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7

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

11 In the Matter of the Accusation Against:
12
13 **DAVINDER SINGH**
14 **3700 White Sands Dr.**
Bakersfield, CA 93309
15 **Smog Check Inspector License No. EO**
153844
16 **Smog Check Repair Technician License No.**
17 **EI 153844 (formerly Advanced Emission**
Specialist Technician License No. EA
18 **153844)**
19 Respondents.
20

Case No. **79/15-45**

ACCUSATION
(SMOG CHECK)

21 Complainant alleges:

22 **PARTIES**

- 23 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
24 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.
- 25 2. In 2007, the Bureau of Automotive Repair (Bureau) issued Advanced Emission
26 Specialist Technician License Number EA 153844 to Davinder Singh. Pursuant to California
27 Code of Regulations, title 16, section 3340.28, subdivision (e), said license was renewed in 2013
28 as Smog Check Inspector (EO) License No. 153844 and Smog Check Repair Technician (EI)

1 License No. 153844.¹ The licenses were in full force and effect at all times relevant to the
2 charges brought herein and will expire on September 30, 2015, unless renewed.

3 **JURISDICTION**

4 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the
5 Bureau of Automotive Repair, under the authority of the following laws.

6 4. Section 44002 of the Health and Safety Code (HSC) provides, in pertinent part, that
7 the Director has all the powers and authority granted under the Automotive Repair Act for
8 enforcing the Motor Vehicle Inspection Program.

9 13. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
10 expiration or suspension of a license by operation of law, or by order or decision of the Director
11 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
12 the Director of jurisdiction to proceed with disciplinary action.

13 **STATUTORY PROVISIONS**

14 5. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall
15 be performed in accordance with procedures prescribed by the department.

16 6. Section 44014, subdivision (a), of the HSC provides that the testing and repair portion
17 of the smog check program shall be conducted only by licensed smog check technicians.

18 7. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance
19 shall be issued if a vehicle meets the requirements of HSC section 40012.

20 8. Section 44032 of the HSC provides, in pertinent part, that “[q]ualified technicians
21 shall perform tests of emission control devices and systems in accordance with Section 44012.”

22 9. Section 44059 of the HSC provides:

23 “The willful making of any false statement or entry with regard to a material matter in any
24 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business
2 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

3 10. Section 44072.2 of the HSC states, in pertinent part:

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

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

10 . . .

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

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

14 . . .

15 “(f) Aids or abets unlicensed persons to evade the provisions of this chapter”

16 REGULATORY PROVISIONS

17 11. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
18 states:

19 “The bureau may suspend or revoke the license of or pursue other legal action against a
20 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
21 certificate of noncompliance.”

22 12. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
23 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
24 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section
25 3340.42 of this article.”

26 13. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
27 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
28 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of

1 this article and has all the required emission control equipment and devices installed and
2 functioning correctly.”

3 14. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into
4 the emissions inspection system any vehicle identification information or emission control system
5 identification data for any vehicle other than the one being tested. Nor shall any person knowingly
6 enter into the emissions inspection system any false information about the vehicle being tested.”

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

9 COST RECOVERY

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

14 BUREAU INVESTIGATION AND SURVEILLANCE

15 17. On multiple days between September 19, 2013, and October 14, 2013, the Bureau
16 conducted videotaped surveillance of the T Waller Smog Check station, located at 1700 E.
17 Truxtun Avenue, Bakersfield, California.² During the times of surveillance, Bureau
18 representatives observed Respondent performing and assisting in the performance of smog
19 inspections with unlicensed individual Jay Singh.³ The surveillance operation and information
20 obtained from the Bureau’s VID revealed that during the surveillance periods, Respondent
21 engaged in twenty-five (25) illegal smog inspection activities. Specifically, the Bureau’s
22 investigation revealed that Respondent and the unlicensed individual Jay Singh repeatedly used
23 the smog inspector license number and access code issued to Timothy Wayne Waller (Waller) to
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25 ² In 2013, the Bureau filed Accusation No. 79/13-70 against T Waller Smog Check Station and its
26 owner Timothy Wayne Waller alleging fraudulent smog inspections. In that proceeding, respondent
27 Timothy Wayne Waller admitted to all allegations and stipulated to the revocation of his ARD, smog station
28 license and smog inspector license.

