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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 First Amended Accusation  
Against:

13 **EZ QUICK SOLUTIONS, INC.,**  
14 **dba VISALIA QUICK SMOG AND REPAIR**  
15 **EZEQUIEL NUNO,**  
16 **PRESIDENT/SECRETARY/TREASURER**  
17 **1832 East Main Street, Unit A**  
**Visalia, CA 93292**  
**Mailing Address:**  
**1530 West Marinette Avenue**  
**Exeter, CA 93221**

18 **Automotive Repair Dealer Reg. No. ARD 229786**  
**Smog Check Station License No. RC 229786**

19 **and**

20 **EZEQUIEL NUNO**  
21 **1530 West Marinette Avenue**  
22 **Exeter, CA 93221**

23 **Smog Check Inspector License No. EO 633033**  
**Smog Check Repair Technician License No.**  
24 **EI 633033 (formerly Advanced Emission**  
**Specialist Technician License No. EA 633033)**

25 Respondents.

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Case No. 79/13-52

OAH No. 2013040283

**FIRST AMENDED ACCUSATION**

**(Smog Check)**

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

3 1. John Wallauch ("Complainant") brings this First Amended Accusation solely in his  
4 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of  
5 Consumer Affairs. This First Amended Accusation replaces in its entirety Accusation No.  
6 79/13-52 filed on February 20, 2013.

7 **EZ Quick Solutions, Inc. dba Visalia Quick Smog and Repair**

8 2. In or about 2003, the Director of Consumer Affairs ("Director") issued Automotive  
9 Repair Dealer Registration Number ARD 229786 ("registration") to EZ Quick Solutions, Inc.  
10 ("Respondent EZ Quick Solutions"), doing business as Visalia Quick Smog #2, with Ezequiel  
11 Nuno ("Respondent Nuno") as president, secretary, and treasurer. On November 21, 2011,  
12 Respondent EZ Quick Solutions' business name was changed to Visalia Quick Smog and Repair.  
13 Respondent EZ Quick Solutions' registration was in full force and effect at all times relevant to  
14 the charges brought herein and will expire on September 30, 2013, unless renewed.

15 3. On or about April 4, 2008, the Director issued Smog Check Station License Number  
16 RC 229786 to Respondent EZ Quick Solutions. Respondent's smog check station license was in  
17 full force and effect at all times relevant to the charges brought herein and will expire on  
18 September 30, 2013, unless renewed.

19 **Ezequiel Nuno**

20 4. On or about April 22, 2011, the Director issued Advanced Emission Specialist  
21 Technician License Number EA 633033 to Respondent Nuno. Respondent's advanced emission  
22 specialist technician license was due to expire on April 30, 2013. Pursuant to California Code of  
23 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to  
24 Respondent's election, as Smog Check Inspector License Number EO 633033 and Smog Check

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1 Repair Technician License Number EI 633033 ("technician licenses"), effective May 1, 2013.<sup>1</sup>  
2 Respondent's technician licenses will expire on April 30, 2015, unless renewed.

3 **JURISDICTION**

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

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

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

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

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

20 10. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
21 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
22 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
23 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

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26 <sup>1</sup> 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 (c) Violates any of the regulations adopted by the director pursuant to this  
chapter.

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

4 **COST RECOVERY**

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

9 **UNDERCOVER OPERATION: 1996 CHEVROLET S10 BLAZER**

10 16. On April 3, 2012, an undercover operator with the Bureau (“operator”) took the  
11 Bureau’s 1996 Chevrolet S10 Blazer to Respondent EZ Quick Solutions’ facility and requested a  
12 smog inspection. The positive crankcase ventilation (“PCV”) system had been removed from the  
13 Bureau-documented vehicle. The operator was not given a written estimate for the inspection.  
14 After the inspection was completed, the operator paid the facility \$50 and received copies of an  
15 invoice and a vehicle inspection report (“VIR”). The VIR indicated that Respondent Nuno had  
16 performed the smog inspection on the vehicle. That same day, electronic smog Certificate of  
17 Compliance No. [REDACTED] was issued for the vehicle.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 17. Respondent EZ Quick Solutions’ registration is subject to disciplinary action pursuant  
21 to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a  
22 statement which it knew or in the exercise of reasonable care should have known to be untrue or  
23 misleading, as follows: Respondent EZ Quick Solutions’ technician, Respondent Nuno, certified  
24 under penalty of perjury on the VIR that the Bureau’s 1996 Chevrolet S10 Blazer had passed the  
25 inspection and was in compliance with applicable laws and regulations. In fact, the PCV system  
26 had been removed from the vehicle and as such, the vehicle would not pass the inspection  
27 required by Health & Saf. Code section 44012.

