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

12 In the Matter of the Accusation Against:

Case No. 79/17-4316

13 **PAUL GONZAGA DEL VILLAR,**  
14 **OWNER, DOING BUSINESS AS**  
15 **CRESTLINE SMOG,**  
23471 Crestforest Drive, Suite A  
Crestline, CA 92325

**A C C U S A T I O N**

16 Mailing Address:  
P.O. Box 3911  
Crestline, CA 92325

17  
18 Automotive Repair Dealer Registration No.  
ARD 283822,  
19 Smog Check, Test Only, Station License No.  
TC 283822,

20 **PAUL GONZAGA DELVILLAR**  
P.O. Box 3911  
21 Crestline, CA 92325

22 Smog Check Inspector License No. EO 639677

23 **and**

24 **DANNY PAUL DUYAN, ALSO KNOWN**  
25 **AS DANNY PAUL KJELLESVIG**  
50300 Ramona Street  
26 Cabazon, CA 92230

27 Mailing Address:  
P.O. Box 103  
28 Cabazon, CA 92230

Smog Check Inspector License No. EO 636954

Respondents.

Complainant alleges:

**PARTIES**

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

***Automotive Repair Dealer Registration***

2. On or about June 8, 2016, the Bureau issued Automotive Repair Dealer ("ARD") Registration No. ARD 283822 to Paul Gonzaga Del Villar, Owner, doing business as Crestline Smog ("Respondent Crestline Smog"). The Automotive Repair Dealer Registration expired on June 30, 2017, and has not been renewed.

***Smog Check Station License***

3. On or about July 6, 2016, the Bureau issued Smog Check Test Only Station License No. TC 283822 to Respondent Crestline Smog. The Smog Check Test Only Station License expired on June 30, 2017, and has not been renewed.

***Inspector Licenses***

4. On or about September 14, 2016, the Bureau issued Smog Check Inspector License No. EO 639677 to Respondent Paul Gonzaga Delvillar ("Respondent Delvillar").<sup>1</sup> The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2018, unless renewed.

5. On or about June 4, 2014, the Bureau issued Smog Check Inspector License No. EO 636954 to Respondent Danny Paul Duyan, also known as Danny Paul Kjellesvig ("Respondent Duyan").<sup>2</sup> The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.

<sup>1</sup> On the license certification for Respondent Crestline Smog, the owner's last name is spelled, "Del Villar." On the license certification for Respondent Delvillar, the last name is spelled, "Delvillar."

<sup>2</sup> Respondent Crestline Smog, Respondent Delvillar, and Respondent Duyan shall be collectively referred to as "Respondents" herein.

1 **JURISDICTION**

2 6. This Accusation is brought before the Director of the Department of Consumer  
3 Affairs ("Director") for the Bureau, under the authority of the following laws.

4 7. Section 9884.7 of the Business and Professions Code<sup>3</sup> provides that the Director may  
5 revoke an ARD registration.

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

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 PROVISIONS**

18 11. Section 9884.7 of the Code states:

19 "(a) The director, where the automotive repair dealer cannot show there was a bona fide  
20 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
21 dealer for any of the following acts or omissions related to the conduct of the business of the  
22 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
23 technician, employee, partner, officer, or member of the automotive repair dealer.

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

27  
28 <sup>3</sup> All statutory references herein shall be to the Business and Professions Code unless specifically  
stated otherwise.



1       “(4) Any other conduct which constitutes fraud. . . .

2       “(6) Failure in any material respect to comply with the provisions of this chapter or  
3 regulations adopted pursuant to it. . . .”

4       “(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on  
5 probation the registration for all places of business operated in this state by an  
6 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.”

7       12.   Section 44072.2 of the Health and Safety Code states:

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

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

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

15       “(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured. . .  
16 .”

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

18       “. . . .

19       “(c) The department shall revoke the license of any smog check technician or station  
20 license who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles.  
21 A fraudulent inspection includes, but is not limited to, all of the following:

22       “(1) Clean piping, as defined by the department. . . .