³ Jay Singh, aka Jobanjit Singh, was previously licensed as a smog check technician; however, his
license was revoked by the Bureau in 2010 for fraudulent smog inspections.

1 perform fraudulent inspections that resulted in the issuance of fraudulent certificates of
2 compliance. The details of Respondent's illegal conduct are set forth below.

3 18. On September 19, 2013, Respondent and the unlicensed individual Singh used Waller's
4 inspector license information and pin to perform a smog inspection that resulted in the issuance of
5 Certificate of Compliance No. XX810795C for a 1997 Dodge Caravan, License 3TJL149. An
6 inspection of the 1997 Dodge Caravan was not actually performed, however. Instead, Respondent
7 used the tail pipe emissions from unlicensed individual Singh's 2001 Daewoo, License
8 6MDP059, in a procedure known as "clean piping" to issue a fraudulent Certificate of
9 Compliance.⁴ Waller was not in or around the test bay or the smog station at the time of the
10 inspection and did not participate in the inspection.

11 19. On September 19, 2013, Respondent and the unlicensed individual Singh used Waller's
12 inspector license information and pin to perform a smog inspection that resulted in the issuance of
13 Certificate of Compliance No. XX810798C for a 1994 Ford Mustang, License 6PUU353. An
14 inspection of the 1994 Ford Mustang was not actually performed, however. Instead, Respondent
15 and the unlicensed individual used the tail pipe emissions from a 2007 Ford Pickup, California
16 License 8K93731, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
17 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
18 time of the inspection and did not participate in the inspection.

19 20. On September 19, 2013, Respondent and the unlicensed individual Singh used Waller's
20 inspector license information and pin to perform a smog inspection that resulted in the issuance of
21 Certificate of Compliance No. XX810799C for a 1999 Cadillac STS, License 6GOH319. An
22 inspection of the 1999 Cadillac STS was not actually performed, however. Instead, Respondent
23 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
24 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
25

26 ⁴ "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another
27 vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are
28 not present in the smog check area during the time of the certification.

1 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
2 time of the inspection and did not participate in the inspection.

3 21. On September 19, 2013, Respondent and the unlicensed individual Singh used Waller's
4 inspector license information and pin to perform a smog inspection that resulted in the issuance of
5 Certificate of Compliance No. XX810800C for a 1997 BMW 5-Series with no license plate. An
6 inspection of the 1997 BMW 5-Series was not actually performed, however. Instead, Respondent
7 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
8 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
9 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
10 time of the inspection and did not participate in the inspection.

11 22. On September 20, 2013, Respondent and the unlicensed individual Singh used Waller's
12 inspector license information and pin to perform a smog inspection that resulted in the issuance of
13 Certificate of Compliance No. XX810804C for a 1998 Honda Prelude, License 4XYT283. An
14 inspection of the 1998 Honda Prelude was not actually performed, however. Instead, Respondent
15 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
16 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
17 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
18 time of the inspection and did not participate in the inspection.

19 23. On September 20, 2013, Respondent and the unlicensed individual Singh used Waller's
20 inspector license information and pin to perform a smog inspection that resulted in the issuance of
21 Certificate of Compliance No. XX810805C for a 1997 Dodge Ram 1500 with no license plate.
22 An inspection of the 1997 Dodge Ram 1500 was not actually performed, however. Instead,
23 Respondent and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo,
24 California License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a
25 fraudulent Certificate of Compliance. Waller was not in or around the test bay or the smog station
26 at the time of the inspection and did not participate in the inspection.

27 24. On September 20, 2013, Respondent used Waller's inspector license information and
28 pin to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.

1 XX810807C for a 2005 Cadillac STS, License 5RLD949. Waller was not in or around the test
2 bay or the smog station at the time of the inspection and did not participate in the inspection.

3 25. On September 20, 2013, Respondent used Waller's inspector license information and
4 pin to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
5 XX810808C for a 2006 Chevrolet Trailblazer, License 6WVT302. Waller was not in or around
6 the test bay or the smog station at the time of the inspection and did not participate in the
7 inspection.

