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7

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

12 In the Matter of the Accusation Against:

Case No. 79/16-10

13 **STAR SMOG CHECK,**
14 **FERNANDO SANDOVAL, OWNER**

3360 East Gage Ave.
Huntington Park, CA 90255

15 Mailing Address:

14220 Francisquito Ave., #309
Baldwin Park, CA 91706

A C C U S A T I O N

(SMOG CHECK)

16 Automotive Repair Dealer Registration No.
ARD 272552
17 Smog Check Station License No. TC 272552;

18 **FERNANDO SANDOVAL**
19 **aka FERNANDO SANDOVAL MEJIA**

14220 Francisquito Ave., #309
Baldwin Park, CA 91706

20 Smog Check Inspector No. EO 144260
21 Smog Check Repair Technician No. EI 144260
(formerly Advanced Emission Specialist
22 Technician License No. EA 144260);

23 and

24 **HECTOR HUIZAR**

16102 Dubesor St.
25 La Puente, CA 91744

26 Smog Check Inspector License No. EO 635756,

27 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about April 16, 2013, the Bureau of Automotive Repair (Bureau) issued
6 Automotive Repair Dealer Registration Number ARD 272552 ("ARD Registration") to Fernando
7 Sandoval, owner, doing business as Star Smog Check ("Respondent Star"). The ARD
8 Registration was in full force and effect at all times relevant to the charges brought herein. It
9 expired on April 30, 2015, and has not been renewed.

10 3. On or about May 8, 2013, the Bureau issued Smog Check, Test Only, Station License
11 Number TC 272552 ("Station License") to Fernando Sandoval, owner, doing business as Star
12 Smog Check. The Station License was in full force and effect at all times relevant to the charges
13 brought herein. It expired on April 30, 2015, and has not been renewed.

14 4. On or about 2001, the Bureau issued Advanced Emission Specialist Technician
15 License No. EA 144260 to Fernando Sandoval ("Respondent Sandoval"), also known as,
16 Fernando Sandoval Mejia. Respondent Sandoval's Advanced Emission Specialist Technician
17 License was due to expire on March 31, 2013, however, it was cancelled on March 14, 2013.
18 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), said license
19 was renewed as Smog Check Inspector License No. EO 144260 and Smog Check Repair
20 Technician License No. EI 144260 ("Technician Licenses"), effective March 14, 2013.¹
21 Respondent Sandoval's Technician Licenses were in full force and effect at all times relevant to
22 the charges brought herein. They expired on March 31, 2015, and have not been renewed.

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

1 10. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog
2 check stations shall be performed in accordance with procedures prescribed by the department.

3 11. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate
4 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
5 40012.

6 12. Section 44032 of the Health & Saf. Code provides, in pertinent part, that “[q]ualified
7 technicians shall perform tests of emission control devices and systems in accordance with
8 Section 44012.”

9 13. Section 44059 of the Health & Saf. Code provides:

10 “The willful making of any false statement or entry with regard to a material matter
11 in any oath, affidavit, certificate of compliance or noncompliance, or application form
12 which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of
13 Division 3 of the Business and Professions Code, constitutes perjury and is punishable
14 as provided in the Penal Code.”

14 14. Section 44072.2 of the Health & Saf. Code states, in pertinent part:

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

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

20 “(b) Is convicted of any crime substantially related to the qualifications, functions,
21 or duties of the licenseholder in question.

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

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

23 15. Section 44072.8 of the Health & Saf. Code states:

24 “When a license has been revoked or suspended following a hearing under this article, any
25 additional license issued under this chapter in the name of the licensee may be likewise revoked
26 or suspended by the director.”
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1 **REGULATORY PROVISIONS**

2 16. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
3 states:

4 “The bureau may suspend or revoke the license of or pursue other legal action against a
5 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
6 certificate of noncompliance.”

7 17. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
8 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
9 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
10 of this article.”

11 18. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
12 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
13 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
14 this article and has all the required emission control equipment and devices installed and
15 functioning correctly.”

