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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. 79/18-588

13 **SMOGSTER, JOGINDER SINGH**
14 **(OWNER)**

15 6928 Reseda Blvd.
Reseda, CA 91335
Automotive Repair Dealer Registration No.
ARD 274480
Smog Check Station License No. RC 274480

A C C U S A T I O N

16 **JOGINDER SINGH**

17 9950 Topanga Canyon Blvd., #5
Chatsworth, CA 91311

18 Smog Check Inspector License No. EO 143313

19 **and**

20 **BAO HOANG TANG**

21 21930 Valerio St. #15
Canoga Park, CA 91303

22 Mailing Address:

23 7203 Rubio Ave. #205
Lake Balboa, CA 91406

24 Smog Check Inspector License No. EO 148730
25 Smog Check Repair Technician License No. EI
148730

26 Respondents.

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1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about October 11, 2013, the Bureau issued Automotive Repair Dealer
6 Registration Number ARD 274480 to Joginder Singh doing business as Smogster ("Respondent
7 Smogster"). The Automotive Repair Dealer Registration was in full force and effect at all times
8 relevant to the charges brought herein and will expire on October 31, 2018, unless renewed.

9 3. On or about December 14, 2015, the Bureau issued Smog Check Station License
10 Number RC 274480 to Respondent Smogster. The Smog Check Station License was in full force
11 and effect at all times relevant to the charges brought herein and will expire on October 31, 2018,
12 unless renewed.

13 4. On or about December 14, 2015, the Bureau issued STAR Certification to
14 Respondent Smogster. The STAR Station Certification was in full force and effect at all times
15 relevant to the charges brought herein and will remain active unless the ARD registration and/or
16 the Smog Check Station license is revoked, cancelled, or the licenses become delinquent or
17 certification is invalidated.

18 5. In 2002, the Bureau issued Advanced Emission Specialist License No. EA 143313 to
19 Joginder Singh ("Respondent Singh"). Said license was renewed pursuant to Respondent Singh's
20 election as a Smog Check Inspector (EO) License No. 148730, effective November 25, 2013.¹
21 The Smog Check Inspector license was in full force and effect at all times relevant to the charges
22 brought herein, and will expire on June 30, 2019, unless renewed.

23 6. In 2004, the Bureau issued Advanced Emission Specialist License No. EA 148730 to
24 Bao Hoang Tang ("Respondent Tang"). Said license was renewed pursuant to Respondent
25 Tang's election as a Smog Check Inspector (EO) License No. 148730, effective August 18, 2015,
26 and Smog Check Repair Technician (EI) License No. 148730, effective August 17, 2015. The

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28 ¹ Pursuant to California Code of Regulations, title 16 section 3340.28, subdivision (e).

1 Smog Check Inspector (EO) and Smog Check Repair Technician (EI) licenses were in full force
2 and effect at all times relevant to the charges brought herein, and will expire on July 31, 2019,
3 unless renewed.

4 JURISDICTION

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

7 8. Business and Professions Code ("Bus. & Prof. Code") section 9884.13 provides, in
8 pertinent part, that the expiration of a valid registration shall not deprive the Director of
9 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to
10 render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

11 9. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
12 part, that the Director has all the powers and authority granted under the Automotive Repair Act
13 for enforcing the Motor Vehicle Inspection Program.

14 10. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
15 suspension of a license by operation of law, or by order or decision of the Director of Consumer
16 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
17 of jurisdiction to proceed with disciplinary action.

18 STATUTORY PROVISIONS

19 11. Bus. & Prof. Code section 9884.7 states, in pertinent part:

20 (a) The director, where the automotive repair dealer cannot show there
21 was a bona fide error, may refuse to validate, or may invalidate temporarily or
22 permanently, the registration of an automotive repair dealer for any of the following
23 acts or omissions related to the conduct of the business of the automotive repair
dealer, which are done by the automotive repair dealer or any automotive technician,
employee, partner, officer, or member of the automotive repair dealer.

