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

12
13
14 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 79/21-6008

15 **SIMRANDEEP S. BHULLAR, DBA**
STAR VALLEY SMOG
16 1506 N. Blackstone Avenue
Fresno, CA 93703

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 **Mailing Address:**
18 2830 E. Trenton Ave.
Fresno, CA 93720

19 Automotive Repair Dealer Registration
20 No. ARD 280083
Smog Check, Test Only, Station License
21 No. TC 280083

22 **GURPREET SINGH CHAUHAN**
23 1506 N. Blackstone Ave.
Fresno, CA 93703

24 Smog Check Inspector License No. EO 147842
Smog Check Repair Technician License
25 No. EI 147842

26 Respondents.
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1 **PARTIES**

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

5 **Automotive Repair Dealer Registration**

6 2. On or about April 29, 2015, the Bureau issued Automotive Repair Dealer Registration
7 Number ARD 280083 to Simrandeep S. Bhullar, doing business as Star Valley Smog
8 (Respondent Bhullar). The Automotive Repair Dealer Registration was in full force and effect at
9 all times relevant to the charges brought herein and will expire on April 30, 2022, unless renewed.

10 **Smog Check, Test Only, Station License**

11 3. On or about June 22, 2015, the Bureau issued Smog Check, Test Only, Station
12 License Number TC 280083 to Respondent Bhullar. The Smog Check, Test Only, Station
13 License was in full force and effect at all times relevant to the charges brought herein and will
14 expire on April 30, 2022, unless renewed.

15 **Technician Licenses**

16 4. In or around 2005, the Bureau issued Advanced Emission Specialist Technician
17 License Number EA 147842 to Gurpreet Singh Chauhan (Respondent Chauhan). Effective
18 January 4, 2013, Respondent Chauhan's Advanced Emission Specialist Technician License was
19 cancelled and then renewed pursuant to his election as Smog Check Inspector License Number
20 EO 147842 and Smog Check Repair Technician License Number EI 147842. The Smog Check
21 Repair Technician and Smog Check Inspector Licenses will expire on January 31, 2023, unless
22 renewed.

23 **Disciplinary Action**

24 5. In a disciplinary action titled *In the Matter of the Accusation Against: Simrandeep S.*
25 *Bhullar, dba Star Valley Smog, and Gurpreet Singh Chauhan,*" Case No. 79/17-20670, the
26 Bureau issued a Decision and Order effective June 16, 2020, in which Respondent Bhullar's
27 Automotive Repair Dealer Registration and Smog Check, Test Only, Station License, and
28 Respondent Chauhan's Smog Check Inspector and Smog Check Repair Technician licenses were

1 revoked. However, the revocations were stayed and Respondent Bhullar's Automotive Repair
2 Dealer Registration and Smog Check, Test Only, Station License, and Respondent Chauhan's.
3 Smog Check Inspector and Smog Check Repair Technician licenses were placed on probation for
4 two years with certain terms and conditions.

5 **ACCUSATION**

6 **JURISDICTION**

7 6. This Accusation is brought before the Director of the Department of Consumer
8 Affairs ("Director") for the Bureau under the authority of the following laws.

9 7. Business and Professions Code ("Code") section 9884.7 provides that the Director
10 may revoke an automotive repair dealer registration.

11 8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
12 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
13 against an automotive repair dealer or to render a decision temporarily or permanently
14 invalidating (suspending or revoking) a registration.

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

19 10. Code section 118, subdivision (b), states:

20 The suspension, expiration, or forfeiture by operation of law of a license issued
21 by a board in the department, or its suspension, forfeiture, or cancellation by order of
22 the board or by order of a court of law, or its surrender without the written consent of
23 the board, shall not, during any period in which it may be renewed, restored, reissued,
24 or reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground.

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

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1 15. Code section 9884.9, subdivision (a), states, in pertinent part:

2 The automotive repair dealer shall give to the customer a written estimated
3 price for labor and parts necessary for a specific job, except as provided in
4 subdivision (e). No work shall be done and no charges shall accrue before
authorization to proceed is obtained from the customer. . . .

