

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CARTER OTT
Deputy Attorney General
4 State Bar No. 221660
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3485
6 Facsimile: (415) 703-5480
E-mail: Carter.Ott@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
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. 79/22-1336

13 **SLK INTERNATIONAL ENTERPRISES,**
14 **LLC, dba 4 LESS SMOG CHECK**
2857 Broadway
15 Oakland, CA 94611

ACCUSATION

16 Mailing address:
4101 Dublin Blvd., Ste. F, PMB 232
17 Dublin, CA 94568

18 **Ryan Lam, Member**
Patrick Lee, Member
19 **Carol Leung, Member**

20 **Automotive Repair Dealer Registration No.**
ARD 281662

21 **Smog Check, Test Only, Station License No.**
22 **TC 281662**

23 **CHANCHOY SAECHAO**
1951 Mason St.
24 San Pablo, CA 94806

25 Mailing address:
2857 Broadway
26 Oakland, CA 94612

27 **Smog Check Inspector License No. EO**
640718

SUJIAN SAECHAO
1790 University Ave.
Berkeley, CA 94703

**Smog Check Inspector License No. EO
142973**

**Smog Check Repair Technician License No.
EI 142973**

Respondents.

PARTIES

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

2. The Bureau issued Respondent SLK International Enterprise, LLC, doing business as 4 Less Smog Check; Ryan Lam, Member; Patrick Lee, Member; and Carol Leung, Member (Respondent 4 Less Smog Check) Automotive Repair Dealer Number ARD 281662 on or about October 5, 2015. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2023, unless renewed.

3. The Bureau issued Respondent 4 Less Smog Check Smog Check, Test Only, Station License Number TC 281662 on or about October 12, 2015. The Smog Check, Test Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2023, unless renewed.

4. The Bureau issued Respondent Chanchoy Saechao Smog Check Inspector License EO Number 640718 on or about November 9, 2017. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2024, unless renewed.

5. The Bureau issued Respondent Sujian Saechao Advanced Emission Specialist Technician License Number EA 142973 in 2002. The Advanced Emission Specialist Technician License was due to expire on August 31, 2012, but was cancelled and renewed pursuant to Respondent Sujian Saechao’s election as Smog Check Inspector License Number EO 142973 and Smog Check Repair Technician License Number EI 142973, effective August 9, 2012. The

1 Smog Check Inspector License and the Smog Check Repair Technician License were in full force
2 and effect at all times relevant to the charges brought herein and will expire on August 31, 2024,
3 unless renewed.

4 **ADDITIONAL LICENSES**

5 6. The Bureau issued Respondent Sujian Saechao Class “A” Lamp Adjuster License
6 Number LA 142973 in 2000. The Class “A” Lamp Adjuster License was in full force and effect
7 at all times relevant to the charges brought herein, expired on August 31, 2022, and has not been
8 renewed.

9 7. The Bureau issued Respondent Sujian Saechao Class “C” Brake Adjuster License
10 Number BA 142973 in 2001. The Class “C” Brake Adjuster License was in full force and effect
11 at all times relevant to the charges brought herein, expired on August 31, 2022, and has not been
12 renewed.

13 **JURISDICTION**

14 8. This Accusation is brought before the Director of the Department of Consumer
15 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.
16 All section references are to the Business and Professions Code unless otherwise indicated.

17 9. Section 118, subdivision (b) states:

18 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
19 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
20 order of a court of law, or its surrender without the written consent of the board, shall not, during
21 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
22 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
23 provided by law or to enter an order suspending or revoking the license or otherwise taking
24 disciplinary action against the licensee on any such ground.”

25 10. Section 9884.13 states:

26 “The expiration of a valid registration shall not deprive the director or chief of jurisdiction
27 to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
28 or to render a decision invalidating a registration temporarily or permanently.”

11. Section 9889.1 states:

“Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.”

12. Section 9889.5 states:

“The director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

“(a) Imposing probation upon terms and conditions to be set forth by the director.

“(b) Suspending the license.

“(c) Revoking the license.”

13. Health and Safety Code section 44002 states:

“The department shall have the sole and exclusive authority within the state for developing and implementing the motor vehicle inspection program in accordance with this chapter.