24 (1) Making or authorizing in any manner or by any means whatever any
25 statement written or oral which is untrue or misleading, and which is known, or which
26 by the exercise of reasonable care should be known, to be untrue or misleading.

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27 (4) Any other conduct that constitutes fraud.

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

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

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

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

12 14. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate
13 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
14 44012.

15 15. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

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

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

24 16. Health & Saf. Code section 44072.10 states, in pertinent part:

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26 (c) The department shall revoke the license of any smog check technician
27 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
28 the following:

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

17. Health & Saf. Code section 44072.8 states that 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.

REGULATORY PROVISIONS

18. California Code of Regulations ("CCR"), title 16, section 3340.24, subdivision (c), states:

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

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

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

21. CCR, title 16, section 3340.41, subdivision (c), states that "[n]o person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested."

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

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1 **COST RECOVERY**

2 23. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **STATEMENT OF FACTS**

7 24. On March 9, 2015, the Bureau implemented a statewide regulatory change
8 requiring the use of an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model
9 year and newer gas powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under,
10 and 1998 and newer diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data
11 lists differences in Vehicle Identification Numbers (VIN) for vehicles that have received smog
12 inspections, in addition to communication protocol (the language used to communicate) and
13 Parameter ID (PID) differences with vehicles that have been certified correctly that are the same
14 make and model vehicles.

15 25. A Bureau representative initiated an investigation and reviewed OIS test data for
16 Respondent Smogster. The investigation revealed that the data related to certain vehicles
17 certified by Respondent Smogster contained a pattern of unmistakable discrepancies between the
18 information transmitted during the inspections and documented information known about the
19 subject vehicles. Specifically, a comparison of the data received from the certified vehicles to
20 data from vehicles of the same year, make, and model and/or prior transmitted inspections for the
21 same certified vehicle determined that the data from at least four (4) of the certified vehicles
22 contained the following unmistakable discrepancies: (1) incorrect vehicle communication
23 protocols and/or (2) incorrect PID counts. Also, discrepancies were found with respect to the
24 transmitted eVINS (digitally stored VIN number in the vehicle's Power Control Module and
25 identified by the OIS). These documented discrepancies confirm that the vehicles receiving smog

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certificates from Respondent Smogster were fraudulently tested during the smog inspection using the “clean plugging” method.²

26. Moreover, the OIS test data showed that Smog Check Technicians Respondent Singh (EO 143313) and Respondent Tang (EO 148730) each performed two of the four (4) fraudulent inspections. Respondent Tang performed fraudulent inspections on April 19, 2007 and October 18, 2017. Respondent Singh performed fraudulent inspections on November 22, 2017 and December 11, 2017.

27. The following chart illustrates the documented clean plugging activities of Respondents Smogster, Singh, and Tang between April 19, 2017 and December 11, 2017:

| Table | | | | | |
|-------|-----------|---|-----------------|-------------------------------------|--|
| | Test Date | Vehicle & License No. | Certificate No. | Fraudulent Passing Inspection Data | Expected OBDII Value |
| 1 | 4/19/17 | 2008 Nissan Frontier Crew Cab LE 25356W1 | ZT625272C | eVIN: Not Reported, but Expected | eVIN: 1N6AD09U78C435894 (Expected) |
| | | | | Comm. Protocol: I914 | Comm. Protocol: ICAN11bt5 |
| | | | | PID Count: 22 | PID Count: 43 |
| 2 | 10/18/17 | 2009 Toyota Corolla Base ³ 6EWW713 | HH518302C | eVIN: Not Reported, but Expected | eVIN: 1NXBU40E29Z045314 |
| | | | | Comm. Protocol: I914 | Comm. Protocol: ICAN11bt5 |
| | | | | PID Count: 16 | PID Count: 39 |

² “Clean plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

³ This vehicle was previously tested at another station on April 29, 2017. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1NXBU40E29Z045314 and had the expected communication protocol as ICAN11bt5 and transmitted a PID count of 39.

