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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. 79/24-9021

13 **A+ SMOG & AUTO REPAIR, INC., DBA**  
14 **A+ SMOG & AUTO REPAIR, INC.,**  
15 **OTHON BASTO, JR., PRES/TRES,**  
16 **VANESSA CHAVOLLA BASTO, SEC**  
2201 E. Florence Ave.  
Huntington Park, CA 90255

**ACCUSATION**

17 Automotive Repair Dealer Registration No.  
ARD 280793  
18 Smog Check, Test, and Repair Station License  
No. RC 280793,

19 **OTHON MARTIN BASTO NOLASCO**  
20 2201 E. Florence Ave.  
Huntington Park, CA 90255

21 Smog Check Inspector License No.  
EO 635505  
22 Smog Check Repair Technician License No.  
EI 635505  
23 Brake Adjuster License No. BA 635505,

24 and

1 **LYN SUE VELASQUEZ**  
2 2201 E. Florence Ave  
3 Huntington Park, CA 90255

4 Smog Check Inspector License No.  
5 EO 639685

6 Respondents.

7 **PARTIES**

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

10 **Automotive Repair Registration**

11 2. On or about July 8, 2015, the Bureau issued Automotive Repair Dealer Registration  
12 Number ARD 280793 to A+ Smog & Auto Repair, Inc., dba A+ Smog & Auto Repair, Inc.  
13 (Respondent A+ Smog & Auto Repair Inc.) Othon Basto, Jr., President/Treasurer, Vanessa  
14 Chavolla Basto, Secretary. The Automotive Repair Dealer Registration was in full force and  
15 effect at all times relevant to the charges brought herein and will expire on July 31, 2025, unless  
16 renewed.

17 **Smog Check Station License**

18 3. On or about July 29, 2015, the Bureau issued Smog Check, Test, and Repair Station  
19 License Number RC 280793 to Respondent A+ Smog & Auto Repair, Inc. The Smog Check, Test  
20 and Repair Station License was in full force and effect at all times relevant to the charges brought  
21 herein and will expire on July 31, 2025, unless renewed.

22 **Smog Check Inspector License**

23 4. On or about May 13, 2013, the Bureau issued Smog Check Inspector License Number  
24 EO 635505 to Othon Martin Basto Nolasco (Respondent Basto Nolasco). The Smog Check  
25 Inspector License was in full force and effect at all times relevant to the charges brought herein  
26 and will expire on May 31, 2027, unless renewed.

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testing in all other program areas, and shall ensure all of the following:

(a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.

(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of the vehicle's emission control system.

(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded mode are tested in accordance with procedures prescribed by the department. In determining how loaded mode and evaporative emissions testing shall be conducted, the department shall ensure that the emission reduction targets for the enhanced program are met.

(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic compound emissions, in accordance with procedures prescribed by the department.

(e) For diesel-powered vehicles, if the department determines that the inclusion of those vehicles is technologically and economically feasible, a visual inspection is made of emission control devices and the vehicle's exhaust emissions in an idle mode or loaded mode are tested in accordance with procedures prescribed by the department. The test may include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.

(g) A determination as to whether the motor vehicle complies with the emission standards for that vehicle's class and model-year as prescribed by the department.

(h) The test procedures may authorize smog check stations to refuse the testing of a vehicle that would be unsafe to test, or that cannot physically be inspected, as specified by the department by regulation. The refusal to test a vehicle for those reasons shall not excuse or exempt the vehicle from compliance with all applicable requirements of this chapter.

16. Section 44015 of the Health and Safety Code states, in pertinent part:

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(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

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17. Section 44032 of the Health and Safety Code states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

18. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

19. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

...

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

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

20. Section 44072.10 of the Health and Safety Code states, in pertinent part:

(c) The department shall revoke the license of any smog check technician 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:

(1) Clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department.

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

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

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

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**REGULATORY PROVISIONS**

21. California Code of Regulations, title 16, section 3340.24, subd. (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.

22. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, 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. . . .

23. California Code of Regulations, title 16, section 3340.35, subd. (c), states:

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. . . .