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

25       14.   Health and Safety Code section 44072.8 states that when a license has been revoked  
26 or suspended following a hearing under this article, any additional license issued under this  
27 chapter in the name of the licensee may be likewise revoked or suspended by the director.

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1 REGULATORY PROVISIONS

2 15. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

3 "The bureau may suspend or revoke the license of or pursue other legal action against a  
4 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
5 certificate of noncompliance."

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

7 "A smog check technician shall comply with the following requirements at all times while  
8 licensed.

9 "(a) A licensed technician shall inspect, test and repair vehicles in accordance with section  
10 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
11 3340.42 of this article. . . ."

12 17. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

13 " . . . .

14 "(c) A licensed station shall issue a certificate of compliance or noncompliance to the  
15 owner or operator of any vehicle that has been inspected in accordance with the procedures  
16 specified in section 3340.42 of this article and has all the required emission control equipment  
17 and devices installed and functioning correctly. . . ."

18 18. California Code of Regulations, title 16, section 3340.41, subdivision (c), states that

19 "[n]o person shall enter into the emissions inspection system any vehicle identification  
20 information or emission control system identification data for any vehicle other than the one  
21 being tested. Nor shall any person knowingly enter into the emissions inspection system any  
22 false information about the vehicle being tested."

23 19. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions  
24 test methods and procedures which apply to all vehicles inspected in the State of California. \

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1        22. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is  
2 the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the  
3 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to  
4 relay information; and the number of Parameter Identifications ("PIDs"), which is the number of  
5 specific data values each PCM uses related to emissions controls.

6        23. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall  
7 inspection and a Certificate of Compliance is issued and transmitted electronically to the Vehicle  
8 Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty  
9 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit  
10 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of  
11 Compliance has a unique control number so that it can be tracked to determine which Smog  
12 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

13        24. The VID contains registration data from Department of Motor Vehicles ("DMV")  
14 plus emission standards, vehicle smog check inspections, smog check stations and technicians,  
15 and Certificates of Compliance. The VID receives the passing smog check results immediately  
16 following the inspection. During the vehicle registration process, the DMV accesses the VID to  
17 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view  
18 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,  
19 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending  
20 on the test type, also prints a Vehicle Inspection Report ("VIR"), which is a physical record of the  
21 test results and shows the Certificate of Compliance number that was issued if the vehicle passed  
22 the smog inspection.

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1           25. The smog check technician must sign the VIR under penalty of perjury to indicate  
2 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law  
3 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The  
4 consumer's VIR serves as a receipt and proof that the VID was updated and a Certificate of  
5 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by  
6 the Bureau to perform official inspections. They are issued a personal access code and a license,  
7 which are used to gain access to the EIS and OIS to perform smog check inspections.  
8 Unauthorized use of another technician's access code or license is prohibited.

9           26. Respondents have engaged in numerous acts or omissions constituting violations of  
10 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor  
11 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice  
12 of "clean plugging."<sup>4</sup> Respondent Crestline Smog's OIS Test Data available on the State  
13 database indicated that Respondent Crestline Smog is involved in fraudulent smog inspection  
14 activities. A Bureau representative initiated an investigation based on information transmitted to  
15 the VID for smog check inspections performed by Respondent Delvillar and Respondent Duyan.  
16 The investigation revealed that the data related to certain vehicles certified by Respondent  
17 Crestline Smog contained a pattern of unmistakable discrepancies between the information  
18 transmitted during the inspections and documented information known about the vehicles at issue.  
19 Specifically, the representative compared the data received from the certified vehicles to data  
20 from vehicles of the same year, make, and model and determined that the data from at least  
21 eleven (11) of the certified vehicles contained the following unmistakable discrepancies: (1)  
22 incorrect vehicle communication protocols; (2) incorrect PID counts, and (3) incorrect, missing,  
23 and/or unexpected eVin numbers. These documented discrepancies confirm that the vehicles  
24 receiving smog certificates from Respondent Crestline Smog were fraudulently tested during the  
25 smog inspection using the "clean plugging" method. The following chart ("Table 1") illustrates

26 <sup>4</sup> "Clean plugging" refers to the use of another vehicle's properly functioning On Board  
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic  
28 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that  
are not in smog compliance and/or not present for testing.



the documented clean plugging activities of Respondents between August 30, 2016, and March 30, 2017.

