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

12 In the Matter of the Accusation Against:  
13 **JAMES GILBERT RICHARDS,**  
14 **PARTNER,**  
15 **MOHAMMED R. AZAD, PARTNER,**  
16 **DOING BUSINESS AS 7 TO 7 SMOG AND**  
17 **AUTO REPAIR**  
18 **3716 Spruce Street**  
19 **Riverside, CA 92501**

20 **Automotive Repair Dealer Registration No.**  
21 **ARD 266532**

22 **Smog Check Station License No. RC 266532**

23 **Lamp Station License No. LS 266532**

24 **Brake Station License No. BS 266532,**

25 **JAMES GILBERT RICHARDS**

26 **3716 Spruce Street**  
27 **Riverside, CA 92501**

28 **250 South Lyon Avenue, Suite E-308**  
**Hemet, CA 92543**

**Smog Check Inspector License No. EO**  
**630900 and Smog Check Repair Technician**  
**License No. EI 630900 (formerly Advanced**  
**Emission Specialist Technician License No.**  
**EA 630900)**

**Lamp Adjuster License No. LA 630900**

Case No. 79/15-110

OAH No. 2015050364

**S E C O N D A M E N D E D**  
**A C C U S A T I O N**

1 **Brake Adjuster License No. BA 630900**

2 **MOHAMMAD RAHIM AZAD**

3 **12305 Puma Ct.**  
4 **Moreno Valley, CA 92555**

5 **3716 Spruce Street**  
6 **Riverside, CA 92501**

7 **Smog Check Inspector License No. EO**  
8 **636435**

9 **Lamp Adjuster License No. LA 636435**

10 **Brake Adjuster License No. BA 636435,**

11 **JOSE FRANCISCO LEAL**

12 **13860 Pheasant Knoll Ln.**  
13 **Moreno Valley, CA 92553**

14 **Smog Check Inspector License No. EO**  
15 **637039**

16 **STEPHEN BLACKSHEAR**

17 **800 E. Washington #730**  
18 **Colton, CA 92324**

19 **Advanced Emission Specialist Technician**  
20 **License No. EA 634692 (to be redesignated**  
21 **upon renewal as EO 634692 and/or EI**  
22 **634692),**

23 **MARK CHARLES MARLEY**

24 **44008 Galicia Drive**  
25 **Hemet, CA 92544**

26 **232 Caldera Lane**  
27 **Hemet, CA 92545**

28 **Smog Check Inspector License No. EO**  
29 **631148; Smog Check Repair Technician**  
30 **License No. EI 631148 (formerly Advanced**  
31 **Emission Specialist Technician No. EA**  
32 **631148)**

33 **MUHAMMAD ANEES**

34 **13051 Sunbird Drive**  
35 **Moreno Valley, CA 92553**

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

1 **638053**

2 **Brake Adjuster License No. BA 638053**

3 **MUHUZINY MAGANA**

4 **1195 S. Larch Ave.**

5 **Bloomington, CA 92316**

6 **Smog Check Inspector License EO 636474**

7 Respondents.

8 Complainant alleges:

9 **PARTIES**

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

12 2. On or about September 9, 2011, the Bureau of Automotive Repair issued Automotive  
13 Repair Dealer Registration Number ARD 266532 to James Gilbert Richards, Partner, Mohammad  
14 Rahim Azad, Partner, doing business as 7 to 7 Smog and Auto Repair (collectively 7 to 7 Smog  
15 and Auto Repair). The Automotive Repair Dealer Registration was in full force and effect at all  
16 times relevant to the charges brought herein and will expire on September 30, 2016, unless  
17 renewed.

18 3. On or about September 22, 2011, the Bureau of Automotive Repair issued Smog  
19 Check Station License Number RC 266532 to 7 to 7 Smog and Auto Repair. The Smog Check  
20 Station License was in full force and effect at all times relevant to the charges brought herein and  
21 will expire on September 30, 2016, unless renewed.

