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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. 79/17-11338

13 **HOLLON ENTERPRISES, INC.**  
14 **(STEPHEN MARK HOLLON –**  
15 **PRESIDENT)**

**ACCUSATION**

16 **DBA WEST VALLEY SMOG**  
4394 E. Los Angeles Ave.  
17 Simi Valley, CA 93063

18 Automotive Repair Dealer Registration No.  
ARD 270607  
19 Smog Check, Test Only, Station License No.  
TC 270607

20 **BRANDON MICHAEL FIEGE**  
225 Simi Village Dr. Unit 940242  
21 Simi Valley, CA 93094

22 Mailing Address:  
2272 Dogwood Street  
23 Simi Valley, CA 93065

24 Smog Check Inspector License No. EO 636972

25 and

26 **JOSSUE R. MARTINEZ**  
1845 Oneill Place  
27 Oxnard, CA 93033

28 Smog Check Inspector License No. EO 631548  
Smog Check Repair Technician License No.  
EI 631548

Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Respondent West Valley Smog**

6 2. On or about October 19, 2012, the Bureau of Automotive Repair ("Bureau") issued  
7 Automotive Repair Dealer Registration Number ARD 270607 to Hollon Enterprises, Inc. dba West  
8 Valley Smog. Stephen Mark Hollon is the President of Hollon Enterprises, Inc. Stephen Mark  
9 Hollon and Hollon Enterprises, Inc. dba West Valley Smog are collectively referred to herein as  
10 "West Valley Smog." The Automotive Repair Dealer Registration was in full force and effect at  
11 all times relevant to the charges brought herein and will expire on October 31, 2018, unless  
12 renewed.

13 3. On or about October 25, 2012, the Bureau issued Smog Check, Test Only, Station  
14 License Number TC 270607 to West Valley Smog. The Smog Check, Test Only, Station License  
15 was in full force and effect at all times relevant to the charges brought herein and will expire on  
16 October 31, 2018, unless renewed.

17 4. On or about September 13, 2013, the Bureau certified Respondent West Valley Smog  
18 as a STAR station. That certification was in full force and effect at all times relevant to the charges  
19 brought herein and will remain active unless the Automotive Repair Dealer Registration and/or  
20 Smog Check Station License issued to Respondent West Valley Smog is revoked, canceled, or the  
21 licenses become delinquent or certification is invalidated.

22 **Respondent Brandon Michael Fiege**

23 5. On or about June 9, 2014, the Bureau issued Smog Check Inspector License Number  
24 EO 636972 to Brandon Michael Fiege (Respondent Fiege). The Smog Check Inspector License  
25 was in full force and effect at all times relevant to the charges brought herein, expired on February  
26 28, 2018, and has not been renewed.

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12. Section 44072.8 of the Health and Safety Code states:

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.

### STATUTORY PROVISIONS

13. Section 477 of the Business and Professions Code provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Business and Professions Code.

14. Business and Professions Code section 9884.7 states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an automotive repair dealer for any of the following 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.

(1) Making or authorizing in any manner or by any means whatever any 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.

....

(4) Any other conduct that constitutes fraud.

....

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

....

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or 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, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

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

4           16. Section 44015, subdivision (b), of the Health and Safety Code provides that a  
5 certificate of compliance shall be issued if a vehicle meets the requirements of Health and Safety  
6 Code section 40012.

7           17. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

13                   ....

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

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

17           18. Health and Safety Code section 44072.10 states, in pertinent part:

18                   ....

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

22                           (1) Clean piping, as defined by the department

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

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

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

## REGULATORY PROVISIONS

19. California Code of Regulations, 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.

20. California Code of Regulations, title 16, section 3340.30, subdivision (a), states:

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article. . . .

21. California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

....

(c) A licensed 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. . . .

22. California Code of Regulations, title 16, section 3340.41, subdivision (c), states:

. . . [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.

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

## COST RECOVERY

24. Business and Professions Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may  
2 be included in a stipulated settlement.

