that th	nog the same day the fraudu e vehicle used to generate tl	ilent inspection wa	as performed. [.] ficate of
•	23	inspection at ¹⁶ DI compliance f	Buls Auto Service & Sr. MV records show that th	nog the same day the fraudu e vehicle used to generate tl 10 was a 2011 Jeep Grand C	ilent inspection wa	as performed. [.] ficate of
• •	23 24	inspection at ¹⁶ DI compliance f 1J4RS6GT4I ¹⁷ DI	Buls Auto Service & Sr MV records show that th for the 2000 Chevrolet S BC503904, registered to MV records show that th	nog the same day the fraudu e vehicle used to generate tl 10 was a 2011 Jeep Grand C Respondent Angel. e vehicle used to generate tl	ilent inspection wa ne fraudulent certi Cherokee Overland ne fraudulent certi	as performed. ficate of 1, VIN ficate of
	23 24 25	¹⁶ DI compliance f 1J4RS6GT4I ¹⁷ DI compliance f	Buls Auto Service & Sr MV records show that th for the 2000 Chevrolet S BC503904, registered to MV records show that th	nog the same day the fraudu e vehicle used to generate th 10 was a 2011 Jeep Grand C Respondent Angel. e vehicle used to generate th 2 Roadster was a 2011 Jeep	ilent inspection wa ne fraudulent certi Cherokee Overland ne fraudulent certi	as performed. ficate of 1, VIN ficate of
•	 23 24 25 26 	¹⁶ DI compliance f 1J4RS6GT4I ¹⁷ DI compliance f	Buls Auto Service & Sr. MV records show that th for the 2000 Chevrolet S BC503904, registered to MV records show that th for the 2006 Nissan 350Z	nog the same day the fraudu e vehicle used to generate th 10 was a 2011 Jeep Grand C Respondent Angel. e vehicle used to generate th 2 Roadster was a 2011 Jeep	ilent inspection wa ne fraudulent certi Cherokee Overland ne fraudulent certi	as performed. ficate of 1, VIN ficate of