8 26. On September 23, 2013, Respondent and the unlicensed individual Singh used Waller's
9 inspector license information and pin to perform a smog inspection that resulted in the issuance of
10 Certificate of Compliance No. XX810812C for a 2003 Kia Sedona, License 5ZPL671. An
11 inspection of the 2003 Kia Sedona was not actually performed, however. Instead, Respondent
12 and the unlicensed individual used the tail pipe emissions from a 1999 Toyota Corolla, California
13 License 6PUU169, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
14 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
15 time of the inspection and did not participate in the inspection.

16 27. On September 23, 2013, Respondent and the unlicensed individual Singh used Waller's
17 inspector license information and pin to perform a smog inspection that resulted in the issuance of
18 Certificate of Compliance No. XX810813C for a 2000 GMC C1500 Yukon, License 5CIG108.
19 An inspection of the 2000 GMC C1500 Yukon was not actually performed, however. Instead,
20 Respondent and the unlicensed individual used the tail pipe emissions from a 1999 Toyota
21 Corolla, California License 6PUU169, thereby engaging in the illegal conduct of clean piping to
22 issue a fraudulent Certificate of Compliance. Waller was not in or around the test bay or the
23 smog station at the time of the inspection and did not participate in the inspection.

24 28. On September 23, 2013, Respondent used Waller's inspector license information and
25 pin to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
26 XX810815C for a 1990 Acura Integra, License 6DGJ875. An inspection of the 1990 Acura
27 Integra was not actually performed, however. Instead, Respondent used the tail pipe emissions
28 from a 1999 Toyota Corolla, California License 6PUU169, thereby engaging in the illegal conduct

1 of clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or around the
2 test bay or the smog station at the time of the inspection and did not participate in the inspection.

3 29. On September 24, 2013, Respondent and the unlicensed individual Singh used Waller's
4 inspector license information and pin to perform a smog inspection that resulted in the issuance of
5 Certificate of Compliance No. XX810817C for a 1989 Toyota Pickup, License 5Y91766. An
6 inspection of the 1989 Toyota Pickup was not actually performed, however. Instead, Respondent
7 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
8 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
9 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
10 time of the inspection and did not participate in the inspection.

11 30. On September 24, 2013, Respondent and the unlicensed individual Singh used Waller's
12 inspector license information and pin to perform a smog inspection that resulted in the issuance of
13 Certificate of Compliance No. XX810818C for a 2007 Toyota Camry, License 5WAH327. An
14 inspection of the 2007 Toyota Camry was not actually performed, however. Instead, Respondent
15 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
16 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
17 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
18 time of the inspection and did not participate in the inspection.

19 31. On September 24, 2013, Respondent used Waller's inspector license information and
20 pin to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
21 XX810819C for a 1991 Mazda Miata, License 3KVV122. An inspection of the 1991 Mazda
22 Miata was not actually performed, however. Instead, Respondent used the tail pipe emissions
23 from a 1999 Toyota Corolla, California License 6PUU169, thereby engaging in the illegal conduct
24 of clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or around the
25 test bay or the smog station at the time of the inspection and did not participate in the inspection.

26 32. On September 24, 2013, Respondent and the unlicensed individual Singh used Waller's
27 inspector license information and pin to perform a smog inspection that resulted in the issuance of
28 Certificate of Compliance No. XX810820C for a 2001 Mazda MPV, License 4LHL661. An

1 inspection of the 2001 Mazda MPV was not actually performed, however. Instead, Respondent
2 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
3 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
4 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
5 time of the inspection and did not participate in the inspection.

6 33. On September 24, 2013, Respondent used Waller's inspector license information and
7 pin to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
8 XX810821C for a 1997 Acura Integra, License 3UPL442. An inspection of the 1997 Acura
9 Integra was not actually performed, however. Instead, Respondent used the tail pipe emissions
10 from a 1999 Toyota Corolla, California License 6PUU169, thereby engaging in the illegal conduct
11 of clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or around the
12 test bay or the smog station at the time of the inspection and did not participate in the inspection.

13 34. On September 26, 2013, Respondent and the unlicensed individual Singh used Waller's
14 inspector license information and pin to perform a smog inspection that resulted in the issuance of
15 Certificate of Compliance No. XX810826C for a 2000 Honda Civic, License 6TUX580. An
16 inspection of the 2000 Honda Civic was not actually performed, however. Instead, Respondent
17 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
18 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
19 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
20 time of the inspection and did not participate in the inspection.

