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

12 In the Matter of the Accusation Against:

Case No. 79/18-3990

13 **STEVE LOOC ENTERPRISES INC. DBA
SMOG EXPRESS; STEVE W. LOOC,
14 PRESIDENT
5931 Folsom Blvd.
15 Sacramento, CA 95819**

A C C U S A T I O N

16 **Automotive Repair Dealer Registration No.
ARD 219403
17 Smog Check, Test Only Station No. TC
219403
18 Smog Check Inspector No. EO 43574
Smog Check Repair Technician No. EI
19 43574,**

20 **and**

21 **CHRISTOPHER TRAN
3014 Ryer Island St.
22 W. Sacramento, CA 95691**

23 **Smog Check Inspector License No. EO
135776
24 Smog Check Repair Technician License No.
EI 135776**

25 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, Department of Consumer Affairs.

5 2. In or about 2001, the Bureau of Automotive Repair issued Automotive Repair Dealer
6 Registration Number ARD 219403 to Steve Looc Enterprises Inc. dba Smog Express; Steve W.
7 Looc, President ("Respondent Looc"). Smog Express was certified as a STAR Station on or about
8 January 2, 2013, and will remain active unless the Automotive Repair Dealer Registration and/or
9 Smog Check Station License (addressed in paragraph 3) is revoked, canceled, delinquent or
10 invalidated. The Automotive Repair Dealer Registration was in full force and effect at all times
11 relevant to the charges brought herein and will expire on December 31, 2018, unless renewed.

12 3. On or about March 27, 2002, the Bureau of Automotive Repair issued Smog Check,
13 Test Only Station Number TC 219403 to Respondent Looc. The Smog Check, Test Only Station
14 Registration was in full force and effect at all times relevant to the charges brought herein and
15 will expire on December 31, 2018, unless renewed.

16 4. In or about 1996, the Bureau of Automotive Repair issued Smog Check Inspector
17 Number EO 43574 to Respondent Looc. This license was in full force and effect at all times
18 relevant to the charges brought herein and will expire on July 31, 2018, unless renewed. In or
19 about 2012, the Bureau of Automotive Repair also issued to Respondent Looc Smog Check
20 Repair Technician Number EI 43574, which expired on July 31, 2016.

21 5. On or about November 19, 2013, the Bureau of Automotive Repair issued Smog
22 Check Inspector License Number EO 135776 and Smog Check Repair Technician License
23 Number EI 135776 to Christopher Tran ("Respondent Tran"). The Smog Check Repair
24 Technician License was in full force and effect at all times relevant to the charges brought herein
25 and expired December 31, 2017, and has not been renewed. The Smog Check Inspector License
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 December 31, 2019, unless renewed.

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1 **JURISDICTION**

2 6. California Business and Professions Code ("Bus. & Prof. Code") section 9884.7
3 provides that the Director may revoke an automotive repair dealer registration.

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

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

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

15 10. Health & Saf. Code section 44072.8 states that when a license has been revoked or
16 suspended following a hearing under this article, any additional license issued under this chapter
17 in the name of the licensee may be likewise revoked or suspended by the director.

18 **STATUTORY AND REGULATORY 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 deny, suspend, revoke, or place on probation the
22 registration of an automotive repair dealer for any of the following acts or omissions
23 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
by the exercise of reasonable care should be known, to be untrue or misleading.

26 ...

27 (4) Any other conduct that constitutes fraud.

28 ...

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

4 12. Bus. & Prof. Code section 22, subdivision (a), states:

5 "Board" as used in any provision of this Code, refers to the board in
6 which the administration of the provision is vested, and unless otherwise expressly
provided, shall include "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

7
8 13. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
9 "license" includes "registration" and "certificate."

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

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

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

15 ...

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

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

18 15. Health & Saf. Code section 44072.10 states, in pertinent part:

19 ...

20 (c) The department shall revoke the license of any smog check technician
21 or station licensee who fraudulently certifies vehicles or participates in the fraudulent
inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
the following:

22 ...

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

25 16. Health & Saf. Code section 44024.5, subdivision (a), states:

26 The department shall compile and maintain statistical and emissions
27 profiles and data from motor vehicles that are subject to the motor vehicle inspection
28 program. The department may use data from any source, including remote sensing
data, in use data, and other motor vehicle inspection program data, to develop and
confirm the validity of the profiles, to evaluate the program, and to assess the

performance of smog check stations. The department shall undertake these requirements directly or seek a qualified vendor for these services.

