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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 79/24-6935

14 **MARCEL GOMEZ-OWNER DBA**
BELLFLOWER FAST PASS
15 **10117 Rosecrans Ave**
Bellflower, CA 90706

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
17 **ARD 296560**
Smog Check, Test Only Station License No.
18 **TC 296560**

19 **and**

20 **RAMON ESTRADA, JR.**
8020 Birchcrest Road, Apt. C107
21 **Downey, CA 90240**

22 **Smog Check Inspector License No. EO**
23 **636166**

24 Respondents.

25
26 **PARTIES**

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

1 **Marcel Gomez-Owner dba Bellflower Fast Pass**

2 **Automotive Repair Dealer Registration**

3 2. On or about February 4, 2020, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 296560 to Marcel Gomez-Owner dba Bellflower Fast Pass
5 (“Respondent Bellflower Fast”). The Automotive Repair Dealer Registration was in full force
6 and effect at all times relevant to the charges brought herein and will expire on February 28,
7 2025, unless renewed.

8 **Smog Check, Test Only, Station License**

9 3. On or about January 21, 2020, the Bureau issued Smog Check, Test Only Station
10 License Number TC 296560 to Respondent Bellflower Fast. The Smog Check, Test Only Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on February 28, 2025, unless renewed.

13 **Ramon Estrada, Jr.**

14 **Smog Check Inspector License**

15 4. On or about October 21, 2013, the Bureau issued Smog Check Inspector License
16 Number EO 636166 to Ramon Estrada, Jr. (“Respondent Estrada”). The Smog Check Inspector
17 License was in full force and effect at all times relevant to the charges brought herein and will
18 expire on March 31, 2026, unless renewed.

19 **JURISDICTION**

20 5. Business and Professions Code (“Code”) section 9884.7 provides that the Director
21 may revoke an automotive repair dealer registration.

22 6. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
23 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
24 proceeding against an automotive repair dealer or to render a decision invalidating a registration
25 temporarily or permanently.

26 7. Health and Safety Code section 44002 provides, in pertinent part, that the Director
27 has all the powers and authority granted under the Automotive Repair Act for enforcing the
28 Motor Vehicle Inspection Program.

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

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

11 (e) For diesel-powered vehicles, a visual inspection is made of emission
12 control devices and the vehicle's exhaust emissions are tested in accordance with
13 procedures prescribed by the department, that may include, but are not limited to,
14 onboard diagnostic testing. The test may include testing of emissions of any or all of
15 the pollutants specified in subdivision (c) and, upon the adoption of applicable
16 standards, measurement of emissions of smoke or particulates, or both.

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

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

25 (h) An analysis of pass and fail rates of vehicles subject to an onboard
26 diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard
27 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles
28 failing their onboard diagnostic test have or would have passed a tailpipe test.

(i) 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.

11. Section 44015 of the Health and Safety Code states:

....

(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.

12. 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 smog check

1 technicians shall perform tests of emission control devices and systems in accordance
with Section 44012.

2 13. Section 44072.2 of the Health and Safety Code states:

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

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

7

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

10 14. Section 44072.8 of the Health and Safety Code states:

11 When a license has been revoked or suspended following a hearing under this
12 article, any additional license issued under this chapter in the name of the licensee
may be likewise revoked or suspended by the director.

13 **REGULATORY PROVISIONS**

14 15. California Code of Regulations, title 16, section 3340.30, states:

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

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

19 16. California Code of Regulations, title 16, section 3340.35, states:

20

21 (c) A licensed station shall issue a certificate of compliance or noncompliance
22 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
23 emission control equipment and devices installed and functioning correctly.

24 17. California Code of Regulations, title 16, section 3340.41, states:

25

26 (c) No person shall enter any vehicle identification information or emission
27 control system identification data for any vehicle other than the one being tested into
the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
28 about the vehicle being tested.

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

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

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

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

13 On and after March 31, 2010, exhaust emissions from a vehicle subject to this
14 inspection shall be measured and compared to the emissions standards shown in the
15 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,
16 dated March 2010, which is hereby incorporated by reference. If the emissions
17 standards for a specific vehicle are not included in this table then the exhaust
18 emissions shall be compared to the emissions standards set forth in TABLE I or
19 TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured
20 emissions are less than or equal to the applicable emission standards specified in the
21 applicable table.

22 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
23 1999 model-year vehicles, except diesel-powered, registered in all program areas of
24 the state, except in those areas of the state where the enhanced program has been
25 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
26 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
27 contained in the bureau's specifications referenced in subsection (a) of Section
28 3340.17 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.

