

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-2558
6 Facsimile: (213) 897-2804
7 *Attorneys for Complainant*

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
13 Against:

Case No. *79/15-108*

14 **LOS COMPADRES SMOG CHECK**
17410 Foothill Blvd. Unit D
15 Fontana, CA 92335
ALEXANDER SHAMOUN KOREL - OWNER
16 Mailing Address:
25412 Clovelly Court
17 Moreno Valley, CA 92553

FIRST AMENDED
ACCUSATION
SMOG CHECK

18 Automotive Repair Dealer Registration No.
ARD 274203
19 Smog Check Station License No.
TC 274203

20 and

21 **CHRISTOPHER KOREL**
25412 Clovelly Ct.
22 Moreno Valley, CA 92553
Smog Check Inspector License No.
EO 636046

23 and

24 **WILLIAM ALLAN GOMEZ-CAMACHO**
4448 Blue Ridgc Dr.
25 Riverside, CA 92505
Smog Check Inspector License No.
26 EO 636771

27 Respondents.
28

1 Complainant alleges:

2 **PARTIES**

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

6 **Automotive Repair Dealer Registration**

7 2. On or about September 9, 2013, the Bureau of Automotive Repair issued Automotive
8 Repair Dealer Registration Number ARD 274203 to Los Compadres Smog Check; Alexander
9 Shamoun Korcl - Owner (Respondent Los Compadres). The Automotive Repair Dealer
10 Registration was in full force and effect at all times relevant to the charges brought herein and
11 will expire on September 30, 2016, unless renewed.

12 **Smog Check Station**

13 3. On or about September 24, 2013, the Bureau of Automotive Repair issued Smog
14 Check Station License Number TC 274203 to Respondent Los Compadres. The Smog Check
15 Station License was in full force and effect at all times relevant to the charges brought herein and
16 will expire on September 30, 2016, unless renewed.

17 **Smog Check Inspector License**

18 4. On or about September 19, 2013, the Bureau of Automotive Repair issued Smog
19 Check Inspector License Number EO 636046 to Christopher Joseph Korel (Respondent Korel).
20 The Smog Check Inspector License was in full force and effect at all times relevant to the charges
21 brought herein and will expire on January 31, 2018, unless renewed.

22 **Smog Check Inspector License**

23 5. On or about April 17, 2014, the Bureau of Automotive Repair issued Smog Check
24 Inspector License Number EO 636771 to William Allan Gomez-Camacho (Respondent Gomez-
25 Camacho). The Smog Check Inspector License, which was in full force and effect at all times
26 relevant to the charges brought herein, expired on January 31, 2016, and has not been renewed.

27 ///

28 ///

1 **JURISDICTION**

2 6. This First Amended Accusation is brought before the Director of Consumer Affairs
3 (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

4 7. Business and Professions Code section 9884.7 provides that the Director may revoke
5 an automotive repair dealer registration.

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

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

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

17 **STATUTORY AND REGULATORY PROVISIONS**

18 11. Code section 490 states, in pertinent part:

19 “(a) In addition to any other action that a board is permitted to take
20 against a licensee, a board may suspend or revoke a license on the ground that the
21 licensee has been convicted of a crime, if the crime is substantially related to the
22 qualifications, functions, or duties of the business or profession for which the license
23 was issued.

24 “(b) Notwithstanding any other provision of law, a board may exercise
25 any authority to discipline a licensee for conviction of a crime that is independent of
26 the authority granted under subdivision (a) only if the crime is substantially related to
27 the qualifications, functions, or duties of the business or profession for which the
28 licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or
verdict of guilty or a conviction following a plea of nolo contendere. An action that a
board is permitted to take following the establishment of a conviction may be taken
when the time for appeal has elapsed, or the judgment of conviction has been
affirmed on appeal, or when an order granting probation is made suspending the
imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
Penal Code.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. Code section 493 states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question." As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

13. Section 9884.7 of the Code states, in pertinent part:

"(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation 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.

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

"(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 14. Section 9884.8 of the Code states:

2 "All work done by an automotive repair dealer, including all warranty work, shall be
3 recorded on an invoice and shall describe all service work done and parts supplied. Service work
4 and parts shall be listed separately on the invoice, which shall also state separately the subtotal
5 prices for service work and for parts, not including sales tax, and shall state separately the sales
6 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice
7 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt
8 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a
9 statement indicating whether any crash parts are original equipment manufacturer crash parts or
10 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be
11 given to the customer and one copy shall be retained by the automotive repair dealer."

