

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

In the Matter of the Accusation Against:

GURPREET SINGH, Owner
dba ALPINE SMOG
716 East Lodi Ave.
Lodi, CA 95240
Automotive Repair Dealer Registration No.
ARD 260402
Smog Check Station License No. RC 260402

GURPREET SINGH
1532 Blackbird Place
Lodi, CA 95240
Smog Check Repair Technician No. EI
153759
Smog Check Inspector License No. EO
153759 (formerly Advanced Emission
Specialist Technician License No. EA
153759)

Respondent.

Case No. 79/15-87

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

The suspension of Smog Check Repair Technician License Number EI 153759 and Smog Check Inspector License Number EO 153759, issued to Gurpreet Singh, shall commence on the effective date of this Decision.

This Decision shall become effective

July 22, 2015

DATED:

June 25, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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9 **BEFORE THE**
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. 79/15-87

13 **GURPREET SINGH, Owner**
14 **dba ALPINE SMOG**
15 **716 East Lodi Ave.**
Lodi, CA 95240
16 **Automotive Repair Dealer Registration No.**
ARD 260402
17 **Smog Check Station License No. RC 260402**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 **GURPREET SINGH**
19 **1532 Blackbird Place**
Lodi, CA 95240
20 **Smog Check Repair Technician No. EI**
153759
21 **Smog Check Inspector License No. EO**
153759 (formerly Advanced Emission
22 **Specialist Technician License No. EA**
153759)

23
24 Respondent.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair
5 ("Bureau"), Department of Consumer Affairs. He brought this action solely in his official
6 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
7 California, by Stephanie Alamo-Latif, Deputy Attorney General.

8 2. Gurpreet Singh, owner of Alpine Smog ("Respondent") is representing himself in this
9 proceeding and has chosen not to exercise his right to be represented by counsel.

10 **Automotive Repair Dealer Registration**

11 3. On or about January 7, 2010, the Bureau issued Automotive Repair Dealer
12 Registration Number ARD 260402 ("registration") to Gurpreet Singh ("Respondent"), doing
13 business as Alpine Smog. The registration was in full force and effect at all times relevant to the
14 charges brought herein. The license expired on October 31, 2014, and has not been renewed.

15 **Smog Check Station License**

16 4. On or about December 28, 2012, the Bureau issued Smog Check Station License
17 Number RC 260402 ("station license") to Respondent. The station license was in full force and
18 effect at all times relevant to the charges brought herein. The license expired on October 31,
19 2014, and has not been renewed.

20 **Smog Check Repair Technician**

21 5. In 2006, the Bureau issued Advanced Emission Specialist Technician License
22 Number EA 153759 to Respondent. Respondent's advanced emission specialist technician
23 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
24 section 3340.28(e), the license was renewed, pursuant to Respondent's election, as Smog Check
25 Repair Technician License Number EI 153759 ("repair technician license"), effective
26
27
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1 October 16, 2012.¹ The technician license was in full force and effect at all times relevant to the
2 charges brought herein and will expire on September 30, 2016, unless renewed.

3 **Smog Check Inspector**

4 6. In 2006, the Bureau issued Advanced Emission Specialist Technician License
5 Number EA 153759 to Respondent. Respondent's advanced emission specialist technician
6 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
7 section 3340.28(e), the license was renewed, pursuant to Respondent's election, as Smog Check
8 Inspector License Number EO 153759 ("inspector license"), effective October 16, 2012. The
9 inspector license was in full force and effect at all times relevant to the charges brought herein
10 and will expire on September 30, 2016, unless renewed.

11 **JURISDICTION**

12 7. Accusation No. 79/15-87 was filed before the Director of Consumer Affairs
13 (Director), for the Bureau, and is currently pending against Respondent. The Accusation and all
14 other statutorily required documents were properly served on Respondent on December 23, 2014.
15 Respondent timely filed his Notice of Defense contesting the Accusation.

16 8. A copy of Accusation No. 79/15-87 is attached as exhibit A and incorporated herein
17 by reference.

18 **ADVISEMENT AND WAIVERS**

19 9. Respondent has carefully read, and understands the charges and allegations in
20 Accusation No. 79/15-87. Respondent has also carefully read, and understands the effects of this
21 Stipulated Settlement and Disciplinary Order.