5 16. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

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

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

14 17. Health and Safety Code section 44072.10, subdivision (c) states, in pertinent part:

15 The department shall revoke the license of any smog check technician or
16 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
17 the following:

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

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

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

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

23 **COST RECOVERY**

24 18. Code section 125.3 provides, in pertinent part, that a Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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1 **UNDERCOVER OPERATION**

2 19. On or about May 13, 2021, a Bureau undercover operator (the "operator") took the
3 Bureau's documented 2000 Chevrolet to Respondent Bhullar's facility and requested a smog
4 inspection. The operator filled out the customer information on a work order and signed it as
5 instructed, but was not given a copy of the work order estimate for the smog inspection, or
6 informed of the cost of a smog inspection.

7 20. Respondent Chauhan performed a smog inspection on the vehicle and the operator
8 paid Respondent Bhullar \$58. The operator received a copy of invoice No. 09856 for \$58, dated
9 May 13, 2021, (the "Invoice") and a Vehicle Inspection Report ("VIR") for the vehicle. The
10 operator drove away from Respondent Bhullar's facility and saw a copy of the signed work order
11 estimate on the seat on the driver's side of the vehicle.

12 21. The VIR and OIS tests were retrieved from the Bureau's Vehicle Information
13 Database (VID), and confirmed that Respondent Chauhan performed a smog inspection on the
14 Bureau's 2000 Chevrolet at Respondent Bhullar's facility on May 13, 2021, and issued Smog
15 Certificate No. IL283393C. On or about May 14, 2021, a Bureau representative inspected the
16 2000 Chevrolet and found that the vehicle failed the visual portion of the smog test because the
17 vehicle had missing PCV system components.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 22. Respondent Bhullar's registration is subject to discipline pursuant to Code section
21 9884.7, subdivision (a)(1), in that Respondent Bhullar made or authorized statements which he
22 knew or in the exercise of reasonable care should have known to be untrue or misleading.
23 Specifically, on or about May 13, 2021, Respondent Bhullar certified under penalty of perjury
24 that the Bureau's 2000 Chevrolet passed a smog inspection and was in compliance with
25 applicable laws and regulations. In fact, the vehicle had missing PCV system components,
26 precluding the vehicle from passing the inspection required by Health and Safety Code
27 section 44012.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 23. Respondent Bhullar's registration is subject to discipline pursuant to Code section
4 9884.7, subdivision (a)(4), in that on or about May 13, 2021, as set forth in paragraph 21 above,
5 Respondent Bhullar committed an act that constitutes fraud by issuing an electronic smog
6 certificate of compliance for the Bureau's 2000 Chevrolet without ensuring that a *bona fide*
7 inspection was performed of the emission control devices and systems on the vehicle, thereby
8 depriving the people of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Failure to Provide a Written Estimate)**

12 24. Respondent Bhullar's registration is subject to discipline pursuant to section 9884.7,
13 subdivision (a)(6), in that Respondent Bhullar failed to comply with Code section 9884.9,
14 subdivision (a). Specifically, on or about May 13, 2021, Respondent Bhullar failed to provide the
15 operator with a written estimate for work that Respondent Bhullar agreed to perform on the
16 Bureau's 2000 Chevrolet, prior to performing such work.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Failure to Provide Customer with Copy of Signed Document)**

19 25. Respondent Bhullar's registration is subject to disciplinary action pursuant to Code
20 section 9884.7, subdivision (a)(3), in that on or about May 13, 2021, Respondent Bhullar failed to
21 ensure that the operator was provided with a copy of the work order estimate as soon as the
22 operator signed the document.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Motor Vehicle Inspection Program - Code Violations)**

25 26. Respondent Bhullar's smog check, test only, station license is subject to discipline
26 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about May 13,
27 2021, Respondent Bhullar failed to comply with provisions of that Code, as follows:

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1 a. **Section 44012:** Respondent Bhullar failed to ensure that the emission control tests
2 were performed on the Bureau's 2000 Chevrolet in accordance with procedures prescribed by the
3 department.