“For the purposes of administration and enforcement of this chapter, the department, and the director and officers and employees thereof, shall have all the powers and authority granted under Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code and under Chapter 33 (commencing with Section 3300) of Title 16 of the California Code of Regulations. Inspections and repairs performed pursuant to this chapter, in addition to meeting the specific requirements imposed by this chapter, shall also comply with all requirements imposed pursuant to Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code and Chapter 33 (commencing with Section 3300) of Title 16 of the California Code of Regulations.”

////

////

1 14. Health and Safety Code section 44072 states:

2 “Any license issued under this chapter and the regulations adopted pursuant to it may be
3 suspended or revoked by the director. The director may refuse to issue a license to any applicant
4 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted
5 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
6 of the Government Code, and the director shall have all the powers granted therein.”

7 15. Health and Safety Code section 44072.4 states:

8 “The director may take disciplinary action against any licensee after a hearing as provided
9 in this article by any of the following:

10 “(a) Imposing probation upon terms and conditions to be set forth by the director.

11 “(b) Suspending the license.

12 “(c) Revoking the license.”

13 **RELEVANT STATUTES AND REGULATIONS**

14 16. Section 9884.7 states, in part:

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

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

23 . . .

24 “(4) Any other conduct that constitutes fraud.

25 . . .

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

28 /////

1 17. Section 9889.22 states:

2 “The willful making of any false statement or entry with regard to a material matter in any
3 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
4 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
5 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.”

6 18. Health and Safety Code section 39024.5 states:

7 “‘Department’ means the Department of Consumer Affairs.”

8 19. Health and Safety Code section 44012 states:

9 “The test at the smog check stations shall be performed in accordance with procedures
10 prescribed by the department and may require loaded mode dynamometer testing in enhanced
11 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
12 appropriate test procedures as determined by the department in consultation with the state board.
13 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode
14 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning
15 no earlier than January 1, 2013. However, the department, in consultation with the state board,
16 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed
17 idle testing for vehicles with onboard diagnostic systems that the department and the state board
18 determine exhibit operational problems. The department shall ensure, as appropriate to the test
19 method, the following:

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

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

25 “(c) For other than diesel-powered vehicles, the vehicle’s exhaust emissions of
26 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded
27 mode are tested in accordance with procedures prescribed by the department. In determining how

28 /////

1 loaded mode and evaporative emissions testing shall be conducted, the department shall ensure
2 that the emission reduction targets for the enhanced program are met.

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

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

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

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

17 “(h) An analysis of pass and fail rates of vehicles subject to an onboard diagnostic test and a
18 tailpipe test to assess whether any vehicles passing their onboard diagnostic test have, or would
19 have, failed a tailpipe test, and whether any vehicles failing their onboard diagnostic test have or
20 would have passed a tailpipe test.

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

25 20. Health and Safety Code section 44015, subdivision (b) states:

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

28 /////

1 21. Health and Safety Code section 44032 states:

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

7 22. Health and Safety Code section 44059 states:

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

12 23. Health and Safety Code section 44072.2 states, in part:

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

16 “(a) Violates any section of this chapter and the regulations adopted pursuant to it, which
17 related to the licensed activities.

18 ...

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

20 ...”

21 24. Vehicle Code section 20 states:

22 “It is unlawful to use a false or fictitious name, or to knowingly make any false statement or
23 knowingly conceal any material fact in any document filed with the Department of Motor
24 Vehicles or the Department of the California Highway Patrol.”

25 25. Vehicle Code section 4463, subdivision (a) states:

26 “(a) A person who, with intent to prejudice, damage, or defraud, commits any of the
27 following acts is guilty of a felony and upon conviction thereof shall be punished by

28 ////

1 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or
2 two or three years, or by imprisonment in a county jail for not more than one year:

3 “(1) Alters, forges, counterfeits, or falsifies a certificate of ownership, registration card,
4 certificate, license, license plate, temporary license plate, device issued pursuant to Section 4853,
5 special plate, or permit provided for by this code or a comparable certificate of ownership,
6 registration card, certificate, license, license plate, temporary license plate, device comparable to
7 that issued pursuant to Section 4853, special plate, or permit provided for by a foreign
8 jurisdiction, or alters, forges, counterfeits, or falsifies the document, device, or plate with intent to
9 represent it as issued by the department, or alters, forges, counterfeits, or falsifies with fraudulent
10 intent an endorsement of transfer on a certificate of ownership or other document evidencing
11 ownership, or with fraudulent intent displays or causes or permits to be displayed or have in his or
12 her possession a blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or
13 false certificate of ownership, registration card, certificate, license, license plate, temporary
14 license plate, device issued pursuant to Section 4853, special plate, or permit.

