

BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**SMOG PROS; ASHRAF ALI YASIN**  
2696 Foothill Blvd.  
San Bernardino, CA 92410

Automotive Repair Dealer Registration No.  
ARD 233633  
Smog Check, Test Only, Station License No.  
TC 233633

and

**ALFREDO GUERRERO GRANADOS**  
226 N. Miramonte Ave  
Ontario, CA 91764

Smog Check Inspector License No. EO 636048

Case No. 79/14-134

Respondents.

**DECISION**

The attached Stipulated Revocation of License and Disciplinary Order as to Respondent Alfredo Guerrero Granados Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Alfredo Guerrero Granados, Smog Check Inspector License No. EO 636048. The following typographical error is noted:

1. Page 2, line 15: "Accusation No. 79/140134" is corrected to read "Accusation No. 79/14-134."

This Decision shall become effective October 15, 2014.

DATED: September 23, 2014

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 CHRISTINE J. LEE  
Deputy Attorney General  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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15 **Smog Check, Test Only, Station License No.**  
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16 and

17 **ALFREDO GUERRERO GRANADOS**  
226 N. Miramonte Ave  
18 Ontario, CA 91764

19 **Smog Check Inspector License No. EO**  
20 **636048**

21 Respondents.

**STIPULATED REVOCATION OF  
LICENSE AND DISCIPLINARY ORDER  
AS TO RESPONDENT ALFREDO  
GUERRERO GRANADOS ONLY**

22  
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He  
27 brought this action solely in her official capacity and is represented in this matter by Kamala D.  
28 Harris, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney General.



1 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
2 reconsideration and court review of an adverse decision; and all other rights accorded by the  
3 California Administrative Procedure Act and other applicable laws.

4 9. Respondent Granados voluntarily, knowingly, and intelligently waives and gives up  
5 each and every right set forth above.

6 CULPABILITY

7 10. Respondent Granados admits the truth of each and every charge and allegation in  
8 Second Amended Accusation No. 79/14-134.

9 11. Respondent Granados agrees that cause exists for discipline, and he further agrees to  
10 the revocation of his technician licenses, subject to the Director's formal adoption thereof.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
13 his designee. Respondent Granados understands and agrees that counsel for Complainant and the  
14 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of  
15 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to  
16 or participation by Respondent Granados. By signing the stipulation, Respondent Granados  
17 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
18 prior to the time the Director considers and acts upon it. If the Director fails to adopt this  
19 stipulation as the Decision and Order, the Stipulated Revocation of License and Disciplinary  
20 Order shall be of no force or effect, and with the exception of this paragraph, it shall be  
21 inadmissible in any legal action between the parties, and the Director shall not be disqualified  
22 from further action by having considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
25 effect as the originals.

26 14. This Stipulated Revocation of License and Disciplinary Order is intended by the  
27 parties to be an integrated writing representing the complete, final, and exclusive embodiment of  
28 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,

1 discussions, negotiations, and commitments (written or oral). This Stipulated Revocation of  
2 License and Disciplinary Order may not be altered, amended, modified, supplemented, or  
3 otherwise changed except by a writing executed by an authorized representative of each of the  
4 parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
6 the Director may, without further notice or formal proceeding, issue and enter the following  
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that that the Smog Check Inspector License No. EO 636048  
10 issued to Respondent Granados is revoked.

11 1. The revocation of Respondent Granados' technician license shall constitute the  
12 imposition of discipline against Respondent Granados. This stipulation constitutes a record of the  
13 discipline and shall become a part of Respondent Granados' license history with the Bureau.

14 2. Respondent Granados shall lose all rights and privileges as an Smog Check Inspector  
15 in California as of the effective date of the Director's Decision and Order.

16 3. Respondent Granados shall cause to be delivered to the Bureau his wall license  
17 certificate and if issued, pocket license on or before the effective date of the Decision and Order.

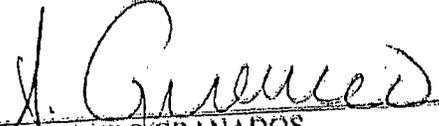
18 4. If Respondent Granados ever files an application for licensure or a petition for  
19 reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement.  
20 Respondent Granados must comply with all the laws, regulations and procedures for  
21 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges  
22 and allegations contained in Accusation No. 79/14-134 shall be deemed to be true, correct and  
23 admitted by Respondent Granados when the Bureau determines whether to grant or deny the  
24 petition. After revocation of a license, the license shall not be reinstated within a period of one  
25 year after the effective date of revocation.