4 b. **Section 44015:** Respondent Bhullar issued an electronic smog certificate of
5 compliance for the Bureau's 2000 Chevrolet without ensuring that the vehicle was properly tested
6 and inspected to determine if it complied with Health and Safety Code section 44012.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **(Motor Vehicle Inspection Program - Regulation Violations)**

9 27. Respondent Bhullar's smog check, test only, station license is subject to discipline
10 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about May 13,
11 2021, Respondent Bhullar failed to comply with provisions of California Code of Regulations,
12 title 16 ("CCR"), as follows:

13 a. **CCR section 3340.35, subdivision (c):** Respondent Bhullar issued an
14 electronic smog certificate of compliance for the Bureau's 2000 Chevrolet even though the
15 vehicle had not been inspected in accordance with Regulations section 3340.42.

16 b. **CCR section 3340.42:** Respondent Bhullar failed to ensure that the required
17 smog tests were conducted on the Bureau's 2000 Chevrolet in accordance with the Bureau's
18 specifications.

19 **SEVENTH CAUSE FOR DISCIPLINE**

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

21 28. Respondent Bhullar's smog check, test only, station license is subject to discipline
22 pursuant to Health and Safety Code sections 44072.2, subdivision (d) and 44072.10, subdivision
23 (c), in that on or about May 13, 2021, Respondent Bhullar committed a dishonest, fraudulent or
24 deceitful act whereby another is injured by issuing an electronic smog certificate of compliance
25 for the Bureau's 2000 Chevrolet without ensuring that a *bona fide* inspection was performed of
26 the emission control devices and systems on the vehicle, thereby depriving the people of the State
27 of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 29. Respondent Chauhan’s smog check inspector license is subject to discipline pursuant
4 to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Chauhan violated
5 section 44012 of that Code. Specifically, Respondent Chauhan failed to perform the emission
6 control tests on the Bureau's 2000 Chevrolet in accordance with procedures prescribed by the
7 department.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations)**

10 30. Respondent Chauhan’s smog check inspector license is subject to discipline pursuant
11 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the Bureau's 2000
12 Chevrolet he failed to comply with provisions of Regulations, as follows:

13 a. **Section 3340.30, subdivision (a)**: Respondent Chauhan failed to inspect and test the
14 vehicle in accordance with Health and Safety Code sections 44012 and 44035, and CCR section
15 3340.42.

16 b. **Section 3340.42**: Respondent Chauhan failed to conduct the required smog tests on
17 the vehicle in accordance with the Bureau’s specifications.

18 **TENTH CAUSE FOR DISCIPLINE**

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

20 31. Respondent Chauhan’s smog check inspector and smog check repair technician
21 licenses are subject to discipline pursuant to Health and Safety Code sections 44072.2,
22 subdivision (d) and 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
23 deceitful acts whereby another was injured by using false information for electronic smog
24 certificates of compliance issued for the Bureau's 2000 Chevrolet , thereby failing to perform
25 *bona fide* inspections of the emission control devices and systems on the vehicle and depriving
26 the people of the State of California of the protection afforded by the Motor Vehicle Inspection
27 Program.

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1 **PETITION TO REVOKE PROBATION**

2 **RESPONDENT BHULLAR**

3 32. Condition 7 of Respondent Bhullar’s probationary order states:

4 If respondent violates or fails to comply with the terms and conditions of
5 probation in any respect, the Director, after giving notice and opportunity to be
6 heard may set aside the stay order and carry out the disciplinary order provided
7 in the decision. Once respondent is served notice of BAR’s intent to set aside
8 the stay, the Director shall maintain jurisdiction, and the period of probation
9 shall be extended until final resolution of the matter.

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10 33. Grounds exist to revoke Respondent Bhullar’s probation and re-impose the order of
11 revocation of Respondent Bhullar’s automotive repair dealer registration and smog check, test
12 only, station license as follows:

13 **CAUSE TO REVOKE PROBATION**

14 (Failure to Obey all Laws)

15 34. Condition 1 of Respondent Bhullar’s probationary order states:

16 During the period of probation, respondent shall comply with all federal and
17 state statutes, regulations and rules governing all BAR registrations and
18 licenses held by respondent.

19 35. Respondent Bhullar’s probation is subject to revocation in that he failed to comply
20 with Condition 1 of his probationary order. Specifically, Respondent failed to comply with
21 statutes, regulations, and rules governing automotive inspections, estimates, and/or repairs, as set
22 forth in paragraphs 21 through 26 above, incorporated herein by reference.