**TABLE 1**

No.	Test Date	Vehicle Certified & License No.	Certificate No.	Techician License No.	OIS Test Data Details
1	8/30/2016	2002 Chevrolet K1500 Suburban VIN No. 1GNFK16T42J332023 CA License Plate No. 6TJT893	ZF860048C	EO 636954 (Respondent Duyan)	Comm. Protocol: I914 (expected: JVPW) PID Count: 17 (expected: 22) No eVin Transmitted (Correct eVin Expected)
2	9/19/2016	2000 Isuzu Trooper S/LS/Limited VIN No. JACDJ58X8Y7J16576 CA License Plate No. 4NCK031	ZJ784511C	EO 636954 (Respondent Duyan)	Comm. Protocol: I914 (expected: JVPW) PID Count: 16 (expected: 21)
3	9/27/2016	2001 Ford F150 <sup>5</sup> VIN No. 1FTRX18L81KF60121 CA License Plate No. 6T56069	ZJ784520C	EO 636954 (Respondent Duyan)	Comm. Protocol: I914 (expected: JPWM) PID Count: 16 (expected: 20) No eVin Transmitted (Correct eVin Expected)

<sup>5</sup> This specific 2001 Ford F150 bearing the same VIN Number and California License Plate Number underwent a smog check inspection at Respondent Crestline Smog's facility on September 23, 2016, and failed due to incomplete readiness monitors. During that Smog Check Inspection, the F150 transmitted the correct eVin, the correct communication protocol (JPWM), and the correct PID count (20), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

4	9/28/2016	2002 Ford Focus SVT <sup>6</sup> VIN No. 3FAHP39572R191679	ZJ784524C	EO 636954 (Respondent Duyan)	Comm. Protocol: KWPF (expected: JPWM)  PID Count: 42 (expected: 17 or 19)  eVin Transmitted as 5NMSH13E87H 035426 (Correct eVin Expected)
5	1/26/2017	2001 Isuzu Rodeo S <sup>7</sup> VIN No. 4S2DM58W914324056 CA License Plate No. 4UUS988	ZL135934C	EO 639677 (Respondent Delvillar)	Comm. Protocol: I914 (expected: JVPW)  PID Count: 19 (expected: 21)
6	2/22/2017	2000 Toyota Tundra Access Cab <sup>8</sup> VIN No. 5TBBT4412YS020262 CA License Plate No. 7M54801	ZP724757C	EO 639677 (Respondent Delvillar)	Comm. Protocol: JVPW (expected: I914)  PID Count: 22 (expected: 20)  eVin Transmitted as 1GCHK29UX6E 156041 (eVin Not Expected)

<sup>6</sup> This specific 2002 Ford Focus SVT bearing the same VIN Number underwent a smog check inspection at Respondent Crestline Smog's facility on September 28, 2016, and failed due to incomplete readiness monitors. During that Smog Check Inspection, the Focus transmitted the correct eVin, the correct communication protocol (JPWM), and the correct PID count (17), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

<sup>7</sup> This specific 2001 Isuzu Rodeo S bearing the same VIN Number and California License Plate Number underwent a smog check inspection at another facility on November 3, 2016, and failed for six diagnostic trouble codes ("DTCs"). During that Smog Check Inspection, the Rodeo transmitted the correct communication protocol (JVPW), and the correct PID count (21), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

<sup>8</sup> This specific 2000 Toyota Tundra Access Cab bearing the same VIN Number and California License Plate Number underwent a smog check inspection at Respondent Crestline Smog's facility on February 22, 2017, and failed due to incomplete readiness monitors. During that Smog Check Inspection, the Tundra did not transmit an eVin, transmitted the correct communication protocol (I914), and transmitted the correct PID count (20), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

