

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

In the Matter of the Accusation Against:

RAMON P. CHAVEZ
PRESIDENT/SECRETARY/TREASURER;
RC VEHICLE REGISTRATION AND
LIEN SALE SVCS INC., DOING
BUSINESS AS R & C SMOG CENTER
83095 Indio Blvd., Unit 3
Indio, CA 92201

Automotive Repair Dealer Registration No.
ARD 257807

Smog Check Test Only Station License No.
TC 257807

RAMON CHAVEZ,
PRESIDENT/SECRETARY/TREASURER;
RC VEHICLE REGISTRATION AND LIEN
SALE SVCS INC.,
DOING BUSINESS AS RC AUTOMOTIVE
83066 Hwy 111
Indio, CA 92201

PO Box 10450
Indio, CA 92202

Automotive Repair Dealer Registration No.
ARD 269793

Smog Check Test Only Station License No.
TC 269793

RAMON CHAVEZ
PO Box 10450
Indio, CA 92202

Smog Check Inspector License No. EO
632309 and Smog Check Repair
Technician License No. EI 632309
(formerly Advanced Emission Specialist
Technician License No. EA 632309)

Case No. 79/16-06

OAH No. 2015100750

CESAR E. CASTRO
30697 Jessica Loop
Thousand Palms, CA 92276

Smog Check Inspector License No. EO
143631 (formerly Advanced Emission
Specialist Technician License No. EA
143631),

Respondents.

DECISION

The attached Stipulated Revocation of License and Order Re: Only Cesar Castro is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Cesar Castro and Smog Check Inspector License No. EO 143631 (formerly Advanced Emission Specialist Technician License No. EA 143631).

This Decision shall become effective April 26, 2016.

DATED: April 5, 2016

R 2
TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

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Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ADRIAN R. CONTRERAS
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:
RAMON P. CHAVEZ,
14 **PRESIDENT/SECRETARY/TREASURER;**
15 **RC VEHICLE REGISTRATION AND**
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20
21 **RAMON CHAVEZ,**
PRESIDENT/SECRETARY/TREASURER;
22 **RC VEHICLE REGISTRATION AND**
LIEN SALE SVCS INC.,
23 **DOING BUSINESS AS RC AUTOMOTIVE**
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Indio, CA 92202

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28 **Smog Check Test Only Station License No.**
TC 269793

Case No. 79/16-06

OAH No. 2015100750

STIPULATED REVOCATION OF
LICENSE AND ORDER RE: ONLY
CESAR CASTRO

1 **RAMON CHAVEZ**
2 **PO Box 10450**
3 **Indio, CA 92202**

4 **Smog Check Inspector License No. EO**
5 **632309 and Smog Check Repair Technician**
6 **License No. EI 632309 (formerly Advanced**
7 **Emission Specialist Technician License No.**
8 **EA 632309)**

9 **CESAR E. CASTRO**
10 **30697 Jessica Loop**
11 **Thousand Palms, CA 92276**

12 **Smog Check Inspector License No. EO**
13 **143631 (formerly Advanced Emission**
14 **Specialist Technician License No. EA**
15 **143631),**

16 Respondents.

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of
19 Automotive Repair the parties hereby agree to the following Stipulated Revocation of License
20 and Disciplinary Order which will be submitted to the Director for the Director's approval and
21 adoption as the final disposition of the First Amended Accusation solely with respect to Cesar E.
22 Castro (Respondent). It does not apply to Ramon P. Chavez; Ramon P. Chavez,
23 President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale Svcs Inc., doing business
24 as R & C Smog Center; or Ramon Chavez, President/Secretary/Treasurer; RC Vehicle
25 Registration and Lien Sale Svcs Inc., doing business as RC Automotive.

26 PARTIES

27 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
28 brought this action solely in his official capacity and is represented in this matter by Kamala D.
Harris, Attorney General of the State of California, by Adrian R. Contreras, Deputy Attorney
General.