22 10. Respondent is fully aware of his legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
24 his own expense; the right to confront and cross-examine the witnesses against him; the right to
25 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel

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 the attendance of witnesses and the production of documents; the right to reconsideration and
2 court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

4 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
5 every right set forth above.

6 CULPABILITY

7 12. Respondent admits the truth of each and every charge and allegation in Accusation
8 No. 79/15-87.

9 13. Respondent agrees that cause exists for discipline and hereby stipulates to the
10 revocation of his Automotive Repair Dealer Registration No. ARD 260402 and Smog Check
11 Station License No. RC 260402, for the Bureau's formal acceptance.

12 14. Respondent agrees that cause exists for discipline of his Smog Check Repair
13 Technician License No. EI 153759, and Smog Check Inspector License No. EO 153759 and
14 hereby agrees to be bound by the Director's probationary terms as set forth in the Disciplinary
15 Order below.

16 CONTINGENCY

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

27 16. The parties understand and agree that Portable Document Format (PDF), facsimile
28 and/or electronic copies of this Stipulated Settlement and Disciplinary Order, including PDF,

1 facsimile and/or electronic signatures thereto, shall have the same force and effect as the
2 originals.

3 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
4 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
5 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
6 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
7 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
8 writing executed by an authorized representative of each of the parties.

9 18. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Director may, without further notice or formal proceeding, issue and enter the following
11 Disciplinary Order:

12 **ORDER OF REVOCATION**

13 **Automotive Repair Dealer Registration and Smog Check Station License Only**

14 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 260402
15 and Smog Check Station License No. RC 260402 are hereby revoked and accepted by the
16 Director of Consumer Affairs.

17 1. This stipulation constitutes a record of the discipline and shall become a part of
18 Respondent's license history with the Bureau of Automotive Repair.

19 2. Respondent shall lose all rights and privileges as an Automotive Repair Dealer and
20 Smog Check Station in California as of the effective date of the Director's Decision and Order.

21 3. Respondent shall cause to be delivered to the Bureau his pocket licenses and, if one
22 was issued, his wall certificates on or before the effective date of the Decision and Order.

23 4. If he ever applies for licensure or petitions for reinstatement of the revoked licenses in
24 the State of California, the Bureau shall treat it as a new application for licensure. Respondent
25 must comply with all the laws, regulations and procedures for licensure in effect at the time the
26 application is filed, and all of the charges and allegations contained in Accusation No. 79/15-87
27 shall be deemed to be true, correct and admitted by Respondent when the Director determines
28 whether to grant or deny the application.

1 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
2 until the final decision on the accusation, and the period of probation shall be extended until such
3 decision.

4 **8. Violation of Probation.** Should the Director of Consumer Affairs determine that
5 Respondent has failed to comply with the terms and conditions of probation, the Department may,
6 after giving notice and opportunity to be heard, may set aside the stay order and impose the
7 stayed discipline (revocation) of Respondent's license.

8 If during the period of probation, an accusation or petition to revoke probation has been
9 filed against Respondent's license or the Attorney General's Office has been requested to prepare
10 an accusation or petition to revoke probation against Respondent's license, the probationary
11 period shall automatically be extended and shall not expire until the accusation or petition has
12 been acted upon by the Bureau.

13 **9. Continuing Education Courses.** During the period of probation, Respondent shall
14 attend and successfully complete a Bureau certified inspector level 1 training course. Said course
15 shall be completed and proof of completion submitted to the Bureau within 180 days of the
16 effective date of this decision and order. If proof of completion of the course is not furnished to
17 the Bureau within the 180-day period, Respondents' license shall be immediately suspended until
18 such proof is received.