22 4. On or about September 22, 2011, the Bureau of Automotive Repair issued Lamp  
23 Station License No. 266532 to 7 to 7 Smog and Auto Repair. The Lamp Station License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 September 30, 2016, unless renewed.

26 5. On or about September 22, 2011, the Bureau of Automotive Repair issued Brake  
27 Station License No. 266532 to 7 to 7 Smog and Auto Repair. The Brake Station License was in  
28

1 full force and effect at all times relevant to the charges brought herein and will expire on  
2 September 30, 2016, unless renewed.

3 6. On or about March 19, 2009, Advanced Emission Specialist Technician License EA  
4 630900 was issued to James Gilbert Richards (Richards). Upon timely renewal, and Richards's  
5 election, the license was renewed on July 9, 2013, as Smog Check Repair Technician EI 630900  
6 and Smog Check Inspector License EO 630900.<sup>1</sup> The Smog Check Repair Technician License  
7 and Smog Check Inspector License were in full force and effect at all times relevant to the  
8 charges brought herein and will expire on June 30, 2017, unless renewed.

9 7. On or about March 11, 2010, the Bureau of Automotive Repair issued Lamp Adjuster  
10 License No. LA 630900 to Richards. The Lamp Adjuster License was in full force and effect at  
11 all times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

12 8. On or about January 11, 2010, the Bureau of Automotive Repair issued Brake  
13 Adjuster License No. BA 630900 to Richards. The Brake Adjuster License was in full force and  
14 effect at all times relevant to the charges brought herein and will expire on June 30, 2017, unless  
15 renewed.

16 9. On or about January 10, 2014, the Bureau of Automotive Repair issued Smog Check  
17 Inspector No. EO 636435 to Mohammad Rahim Azad (Azad). The Smog Check Inspector was in  
18 full force and effect at all times relevant to the charges brought herein and will expire on February  
19 29, 2016, unless renewed.

20 10. On or about April 25, 2014, the Bureau of Automotive Repair issued Lamp Adjuster  
21 License No. LA 636435 to Azad. The Lamp Adjuster License was in full force and effect at all  
22 times relevant to the charges brought herein and will expire on February 28, 2018, unless  
23 renewed.

24 11. On or about January 17, 2014, the Bureau of Automotive Repair Brake Adjuster  
25 License No. BA 636435 to Azad. The Brake Adjuster License was in full force and effect at all

26 <sup>1</sup> 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 times relevant to the charges brought herein and will expire on February 28, 2017, unless  
2 renewed.

3 12. On or about June 27, 2014, the Bureau of Automotive Repair issued Smog Check  
4 Inspector Number EO 637039 to Jose Francisco Leal (Leal). The Smog Check Inspector was in  
5 full force and effect at all times relevant to the charges brought herein and will expire on  
6 December 31, 2015, and has not been renewed.

7 13. On or about August 24, 2012, the Bureau of Automotive Repair issued Advanced  
8 Emission Specialist Technician No. EA 634692 to Stephen Blackshear (Blackshear). The  
9 Advanced Emission Specialist Technician License expired on October 31, 2014, and has not been  
10 renewed. Upon timely renewal of the license, it will be redesignated as EO 634692 and/or EI  
11 634692. It was in full force and effect at all times relevant to the charges brought herein.

12 14. On July 3, 2009, the Bureau issued Advanced Emission Specialist Technician License  
13 Number EA 631148 to Mark Charles Marley ("Marley"). Under California Code of Regulations,  
14 title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to Marley's election,  
15 as Smog Check Inspector License No. EO 631148 and Smog Check Repair Technician License  
16 No. EI 631148, effective October 9, 2013. Marley's smog check inspector license will expire on  
17 September 30, 2017, unless renewed. Marley's smog check repair technician license expired on  
18 September 30, 2015, and has not been renewed. Both licenses were in full force and effect at all  
19 times relevant to the charges brought herein.

20 15. On April 16, 2015, the Bureau issued Smog Check Inspector License No. EO 638053  
21 to Muhammad Anees ("Anees"). Anees's smog check inspector license was in full force and  
22 effect at all times relevant to the charges brought herein will expire on March 31, 2017, unless  
23 renewed.