7	3/3/2017	2000 Honda Passport EX <sup>9</sup> VIN No. 4S6CK58W9Y4408968 CA License Plate No. 4KMZ634	ZP724765C	EO 639677 (Respondent Delvillar)	Comm. Protocol: JVPW (expected: JVPW)  PID Count: 22 (expected: 21)  eVin Transmitted as 1GCHK29UX6E 156041 (eVin Not Expected)
8	3/9/2017	2008 Jeep Wrangler Unlimited Rubicon <sup>10</sup> VIN No. 1J8GA69188L589117 CA License Plate No. 6XIY989	ZP724769C	EO 639677 (Respondent Delvillar)	Comm. Protocol: JVPW (expected: ICAN11bt5)  PID Count: 22 (expected: 43)  eVin Transmitted as 1GCHK29UX6E 156041 (Correct eVin Expected)

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<sup>9</sup> This specific 2000 Honda Passport EX bearing the same VIN Number and California License Plate Number underwent a smog check inspection at another facility on July 30, 2015. During that Smog Check Inspection, the Passport did not transmit the eVin, transmitted the correct communication protocol (JVPW), and transmitted the correct PID count (21), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

<sup>10</sup> This specific 2008 Jeep Wrangler Unlimited Rubicon bearing the same VIN Number and California License Plate Number underwent a smog check inspection at another facility on January 16, 2015. During that Smog Check Inspection, the Wrangler did not transmit the eVin, transmitted the correct communication protocol (ICAN11bt5), and transmitted the correct PID count (43), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.



9	3/15/2017	2004 Toyota Tundra Double Cab Limited <sup>11</sup> VIN No. 5TBDT48154S456617 CA License Plate No. 7M73950	ZP724775C	EO 639677 (Respondent Delvillar)	Comm. Protocol: JVPW (expected: 1914)  PID Count: 22 (expected: 20)  eVin Transmitted as 1GCHK29UX6E 156041 (eVin Not Expected)
10	3/15/2017	2005 Toyota Tundra Access Cab SR5 VIN No. 5TBRT34175S461888 CA License Plate No. 7U03308	ZP724778C	EO 639677 (Respondent Delvillar)	Comm. Protocol: JVPW (expected: ICAN11bt5)  PID Count: 22 (expected: 45 or 45   15)  eVin Transmitted as 1GCHK29UX6E 156041 (Correct eVin Expected)

<sup>11</sup> This specific 2004 Toyota Tundra Double Cab Limited bearing the same VIN Number and California License Plate Number underwent a smog check inspection at Respondent Crestline Smog's facility on March 14, 2017. During that Smog Check Inspection, the Tundra did not transmit the eVin, transmitted the correct communication protocol (1914), and transmitted the correct PID count (20), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

1					Comm. Protocol: JVPW (expected: KWPF)
2					PID Count: 22 (expected: 16 or 16   1)
3		2004 Hyundai Elantra GLS <sup>12</sup>		EO 639677 (Respondent Delvillar)	eVin Transmitted as 1GCHK29UX6E 156041 (eVin Not Expected)
4	11	3/30/2017	VIN No. KMHDN46D74U917712	ZP724794C	
5			CA License Plate No. 7WBY219		
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27. This data of Respondents' smog check activities between August 30, 2016, and March 30, 2017, shows that Respondents participated in a scheme to perform at least eleven (11) fraudulent Smog Check inspections resulting in the issuance of eleven (11) fraudulent electronic Smog Check Certificates of Compliance.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Untrue or Misleading Statements - Respondent Crestline Smog)**

28. Respondent Crestline Smog's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that between August 30, 2016, and March 30, 2017, Respondent Crestline Smog made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Crestline Smog certified that the vehicles set forth above in Table 1, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Crestline Smog conducted the inspections on those vehicles using the clean plugging method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

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<sup>12</sup> This specific 2004 Hyundai Elantra GLS bearing the same VIN Number and California License Plate Number underwent a smog check inspection at Respondent Crestline Smog's facility on March 21, 2017. During that Smog Check Inspection, the Elantra did not transmit the eVin, transmitted the correct communication protocol (KWPF), and transmitted the correct PID count (16|1), consistent with the OIS Test Data and Similar Vehicle OIS Test Data.