19 **10. Cost Recovery.** Respondent shall pay to the Bureau costs associated with its
20 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
21 amount of \$5,000. Respondent shall be permitted to pay these costs in 24 consecutive, equal
22 monthly installments with the final payment due 12 months prior to the termination of probation.
23 Failure to complete payment of cost recovery within this time frame shall constitute a violation of
24 probation which may subject Respondent's Smog Check Repair Technician License and Smog
25 Check Inspector License to outright revocation; however, the Director or the Director's Bureau of
26 Automotive Repair designee may elect to continue probation until such time as reimbursement of
27 the entire cost recovery amount has been made to the Bureau.
28

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Smog Check Repair Technician License, and Smog Check Inspector License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED

3/19/15

GURPREET SINGH ALPINE SMOG
Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Smog Check Repair Technician License, and Smog Check Inspector License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: _____

GURPREET SINGH, ALPINE SMOG
Respondent

ENDORSEMENT

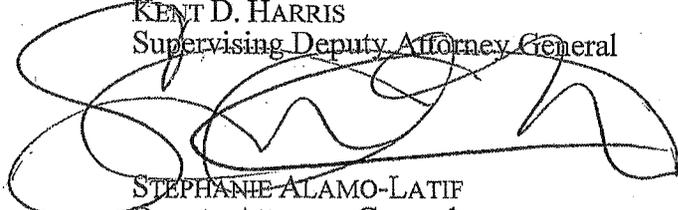
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: 3/20/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California

KENT D. HARRIS
Supervising Deputy Attorney General



STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-87

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
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13 **dba ALPINE SMOG**
14 **716 East Lodi Ave.**
Lodi, CA 95240
15 **Automotive Repair Dealer Registration No.**
ARD 260402
16 **Smog Check Station License No. RC 260402**

ACCUSATION

(SMOG CHECK)

17 **GURPREET SINGH**
18 **1532 Blackbird Place**
Lodi, CA 95240
19 **Smog Check Repair Technician No. EI 153759**
20 **Smog Check Inspector License No. EO 153759**
(formerly Advanced Emission Specialist
Technician License No. EA 15379)

21 Respondent.

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23
24 Patrick Dorais ("Complainant") alleges:

25 **PARTIES**

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

28 ///

1 **Automotive Repair Dealer Registration**

2 2. On or about January 7, 2010, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 260402 (“registration”) to Gurpreet Singh (“Respondent”), doing
4 business as Alpine Smog. The registration was in full force and effect at all times relevant to the
5 charges brought herein. The license expired on October 31, 2014, and has not been renewed.

6 **Smog Check Station License**

7 3. On or about December 28, 2012, the Bureau issued Smog Check Station License
8 Number RC 260402 (“station license”) to Respondent. The station license was in full force and
9 effect at all times relevant to the charges brought herein. The license expired on October 31,
10 2014, and has not been renewed.

11 **Smog Check Repair Technician**

12 4. In 2006, the Bureau issued Advanced Emission Specialist Technician License
13 Number EA 153759 to Respondent. Respondent’s advanced emission specialist technician
14 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
15 section 3340.28(e), the license was renewed, pursuant to Respondent’s election, as Smog Check
16 Repair Technician License Number EI 153759 (“repair technician license”), effective
17 October 16, 2012.¹ The technician license was in full force and effect at all times relevant to the
18 charges brought herein and will expire on September 30, 2016, unless renewed.

19 **Smog Check Inspector**

20 5. In 2006, the Bureau issued Advanced Emission Specialist Technician License
21 Number EA 153759 to Respondent. Respondent’s advanced emission specialist technician
22 license expired on September 30, 2012. Pursuant to California Code of Regulations, title 16,
23 section 3340.28(e), the license was renewed, pursuant to Respondent’s election, as Smog Check
24 Inspector License Number EO 153759 (“inspector license”), effective October 16, 2012. The
25

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 inspector license was in full force and effect at all times relevant to the charges brought herein
2 and will expire on September 30, 2016, unless renewed.

3 **STATUTORY PROVISIONS**

4 6. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
5 part:

6 (a) The director, where the automotive repair dealer cannot show there was a
7 bona fide error, may deny, suspend, revoke, or place on probation, the registration of
8 an automotive repair dealer for any of the following acts or omissions related to the
9 conduct of the business of the automotive repair dealer, which are done by the
10 automotive repair dealer or any automotive technician, employee, partner, officer, or
11 member of the automotive repair dealer.

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

15 (3) Failing or refusing to give to a customer a copy of any document
16 requiring his or her signature, as soon as the customer signs the document.