24 16. On August 31, 2015, the Bureau issued Brake Adjuster License No. BA 638053 to  
25 Anees. Anees's brake adjuster license was in full force and effect at all times relevant to the  
26 charges brought herein will expire on March 31, 2019, unless renewed.

27 17. On January 21, 2014, the Bureau issued Smog Check Inspector License No. EO  
28 636474 to Mahuziny Magana ("Magana"). Magana's smog check inspector license was in full

1 force and effect at all times relevant to the charges brought herein will expire on June 30, 2016,  
2 unless renewed.

### 3 JURISDICTION

4 18. 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. All references are to the  
6 Business and Professions Code unless otherwise stated.

7 19. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
8 surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with  
9 a disciplinary action during the period within which the license may be renewed, restored,  
10 reissued or reinstated.

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

15 21. Section 9884.20 of the Code states:

16 “All accusations against automotive repair dealers shall be filed within three years after the  
17 performance of the act or omission alleged as the ground for disciplinary action, except that with  
18 respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action,  
19 the accusation may be filed within two years after the discovery, by the bureau, of the alleged  
20 facts constituting the fraud or misrepresentation.”

21 22. Section 9884.22 of the Code states:

22 “(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny  
23 at any time any registration required by this article on any of the grounds for disciplinary action  
24 provided in this article. The proceedings under this article shall be conducted in accordance with  
25 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
26 Code, and the director shall have all the powers granted therein.

27 “. . .”

28 ///

1           23. Section 9889.5 of the Code states:

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

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

5           “(b) Suspending the license.

6           “(c) Revoking the license.”

7           24. Section 9889.7 of the Code states:

8           “The expiration or suspension of a license by operation of law or by order or decision of the  
9 director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
10 the director of jurisdiction to proceed with any investigation of or action or disciplinary  
11 proceedings against such licensee, or to render a decision suspending or revoking such license.”

12           25. Section 9889.8 of the Code states:

13           “All accusations against licensees shall be filed within three years after the act or omission  
14 alleged as the ground for disciplinary action, except that with respect to an accusation alleging a  
15 violation of subdivision (d) of Section 9889.3, the accusation may be filed within two years after  
16 the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation  
17 prohibited by that section.”

18           26. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
19 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
20 the Motor Vehicle Inspection Program.

21           27. Section 44072.4 of the Health and Safety Code states:

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

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

25           “(b) Suspending the license.

26           “(c) Revoking the license.”

27           28. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
28 expiration or suspension of a license by operation of law, or by order or decision of the Director

1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
2 the Director of jurisdiction to proceed with disciplinary action.

3 29. Section 44072.7 of the Health and Safety Code states:

4 "All accusations against licensees shall be filed within three years after the act or omission  
5 alleged as the ground for disciplinary action, except that with respect to an accusation alleging a  
6 violation of subdivision (d) of Section 44072.2, the accusation may be filed within two years after  
7 the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation  
8 prohibited by that section."

9 30. Section 44072.8 of the Health and Safety Code states:

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

13 31. California Code of Regulations, title 16, section 3340.28, subdivision (e) states that

14 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
15 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
16 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

#### 17 STATUTORY PROVISIONS

18 32. Section 22 of the Code states:

19 "(a) ~~Board~~ as used in any provisions of this Code, refers to the board in which the  
20 administration of the provision is vested, and unless otherwise expressly provided, shall include  
21 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and  
22 'agency.'

23 "(b) Whenever the regulatory program of a board that is subject to review by the Joint  
24 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2  
25 (commencing with Section 473), is taken over by the department, that program shall be  
26 designated as a 'bureau.'"

27 ///

28 ///

1           33. Section 9884.7 of the Code states:

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

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

10           “... ”

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

12           “... ”

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

15           “... ”

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

20           34. Section 9884.11 of the Code states:

21           "Each automotive repair dealer shall maintain any records that are required by regulations  
22 adopted to carry out this chapter. Those records shall be open for reasonable inspection by the  
23 chief or other law enforcement officials. All of those records shall be maintained for at least three  
24 years."