21 35. On September 26, 2013, Respondent and the unlicensed individual Singh used Waller's
22 inspector license information and pin to perform a smog inspection that resulted in the issuance of
23 Certificate of Compliance No. XX810827C for a 1995 Toyota Camry, License 6MXW847. An
24 inspection of the 1995 Toyota Camry was not actually performed, however. Instead, Respondent
25 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
26 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
27 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
28 time of the inspection and did not participate in the inspection.

1 36. On October 9, 2013, Respondent and the unlicensed individual Singh used Waller's
2 inspector license information and pin to perform a smog inspection that resulted in the issuance of
3 Certificate of Compliance No. XZ284935C for a 1995 Honda Civic with no license plate. Waller
4 was not in or around the test bay or the smog station at the time of the inspection and did not
5 participate in the inspection.

6 37. On October 10, 2013, Respondent used Waller's inspector license information and pin
7 to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
8 XZ284941C for a 1994 Mercedes SL600, License 5LMR918. An inspection of the 1994
9 Mercedes SL600 was not actually performed, however. Instead, Respondent used the tail pipe
10 emissions from a 1999 Buick Regal, California License 4EBP820, thereby engaging in the illegal
11 conduct of clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or
12 around the test bay or the smog station at the time of the inspection and did not participate in the
13 inspection.

14 38. On October 10, 2013, Respondent and the unlicensed individual Singh used Waller's
15 inspector license information and pin to perform a smog inspection that resulted in the issuance of
16 Certificate of Compliance No. XZ284942C for a 1990 Honda Civic CRX, License 2RZG289. An
17 inspection of the 1990 Honda Civic CRX was not actually performed, however. Instead,
18 Respondent and the unlicensed individual used the tail pipe emissions from a 1999 Buick Regal,
19 California License 4EBP820, thereby engaging in the illegal conduct of clean piping to issue a
20 fraudulent Certificate of Compliance. Waller was not in or around the test bay or the smog station
21 at the time of the inspection and did not participate in the inspection.

22 39. On October 11, 2013, Respondent and the unlicensed individual Singh used Waller's
23 inspector license information and pin to perform a smog inspection that resulted in the issuance of
24 Certificate of Compliance No. XZ284943C for a 2001 Hyundai Elantra, License 4PZV195. An
25 inspection of the 2001 Hyundai Elantra was not actually performed, however. Instead,
26 Respondent and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo,
27 California License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a

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1 fraudulent Certificate of Compliance. Waller was not in or around the test bay or the smog station
2 at the time of the inspection and did not participate in the inspection.

3 40. On October 11, 2013, Respondent and the unlicensed individual Singh used Waller's
4 inspector license information and pin to perform a smog inspection that resulted in the issuance of
5 Certificate of Compliance No. XZ284944C for a 1998 Dodge Dakota, License 63914B1. An
6 inspection of the 1998 Dodge Dakota was not actually performed, however. Instead, Respondent
7 and the unlicensed individual used the tail pipe emissions from a 2001 Daewoo, California
8 License 6MDP059, thereby engaging in the illegal conduct of clean piping to issue a fraudulent
9 Certificate of Compliance. Waller was not in or around the test bay or the smog station at the
10 time of the inspection and did not participate in the inspection.

11 41. On October 12, 2013, Respondent used Waller's inspector license information and pin
12 to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
13 XZ284945C for a 2003 Volvo XC90, License 5BWG724. An inspection of the 2003 Volvo
14 XC90 was not actually performed, however. Instead, Respondent used the tail pipe emissions
15 from a 2001 Daewoo, California License 6MDP059, thereby engaging in the illegal conduct of
16 clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or around the test
17 bay or the smog station at the time of the inspection and did not participate in the inspection.