26 5. Respondent Granados shall pay the Bureau its costs of investigation and enforcement  
27 in the amount of \$7,995.00 prior to issuance of a new or reinstated license. Respondent Granados,  
28

1 with Respondent Smog Pros; Ashraf Ali Yasin shall be jointly and severally liable for the  
2 amount, and the entire amount may be enforced against either or all of them.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Revocation of License and Disciplinary Order. I  
5 understand the stipulation and the effect it will have on my technician licenses. I enter into this  
6 Stipulated Revocation of License and Disciplinary Order voluntarily, knowingly, and  
7 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
8 Affairs.

9  
10 DATED: 8-19-14   
11 ALFREDO GUERRERO GRANADOS  
12 Respondent  
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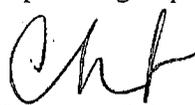
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ENDORSEMENT

The foregoing Stipulated Revocation of License and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

DATED: 8/19/14

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

  
CHRISTINE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 79/14-134**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 CHRISTINE J. LEE  
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14 San Bernardino, CA 92410

**ACCUSATION**

15 **Automotive Repair Dealer Registration No.**  
**ARD 233633**  
16 **Smog Check, Test Only, Station License No.**  
**TC 233633**

17 and

18 **ALFREDO GUERRERO GRANADOS**  
19 226 N. Miramonte Ave  
Ontario, CA 91764

20 **Smog Check Inspector License No. EO**  
**636048**

21 Respondents.  
22

23  
24 Complainant alleges:

25 **PARTIES**

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

28 **Automotive Repair Dealer Registration No. ARD 233633**

1           2.    On or about June 30, 2004, the Bureau of Automotive Repair issued Automotive  
2 Repair Dealer Registration Number ARD 233633 (registration) to Smog Pros; Ashraf Ali Yasin  
3 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all  
4 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.  
5 **Smog Check Test Only Station License No. TC 233633**

6           3.    On or about July 8, 2004, the Bureau of Automotive Repair issued Smog Check, Test  
7 Only, Station License Number TC 233633(station license) to Smog Pros; Ashraf Ali Yasin  
8 (Respondent). The Smog Check, Test Only, Station License was in full force and effect at all  
9 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.  
10 **STAR Station Certification Number**

11           4.    On or about March 22, 2013, the Bureau of Automotive Repair certified Respondent,  
12 Smog Pros as a STAR station. The certification will remain active unless the Automotive Repair  
13 and/or Smog Station is revoked, canceled, licenses become delinquent or certification is  
14 invalidated.

15 **Smog Check Inspector License No. EO 636048**

16           5.    On or about September 19, 2013, the Bureau of Automotive Repair issued Smog  
17 Check Inspector License Number EO 636048 (technician license) to Alfredo Guerrero Granados  
18 (Respondent Granados). The Smog Check Inspector License was in full force and effect at all  
19 times relevant to the charges brought herein and will expire on November 30, 2015, unless  
20 renewed.<sup>1</sup>

21 **JURISDICTION**

22           6.    This Accusation is brought before the Director of Consumer Affairs (Director) for the  
23 Bureau of Automotive Repair.

24           7.    Section 9884.7 of the Business and Professions Code ("Code") provides that the  
25 Director may revoke an automotive repair dealer registration.

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. (1) Making or authorizing in any manner or by any means whatever any statement written  
2 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable  
3 care should be known, to be untrue or misleading.

4 (4) Any other conduct that constitutes fraud.

5 (6) Failure in any material respect to comply with the provisions of this chapter [the  
6 Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted pursuant to  
7 it.

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

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

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

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

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

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

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

26 COST RECOVERY

27 15. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 FACTUAL BACKGROUND

4 16. The Bureau conducted a review of the Vehicle Information Database ("VID") from  
5 Respondent's facility. The VID showed abnormal OBDII<sup>2</sup> code failure patterns. On January 30,  
6 2014, Bureau Representative Alfred Denno reviewed the VID information for the period between  
7 January 2, 2014 to January 30, 2014 and later from March 1, 2014 through March 14, 2014. The  
8 investigation revealed that twenty-two (22) vehicles were fraudulently certified with pending or  
9 history Diagnostic Trouble Codes ("DTC's") stored in the Power Train Control Module ("PCM")  
10 memory not supported by the vehicles being tested.

