

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

11 **QUICK SMOG; SIMBAL SINGH;**
12 **2425 S. Chester Ave.**
13 **Bakersfield, CA 93304**

14 **Automotive Repair Dealer Registration No.**
ARD 263348
15 **Smog Check Test Only Station License No.**
TC 263348

16 **TEJPREET SINGH**
17 **9607 Kabara Ct.**
Bakersfield, CA 93311

18 **Advanced Emission Specialist Technician**
19 **License No. EO 633722/EI 633722**
(formerly EA 633722)

20 Respondents.
21

Case No. *79/14-83*

ACCUSATION

Smog Check

22 Complainant alleges:

23 **PARTIES**

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

26 **Quick Smog**

27 2. On or about September 22, 2010, the Director of Consumer Affairs ("Director")
28 issued Automotive Repair Dealer Registration Number ARD 263348 ("registration") to Simbal

1 Singh ("Respondent Simbal"), doing business as Quick Smog. The registration was in full
2 force and effect at all times relevant to the charges brought herein and will expire on September
3 30, 2014, unless renewed.

4 3. On or about December 10, 2010, the Director issued Smog Check Test Only Station
5 License Number TC 263348 ("station license") to Respondent Simbal, doing business as Quick
6 Smog. The station license was in full force and effect at all times relevant to the charges brought
7 herein and will expire on September 30, 2014, unless renewed.

8 **Tejpreet Singh**

9 4. On or about October 17, 2011, the Director issued Advanced Emission Specialist
10 Technician License Number EA 633722 ("technician license") to Tejpreet Singh ("Respondent
11 Tejpreet"). Respondent Tejpreet's technician license has been redesignated as EO 633722 and/or
12 EI 633722.¹

13 **Rajwinder Singh**

14 5. On a date uncertain in 2006, the Director issued Advanced Emission Specialist
15 Technician License Number EA 153634 ("technician license") to Rajwinder Singh ("Respondent
16 Rajwinder"). Respondent Rajwinder's technician license expired on November 30, 2010, and was
17 revoked on January 18, 2011.

18 **JURISDICTION**

19 6. Business and Professions Code ("Code") section 9884.7 provides that the Director
20 may revoke an automotive repair dealer registration.

21 7. Code section 9884.13 provides, in pertinent part: that the expiration of a valid
22 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
23 against an automotive repair dealer or to render a decision temporarily or permanently
24 invalidating (suspending or revoking) a registration.

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

28 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 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 Technician (EB) license to Smog Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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:

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

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

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

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

15. Section 44072.8 of the Health and Safety Code states:

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

16. Section 44014 of the Health & Safety Code states:

(a) Except as otherwise provided in this chapter, the testing and repair portion of the program shall be conducted by smog check stations licensed by the department, and by smog check technicians who have qualified pursuant to this chapter.

