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7

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. 79/21-11084

13 **JULIO C. CARBALLO, dba**  
**MALONE DEE TEST ONLY**  
13136 Paramount Blvd.  
14 South Gate, CA 90280

OAH No. 2023060779

15 Automotive Repair Dealer Registration No.  
ARD 294837  
16 Smog Check, Test Only Station License No.  
TC 294837

**FIRST AMENDED ACCUSATION**

17 **And**

18 **JULIO C. CARBALLO**  
3366 Imperial Hwy.  
19 Lynwood, CA 90262

20 Smog Check Inspector License No. EO 644542

21 **And**

22 **ANTHONY A. POZ-GOMEZ**  
1309 Torington Dr.  
23 Las Vegas, NV 89108

24 Smog Check Inspector License No. EO 641248

25 **And**  
26  
27  
28

**BRANDON IVAN MORENO**

5811 Loveland St., Apt. L  
Bell Gardens, CA 90201

Smog Check Inspector License No. EO 642902

Respondents.

**PARTIES**

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

Automotive Repair Dealer

2. On or about July 12, 2019, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 294837 to Julio C. Carballo, dba Malone Dee Test Only (Respondent Malone Dee Test Only). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2024, unless renewed.

Smog Check, Test Only Station

3. On or about January 12, 2021, the Bureau of Automotive Repair issued Smog Check, Test Only Station License Number TC 294837 to Respondent Malone Dee Test Only. 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 July 31, 2024, unless renewed.

STAR Certified Station

4. Respondent Malone Dee Test Only was certified as a STAR Station on June 1, 2021; however, it failed to meet minimum requirements and the certification was terminated on March 9, 2022.

Smog Check Inspector – Julio C. Carballo

5. On or about September 8, 2023, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 644542 to Julio C. Carballo (Respondent Carballo). The

1 Smog Check Inspector License was in full force and effect at all times relevant to the charges  
2 brought herein and will expire on August 31, 2025, unless renewed.

3 Smog Check Inspector – Anthony A. Poz-Gomez

4 6. On or about July 20, 2018, the Bureau of Automotive Repair issued Smog Check  
5 Inspector License Number EO 641248 to Anthony A. Poz-Gomez (Respondent Poz-Gomez).  
6 The Smog Check Inspector License was in full force and effect at all times relevant to the charges  
7 brought herein and will expire on January 31, 2024, unless renewed.

8 Smog Check Inspector – Brandon Ivan Moreno

9 7. On or about February 16, 2021, the Bureau of Automotive Repair issued Smog Check  
10 Inspector License Number EO 642902 to Brandon Ivan Moreno (Respondent Moreno). The  
11 Smog Check Inspector License was in full force and effect at all times relevant to the charges  
12 brought herein and expired on July 31, 2023, and has not been renewed.

13 **JURISDICTION**

14 8. Business and Professions Code (“Bus. & Prof. Code”) section 9884.7 provides that  
15 the Director may revoke an automotive repair dealer registration.

16 9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a  
17 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
18 proceeding against an automotive repair dealer or to render a decision temporarily or permanently  
19 invalidating (suspending or revoking) a registration.

20 10. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent  
21 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
22 for enforcing the Motor Vehicle Inspection Program.

23 11. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
24 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
25 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
26 of jurisdiction to proceed with disciplinary action.

**STATUTORY PROVISIONS**

12. Bus. & Prof. Code section 22, subdivision (a), states:

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

13. Bus. & Prof. Code section 118, subdivision (b), states:

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

14. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

15. Bus. & Prof. Code section 498 states:

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

16. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

....

(4) Any other conduct that constitutes fraud.

1           ....

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

4           ....

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

9           17. Bus. & Prof. Code section 9889.3 states, in pertinent part:

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

12           (a) Violates any section of the Business and Professions Code that relates to his or her  
13 licensed activities.

14           ....

15           (e) Has misrepresented a material fact in obtaining a license.

16           ....

17           18. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

22                   ....

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

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

26                   (e) Has misrepresented a material fact in obtaining a license.

27                   ....

28

1 19. Health & Saf. Code section 44072.10 states, in pertinent part:

2 . . . .

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

6 . . . .

7 (4) Intentional or willful violation of this chapter or any regulation,  
8 standard, or procedure of the department implementing this chapter . . .