### 3 VID DATA REVIEW

4 25. Beginning March 9, 2015, California's Smog Check Program was updated to require  
5 the use of an On-Board Diagnostic Inspection System ("BAR-OIS") during smog checks. OIS is  
6 the Smog Check equipment required in all areas of the State when inspecting most model-year  
7 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The  
8 system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and  
9 printer. The DAD is an On Board Diagnostic scan tool that, when requested by the California  
10 BAR-OIS software, retrieves data from the vehicle. Data retrieved and recorded during an OIS  
11 smog check includes:

- 12 • eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain  
13 Control Module ("PCM").
- 14 • Communication Protocol, which is the manufacturer/vehicle specific language the  
15 PCM uses to relay information; and
- 16 • Number of Parameter Identifications ("PIDs"), which is the number of specific data  
17 points reported by the vehicle's on-board computer. PIDs are programmed during manufacture and  
18 are related to emissions controls. Examples of PIDs are engine speed, vehicle speed, engine  
19 temperature, and other input and output values utilized by the vehicle's on-board computer.

20 26. On or around July 17, 2017, Bureau representative Marc Ortega initiated an  
21 investigation in which he reviewed OIS test data for West Valley Smog. The OIS Bureau Test  
22 Data lists differences in Vehicle Identification Numbers (VIN) for vehicles that have received  
23 smog inspections, in addition to communication protocol (the language used to communicate) and  
24 Parameter ID (PID) differences with vehicles that have been certified correctly that are the same  
25 make and model vehicles. Representative Ortega's investigation revealed that the data related to  
26 certain vehicles certified by West Valley Smog contained discrepancies between the information  
27 transmitted during the inspections and documented information known about the subject vehicles.  
28 Specifically, representative Ortega compared the data received from the certified vehicles to data

from vehicles of the same year, make, and model and determined that the data from all three certified vehicles contained the following discrepancies: (1) they were certified with either a different or missing eVIN; (2) they transmitted incorrect PID counts; and (3) they transmitted incorrect communication protocols. These documented discrepancies confirm that the vehicles receiving smog certificates from West Valley Smog were fraudulently tested during the smog inspection using the “clean plugging” method.<sup>1</sup> Table 1 illustrates the documented clean plugging activities of Respondents between October 20, 2016 and July 6, 2017.

Table 1						
	Test Date	Vehicle & License No.	Inspector	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
1	10/20/16	2010 Jeep Liberty Sport 7CSR824	Respondent Fiege EO 636972	QG270325C	eVIN: 1J4NT1FA3BD236733	eVIN: 1J4PP2GK1AW102008
					Comm. Protocol: ICAN11bt5	Comm. Protocol: ICAN11bt5
					PID Count: 36 15	PID Count: 43
2	7/1/17	2002 Ford F350 Super Duty 8T99187	Respondent Martinez EO 631548	ZX986802C	eVIN: 1GCHG39U551114082	eVIN: not expected
					Comm. Protocol: JVPW	Comm. Protocol: JPWM
					PID Count: 22	PID Count: 19 or 20 or 21
3	7/6/17	2007 Honda Accord EX AFINECR	Respondent Martinez EO 631548	ZZ052720C	eVIN: 3FA6P0H71ER185406	eVIN: 1HGCM72787A011256
					Comm. Protocol: ICAN11bt5	Comm. Protocol: I914
					PID Count: 38	PID Count: 21

#### Clean Plugged Vehicle No. 1 – October 20, 2016 – 2010 Jeep Liberty Sport

27. On October 20, 2016, Respondent Fiege and Respondent West Valley Smog performed a smog check inspection of and certified a 2010 Jeep Liberty Sport (VIN No.

<sup>1</sup> “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.



1 1J4PP2GK1AW102008, CA License No. 7CSR824). Smog Certificate of Compliance No.  
2 QG270325C was issued under Respondent Fiege's Smog Check Technician License No.  
3 EO636972. The OIS Test Data for the 2010 Jeep Liberty Sport shows that an incorrect eVIN of  
4 1J4NT1FA3BD236733 was transmitted and the PID count was transmitted as 36|15. Similar  
5 Vehicle OIS Test Data for 2010 Jeep Liberty Sport vehicles show, however, that they transmit the  
6 correct eVIN, they have the expected communication protocol of ICAN11bt5, and they transmit a  
7 PID count of 43.