24. California Code of Regulations, title 16, section 3340.41, subd. (c), states:

No person shall enter into the BAR-97 Emissions Inspection System or the OBD 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 BAR-97 Emissions Inspection System or the OBD Inspection System any false information about the vehicle being tested.

25. California Code of Regulations, title 16, section 3340.42, states:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,

1 including a chassis dynamometer, certified by the bureau. On and after March 31,  
2 2010, exhaust emissions from a vehicle subject to this inspection shall be measured  
3 and compared to the emissions standards shown in the Vehicle Look-up Table (VLT)  
4 Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is  
5 hereby incorporated by reference. If the emissions standards for a specific vehicle are  
6 not included in this table then the exhaust emissions shall be compared to the emissions  
standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the  
loaded-mode test if all of its measured emissions are less than or equal to the applicable  
emission standards specified in the applicable table.

7 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
8 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
9 the state, except in those areas of the state where the enhanced program has been  
10 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
11 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
12 contained in the bureau's specifications referenced in subsection (a) of Section 3340.17  
13 of this article. Exhaust emissions from a vehicle subject to this inspection shall be  
measured and compared to the emission standards set forth in this section and as shown  
in Table III. A vehicle passes the two-speed idle mode test if all of its measured  
emissions are less than or equal to the applicable emissions standards specified in Table  
III.

14 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
15 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
16 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.

17 (b) In addition to subsection (a), all vehicles subject to the smog check program  
shall receive the following:

18 (1) A visual inspection of emission control components and systems to verify  
19 the vehicle's emission control systems are properly installed.

20 (2) A functional inspection of emission control systems as specified in the Smog  
21 Check Manual, referenced by section 3340.45, which may include an OBD test, to  
verify their proper operation.

22 (c) The bureau may require any combination of the inspection methods in  
23 sections (a) and (b) under any of the following circumstances:

24 (1) Vehicles that the department randomly selects pursuant to Health and Safety  
25 Code section 44014.7 as a means of identifying potential operational problems with  
vehicle OBD systems.

26 (2) Vehicles identified by the bureau as being operationally or physically  
27 incompatible with inspection equipment.

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1 (3) Vehicles with OBD systems that have demonstrated operational problems.

2 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter  
3 standards are as follows:

4 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide,  
5 or oxides of nitrogen emissions pursuant to the gross polluter emissions standards  
6 included in the tables described in subsection (a), as applicable.

7 (2) Vehicles with emission levels exceeding the emission standards for gross  
8 polluters during an initial inspection will be considered gross polluters and the  
9 provisions pertaining to gross polluting vehicles will apply, including, but not limited  
10 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

11 (3) A gross polluting vehicle shall not be passed or issued a certificate of  
12 compliance until the vehicle's emissions are reduced to or below the applicable  
13 emissions standards for the vehicle included in the tables described in subsection (a),  
14 as applicable. However, the provisions described in section 44017 of the Health and  
15 Safety Code may apply.

16 (4) This subsection applies in all program areas statewide to vehicles requiring  
17 inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

18 26. California Code of Regulations, title 16, section 3373, states:

19 No automotive repair dealer or individual in charge shall, in filling out an  
20 estimate, invoice, or work order, or record required to be maintained by section  
21 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or  
22 information which will cause any such document to be false or misleading, or where  
23 the tendency or effect thereby would be to mislead or deceive customers, prospective  
24 customers, or the public.

### 25 **COST RECOVERY**

26 27. Section 125.3 of the Code states, in pertinent part, that a Board may request the  
27 administrative law judge to direct a licentiatprovidée found to have committed a violation or  
28 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case.

### 29 **VID DATA REVIEW**

30 28. On March 9, 2015, the Bureau implemented a policy change requiring the use of an  
31 On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas-  
32 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under and 1998 and newer  
33 diesel-powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in  
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1 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in  
2 addition to communication protocol (the language used to communicate) and Parameter ID (PID)  
3 differences with vehicles that have been correctly certified that are the same make and model  
4 vehicles.