17 (4) Any other conduct which constitutes fraud.

18 (b) Except as provided for in subdivision (c), if an automotive repair dealer
19 operates more than one place of business in this state, the director pursuant to
20 subdivision (a) shall only suspend, revoke, or place on probation the registration of
21 the specific place of business which has violated any of the provisions of this chapter.
22 This violation, or action by the director, shall not affect in any manner the right of the
23 automotive repair dealer to operate his or her other places of business.

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

7. Section 9884.13 of the Code states:

"The expiration of a valid registration shall not deprive the director or chief of jurisdiction
to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
or to render a decision invalidating a registration temporarily or permanently."

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

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1 signed a written estimate but did not receive a copy prior to the inspection being performed. The
2 operator then observed Respondent perform a smog inspection on the vehicle. Following the
3 inspection, Respondent told the operator that the vehicle had failed the inspection due to a
4 missing exhaust gas recirculation valve and exhaust gas cooler. The operator paid Respondent
5 \$60 and received a copy of a Vehicle Inspection Report, Estimate N [REDACTED] and Invoice [REDACTED]

6 14. Later that same day (September 19, 2013) the Bureau conducted a field inspection
7 at Respondent's facility. During the field inspection, Respondent admitted and acknowledged
8 that he had used his brother Pardeep Singh's Smog Check Inspector License Number EO 633402
9 and access code to perform the smog inspection on the undercover vehicle. Furthermore,
10 Respondent knew or should have known that he was not qualified or eligible to perform the smog
11 inspection due to a low "STAR" score and that he would not have access to the EIS using his own
12 name and license information.²

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Untrue or Misleading Statements)**

15 15. Respondent's registration is subject to discipline pursuant to Code section
16 9884.7(a)(1), in that on or about September 19, 2013, Respondent made or authorized statements
17 which he knew or in the exercise of reasonable care should have known to be untrue or
18 misleading in that Respondent certified that his brother, Pardeep Singh, had performed the smog
19 inspection on the Bureau's 2006 Chevrolet. In fact, Respondent used his brother Pardeep Singh's
20 Smog Check Inspector License Number EO 633402 and confidential access code to access the
21 EIS and perform the smog inspection on the vehicle.

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24 ///

25 ² Respondent holds Smog Check Inspector License Number EO 153759, but he is not
26 eligible to be employed for the purposes of performing smog check inspections at a "STAR"
27 certified Smog Check Station due to a low "STAR" score. Respondent was not assigned to the
28 Emissions Inspection System (EIS) at Alpine Smog at the time the Bureau conducted the
undercover vehicle operation and therefore, Respondent could not legally perform the smog
inspection.

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SECOND CAUSE FOR DISCIPLINE

(Fraud)

16. Respondent's registration is subject to discipline pursuant to Code section 9884.7(a)(4), in that on or about September 19, 2013, regarding the 2006 Chevrolet, Respondent committed acts which constitute fraud by using his brother, Pardeep Singh's Smog Check Inspector License Number EO 633402 and confidential access code to access the EIS and enter false information into the unit concerning the identity of the technician performing the smog inspection on the Bureau's undercover vehicle. Furthermore, Respondent knew or should have known that he was not qualified or eligible to perform the smog inspection due to a low "STAR" score and that he would not have access to the EIS using his own name and license information. Therefore, a bona fide inspection of the emission control devices and systems on the vehicle was not performed, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Failure to Provide a Copy of a Signed Document)

17. Respondent's registration is subject to discipline under Code section 9884.7(a)(3), in that on or about September 19, 2013, regarding the Chevrolet, Respondent failed to provide the operator with a copy of the estimate as soon as the operator signed the document.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

18. Respondent's station license and inspector license are subject to discipline under Health & Safety Code section 44072.2(a), in that on or about September 19, 2013, regarding the Chevrolet, Respondent failed to comply with the following sections of that Code:

a. **Section 44012(f):** Respondent failed to perform emission control tests on the vehicle in accordance with procedures prescribed by the department.

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- 7. Ordering Gurpreet Singh to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 8. Taking such other and further action as deemed necessary and proper.

DATED: December 11, 2014



PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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