16 19. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into
17 the emissions inspection system any vehicle identification information or emission control system
18 identification data for any vehicle other than the one being tested. Nor shall any person
19 knowingly enter into the emissions inspection system any false information about the vehicle
20 being tested.”

21 20. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
22 procedures which apply to all vehicles inspected in the State of California.

23 **COST RECOVERY**

24 21. Section 125.3, subdivision (a), of the Bus. & Prof. Code provides, in pertinent part,
25 that a Board “may request the administrative law judge to direct a licentiate found to have
26 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
27 costs of the investigation and enforcement of the case.”

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1 **BUREAU INVESTIGATION AND SURVEILLANCE**

2 22. Respondent Fernando Sandoval was the owner of Respondent Star Smog Check
3 located in Huntington Park, California. He also worked there as a licensed Smog Check
4 Inspector and Smog Check Repair Technician. He also employed at least two other Smog Check
5 Inspectors, Francisco Lopez and Respondent Hector Huizar.

6 a. Commencing on April 2, 2014, Bureau program representatives
7 (“representatives”) conducted a videotaped undercover surveillance of Respondent Star Smog
8 Check. They were positioned so that they were able to observe and videotape the entrance to the
9 smog check test bay of the facility and any persons who might be involved with smog check
10 activity. Using the Bureau’s photograph database as a reference, the representatives were able to
11 positively identify Respondent Sandoval and his employee, Lopez. During the surveillance, the
12 representatives also observed two unknown persons (John Doe #1 and John Doe # 2) aiding and
13 abetting Lopez - - as did Respondent Sandoval - - as he engaged in fraudulent smog check
14 activity.

15 b. Prior to the completion of the surveillance, one of the representatives walked near
16 the front of the test bay and observed Lopez at the facility’s Emission Inspection System (or EIS,
17 a computer used to send smog test information to the Bureau’s statewide database) entering data.
18 John Doe # 2 was placing an exhaust sample probe into the tailpipe of a Chevrolet G1500 van.
19 Respondent Sandoval stood in close proximity of the EIS. The Chevrolet van was the only
20 vehicle inside the facility.

21 c. After the surveillance period concluded, one of the representatives transferred the
22 video recording to a digital video disk (DVD). He also printed a test data summary for
23 Respondent Star Smog during the surveillance period from the Bureau’s Vehicle Information
24 Database (VID) and compared it to the surveillance video. The video recording confirmed that
25 Star Smog Check, Respondent Sandoval, and Lopez used the white Chevrolet G1500 van to
26 fraudulently test at least eleven (11) vehicles resulting in the issuance of nine (9) fraudulent smog

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1 Certificates of Compliance using the "Clean Piping"² method on vehicle's that were not
 2 present at the time of each purported test. Each of the fraudulent certificates was issued with the
 3 Smog Check Station License number of Respondent Star Smog Check and the Smog Check
 4 Inspector License number of Francisco Lopez.

5 d. The following chart illustrates the fraudulent smog check inspections that occurred
 6 during the surveillance on April 2, 2014:

#	Date and Test time	Vehicle data entered into EIS and license # or VIN	Actual Vehicle Tested	Certificate	Details
1	04/02/14 0941 hours to 0952 hours	2005 Dodge Magnum, California license 5KKV393	Chevrolet G1500 van and Kia Optima	YD833179C	The Chevrolet G1500 van and Kia Optima were the only vehicles inside the test bay at the time of the Smog Check Inspection. ³
2	04/02/14 0957 hours to 1006 hours	1990 Acura Integra, California license 6HNM189	Chevrolet G1500 van	None, vehicle failed functional and visual portion of test	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
3	04/02/14 1009 hours to 1022 hours	2003 Ford Escort, California license 5ZQX055	Chevrolet G1500 van and Kia Optima	YD833180C	The Chevrolet G1500 van and Kia Optima were the only vehicles inside the test bay at the time of the Smog Check Inspection.*
4	04/02/14 1028 hours to 1040 hours	1994 Toyota Supra, California license 6MDJ264	Chevrolet G1500 van	None, vehicle failed functional and visual portion of the test.	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
5	04/02/14 1044 hours to 1052 hours	1999 GMC Yukon California license 6CXS237	Chevrolet G1500 van	YD833181C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
6	04/02/14 1057 hours to 1107 hours	2000 Dodge Durango California license 5NKR721	Chevrolet G1500 van	YD833182C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
7	04/02/14 1116 hours to 1133 hrs.	1992 Ford Explorer California license 6JOB418	Chevrolet G1500 van	YD833183C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.