2. Respondent is represented in this proceeding by attorney Seth Weinstein, Esq., whose
address is 15260 Ventura Blvd. Suite 1200, Sherman Oaks, CA 91403.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 79/16-06, agrees that cause exists for discipline, and hereby stipulates
4 to revocation of his Smog Check Inspector License EO 143631 for the Bureau's formal
5 acceptance.

6 9. Respondent understands that by signing this stipulation he enables the Director to
7 issue an order accepting the revocation of his Smog Check Inspector License without further
8 process.

9 CONTINGENCY

10 10. This stipulation shall be subject to approval by the Director or the Director's designee.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of
12 Automotive Repair may communicate directly with the Director and staff regarding this
13 stipulation and revocation, without notice to or participation by Respondent or his counsel. By
14 signing the stipulation, Respondent understands and agrees that he may not withdraw his
15 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
16 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
17 Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
18 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
19 from further action by having considered this matter.

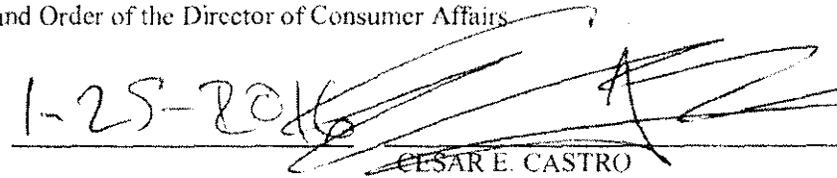
20 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Revocation of License and Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

23 12. This Stipulated Revocation of License and Order is intended by the parties to be an
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
26 negotiations, and commitments (written or oral). This Stipulated Revocation of License and
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
28 writing executed by an authorized representative of each of the parties.

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ACCEPTANCE

I have carefully read the above Stipulated Revocation of License and Order and have fully discussed it with my attorney, Seth Weinstein, Esq. I understand the stipulation and the effect it will have on my Smog Check Inspector License. I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 1-25-2016

CESAR E. CASTRO
Respondent

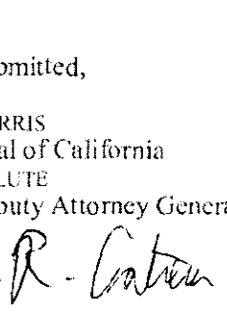
I have read and fully discussed with Respondent Cesar E. Castro the terms and conditions and other matters contained in this Stipulated Revocation of License and Order. I approve its form and content.

DATED: 01-28-2016

SETH WEINSTEIN, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 1/29/16
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

ADRIAN R. CONTRERAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 79/16-06

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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
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19 **TC 257807**

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21 **PRESIDENT/SECRETARY/TREASURER;**
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22 **LIEN SALE SVCS INC.,**
DOING BUSINESS AS RC AUTOMOTIVE
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27 **Smog Check Test Only Station License No.**
28 **TC 269793**

Case No. 79/16-06

FIRST AMENDED
ACCUSATION
(SMOG CHECK)

1 **RAMON CHAVEZ**

2 **PO Box 10450**

3 **Indio, CA 92202**

4 **Smog Check Inspector License No. EO**
5 **632309 and Smog Check Repair Technician**
6 **License No. EI 632309 (formerly Advanced**
7 **Emission Specialist Technician License No.**
8 **EA 632309)**

9 **CESAR E. CASTRO**

10 **30697 Jessica Loop**

11 **Thousand Palms, CA 92276**

12 **Smog Check Inspector License No. EO**
13 **143631 (formerly Advanced Emission**
14 **Specialist Technician License No. EA**
15 **143631),**

16 Respondents.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 14, 2009, the Bureau of Automotive Repair issued Automotive
22 Repair Dealer Registration Number ARD 257807 to Ramon P. Chavez,
23 President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale Svcs Inc., doing business as
24 R & C Smog Center (collectively R & C Smog Center). The Automotive Repair Dealer
25 Registration was in full force and effect at all times relevant to the charges brought herein and will
26 expire on March 31, 2016, unless renewed.