5 29. On or about May 21, 2024, a Bureau representative initiated an investigation  
6 reviewing OIS test data for Respondent A+ Smog & Auto Repair Inc. The investigation revealed  
7 that the data related to specific vehicles that Respondent A+ Smog & Auto Repair Inc. certified  
8 contained a pattern of unmistakable discrepancies between the information transmitted during  
9 the inspections and documented information about the subject vehicles. Specifically, the review  
10 of the VID data for Smog Check inspections performed at Respondent A+ Smog & Auto Repair  
11 Inc. showed a pattern of vehicles being certified with a different eVIN or without transmitting  
12 eVINs when they were expected to be transmitted. The data for the certified vehicles contain  
13 different communication protocols and PID amounts. The data confirms that the smog-certified  
14 vehicles were not tested during the OBD II functional test, constituting “clean plugging.”<sup>2</sup>  
15 Respondent A+ Smog & Auto Repair Inc. issued ten smog check certificates of compliance to  
16 ten vehicles using the clean plugging method.

17 30. On June 5, 2024, during an on-site visit of Respondent A+ Smog & Auto Repair Inc.,  
18 a Bureau representative informed Respondents Basto Nolasco and Velasquez that he identified  
19 their business-owned 2001 Chevrolet Tahoe C1500 was used in several clean plugged Smog  
20 Check inspections for their customers’ vehicles. The representative also advised that several  
21 customer vehicles had incorrect eVINs in their smog check data. Respondent Basto Nolasco  
22 replied that after he repairs the vehicles, he sometimes uses his Tahoe to quickly finish his  
23 customer’s service visit, knowing his repairs are correct, and the customer's vehicle would have  
24 passed inspection if he had the time to complete the drive cycle required to run the vehicle’s  
25 monitors. Respondent Velasquez nodded her head in agreement.

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27 <sup>2</sup> “Clean plugging” refers to the use of another vehicle’s properly functioning On Board  
28 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.

31. The following table summarizes the ten fraudulent Smog Check Certificates of Compliance Respondent A+ Smog & Auto Repair Inc. issued from March 6, 2024, through May 25, 2024, and the vehicles frequently certified under Respondent Basto Nolasco's license and Respondent Velasquez's license.

TEST DATE	VEHICLE CERTIFIED & LICENSE NO.	CERTIFICATE NO.	TECHNICIAN LICENSE NO.	OIS TEST DATA DETAILS
3/6/2024	2003 Chevrolet Tahoe C1500 5ZQS054	IZ242381C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: JVPW, Expected: JVPW Reported PID Count: 23 Expected: 22  eVIN Transmitted: 1GNEC13V31J227552 Expected: 1GNEC13T43R20789
3/8/2024	2007 Toyota RAV4 6UIR595	IZ242395C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: I914 Expected: ICAN11bt5 Reported PID Count: 17 Expected: 39  eVIN Transmitted: JTEGD20V150065226 Expected: JTMZD33V275056510
3/19/2024	2002 Ford F250 Super Duty 6W56960	TU051941C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: JVPW Expected: JPWM Reported PID Count: 23 Expected: 19 or 21  eVIN Transmitted: 1GNEC13V31J227552 Expected: 1FTNF20LX2EB69538
5/6/2024	2003 Toyota Corolla CE 5GIY407	TW703258C	EO 639685 (Respondent Velasquez)	Reported Protocol: I914 Expected: I914 Reported PID Count: 18

				Expected: 17 eVIN Transmitted: 1NXBR32E67Z880242 Expected: Not expected.
5/13/2024	2002 Ford Explorer XLT 5URU923	TW703281C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: JVPW Expected: JPWM Reported PID Count: 23 Expected: 22 eVIN Transmitted: 1GNEC13V31J227552 Expected: 1FMZU63E92UA35469
5/14/2024	2007 Toyota Corolla CE 7TCX075	TW703286C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: I914 Expected: I914 Reported PID Count: 16 Expected: 18 eVIN Transmitted: Not reported. Expected: JTDBR32E370127098
5/14/2024	2013 Honda Civic LX 6ZUZ853	TW703291C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: ICAN29bt5 Expected ICAN29bt5 Reported PID Count: 53 17 Expected: 40 eVIN Transmitted: 19XFC1F38LE213573 Expected: 19XFB2F51DE228217
5/14/2024	2011 Nissan 370Z Base 8ZCZ429	TW703292C	EO 635505 (Respondent Basto Nolasco)	Reported Protocol: I914 Expected: ICAN11bt5 Reported PID Count: 22 Expected: 46 eVIN Transmitted: 5N1BV28U57N131544 Expected: JN1AZ4EHXBM550319