11 17. The details of the clean plugging activities, Vehicles 1 through 22, set forth in Table 1  
12 below, were all certified with trouble code P1164 stored in the PCM memory while the original  
13 equipment manufacturer ("OEM") service information shows these vehicles do not support the  
14 pending codes stored in the PCM memory. The Bureau Representative also consulted the original  
15 equipment manufacturer service information for these vehicles and/or industry standard  
16 references Mitchell On-Demand and Alldata Information Systems and confirmed that none of the  
17 clean plugged vehicles supported fault code P1164. Furthermore, the access code of Smog  
18 Check Inspector Alfredo Guerrero Granados was used for all the inspections. The vehicles  
19 receiving smog certificates were not tested during the OBD II functional test and another  
20 vehicle(s) was used, constituting clean plugging.<sup>3</sup>

21 18. The specific details of Respondents' clean plugging activities are set forth below.

22 <sup>2</sup> The On Board Diagnostics (OBDII) functional test is an automated function of the  
23 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an  
24 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is  
25 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves  
26 information from the vehicle's on-board computer about the status of the readiness indicators,  
27 trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II  
28 functional test, it will fail the overall inspection.

<sup>3</sup> Clean plugging is the use of the OBD II readiness monitor status and stored fault code  
(trouble code) status of a passing vehicle for the purposes of illegally issuing a smog certificate to  
another vehicle that is not in compliance due to a failure to complete the minimum number of self-  
test, known as monitors, or due to the presence of a stored fault code that indicates an emission  
control system or component failure.

Table 1

#	Test Date and Time	Vehicle Certified & License No.	Unsupported Code	Technician License	Certificate #
1	1/8/14 1729-1741	2003 Cadillac Deville 4ZFW377	P1164	EO636048	YB439597C
2	1/8/14 1745-1757	2001 GMC Sonoma DP541AM	P1164	EO636048	YB439598C
3	1/8/14 1802-1812	2003 Kia Optima 5BQE378	P1164	EO636048	YB439599C
4	1/9/14 1607-1624	1999 Chevrolet Astro 4DLA292	P1164	EO636048	YB760405C
5	1/9/14 1716-1731	2003 Ford Escort ZX2 6RSG031	P1164	EO636048	YB760407C
6	1/9/14 1737-1747	2002 Cadillac Escalade 5XGK410	P1164	EO636048	YB760408C
7	1/10/14 1737-1757	1998 Toyota Camry 4BAP768	P1164	EO636048	YB760415C
8	1/11/14 1409-1428	2002 GMC C3500 Sierra 6Z01717	P1164	EO636048	YB760417C
9	1/11/14 1448-1504	2000 Lexus RX300 5YIY027	P1164	EO636048	YB760419C
10	1/11/14 1516-1529	2000 Toyota Avalon 5SGJ504	P1164	EO636048	YB760420C
11	1/16/14 1656-1710	1997 Chevrolet Lumina 5YKV922	P1164	EO636048	YB760441C
12	1/18/14 1429-1453	1999 Dodge Dakota 12323G1	P1164	EO636048	YB760445C
13	1/18/14 1543-1558	2001 Toyota Sienna 4PXS911	P1164	EO636048	YB760448C
14	1/21/14 1655-1711	2000 Nissan Sentra 6PBE043	P1164	EO636048	YB941763C
15	1/21/14 1715-1729	2000 Nissan Maxima 4RXJ917	P1164	EO636048	YB941764C
16	3/1/14 1446-1500	1998 Chevrolet Astro 5GHT831	P1164	EO636048	YD437992C
17	3/6/14 1619-1628	2000 Saturn LS 6TRV451	P1164	EO636048	PE437507C
18	3/6/14 1635-1650	1999 GMC C1500 62563G1	P1164	EO636048	PE437508C
19	3/10/14 1202-1212	1997 Toyota T100 6R73808	P1164	EO636048	PE437519C
20	3/10/14 1326-1333	1998 Chevrolet Camaro 6NWS333	P1164	EO636048	PE437523C
21	3/12/14 1624-1634	2000 Cadillac DTS 4LEH294	P1164	EO636048	PE437532C
22	3/14/14 1720-1741	2000 Pontiac Sunfire 4KRT086	P1164	EO636048	PE437548C

Fraudulent Inspection No. 1

a. BAR 97 test detail data shows that between 1729 and 1741 hours on January 8, 2014, a 2003 Cadillac Deville, California License No.#4ZFW377 was inspected. Certificate of

1 Compliance # YB439597C was issued by Smog Pros using license # EO636048, belonging to  
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003  
4 Cadillac Deville. (Exh. 3, Denno Dec., p. 2, lines 19-24.)