26 ² "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for
 27 the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the
 smog check area during the time of the certification.

28 ³ The Kia Optima was registered to Francisco J. Lopez.

1	8	04/02/14 1222 hours to 1236 hours	1991 Plymouth Sundance California license 6XUX861	Chevrolet G1500 van	YD833184C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
2	3	04/02/14 1240 hours to 1252 hours	1998 GMC Safari California license 6SRY030	Chevrolet G1500 van	YD833185C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
4	5	04/02/14 1324 hours to 1336 hours	1991 Ford F150 Pickup California license 4M59031	Chevrolet G1500 van	YD833186C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
6	7	04/02/14 1340 hours to 1349 hours	1976 Ford F250 Pickup California license 6X82502	Chevrolet G1500 van	YD833187C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.

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12 23. On April 9, 2014, Bureau representatives continued their video undercover

13 surveillance of the smog check activities at Respondent Star Smog Check. At 0914 hours,

14 Francisco Lopez and Respondent Hector Huizar arrived and opened the facility. Huizar was

15 positively identified by the representatives using the Bureau's photograph database as a reference.

16 At 1024 hours, Respondent Sandoval arrived, at the facility. Also present was the "John Doe #2"

17 the representatives had seen during their previous surveillance.

18 a. Prior to the completion of the surveillance at 1345 hours, one of the

19 representatives again walked near the front of the test bay. The same Chevrolet G1500 van seen

20 during the previous surveillance was in the test bay and it was once again the only vehicle inside

21 the facility. The representative observed Respondent Huizar, Respondent Sandoval, and Lopez at

22 the EIS looking in the direction of the monitor. The EIS appeared to be at the vehicle

23 identification stage and Huizar was entering data.

24 b. After this surveillance period concluded, one of the representatives again transferred

25 the video recording onto a DVD disk and later printed the VID test data summary to compare it to

26 the surveillance video. The video recording confirmed Lopez, and Respondents Star Smog Check,

27 Huizar, and Sandoval conspired to fraudulently test at least fifteen (15) vehicles resulting in the

1 issuance of fourteen (14) fraudulent Certificates of Compliance using the "Clean Piping Method"
 2 and the Chevrolet G1500 van, on vehicles that were not present at the time of each purported test.
 3 Each of the fraudulent certificates was issued with the Smog Check Station License number of
 4 Respondent Star Smog Check and the Smog Check Inspector License number of Respondent
 5 Hector Huizar.

6 c. The following chart illustrates the fraudulent smog check inspections that occurred
 7 during the surveillance on April 9, 2014 (the test numbers continue from the eleven documented
 8 tests of the April 2, 2014 surveillance):