17. Health & Saf. Code section 44037 states, in pertinent part:

(a) The department shall compile and maintain records, using the sampling methodology necessary to ensure their scientific validity and reliability, of tests and repairs performed by qualified smog check technicians at licensed smog check stations pursuant to this chapter on all of the following information:

(1) The motor vehicle identification information and the test data collected at the station.

...

(5) Data received and compiled through the use of the centralized computer database and computer network to be established pursuant to Section 44037.1, and any other information determined to be essential by the department for program enhancement to achieve greater efficiency, consumer protection, cost-effectiveness, convenience, or emission reductions

18. Health & Saf. Code section 44037.1 states, in pertinent part:

(a) On or before January 1, 1995, the department shall design and establish the equipment necessary to operate a centralized computer data base and computer network that is readily accessible by all licensed smog check technicians on a real time basis.

(b) The centralized computer data base and network shall be designed with all of the following capabilities:

...

(2) To provide smog check technicians and the department with information as to the date and result of prior smog check tests performed on each vehicle to discourage vehicle owners from shopping for certificates of compliance and to permit the department to identify smog check stations for further investigation as potential violators of this chapter.

(3) To provide the department with data on the failure rates and repair effectiveness for vehicles of each make and model year on a statewide basis, and by smog check station and technician, to facilitate identification of smog check stations and technicians as potential violators of this chapter.

...

(8) To be compatible with the department's recordkeeping and compilation requirements established by Section 44037.

...

(c) After January 1, 1995, each smog check station shall transmit vehicle data emission test results to the department's centralized data base. Each smog check station shall also transmit vehicle data and emission measurements made before and after repair

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1 19. Title 16, California Code of Regulations, section 3340.17 states, in pertinent part:

2 ...

3 (c) Vehicle data and test results from the OBD Inspection System (OIS)
4 shall be transmitted to the bureau's centralized database

5 **COST RECOVERY**

6 20. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
7 the administrative law judge to direct a licentiate found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of investigation and
9 enforcement of the case.

10 **BACKGROUND**

11 21. On March 9, 2015, California's Smog Check Program was updated to keep pace with
12 ever-advancing technology. The program update requires the use of an On-Board Diagnostic
13 Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of
14 the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and
15 most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device
16 (DAD), computer, bar code scanner, and printer.

17 22. The DAD is an On Board Diagnostic (OBD) scan tool that, when requested by the
18 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between
19 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used
20 to input technician information, the vehicle identification number, and DMV renewal
21 information. The vehicle identification number (VIN) that is physically present on all vehicles is
22 required to be programmed into the vehicle's On-Board Diagnostics – Generation II (OBD II) on
23 2005 and newer vehicles, and on many occasions was programmed into the OBD II computer in
24 earlier model-years. The electronically programmed VIN is referred to as the "eVIN," is captured
25 by the Bureau during a smog check inspection, and should match the physical VIN on the vehicle.
26 The printer is used to provide a Vehicle Inspection Report (VIR), which shows the inspection
27 results and the Smog Check Certificate of Compliance Number for passing vehicles. Data
28

retrieved and recorded during an OIS smog check includes the eVIN, the communication protocol¹, and the number of Parameter Identifications (PID's)².

REVIEW OF OIS TEST DATA REGARDING RESPONDENTS

Factual Allegations

23. Bureau Representative I. A. reviewed OIS test data pertaining to smog inspections conducted at Respondent Looc's facility, Smog Express. I.A. found that the facility's smog check technician, Respondent Tran, performed smog inspections on the five vehicles identified below using a method known as "clean plugging,"³ resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1:

24. The OIS test details show that on March 20, 2017, between 10:56 a.m. and 11:00 a.m. p.m., Respondent Tran performed a smog inspection on a 2007 Ford Econoline E350 Super Duty Wagon ("Vehicle 1"), resulting in the issuance of electronic Smog Certificate of Compliance No. ZR413620C. The OIS test details for Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle.

25. The Bureau's VID (Vehicle Information Database) data shows that on July 20, 2017, between 1:26 p.m. and 1:30 p.m., a 2007 Ford Econoline Super Duty Wagon was smog tested at Smog Express and that the eVIN transmitted to the VID was the same physical VIN that was recorded during the smog inspection on Vehicle 1.

¹ The OBD II communication protocol describes the specified communication "language" used by the OBD II computer to communicate to scan tools and other devices such as the BAR-OIS. The communication protocol is programmed into the OBD II computer during manufacture and does not change.

² PID's are data points reported by the OBD II computer to the scan tool or BAR-OIS (for example, engine speed (rpm), vehicle speed, engine temperature, etc.). The PID count is the number of data points reported by the OBD II computer and is programmed during manufacture. Each make and model vehicle reports a specific number of PID counts; i.e., the PID count does not vary for that make and model vehicle.