8 28. The OIS Test Data shows that a 2011 Jeep Compass Sport (VIN  
9 1J4NT1FA3BD236733) was the vehicle used to generate the fraudulent Smog Certificate of  
10 Compliance for the 2010 Jeep Liberty Sport. The 2011 Jeep Compass Sport was certified at another  
11 licensed Smog Check facility on January 06, 2015. The OIS Test Data transmitted for the 2011  
12 Jeep Compass Sport matches the OIS Test Data for the fraudulent inspection of the 2010 Jeep  
13 Liberty Sport for the eVIN, communication protocol, and PID count.

14 29. On November 26, 2016, another licensed Smog Check facility performed a Smog  
15 Check inspection of the same 2010 Jeep Liberty Sport (VIN No. 1J4PP2GK1AW102008, CA  
16 License No. 7CSR824). According to the November 26, 2016 OIS Test Details, the 2010 Jeep  
17 Liberty Sport, as expected, transmitted the correct eVIN, had the expected communication protocol  
18 of ICAN11bt5, and transmitted a PID count of 43.

19 30. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)  
20 was not connected to the 2010 Jeep Liberty Sport being certified, causing the issuance of a  
21 fraudulent Smog Certificate of Compliance.

22 **Clean Plugged Vehicle No. 2 – July 1, 2017 – 2002 Ford F350 Super Duty**

23 31. On July 01, 2017, Respondent Martinez and Respondent West Valley Smog performed  
24 a smog check inspection of and certified a 2002 Ford F350 Super Duty (VIN No.  
25 1FTWW32S32ED14188, CA License No. 8T99187). Smog Certificate of Compliance No.  
26 ZX986802C was issued under Respondent Martinez's Smog Check Technician License No.  
27 EO631548. The OIS Test Data for the 2002 Ford F350 Super Duty shows that an incorrect eVIN  
28 of 1GCHG39U551114082 was transmitted, the communication protocol was transmitted as

1 JVPW, and the PID count was transmitted as 22. Similar Vehicle OIS Test Data for 2002 Ford  
2 F350 Super Duty vehicles show, however, that they do not transmit the eVIN, they transmit the  
3 expected communication protocol of JPWM, and they transmit a PID count of 19, 20, or 21.

4 32. The OIS Test Data shows that a 2005 Chevrolet Express G3500 (VIN  
5 1GCHG39U551114082) was the vehicle used to generate the fraudulent Smog Certificate of  
6 Compliance for the 2002 Ford F350 Super Duty. The 2005 Chevrolet Express G3500 was certified  
7 at another licensed Smog Check facility on June 08, 2016. The OIS Test Data transmitted for the  
8 2005 Chevrolet Express G3500 matches the OIS Test Data for the fraudulent inspection of the  
9 2002 Ford F350 Super Duty for the eVIN, communication protocol, and PID count.

10 33. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)  
11 was not connected to the 2002 Ford F350 Super Duty being certified, causing the issuance of a  
12 fraudulent Smog Certificate of Compliance.

13 **Clean Plugged Vehicle No. 3 – July 6, 2017 – 2007 Honda Accord EX**

14 34. On July 06, 2017, Respondent Martinez and Respondent West Valley Smog performed  
15 a smog check inspection of and certified a 2007 Honda Accord EX (VIN No.  
16 1HGCM72787A011256, CA License No. AFINECR). Smog Certificate of Compliance No.  
17 ZZ052720C was issued under Respondent Martinez's Smog Check Technician License No.  
18 EO631548. The OIS Test Data for the 2007 Honda Accord EX shows that an incorrect eVIN of  
19 3FA6P0H71ER185406 was transmitted, the communication protocol was transmitted as  
20 ICAN11bt5, and the PID count was transmitted as 38. Similar Vehicle OIS Test Data for 2007  
21 Honda Accord EX vehicles show, however, that they transmit the correct eVIN, they have the  
22 expected communication protocol of I914, and they transmit a PID count of 21.