CLEAN	2000 HONDA CIVIC BASE, VIN 2HGEJ6615YH506664				
PLUG #8	Technician: Respondent Angel				
· · · · · · · · · · · · · · · · · · ·	Cert. # ZN513582C	eVIN Number	Protocol	PID Coun	
· · ·	Fraudulent Inspection	1J4RS6GT4BC503904 ¹⁸	ICAN11bt500	41	
	(1/16/2017)				
	Expected Value	Not Reported	I914	16	
· · · · · · · · · · · · · · · · · · ·					
CLEAN	2007 CHEVF	ROLET COBALT LT, VIN	lG1AL55F97730	7117	
PLUG #9		Technician: Respondent	Angel ·		
	Cert. # ZP087950C	eVIN Number	Protocol	PID Coun	
	Fraudulent	1HGCM56795A101513 ¹⁹	19140808	21	
ļ	Inspection (2/3/2017)		-	•	
	Expected Value	1G1AL55F977307117	ICAN11bt5	38, 38 7, 3	
		·		or 39 7	
	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	-		
CLEAN	2001 CHEVROL	ET SILVERADO C1500, V	IN IGCEC19V11	Z204174	
CLEAN PLUG #10	2001 CHEVROL	ET SILVERADO C1500, V Technician: Respondent		Z204174	
	2001 CHEVROL Cert. # ZP773238C				
		Technician: Respondent .	Angel		
	Cert. # ZP773238C	Technician: Respondent . eVIN Number	Angel Protocol	PID Coun	
	2001 CHEVROL			Z20417	
Fra	ert. # ZP773238C udulent Inspection (2/24/2017) Expected Value records show that th	Technician: Respondent eVIN Number 5UXFA93525LE83002 ²⁰ IGCEC19V11Z204174 e vehicle used to generate the obalt was a 2011 Jeep Grand	Angel Protocol KWPF8FEF JVPW ne fraudulent certi	PID Count 21 7 22 or 23 ificate of	
PLUG #10 ¹⁸ D compliance f 1J4RS6GT4) ¹⁹ Th IHGCM5679	Cert. # ZP773238C Fraudulent Inspection (2/24/2017) Expected Value MV records show that th for the 2007 Chevrolet C BC503904, registered to be OIS data also showed 05A101513, was certified	Technician: Respondent . eVIN Number 5UXFA93525LE83002 ²⁰ IGCEC19V11Z204174 e vehicle used to generate the obalt was a 2011 Jeep Grand Respondent Angel. that a 2005 Honda Accord Fe dat Tri Valley Car Care by I	Angel Protocol KWPF8FEF JVPW te fraudulent certi d Cherokee Overl EX, VIN Respondent Ange	PID Count 21 7 22 or 23 ificate of and, VIN	
PLUG #10 18 D compliance f 1J4RS6GT43 19 TH IHGCM5679	Cert. # ZP773238C Fraudulent Inspection (2/24/2017) Expected Value MV records show that th for the 2007 Chevrolet C BC503904, registered to the OIS data also showed 05A101513, was certified the vehicle used to gene	Technician: Respondent . eVIN Number 5UXFA93525LE83002 ²⁰ IGCEC19V11Z204174 e vehicle used to generate the obalt was a 2011 Jeep Grand Respondent Angel. that a 2005 Honda Accord E	Angel Protocol KWPF8FEF JVPW te fraudulent certi d Cherokee Overl EX, VIN Respondent Ange	PID Coun 21 7 22 or 23 ificate of and, VIN	
PLUG #10 PLUG #10 18 DJ compliance f 1J4RS6GT4J 19 TH IHGCM5679 day, and was Chevrolet Co 20 TH was certified	Cert. # ZP773238C Fraudulent Inspection (2/24/2017) Expected Value MV records show that th for the 2007 Chevrolet C BC503904, registered to the OIS data also showed 5A101513, was certified the vehicle used to gene obalt.	Technician: Respondent . eVIN Number 5UXFA93525LE83002 ²⁰ IGCEC19V11Z204174 e vehicle used to generate the obalt was a 2011 Jeep Grand Respondent Angel. that a 2005 Honda Accord Fe dat Tri Valley Car Care by I	Angel Protocol KWPF8FEF JVPW the fraudulent certing Cherokee Overling EX, VIN Respondent Angentiance for the of compliance for the same day, and was	PID Coun21 722 or 23ificate of and, VINel on the same for the 2007525LE83002, as the vehicle	

1	FIRST CAUSE FOR DISCIPLINE
2	(Misleading Statements - Registration)
3	34. Respondent Owner has subjected his registration to discipline under Code section
4	9884.7(a)(1), in that Respondent Owner made statements which he knew or which by the exercise
5	of reasonable care he should have known were untrue or misleading, as set forth above in Factual
6	Summary. Respondent Owner purported to test the 25 vehicles and certified that the 25 vehicles
7	passed inspection and were in compliance with applicable laws and regulations. In fact,
8	Respondent Owner conducted the inspections on those vehicles using clean-plugging methods.
. 9	SECOND CAUSE FOR DISCIPLINE
10	(Fraud - Registration)
11	35. Respondent Owner has subjected his registration to discipline under Code section
12	9884.7(a)(4), in that he committed acts which constitute fraud, as set forth above in Factual
13	Summary.
14	THIRD CAUSE FOR DISCIPLINE
15	(Violation of the Motor Vehicle Inspection Program – Station License)
16	36. Respondent Owner has subjected his station license to discipline under Health and
17	Safety Code section 44072.2(a) and (c), in that he violated sections of the Health and Safety Code
18	and applicable regulations, as set forth above in Factual Summary, as follows:
19	a. Health and Safety Code Section 44012: Respondent Owner failed to ensure that the
20	25 emission control tests were performed on the vehicles in accordance with procedures
21	prescribed by the department.
22	b. California Code of Regulations, title 16, Section 3340.24(c): Respondent Owner
23	falsely or fraudulently issued electronic certificates of compliance for the 25 vehicles without
24	performing bona fide inspections of the emission control devices and systems on the vehicles as
25	required by Health and Safety Code section 44012.
26	d. California Code of Regulations, title 16, Section 3340.41(c): Respondent Owner
27	entered into the emissions inspection system vehicle identification information or emission
28	control system identification data for a vehicle other than the one being tested. Respondent
	19
	(MARTIN HERNANDEZ, d.b.a. Tri Valley Car Care, et al.) ACCUSATION