1	5/23/2024	2000 Toyota Corolla VE 4LMH497	TY131323C	EO 639685 (Respondent Velasquez)	Reported Protocol: JVPW Expected: I914  Reported PID Count: 23 Expected: 16  eVIN Transmitted: 1GNEC13V31J227552 Expected: Not Expected.
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7	5/25/2024	2006 Lexus IS 250 6BJU563	TY131331C	EO 639685 (Respondent Velasquez)	Reported Protocol: JVPW Expected: ICAN11bt5  Reported PID Count: 23 Expected: 48 or 48 17  eVIN Transmitted: 1GNEC13V31J227552 Expected: JTHBK262262017319
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15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statement)**

17 32. Respondent A+ Smog & Auto Repair Inc.'s Automotive Repair Dealer Registration is  
18 subject to disciplinary action under Code section 9884.7, subd. (a)(1), on the grounds that  
19 between March 6, 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair Inc. made  
20 statements that it knew or which, by exercise of reasonable care, should have known were untrue  
21 or misleading when it issued electronic smog certificates of compliance for the vehicles identified  
22 above, certifying that those vehicles complied with applicable laws and regulations when, in fact,  
23 those vehicles had not been properly inspected as required by Health and Safety Code section  
24 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
25 paragraphs 28 through 31, as though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 33. Respondent A+ Smog & Auto Repair Inc.’s Automotive Repair Dealer Registration  
4 is subject to disciplinary action under Code section 9884.7, subd. (a)(4), on the grounds that  
5 between March 6, 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair Inc.  
6 committed acts that constitute fraud when it issued electronic smog certificates of compliance for  
7 the vehicles identified above without performing bona fide inspections of the emission control  
8 devices and systems on those vehicles, thereby depriving the People of the State of California of  
9 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
10 this reference incorporates, the allegations set forth above in paragraphs 28 through 31, as though  
11 set forth fully herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Automotive Repair Air)**

14 34. Respondent A+ Smog & Auto Repair Inc.’s Automotive Repair Dealer Registration  
15 is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), on the grounds  
16 that between March 6, 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair Inc. failed  
17 in a “material respect to comply with the provisions of this chapter or regulations adopted  
18 pursuant to it” by issuing electronic smog certificates of compliance for the vehicles identified  
19 above without performing bona fide inspections of the emission control devices and systems on  
20 those vehicles, thereby depriving the People of the State of California of the protection afforded  
21 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
22 incorporates, the allegations set forth above in paragraphs 28 through 31, as though set forth  
23 fully herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(False Statement or Entry on a Certificate of Compliance)**

26 35. Respondent A+ Smog & Auto Repair Inc.’s Automotive Repair Dealer Registration is  
27 subject to disciplinary action under Code section 9889.22 on the grounds that between March 6,  
28 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair Inc. willfully made false

1 statements on entries with regard to a material matter in any oath, affidavit, or certificate of  
2 compliance required by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
3 reference incorporates, the allegations set forth above in paragraphs 28 through 31, as though set  
4 forth fully herein.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with the Motor Vehicle Inspection Program)**

7 36. Respondent A+ Smog & Auto Repair Inc.'s Smog Check Station License is subject to  
8 disciplinary action under section 44072.2, subd. (a), of the Health and Safety Code, on the  
9 grounds that between March 6, 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair  
10 Inc. issued electronic smog certificates of compliance for the vehicles identified above and failed  
11 to comply with the following section of the Health and Safety Code:

- 12 (a) Section 44012: Respondent A+ Smog & Auto Repair Inc. failed to ensure that the  
13 emission control tests were performed on the vehicles identified above in accordance  
14 with procedures prescribed by the Bureau.
- 15 (b) Section 44015, subd. (b): Respondent A+ Smog & Auto Repair Inc. issued  
16 electronic smog certificates of compliance for the vehicles identified above without  
17 ensuring that the vehicles were properly tested and inspected to determine if they  
18 were in compliance with Health and Safety Code section 44012.
- 19 (c) Section 44059: Respondent A+ Smog & Auto Repair Inc. willfully made false entries  
20 for the electronic certificates of compliance by certifying that the vehicles identified  
21 above had been inspected when, in fact, they had not.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 28 through 31, as though set forth fully herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

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

26 37. Respondent A+ Smog & Auto Repair Inc.'s Smog Check Station License is subject  
27 to disciplinary action under section 44072.2, subd. (c), of the Health and Safety Code, on the  
28 grounds that between March 6, 2024, and May 25, 2024, Respondent A+ Smog & Auto Repair

1 Inc. issued electronic smog certificates of compliance for the vehicles identified above and failed  
2 to comply with the following sections of the California Code of Regulations, title 16, as follows:

- 3 (a) Section 3340.24, subd. (c): Respondent A+ Smog & Auto Repair Inc. issued false or  
4 fraudulent certificates of compliance for the vehicles identified above.
- 5 (b) Section 3340.35, subd. (c): Respondent A+ Smog & Auto Repair Inc. issued  
6 electronic smog certificates of compliance for the vehicles identified above even  
7 though those vehicles had not been inspected in accordance with section 3340.42,  
8 title 16, of the California Code of Regulations.
- 9 (c) Section 3340.41, subd. (c): Respondent A+ Smog & Auto Repair Inc. knowingly  
10 entered false information into the emissions inspection system for the vehicles  
11 identified above.
- 12 (d) Section 3340.42: Respondent A+ Smog & Auto Repair Inc. failed to ensure that the  
13 required smog tests were conducted on the vehicles identified above in accordance  
14 with the Bureau's specifications.
- 15 (e) Section 3373: Respondent A+ Smog & Auto Repair Inc. withheld or inserted  
16 statements or information in an estimate, invoice, work order, or record maintained  
17 by section 3340.15(e), title 16, of the California Code of Regulations, which caused  
18 false or misleading information.

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraphs 28 through 31, as though set forth fully herein.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(False Statement or Entry on a Certificate of Compliance)**

23 38. Respondent A+ Smog & Auto Repair Inc.'s Smog Check Station License is subject  
24 to disciplinary action under section 44072.2, subd. (d), in conjunction with section 44072.10,  
25 subd. (c), of the Health and Safety Code, on the grounds that between March 6, 2024, and May  
26 25, 2024, Respondent A+ Smog & Auto Repair Inc. committed acts involving dishonesty, fraud  
27 or deceit whereby another was injured by issuing electronic smog certificates of compliance for  
28 the vehicles identified above without performing bona fide inspections of the emission control

1 devices and systems on those vehicles, thereby depriving the People of the State of California of  
2 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
3 this reference incorporates, the allegations set forth above in paragraphs 28 through 31, as though  
4 set forth fully herein.

5 **EIGHTH CAUSE FOR DISCIPLINE**

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

7 39. Respondent Basto Nolasco's Smog Check Inspector and Smog Check Repair  
8 Licenses are subject to disciplinary action under section 44072.2, subd. (a), of the Health and  
9 Safety Code, on the grounds that between March 6, 2024, and May 14, 2024, he violated the  
10 following Health and Safety Code sections when he issued electronic smog certificates of  
11 compliance for the vehicles identified above without performing bona fide inspections of the  
12 emission control devices and systems on those vehicles:

13 (a) Section 44012: Respondent Basto Nolasco failed to ensure that the emission control  
14 tests were performed on the vehicles identified above in accordance with procedures  
15 prescribed by the Bureau.

16 (b) Section 44032: Respondent Basto Nolasco failed to perform tests of the emission  
17 control devices and systems on the vehicles identified above in accordance with  
18 section 44012 of the Health and Safety Code, in that the vehicles had been clean  
19 plugged.