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**SECOND CAUSE FOR DISCIPLINE**

**(Fraud - Respondent Crestline Smog)**

29. Respondent Crestline Smog’s registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that between August 30, 2016, and March 30, 2017, Respondent Crestline Smog committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in Table 1, without performing bona fide inspections of the emission control devises and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**THIRD CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Motor Vehicle Inspection Program –  
Respondent Crestline Smog)**

30. Respondent Crestline Smog’s station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between August 30, 2016, and March 30, 2017, regarding the vehicles set forth above in Table 1, Respondent Crestline Smog failed to comply with the following sections of the Health and Safety Code:

- (a) Section 44012: Respondent Crestline Smog failed to ensure that the emission control tests were performed on the vehicles, in accordance with procedures prescribed by the department.
- (b) Section 44015: Respondent Crestline Smog issued electronic certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

4 31. Respondent Crestline Smog's station license is subject to disciplinary action pursuant  
5 to Health and Safety Code section 44072.2, subdivision (c), in that between August 30, 2016, and  
6 March 30, 2017, regarding the vehicles set forth above in Table 1, Respondent Crestline Smog  
7 failed to comply with the following provisions of the California Code of Regulations, Title 16, as  
8 follows:

9 (a) Section 3340.24, subdivision (c): Respondent Crestline Smog falsely or  
10 fraudulently issued electronic smog certificates of compliance for those vehicles.

11 (b) Section 3340.35, subdivision (c): Respondent Crestline Smog issued electronic  
12 certificates of compliance even though those vehicles had not been inspected in accordance with  
13 section 3340.42, title 16, of the California Code of Regulations.

14 (c) Section 3340.41, subdivision (c): Respondent Crestline Smog knowingly  
15 entered false information into the emissions inspection system for those vehicles.

16 (d) Section 3340.42: Respondent Crestline Smog failed to conduct the required  
17 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit - Respondent Crestline Smog)**

20 32. Respondent Crestline Smog's station license is subject to disciplinary action pursuant  
21 to Health and Safety Code section 44072.2, subdivision (d), in that between August 30, 2016, and  
22 March 30, 2017, regarding the vehicles set forth above in Table 1, Respondent Crestline Smog  
23 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
24 electronic certificates of compliance for those vehicles without performing bona fide inspections  
25 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
26 State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Delvillar)**

3 33. Respondent Delvillar's technician license is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2, subdivision (a), in that between August 30, 2016, and March  
5 30, 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
6 Delvillar failed to comply with section 44012 of the Health and Safety Code in a material respect,  
7 as follows: Respondent Delvillar failed to perform the emission control tests on those vehicles in  
8 accordance with produces prescribed by the department.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
11 **Respondent Delvillar)**

12 34. Respondent Delvillar's technician license is subject to discipline pursuant to Health  
13 and Safety Code section 44072.2, subdivision (c), in that between August 30, 2016, and March  
14 30, 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
15 Delvillar failed to comply with provisions of the California Code of Regulations, title 16, as  
16 follows:

17 (a) Section 3340.24, subdivision (c): Respondent Delvillar falsely or fraudulently  
18 issued electronic smog certificates of compliance for those vehicles.

19 (b) Section 3340.30, subdivision (a): Respondent Delvillar failed to inspect and  
20 test those vehicles in accordance with Health and Safety Code section 44012.

21 (c) Section 3340.41, subdivision (c): Respondent Delvillar knowingly entered  
22 false information into the emissions inspection system for those vehicles.

23 (d) Section 3340.42: Respondent Delvillar failed to conduct the required smog  
24 tests and inspections on those vehicles in accordance with the Bureau's specifications.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Respondent Delvillar)**

3 35. Respondent Delvillar's technician license is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2, subdivision (d), in that between August 30, 2016, and March  
5 30, 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
6 Delvillar committed acts involving dishonesty, fraud or deceit whereby another was injured by  
7 issuing electronic certificates of compliance for those vehicles without performing bona fide  
8 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
9 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
10 Program.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program – Respondent Duyan)**