27 3. On or about April 24, 2009, the Bureau of Automotive Repair issued Smog Check
28 Test Only Station License Number TC 257807 to R & C Smog Center. The Smog Check Test
Only Station License was in full force and effect at all times relevant to the charges brought herein
and will expire on March 31, 2016, unless renewed.

4. On or about July 31, 2012, the Bureau of Automotive Repair issued Automotive
Repair Dealer Registration Number ARD 269793 to Ramon Chavez,

1 President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale Svcs Inc., doing business as
2 RC Automotive (collectively RC Automotive). The Automotive Repair Dealer Registration was in
3 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
4 2016, unless renewed.

5 5. On or about October 4, 2012, the Bureau of Automotive Repair issued Smog Check
6 Test Only Station License Number TC 269793 to RC Automotive. The Smog Check Station
7 License was in full force and effect at all times relevant to the charges brought herein and will
8 expire on July 31, 2016, unless renewed.

9 6. On or about July 22, 2010, Advanced Emission Specialist Technician License EA
10 632309 was issued to Ramon Chavez (Chavez). Upon timely renewal, and Chavez's election, the
11 license was renewed on October 15, 2012, as Smog Check Repair Technician License EI 632309
12 and Smog Check Inspector License EO 632309.¹ The Smog Check Repair Technician License
13 and Smog Check Inspector License were in full force and effect at all times relevant to the charges
14 brought herein and will expire on October 31, 2016, unless renewed.

15 7. In 2001, Advanced Emission Specialist Technician License EA 143631 was issued to
16 Cesar E. Castro (Castro). Upon timely renewal, and Castro's election, the license was renewed on
17 November 30, 2012, as Smog Check Inspector License EO 143631. The Smog Check Inspector
18 License was in full force and effect at all times relevant to the charges brought herein and will
19 expire on December 31, 2016, unless renewed.

20 JURISDICTION

21 8. This Accusation is brought before the Director of Consumer Affairs (Director) for the
22 Bureau of Automotive Repair, under the authority of the following laws. All references are to the
23 Business and Professions Code unless otherwise stated.

24 9. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
25 surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 a disciplinary action during the period within which the license may be renewed, restored, reissued
2 or reinstated.

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

7 11. Section 9884.20 of the Code states:

8 “All accusations against automotive repair dealers shall be filed within three years after the
9 performance of the act or omission alleged as the ground for disciplinary action, except that with
10 respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action, the
11 accusation may be filed within two years after the discovery, by the bureau, of the alleged facts
12 constituting the fraud or misrepresentation.”

13 12. Section 9884.22 of the Code states:

14 “(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny
15 at any time any registration required by this article on any of the grounds for disciplinary action
16 provided in this article. The proceedings under this article shall be conducted in accordance with
17 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
18 Code, and the director shall have all the powers granted therein.

19 “. . . .”

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

23 14. Section 44072.4 of the Health and Safety Code states:

24 “The director may take disciplinary action against any licensee after a hearing as provided in
25 this article by any of the following:

26 “(a) Imposing probation upon terms and conditions to be set forth by the director.

27 “(b) Suspending the license.

28 “(c) Revoking the license.”

1 20. Section 9884.7 of the Code states:

2 "(a) The director, where the automotive repair dealer cannot show there was a bona fide
3 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
4 dealer for any of the following acts or omissions related to the conduct of the business of the
5 automotive repair dealer, which are done by the automotive repair dealer or any automotive
6 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
8 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable
9 care should be known, to be untrue or misleading.

10 “... ”

11 “(4) Any other conduct that constitutes fraud.

12 “... ”

13 “(6) Failure in any material respect to comply with the provisions of this chapter or
14 regulations adopted pursuant to it.

15 “... ”

16 “(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
17 probation the registration for all places of business operated in this state by an automotive repair
18 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
19 and willful violations of this chapter, or regulations adopted pursuant to it.”