12 15. Section 9889.3 of the Code states, in pertinent part:

13 "The director may suspend, revoke, or take other disciplinary action against a license as
14 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division
15 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

16 ...

17 "(b) Is convicted of any crime substantially related to the qualifications, functions and
18 duties of the licenseholder in question.

19 ...

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

21 16. Business and Professions Code section 22, subdivision (a), states:

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

26 17. Business and Professions Code section 477, subdivision (b), states, in pertinent part,
27 that a "license" includes "registration" and "certificate."
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. Health and Safety Code section 44072.2 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 Safety 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 . . .

19. Health and Safety Code section 44072.10 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, as defined by the department . . .

20. Health and Safety Code section 44072.8 states that 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.

21. California Code of Regulations, title 16, section 3340.1 states, in pertinent:

....

"Clean piping," for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of compliance for the test vehicle . . .

COST RECOVERY

22. Business and Professions Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee 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.

1 UNDERCOVER OPERATION #1: APRIL 22, 2014

2 23. On April 4, 2014, the Bureau conducted an undercover vehicle operation at Los
3 Compadres Smog Check. The Bureau's vehicle, a 2002 Ford was documented by a representative
4 from one of the Bureau's Forensic Documentation Laboratories. This Bureau representative
5 (BAR lab rep) determined the required emissions controls for the vehicle, and removed the 2002
6 Ford's existing catalytic converter and "H" pipe. The BAR lab rep then installed an illegal, "off-
7 road" "X" pipe that had no catalytic converters. The BAR lab rep also removed the 2002 Ford's
8 existing air filter housing and inlet tube, and replaced them with a non approved cold air inlet
9 system that did not have an Executive Order (EO) sticker and is not a legal intake system in
10 California. The BAR lab rep also installed an illegal open breather, modifying the 2002 Ford's
11 positive crankcase ventilation (PCV) system. The BAR lab rep also installed a modification to
12 prevent the 2002 Ford's MIL from illuminating with the missing catalytic converters. The
13 components installed by the BAR lab rep caused the 2002 Ford, in its mechanical condition, to
14 fail the smog test for Gross Polluter tailpipe emissions, and missing or modified components.

15 24. On April 9, 2014, the BAR lab rep released custody of the 2002 Ford in the same
16 mechanical condition to a Bureau Field Representative (BAR field rep) at an undisclosed location
17 in the city of Riverside, California.

18 25. On April 22, 2014, a Bureau undercover operator (undercover operator) was
19 instructed to drive the 2002 Ford, which was still in the same mechanical condition, to a
20 prearranged location in the city of Fontana, California. The undercover operator was then
21 instructed to drive the vehicle to Los Compadres Smog Check (Respondent Los Compadres'
22 facility), located at 17410 Foothill Blvd. Unit D, Fontana, CA, and request a Smog Check
23 inspection. The undercover operator drove to Respondent's facility, parked in their parking lot
24 and walked towards the facility, at which point he was met by an individual later identified as
25 Respondent Korel. The undercover operator also saw two other individuals at the facility at that
26 time; one of them was later identified as Respondent Gomez-Camacho, the other was an
27 unidentified male.

1 26. Respondent Korel informed the undercover operator that there was one vehicle ahead
2 of him and for him to take a scat. Shortly thereafter, Respondent Korel approached the
3 undercover operator and asked for the 2002 Ford's keys. Respondent Korel then drove the 2002
4 Ford into the smog-testing bay of Respondent Los Compadres' facility. At this point,
5 Respondent Gomez-Camacho asked for and received the undercover operator's DMV Renewal
6 Notice. The vehicle was in the smog test bay when the undercover operator then approached
7 Respondent Korel and informed him that he had been referred to Respondent Los Compadres'
8 facility by an unnamed third party who had also told the undercover operator that Respondent Los
9 Compadres Smog Check would pass his vehicle for \$150.00. Respondent Korel then asked the
10 undercover operator for his personal identification. The undercover operator provided his
11 identification, at which point Respondent Korel stated, "we usually charge \$200.00 to \$250.00 to
12 make it pass". The undercover operator responded by asking Respondent Korel if it could be
13 done for \$200.00, to which Respondent Korel replied, "Yes". The undercover operator then
14 agreed to the \$200.00 amount. Thereafter, Respondent Korel stated that it would take about 15
15 minutes and for the undercover operator to sit and wait.