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Owner further knowingly entered into the emissions inspection system false information about
 the vehicles being tested.

d. California Code of Regulations, title 16, Section 3340.42: Respondent Owner
failed to conduct the required smog tests and inspections on the vehicles in accordance with the
Bureau's specifications.

FOURTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Station License)

8 37. Respondent Owner has subjected his station license to discipline under Health and
9 Safety Code section 44072.2(d), in that he committed acts involving dishonesty, fraud, or deceit,
10 whereby another was injured, by issuing electronic certificates of compliance for vehicles without
11 performing bona fide inspections of the emission control devices and systems on the vehicles,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program. The circumstances are detailed above in the Factual Summary.

FIFTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Angel's Smog Check Inspector License)

17 38. Respondent Angel has subjected his Smog Check Inspector License to discipline
18 under Health and Safety Code section 44072.2(a) and (c), in that he violated sections of the
19 Health and Safety Code and applicable regulations, as set forth above in Factual Summary, as
20 follows:

a. Health and Safety Code Section 44012: Respondent Angel failed to ensure that the
 emission control tests were performed on the vehicles in accordance with procedures prescribed
 by the department.

b. Health and Safety Code Section 44059: Respondent Angel willfully made false
entries on the electronic certificates of compliance by certifying that the vehicles had been
inspected as required when, in fact, they had not.

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c. California Code of Regulations, title 16, Section 3340.30(a): Respondent Angel
 failed to inspect and test the vehicles in accordance with Health and Safety Code sections 44012
 and 44035 and/or California Code of Regulations, title 16, section 3340.42.

d. **California Code of Regulations, title 16, Section 3340.41(c)**: Respondent Angel entered into the emissions inspection system vehicle identification information or emission control system identification data for a vehicle other than the one being tested, and/or knowingly entered into the emissions inspection system false information about the vehicles being tested.

8 e. California Code of Regulations, title 16, Section 3340.42: Respondent Angel failed
9 to conduct the required smog tests and inspections on the vehicles in accordance with the
10 Bureau's specifications.

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SIXTH CAUSE FOR DISCIPLINE

12 (Dishonesty, Fraud or Deceit – Respondent Angel's Smog Check Inspector License) 39. Respondent Angel has subjected his Smog Check Inspector License to discipline 13 under Health and Safety Code section 44072.2(d), in that he committed acts involving dishonesty, 14 fraud, or deceit whereby another was injured, when he willfully made false entries on the 15 electronic certificates of compliance and certified that the vehicles had been inspected as required 16 when, in fact, they had not, depriving the People of the State of California of the protection 17 afforded by the Motor Vehicle Inspection Program. The circumstances are described in more 18 19 detail above in Factual Summary.

SEVENTH CAUSE FOR DISCIPLINE (Violations of the Motor Vehicle Inspection Program – Respondent Anklam Smog Check Inspector License)

40. Respondent Anklam has subjected his Smog Check Inspector License and his Smog
Check Repair Technician License to discipline under Health and Safety Code section 44072.2(a)
and (c), in that he violated sections of the Health and Safety Code and applicable regulations, as
set forth above in Factual Summary, as follows:

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Health and Safety Code Section 44012: Respondent Anklam failed to ensure that a. the emission control tests were performed on the vehicles in accordance with procedures prescribed by the department.