15 “(2) Utters, publishes, passes, or attempts to pass, as true and genuine, a false, altered,
16 forged, or counterfeited matter listed in paragraph (1) knowing it to be false, altered, forged, or
17 counterfeited.”

18 26. California Code of Regulations, title 16, section 3340.30, subdivision (a) states:

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

21 “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
22 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
23 article.”

24 27. California Code of Regulations, title 16, section 3340.35, subdivision (c) states, in
25 part:

26 “(c) A licensed station shall issue a certificate of compliance or noncompliance to the
27 owner or operator of any vehicle that has been inspected in accordance with the procedures

28 /////

1 specified in section 3340.42 of this article and has all the required emission control equipment
2 and devices installed and functioning correctly. . . .”

3 28. California Code of Regulations, title 16, section 3340.41, subdivision (c) states:

4 “(c) No person shall enter into the BAR-97 Emissions Inspection System or the OBD
5 Inspection System any vehicle identification information or emission control system
6 identification data for any vehicle other than the one being tested. Nor shall any person
7 knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System
8 any false information about the vehicle being tested.”

9 29. California Code of Regulations, title 16, section 3340.42, subdivision (b)(2) states:

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

12 . . .

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

16 30. California Code of Regulations, title 16, section 3340.45 states:

17 “All Smog Check inspections shall be performed in accordance with requirements and
18 procedures prescribed in the Smog Check Manual, dated January 2021, which is hereby
19 incorporated by reference.”

20 31. California Code of Regulations, title 16, section 3373 states:

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

26 **COST RECOVERY**

27 32. Section 125.3 provides, in part, that the Bureau may request the administrative law
28 judge to direct a licentiate found to have committed a violation or violations of the licensing act to

1 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case,
2 with failure of the licensee to comply subjecting the license to not being renewed or reinstated.
3 If a case settles, recovery of investigation and enforcement costs may be included in a stipulated
4 settlement.

5 **FACTUAL ALLEGATIONS**

6 Clean Plugging

7 33. Beginning March 9, 2015, California's Smog Check Program was updated to keep
8 pace with ever advancing vehicle technology. The program update requires use of an Emission
9 Inspection System (EIS) known as the On-Board Diagnostic (OBD) Inspection System. "BAR-
10 OIS" is the OBD Inspection System required in all areas of the State when inspecting most
11 model-year 2000 and newer gasoline and hybrid vehicles and 1998 and newer diesel vehicles
12 subject to the program. The system consists of a certified Data Acquisition Device (DAD),
13 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
14 the California BAR-OIS software, retrieves OBD data from the vehicle.

15 34. The Bureau has become aware of certain methods that some Smog Check stations and
16 Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not or will
17 not pass a Smog Check test on their own, or in some instances, are not even present during the
18 time the test is performed. One such gambit, called "clean plugging," is a method by which
19 another vehicle's properly functioning OBD Inspection System, or another source, is used to
20 generate passing data readings or diagnostic information for the purpose of fraudulently issuing
21 smog certificates to vehicles that are not in smog compliance and/or not present for testing.

22 Clean Plug #1

23 35. A review of Respondent 4 Less Smog Check's on-board diagnostic inspection system
24 (OIS) test data shows that, on or about February 17, 2021, Respondent Chanchoy Saechao tested
25 a 2008 Toyota Prius and issued smog certificate #RW863907C as a result of that test.
26 Discrepancies in the OIS test data demonstrate that the vehicle's OIS DAD was not connected to
27 the vehicle, resulting in the issuance of a fraudulent smog certificate of compliance. In addition,

28 ////

1 the OIS test data related to this test demonstrates that a 2011 Toyota Prius was used to generate
2 the fraudulent smog certificate of compliance.