³ Clean-plugging is the use of a vehicle's properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

1 26. The Bureau's VID data shows that on December 12, 2017, between 11:59 a.m. and
2 12:04 p.m., a 2012 Ford Econoline Super Duty Wagon was smog tested at Smog Express. Its OIS
3 test details matched the test details, including eVIN, for vehicle 1 - showing that the 2012 Ford
4 Econoline Super Duty Wagon tested on December 12, 2018 was the vehicle used to obtain false
5 test details for Vehicle 1.

6 27. Based on the discrepancies in the OIS test details, I. A. concluded that the DAD was
7 not connected to Vehicle 1, but instead to the 2012 Ford Econoline Super Duty Wagon, thus
8 resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 1.

9 **Vehicle 2:**

10 28. The OIS test details show that on May 16, 2017, between 12:28 p.m. and 12:31 p.m.,
11 Respondent Tran performed a smog inspection on a 2003 Nissan Xterra XE ("Vehicle 2"),
12 resulting in the issuance of electronic Smog Certificate of Compliance No. ZV451658C. The OIS
13 test details for Vehicle 2, transmitted to the VID, showed an eVIN, a communication protocol and
14 PID count inconsistent with that year, make and model vehicle. I.A. found that similar OIS test
15 data for 2003 Nissan Xterra XE vehicles showed that an eVIN is not reported and that the
16 communication protocol and PID count. were inconsistent with the OIS tests details for Vehicle
17 2.

18 29. I. A.'s VID research found that Vehicle 2 had previously been tested at Smog Express
19 on March 3, 2017, between 10:21 a.m. and 10:25 a.m. The OIS test details were consistent with
20 OIS test data for vehicles of the same year, make and model. However, Vehicle 2 did not pass
21 that inspection.

22 30. Additionally, VID data and OIS test details show that a 2011 Honda Odyssey LX
23 tested at Smog Express the same day as Vehicle 2, May 16, 2017, between 12:23 p.m. and 12:28
24 p.m., was the vehicle used to generate the fraudulent smog certificate for Vehicle 2.

25 31. Based on the discrepancies in the OIS details, I. A. concluded that the DAD was not
26 connected to Vehicle 2 during the smog inspection on May 16, 2017, but instead the 2011 Honda
27 Odyssey LX, thus resulting in the issuance of a fraudulent smog certificate of compliance for
28 Vehicle 2.

1 **Vehicle 3:**

2 32. The OIS test details show that on August 16, 2017, between 9:44 a.m. and 9:47 a.m.,
3 Respondent Tran performed a smog inspection on a 2006 Honda Pilot EX (“Vehicle 3”), resulting
4 in the issuance of electronic Smog Certificate of Compliance No. HD566593(c). The OIS test
5 details for Vehicle 3, transmitted to the VID, showed an eVIN different from its physical VIN,
6 and a communication protocol and PID count that were inconsistent with that year, make and
7 model vehicle. I.A. found that similar OIS test data for 2006 Honda Pilot EX vehicles showed a
8 communication protocol and PID counts inconsistent with the OIS details of Vehicle 3.

9 33. I.A.’s VID research found that Vehicle 3 had previously been tested at Smog Express
10 on June 23, 2015 between 5:32 p.m. and 5:35 p.m. The OIS test data was consistent with OIS test
11 data for vehicles of the same year, make and mode.

12 34. Additionally, VID data and OIS test details show that a 2007 Honda Odyssey Touring
13 tested at Smog Express on October 12, 2017, between 12:47 p.m. and 12:58 p.m., was the vehicle
14 used to generate the fraudulent smog certificate for Vehicle 3.

15 35. Based on the discrepancies in the OIS details, I.A. concluded that the DAD was not
16 connected to Vehicle 3 during the smog inspection on August 16, 2017, but instead the Honda
17 Odyssey Touring, thus resulting in the issuance of a fraudulent smog certificate of compliance for
18 Vehicle 3.

19 **Vehicle 4**

20 36. The OIS test details show that on October 14, 2017, between 4:19 p.m. and 4:22 p.m.,
21 Respondent Tran performed a smog inspection on a 2003 Land Rover Discovery II SE (“Vehicle
22 4”), resulting in the issuance of electronic Smog Certificate of Compliance No. HH253219C. The
23 OIS test details for Vehicle 4, transmitted to the VID, showed an eVIN different from its physical
24 VIN, and a communication protocol and PID count that were inconsistent with that year, make
25 and model vehicle. I.A. found that similar OIS test data for 2003 Land Rover Discovery II SE
26 vehicles showed a communication protocol and PID counts inconsistent with the OIS details of
27 Vehicle 4.