20 21. Section 44072.2 of the Health and Safety Code states:

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

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

27 “... ”

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

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22. Section 44072.10 of the Health and Safety Code states:

“(a) Notwithstanding Sections 44072 and 44072.4, the director, or the director's designee, pending a hearing conducted pursuant to subdivision (e), may temporarily suspend any smog check station or technician's license issued under this chapter, for a period not to exceed 60 days, if the department determines that the licensee's conduct would endanger the public health, safety, or welfare before the matter could be heard pursuant to subdivision (e), based upon reasonable evidence of any of the following:

“(1) Fraud.

“(2) Tampering.

“(3) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

“(4) A pattern or regular practice of violating this chapter or any regulation, standard, or procedure of the department implementing this chapter.

“ . . .

“(c) The department shall revoke the license of any smog check technician or 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:

“(1) Clean piping, as defined by the department.

“(2) Tampering with a vehicle emission control system or test analyzer system.

“(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

“(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.”

REGULATORY PROVISIONS

23. California Code of Regulations, title 16, section 3395.4, states:

“In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), including formal hearings conducted by the Office of

1 Administrative Hearing, the Bureau of Automotive Repair shall consider the disciplinary guidelines
2 entitled 'Guidelines for Disciplinary Penalties and Terms of Probation' [May, 1997] which are
3 hereby incorporated by reference. The 'Guidelines for Disciplinary Penalties and Terms of
4 Probation' are advisory. Deviation from these guidelines and orders, including the standard terms
5 of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion
6 determines that the facts of the particular case warrant such deviation -for example: the presence
7 of mitigating factors; the age of the case; evidentiary problems.”

8 COSTS

9 24. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 CLEAN PLUGGING

16 25. At all times alleged in this Accusation, Chavez and Castro were acting in the course
17 and within the scope of a technician, employee, partner, officer, owner, or member of R & C Smog
18 Center and RC Automotive. At all times alleged in this Accusation, Ramon P. Chavez was acting
19 in the course and within the scope of a technician, employee, partner, officer, owner, or member of
20 R & C Smog Center and RC Automotive.

21 26. In October 2014, the Bureau initiated an investigation of R & C Smog Center's smog
22 check station based on a review of information from the Bureau's Vehicle Information Database to
23 determine if R & C Smog Center or their employees had engaged in fraudulent smog check
24 inspections.

25 27. During a Bureau representative's review of R & C Smog Center's certified test results
26 in the Vehicle Information Database for inspections purportedly performed on the OIS system²

27 ² The BAR On-Board Inspection System (OIS) is a new Smog Check testing system to
28 certify 2000 model year vehicles and newer. The OIS consists of a BAR certified Data Acquisition
(continued...)

1 between September and November 2014, eight vehicles identified below had eVIN numbers³
2 stored in the Vehicle Identification Database that did not apply to those vehicles. The Vehicle
3 Information Database showed that R & C Smog Center and their smog check technicians
4 inspected these vehicles using a method known as “clean plugging.”⁴ This resulted in the issuance
5 of fraudulent certificates of compliance for the vehicles as follows:

6 a. Clean Plug 1 –Dodge Ram 1500

7 The OIS Test Detail from the Vehicle Information Database shows that on September 24,
8 2014, from 0818 hours to 0825 hours, R & C Smog Center and Castro performed a smog check
9 inspection on a 2001 Dodge Ram 1500, VIN #3B7HC13YX1M565047 (hereafter “2001 Ram”).
10 The 2001 Ram was issued Certificate of Compliance #PK739277C. The OIS Test Detail shows
11 that eVINnumber 1ZVFT80N775203697 was transmitted and recorded on the Vehicle
12 Information Database. In truth and in fact, eVIN number 1ZVFT80N775203697 is for a 2007
13 Ford Mustang (hereafter “the 2007 Mustang”). The 2007 Ford Mustang was used to clean plug
14 the 2002 Ram.