3 Clean Plug #2

4 36. A review of Respondent 4 Less Smog Check's OIS test data shows that, on or about
5 March 16, 2021, Respondent Chanchoy Saechao tested a 2009 Toyota Prius and issued smog
6 certificate #IL179651C as a result of that test. Discrepancies in the OIS test data demonstrate that
7 the vehicle's OIS DAD was not connected to the vehicle, resulting in the issuance of a fraudulent
8 smog certificate of compliance.

9 Clean Plug #3

10 37. A review of Respondent 4 Less Smog Check's OIS test data shows that, on or about
11 July 31, 2021, Respondent Sujian Saechao tested a 2007 Honda Accord EX and issued smog
12 certificate #SE568216C as a result of that test. Discrepancies in the OIS test data demonstrate
13 that the vehicle's OIS DAD was not connected to the vehicle, resulting in the issuance of a
14 fraudulent smog certificate of compliance. In addition, the OIS test data related to this test
15 demonstrates that a different 2007 Honda Accord EX was used to generate the fraudulent smog
16 certificate of compliance.

17 Clean Plug #4

18 38. A review of Respondent 4 Less Smog Check's OIS test data shows that, on or about
19 December 27, 2021, Respondent Chanchoy Saechao tested a 2016 Ford F150 Super Cab and
20 issued smog certificate #SK913590C as a result of that test. Discrepancies in the OIS test data
21 demonstrate that the vehicle's OIS DAD was not connected to the vehicle, resulting in the
22 issuance of a fraudulent smog certificate of compliance. In addition, the OIS test data related to
23 this test demonstrates that a 2003 Ford F150 was used to generate the fraudulent smog certificate
24 of compliance.

25 Clean Plug #5

26 39. A review of Respondent 4 Less Smog Check's OIS test data shows that, on or about
27 December 28, 2021, Respondent Chanchoy Saechao tested a 2005 Toyota Avalon XL and issued
28 smog certificate #SM022461C as a result of that test. Discrepancies in the OIS test data

1 demonstrate that the vehicle's OIS DAD was not connected to the vehicle, resulting in the
2 issuance of a fraudulent smog certificate of compliance.

3 Clean Plug #6

4 40. A review of Respondent 4 Less Smog Check's OIS test data shows that, on or about
5 January 3, 2022, Respondent Chanchoy Saechao tested a 2011 Infiniti FX35 and issued smog
6 certificate #SM169909C as a result of that test. Discrepancies in the OIS test data demonstrate
7 that the vehicle's OIS DAD was not connected to the vehicle, resulting in the issuance of a
8 fraudulent smog certificate of compliance.

9 Certificate Sales

10 41. The Certificates of Compliance for each vehicle fraudulently issued by Respondents,
11 as described above, were purchased through and delivered to the OIS platform at Respondent 4
12 Less Smog Check using an Automated Clearing House (ACH) and check payment method.
13 Those certificates were delivered between June 15, 2020 and June 15, 2022 and, as such, were
14 under the exclusive control of Respondent 4 Less Smog Check for issuance of OIS platform
15 CV013291 and EIS platform WP393022.

16 **FIRST CAUSE FOR DISCIPLINE**

17 (Improper Emission Control Systems Inspection)

18 42. Respondents 4 Less Smog Check, Chanchoy Saechao, and Sujian Saechao subjected
19 their Automotive Repair Dealer Registration; Smog Check, Test Only, Station License; Smog
20 Check Inspector License; and Smog Check Repair Technician License to discipline in that, in
21 conducting the smog tests and issuing the fraudulent smog certificates of compliance described in
22 paragraphs 33 through 41, above, Respondents failed to comply with the smog test procedures
23 prescribed by the Department of Consumer Affairs and as set forth in the Smog Check Manual.
24 (Bus. & Prof. Code § 9884.7, subd. (a)(6); Health & Saf. Code §§ 44012, 44032, and 44072.2,
25 subd. (a); and Cal. Code of Regs., title 16, §§ 3340.30, subd. (a), 3340.42, subd. (b)(2), and
26 3340.45.)