8 20. Health & Saf. Code section 44072.8 states that when a license has been revoked or  
9 suspended following a hearing under this article, any additional license issued under this chapter  
10 in the name of the licensee may be likewise revoked or suspended by the director.

11 **REGULATORY PROVISIONS**

12 21. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),  
13 states: “[T]he bureau may suspend or revoke the license of or pursue other legal action against a  
14 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
15 certificate of noncompliance.”

16 22. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
17 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section  
18 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
19 3340.42 of this article.”

20 23. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
21 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any  
22 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
23 this article and has all the required emission control equipment and devices installed and  
24 functioning correctly.”

25 24. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into  
26 the emissions inspection system any vehicle identification information or emission control system  
27 identification data for any vehicle other than the one being tested. Nor shall any person  
28

1 knowingly enter into the emissions inspection system any false information about the vehicle  
2 being tested.”

3 25. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
4 procedures which apply to all vehicles inspected in the State of California.

5 26. CCR, title 16, section 3340.28, subdivision (e), states that “[u]pon renewal of an  
6 unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license  
7 issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog  
8 Check Inspector, Smog Check Repair Technician, or both.”

### 9 **COST RECOVERY**

10 27. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request  
11 the administrative law judge to direct a licentiate found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

### 14 **VID DATA REVIEW**

15 28. On March 9, 2015, the Bureau implemented a policy change requiring the use of  
16 an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas  
17 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998 and newer  
18 diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in  
19 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in  
20 addition to communication protocol (the language used to communicate) and Parameter ID (PID)  
21 differences with vehicles that have been certified correctly that are the same make and model.

22 29. Based on a review of Respondent Malone Dee Test Only testing data indicating a  
23 similar vehicle was being used to certify multiple makes and models of different vehicles using  
24 the BAR97 analyzer, the Bureau of Automotive Repair began an investigation and reviewed data  
25 beginning on April 27, 2021. During this investigation, it was discovered that smog check  
26 inspections were performed at Respondent Malone Dee Test Only, using the Smog Check  
27 Inspector licenses of Respondents Poz-Gomez and Moreno, certifying that they had tested and  
28 inspected the vehicles below and that the vehicles were in compliance with applicable laws and

regulations. Respondents fraudulently performed four smog check inspections using a method known as “clean plugging”<sup>1</sup>. The clean plugging method resulted in the issuance of fraudulent certificates of compliance for the vehicles in the following table that were not present at Respondent Malone Dee Test Only during the time they were reportedly certified. The following charts illustrate the documented clean plugging activities of Respondents between April 27, 2021 through July 13, 2021.

**VEHICLES USED IN CLEAN PLUGGING:**

| Test Date                           | Vehicle Certified         | Certificate No. | Details   | OIS Test Data Details  |
|-------------------------------------|---------------------------|-----------------|---|--|
| <u>Vehicle #1</u><br>April 27, 2021 | 2006 Dodge Charger R/T    | SA363834C       | Test data does not support this vehicle as described above.<br><br>Test performed by Respondent Poz-Gomez (EO 641248) | Comm. Protocol: ICAN11bt5 (expected:ICAN11bt5)<br><br>PID Count: 44/12 (expected: 43/12, 43/2, or 43/6)<br><br>eVIN: 4JGBB86E18A353874 (expected: 2B3KA53H76H507603) |
| <u>Vehicle #2</u><br>June 21, 2021  | 2003 Ford F150            | SC719791C       | Test data does not support this vehicle as described above.<br><br>Test performed by Respondent Moreno (EO 642902)    | Comm. Protocol: ICAN11bt5 (expected: JPWM)<br><br>PID Count: 44/7/8 (expected: 22)<br><br>eVIN: 2GEC19C071587024 (expected: 1FTRX17L43NA18548)                       |
| <u>Vehicle #3</u><br>July 7, 2021   | 2000 Ford F250 Super Duty | 1L690686C       | Test data does not support this vehicle as described above.<br><br>Test performed by Respondent Moreno (EO 642902)    | Comm. Protocol: ICAN11bt5 (expected: JPWM)<br><br>PID Count: 42 (expected: 18 or 19)   |

<sup>1</sup> Clean plugging refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic 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.