15 _____
16 (...continued)

17 Device (DAD) and other equipment including a computer, bar code scanner, and printer. The OIS
18 uses the California BAR-OIS software to communicate with the BAR's central database through
19 an Internet connection. The bar code scanner is used to input technician, Vehicle Identification
20 Number (VIN), and DMV renewal information. The printer provides a Vehicle Inspection Report
21 containing inspection results for motorists and a Smog Check Certificate of Compliance number
22 for passing vehicles. The Inspector is required to connect the Data Acquisition Device to the
23 vehicle to be certified. The Data Acquisition Device is an On Board Diagnostic scan tool that,
24 when requested by the California BAR-OIS software, retrieves On Board Diagnostic data from the
25 vehicle. The Data Acquisition Device connects to the vehicle's on-board computer through the
26 vehicle's diagnostic link connector (DLC). The Data Acquisition Device is the only BAR-certified
27 component of the OIS.

22 ³ An eVIN number is a Vehicle Identification Number that is programmed into the vehicle's
23 OBD II system memory by the manufacturer and broadcast on the system serial data line. The
24 eVIN is programmed into the vehicle's Powertrain Control Module memory and transmitted over
25 the serial data line. The serial data is accessible through the Data Link Connector. The BAR On-
26 Board Inspection System (OIS) test equipment connects to the Data Link Connector and accesses
27 the vehicle serial data to determine if the vehicle is within applicable emission system standards.

26 ⁴ “Clean plugging” involves using another vehicle's properly functioning On-Board
27 Diagnostic, generation II, (OBD II) system to generate passing diagnostic readings for the purpose
28 of fraudulently issuing smog Certificates of Compliance to vehicles that are not in compliance with
California emission standards and/or not present for testing while entering data into the EIS or OIS
and transmitting data to the Vehicle Information Database.

1 b. Clean Plug 2 – Toyota Tacoma

2 The OIS Test Detail from the Vehicle Information Database shows that on September 25,
3 2014, from 1458 hours to 1506 hours, R & C Smog Center and Castro performed a smog check
4 inspection on a 2002 Toyota Tacoma, VIN #5TEGM92N52Z889915 (hereafter “2002 Tacoma”).

5 The 2002 Tacoma was issued Certificate of Compliance #PK739294C. The OIS Test Detail
6 shows that eVIN number 1ZVFT80N775203697 was transmitted and recorded on the Vehicle
7 Information Database. In truth and in fact, eVIN number 1ZVFT80N775203697 is for the 2007
8 Mustang. The 2007 Ford Mustang was used to clean plug the 2002 Tacoma.

9 c. Clean Plug 3 – Ford Mustang

10 The OIS Test Detail from the Vehicle Information Database shows that on October 20,
11 2014, from 1500 hours to 1507 hours, R & C Smog Center and Castro performed a smog check
12 inspection on a 2006 Ford Mustang GT VIN # 1ZVFT82H665146060 (hereafter “2006

13 Mustang”). The 2006 Mustang was issued Certificate of Compliance #YL206484C. The OIS
14 Test Detail shows that eVIN number 1ZVFT80N775203697 was transmitted and recorded on the
15 Vehicle Information Database. In truth and in fact, eVIN number 1ZVFT80N775203697 is the
16 2007 Mustang. The 2007 Mustang was used to clean plug the 2006 Mustang.

17 d. Clean Plug 4 –Dodge Ram 1500 Quad

18 The OIS Test Detail from the Vehicle Information Database shows that on October 28,
19 2014, from 0904 hours to 0910 hours, R & C Smog Center and Castro performed a smog check
20 inspection on a 2002 Dodge Ram 1500 Quad, VIN # 1D7HA18N32S641873 (hereafter “2002

21 Ram”). The 2002 Ram was issued Certificate of Compliance # YL335277C. The OIS Test Detail
22 shows that eVIN number 2GCEC19VX21112717 was transmitted and recorded on the Vehicle
23 Information Database. In truth and in fact, eVIN number 2GCEC19VX21112717 is for Castro’s
24 Silverado. Castro’s Silverado was used to clean plug the 2002 Dodge Ram.