#	Date and Test time	Vehicle data entered into EIS and license # or VIN	Actual Vehicle Tested	Certificate	Details
1 2	04/09/14 0922 hours to 0932 hours	2004 Nissan Armada VIN # 5N1AA08A74N710662	Chevrolet G1500 van	YD995604C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 3	04/09/14 0940 hours to 0948 hours	2006 Chevrolet Impala, California license 5VKN397	Chevrolet G1500 van	YD995605C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 4	04/09/14 0955 hours to 1004 hours	2008 Mitsubishi Lancer, California license 6HPD420	Chevrolet G1500 van	YD995606C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 5	04/09/14 1039 hours to 1047 hours	1989 Ford Mustang California license 6TYV119	Chevrolet G1500 van	YD995607C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 6	04/09/14 1053 hours to 1101 hours	1997 Honda Odyssey California license 6NUK478	Chevrolet G1500 van	YD995608C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 7	04/09/14 1107 hours to 1119 hours	2000 Honda Civic California license 6YLU255	Chevrolet G1500 van	None, vehicle failed functional portion of test.	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 8	04/09/14 1123 hours to 1138 hours	2006 Nissan Xterra, California license 5SCV486	Chevrolet G1500 van	YD995609C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
1 9	04/09/14 1144 hours to 1157 hours	1995 Ford Mustang Convertible, California license 3VLU684	Chevrolet G1500 van	YD995610C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
2 0	04/09/14 1201 hours to 1212 hours	1999 Chevrolet C1500 pickup, California license 8B42672	Chevrolet G1500 van	YD995611C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.

1	2	04/09/14 1227 hours to 1236 hours	1995 Chevrolet Astro van, California license 4KXP904	Chevrolet G1500 van	YD995612C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
2	2	04/09/14 1243 hours to 1300 hours	1990 Ford Mustang, VIN # 1FACP45E8LF224371	Chevrolet G1500 van	YD995613C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
3	2	04/09/14 1305 hours to 1324 hours	1997 Chevrolet Blazer California license 4ZDT434	Chevrolet G1500 van	YD995614C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
4	3	04/09/14 1334 hours to 1341 hours	1995 Honda Civic California license 5PWD365	Chevrolet G1500 van	YD995615C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
5	4	04/09/14 1346 hours to 1352 hours	2003 Mitsubishi Lancer California license 5HYV020	Chevrolet G1500 van	YD995616C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.
6	5	04/09/14 1358 hours to 1408 hours	1994 Ford Thunderbird, California license 7357VDP	Chevrolet G1500 van	YD995617C	The Chevrolet G1500 van was the only vehicle inside the test bay at the time of the Smog Check Inspection.

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements)

24. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his ARD Registration to discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that on or about April 2, 2014 and April 9, 2014, he made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading when he issued electronic certificates of compliance for certain vehicles, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been inspected. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 22 and 23, inclusive, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

25. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his ARD Registration to discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(4), in

1 that on or about April 2, 2014 and April 9, 2014, he committed acts which constitute fraud by
2 issuing electronic certificates of compliance for certain vehicles without performing bona fide
3 inspections of the emission control devices and systems on those vehicles, thereby depriving the
4 People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program. Complainant refers to, and by this reference incorporates, the allegations set forth
6 above in paragraphs 22 and 23, inclusive, as though set forth fully herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Material Violation of Automotive Repair Act)**

9 26. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his
10 ARD Registration to discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(6), in
11 that on or about April 2, 2014 and April 9, 2014, he failed in a “material respect to comply with
12 the provisions of this chapter or regulations adopted pursuant to it” when he issued electronic
13 certificates of compliance for certain vehicles without performing bona fide inspections of the
14 emission control devices and systems on those vehicles, thereby depriving the People of the State
15 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
16 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 22 and
17 23, inclusive, as though set forth fully herein.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violation of the Motor Vehicle Inspection Program)**

20 27. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his
21 Station License to discipline under Health & Saf. Code section 44072.2, subdivision (a), in that
22 on or about April 2, 2014 and April 9, 2014, Respondent violated the following sections of the
23 Health & Saf. Code with respect to the inspection of certain vehicles:

24 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
25 performed on those vehicles in accordance with procedures prescribed by the department.

26 b. **Section 44015, subdivision (b):** Respondent issued electronic certificates of
27 compliance without properly testing and inspecting the vehicles to determine if they were in
28 compliance with section 44012 of the Health & Saf. Code.