|                                    |                     |           |  |   |
|------------------------------------|---------------------|-----------|--|---|
|                                    |                     |           |  | eVIN:<br>2T3YFREV4DW024099<br>(expected: No eVIN<br>expected)   |
| <u>Vehicle #4</u><br>July 13, 2021 | 2005 Nissan Quest S | SE004898C | Test data does not<br>support this vehicle<br>as described above.<br><br>Test performed by<br>Respondent Moreno<br>(EO 642902) | Comm. Protocol:<br>ICAN11bt5<br>(expected: I914)<br><br>PID Count: 43<br>(expected: 21 or 22)<br><br>eVIN:<br>5N1AR1NNXCC623600<br>(expected:<br>5N1BV28UX5N114901) |

30. The data analysis and/or surveillance operations conducted at Respondent Malone Dee Test Only between April 27, 2021 through July 13, 2021 shows that Respondents participated in a scheme to perform at least four (4) fraudulent smog check inspections resulting in the issuance of four (4) fraudulent electronic smog check certificates of compliance.

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

##### **(Untrue or Misleading Statements)**

31. Respondent Malone Dee Test Only's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent certified that the 4 vehicles had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent used clean plugging methods in order to issue a certificate of compliance for vehicles that he did not test or inspect as required by Health & Saf. Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through 30, above, as though set forth fully herein.

#### **SECOND CAUSE FOR DISCIPLINE**

##### **(Fraud)**

32. Respondent Malone Dee Test Only's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in

1 that Respondent committed acts that constitute fraud by issuing an electronic smog certificate of  
2 compliance for the 4 vehicles, identified in paragraph 29 above, without performing bona fide  
3 inspections of the emission control devices and systems on the vehicle, thereby depriving the  
4 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
5 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
6 paragraphs 28 through 30, above, as though set forth fully herein.

7 **THIRD CAUSE FOR DISCIPLINE**

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

9 33. Respondent Malone Dee Test Only's Automotive Repair Dealer Registration is  
10 subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in  
11 that he failed in a material respect to comply with the provisions of this chapter or regulations  
12 adopted pursuant to it when it issued electronic certificates of compliance for the 4 vehicles  
13 identified in paragraph 29 above, without performing bona fide inspections of the emission  
14 control devices and systems on those vehicles, thereby depriving the People of the State of  
15 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
16 refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through  
17 30, above, as though set forth fully herein.

18 **FOURTH CAUSE FOR DISCIPLINE**

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

20 34. Respondent Malone Dee Test Only's Smog Check Test Only Station License is  
21 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
22 that Respondent failed to comply with provisions of that Code, as follows:

23 a. **Section 44012:** Respondent failed to perform the emission control tests on the 4  
24 vehicles identified in paragraph 29 above, in accordance with procedures prescribed by the  
25 department.

26 b. **Section 44015:** Respondent issued electronic smog certificates of compliance for the  
27 4 vehicles identified in paragraph 29 above, without properly testing and inspecting the vehicles  
28 to determine if they were in compliance with Health & Saf. Code section 44012.

1 Complainant refers to, and by this reference incorporates, the allegations contained in  
2 paragraphs 28 through 30, above, as though set forth fully herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 35. Respondent Malone Dee Test Only's Smog Check Test Only Station License is  
6 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
7 that Respondent failed to comply with provisions of California Code of Regulations, title 16, as  
8 follows:

9 a. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of  
10 compliance for the vehicles identified paragraph 29 above, even though those vehicles had not  
11 been inspected in accordance with section 3340.42.

12 b. **Section 3340.41, subdivision (c):** Respondent entered false information into the EIS  
13 unit by entering vehicle identification information or emission control system identification data  
14 for vehicles other than the ones being tested.

15 c. **Section 3340.42:** Respondent failed to conduct the required smog tests on the  
16 vehicles identified in paragraph 29 above, in accordance with the Bureau's specifications.

17 Complainant refers to, and by this reference incorporates, the allegations contained in  
18 paragraphs 28 through 30, above, as though set forth fully herein.

19 **SIXTH CAUSE FOR DISCIPLINE**

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

21 36. Respondent Malone Dee Test Only's Smog Check Test Only Station License is  
22 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d),  
23 and 44072.10, subdivision (c) in that Respondent committed dishonest, fraudulent or deceitful  
24 acts whereby another is injured by issuing electronic smog certificates of compliance for the  
25 vehicles identified in paragraph 29 above, without performing bona fide inspections of the  
26 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
27 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
28 refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through

30, above, as though set forth fully herein.