20 (c) Section 44059: Respondent Basto Nolasco willfully issued false statements or entries  
21 on certificates of compliance.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 28 through 31, as though set forth fully herein.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

26 40. Respondent Basto Nolasco's Smog Check Inspector and Smog Check Repair  
27 Licenses are subject to disciplinary action under section 44072.2, subd. (c), of the Health and  
28 Safety Code, on the grounds that between March 6, 2024, and May 14, 2024, he violated the

1 following Health and Safety Code sections when he issued electronic smog certificates of  
2 compliance for the vehicles identified above without performing bona fide inspections of the  
3 emission control devices and systems on those vehicles:

4 (a) Section 3340.24, subd. (c): Respondent Basto Nolasco issued false or fraudulent  
5 certificates of compliance for the vehicles identified above.

6 (b) Section 3340.30, subd. (a): Respondent Basto Nolasco issued electronic smog  
7 certificates of compliance for the vehicles identified above even though those vehicles had not  
8 been inspected in accordance with section 3340.42, title 16, of the California Code of  
9 Regulations.

10 (c) Section 3340.41, subd (c): Respondent Basto Nolasco knowingly entered false  
11 information into the emissions inspection system for the vehicles identified above.

12 (d) Section 3340.42: Respondent Basto Nolasco failed to ensure that the required smog  
13 tests were conducted on the vehicles identified above in accordance with the Bureau's  
14 specifications.

15 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
16 paragraphs 28 through 31, as though set forth fully herein.

### 17 **TENTH CAUSE FOR DISCIPLINE**

#### 18 **(Fraud)**

19 41. Respondent Basto Nolasco's Smog Check Inspector and Smog Check Repair  
20 Licenses are subject to disciplinary action under section 44072.2, subd. (d), in conjunction with  
21 section 44072.10, subd. (c), of the of the Health and Safety Code, on the grounds that between  
22 March 6, 2024, and May 14, 2024, he committed acts involving dishonesty, fraud, and deceit  
23 when he issued electronic smog certificates of compliance for the vehicles identified above  
24 without performing bona fide inspections of the emission control devices and systems on those  
25 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
26 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
27 allegations set forth above in paragraphs 28 through 31, as though set forth fully herein.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program)**

3 42. Respondent Velasquez’s Smog Check Inspector License is subject to disciplinary  
4 action under section 44072.2, subd. (a), of the Health and Safety Code, on the grounds that on  
5 May 6, 23, and 25, 2024, she violated the following Health and Safety Code sections when he  
6 issued electronic smog certificates of compliance for the vehicles identified above without  
7 performing bona fide inspections of the emission control devices and systems on those vehicles:

8 (d) Section 44012: Respondent Velasquez failed to ensure that the emission control tests  
9 were performed on the vehicles identified above in accordance with procedures  
10 prescribed by the Bureau.

11 (e) Section 44032: Respondent Velasquez failed to perform tests of the emission control  
12 devices and systems on the vehicles identified above in accordance with section 44012  
13 of the Health and Safety Code, in that the vehicles had been clean plugged.

14 (f) Section 44059: Respondent Velasquez willfully issued false statements or entries on  
15 certificates of compliance.

16 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
17 paragraphs 28 through 31, as though set forth fully herein.

18 **TWELFTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 43. Respondent Velasquez’s Smog Check Inspector License is subject to disciplinary  
21 action under section 44072.2, subd. (c), of the Health and Safety Code, on the grounds that on  
22 May 6, 23, and 25, 2024, she violated the following Health and Safety Code sections when she  
23 issued electronic smog certificates of compliance for the vehicles identified above without  
24 performing bona fide inspections of the emission control devices and systems on those vehicles:

25 (a) Section 3340.24, subd. (c): Respondent Velasquez issued false or fraudulent  
26 certificates of compliance for the vehicles identified above.

27 (b) Section 3340.30, subd. (a): Respondent Velasquez issued electronic smog  
28 certificates of compliance for the vehicles identified above even though those vehicles had not

1 been inspected in accordance with section 3340.42, title 16, of the California Code of  
2 Regulations.

3 (c) Section 3340.41, subd (c): Respondent Velasquez knowingly entered false  
4 information into the emissions inspection system for the vehicles identified above.