13 36. Respondent Duyan's technician license is subject to discipline pursuant to Health and  
14 Safety Code section 44072.2, subdivision (a), in that between August 30, 2016, and March 30,  
15 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
16 Duyan failed to comply with section 44012 of the Health and Safety Code in a material respect,  
17 as follows: Respondent Duyan failed to perform the emission control tests on those vehicles in  
18 accordance with produces prescribed by the department.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
21 **Respondent Duyan)**

22 37. Respondent Duyan's technician license is subject to discipline pursuant to Health and  
23 Safety Code section 44072.2, subdivision (c), in that between August 30, 2016, and March 30,  
24 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
25 Duyan failed to comply with provisions of the California Code of Regulations, title 16, as  
26 follows:

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28 \\\



1 (a) Section 3340.24, subdivision (c): Respondent Duyan falsely or fraudulently  
2 issued electronic smog certificates of compliance for those vehicles.

3 (b) Section 3340.30, subdivision (a): Respondent Duyan failed to inspect and test  
4 those vehicles in accordance with Health and Safety Code section 44012.

5 (c) Section 3340.41, subdivision (c): Respondent Duyan knowingly entered false  
6 information into the emissions inspection system for those vehicles.

7 (d) Section 3340.42: Respondent Duyan failed to conduct the required smog tests  
8 and inspections on those vehicles in accordance with the Bureau's specifications.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud or Deceit - Respondent Duyan)**

11 38. Respondent Duyan's technician license is subject to discipline pursuant to Health and  
12 Safety Code section 44072.2, subdivision (d), in that between August 30, 2016, and March 30,  
13 2017, regarding the vehicles set forth above in Table 1 attributable to his license, Respondent  
14 Duyan committed acts involving dishonesty, fraud or deceit whereby another was injured by  
15 issuing electronic certificates of compliance for those vehicles without performing bona fide  
16 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
17 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
18 Program.

19 **OTHER MATTERS**

20 39. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director  
21 may suspend, revoke, or place on probation the registration for all places of business operated in  
22 this State by Paul Gonzaga Del Villar upon a finding that Respondent Crestline Smog has, or is,  
23 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
24 automotive repair dealer.

25 40. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
26 License Number TC 283822 issued to Paul Gonzaga Del Villar, Owner, doing business as  
27 Crestline Smog, is revoked or suspended following a hearing under this article, any additional  
28

1 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name  
2 of said licensee may be likewise revoked or suspended by the Director.

3 41. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
4 Number EO 639677 issued to Respondent Paul Gonzaga Delvillar is revoked or suspended  
5 following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of  
6 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked  
7 or suspended by the Director.

8 42. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
9 Number EO 636954 issued to Respondent Danny Paul Duyan, also known as Danny Paul  
10 Kjellesvig, is revoked or suspended following a hearing under this article, any additional license  
11 issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said  
12 licensee may be likewise revoked or suspended by the Director.

13 **PRAYER**

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

16 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
17 283822, issued to Respondent Paul Gonzaga Del Villar, Owner, doing business as Crestline  
18 Smog;

19 2. Revoking or suspending any other Automotive Repair Dealer registration license  
20 issued to Respondent Paul Gonzaga Del Villar;

21 3. Revoking or suspending Smog Check, Test Only Station License Number TC  
22 283822, issued to Respondent Paul Gonzaga Del Villar, Owner, doing business as Crestline  
23 Smog;

24 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
25 Division 26 of the Health and Safety Code in the name of Paul Gonzaga Del Villar;

26 5. Revoking or suspending Smog Check Inspector License No. EO 639677 issued to  
27 Respondent Paul Gonzaga Delvillar;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Paul Gonzaga Delvillar;

7. Revoking or suspending Smog Check Inspector License No. EO 636954 issued to Respondent Danny Paul Duyan, also known as Danny Paul Kjellesvig;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Danny Paul Duyan, also known as Danny Paul Kjellesvig;

9. Ordering Respondent Paul Gonzaga Del Villar, Owner, doing business as Crestline Smog; Respondent Paul Gonzaga Delvillar; and Respondent Danny Paul Duyan, also known as Danny Paul Kjellesvig, 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,

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

DATED:

April 24, 2018

Patrick Doraïs

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

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