Health and Safety Code Section 44059: Respondent Anklam willfully made false b. entries on the electronic certificates of compliance by certifying that the vehicles had been inspected as required when, in fact, they had not.

California Code of Regulations, title 16, Section 3340.30(a): Respondent Anklam c. failed to inspect and test the vehicles in accordance with Health and Safety Code sections 44012 and 44035 and/or California Code of Regulations, title 16, section 3340.42. 9

d. California Code of Regulations, title 16, Section 3340.41(c): Respondent Anklam 10 entered into the emissions inspection system vehicle identification information or emission 11 control system identification data for a vehicle other than the one being tested, and/or knowingly 12 entered into the emissions inspection system false information about the vehicles being tested. 13

California Code of Regulations, title 16, Section 3340.42: Respondent Anklam 14 e. failed to conduct the required smog tests and inspections on the vehicles in accordance with the 15 Bureau's specifications. 16

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EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent Anklam's Smog Check Inspector License) 19 41. Respondent Anklam has subjected his Smog Check Inspector License and his Smog Check Repair Technician License to discipline under Health and Safety Code section 44072.2(d). 20in that he committed acts involving dishonesty, fraud, or deceit whereby another was injured, 21 22 when he willfully made false entries on the electronic certificates of compliance and certified that the vehicles had been inspected as required when, in fact, they had not, depriving the People of 23 24 the State of California of the protection afforded by the Motor Vehicle Inspection Program. The circumstances are described in more detail above in Factual Summary. 25

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1	NINTH CAUSE FOR DISCIPLINE
2	(Violations of the Motor Vehicle Inspection Program – Respondent Villegas Smog
3	Check Inspector License)
4	42. Respondent Villegas has subjected his Smog Check Inspector License to discipline
5	under Health and Safety Code section 44072.2(a) and (c), in that he violated sections of the
6	Health and Safety Code and applicable regulations, as set forth above in Factual Summary, as
7	follows:
8	a. Health and Safety Code Section 44012: Respondent Villegas failed to ensure that
9	the emission control tests were performed on the vehicles in accordance with procedures
10	prescribed by the department.
11	b. Health and Safety Code Section 44059: Respondent Villegas willfully made false
12	entries on the electronic certificates of compliance by certifying that the vehicles had been
13	inspected as required when, in fact, they had not.
14	c. California Code of Regulations, title 16, Section 3340.30(a): Respondent Villegas
15	failed to inspect and test the vehicles in accordance with Health and Safety Code sections 44012
16	and 44035 and/or California Code of Regulations, title 16, section 3340.42.
17	d. California Code of Regulations, title 16, Section 3340.41(c): Respondent Villegas
18	entered into the emissions inspection system vehicle identification information or emission
19	control system identification data for a vehicle other than the one being tested, and/or knowingly
20	entered into the emissions inspection system false information about the vehicles being tested.
21	e. California Code of Regulations, title 16, Section 3340.42: Respondent Villegas
22	failed to conduct the required smog tests and inspections on the vehicles in accordance with the
23	Bureau's specifications.
24	TENTH CAUSE FOR DISCIPLINE
25	(Dishonesty, Fraud or Deceit – Respondent Villegas's Smog Check Inspector License)
26	43. Respondent Villegas has subjected his Smog Check Inspector License to discipline
27	under Health and Safety Code section 44072.2(d), in that he committed acts involving dishonesty,
28	fraud, or deceit whereby another was injured, when he willfully made false entries on the
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'	(MARTIN HERNANDEZ, d.b.a. Tri Valley Car Care, et al.) ACCUSATION