5 **Fraudulent Inspection No. 2**

6 a. BAR 97 test detail data shows that between 1745 and 1757 hours on January 8,  
7 2014, a 2001 GMC Sonoma, California License No.#DP541AM was inspected. Certificate of  
8 Compliance # YB439598C was issued by Smog Pros using license # EO636048, belonging to  
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
10 the time of certification. Service information shows DTC P1164 is not supported by a 2001 GMC  
11 Sonoma. (Exh. 3, Denno Dec., p. 2, lines 25-28, p. 3, lines 1-2.)

12 **Fraudulent Inspection No. 3**

13 a. BAR 97 test detail data shows that between 1802 and 1812 hours on January 8,  
14 2014, a 2003 Kia Optima, California License No.#5BQE378 was inspected. Certificate of  
15 Compliance # YB439599C was issued by Smog Pros using license # EO636048, belonging to  
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
17 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Kia  
18 Optima. (Exh. 3, Denno Dec., p. 3, lines 3-7.)

19 **Fraudulent Inspection No. 4**

20 a. BAR 97 test detail data shows that between 1607 and 1624 hours on January 9, 2014,  
21 a 1999 Chevrolet Astro, California License No.#4DLA292 was inspected. Certificate of  
22 Compliance # YB760405C was issued by Smog Pros using license # EO636048, belonging to  
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
24 the time of certification. Service information shows DTC P1164 is not supported by a 1999  
25 Chevrolet Astro. (Exh. 3, Denno Dec., p. 3, lines 8-11.)

26 **Fraudulent Inspection No. 5**

27 a. BAR 97 test detail data shows that between 1716 and 1731 hours on January 9, 2014,  
28 a 2003 Ford Escort ZX2, California License No.#6RSG031 was inspected. Certificate of

1 Compliance # YB760407C was issued by Smog Pros using license # EO636048, belonging to  
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Ford  
4 Escort ZX2. (Exh. 3, Denno Dec., p. 3, lines 12-16.)

5 **Fraudulent Inspection No. 6**

6 a. BAR 97 test detail data shows that between 1737 and 1747 hours on January 9, 2014,  
7 a 2002 Cadillac Escalade, California License No.#5XGK410 was inspected. Certificate of  
8 Compliance # YB760408C was issued by Smog Pros using license # EO636048, belonging to  
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
10 the time of certification. Service information shows DTC P1164 is not supported by a 2002  
11 Cadillac Escalade. (Exh. 3, Denno Dec., p. 3, lines 17-22.)

12 **Fraudulent Inspection No. 7**

13 a. BAR 97 test detail data shows that between 1737 and 1757 hours on January 10,  
14 2014, a 1998 Toyota Camry, California License No.#4BAP768 was inspected. Certificate of  
15 Compliance # YB760415C was issued by Smog Pros using license # EO636048, belonging to  
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
17 the time of certification. Service information shows DTC P1164 is not supported by a 1998  
18 Toyota Camry. (Exh. 3, Denno Dec., p. 3, lines 23-26.)

19 **Fraudulent Inspection No. 8**

20 a. BAR 97 test detail data shows that between 1409 and 1428 hours on January 11,  
21 2014, a 2002 GMC C3500 Sierra, California License No.#6Z01717 was inspected. Certificate of  
22 Compliance # YB760417C was issued by Smog Pros using license # EO636048, belonging to  
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
24 the time of certification. Service information shows DTC P1164 is not supported by a 2002 GMC  
25 C3500 Sierra. (Exh. 3, Denno Dec., p. 3, lines 27-28, p. 4, lines 1-4.)