23 35. DMV registration information shows that VIN No. 3FA6P0H71ER185406  
24 corresponds to a 2014 Ford Sedan and not a 2007 Honda Accord EX.

25 36. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)  
26 was not connected to the 2007 Honda Accord EX being certified, causing the issuance of a  
27 fraudulent Smog Certificate of Compliance.

37. The data analysis conducted on West Valley Smog between October 20, 2016 and July 6, 2017 shows that Respondents participated in a scheme to perform at least three fraudulent Smog Check inspections resulting in the issuance of three electronic Smog Check Certificates of Compliance.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements –**

**Automotive Repair Dealer Registration – Respondent West Valley Smog)**

38. Respondent West Valley Smog's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that between October 20, 2016 and July 6, 2017, Respondent West Valley Smog made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent West Valley Smog certified that the vehicles set forth above in Table 1 had passed smog check inspections and were in compliance with applicable laws and regulations. In fact, Respondent West Valley Smog used the clean plugging method in order to issue smog certificates of compliance and did not test or inspect the vehicles as required by Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 37, inclusive, as though set forth fully herein.

## SECOND CAUSE FOR DISCIPLINE

**(Fraud - Automotive Repair Dealer Registration – Respondent West Valley Smog)**

39. Respondent West Valley Smog's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that between October 20, 2016 and July 6, 2017, Respondent West Valley Smog committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in Table 1 without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference

1 incorporates, the allegations set forth above in paragraphs 25 through 37, inclusive, as though set  
2 forth fully herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Material Violation of Automotive Repair Act -**

5 **Automotive Repair Dealer Registration – Respondent West Valley Smog)**

6 40. Respondent West Valley Smog's Automotive Repair Dealer Registration is subject to  
7 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),  
8 in that between October 20, 2016 and July 6, 2017, Respondent West Valley Smog failed in a  
9 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it  
10 when he issued electronic certificates of compliance for the vehicles identified in Table 1 above  
11 without performing bona fide inspections of their emission control devices and systems, thereby  
12 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
13 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations  
14 contained in paragraphs 25 through 37, above, as though set forth fully herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

17 **Smog Check Test Station License – Respondent West Valley Smog)**

18 41. Respondent West Valley Smog's Smog Check Test Only Station License is subject to  
19 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that  
20 between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1,  
21 Respondent West Valley Smog failed to comply with the following sections of the Health and  
22 Safety Code:

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

26 b. **Section 44015:** Respondent West Valley Smog issued electronic certificates of  
27 compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected  
28 to determine if they were in compliance with Health and Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 37, inclusive, as though set forth fully herein.

**FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -  
Smog Check Test Station License – Respondent West Valley Smog)**

42. Respondent West Valley Smog's Smog Check Test Only Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1, Respondent West Valley Smog failed to comply with the following provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent West Valley Smog falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified in Table 1 above;

b. **Section 3340.35, subdivision (c):** Respondent West Valley Smog issued electronic smog certificates of compliance for the vehicles identified in Table 1 above, even though the vehicles had not been inspected in accordance with section 3340.42;

c. **Section 3340.41, subdivision (c):** Respondent West Valley Smog knowingly entered false information into the emissions inspection system for the vehicles identified in Table 1 above; and

d. **Section 3340.42:** Respondent West Valley Smog failed to ensure that the required smog tests were conducted on the vehicles identified in Table 1 above, in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 37, inclusive, as though set forth fully herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit –**

3 **Smog Check Test Station License – Respondent West Valley Smog)**

4 43. Respondent West Valley Smog's Smog Check Test Only Station License is subject to  
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that  
6 between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1,  
7 Respondent West Valley Smog committed acts involving dishonesty, fraud or deceit whereby  
8 another was injured by issuing electronic certificates of compliance for those vehicles without  
9 performing bona fide inspections of their emission control devices and systems, thereby depriving  
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above  
12 in paragraphs 25 through 37, inclusive, as though set forth fully herein.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program –**