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1	electronic certificates of compliance and certified that the vehicles had been inspected as required
2	when, in fact, they had not, depriving the People of the State of California of the protection
3	afforded by the Motor Vehicle Inspection Program. The circumstances are described in more
<u>4</u>	detail above in Factual Summary.
5	ELEVENTH CAUSE FOR DISCIPLINE
6	(Violations of the Motor Vehicle Inspection Program – Respondent Hernandez Smog
7	Check Inspector License)
8	44. Respondent Hernandez has subjected his Smog Check Inspector License and his
9	Smog Check Repair Technician License to discipline under Health and Safety Code section
10	44072.2(a) and (c), in that he violated sections of the Health and Safety Code and applicable
11	regulations, as set forth above in Factual Summary, as follows:
12	a. Health and Safety Code Section 44012: Respondent Hernandez failed to ensure that
13	the emission control tests were performed on the vehicles in accordance with procedures
14	prescribed by the department.
15	b. Health and Safety Code Section 44059: Respondent Hernandez willfully made
16	false entries on the electronic certificates of compliance by certifying that the vehicles had been
17	inspected as required when, in fact, they had not.
18	c. California Code of Regulations, title 16, Section 3340.30(a): Respondent
19	Hernandez failed to inspect and test the vehicles in accordance with Health and Safety Code
20	sections 44012 and 44035 and/or California Code of Regulations, title 16, section 3340.42.
21	d. California Code of Regulations, title 16, Section 3340.41(c): Respondent
22	Hernandez entered into the emissions inspection system vehicle identification information or
23	emission control system identification data for a vehicle other than the one being tested, and/or
24	knowingly entered into the emissions inspection system false information about the vehicles
25	being tested.
26	e. California Code of Regulations, title 16, Section 3340.42: Respondent Hernandez
27	failed to conduct the required smog tests and inspections on the vehicles in accordance with the
28	Bureau's specifications.

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. 1	TWELFTH CAUSE FOR DISCIPLINE
2	(Dishonesty, Fraud or Deceit – Respondent Hernandez's Smog Check Inspector
3	License)
4	45. Respondent Hernandez has subjected his Smog Check Inspector License and his
5	Smog Check Repair Technician License to discipline under Health and Safety Code section
• 6	44072.2(d), in that he committed acts involving dishonesty, fraud, or deceit whereby another was
7	injured, when he willfully made false entries on the electronic certificates of compliance and
8	certified that the vehicles had been inspected as required when, in fact, they had not, depriving the
. 9	People of the State of California of the protection afforded by the Motor Vehicle Inspection
10	Program. The circumstances are described in more detail above in Factual Summary.
11	DISCIPLINE CONSIDERATIONS
12	To determine the degree of discipline, if any, to be imposed, Complainant alleges the
13	following:
14	46. Between approximately April 30, 2009 and February 23, 2016, Tri Valley Car Care
15	was issued six (6) citations for violations of Health and Safety Code section 44012.
16	47. On or about February 23, 2016, Respondent Angel was issued Citation Number
17	M2016-0533 for issuing a Certificate of Compliance to a vehicle using a BAR 97 when the OBD
18	Inspection System was required.
19	48. On or about March 6, 2012, Respondent Hernandez was issued Citation Number
20	M2012-1082 for issuing a Certificate of Compliance to a vehicle with a missing fuel evaporative
21	canister; and on or about June 2, 2015, Respondent Hernandez was issued Citation Number
22	M2015-0660 for issuing a Certificate of Compliance to a vehicle using a BAR 97 when the OBD
23	Inspection System was required.
24	49. On or about February 16, 2016, Respondent Villegas was issued Citation Number
25	M2016-0452 for issuing a Certificate of Compliance to a vehicle using a BAR 97 when the OBD
26	Inspection System was required. The citation matter is pending appeal.
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1	OTHER MATTERS
2	50. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on
3	probation the automotive repair dealer registrations for all places of business operated in this state
4	by Respondent Owner upon a finding that Respondent Owner has, or is, engaged in a course of
5	repeated and willful violations of the laws and regulations pertaining to an automotive repair
6	dealer.
7	51. Pursuant to Health & Safety Code section 44072.8, if Respondent Owner's station
8	license is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of
9	Division 26 of the Health and Safety Code in the name of Respondent Owner may be likewise
10	revoked or suspended by the Director.
11	52. Pursuant to Health & Safety Code section 44072.8, if Respondent Angel's Smog
12	Check Inspector License is revoked or suspended, any additional license issued under Chapter 5
13	of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Angel may be
14	likewise revoked or suspended by the Director.
15	53. Pursuant to Health & Safety Code section 44072.8, if either Respondent Anklam's
16	Smog Check Inspector License or Smog Check Repair Technician License is revoked or
17	suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
18	and Safety Code in the name of Respondent Angel may be likewise revoked or suspended by the
19	Director.
20	54. Pursuant to Health & Safety Code section 44072.8, if Respondent Villegas's Smog
21	Check Inspector License is revoked or suspended, any additional license issued under Chapter 5
22	of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Angel may be
23	likewise revoked or suspended by the Director.
24	55. Pursuant to Health & Safety Code section 44072.8, if either Respondent Hernandez's
25	Smog Check Inspector License or Smog Check Repair Technician License is revoked or
26	suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
27	and Safety Code in the name of Respondent Hernandez may be likewise revoked or suspended by
28	the Director.
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	(MARTIN HERNANDEZ, d.b.a. Tri Valley Car Care, et al.) ACCUSATION