| | Test Date | Vehicle & License No. | Certificate No. | Fraudulent Passing Inspection Data | Expected OBDII Value |
|---|-----------|--|-----------------|---|--|
| 3 | 11/22/17 | 2012 Ford Fiesta SEL ⁴ 6VWM517 | HJ492015C | eVIN: WBAFR7C52CDU78611 (Wrong eVIN) ⁵ | eVIN: 3FADP4CJ5CM219844 (Expected) |
| | | | | Comm. Protocol: ICAN11bt5 | Comm. Protocol: ICAN11bt5 |
| | | | | PID Count: 42 | PID Count: 37 14 or 37 16 |
| 4 | 12/11/17 | 2014 BMW M5 ⁶ 8AEB975 | HJ992305C | eVIN: 2G61N5S30F9261155 (Wrong eVIN) ⁷ | eVIN: WBSFV9C53ED097825 |
| | | | | Comm. Protocol: ICAN11bt5 | Comm. Protocol: ICAN11bt5 |
| | | | | PID Count: 48 4 5 | PID Count: 51 11 48, 51 13 48, 51 13 48 15, or 51 48 |

28. The data analysis conducted on Respondent Smogster shows that Respondents participated in a scheme to perform at least four (4) fraudulent Smog Check inspections resulting in the issuance of four (4)) fraudulent electronic Smog Check Certificates of Compliance between April 19, 2017 and December 11, 2017.

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⁴ This vehicle was previously tested at another station on December 31, 2015. At that time, the OIS Test Data for this vehicle showed that it transmitted the eVIN as 3FADP4CJ5CM219844 and had the expected communication protocol as ICAN11bt5 and transmitted a PID count of 37|16.

⁵ Data from the Vehicle Information Database (VID) shows a 2012 BMW 535i, VIN WBAFR7C52CDU78611, was the vehicle used to generate the fraudulent Smog Certification of Compliance for the 2012 Ford Fiesta.

⁶ This vehicle was previously tested at another station on November 1, 2016. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as WBSFV9C53ED097825 and had the expected communication protocol as ICAN11bt5 and transmitted a PID count of 51|11|48.

⁷ Data from the Vehicle Information Database (VID) shows a 2015 Cadillac XTS Luxury Collection, VIN 2G61N5S30F9261155, was the vehicle used to generate the fraudulent Smog Certification of Compliance for the 2014 BMW M5.

1 **CAUSES FOR DISCIPLINE SUBJECTING ARD REGISTRATION TO DISCIPLINARY**
2 **ACTION:**

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 29. Respondent Superior Smogster's Automotive Repair Dealer Registration is subject to
6 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
7 Respondent Smogster made or authorized statements which Respondent Smogster knew or in the
8 exercise of reasonable care should have known to be untrue or misleading, as follows:

9 Respondent certified that the four (4) vehicles identified in paragraph 27 above had passed smog
10 inspection and were in compliance with applicable laws and regulations. In fact, Respondent
11 used clean plugging methods for the four (4) vehicles identified in paragraph 27 above.

12 Respondent substituted or used a different vehicle(s), or another source, during the OBD II
13 functional tests in order to issue smog certificates of compliance for the vehicles. Respondent did
14 not properly test or inspect any of the four (4) vehicles as required by Health & Saf. Code section
15 44012. Complainant refers to, and by this reference incorporates, the allegations contained in
16 paragraphs 24 through 28, above, as though set forth fully herein.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 30. Respondent Smogster's Automotive Repair Dealer Registration is subject to
20 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
21 Respondent Smogster committed acts that constitute fraud by issuing electronic smog certificates
22 of compliance for the four (4) vehicles identified in paragraph 27 above, without performing bona
23 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
24 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
25 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 24 through 28, above, as though set forth fully herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

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

3 31. Respondent Smogster's Automotive Repair Dealer Registration is subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
5 Respondent Smogster failed in a material respect to comply with the provisions of this chapter or
6 regulations adopted pursuant to it when he issued electronic certificates of compliance for the
7 four (4) vehicles identified in paragraph 27 above, without performing bona fide inspections of
8 the emission control devices and systems on those vehicles, thereby depriving the People of the
9 State of California of the protection afforded by the Motor Vehicle Inspection Program.
10 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
11 24 through 28, above, as though set forth fully herein.