25           35. Section 9889.3 of the Code states:

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

28

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

3           “... ”

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

5           “... ”

6           36. Section 9889.9 of the Code states:

7           “When any license has been revoked or suspended following a hearing under the provisions  
8 of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of  
9 the licensee may be likewise revoked or suspended by the director.”

10          37. Section 44072.2 of the Health and Safety Code states:

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

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

17           “... ”

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

19           “... ”

20           “(g) Fails to make and keep records showing his or her transactions as a licensee, or fails to  
21 have those records available for inspection by the director or his or her duly authorized  
22 representative for a period of not less than three years after completion of any transaction to which  
23 the records refer, or refuses to comply with a written request of the director to make the records  
24 available for inspection.

25           “... ”

26          38. Section 44072.10 of the Health and Safety Code states:

27           “(a) Notwithstanding Sections 44072 and 44072.4, the director, or the director's designee,  
28 pending a hearing conducted pursuant to subdivision (e), may temporarily suspend any smog

1 check station or technician's license issued under this chapter, for a period not to exceed 60 days,  
2 if the department determines that the licensee's conduct would endanger the public health, safety,  
3 or welfare before the matter could be heard pursuant to subdivision (e), based upon reasonable  
4 evidence of any of the following:

5 “(1) Fraud.

6 “(2) Tampering.

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

9 “(4) A pattern or regular practice of violating this chapter or any regulation, standard, or  
10 procedure of the department implementing this chapter.

11 “. . .

12 “(c) The department shall revoke the license of any smog check technician or station  
13 licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles.

14 A fraudulent inspection includes, but is not limited to, all of the following:

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

16 “(2) Tampering with a vehicle emission control system or test analyzer system.

17 “(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or  
18 falsely fail an inspection.

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

## 21 REGULATORY PROVISIONS

22 39. California Code of Regulations, title 16, section 3340.15, states:

23 "A smog check station shall meet the following requirements for licensure and shall comply  
24 with these requirements at all times while licensed.

25 “. . .

26 “(e) The station shall make, keep secure, and have available for inspection on request of the  
27 bureau, or its representative, legible records showing the station's transactions as a licensee for a  
28 period of not less than three years after completion of any transaction to which the records refer.

1 All records shall be open for reasonable inspection and/or reproduction by the bureau or its  
2 representative. Station records required to be maintained shall include copies of:

3 “(1) All certificates of compliance and certificates of noncompliance in stock and/or issued,

4 “(2) Repair orders relating to the inspection and repair activities, and

5 “(3) Vehicle inspection reports generated either manually or by the emissions inspection  
6 system.

7 “The above listed station records shall be maintained in such a manner that the records for  
8 each transaction are kept together, so as to facilitate access to those records by the bureau or its  
9 representative. In this regard, the second copy of an issued certificate shall be attached to the final  
10 invoice record.

11 “. . .”

12 40. California Code of Regulations, title 16, section 3356, states:

13 “(a) All invoices for service and repair work performed, and parts supplied, as provided for  
14 in Section 9884.8 of the Business and Professions Code, shall comply with the following:

15 “(1) The invoice shall show the automotive repair dealer's registration number and the  
16 corresponding business name and address as shown in the Bureau's records. If the automotive  
17 repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b)  
18 of Section 3371 of this chapter.

19 “(2) The invoice shall separately list, describe and identify all of the following:

20 “(A) All service and repair work performed, including all diagnostic and warranty work,  
21 and the price for each described service and repair.

22 “(B) Each part supplied, in such a manner that the customer can understand what was  
23 purchased, and the price for each described part. The description of each part shall state whether  
24 the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket  
25 crash part.

26 “(C) The subtotal price for all service and repair work performed.

27 “(D) The subtotal price for all parts supplied, not including sales tax.

28 “(E) The applicable sales tax, if any.