1 c. **Section 44059:** Respondent willfully made false entries for the electronic certificates
2 of compliance by certifying that those vehicles had been inspected as required when, in fact, they
3 had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 22 and 23, inclusive, as though set forth fully herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

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

8 28. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his
9 Station License to discipline under Health & Saf. Code section 44072.2, subdivision (c), in that
10 on or about April 2, 2014 and April 9, 2014, Respondent violated the following sections of title
11 16 of the CCR with respect to the inspection of certain vehicles:

12 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
13 electronic certificates of compliance without performing bona fide inspections of the emission
14 control devices and systems on those vehicles as required by Health & Saf. Code section 44012.

15 b. **Section 3340.35, subdivision (c):** Respondent issued electronic certificates of
16 compliance even though those vehicles had not been inspected in accordance with section
17 3340.42 of the Health & Saf. Code.

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

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in
21 paragraphs 22 and 23, as though set forth fully herein.

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 29. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his
25 Station License to discipline under Health & Saf. Code section 44072.2, subdivision (d), in that
26 on or about April 2, 2014 and April 9, 2014, Respondent committed acts involving dishonesty,
27 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for
28 certain vehicles without performing bona fide inspections of the emission control devices and

1 systems on those vehicles, thereby depriving the People of the State of California of the
2 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
3 reference incorporates, the allegations set forth above in paragraphs 22 and 23, inclusive, as
4 though set forth fully herein.

5 **SEVENTH CAUSE FOR DISCIPLINE**

6 **(Criminal Conviction)**

7 30. Fernando Sandoval, owner, doing business as Star Smog Check, has subjected his
8 ARD Registration and Station License to discipline under Health & Saf. Code section 44072.2,
9 subdivision (b), in that on or about January 27, 2015, in the criminal matter entitled *People of the*
10 *State of California v. Fernando Sandoval* (Los Angeles County Superior Court Case No.
11 BA431040), Respondent entered a plea of nolo contendere and was convicted of one count of
12 violating Vehicle Code section 4463, subdivision (a)(1) [willfully forge/falsify smog check
13 certificates with fraudulent intent], a felony. Respondent was sentenced to 3-years formal
14 probation on terms and conditions, including 10 days of CalTrans. In addition, the Court ordered
15 Respondent Sandoval “not to participate in any business involving smog certification,” his “smog
16 license [was] ordered revoked,” and his “smog equipment [was] ordered forfeited.” The
17 circumstances surrounding the conviction are outlined by Respondent’s illegal conduct as set
18 forth in paragraphs 22 and 23 above.

19 **EIGHTH CAUSE FOR DISCIPLINE**

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

21 31. Respondent Sandoval has subjected his technician licenses to discipline under Health
22 & Saf. Code section 44072.2, subdivision (a), in that on or about April 2, 2014 and April 9, 2014,
23 he violated the following sections of the Health & Saf. Code with respect to the inspection of
24 certain vehicles:

25 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
26 performed on those vehicles in accordance with procedures prescribed by the department.
27
28

1 forfeited.” The circumstances surrounding the conviction are outlined by Respondent’s illegal
2 conduct as set forth in paragraphs 22 and 23 above.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

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

5 34. Respondent Huizar has subjected his Smog Check Inspector License to discipline
6 under Health & Saf. Code section 44072.2, subdivision (a), in that on or about April 9, 2014, he
7 violated the following sections of the Health & Saf. Code with respect to the inspection of certain
8 vehicles:

9 a. Section 44012: Respondent failed to ensure that the emission control tests were
10 performed on those vehicles in accordance with procedures prescribed by the department.

11 b. Section 44032: Respondent failed to perform tests of the emission control devices
12 and systems on those vehicles in accordance with section 44012 of the Health & Saf. Code, in
13 that the vehicles had been clean piped.

14 c. Section 44059: Respondent willfully made false entries for the electronic certificates
15 of compliance by certifying that those vehicles had been inspected as required when, in fact, they
16 had not.

17 Complainant refers to, and by this reference incorporates, the allegations set forth above in
18 paragraph 23, inclusive, as though set forth fully herein.