26 **Fraudulent Inspection No. 9**

27 a. BAR 97 test detail data shows that between 1448 and 1504 hours on January 11,  
28 2014, a 2000 Lexus RX300, California License No.#5YIY027 was inspected. Certificate of

1 Compliance # YB760419C was issued by Smog Pros using license # EO636048, belonging to  
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Lexus  
4 RX300. (Exh. 3, Denno Dec., p. 4, lines 5-10.)

5 **Fraudulent Inspection No. 10**

6 a. BAR 97 test detail data shows that between 1516 and 1529 hours on January 11,  
7 2014, a 2000 Toyota Avalon, California License No.#5SGJ504 was inspected. Certificate of  
8 Compliance # YB760420C was issued by Smog Pros using license # EO636048, belonging to  
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000  
11 Toyota Avalon. (Exh. 3, Denno Dec., p. 4, lines 11-15.)

12 **Fraudulent Inspection No. 11**

13 a. BAR 97 test detail data shows that between 1656 and 1710 hours on January 16,  
14 2014, a 1997 Chevrolet Lumina, California License No. #5YKV922 was inspected. Certificate of  
15 Compliance # YB760441C was issued by Smog Pros using license # EO636048, belonging to  
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
17 the time of certification. Service information shows DTC P1164 is not supported by a 1997  
18 Chevrolet Lumina. (Exh. 3, Denno Dec., p. 4, lines 16-21.)

19 **Fraudulent Inspection No. 12**

20 a. BAR 97 test detail data shows that between 1429 and 1453 hours on January 18,  
21 2014, a 1999 Dodge Dakota, California License No. #12323G1 was inspected. Certificate of  
22 Compliance # YB760445C was issued by Smog Pros using license # EO636048, belonging to  
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
24 the time of certification. Service information shows DTC P1164 is not supported by a 1999  
25 Dodge Dakota. (Exh. 3, Denno Dec., p. 4, lines 22-26.)

26 **Fraudulent Inspection No. 13**

27 a. BAR 97 test detail data shows that between 1543 and 1558 hours on January 18,  
28 2014, a 2001 Toyota Sienna, California License No. #4PXS911 was inspected. Certificate of

1 Compliance #YB760448C was issued by Smog Pros using license # EO636048, belonging to  
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
3 the time of certification. Service information shows DTC P1164 is not supported by a 2001  
4 Toyota Sienna. (Exh. 3, Denno Dec., p. 4, lines 27-28, p. 5, lines 1-3.)

5 **Fraudulent Inspection No. 14**

6 a. BAR 97 test detail data shows that between 1655 and 1711 hours on January 21,  
7 2014, a 2000 Nissan Sentra, California License No. #6PBE043 was inspected. Certificate of  
8 Compliance #YB941763C was issued by Smog Pros using license # EO636048, belonging to  
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000  
11 Nissan Sentra. (Exh. 3, Denno Dec., p. 5, lines 4-8.)

12 **Fraudulent Inspection No. 15**

13 a. BAR 97 test detail data shows that between 1715 and 1729 hours on January 21,  
14 2014, a 2000 Nissan Maxima, California License No. #4RXJ917 was inspected. Certificate of  
15 Compliance # YB941764C was issued by Smog Pros using license # EO636048, belonging to  
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
17 the time of certification. Service information shows DTC P1164 is not supported by a 2000  
18 Nissan Maxima. (Exh. 3, Denno Dec., p. 5, lines 9-13.)

19 **Fraudulent Inspection No. 16**

20 a. BAR 97 test detail data shows that between 1446 and 1500 hours on March 1, 2014, a  
21 1998 Chevrolet Astro, California License No. #5GHT831 was inspected. Certificate of  
22 Compliance # YD437992C was issued by Smog Pros using license # EO636048, belonging to  
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
24 the time of certification. Service information shows DTC P1164 is not supported by a 1998  
25 Chevrolet Astro. (Exh. 3, Denno Dec., p. 5, lines 14-18.)

26 **Fraudulent Inspection No. 17**

27 a. BAR 97 test detail data shows that between 1619 and 1628 hours on March 6, 2014, a  
28 2000 Saturn LS, California License No. #6TRV451 was inspected. Certificate of Compliance #

1 PE437507C was issued by Smog Pros using license # EO636048, belonging to Granados. The  
2 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of  
3 certification. Service information shows DTC P1164 is not supported by a 2000 Saturn LS. (Exh.  
4 3, Denno Dec., p. 5, lines 19-23.)