16 27. The undercover operator sat in a chair and positioned himself near the front office and
17 smog bay testing area so that he had an unobstructed view of the 2002 Ford being tested. The
18 undercover operator did not sign any documents, nor did he receive any paperwork prior to the
19 smog test being performed.

20 28. Respondent Korel drove the 2002 Ford onto the dynamometer and exited the vehicle.
21 Respondent Korel then entered information into the Emissions Inspection System (EIS) machine.
22 Shortly thereafter, he re-entered the 2002 Ford and raised the engine revolutions per minute
23 (RPMs). As this was occurring, Respondent Gomez-Camacho removed the EIS machine exhaust
24 sample probe, which was located on the exterior portion of the facility's building, from the wall
25 and inserted it into the 2002 Ford's tailpipe. Respondent Gomez-Camacho then handed the EIS
26 machine's On-Board Diagnostics (OBDII) cable to Respondent Korel, who ran the vehicle on the
27 dynamometer, while giving instructions to Respondent Gomez-Camacho and the other
28 unidentified male who was assisting, by saying "hold it right there".

1 29. Upon the completion of the emissions portion of the test, the unidentified male
2 removed the EIS machine exhaust sample probe from the 2002 Ford's exhaust tailpipe and
3 returned it to its previous location on the exterior portion of the building. Respondent Korel then
4 handed the OBDII cable to Respondent Gomez-Camacho, exited the vehicle, and continued the
5 smog check inspection process by inputting information into the EIS machine. At this point, the
6 unidentified male backed the 2002 Ford out of the smog check-testing bay and parked it in the
7 driveway near the building.

8 30. Respondent Gomez-Camacho removed the Vehicle Inspection Report (VIR) from the
9 EIS machine's printer and walked over to the desk located within the front office area. The
10 undercover operator then stood up walked over to the counter of the front office. While standing
11 there, the undercover operator observed Respondent Gomez-Camacho sign the VIR. Respondent
12 Gomez-Camacho then handed the undercover operator two (2) documents; an estimate and an
13 invoice, and asked the undercover operator to sign both documents, which he did. The
14 undercover operator then asked if the amount was \$200.00, to which Respondent Gomez-
15 Camacho responded, "Yes". After the undercover operator paid Respondent Gomez-Camacho
16 the \$200.00, Respondent Gomez-Camacho provided him with an unsigned estimate and an
17 unsigned invoice with a business card attached, the VIR that the undercover operator had
18 previously watched Respondent Gomez-Camacho sign; the DMV Renewal Notice the undercover
19 operator had previously given him. Respondent Gomez-Camacho then commented to the
20 undercover operator that the 2002 Ford had no "cats". The undercover operator then asked
21 Respondent Gomez-Camacho if he could bring another vehicle to them to be tested, and asked if
22 the price would be the same. Respondent Gomez-Camacho said that he was pretty sure he could
23 do so, but that he would need to look at the vehicle first. Just prior to leaving, the undercover
24 operator also asked Respondent Korel about returning to the facility with a "hot rod" vehicle to be
25 tested. Respondent Korel said "no problem, but I have to look at it first to give you a price". At
26 such time, Respondent Korel also mentioned to the undercover operator that the 2002 Ford did
27 not have any catalytic converters. The undercover operator then left the Respondent's facility to
28 meet with the Bureau field representative assigned to the case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND CAUSE FOR DISCIPLINE

(Acts Constituting Dishonesty, Fraud or Deceit)

34. Respondent Korcl's smog check inspector license is subject to discipline pursuant to Code section 9889.3, subdivision (b), and Health and Safety Code section 44072.1, subdivision (d), in that Respondent Korel committed acts involving dishonesty, fraud or deceit, with the intent to substantially benefit himself, or substantially injure another. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 23 through 32, and below in paragraphs 48 through 57, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

35. Respondent Gomez-Camacho's smog check inspector license is subject to discipline pursuant to Code sections 490 and 493, in that Respondent Gomez-Camacho was convicted of a crime substantially related to the qualifications, functions or duties of a smog check inspector. On or about January 11, 2016, Respondent Gomez-Camacho was convicted of one misdemeanor count of violating Pcnal Code section 502, subdivision (c), [unauthorized computer access and fraud] in the criminal proceeding entitled The People of the State of California vs. William Allan Gomez-Camacho (Super. Ct. San Bernardino County, 2015, Case No. FSB1405387). In regard to the circumstances surrounding the conviction, Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 23 through 32, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Acts Constituting Dishonesty, Fraud or Deceit)

36. Respondent Gomez-Camacho's smog check technician license is subject to discipline pursuant to Code section 9889.3, subdivision (b), and Health and Safety Code section 44072.1, subdivision (d), in that Respondent Gomez-Camacho committed acts involving dishonesty, fraud or deceit, with the intent to substantially benefit himself, or substantially injure another. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 23 through 32, and below in paragraphs 48 through 57, as though set forth fully.