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

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

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

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

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

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

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

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

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

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

8 (2) Vehicles with emission levels exceeding the emission standards for gross
9 polluters during an initial inspection will be considered gross polluters and the
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
compliance until the vehicle's emissions are reduced to or below the applicable
12 emissions standards for the vehicle included in the tables described in subsection (a),
as applicable. However, the provisions described in section 44017 of the Health and
13 Safety Code may apply.

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

15 **COST RECOVERY**

16 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

22 **FACTUAL ALLEGATIONS**

23 20. On or about May 25, 2022, an Office Conference was held with station owner
24 Respondent Gomez regarding various issues identified during a prior Audit Inspection. One
25 specific item discussed with Respondent Gomez during this conference was a review of twenty-
26 six (26) vehicles that were certified by Respondent Bellflower Fast which did not have the
27 configuration as indicated by the licensed inspector. During the review of the twenty-six (26)
28

1 certificates, the Acceleration Simulation Mode (“ASM”) inspection was intentionally bypassed
2 while performing the smog inspection. Respondent Gomez was advised during this conference
3 that any future violations of the Automotive Repair Act and Motor Vehicle Inspection Program
4 could result in formal disciplinary action against his Automotive Repair Dealer Registration.

5 21. On or about April 4th and 9th 2024, a Bureau Representative performed an inspection
6 and records review at Respondent Bellflower Fast’s facility. The records the Bureau
7 Representative collected included ten (10) Smog Check inspections that were performed Two
8 Speed Idle (“TSI”) when an ASM was required, of which nine (9) were reviewed in detail by the
9 Bureau Representative. The Bureau Representative review of the nine (9) inspections found that
10 Respondent Estrada manually entered information that indicated these vehicles would either not
11 fit on the dynamometer, had traction control without all-wheel drive, or were all-wheel drive with
12 traction control, so that they could be tested TSI instead of the required ASM. The Emission
13 Inspection System (“EIS”) prompts the licensed Smog Check inspector to select if the vehicle can
14 be tested on the dynamometer. If the licensed inspector selects “No”, it will then prompt the
15 licensed inspector to indicate why it cannot be tested on the dynamometer, and the licensed
16 inspector will input one of five reasons as found in the BAR-97 Emission Inspection System
17 Specifications Manual. For the ASM test to be bypassed, Respondent Estrada made two (2) false
18 entries per inspection into the EIS.

19 22. After reviewing each of the nine (9) test records, prior vehicle inspection history, the
20 Emission Control System Application Guide, and the Smog Check Manual, the Bureau
21 Representative determined that the information entered was false and the nine (9) vehicles were
22 improperly inspected and subsequently certified.

23 **Smog Check Inspection No. 1-1993 Jeep Wrangler**

24 23. On or about February 16, 2024, Respondent Bellflower Fast issued Certificate of
25 Compliance Number TS616719 for a 1993 Jeep Wrangler, which was tested as a TSI inspection
26 when an ASM was required. The inspection was performed by Respondent Estrada. Respondent
27 Estrada stated that the vehicle had a four-wheel drive (“4WD”) system that could not be
28 disengaged. The Emission Control Application Guide stated that the 1993 Jeep Wrangler can be

1 ASM inspected and does not have any restrictions. The Bureau’s records indicated that all
2 previous inspections on this vehicle, including an inspection performed after this inspection on
3 February 16, 2024, were all performed ASM as required. The 1993 Jeep Wrangler is required to
4 have an ASM inspection as indicated by the Vehicle Information Database (“VID”). The 1993
5 Jeep Wrangler should have been tested ASM as required.

6 **Smog Check Inspection No. 2-1980 Cadillac Deville**

7 24. On or about February 17, 2024, Respondent Bellflower Fast issued Certificate of
8 Compliance Number TS616721 for a 1980 Cadillac Deville, which was tested as a TSI when an
9 ASM was required. The inspection was performed by Respondent Estrada. Respondent Estrada
10 stated that he was unsure as to why the vehicle was not tested ASM, as it should have fit on the
11 dynamometer. The Bureau’s records indicated that Respondent Estrada entered into the EIS that
12 this vehicle’s configuration was traction control without All-Wheel Drive (“AWD”). The
13 Emission Control System Application Guide confirmed that the 1980 Cadillac Deville can be
14 ASM inspected and does not have any restrictions. The Bureau’s records showed that all
15 inspections of this vehicle after 1997 were all performed ASM as required. The 1980 Cadillac
16 Deville should have been tested ASM as required.