25 e. Clean Plug 5 – GMC Sierra C1500

26 The OIS Test Detail from the Vehicle Information Database shows that on October 31,
27 2014, from 1649 hours to 1656 hours, R & C Smog Center and Castro performed a smog check
28 inspection on a 2004 GMC Sierra C1500, VIN #2GTEC19V741166267 (hereafter “Sierra

1 C1500"). The Sierra C1500 was issued Certificate of Compliance #YL437107C. The OIS Test
2 Detail shows that eVIN number 2GCEC19VX21112717 was transmitted and recorded on the
3 Vehicle Information Database. In truth and in fact, eVIN number 2GCEC19VX21112717 is for
4 Castro's Silverado. Castro's Silverado was used to clean plug the Sierra C1500.

5 f. Clean Plug 6 – Toyota Tacoma

6 The OIS Test Detail from the Vehicle Information Database shows that on November 1,
7 2014, from 0850 hours to 0857 hours, R & C Smog Center and Castro performed a smog check
8 inspection on a 2006 Toyota Tacoma, VIN # 5TETX22N06Z154505 (hereafter "2006 Tacoma").

9 The 2006 Tacoma was issued Certificate of Compliance #YL437108C. The OIS Test Detail
10 shows that eVIN number 2GCEC19VX21112717 was transmitted and recorded on the Vehicle
11 Information Database. In truth and in fact, eVIN number 2GCEC19VX21112717 is for Castro's
12 Silverado. Castro's Silverado was used to clean plug the 2006 Tacoma.

13 g. Clean Plug 7 – Buick Century

14 The OIS Test Detail from the Vehicle Information Database shows that on November 1,
15 2014, from 1250 hours to 1255 hours, R & C Smog Center and Castro performed a smog check
16 inspection on a 2000 Buick Century VIN # 2G4WS52J7Y1333976 (hereafter "Buick Century").

17 The Buick Century was issued Certificate of Compliance #YL437111C. The OIS Test Detail
18 shows that eVIN number 2GCEC19VX21112717 was transmitted and recorded on the Vehicle
19 Information Database. In truth and in fact, eVIN number 2GCEC19VX21112717 is for Castro's
20 Silverado. Castro's Silverado was used to clean plug the Buick Century.

21 h. Clean Plug 8 – Chevrolet Avalanche

22 The OIS Test Detail from the Vehicle Information Database shows that on November 5,
23 2014, from 0804 hours to 0813 hours, R & C Smog Center and Castro performed a smog check
24 inspection on a 2004 Chevrolet Avalanche C1500, VIN #3GNEC12T14G106072 (hereafter
25 "Chevrolet Avalanche"). The Chevrolet Avalanche was issued Certificate of Compliance
26 #YL437130C. The OIS Test Detail shows that eVIN number 2GCEC19VX21112717 was
27 transmitted and recorded on the Vehicle Information Database. In truth and in fact, eVIN number
28

1 2GCEC19VX21112717 is for Castro's Silverado. Castro's Silverado was used to clean plug the
2 Chevrolet Avalanche.

3 The following chart summarizes the fraudulent Certificates of Compliance issued by R & C
4 Smog Center, and Castro by clean plugging:

	Time of Certification as Recorded in Vehicle Information Database	Vehicle Certified	Vehicle for Which eVIN Number Belongs
5			
6			
7			
8	1 September 24, 2014, from	2001 Dodge Ram 1500	2007 Mustang
9	0818 hours to 0825 hours	VIN #3B7HC13YX1M565047	
10		Certificate of Compliance	
11		#PK739277C	
12	2 September 25, 2014, from	2002 Toyota Tacoma	2007 Mustang
13	1458 hours to 1506 hours	VIN #5TEGM92N52Z889915	
14		Certificate of Compliance	
15		#PK739294C	
16	3 October 20, 2014, from	2006 Ford Mustang GT	2007 Mustang
17	1500 hours to 1507 hours,	VIN # 1ZVFT82H665146060	
18		Certificate of Compliance	
19		#YL206484C	
20	4 October 28, 2014, from	2002 Dodge Ram 1500 Quad	Castro's Silverado
21	0904 hours to 0910 hours	VIN # 1D7HA18N32S641873	
22		Certificate of Compliance	
23		#YL335277C	
24	5 October 31, 2014, from	2004 GMC Sierra C1500	Castro's Silverado
25	1649 hours to 1656 hours	VIN #2GTEC19V741166267	
26		Certificate of Compliance	
27		#YL437107C	
28			

1	6	November 1, 2014, from 0850 hours to 0857 hours	2006 Toyota Tacoma VIN # 5TETX22N06Z154505 Certificate of Compliance #YL437108C	Castro's Silverado
2				
3				
4				
5	7	November 1, 2014, from 1250 hours to 1255 hours	2000 Buick Century VIN # 2G4WS52J7Y1333976 Certificate of Compliance #YL437111C	Castro's Silverado
6				
7				
8				
9	8	November 5, 2014, from 0804 hours to 0813 hours	2004 Chevrolet Avalanche C1500 VIN #3GNEC12T14G106072 Certificate of Compliance #YL437130C	Castro's Silverado
10				
11				
12				
13				

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statement)**

16 28. Complainant re-alleges and incorporates by reference the allegations set forth above in
17 paragraphs 25-27.

18 29. R & C Smog Center's Registration is subject to disciplinary action under section
19 9884.7, subdivision (a)(1), in that R & C Smog Center made or authorized statements which R &
20 C Smog Center knew or in the exercise of reasonable care should have known to be untrue or
21 misleading.

22 30. R & C Smog Center certified that R & C Smog Center inspected the vehicle(s)
23 described in paragraphs 25-27, when in fact the vehicle(s) were not inspected.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Violations of Motor Vehicle Inspection Program)**

26 31. Complainant re-alleges and incorporates by reference the allegations set forth above in
27 paragraphs 25-30.

1 2. Revoking or suspending Smog Check Test Only Station License Number TC 257807
2 issued to Ramon P. Chavez, President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale
3 Svcs Inc., doing business as R & C Smog Center;

4 3. Revoking or suspending any additional license issued under Chapter 5 of the Health
5 and Safety Code in the name of Ramon P. Chavez, President/Secretary/Treasurer; RC Vehicle
6 Registration and Lien Sale Svcs Inc., doing business as R & C Smog Center;

7 4. Revoking or suspending the registration for all places of business operated in this State
8 in the name of Ramon P. Chavez, President/Secretary/Treasurer; RC Vehicle Registration and Lien
9 Sale Svcs Inc., doing business as R & C Smog Center, including Ramon Chavez,
10 President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale Svcs Inc., doing business as
11 RC Automotive;

12 5. Revoking or suspending Smog Check Inspector License EO 143631 issued to Cesar
13 E. Castro;

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

16 7. Revoking or suspending Smog Check Repair Technician EI 632309 and Smog Check
17 Inspector License EO 632309 issued to Ramon Chavez;

18 8. Revoking or suspending any additional license issued under Chapter 5 of the Health
19 and Safety Code in the name of Ramon Chavez;

20 9. Ordering Ramon P. Chavez, President/Secretary/Treasurer; RC Vehicle Registration
21 and Lien Sale Svcs Inc., doing business as R & C Smog Center; Ramon Chavez,
22 President/Secretary/Treasurer; RC Vehicle Registration and Lien Sale Svcs Inc., doing business as
23 RC Automotive; Cesar E. Castro; and Ramon Chavez to pay the Bureau of Automotive Repair the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3; and

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

DATED: 8/24/15

Patrick Dorais by Doug Balatti
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
DOUG BALATTI
Assist. Chief

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