15 **Smog Check Inspector License – Respondent Fiege)**

16 44. Respondent Fiege's Smog Check Inspector License is subject to discipline pursuant to  
17 Health and Safety Code section 44072.2, subdivision (a), in that on October 20, 2016, regarding  
18 vehicle no. 1 set forth above in Table 1, Respondent Fiege failed to comply with section 44012 of  
19 the Health and Safety Code in a material respect, as follows: Respondent Fiege failed to perform  
20 the emission control tests on vehicle no. 1 in accordance with procedures prescribed by the  
21 department. Complainant refers to, and by this reference incorporates, the allegations set forth  
22 above in paragraphs 25 through 37, inclusive, as though set forth fully herein.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**

25 **Smog Check Inspector License – Respondent Fiege)**

26 45. Respondent Fiege's Smog Check Inspector License is subject to discipline pursuant to  
27 Health and Safety Code section 44072.2, subdivision (c), in that on October 20, 2016, regarding  
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1 vehicle no. 1 set forth above in Table 1, Respondent Fiege failed to comply with provisions of  
2 California Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Fiege falsely or fraudulently  
4 issued an electronic smog certificate of compliance for vehicle no. 1, identified in Table 1 above;

5 b. **Section 3340.30, subdivision (a):** Respondent Fiege failed to inspect and test  
6 vehicle no. 1, identified in Table 1 above, in accordance with Health and Safety Code sections  
7 44012 and 44035, and California Code of Regulations, title 16, section 3340.42;

8 c. **Section 3340.41, subdivision (c):** Respondent Fiege knowingly entered false  
9 information into the emissions inspection system for vehicle no. 1, identified in Table 1 above;  
10 and

11 d. **Section 3340.42:** Respondent Fiege failed to conduct the required smog tests  
12 on vehicle no. 1, identified in Table 1 above, in accordance with the Bureau's specifications.

13 Complainant refers to, and by this reference incorporates, the allegations contained in  
14 paragraphs 25 through 37, above, as though set forth fully herein.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License – Respondent Fiege)**

17 46. Respondent Fiege's Smog Check Inspector License is subject to disciplinary action  
18 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on October 20, 2016,  
19 Respondent Fiege committed dishonest, fraudulent, or deceitful acts whereby another was injured  
20 by the issuance of an electronic smog certificate of compliance for vehicle no. 1, identified in Table  
21 1 above, without performing bona fide inspections of their emission control devices and systems,  
22 thereby depriving the People of the State of California of the protection afforded by the Motor  
23 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
24 allegations contained in paragraphs 25 through 37, above, as though set forth fully herein.

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d. **Section 3340.42:** Respondent Martinez failed to conduct the required smog tests on vehicle nos. 2 and 3, identified in Table 1 above, in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 25 through 37, above, as though set forth fully herein.

## TWELFTH CAUSE FOR DISCIPLINE

**(Dishonesty, Fraud or Deceit –**

**Smog Check Inspector and Repair Technician Licenses – Respondent Martinez)**

49. Respondent Martinez's Smog Check Inspector and Repair Technician Licenses are subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between July 1, 2016 and July 6, 2017, Respondent Martinez committed dishonest, fraudulent, or deceitful acts whereby another was injured by the issuance of electronic smog certificates of compliance for vehicle nos. 2 and 3, identified in Table 1 above, without performing bona fide inspections of their emission control devices and systems, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 25 through 37, above, as though set forth fully herein.

## OTHER MATTERS

50. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent West Valley Smog, upon a finding that it has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

51. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only Station License No. TC 270607, issued to Respondent West Valley Smog, 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.

52. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 636972, issued to Respondent Fiege, 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.

53. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 631548 and/or Smog Check Repair Technician License Number EI 631548, issued to Respondent Martinez, 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.