17 **Smog Check Inspection No. 3-1987 Suzuki Samurai**

18 25. On or about February 17, 2024, Respondent Bellflower Fast issued Certificate of
19 Compliance Number TS616722 for a 1987 Suzuki Samurai, tested as a TSI inspection when an
20 ASM was required. The inspection was performed by Respondent Estrada. Respondent Estrada
21 stated that this vehicle was all-wheel drive, and the system could not disengage. The Bureau’s
22 records indicated that Respondent Estrada entered into the EIS that this vehicle’s configuration
23 was all-wheel drive with traction control. The Emission Control System Application Guide
24 confirmed that the 1987 Suzuki Samurai can be ASM inspected and does not have any
25 restrictions. The Bureau’s records showed that all previous inspections of this vehicle after 1998
26 were all performed ASM as required. The 1987 Suzuki Samurai should have been tested ASM as
27 required.

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1 **Smog Check Inspection No. 4-1992 Chevrolet C1500 Pickup**

2 26. On or about March 1, 2024, Respondent Bellflower Fast issued Certificate of
3 Compliance Number IZ297868 for a 1992 Chevrolet C1500 Pickup, which was tested as a TSI
4 inspection when an ASM was required. The inspection was performed by Respondent Estrada.
5 Respondent Estrada stated this vehicle was a motorhome and would not fit on the dynamometer.
6 The Bureau records indicated that Respondent Estrada entered into the EIS that this vehicle does
7 not fit on the dynamometer or “D”. The Bureau’s records showed that all previous inspections of
8 this vehicle after 1997 were all performed ASM as required. As per the Smog Check Manual, if
9 an inspector determines the vehicle is unsafe, unfit, or incompatible with the tailpipe emissions
10 inspection, they shall reject the vehicle from the inspection, or if the inspection has started, abort
11 the inspection.

12 **Smog Check Inspection No. 5-1993 Nissan Sentra**

13 27. On or about March 2, 2024, Respondent Bellflower Fast issued Certificate of
14 Compliance Number IZ297872 for a 1993 Nissan Sentra, which was tested as a TSI inspection
15 when an ASM was required. The inspection was performed by Respondent Estrada. Respondent
16 Estrada stated that he was not sure why the vehicle was tested TSI, explaining that it should have
17 been able to fit on the dynamometer. The Bureau’s records indicated that Respondent Estrada
18 entered into the EIS that this vehicle does not fit on the dynamometer or “D”. The Bureau’s
19 records showed that all previous inspections of this vehicle after 1997 were all performed ASM as
20 required. As per the Smog Check Manual, if an inspector determines the vehicle is unsafe, unfit,
21 or incompatible with the tailpipe emissions inspection, they shall reject the vehicle from the
22 inspection, or if the inspection has started, abort the inspection.

23 **Smog Check Inspection No. 6-1988 Toyota Pickup**

24 28. On or about March 9, 2024, Respondent Bellflower Fast issued Certificate of
25 Compliance Number TU120603 for a 1988 Toyota Pickup, tested as a TSI inspection when an
26 ASM was required. This inspection was performed by Respondent Estrada. Respondent Estrada
27 stated that this vehicle was a box truck and would not fit on the dynamometer. The Bureau’s
28 records indicated that Respondent Estrada entered into the EIS that this vehicle does not fit on the

1 dynamometer or “D”. The Bureau’s records showed that all previous inspections of this vehicle
2 after 1998 were all performed ASM as required. As per the Smog Check Manual, if an inspector
3 determines the vehicle is unsafe, unfit, or incompatible with the tailpipe emissions inspection,
4 they shall reject the vehicle from the inspection, or if the inspection has started, abort the
5 inspection.

6 **Smog Check Inspection No. 7-1995 Ford F-150 Regular Cab-Long**

7 29. On or about March 12, 2024, Respondent Bellflower Fast issued Certificate of
8 Compliance Number TU120609 for a 1995 Ford F-150 Regular Cab-Long, which was tested as a
9 TSI inspection when an ASM was required. This inspection was performed by Respondent
10 Estrada. Respondent Estrada stated that he was unsure why he performed a TSI inspection but
11 stated that this vehicle may be a gardener-type vehicle that would not fit on the dynamometer.
12 The Bureau’s records indicated that Respondent Estrada entered into the EIS that this vehicle
13 does not fit on the dynamometer or “D”. The Bureau’s records showed that all inspections
14 performed after 1998 of this vehicle, including one performed by Respondents Bellflower Fast
15 and Estrada on or about March 1, 2024, were all performed ASM as required. As per the Smog
16 Check Manual, if an inspector determines the vehicle is unsafe, unfit, or incompatible with the
17 tailpipe emissions inspection, they shall reject the vehicle from the inspection, or if the inspection
18 has started, abort the inspection.