5 (d) Section 3340.42: Respondent Velasquez failed to ensure that the required smog tests  
6 were conducted on the vehicles identified above in accordance with the Bureau's specifications.

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
8 paragraphs 28 through 31, as though set forth fully herein.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 44. Respondent Velasquez's Smog Check Inspector License is subject to disciplinary  
12 action under section 44072.2, subd. (d), in conjunction with section 44072.10, subd. (c), of the  
13 Health and Safety Code, on the grounds that on May 6, 23, and 25, 2024, she committed acts  
14 involving dishonesty, fraud, and deceit when she issued electronic smog certificates of  
15 compliance for the vehicles identified above without performing bona fide inspections of the  
16 emission control devices and systems on those vehicles, thereby depriving the People of the State  
17 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
18 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 28  
19 through 31, as though set forth fully herein.

20 **OTHER MATTERS**

21 45. Pursuant to Business and Professions Code section 9884.7, subd. (c), the Director of  
22 Consumer Affairs may suspend, revoke, or place on probation the registrations for all places of  
23 business operated in this state by A+ Smog & Auto Repair, Inc., dba A+ Smog & Auto Repair,  
24 Inc. upon a finding that it has, or is, engaged in a course of repeated and willful violations of the  
25 laws and regulations pertaining to an automotive repair dealer.

26 46. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
27 Number RC 280793 issued to A+ Smog & Auto Repair, Inc., dba A+ Smog & Auto Repair, Inc.  
28 is revoked or suspended, any additional license issued under Chapter 5, Part 5 of Division 26 of

1 the Health and Safety Code in the name of said licensee may be likewise revoked or suspended  
2 by the director.

3 47. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
4 Number EO 635505 issued to Othon Martin Basto Nolasco is revoked or suspended, any  
5 additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in  
6 the name of said licensee may be likewise revoked or suspended by the director.

7 48. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
8 Number EO 639685 issued to Lyn Sue Velasquez is revoked or suspended, any additional  
9 license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name  
10 of said licensee may be likewise revoked or suspended by the director.

11 **PRAYER**

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

15 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
16 280793, issued to A+ Smog & Auto Repair, Inc., dba A+ Smog & Auto Repair, Inc., Othon  
17 Basto, Jr., PRES/TRES, Vanessa Chavolla Basto, SEC;

18 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to  
19 A+ Smog & Auto Repair, Inc., pursuant to Business and Professions Code section 9884.7, subd.  
20 (c);

21 3. Revoking or suspending Smog Check, Test and Repair Station License Number RC  
22 280793, issued to A+ Smog & Auto Repair, Inc., dba A+ Smog & Auto Repair, Inc., Othon  
23 Basto, Jr., PRES/TRES, Vanessa Chavolla Basto, SEC;

24 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
25 Division 26 of the Health and Safety Code in the name of A+ Smog & Auto Repair, Inc.;

26 5. Revoking or suspending Smog Check Inspector License Number EO 635505, issued  
27 to Othon Martin Basto Nolasco;

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1           6.     Revoking or suspending any additional licenses issued under Chapter 5 of Part of  
2 Division 26 of the Health and Safety Code in the name of Othon Martin Basto Nolasco;

3           7.     Revoking or suspending Smog Check Repair Technician License Number EI 635505,  
4 issued to Othon Martin Basto Nolasco;

5           8.     Revoking or suspending Smog Check Inspector License Number EO 639685, issued  
6 to Lyn Sue Velasquez;

7           9.     Revoking or suspending any additional licenses issued under Chapter 5 of Part of  
8 Division 26 of the Health and Safety Code in the name of Lyn Sue Velasquez;

9           10.    Ordering A+ Smog & Auto Repair, Inc., Othon Martin Basto Nolasco, and Lyn Sue  
10 Velasquez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
11 enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed  
12 on probation, the costs of probation monitoring; and,

13           11.    Taking such other and further action as deemed necessary and proper.

14  
15 DATED: As of digital signature date

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16 PATRICK DORAIS  
17 Chief  
18 Bureau of Automotive Repair  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

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