12 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK STATION LICENSE TO**
13 **DISCIPLINARY ACTION:**

14 **FOURTH CAUSE FOR DISCIPLINE**

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

16 32. Respondent Smogster's Smog Check Station License is subject to disciplinary action
17 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Smogster
18 failed to comply with the following sections of that Code:

19 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
20 performed on the four (4) vehicles identified in paragraph 27 above, in accordance with
21 procedures prescribed by the department.

22 b. **Section 44015:** Respondent issued electronic smog certificates of compliance for the
23 four (4) vehicles identified in paragraph 27 above, without ensuring that the vehicles were
24 properly tested and inspected to determine if they were in compliance with Health & Saf. Code
25 section 44012.

26 Complainant refers to, and by this reference incorporates, the allegations contained in
27 paragraphs 24 through 28, above, as though set forth fully herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**
3 **to the Motor Vehicle Inspection Program)**

4 33. Respondent Smogster's Smog Check Station License is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Smogster
6 failed to comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27
9 above.

10 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
11 compliance for the four (4) vehicles identified in paragraph 27 above, even though the vehicles
12 had not been inspected in accordance with section 3340.42.

13 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
14 into the emissions inspection system for the four (4) vehicles identified in paragraph 27 above.

15 d. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
16 conducted on the four (4) vehicles identified in paragraph 27 above, in accordance with the
17 Bureau's specifications.

18 Complainant refers to, and by this reference incorporates, the allegations contained in
19 paragraphs 24 through 28, above, as though set forth fully herein.

20 **SIXTH CAUSE FOR DISCIPLINE**

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

22 34. Respondent Smogster's Smog Check Station License is subject to disciplinary action
23 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Smogster
24 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
25 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27
26 above, without performing bona fide inspections of the emission control devices and systems on
27 the vehicles, thereby depriving the People of the State of California of the protection afforded by

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1 the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates,
2 the allegations contained in paragraphs 24 through 28, above, as though set forth fully herein.

3 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK INSPECTOR LICENSE**
4 **AND SMOG CHECK REPAIR TECHNICIAN LICENSE TO DISCIPLINARY ACTION:**

5 **SEVENTH CAUSE FOR DISCIPLINE**

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

7 35. Respondent Tang and Respondent Singh's Smog Check Inspector Licenses, along
8 with Respondent Tang's Smog Check Repair Technician License, are subject to disciplinary
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that they failed to
10 comply with section 44012 of that Code in a material respect, as follows: Respondents Tang and
11 Singh each failed to perform the emission control tests on two of the four (4) vehicles identified
12 in paragraph 27 above, in accordance with procedures prescribed by the department.

13 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
14 24 through 28, above, as though set forth fully herein.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant**
17 **to the Motor Vehicle Inspection Program)**

18 36. Respondent Tang and Respondent Singh's Smog Check Inspector Licenses, along
19 with Respondent Tang's Smog Check Repair Technician License, are subject to disciplinary
20 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that they failed to
21 comply with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondents Tang and Singh each falsely or
23 fraudulently issued electronic smog certificates of compliance for two of the four (4) vehicles
24 identified in paragraph 27 above.

25 b. **Section 3340.30, subdivision (a):** Respondents Tang and Singh each failed to
26 inspect and test two of the four (4) vehicles identified in paragraph 27 above, in accordance with
27 Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16,
28 section 3340.42.

1 c. **Section 3340.41, subdivision (c):** Respondents Tang and Singh each knowingly
2 entered false information into the emissions inspection system for two of the four (4) vehicles
3 identified in paragraph 27 above.

4 d. **Section 3340.42:** Respondents Tang and Singh each failed to conduct the required
5 smog tests on two of the four (4) vehicles identified in paragraph 27 above, in accordance with
6 the Bureau's specifications.

7 Complainant refers to, and by this reference incorporates, the allegations contained in
8 paragraphs 24 through 28, above, as though set forth fully herein.