///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 37. Respondent Los Compadres' registration is subject to disciplinary action pursuant to
4 Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent Los
5 Compadres made or authorized statements which he knew or in the exercise of reasonable care
6 should have known to be untrue or misleading, as follows:

7 a. Respondent Los Compadres allowed its employee, Respondent Korel, to certify under
8 penalty of perjury on the VIR that he performed the smog inspection on the Bureau's 2002 Ford
9 in accordance with all Bureau requirements and that the vehicle had passed the inspection and
10 was in compliance with applicable laws and regulations. In fact, Respondent Korel used clean
11 piping methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle
12 as required by Health and Safety Code section 44012.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 38. Respondent Los Compadres' registration is subject to disciplinary action pursuant to
16 Business and Professions Code section 9884.7, subdivision (a)(4), in that Respondent Los
17 Compadres committed an act that constitutes fraud, as follows: Respondent Los Compadres
18 allowed its employee, i.e. Respondent Korel to issue an electronic smog certificate of compliance
19 for the Bureau's 2002 Ford without ensuring that a bona fide inspection was performed of the
20 emission control devices and systems on the vehicle, thereby depriving the People of the State of
21 California of the protection afforded by the Motor Vehicle Inspection Program.

22 **SEVENTH CAUSE FOR DISCIPLINE**

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

24 39. Respondent Los Compadres' smog check station license is subject to disciplinary
25 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent
26 Los Compadres failed to comply with the following sections of that Code:

27 ///

28 ///

1 a. **Section 44012:** Respondent Los Compadres failed to ensure that the emission control
2 tests were performed on the Bureau's 2002 Ford in accordance with procedures prescribed by the
3 department.

4 b. **Section 44015:** Respondent Los Compadres allowed its employee, i.e., Respondent
5 Korel to issue an electronic smog certificate of compliance for the Bureau's 2002 Ford without
6 ensuring that the vehicle was properly tested and inspected to determine if it was in compliance
7 with Health and Safety. Code section 44012.

8 **EIGHTH CAUSE FOR DISCIPLINE**
9 **(Failure to Comply with Regulations Pursuant**
10 **to the Motor Vehicle Inspection Program)**

11 40. Respondent Los Compadres' smog check station license is subject to disciplinary
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent
13 Los Compadres failed to comply with the provisions of California Code of Regulations, title 16,
14 as follows:

15 a. **Section 3340.35, subdivision (c):** Respondent Los Compadres allowed its employee
16 Respondent Korel to issue an electronic smog certificate of compliance for the Bureau's 2002
17 Ford even though the vehicle had not been inspected in accordance with Health and Safety Code
18 section 3340.42.

19 b. **Section 3340.41, subdivision (c):** Respondent Los Compadres allowed its employee,
20 i.e., Respondent Korel to enter false information into the EIS by entering vehicle identification
21 information or emission control system identification data for a vehicle other than the one being
22 tested.

23 c. **Section 3340.42:** Respondent Los Compadres failed to ensure that the required smog
24 tests were conducted on the Bureau's 2002 Ford in accordance with the Bureau's specifications.

25 ///

26 ///

27 ///

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 41. Respondent Los Compadres' smog check station license is subject to disciplinary
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
5 Los Compadres committed a dishonest, fraudulent or deceitful act whereby another is injured by
6 allowing its employee Respondent Korel to issue an electronic smog certificate of compliance for
7 the Bureau's 2002 Ford without ensuring that a bona fide inspection was performed of the
8 emission control devices and systems on the vehicle, thereby depriving the People of the State of
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 **TENTH CAUSE FOR DISCIPLINE**