5 **Fraudulent Inspection No. 18**

6 a. BAR 97 test detail data shows that between 1635 and 1650 hours on March 6, 2014, a  
7 1999 GMC C1500, California License No. #62563G1 was inspected. Certificate of Compliance #  
8 PE437508C was issued by Smog Pros using license # EO636048, belonging to Granados. The  
9 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of  
10 certification. Service information shows DTC P1164 is not supported by a 1999 GMC C1500.  
11 (Exh. 3, Denno Dec., p. 5, lines 24-28.)

12 **Fraudulent Inspection No. 19**

13 a. BAR 97 test detail data shows that between 1202 and 1212 hours on March 10, 2014,  
14 a 1997 Toyota T100, California License No. #6R73808 was inspected. Certificate of Compliance  
15 # PE437519C was issued by Smog Pros using license # EO636048, belonging to Granados. The  
16 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of  
17 certification. Service information shows DTC P1164 is not supported by a 1997 Toyota T100.  
18 (Exh. 3, Denno Dec., p. 6, lines 1-5.)

19 **Fraudulent Inspection No. 20**

20 a. BAR 97 test detail data shows that between 1326 and 1333 hours on March 10, 2014,  
21 a 1998 Chevrolet Camaro, California License No. #6NWS333 was inspected. Certificate of  
22 Compliance # PE437523C was issued by Smog Pros using license # EO636048, belonging to  
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
24 the time of certification. Service information shows DTC P1164 is not supported by a 1998  
25 Chevrolet Camaro. (Exh. 3, Denno Dec., p. 6, lines 6-11.)

26 **Fraudulent Inspection No. 21**

27 a. BAR 97 test detail data shows that between 1624 and 1634 hours on March 12, 2014,  
28 a 2000 Cadillac DTS, California License No. #4LEH294 was inspected. Certificate of

1 Compliance # PE437532C was issued by Smog Pros using license # EO636048, belonging to  
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
3 the time of certification. Service information shows DTC P1164 is not supported by a 2000  
4 Cadillac DTS. (Exh. 3, Denno Dec., p. 6, lines 12-16.)

5 **Fraudulent Inspection No. 22**

6 a. BAR 97 test detail data shows that between 1720 and 1741 hours on March 14, 2014,  
7 a 2000 Pontiac Sunfire, California License No. #4KRT086 was inspected. Certificate of  
8 Compliance # PE437548C was issued by Smog Pros using license # EO636048, belonging to  
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at  
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000  
11 Pontiac Sunfire. (Exh. 3, Denno Dec., p. 6, lines 17-22.)

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 19. Respondent's registration is subject to discipline pursuant to Code section  
15 9884.7(a)(1), in that from January 2, 2014 to January 30, 2014 and later from March 1, 2014  
16 through March 14, 2014, Respondent made or authorized statements which he knew or in the  
17 exercise of reasonable care should have known to be untrue or misleading, as follows:

18 Respondent certified that the vehicles set forth above in Table 1, had passed inspection and were  
19 in compliance with applicable laws and regulations. In fact, Respondent conducted the  
20 inspections on those vehicles using the clean plugging method by substituting or using different  
21 vehicles during the OBD II functional tests in order to issue smog certificates of compliance, and  
22 did not test or inspect the vehicles as required by Health and Safety Code section 44012.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 20. Respondent's registration is subject to discipline pursuant to Code section  
26 9884.7(a)(4), in that from January 2, 2014 to January 30, 2014 and later from March 1, 2014  
27 through March 14, 2014, Respondent committed acts which constitute fraud by issuing electronic  
28 certificates of compliance for the vehicles set forth above in Table 1, without performing bona

1 fide inspections of the emission control devices and systems on those vehicles, thereby depriving  
2 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
3 Program.

4 **THIRD CAUSE FOR DISCIPLINE**

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

6 21. Respondent's station license is subject to discipline pursuant to Health and Safety  
7 Code section 44072.2(a), in that from January 2, 2014 to January 30, 2014 and later from March  
8 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent  
9 failed to comply with the following sections of that Code:

10 a. Section 44012: Respondent failed to ensure that the emission control tests were  
11 performed on the vehicles, in accordance with procedures prescribed by the department.