27 /////

28 /////

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

2

3
4
5
6
7
8
9
10

11

12

13
14
15
16
17
18
19
20

21

22

23
24
25
26
27

28

known, to be untrue or misleading. (Bus. & Prof. Code § 9884.7, subd. (a)(1) and Health & Saf. Code §§ 44012, subd. (f), 44032, and 44072.2, subd. (a)).

FIFTH CAUSE FOR DISCIPLINE

(False or Misleading Records)

46. Respondent 4 Less Smog Check subjected its Automotive Repair Dealer Registration and Smog Check, Test Only, Station License to discipline in that, in conducting the smog tests and issuing the fraudulent smog certificates of compliance described in paragraphs 33 through 41, above, Respondent filled out an estimate, invoice, or work order or record required to be maintained by California Code of Regulation, title 16, section 3340.15, subdivision (e) and withheld from that document or inserted into that document a statement or information which caused the document to be false or misleading or caused the document to be misleading or deceive customers, prospective customers, or the public. (Bus. & Prof. Code § 9884.7, subd. (a)(6); Health & Saf. Code § 44072.2, subd. (a); and Cal. Code of Regs., title 16, § 3373).

SIXTH CAUSE FOR DISCIPLINE

(Conduct Constituting Fraud)

47. Respondent 4 Less Smog Check, Chanchoy Saechao, and Sujian Saechao subjected its Automotive Repair Dealer Registration and Smog Check, Test Only, Station License to discipline in that, in conducting the smog tests and issuing the fraudulent smog certificates of compliance described in paragraphs 33 through 41, above, Respondent committed fraud. (Bus. & Prof. Code § 9884.7, subd. (a)(4); and Health & Saf. Code § 44072.2, subd. (f)).

SEVENTH CAUSE FOR DISCIPLINE

(False Statement or Entry on a Certificate of Compliance)

48. Respondents 4 Less Smog Check, Chanchoy Saechao, and Sujian Saechao subjected their Automotive Repair Dealer Registration; Smog Check, Test Only, Station License; Smog Check Inspector License; and Smog Check Repair Technician License to discipline in that, in conducting the smog tests and issuing the fraudulent smog certificates of compliance described in paragraphs 33 through 41, above, Respondents made false statements or entries with regard to material matters in oaths, affidavits, certificates of compliance or noncompliance, and/or

1 application forms required by the Automotive Repair Act (Bus. & Prof. Code § 9880 *et seq.*) or
2 Chapter 5, Part 5, Division 26 of the Health and Safety Code. (Bus. & Prof. Code §§ 9884.7,
3 subd. (a)(6) and 9889.22; Health & Saf. Code §§ 44015, subd. (b), 44059, and 44072.2, subds. (a)
4 and (f); and Veh. Code §§ 20; 4463, subd. (a)(1); and 4463, subd. (a)(2)).

5 **EIGHTH CAUSE FOR DISCIPLINE**

6 (Entering False Information into Emissions Inspection System)

7 49. Respondents 4 Less Smog Check, Chanchoy Saechao, and Sujian Saechao subjected
8 their Automotive Repair Dealer Registration; Smog Check, Test Only, Station License; Smog
9 Check Inspector License; and Smog Check Repair Technician License to discipline in that, in
10 conducting the smog tests and issuing the fraudulent smog certificates of compliance described in
11 paragraphs 33 through 41, above, Respondents entered into the BAR-97 Emission Inspection
12 System or the OBD Inspection System vehicle identification information or emission control
13 system identification data for a vehicle other than the one being tested and/or knowingly entered
14 into the BAR-97 Emissions Inspection System or the OBD Inspection System false information
15 about the vehicle being tested. (Health & Saf. Code §§ 44059 and 44072.2, subds. (a) and (f);
16 and Cal. Code of Regs., title 16, § 3340.41, subd. (c)).

17 **DISCIPLINE CONSIDERATIONS**

18 50. To determine the degree of discipline, if any, to be imposed, the Director may
19 consider the following:

20 a. On or about May 9, 2018, the Bureau issued Citation No. C2018-1200 to
21 Respondent 4 Less Smog Check, with regard to its Automotive Repair Dealer Registration and its
22 Smog Check, Test Only, Station License. That Citation is now final and incorporated herein by
23 reference. The Citation alleged that on or about April 17, 2018, Respondent 4 Less Smog Check
24 issued a certificate of compliance to an undercover vehicle with an unapproved aftermarket
25 performance device.