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

12 42. Respondent Korel's technician license is subject to disciplinary action pursuant to
13 Health and Safety Code section 44072.2, subdivision (a), in that Respondent Korel failed to
14 comply with section 44012 of that Code in a material respect, as follows: Respondent Korel
15 failed to perform the emission control tests on the Bureau's 2002 Ford in accordance with
16 procedures prescribed by the department.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

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

20 43. Respondent Korel's technician license is subject to disciplinary action pursuant to
21 Health and Safety Code section 44072.2, subdivision (c), in that Respondent Korel failed to
22 comply with provisions of California Code of Regulations, title 16, as follows:

23 a. **Section 3340.30, subdivision (a):** Respondent Korel failed to inspect and test the
24 Bureau's 2002 Ford in accordance with Health and Safety Code sections 44012 and 44035, and
25 California Code of Regulations, title 16, section 3340.42.

26 b. **Section 3340.41, subdivision (c):** Respondent Korel entered false information into
27 the EIS by entering vehicle identification information or emission control system identification
28 data for a vehicle other than the one being tested.

1 c. **Section 3340.42:** Respondent Korel failed to conduct the required smog tests on the
2 Bureau's 2002 Ford in accordance with the Bureau's specifications.

3 **TWELFTH CAUSE FOR DISCIPLINE**

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

5 44. Respondent Korel's technician license is subject to disciplinary action pursuant to
6 Health and Safety Code section 44072.2, subdivision (d), in that Respondent Korel committed a
7 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog
8 certificate of compliance for the Bureau's 2002 Ford without performing a bona fide inspection of
9 the emission control devices and systems on the vehicle, thereby depriving the People of the State
10 of California of the protection afforded by the Motor Vehicle Inspection Program.

11 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

13 45. Respondent Gomez-Camacho's technician license is subject to disciplinary action
14 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Gomez-
15 Camacho failed to comply with section 44012 of that Code in a material respect, as follows:
16 Respondent Gomez-Camacho failed to perform the emission control tests on the Bureau's 2002
17 Ford in accordance with procedures prescribed by the department.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

21 46. Respondent Gomez-Camacho's technician license is subject to disciplinary action
22 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Gomez-
23 Camacho failed to comply with provisions of California Code of Regulations, title 16, as follows:

24 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's
25 2002 Ford in accordance with Health and Safety Code sections 44012 and 44035, and California
26 Code of Regulations, title 16, section 3340.42.

27 b. **Section 3340.42:** Respondent Gomez-Camacho failed to conduct the required smog
28 tests on the Bureau's 2002 Ford in accordance with the Bureau's specifications.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 47. Respondent Gomez-Camacho's technician license is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Gomez-
5 Camacho committed a dishonest, fraudulent or deceitful act whereby another is injured by
6 actively participating in the issuance of an electronic smog certificate of compliance for the
7 Bureau's 2002 Ford without performing a bona fide inspection of the emission control devices
8 and systems on the vehicle, thereby depriving the People of the State of California of the
9 protection afforded by the Motor Vehicle Inspection Program.

10 **UNDERCOVER OPERATION #2: APRIL 30, 2014**

11 48. The Bureau's vehicle, a 1997 Acura was documented by a representative from one of
12 the Bureau's Forensic Documentation Laboratories. On April 29, 2014, a Bureau representative
13 inspected the 1997 Acura and found a modified PVC system, missing catalytic converter, missing
14 rear oxygen sensor, modified spark control system (non approved external ignition coil), modified
15 fuel injection system (adjustable fuel pressure regulator and non-approved fuel injectors),
16 adjustable camshaft sprockets and non-approved exhaust system (headers) and also failing
17 functional checks of the malfunction indicator light (light on at all times) and the ignition timing
18 for out of manufacturer's specification. The 1997 Acura also exceeded the gross polluter limits
19 for exhaust emissions for oxides of nitrogen (NOX) and exceeded the fail limits for carbon
20 monoxide (CO) and hydrocarbons (HC).

21 49. On April 30, 2014, another Bureau representative independently inspected the 1997
22 Acura and confirmed it had a modified PVC system, missing catalytic converter, missing rear
23 oxygen sensor, modified spark control system (non-approved external ignition coil), modified
24 fuel injection system (adjustable fuel pressure regulator and non-approved fuel injectors), non-
25 approved exhaust system (headers), and the malfunction indicator light (MIL) was on at all times.
26 Later that same day, a Bureau undercover operator (undercover operator) drove the 1997 Acura
27 to Respondent Los Compadres' facility to request a smog inspection on the vehicle. Upon arrival,
28 the undercover operator told Respondent Korel that he had returned with the other car they had

1 previously discussed. Respondent Korel then took the keys to the 1997 Acura and asked the
2 undercover operator to wait. Respondent Korel then walked out to the 1997 Acura and drove it
3 into the Smog Check testing bay.