17. Section 44032 of the Health and Safety Code states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station.

Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Table 1

Inspection Number	Test Date & Time	Vehicle Certified (License Number)	Certificate Issued	Details
1	9/5/2012 1503 to 1511	1997 Honda Civic (4MFY014)	XL256772C	Respondent Rajwinder operates vehicle on dynamometer, performs smog inspection. Respondent Tejpreet is present however does not do any part of the smog test.
2	9/5/2012 1714 to 1720	2004 Chevrolet Pickup (8S31112)	XL256775C	Respondent Rajwinder operates vehicle on dynamometer, performs smog inspection. Respondent Tejpreet is present however does not do any part of the smog test.
3	9/5/20012 1726 to 1732	1999 Toyota Pickup (5Z74684)	XL256776C	Respondent Rajwinder operates vehicle on dynamometer in the presence of Tejpreet.
4	9/5/2012 1808 to 1816	2000 Nissan Sentra (6EFC103)	XL256778C	Respondent Rajwinder operates vehicle on dynamometer, performs smog inspection. Respondent Tejpreet is present however does not do any part of the smog test.
5	9/6/2012 1233 to 1253	1990 Lexus 400 (2SRY012)	No certificate issued, vehicle failed.	Respondent Rajwinder operates vehicle on dynamometer, performs LPFET portion of inspection in the presence of Tejpreet.
6	9/6/2012 1453 to 1503	1997 Chevrolet Lumina (No Plate)	XL256783C	Respondent Rajwinder operates vehicle on dynamometer, performs smog inspection. Respondent Tejpreet is present however does not do any part of the smog test.
7	9/7/2012 1337 to 1343	2002 Toyota Camry (4UCL615)	XL256791C	Respondent Rajwinder operates vehicle on dynamometer, performs smog inspection. Respondent Tejpreet is present however does not do any part of the smog test.
8	9/8/2012 1103 to 1117	1990 Dodge Ram 50 (8J43546)	XL256799C	Respondent TejPreet performed an improper inspection by certifying the vehicle even though smoke can clearly be seen at the tailpipe.

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 26. Respondent Simbal has subjected his station license to discipline under Health and
4 Safety Code section 44072.2, subdivision (d), in that on or about the dates set forth in Table 1
5 above, regarding the vehicles set forth in Table 1 above, Respondent Simbal committed acts
6 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
7 certificates of compliance for the vehicles without performing bona fide inspections of the
8 emission control devices and systems on the vehicles, thereby depriving the People of the State of
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Aiding or Abetting Unlicensed Persons)**

12 27. Respondent Simbal has subjected his station license to discipline under Health and
13 Safety Code section 44072.2, subdivision (f), in that on or about the dates set forth in Table 1
14 above, regarding vehicles 1 through 8 in Table 1 above, Respondent Simbal aided and abetted
15 Respondent Rajwinder, an unlicensed smog technician, to evade the provisions of the Motor
16 Vehicle Inspection Program, as set forth above.

17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 28. Respondent Tejpreet has subjected his inspector and repair licenses to discipline
20 under Health and Safety Code section 44072.2, subdivision (a), in that on or about the dates set
21 forth in Table 1 above, regarding the vehicles set forth in Table 1, he violated sections of the
22 Code as follows:

23 a. **Section 44012:** Respondent Tejpreet failed to perform emission control tests
24 on the vehicles in accordance with procedures prescribed by the department.

25 b. **Section 44012, subdivision (f):** Respondent Tejpreet failed to perform
26 visual/functional emission control tests on the vehicles in accordance with procedures prescribed
27 by the department.

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

1 33. Pursuant to Health & Safety Code section 44072.8, if Respondent Tejpreet's
2 inspection and repair licenses, currently designated as EO 633722 and EI 633722, formerly EA
3 633722, is/are revoked or suspended, any additional license issued under this chapter in the name
4 of said licensee may be likewise revoked or suspended by the Director.

5 ///

6 ///

7 ///

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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, suspending or placing on probation Automotive Repair Dealer Registration
5 Number ARD 263348, issued to Simbal Singh, doing business Quick Smog;

6 2. Revoking, suspending or placing on probation any other automotive repair dealer
7 registration issued in the name Simbal Singh;

8 3. Revoking or suspending Smog Check Test Only Station License Number TC 263348,
9 issued to Simbal Singh, doing business as Quick Smog;

10 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
11 and Safety Code in the name of Simbal Singh;

12 5. Revoking or suspending Tejpreet Singh's smog technician license(s), currently
13 designated as EO 633722 and EI 633722, formerly EA 633722;

14 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
15 and Safety Code in the name of Tejpreet Singh;

16 7. Ordering Simbal Singh and Tejpreet Singh to pay the Bureau of Automotive Repair
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and,

19 8. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: January 15, 2014


23 PATRICK DORAIS
24 Chief
25 Bureau of Automotive Repair
26 Department of Consumer Affairs
27 State of California
28 Complainant