**SEVENTH CAUSE FOR DISCIPLINE**

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

37. Respondents Poz-Gomez and Moreno's Smog Check Inspector Licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondents failed to comply with section 44012 of that Code in a material respect, as follows: Respondents failed to perform the emission control tests on the vehicles identified in paragraph 29 above, in accordance with procedures prescribed by the department. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through 30, above, as though set forth fully herein.

**EIGHTH CAUSE FOR DISCIPLINE**

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

38. Respondents Poz-Gomez and Moreno's Smog Check Inspector Licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondents failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondents falsely or fraudulently issued electronic smog certificates of compliance for 4 vehicles identified in paragraph 29 above.

b. **Section 3340.30, subdivision (a):** Respondents failed to inspect and test the vehicles identified in paragraph 29 above, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondents entered false information into the EIS by entering vehicle identification information or emission control system identification data for vehicles other than the ones being tested.

d. **Section 3340.42:** Respondents failed to conduct the required smog tests on the vehicles identified in paragraph 29 above, in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through 30, above, as though set forth fully herein.

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 39. Respondents Poz-Gomez and Moreno's Smog Check Inspector Licenses are subject  
4 to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), and  
5 44072.10, subdivision (c) in that Respondents committed dishonest, fraudulent or deceitful acts  
6 whereby another is injured by issuing electronic smog certificates of compliance for the vehicles  
7 identified in paragraph 29 above, without performing bona fide inspections of the emission  
8 control devices and systems on the vehicles, thereby depriving the People of the State of  
9 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
10 refers to, and by this reference incorporates, the allegations contained in paragraphs 28 through  
11 30, above, as though set forth fully herein.

12 **TENTH CAUSE FOR DISCIPLINE**

13 **(Dishonest Conduct – Fraud in Obtaining Smog Check Inspector License)**

14 40. Respondent Carballo is subject to disciplinary action under Health and Safety Code  
15 section 44072.2, subdivision (e), and Business and Professions Code sections 498, 9889.3,  
16 subdivisions (a) and (e), and 9884.7, and subdivision (a)(4) in that Respondent used fraud and  
17 deceit to obtain a Smog Check Inspector license number from the Bureau, when he provided false  
18 information in connection with his application for licensure.

19 41. The circumstances are that on or about July 24, 2023, Respondent Carballo applied  
20 for a Smog Check Inspector license with the Bureau. The application requested Respondent  
21 Carballo to provide his personal information, background history, educational requirements, and  
22 work experience. Under the background section, Respondent Carballo marked the box "No"  
23 when asked if the Bureau had ever issued him a license. Respondent Carballo signed the  
24 application for licensure under penalty of perjury fraudulently representing that the information  
25 provided in the application was true and correct. In fact, Respondent Carballo doing business as  
26 Malone Dee Test Only was issued an Automotive Repair Dealer Registration on July 12, 2019  
27 and a Smog Check Station license on January 12, 2021.

42. The Bureau relied on the false information contained on the application when it issued to Respondent Carballo Smog Check Inspector license number EO 644542 on September 8, 2023.

#### **OTHER MATTERS**

43. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may suspend, revoke or place on probation the registration for all places of business operated in this state by Julio C. Carballo, Sole Proprietor of Malone Dee Test Only, upon a finding that said Julio C. Carballo has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

44. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station License Number TC 294837, issued to Julio C. Carballo, Sole Proprietor of Malone Dee Test Only, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

45. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 644542, issued to Respondent Carballo, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

46. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 641248, issued to Respondent Poz-Gomez, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

47. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 642902, issued to Respondent Moreno, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 294837, issued to Julio C. Carballo, dba Malone Dee Test Only;
2. Revoking or suspending any other Automotive Repair Dealer Registration issued in the name of Julio C. Carballo;
3. Revoking or suspending Smog Check, Test Only Station License Number TC 294837, issued to Julio C. Carballo, dba Malone Dee Test Only;
4. 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 Julio C. Carballo;
5. Revoking or suspending Smog Check Inspector License Number EO 644542, issued to Julio C. Carballo;
6. Revoking or suspending Smog Check Inspector License Number EO 641248, issued to Anthony A. Poz-Gomez;
7. 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 Anthony A. Poz-Gomez;
8. Revoking or suspending Smog Check Inspector License Number EO 642902, issued to Brandon Ivan Moreno;
9. 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 Brandon Ivan Moreno;
10. Ordering Julio C. Carballo, Anthony A. Poz-Gomez and Brandon Ivan Moreno 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,

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11. 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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