4 50. The undercover operator then approached the 1997 Acura and asked Respondent
5 Korel for the price of the Smog Check inspection. Respondent Korel responded by asking "What
6 did I charge you last time?" To which the Bureau's undercover operator responded "\$200.00 "
7 Respondent Korel then asked the undercover operator for his DMV paperwork (which was
8 provided) and stated "let me check the history on the vehicle" and walked over to a computer on a
9 nearby desk. Respondent Korel then returned and stated that the price would be the same. The
10 undercover operator asked "\$200.00?", to which Respondent Korel replied, "Yes".

11 51. The undercover operator then positioned himself near the smog bay testing area so
12 that he had an unobstructed view of the vehicle being tested. At this point, the undercover
13 operator had not received any documents of any type from Respondent Korel.

14 52. Respondent Korel then entered information into the Smog Check EIS machine.
15 Shortly thereafter, Respondent Korel entered the 1997 Acura and positioned it on the
16 dynamometer. Respondent Gomez-Camacho then removed the EIS machine's exhaust sample
17 probe from the wall of the Respondent-facility's building and inserted it into the 1997 Acura's
18 exhaust tailpipe.

19 53. Respondent Gomez-Camacho then retrieved the OBDII cable from the EIS machine
20 and handed it to Respondent Korel. Respondent Gomez-Camacho then walked to the rear of the
21 EIS machine while Respondent Korel remained seated in the 1997 Acura while it was positioned
22 on the dynamometer with the engine running. Respondent Korel then motioned with his left hand
23 to Respondent Gomez-Camacho, who then proceeded to crouch down behind the EIS machine.
24 Respondent Gomez-Camacho then gestured to Respondent Korel by nodding his head, and stood
25 up. Respondent Korel thereafter proceeded with the Smog Check inspection by handing the
26 OBDII cable to Respondent Gomez-Camacho. At this point, another unidentified Hispanic male
27 arrived and removed the emission probe from the 1997 Acura's tailpipe and hung it back on a
28 hook on the building wall.

1 54. Respondent Gomez-Camacho then entered information into the EIS machine, while
2 Respondent Korel backed the 1997 Acura out of the smog bay and parked it. Respondent Korel
3 then completed the paperwork and handed the undercover operator two (2) documents - an
4 estimate and an invoice – and had the undercover operator sign them and give them back to
5 (Respondent Korel). At such time, Respondent Korel asked the undercover operator if he worked
6 for the Bureau, to which the undercover operator replied "No". The undercover operator then
7 confirmed that the price for the services rendered was \$200.00 and handed Respondent Korel that
8 amount in cash. Respondent Korel then gave the undercover operator an unsigned estimate and
9 invoice, which included a business card attached, a VIR, and the DMV Renewal Notice that the
10 undercover operator had previously provided.

11 55. Immediately thereafter, the undercover operator drove the 1997 Acura to a designated
12 location and met with another Bureau representative. The undercover operator provided the
13 Bureau representative with the documents he had received from Respondent Korel. The
14 representative then confirmed that the Bureau's Acura still had a modified PVC system, missing
15 catalytic converter, missing rear oxygen sensor, modified spark control system (non-approved
16 external ignition coil), modified fuel injection system (adjustable fuel pressure regulator and non-
17 approved fuel injectors), non-approved exhaust system (headers), and the check engine light was
18 still on.

19 56. A Bureau field representative subsequently downloaded the BAR 97 Test Detail from
20 the Bureau's Vehicle Information Database (VID) and confirmed that Respondent Los
21 Compadres had fraudulently issued Certificate of Compliance #YF297688C with regard to the
22 1997 Acura.

23 57. On April 30, 2014, a Bureau representative performed a California Smog Check
24 Vehicle Inspection, BAR-97 ASM Test on the 1997 Acura, which failed the inspection due to a
25 modified PVC system, missing catalytic converter, missing rear oxygen sensor, modified spark
26 control system (non-approved external ignition coil), modified fuel injection system (adjustable
27 fuel pressure regulator and non-approved fuel injectors), non-approved exhaust system (headers),
28 and because the check engine light was still on.