19 **Smog Check Inspection No. 8-1991 Ford Mustang**

20 30. On or about March 13, 2024, Respondent Bellflower Fast issued Certificate of
21 Compliance Number TU120613 for a 1991 Ford Mustang, which was tested as a TSI inspection
22 when an ASM was required. The inspection was performed by Respondent Estrada. Respondent
23 Estrada stated that he was not sure why the vehicle was tested TSI. The Bureau’s records
24 indicated that Respondent Estrada entered into the EIS that this vehicle does not fit on the
25 dynamometer or “D”. The Bureau’s records showed that all previous inspections of this vehicle
26 after 1997 were all performed ASM as required. As per the Smog Check Manual, if an inspector
27 determines the vehicle is unsafe, unfit, or incompatible with the tailpipe emissions inspection,
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1 they shall reject the vehicle from the inspection, or if the inspection has started, abort the
2 inspection.

3 **Smog Check Inspection No. 9-1987 Chevrolet Monte Carlo**

4 31. On or about March 15, 2024, Respondent Bellflower Fast issued Certificate of
5 Compliance Number TU120621 for a 1987 Chevrolet Monte Carlo, which was tested as a TSI
6 inspection when an ASM was required. The inspection was performed by Respondent Estrada.
7 Respondent Estrada stated he was not sure why the vehicle was tested TSI but stated the vehicle
8 should have been able to fit on the dynamometer or “D”. The Bureau’s records indicated that
9 Respondent Estrada entered into the EIS that this vehicle does not fit on the dynamometer. The
10 Bureau’s records showed that all previous inspections of this vehicle were all performed ASM as
11 required. As per the Smog Check Manual, if an inspector determines the vehicle is unsafe, unfit,
12 or incompatible with the tailpipe emissions inspection, they shall reject the vehicle from the
13 inspection, or if the inspection has started, abort the inspection.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 32. Respondent Bellflower Fast’s Automotive Repair Registration is subject to discipline
17 pursuant to Code section 9884.7, subdivision (a)(1), in that between February 16, 2024, through
18 March 15, 2024, Respondent Bellflower Fast made or authorized statements which he knew or in
19 the exercise of reasonable care should have known to be untrue or misleading, as follows:
20 Respondent Bellflower Fast certified that vehicles 1 through 9, had passed inspection and were in
21 compliance with applicable laws and regulations. Respondent Bellflower Fast purposefully
22 entered false information into the EIS analyzer two (2) times per inspection which resulted in
23 these nine (9) vehicles being improperly inspected and subsequently certified as required by
24 Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates,
25 the allegations set forth above in paragraphs 20 through 31, as though fully set forth.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act)**

3 33. Respondent Bellflower Fast’s Automotive Repair Registration is subject to
4 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between February 16,
5 2024, through March 15, 2024, regarding vehicles 1 through 9, Respondent Bellflower Fast failed
6 in a material respect to comply with the provisions of this chapter or regulations adopted pursuant
7 to it by issuing electronic smog certificates of compliance for the nine (9) vehicles without
8 performing bona fide inspections of the emissions control devices and systems on those vehicles,
9 thereby depriving the People of the State of California of the protection afforded by the Motor
10 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
11 allegations set forth above in paragraphs 20 through 31, as though fully set forth.

12 **THIRD CAUSE FOR DISCIPLINE**

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

14 34. Respondent Bellflower Fast’s Smog Check Station License is subject to discipline
15 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between February 16,
16 2024, through March 15, 2024, Respondent Bellflower Fast failed to comply with the following
17 sections of that Code:

18 a. **Section 44012:** Respondent Bellflower Fast failed to ensure that the emission control
19 tests were performed on vehicles 1 through 9, in accordance with procedures prescribed by the
20 department.

21 b. **Section 44015, subdivision (b):** Respondent Bellflower Fast issued electronic smog
22 certificates of compliance for vehicles 1 through 9, without ensuring that the vehicles were
23 properly tested and inspected to determine if they were in compliance with Health and Safety
24 Code section 44012.