## DISCIPLINE CONSIDERATIONS

**Respondent West Valley Smog**

54. To determine the degree of discipline, if any, to be imposed on Respondent West Valley Smog, Complainant alleges the following prior disciplinary considerations:

a. On or about May 29, 2015, in a prior action, the Bureau issued Citation Number C2015-628 to Respondent West Valley Smog for actions in violation of section 44012 of the Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected and certified a vehicle using the BAR-97 when the OIS test was required. A Citation Service Conference was held on June 16, 2015. A request for formal appeal was received on September 25, 2015. Citation Number C2015-628 was affirmed on or about April 19, 2018.

b. On or about August 5, 2016, in a prior action, the Bureau issued Citation Number C2016-1544 to Respondent West Valley Smog for actions in violation of section 44012 of the Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected and certified a Bureau vehicle documented to fail a properly performed Smog Check inspection. A Citation Service Conference was held on September 06, 2016. The Decision became effective on November 26, 2016. That Citation is now final and is incorporated by reference as if fully set forth.

c. On or about May 2, 2017, in a prior action, the Bureau issued Citation Number C2017-957 to Respondent West Valley Smog for actions in violation of section 44012 of the

1 Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected  
2 and certified a Bureau vehicle documented to fail a properly performed Smog Check inspection.  
3 A Citation Service Conference was held on June 01, 2017. The Decision became effective on July  
4 02, 2017. That Citation is now final and is incorporated by reference as if fully set forth.

5 **Respondent Brandon Michael Fiege**

6 55. To determine the degree of discipline, if any, to be imposed on Respondent Brandon  
7 Michael Fiege, Complainant alleges the following prior disciplinary considerations:

8 a. On or about August 5, 2016, in a prior action, the Bureau issued Citation Number  
9 M2016-1545 to Respondent Fiege for his actions in violation of section 44032 of the Health and  
10 Safety Code, in that Respondent Fiege unlawfully Smog Check inspected and certified a Bureau  
11 vehicle documented to fail a properly performed Smog Check inspection. A Citation Service  
12 Conference was held on September 06, 2016. Respondent Fiege completed the required training  
13 on September 29, 2016. That Citation is now final and is incorporated by reference as if fully set  
14 forth.

15 b. On or about May 2, 2017, in a prior action, the Bureau issued Citation Number  
16 M2017-958 to Respondent Fiege for his actions in violation of section 44032 of the Health and  
17 Safety Code, in that Respondent Fiege unlawfully Smog Check inspected and certified a Bureau  
18 vehicle documented to fail a properly performed Smog Check inspection. A Citation Service  
19 Conference was held on June 01, 2017. The Decision became effective on July 02, 2017. That  
20 Citation is now final and is incorporated by reference as if fully set forth.

21 **PRAYER**

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

24 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
25 270607, issued to Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the  
26 president) dba West Valley Smog;

27 2. Revoking or suspending any other automotive repair dealer registration issued to  
28 Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the president);

1           3.     Revoking or suspending Smog Check, Test Only, Station License Number TC 270607,  
2 issued to Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the president)  
3 dba West Valley Smog;

4           4.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
5 Division 26 of the Health and Safety Code in the name of Respondent Hollon Enterprises, Inc. (of  
6 which Stephen Mark Hollon is the president);

7           5.     Revoking or suspending Smog Check Inspector License Number EO 636972, issued  
8 to Respondent Brandon Michael Fiege;

9           6.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
10 Division 26 of the Health and Safety Code in the name of Respondent Brandon Michael Fiege;

11          7.     Revoking or suspending Smog Check Inspector License Number EO 631548, issued  
12 to Respondent Jossue R. Martinez;

13          8.     Revoking or suspending Smog Check Repair Technician License No. EI 631548,  
14 issued to Respondent Jossue R. Martinez;


15          9.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
16 Division 26 of the Health and Safety Code in the name of Respondent Jossue R. Martinez;

17          10.    Ordering Respondent Hollon Enterprises, Inc., of which Stephen Mark Hollon is the  
18 president, Respondent Brandon Michael Fiege, and Respondent Jossue R. Martinez to pay the  
19 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this  
20 case, pursuant to Business and Professions Code section 125.3; and,

21          11.    Taking such other and further action as deemed necessary and proper.  
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24           DATED: May 3, 2018

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