1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 58. Respondent Los Compadres' registration is subject to disciplinary action pursuant to
4 Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent Los
5 Compadres made or authorized statements which he knew or in the exercise of reasonable care
6 should have known to be untrue or misleading, as follows:

7 a. Respondent Los Compadres allowed its employee, Respondent Korel, to certify under
8 penalty of perjury on the VIR that he performed the smog inspection on the Bureau's 1997 Acura
9 in accordance with all Bureau requirements and that the vehicle had passed the inspection and
10 was in compliance with applicable laws and regulations. In fact, Respondent Korel used clean
11 piping methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle
12 as required by Health and Safety Code section 44012.

13 **SEVENTEENTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 59. Respondent Los Compadres' registration is subject to disciplinary action pursuant to
16 Business and Professions Code section 9884.7, subdivision (a)(4), in that Respondent Los
17 Compadres committed an act that constitutes fraud, as follows: Respondent Los Compadres
18 allowed its employee, i.e. Respondent Korel to issue an electronic smog certificate of compliance
19 for the Bureau's 1997 Acura without ensuring that a bona fide inspection was performed of the
20 emission control devices and systems on the vehicle, thereby depriving the People of the State of
21 California of the protection afforded by the Motor Vehicle Inspection Program.

22 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

24 60. Respondent Los Compadres' smog check station license is subject to disciplinary
25 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent
26 Los Compadres failed to comply with the following sections of that Code:

27 ///

28 ///

1 a. **Section 44012:** Respondent Los Compadres failed to ensure that the emission control
2 tests were performed on the Bureau's 1997 Acura in accordance with procedures prescribed by
3 the department.

4 b. **Section 44015:** Respondent Los Compadres allowed its employee, i.e., Respondent
5 Korel to issue an electronic smog certificate of compliance for the Bureau's 1997 Acura without
6 ensuring that the vehicle was properly tested and inspected to determine if it was in compliance
7 with Health and Safety Code section 44012.

8 **NINETEENTH CAUSE FOR DISCIPLINE**

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

11 61. Respondent Los Compadres' smog check station license is subject to disciplinary
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent
13 Los Compadres failed to comply with the provisions of California Code of Regulations, title 16,
14 as follows:

15 a. **Section 3340.35, subdivision (c):** Respondent Los Compadres allowed its employee
16 Respondent Korel to issue an electronic smog certificate of compliance for the Bureau's 1997
17 Acura even though the vehicle had not been inspected in accordance with Health and Safety Code
18 section 3340.42.

19 b. **Section 3340.41, subdivision (c):** Respondent Los Compadres allowed its employee,
20 i.e., Respondent Gomez-Camacho to enter false information into the EIS by entering vehicle
21 identification information or emission control system identification data for a vehicle other than
22 the one being tested.

23 c. **Section 3340.42:** Respondent Los Compadres failed to ensure that the required smog
24 tests were conducted on the Bureau's 1997 Acura in accordance with the Bureau's specifications.

25 ///

26 ///

27 ///

28 ///

1 **TWENTIETH CAUSE FOR DISCIPLINE**

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

3 62. Respondent Los Compadres' smog check station license is subject to disciplinary
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent
5 Los Compadres committed a dishonest, fraudulent or deceitful act whereby another is injured by
6 allowing its employee Respondent Korel to issue an electronic smog certificate of compliance for
7 the Bureau's 1997 Acura without ensuring that a bona fide inspection was performed of the
8 emission control devices and systems on the vehicle, thereby depriving the People of the State of
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

12 63. Respondent Korel's technician license is subject to disciplinary action pursuant to
13 Health and Safety Code section 44072.2, subdivision (a), in that Respondent Korel failed to
14 comply with section 44012 of that Code in a material respect, as follows: Respondent Korel
15 failed to perform the emission control tests on the Bureau's 1997 Acura in accordance with
16 procedures prescribed by the department.

17 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

20 64. Respondent Korel's technician license is subject to disciplinary action pursuant to
21 Health and Safety Code section 44072.2, subdivision (c), in that Respondent Korel failed to
22 comply with provisions of California Code of Regulations, title 16, as follows:

23 a. **Section 3340.30, subdivision (a)**: Respondent Korel failed to inspect and test the
24 Bureau's 1997 Acura in accordance with Health and Safety Code sections 44012 and 44035, and
25 California Code of Regulations, title 16, section 3340.42.