26 b. On or about March 4, 2019, the Bureau issued Citation No. C2019-847 to
27 Respondent 4 Less Smog Check, with regard to its Automotive Repair Dealer Registration and
28 Smog Check, Test Only, Station. That Citation is now final and incorporated herein by reference.

1 The Citation alleged that on or about February 7, 2019, Respondent 4 Less Smog Check issued a
2 certificate of compliance to an undercover vehicle with missing or modified exhaust gas
3 recirculation system components.

4 c. On or about March 4, 2019, the Bureau issued Citation No. M2019-848 to
5 Respondent Chanchoy Saechao, with regard to Smog Check Inspector License No. EO 640718.
6 That Citation is now final and incorporated herein by reference. The Citation alleged that on or
7 about February 7, 2019, Respondent Chanchoy Saechao issued a certificate of compliance to an
8 undercover vehicle with missing or modified exhaust gas recirculation system components.

9 **OTHER MATTERS**

10 51. Pursuant to Section 9884.7, subdivision (c), the Director may suspend, revoke, or
11 place on probation the registrations for all places of business operated in this state by
12 Respondents, upon a finding that the Respondent has, or is, engaged in a course of repeated and
13 willful violations of the laws and regulations pertaining to an automotive repair dealer.

14 52. Pursuant to Section 9889.1, any license issued pursuant to Articles 5 and 6, may be
15 suspended or revoked by the Director, and the Director may refuse to issue a license to any
16 applicant for the reasons set forth in Section 9889.2.

17 53. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only,
18 Station License No. TC 281662, issued to Respondent 4 Less Smog Check, is revoked or
19 suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
20 and Safety Code in the name of said licensee may likewise be revoked or suspended by the
21 Director.

22 54. Pursuant to Health and Safety Code section 44072.8, if Smog Inspector License No.
23 EO 640718, issued to Respondent Chanchoy Saechao, is revoked or suspended, any additional
24 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name
25 of said licensee may likewise be revoked or suspended by the Director.

26 55. Pursuant to Health and Safety Code section 44072.8, if Smog Inspector License No.
27 EO 142973 and/or Smog Check Repair Technician License No. EI 142973, issued to Respondent
28 Sujian Saechao, is revoked or suspended, any additional license issued under Chapter 5 of Part 5

1 of Division 26 of the Health and Safety Code in the name of said licensee may likewise be
2 revoked or suspended by the Director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 281662, issued to SLK International Enterprise, LLC, doing business as 4 Less Smog Check;
9 Ryan Lam, Member; Patrick Lee, Member; and Carol Leung, Member;

10 2. Revoking or suspending Smog Check, Test Only, Station License Number TC
11 281662, issued to SLK International Enterprise, LLC, doing business as 4 Less Smog Check;
12 Ryan Lam, Member; Patrick Lee, Member; and Carol Leung, Member;

13 3. Revoking or suspending Smog Check Inspector License Number EO 640718, issued
14 to Respondent Chanchoy Saechao;

15 4. Revoking or suspending Smog Check Inspector License Number EO 142973, issued
16 to Respondent Sujian Saechao;

17 5. Revoking or suspending Smog Check Repair Technician License Number EI 142973,
18 issued to Respondent Sujian Saechao;

19 6. Revoking or suspending any other automotive repair dealer registration issued to SLK
20 International Enterprise, LLC;

21 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
22 Division 26 of the Health and Safety Code in the name of SLK International Enterprise, LLC;
23 Chanchoy Saechao; and/or Sujian Saechao;

24 8. Revoking or suspending any additional license issued under Article 5 and 6 of
25 Chapter 20.3 of Division 3 of the Business and Professions Code in the name of SLK
26 International Enterprise, LLC;

27 /////

28 /////

9. Order Respondents SLK International Enterprise, LLC; Chanchoy Saechao; and Sujian Saechao 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: As of Digital Signature Date

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

SF2022401456 / 43492235.docx