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**FIFTH CAUSE FOR DISCIPLINE**  
**(Failure to Comply with Regulations Pursuant  
to the Motor Vehicle Inspection Program)**

21. Respondent EZ Quick Solutions' smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.35, subdivision (c)**: Respondent issued an electronic smog certificate of compliance for the Bureau's 1996 Chevrolet S10 Blazer even though the vehicle had not been inspected in accordance with section 3340.42.

b. **Section 3340.42**: Respondent failed to ensure that the required smog tests were conducted on the Bureau's 1996 Chevrolet S10 Blazer in accordance with the Bureau's specifications.

**SIXTH CAUSE FOR DISCIPLINE**  
**(Dishonesty, Fraud or Deceit)**

22. Respondent EZ Quick Solutions' smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an electronic smog certificate of compliance for the Bureau's 1996 Chevrolet S10 Blazer without ensuring that a bona fide inspection was performed of the emission control devices and systems on the vehicle, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**SEVENTH CAUSE FOR DISCIPLINE**  
**(Violations of the Motor Vehicle Inspection Program)**

23. Respondent Nuno's technician license(s) is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section 44012, subdivision (f), of that Code, as follows: Respondent failed to perform the visual inspection of the emission control components on the Bureau's 1996 Chevrolet S10 Blazer in accordance with procedures prescribed by the department.



1 compliance to a vehicle that was improperly tested). On or about May 25, 2010, Respondent had  
2 issued a certificate of compliance to a Bureau undercover vehicle with the ignition timing  
3 adjusted beyond specifications. The Bureau assessed civil penalties totaling \$1,000 against  
4 Respondent for the violations. Respondent paid the fine on August 6, 2010.

5 b. On or about January 19, 2011, the Bureau issued Citation No. C2011-0819 against  
6 Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to  
7 determine that emission control devices and systems required by State and Federal law are  
8 installed and functioning correctly in accordance with test procedures); and Regulation 3340.35,  
9 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On  
10 or about December 15, 2010, Respondent had issued a certificate of compliance to a Bureau  
11 undercover vehicle with a missing Fuel Evaporation Charcoal Canister. The Bureau assessed  
12 civil penalties totaling \$1,500 against Respondent for the violations. Respondent paid the fine on  
13 February 16, 2011.

14 c. On or about October 14, 2011, the Bureau issued Citation No. C2012-0302 against  
15 Respondent for violating Health & Saf. Code section 44012, subdivision (f) (failure to perform a  
16 visual/functional check of emission control devices according to procedures prescribed by the  
17 department). On or about September 8, 2011, Respondent had issued a certificate of compliance  
18 to a Bureau undercover vehicle with a missing EGR valve. The Bureau assessed civil penalties  
19 totaling \$1,500 against Respondent for the violations. Respondent paid the fine on November 21,  
20 2011.

#### 21 OTHER MATTERS

22 27. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
23 suspend, revoke or place on probation the registration for all places of business operated in this  
24 state by Respondent EZ Quick Solutions, Inc., doing business as Visalia Quick Smog and Repair,  
25 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations  
26 of the laws and regulations pertaining to an automotive repair dealer.

27 28. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
28 Number RC 229786, issued to Respondent EZ Quick Solutions, Inc., doing business as Visalia

1 Quick Smog and Repair, is revoked or suspended, any additional license issued under this chapter  
2 in the name of said licensee may be likewise revoked or suspended by the Director.

3 29. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
4 Number EO 633033 and Smog Check Repair Technician License No. EI 633033, issued to  
5 Respondent Ezequiel Nuno, are revoked or suspended, any additional license issued under this  
6 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
11 229786, issued to EZ Quick Solutions, Inc., doing business as Visalia Quick Smog and Repair;

12 2. Revoking or suspending any other automotive repair dealer registration issued to EZ  
13 Quick Solutions, Inc.;

14 3. Revoking or suspending Smog Check Station License Number RC 229786, issued to  
15 EZ Quick Solutions, Inc., doing business as Visalia Quick Smog and Repair;

16 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
17 and Safety Code in the name of EZ Quick Solutions, Inc.;

18 5. Revoking or suspending Smog Check Inspector License Number EO 633033 and  
19 Smog Check Repair Technician License No. EI 633033 issued to Ezequiel Nuno;

20 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
21 and Safety Code in the name of Ezequiel Nuno;

22 7. Ordering EZ Quick Solutions, Inc., doing business as Visalia Quick Smog and  
23 Repair, and Ezequiel Nuno to pay the Director of Consumer Affairs the reasonable costs of the  
24 investigation and enforcement of this case, pursuant to Business and Professions Code section  
25 125.3;

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8. Taking such other and further action as deemed necessary and proper.

DATED: May 9, 2013

  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2012106478