26 b. **Section 3340.42**: Respondent Korel failed to conduct the required smog tests on the
27 Bureau's 1997 Acura in accordance with the Bureau's specifications.

28 ///

1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

3 65. Respondent Korel's technician license is subject to disciplinary action pursuant to
4 Health and Safety Code section 44072.2, subdivision (d), in that Respondent Korel committed a
5 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog
6 certificate of compliance for the Bureau's 1997 Acura without performing a bona fide inspection
7 of the emission control devices and systems on the vehicle, thereby depriving the People of the
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.

9 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

11 66. Respondent Gomez-Camacho's technician license is subject to disciplinary action
12 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Gomez-
13 Camacho failed to comply with section 44012 of that Code in a material respect, as follows:
14 Respondent Gomez-Camacho failed to perform the emission control tests on the Bureau's 1997
15 Acura in accordance with procedures prescribed by the department.

16 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

19 67. Respondent Gomez-Camacho's technician license is subject to disciplinary action
20 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Gomez-
21 Camacho failed to comply with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's
23 1997 Acura in accordance with Health and Safety Code sections 44012 and 44035, and California
24 Code of Regulations, title 16, section 3340.42.

25 b. **Section 3340.41, subdivision (c):** Respondent Gomez-Camacho entered false
26 information into the EIS by entering vehicle identification information or emission control system
27 identification data for a vehicle other than the one being tested.

28 ///

1 c. **Section 3340.42:** Respondent Gomez-Camacho failed to conduct the required smog
2 tests on the Bureau's 1997 Acura in accordance with the Bureau's specifications.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

5 68. Respondent Gomez-Camacho's technician license is subject to disciplinary action
6 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Gomez-
7 Camacho committed a dishonest, fraudulent or deceitful act whereby another is injured by
8 actively participating in the issuance of an electronic smog certificate of compliance for the
9 Bureau's 1997 Acura without performing a bona fide inspection of the emission control devices
10 and systems on the vehicle, thereby depriving the People of the State of California of the
11 protection afforded by the Motor Vehicle Inspection Program.

12 **OTHER MATTERS**

13 69. Pursuant to Code section 9884.7, subdivision (c), the Bureau may refuse to validate,
14 or may invalidate temporarily or permanently, the registrations for all places of business operated
15 in this state by Alexander Shamoun Korel upon a finding that he has, or is, engaged in a course of
16 repeated and willful violations of the laws and regulations pertaining to an automotive repair
17 dealer.

18 70. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License
19 Number TC 274203, issued to Alexander Shamoun Korel, doing business as Los Compadres
20 Smog Check, is revoked or suspended, any additional license issued under this chapter in the
21 name of said licensee may be likewise revoked or suspended by the director.

22 71. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
23 No. EO 636046 issued to Christopher Korel is revoked or suspended, any additional license
24 issued under this chapter in the name of said licensee may be likewise revoked or suspended by
25 the director.

26 72. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
27 No. EO 636771 issued to William Allan Gomez-Camacho is revoked or suspended, any
28

1 additional license issued under this chapter in the name of said licensee may be likewise revoked
2 or suspended by the director.

3 **PRAYER**

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

6 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration
7 Number ARD 274203 issued to Alexander Shamoun Korel, doing business as Los Compadres
8 Smog Check;

9 2. Revoking, suspending or placing on probation any other automotive repair dealer
10 registration issued in the name Alexander Shamoun Korel;

11 3. Revoking or suspending Smog Check Station License Number TC 274203, issued to
12 Alexander Shamoun Korel, doing business as Los Compadres Smog Check;

13 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
14 and Safety Code in the name of Alexander Shamoun Korel;

15 5. Revoking or suspending Smog Check Inspector License No. EO 636046, issued to
16 Christopher Korel;

17 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
18 and Safety Code in the name of Christopher Korel;

19 7. Revoking or suspending Smog Check Inspector License No. EO 636771 issued to
20 William Allan Gomez-Camacho;

21 8. Revoking or suspending any additional license issued under Chapter 5 of the Health
22 and Safety Code in the name of William Allan Gomez-Camacho;

23 9. Ordering Alexander Shamoun Korel, Christopher Korel, and William Allan Gomez-
24 Camacho to jointly and severally pay the Bureau of Automotive Repair the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and,

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: April 27, 2016



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

LA2014512380
52046585.docx