12 b. Section 44015: Respondent issued electronic certificates of compliance for the vehicles,  
13 without ensuring that the vehicles were properly tested and inspected to determine if they were in  
14 compliance with Health and Safety Code section 44012.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

18 22. Respondent's station license is subject to discipline pursuant to Health and Safety  
19 Code section 44072.2(c), in that from January 2, 2014 to January 30, 2014 and later from March  
20 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent  
21 failed to comply with provisions of California Code of Regulations, title 16, as follows:

22 a. Section 3340.35(c): Respondent issued electronic certificates of compliance even  
23 though those vehicles had not been inspected in accordance with section 3340.42 of that Code.

24 b. Section 3340.42: Respondent failed to conduct the required smog tests and inspections  
25 on those vehicles in accordance with the Bureau's specifications.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 23. Respondent's station license is subject to discipline pursuant to Health and Safety  
4 Code section 44072.2(d), in that from January 2, 2014 to January 30, 2014 and later from March  
5 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent  
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
7 electronic certificates of compliance for those vehicles without performing bona fide inspections  
8 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
9 State of California of the protection afforded by the Motor Vehicle Inspection Program.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Violations of the Motor Vehicle Inspection Program)

12 24. Respondent Granados' technician license(s) is subject to discipline pursuant to Health  
13 and Safety Code section 44072.2(a), in that from January 2, 2014 to January 30, 2014 and later  
14 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he  
15 failed to comply with section 44012 of that Code in a material respect, as follows: Respondent  
16 Granados failed to perform the emission control tests on those vehicles in accordance with  
17 procedures prescribed by the department.

18 SEVENTH CAUSE FOR DISCIPLINE

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

21 25. Respondent Granados' technician license(s) is subject to discipline pursuant to Health  
22 and Safety Code section 44072.2(c), in that from January 2, 2014 to January 30, 2014 and later  
23 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he  
24 failed to comply with provisions of California Code of Regulations, title 16, as follows:

25 a. Section 3340.30(a): Respondent Granados failed to inspect and test those vehicles in  
26 accordance with Health and Safety Code sections 44012.

27 b. Section 3340.42: Respondent Granados failed to conduct the required smog tests and  
28 inspections on those vehicles in accordance with the Bureau's specifications.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 26. Respondent Granados' technician license(s) is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2(d), in that from January 2, 2014 to January 30, 2014 and later  
5 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he  
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
7 electronic certificates of compliance without performing bona fide inspections of the emission  
8 control devices and systems on those vehicles, thereby depriving the People of the State of  
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 OTHER MATTERS

11 27. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on  
12 probation the registrations for all places of business operated in this state by Ashraf Ali Yasin,  
13 doing business as Smog Pros, upon a finding that he has, or is, engaged in a course of repeated  
14 and willful violation of the laws and regulations pertaining to an automotive repair dealer.

15 28. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only  
16 Station License Number TC 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros, is  
17 revoked or suspended, any additional license issued under this chapter in the name of said  
18 licensee may be likewise revoked or suspended by the director.

19 29. Pursuant to Health and Safety Code section 44072.8, if Alfredo Guerrero Granados  
20 technician license, currently designated as EO 636048 is revoked or suspended, any additional  
21 license issued under this chapter in the name of said licensee may be likewise revoked or  
22 suspended by the Director.

23 PRAYER

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

- 26 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD  
27 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros;

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- 1                   2.    Revoking or suspending any other automotive repair dealer registration issued  
2 to Ashraf Ali Yasin;
- 3                   3.    Revoking or suspending Smog Check Test Only Station License Number TC  
4 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros;
- 5                   4.    Revoking or suspending any additional license issued under Chapter 5 of the  
6 Health and Safety Code in the name of Ashraf Ali Yasin;
- 7                   5.    Revoking or suspending Alfredo Guerrero Granados' smog technician license  
8 EO 636048;
- 9                   6.    Revoking or suspending any additional license issued under Chapter 5 of the  
10 Health and Safety Code in the name of Alfredo Guerrero Granados;
- 11                  7.    Ordering Ashraf Ali Yasin and Alfredo Guerrero Granados to pay the Director  
12 of Consumer Affairs the reasonable costs of the investigation and enforcement of this case,  
13 pursuant to Code section 125.3; and,
- 14                  8.    Taking such other and further action as deemed necessary and proper.

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16  
17 DATED: June 19, 2014

PAT DORAIS by DUUG BALAH  
PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant  
ASSIST. CHIEF

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