28 ///

1 37. Additionally, VID data and OIS test details show that a 2005 Toyota Tundra Double
2 Cab Limited tested at Smog Express on October 14, 2017, between 4:17 p.m. and 4:20 p.m., was
3 the vehicle used to generate the fraudulent smog certificate for Vehicle 4.

4 39. Based on the discrepancies of the OIS details, I.A. concluded that the DAD was not
5 connected to Vehicle 4 during the smog inspection on October 14, 2017, but instead the Toyota
6 Tundra Double Cab Limited, thus resulting in the issuance of a fraudulent smog certificate of
7 compliance for Vehicle 4.

8 **Vehicle 5**

9 39. The OIS test details show that on December 1, 2017, between 8:03 a.m. and 8:07
10 a.m., Respondent Tran performed a smog inspection on a 2004 Chrysler Pacifica ("Vehicle 5"),
11 resulting in the issuance of electronic Smog Certificate of Compliance No. HJ468830C. The OIS
12 test details for Vehicle 5, transmitted to the VID, showed an eVIN different from its physical
13 VIN, and a communication protocol and PID count that were inconsistent with that year, make
14 and model vehicle. I.A. found that similar OIS test data for 2004 Chrysler Pacifica vehicles
15 showed a communication protocol and PID counts inconsistent with the OIS details of Vehicle 5.

16 40. Additionally, I.A.'s VID research found that Vehicle 5 had previously been tested at
17 Smog Express the day before the fraudulent test, November 30, 2017 between 12:37 p.m. and
18 12:41 p.m. The OIS test details were consistent with OIS test data for vehicles of the same year,
19 make and mode, but Vehicle 5 failed that test with an illuminated MIL reported.

20 41. Based on the discrepancies of the OIS details, I.A. concluded that the DAD was not
21 connected to Vehicle 5 during the smog inspection on December 1, 2017, 2017, thus resulting in
22 the issuance of a fraudulent smog certificate of compliance for Vehicle 5.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 42. Respondent Looc's registration is subject to disciplinary action pursuant to Bus. &
26 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
27 which it knew or in the exercise of reasonable care should have known to be untrue or
28 misleading, as follows:

1 a. Respondent Looc's smog check technician, Respondent Tran, certified that
2 Vehicles 1 through 5, identified in paragraphs 24 through 39 above, had passed inspection and
3 were in compliance with applicable laws and regulations. In fact, Respondent Tran conducted the
4 smog inspections on the vehicle using clean-plugging methods in that he substituted or used a
5 different vehicle during the inspections in order to issue a smog certificate of compliance for the
6 vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 43. Respondent Looc's registration is subject to disciplinary action pursuant to Bus. &
10 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute
11 fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 5, identified in
12 paragraphs 24 through 39 above, without ensuring that bona fide inspections were performed of
13 the emission control devices and systems on the vehicles, thereby depriving the People of the
14 State of California of the protection afforded by the Motor Vehicle Inspection Program.

15 **THIRD CAUSE FOR DISCIPLINE**

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

17 44. Respondent Looc's smog check station license is subject to disciplinary action
18 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
19 comply with the following sections of that Code:

20 a. **Section 44012:** Respondent failed to ensure that the emission control tests
21 were performed on Vehicles 1 through 5, identified in paragraphs 24 through 39 above, in
22 accordance with procedures prescribed by the department.

23 b. **Section 44015:** Respondent issued electronic smog certificates of compliance
24 for Vehicles 1 through 5, identified in paragraphs 24 through 39 above, without ensuring that the
25 vehicles were properly tested and inspected to determine if they were in compliance with Health
26 & Saf. Code section 44012.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

4 45. Respondent Looc's smog check station license is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
6 comply with provisions of Title 16, California Code of Regulations, as follows:

7 a. **Section 3340.35, subdivision (c):** Respondent issued electronic smog
8 certificates of compliance for Vehicles 1 through 5, identified in paragraphs 24 through 39 above,
9 even though the vehicles had not been inspected in accordance with Section 3340.42.

10 b. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
11 conducted on Vehicles 1 through 5, identified in paragraphs 24 through 39 above, in accordance
12 with the Bureau's specifications.

13 **FIFTH CAUSE FOR DISCIPLINE**

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

15 46. Respondent Looc's smog check station license is subject to disciplinary action
16 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
17 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
18 certificates of compliance for Vehicles 1 through 5, identified in paragraphs 24 through 39 above,
19 without ensuring that bona fide inspections were performed of the emission control devices and
20 systems on the vehicles, thereby depriving the People of the State of California of the protection
21 afforded by the Motor Vehicle Inspection Program.