18 42. On October 12, 2013, Respondent used Waller's inspector license information and pin
19 to perform a smog inspection that resulted in the issuance of Certificate of Compliance No.
20 XZ284946C for a 1996 Chevrolet C1500, License 7D46320. An inspection of the 1996
21 Chevrolet C1500 was not actually performed, however. Instead, Respondent used the tail pipe
22 emissions from a 2001 Daewoo, California License 6MDP059, thereby engaging in the illegal
23 conduct of clean piping to issue a fraudulent Certificate of Compliance. Waller was not in or
24 around the test bay or the smog station at the time of the inspection and did not participate in the
25 inspection.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 43. Respondent has subjected his smog check inspector license to discipline under HSC
4 section 44072.2, subdivision (a), in that between September 19, 2013, and October 12, 2013,
5 Respondent violated the following sections of the HSC with respect to the inspection of certain
6 vehicles:

7 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
8 performed on those vehicles in accordance with procedures prescribed by the department.

9 b. **Section 44014:** Respondent allowed unlicensed (and previously revoked) individual
10 Jay Singh to perform emission control tests on certain vehicles in violation of procedures
11 prescribed by the department.

12 c. **Section 44015:** Respondent issued electronic certificates of compliance without
13 properly testing and inspecting the vehicles to determine if they were in compliance with section
14 44012 of the HSC.

15 d. **Section 44032:** Respondent failed to perform tests of the emission control devices
16 and systems on those vehicles in accordance with section 44012 of the HSC, in that the vehicles
17 had been clean piped.

18 e. **Section 44059:** Respondent willfully made false entries for the electronic certificates
19 of compliance by certifying that those vehicles had been inspected as required when, in fact, they
20 had not.

21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraphs 17 through 42, inclusive, as though set forth fully herein.

23 SECOND CAUSE FOR DISCIPLINE

24 (Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

25 44. Respondent has subjected his smog check inspector license to discipline under HSC
26 section 44072.2, subdivision (c), in that between September 19, 2013, and October 12, 2013,
27 Respondent violated the following sections of the CCR, title 16, with respect to the inspection of
28 certain vehicles:

1 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
2 electronic certificates of compliance without performing bona fide inspections of the emission
3 control devices and systems on those vehicles as required by HSC section 44012.

4 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those
5 vehicles in accordance with HSC section 44012.

6 c. **Section 3340.41, subdivision (c):** Respondent entered false information into the EIS
7 for the electronic certificates of compliance by entering vehicle emission control information for
8 vehicles other than the vehicles being certified.

9 d. **Section 3340.42:** Respondent failed to conduct the required smog tests and
10 inspections on those vehicles in accordance with the Bureau's specifications.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraphs 17 through 42, inclusive, as though set forth fully herein.

13 **THIRD CAUSE FOR DISCIPLINE**

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

15 45. Respondent has subjected his smog check inspector license to discipline under
16 HSC section 44072.2, subdivision (d), in that between September 19, 2013, and October 12,
17 2013, Respondent committed acts involving dishonesty, fraud or deceit whereby another was
18 injured by issuing electronic certificates of compliance for certain vehicles without performing
19 bona fide inspections of the emission control devices and systems on those vehicles, thereby
20 depriving the People of the State of California of the protection afforded by the Motor Vehicle
21 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set
22 forth above in paragraphs 17 through 42, inclusive, as though set forth fully herein.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Aid and Abet Unlicensed Activity)**

25 46. Respondent has subjected his smog check inspector license to discipline under HSC
26 section 44072.2, subdivision (f), in that Respondent aided and/or abetted an unlicensed person to
27 evade the provisions of the Motor Vehicle Inspection Program. Complainant refers to, and by this

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1 reference incorporates, the allegations set forth above in paragraphs 17 through 42, inclusive, as
2 though set forth fully herein.

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 Consumer Affairs issue a decision:

6 1. Revoking or suspending Smog Check Inspector License Number EO 153844, issued
7 to Davinder Singh (originally issued as Advanced Emission Specialist Technician License
8 Number EA 153844);

9 2. Revoking or suspending Smog Check Repair Technician License Number EI 153844,
10 issued to Davinder Singh (originally issued as Advanced Emission Specialist Technician License
11 Number EA 153844);

12 3. Ordering Davinder Singh to pay the Bureau of Automotive Repair the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
14 section 125.3;

15 4. Taking such other and further action as deemed necessary and proper.

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DATED: 9-26-14

Patrick Dorais by Doug Balatti
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
Doug BALATTI
Assist. Chief

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