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

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

4 35. Respondent Bellflower Fast’s Smog Check Station License is subject to discipline
5 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between February 16,
6 2024, through March 15, 2024, Respondent Bellflower Fast failed to comply with provisions of
7 California Code of Regulations, title 16, as follows:

8 a. **Section 3340.35, subdivision (c)**: Respondent Bellflower Fast issued electronic smog
9 certificates of compliance even though those vehicles had not been inspected in accordance with
10 section 3340.42 of that Code.

11 b. **Section 3340.41, subdivision (c)**: Respondent Bellflower Fast knowingly entered false
12 information into the emissions inspection system for the nine (9) vehicles identified above.

13 c. **Section 3340.42**: Respondent Bellflower Fast failed to conduct the required smog tests
14 and inspections on those vehicles in accordance with the Bureau's specifications.

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

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Motor Vehicle Inspection Program – Respondent Estrada)**

19 36. Respondent Estrada’s Smog Check Inspector License is subject to disciplinary action
20 under Health and Safety Code section 44072.2, subdivision (a), in that between February 16,
21 2024, through March 15, 2024, Respondent Estrada violated the following Health and Safety
22 Code sections:

23 a. **Section 44012, subdivision (f)**: Respondent Estrada failed to perform emission
24 control tests on the vehicles identified above in accordance with procedures prescribed by the
25 Bureau.

26 b. **Section 44032**: Respondent Estrada failed to perform tests of the emission control
27 devices and systems on the vehicles identified above in accordance with section 44012 of the
28 Health and Safety Code, in that the vehicles had been clean plugged.

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

3 **SIXTH CAUSE FOR DISCIPLINE**

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

6 37. Respondent Estrada’s Smog Check Inspector License is subject to discipline pursuant
7 to Health and Safety Code section 44072.2, subdivision (c), in that February 16, 2024, through
8 March 15, 2024, he failed to comply with provisions of the California Code of Regulations, title
9 16, as follows:

10 a. **Section 3340.30 subdivision (a)**: Respondent Estrada failed to inspect and test those
11 vehicles in accordance with Health and Safety Code sections 44012.

12 b. **Section 3340.41, subdivision (c)**: Respondent Estrada knowingly entered false
13 information into the emissions inspection system for the nine (9) vehicles identified above.

14 c. **Section 3340.42**: Respondent Estrada failed to conduct the required smog tests and
15 inspections on those vehicles in accordance with the Bureau's specifications.

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

18 **DISCIPLINE CONSIDERATIONS**

19 38. To determine the degree of discipline, if any, to be imposed on Respondents
20 Bellflower Fast and Estrada, Complainant alleges that on or about November 30, 2017, in a prior
21 disciplinary action titled *In the Matter of the Accusation Against; Smog Pros Test Only, Ramon*
22 *Estrada Jr., Owner* before the Bureau of Automotive Repair, in Case Number 79/16-18732,
23 issued a Decision and Order effective November 30, 2017, in which Respondent Smog Pros Test
24 Only, Ramon Estrada Jr., Owner's Automotive Registration Dealer Registration Number ARD
25 284940 and Smog Check, Test Only Station License Number TC 284940 were revoked. That
26 decision is now final.

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1 **OTHER MATTERS**

2 39. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
3 or place on probation the registrations for all places of business operated in this state by Marcel
4 Gomez, upon a finding that said Respondent has, or is, engaged in a course of repeated and
5 willful violations of the laws and regulations pertaining to an automotive repair dealer.

6 40. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only
7 Station License No. TC 296560, issued to Marcel Gomez-Owner dba Bellflower Fast Pass, is
8 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the
9 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
10 director.

11 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
12 License No. EO 636166, issued to Ramon Estrada, Jr., is revoked or suspended, any additional
13 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of
14 said licensee may be likewise revoked or suspended by the director.

15 **PRAYER**

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
20 296560, issued to Marcel Gomez-Owner dba Bellflower Fast Pass;

21 2. Revoking, suspending any other automotive repair dealer registration issued to
22 Marcel Gomez;

23 3. Revoking or suspending Smog Check, Test Only Station License Number TC
24 296560, issued to Marcel Gomez-Owner dba Bellflower Fast Pass;

25 4. Revoking or suspending Smog Check Inspector License Number EO 636166, issued
26 to Ramon Estrada, Jr.;

27 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
28 Division 26 of the Health and Safety Code in the name of Marcel Gomez;

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6. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Ramon Estrada, Jr.;

7. Ordering Marcel Gomez-Owner dba Bellflower Fast Pass and Ramon Estrada, Jr. to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: As of digital signature date

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

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