9 **NINTH CAUSE FOR DISCIPLINE**

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

11 37. Respondent Tang and Respondent Singh's Smog Check Inspector Licenses, along
12 with Respondent Tang's Smog Check Repair Technician License, are subject to disciplinary
13 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondents Tang
14 and Singh committed dishonest, fraudulent, or deceitful acts whereby another was injured by each
15 issuing electronic smog certificates of compliance for two of the four (4) vehicles identified in
16 paragraph 27 above, without performing bona fide inspections of the emission control devices
17 and systems on the vehicles, thereby depriving the People of the State of California of the
18 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
19 reference incorporates, the allegations contained in paragraphs 24 through 28, above, as though
20 set forth fully herein.

21 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT SMOGSTER**

22 38. To determine the degree of discipline as to Respondent Smogster, Complainant
23 alleges that:

24 a. On or about October 30, 2014, the Bureau issued Respondent Smogster Citation #
25 C2014-1328, for violation of section 44012(f) of the Health and Safety Code, in that Respondent
26 Smogster unlawfully issued Certificate of Compliance #PM078568 to a Bureau undercover
27 vehicle with missing Air Injection (AIS) System components. The Decision became effective
28 February 13, 2016 and payment was received on February 16, 2016.

1 b. On or about March 6, 2015, the Bureau issued Respondent Smogster Citation #
2 C2015-0156, for violation of section 44012(f) of the Health and Safety Code, in that Respondent
3 Smogster unlawfully issued Certificate of Compliance #PO236227 to a Bureau undercover
4 vehicle with a non-functional Exhaust Gas Recirculation Valve. The decision became effective
5 September 21, 2017.

6 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT SINGH**

7 39. To determine the degree of discipline as to Respondent Singh, Complainant alleges
8 that:

9 a. On or about October 30, 2014, the Bureau issued Respondent Singh Citation #
10 M2014-1329, for violation of section 44032 of the Health and Safety Code, in that Respondent
11 Singh unlawfully issued Certificate of Compliance #PM078568 to a Bureau undercover vehicle
12 with missing Air Injection System components. The decision became effective on February 13,
13 2016.

14 b. On or about March 6, 2015, the Bureau issued Respondent Singh Citation # M2015-
15 0157, for violation of section 44032 of the Health and Safety Code, in that Respondent Singh
16 unlawfully issued Certificate of Compliance #PO236227 to a Bureau undercover vehicle with a
17 non-functional Exhaust Gas Recirculation Valve. The decision became effective September 21,
18 2017.

19 **OTHER MATTERS**

20 40. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
21 suspend, revoke, or place on probation the registration for all places of business operated in this
22 state by Joginder Singh, upon a finding that he has, or is, engaged in a course of repeated and
23 willful violations of the laws and regulations pertaining to an automotive repair dealer.

24 41. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.
25 RC 274480, issued to Joginder Singh doing business as Smogster is revoked or suspended
26 following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the
27 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
28 Director.

42. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 143313 issued to Joginder Singh is revoked or suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

43. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 148730 and/or Smog Check Repair License No. EI 148730 issued to Bao Hoang Tang is revoked or suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 274480 issued to Joginder Singh dba Smogster;

2. Revoking or suspending any other automotive repair dealer registration issued to Joginder Singh;

3. Revoking or suspending Smog Check Station License No. RC 274480, issued to Joginder Singh dba Smogster;

4. Revoking or suspending Smog Check Inspector License No. EO 143313, issued to Joginder Singh;

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Joginder Singh;

6. Revoking or suspending Smog Check Inspector License No. EO 148730, issued to Bao Hoang Tang;

7. Revoking or suspending Smog Check Repair License No. EI 148730, issued to Bao Hoang Tang;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Bao Hoang Tang;

1 9. Ordering Respondents Joginder Singh and Bao Hoang Tang to pay the Bureau the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and

4 10. Taking such other and further action as deemed necessary and proper.
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7 DATED:

May 18, 2018



PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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