1           “(b) If a customer is to be charged for a part, that part shall be specifically listed as an item  
2 in the invoice, as provided in subparagraph (B) of paragraph (2) of subsection (a) above. If that-  
3 item is not listed in the invoice, it shall not be regarded as a part, and a separate charge may not be  
4 made for it.

5           “(c) Separate billing in an invoice for items generically noted as shop supplies,  
6 miscellaneous parts, or the like, is prohibited.

7           “(d) The automotive repair dealer shall give the customer a legible copy of the invoice and  
8 shall retain a legible copy as part of the automotive repair dealer's records pursuant to Section  
9 9884.11 of the Business and Professions Code and Section 3358 of this article.”

10           41. California Code of Regulations, title 16, section 3358, states:

11           "Each automotive repair dealer shall maintain legible copies of the following records for not  
12 less than three years:

13           “(a) All invoices relating to automotive repair including invoices received from other  
14 sources for parts and/or labor.

15           “(b) All written estimates pertaining to work performed.

16           “(c) All work orders and/or contracts for repairs, parts and labor. All such records shall be  
17 open for reasonable inspection and/or reproduction by the bureau or other law enforcement  
18 officials during normal business hours.”

19           42. California Code of Regulations, title 16, section 3395.4, states:

20           “In reaching a decision on a disciplinary action under the Administrative Procedure Act  
21 (Government Code Section 11400 et seq.), including formal hearings conducted by the Office of  
22 Administrative Hearing, the Bureau of Automotive Repair shall consider the disciplinary  
23 guidelines entitled ‘Guidelines for Disciplinary Penalties and Terms of Probation’ [May, 1997]  
24 which are hereby incorporated by reference. The ‘Guidelines for Disciplinary Penalties and Terms  
25 of Probation’ are advisory. Deviation from these guidelines and orders, including the standard  
26 terms of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion  
27 determines that the facts of the particular case warrant such deviation -for example: the presence  
28 of mitigating factors; the age of the case; evidentiary problems.”

1 **COSTS**

2 43. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FIRST INVESTIGATION-CLEAN PLUGGING AT 7 TO 7 SMOG AND AUTO REPAIR**

9 44. At all times alleged in this Accusation, Richards, Azad, Leal, and Blackshear were  
10 acting in the course and within the scope of a technician, employee, partner, officer, owner, or  
11 member of 7 to 7 Smog and Auto Repair.

12 45. In August 2014, the Bureau initiated an investigation of 7 to 7 Smog and Auto  
13 Repair's smog check station based on a review of information from the Bureau's Vehicle  
14 Information Database to determine if 7 to 7 Smog and Auto Repair or their employees had  
15 engaged in fraudulent smog check inspections.

16 46. During a Bureau representative's review of 7 to 7 Smog and Auto Repair's certified  
17 test results in the Vehicle Information Database for inspections purportedly performed between  
18 April 2 and December 20, 2014, 11 vehicles identified below had Diagnostic Trouble Codes  
19 stored in the Powertrain Control Module that did not apply to those vehicles for the On Board  
20 Diagnostics, generation II (OBD II) test.<sup>2</sup> The Vehicle Information Database showed that 7 to 7

21 <sup>2</sup> The OBD II is a functional test and is performed on most 1996 and newer vehicles. The  
22 technician is required to connect a test cable from the BAR-97 analyzer to a diagnostic link  
23 connector, which is located in the vehicle's passenger compartment. Through the diagnostic link  
24 connector, the BAR-97 analyzer retrieves information from the vehicle's on-board computer about  
25 the status of the readiness indicators, trouble codes, and the malfunction indicator light. The  
26 readiness indicators tell whether or not the OBD II system has run its self-tests on the vehicle's  
27 emission and engine control systems to completion. If a readiness monitor is not set, it means that  
28 particular system has not been tested. A trouble code results when the vehicle fails one of these  
self-tests and identifies the system and/or component which failed. If the trouble code is  
persistent, the on-board computer will command the malfunction indicator light to turn on. The  
vehicle will fail the OBD II functional test if more than the allowable number of readiness  
monitors have not been set, a trouble code has been set, or the malfunction indicator light has  
been commanded on. It will also fail if the on-board computer will not communicate with the  
BAR 97 through the diagnostic link connector. If the vehicle fails any of the applicable visual or  
(continued...)