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 47. Respondent Tran's smog check inspector license is subject to disciplinary action
25 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
26 comply with section 44012 of that Code in a material respect, as follows: Respondent failed to
27 perform the emission control tests on Vehicles 1 through 5, identified in paragraphs 24 through
28 39 above, in accordance with procedures prescribed by the department.

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

4 48. Respondent Tran's smog check inspector license is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
6 comply with provisions of Title 16, California Code of Regulations, as follows:

7 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
8 Vehicles 1 through 5, identified in paragraphs 24 through 39 above, in accordance with Health &
9 Saf. Code sections 44012 and 44035, and Title 16, California Code of Regulations, section
10 3340.42.

11 b. **Section 3340.42:** Respondent failed to conduct the required smog tests on
12 Vehicles 1 through 5, identified in paragraphs 24 through 39 above, in accordance with the
13 Bureau's specifications.

14 **EIGHTH CAUSE FOR DISCIPLINE**

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

16 49. Respondent Tran's smog check inspector license is subject to disciplinary action
17 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a
18 dishonest, fraudulent, or deceitful act whereby another was injured by issuing an electronic smog
19 certificate of compliance for Vehicles 1 through 5, identified in paragraphs 24 through 39 above,
20 without performing a bona fide inspection of the emission control devices and systems on the
21 vehicle, thereby depriving the People of the State of California of the protection afforded by the
22 Motor Vehicle Inspection Program.

23 **DISCIPLINE CONSIDERATIONS**

24 50. To determine the degree of discipline, if any, to be imposed on Respondent Looc,
25 Complainant alleges as follows

26 51. On or about March 21, 2006, in a prior action, the Bureau of Automotive Repair
27 issued Citation Number C2006-585. Respondent was cited for violations of Health and Saf. Code
28 section 44012(f) and California Code of Regulations Title 16 section 3340.35C by illegally

1 issuing a certificate of compliance to a vehicle with a missing Air Injection System (AIS). That
2 Decision is now final and is incorporated by reference as if fully set forth.

3 52. On or about August 30, 2017, in a prior action, the Bureau of Automotive Repair
4 issued Citation Number 2017-1606. Respondent was cited for violations of Health and Saf. Code
5 section 44012 and by illegally issuing a certificate of compliance to a vehicle with a missing or
6 modified Evaporative Emissions System (eVAP) components. The citation was affirmed and
7 reissued and a formal appeal request was received January 19, 2018. The appeal is still pending.
8 This Citation matter is incorporated by reference as if fully set forth.

9 **OTHER MATTERS**

10 53. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
11 or place on probation the registration for all places of business operated in this state by
12 Respondent Looc, upon a finding that Respondent has, or is, engaged in a course of repeated and
13 willful violations of the laws and regulations pertaining to an automotive repair dealer.

14 54. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
15 License No. TC 219403 and/or Smog Check Inspector Number EO 43574 issued to Respondent
16 Looc, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of
17 Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or
18 suspended by the director.

19 55. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
20 Number EO 135776 and/or Smog Check Repair Technician License Number EI 135776 issued to
21 Respondent Tran, is revoked or suspended, any additional license issued under Chapter 5 of Part
22 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise
23 revoked or suspended by the director.

24 **PRAYER**

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

27 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
28 219403, issued to Steve Looc Enterprises Inc. dba Smog Express; Steve W. Looc, President, and

1 revoking or suspending any other Automotive Dealer Registration in the name of Steve Looc
2 Enterprises, Inc.;

3 2. Revoking or suspending Smog Check, Test Only Station License Number TC
4 219403, issued to Steve Looc Enterprises Inc. dba Smog Express; Steve W. Looc, President;

5 3. Revoking or suspending Smog Check Inspector License Number EO 43574, issued to
6 Steve W. Looc;

7 4. Revoking or suspending Smog Check Repair Technician License Number EI 43574,
8 issued to Steve W. Looc;

9 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health & Safety Code in the name of Steve W. Looc;

11 6. Revoking or suspending Smog Check Inspector License Number EO 135776, issued
12 to Christopher Tran.

13 7. Revoking or suspending Smog Check Repair Technician License Number EI 135776,
14 issued to Christopher Tran;

15 8. Ordering Respondents Steve W. Looc and Christopher Tran to pay the Bureau of
16 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
17 pursuant to Business and Professions Code section 125.3; and,

18 9. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 7-23-18

21 by DUNC BATAH, Sng BATAH
22 PATRICK DORAIS
23 Chief
24 Bureau of Automotive Repair
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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