1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the Director of Consumer Affairs issue a decision:
4	1. Revoking or suspending Automotive Repair Dealer Registration Numbers ARD
5	250215, ARD 250216, and ARD 263831, Smog Check Station License No. RC 250215, Smog
6	Check Station License No. RC 250216, and Smog Check Station License No. TC 263831, issued
7	to Martin Hernandez – Owner, d.b.a. Tri Valley Car Care (Respondent Owner), and
8	2. Revoking or suspending any other automotive repair dealer registration issued to
9	Martin Hernandez;
10	3. Revoking or suspending any other license issued under Chapter 5, Part 5, Division 26
11	of the Health and Safety Code in the name of Martin Hernandez;
12	4. Revoking or suspending Smog Check Inspector License No. EO 635174, issued to
13 ·	Magno Ramon Angel (Respondent Angel);
14	5. Revoking or suspending any other license issued under Chapter 5, Part 5, Division 26
15	of the Health and Safety Code in the name of Respondent Angel;
16	6. Revoking or suspending Smog Check Inspector License No. EO 635425, issued to
17	Nick Noel Anklam (Respondent Anklam);
18	7. Revoking or suspending Smog Check Technician License No. EI 635425, issued to
19	Respondent Anklam;
20	8. Revoking or suspending any other license issued under Chapter 5, Part 5, Division 26
21	of the Health and Safety Code in the name of Respondent Anklam;
22	9. Revoking or suspending Smog Check Inspector License No. EO 635766, issued to
23	Jonathan Ezequiel Villegas (Respondent Villegas);
24	10. Revoking or suspending any other license issued under Chapter 5, Part 5, Division 26
25	of the Health and Safety Code in the name of Respondent Villegas;
26	11. Revoking or suspending Smog Check Inspector License No. EO 631794, issued to
27	Christopher Martin Hernandez (Respondent Hernandez);
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1 12. Revoking or suspending Smog Check Repair Technician License No. EI 631794,
 2 issued to Respondent Hernandez;

13. Revoking or suspending any other license issued under Chapter 5, Part 5, Division 26
of the Health and Safety Code in the name of Respondent Hernandez;

5 14. Ordering Respondent Owner, Respondent Angel, Respondent Anklam, Respondent
6 Villegas, and Respondent Hernandez to pay the Bureau of Automotive Repair the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;

15. Taking such other and further action as deemed necessary and proper.

DATED: December 11, 201

PATRICK DORAIS Chief Bureau of Automotive Repair Department of Consumer Affairs State of California *Complainant*

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