22 **RESPONDENT CHAUHAN**

23 36. Condition 7 of Respondent Chauhan’s probationary order states:

24 If respondent violates or fails to comply with the terms and conditions of
25 probation in any respect, the Director, after giving notice and opportunity to be
26 heard may set aside the stay order and carry out the disciplinary order provided
27 in the decision. Once respondent is served notice of BAR’s intent to set aside
28 the stay, the Director shall maintain jurisdiction, and the period of probation
shall be extended until final resolution of the matter.

1 37. Grounds exist to revoke Respondent Chauhan's probation and re-impose the order of
2 revocation of Respondent Chauhan's smog check inspector and smog check repair technician
3 licenses, as follows:

4 **CAUSE TO REVOKE PROBATION**

5 (Failure to Obey all Laws)

6 38. Condition 1 of Respondent Chauhan's probationary order states:

7 During the period of probation, respondent shall comply with all federal and
8 state statutes, regulations and rules governing all BAR registrations and
licenses held by respondent.

9 39. Respondent Chauhan's probation is subject to revocation in that he failed to comply
10 with Condition 1 of his probationary order. Specifically, he failed to comply with statutes,
11 regulations, and rules governing automotive inspections, estimates, and/or repairs, as set forth in
12 paragraphs 27 through 29 above, incorporated herein by reference.

13 **MATTERS IN AGGRAVATION**

14 40. To determine the degree of discipline, if any, to be imposed on Respondent Bhullar
15 and Respondent Chauhan, Complainant alleges on or about June 16, 2020, representatives with
16 the Bureau conducted a Probation Conference with Respondent Bhullar and Respondent
17 Chauhan. Requirements of the Automotive Repair Act and its regulations were discussed, as well
18 as means by which they planned to comply with the terms and conditions of their probation.
19 Specifically, false or misleading statements, smog check procedures, estimate and authorization
20 requirements were discussed, *inter alia*. The Bureau advised Respondent Bhullar and
21 Respondent Chauhan that the Bureau may send an undercover vehicle to confirm compliance and
22 that failure to comply with the Automotive Repair Act or other applicable laws and regulations
23 may result in disciplinary action which could jeopardize the automotive repair dealer's
24 registration, smog check, test only, station license, and technician licenses.

25 **OTHER MATTERS**

26 41. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or
27 place on probation the registration for all places of business operated in this state by Respondent
28 Simrandeep S. Bhullar, upon a finding that he has, or is, engaged in a course of repeated and

1 willful violations of the laws and regulations pertaining to an automotive repair dealer.

2 42. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only,
3 Station License No. TC 280083, issued to Respondent Simrandeep S. Bhullar, doing business as
4 Star Valley Smog, is revoked or suspended, then any additional license issued under this chapter
5 in the name of said licensee may be likewise revoked or suspended by the Director.

6 43. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector (EO)
7 License No. 147842, and/or Smog Check Repair Technician (EI) License No. 147842, issued to
8 Respondent Gurpreet Singh Chauhan, is revoked or suspended, then any additional license issued
9 under this chapter in the name of said licensee may be likewise revoked or suspended by the
10 Director.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
13 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of the
14 Department of Consumer Affairs issue a decision:

15 1. Revoking probation and reimposing the order of revocation of Automotive Repair
16 Dealer Registration No. ARD 280083, issued to Simrandeep S. Bhullar, doing business as Star
17 Valley Smog;

18 2. Revoking or suspending any other automotive repair dealer registration issued to
19 Simrandeep S. Bhullar;

20 3. Revoking probation and reimposing the order of revocation of Smog Check, Test
21 Only, Station License No. TC 280083, issued to Simrandeep S. Bhullar, doing business as Star
22 Valley Smog;

23 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
24 and Safety Code in the name of Simrandeep S. Bhullar;

25 5. Revoking probation and reimposing the order of revocation of Smog Check Inspector
26 License No. EO 147842 and Smog Check Repair Technician License No. EI 147842, issued to
27 Gurpreet Singh Chauhan;

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