19 **TWELFTH CAUSE FOR DISCIPLINE**

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

21 35. Respondent Huizar has subjected his Smog Check Inspector License to discipline
22 under Health & Saf. Code section 44072.2, subdivision (c), in that on or about April 9, 2014, he
23 violated the following sections of the CCR, title 16, with respect to the inspection of certain
24 vehicles:

25 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued
26 electronic certificates of compliance without performing bona fide inspections of the emission
27 control devices and systems on those vehicles as required by Health & Saf. Code section 44012.
28

1 b. Section 3340.30, subdivision (a): Respondent failed to inspect and test those vehicles
2 in accordance with Health & Saf. Code section 44012.

3 c. Section 3340.41, subdivision (c): Respondent entered false information into the EIS
4 for the electronic certificates of compliance by entering vehicle emission control information for
5 vehicles other than the vehicles being certified.

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

8 Complainant refers to, and by this reference incorporates, the allegations set forth above in
9 paragraph 23, inclusive, as though set forth fully herein.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

12 36. Respondent Huizar has subjected his Smog Check Inspector License to discipline
13 under Health & Saf. Code section 44072.2, subdivision (d), in that on or about April 9, 2014, he
14 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
15 electronic certificates of compliance for certain vehicles without performing bona fide inspections
16 of the emission control devices and systems on those vehicles, thereby depriving the People of the
17 State of California of the protection afforded by the Motor Vehicle Inspection Program.

18 Complainant refers to, and by this reference incorporates, the allegations set forth above in
19 paragraph 23, inclusive, as though set forth fully herein.

20 **FOURTEENTH CAUSE FOR DISCIPLINE**

21 **(Criminal Conviction)**

22 37. Respondent Huizar has subjected his Smog Check Inspector License to discipline
23 under Health & Saf. Code section 44072.2, subdivision (b), in that on or about January 27, 2015,
24 in the criminal matter entitled *People of the State of California v. Hector Huisar* (Los Angeles
25 County Superior Court Case No. BA431040), Respondent entered a plea of nolo contendere and
26 was convicted of one count of violating Vehicle Code section 4463, subdivision (a)(1) [willfully
27 forge/falsify smog check certificates with fraudulent intent], a felony. Respondent was sentenced
28 to 3-years formal probation on terms and conditions, including 10 days of CalTrans. In addition,

1 the Court ordered Respondent “not to participate in any business involving smog certification”
2 and his “smog license” was ordered revoked. The circumstances surrounding the conviction are
3 outlined by Respondent’s illegal conduct as set forth in paragraph 23 above.

4 **OTHER MATTERS**

5 38. Pursuant Bus. & Prof. Code section 9884.7, subdivision (c), the director may suspend,
6 revoke, or place on probation the registrations for all places of business operated in this state by
7 Fernando Sandoval, owner, doing business as Star Smog Check upon a finding that he has, or is,
8 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
9 automotive repair dealer.

10 39. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station
11 License Number TC 272552, issued to Fernando Sandoval, owner, doing business as Star Smog
12 Check, is revoked or suspended, any additional license issued under this chapter in the name of
13 said licensees may be likewise revoked or suspended by the director.

14 40. Pursuant to Health & Saf. Code section 44072.8, if Respondent Fernando Sandoval's
15 Technician Licenses, currently designated as EO 144260 and EI 144260, are revoked or
16 suspended, any additional license issued under this chapter in the name of said licensee may be
17 likewise revoked or suspended by the director.

18 41. Pursuant to Health & Saf. Code section 44072.8, if Respondent Hector Huizar's Smog
19 Check Inspector License, currently designated as EO 635756, is revoked or suspended, any
20 additional license issued under this chapter in the name of said licensee may be likewise revoked
21 or suspended by the director.

22 **PRAYER**

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

25 1. Revoking or suspending Automotive Repair Dealer Registration Number
26 ARD 272552, issued to Fernando Sandoval, owner, doing business as Star Smog Check;

27 2. Revoking or suspending any other automotive repair dealer registration issued to
28 Fernando Sandoval, also known as Fernando Sandoval Mejia;