1 Smog and Auto Repair and their smog check technicians inspected these vehicles using a method  
2 known as “clean plugging.”<sup>3</sup> This resulted in the issuance of fraudulent certificates of compliance  
3 for the vehicles thusly:

4 a. Clean Plug 1 – Volvo S40

5 The BAR97 Test Detail from the Vehicle Information Database shows that on April 2,  
6 2014, from 1434 hours to 1441 hours, 7 to 7 Smog and Auto Repair and Richards performed a  
7 smog check inspection on a 2003 Volvo S40, VIN #YV1VS27533F973625 (hereafter “Volvo”).  
8 The Volvo was issued Certificate of Compliance #YD826628C. The BAR97 Test Detail shows  
9 that Diagnostic Trouble Code P1238 was stored in the Powertrain Control Module memory of the  
10 Volvo during the time of certification. However, Diagnostic Trouble Code P1238 does not apply  
11 to the Volvo.

12 b. Clean Plug 2 – Toyota Sienna

13 The BAR97 Test Detail from the Vehicle Information Database shows that on April 2,  
14 2014, from 1726 hours to 1739 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog  
15 check inspection on a 2002 Toyota Sienna, VIN #4T3ZF13CX2U467801 (hereafter “Sienna”).  
16 The Sienna was issued Certificate of Compliance #YD826631C. The BAR97 Test Detail shows  
17 that Diagnostic Trouble Code P1238 was stored in the Powertrain Control Module memory of the  
18 Sienna during the time of certification. However, Diagnostic Trouble Code P1238 does not apply  
19 to the Sienna.

20 ///

21 \_\_\_\_\_  
22 (...continued)  
functional tests, it will fail the overall inspection.

23 <sup>3</sup> Clean plugging is the use of the OBD II readiness monitor status and stored code status  
24 of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is  
25 not in compliance due to the noncompliant vehicle’s failure to complete the minimum number of  
26 self tests, known as monitors, or due to the presence of a stored code that indicates an emission  
27 control system or component failure. Clean plugging occurs during the inspection of a vehicle  
28 that has an OBD II system. To “clean plug” a vehicle, the smog technician enters information  
into the Emissions Inspection System for the vehicle the technician wishes to certify and then  
plugs the OBD II system connection from the Emissions Inspection System into another vehicle  
that has a properly functioning OBD II system, rather than plugging the connection into the  
vehicle that was originally identified for testing.

1 c. Clean Plug 3 – Jeep Grand Cherokee

2 The BAR97 Test Detail from the Vehicle Information Database shows that on July 3, 2014,  
3 from 1947 hours to 1957 hours, 7 to 7 Smog and Auto Repair and Blackshear performed a smog  
4 check inspection on a 1997 Jeep Grand Cherokee, CA License #5PKP051 (hereafter “Grand  
5 Cherokee”). The Grand Cherokee was issued Certificate of Compliance #YH454313C. The  
6 BAR97 Test Detail shows that Diagnostic Trouble Code P0756 was stored in the Powertrain  
7 Control Module memory of the Grand Cherokee during the time of certification. However,  
8 Diagnostic Trouble Code P0756 does not apply to the Grand Cherokee.

9 d. Clean Plug 4 – Volkswagen Jetta

10 The BAR97 Test Detail from the Vehicle Information Database shows that on July 10,  
11 2014, from 1734 hours to 1748 hours, 7 to 7 Smog and Auto Repair and Blackshear performed a  
12 smog check inspection on a 2000 Volkswagen Jetta, VIN #3VWSA29M5YM013470 (hereafter  
13 “Jetta”). The Jetta was issued Certificate of Compliance #YH565002C. The BAR97 Test Detail  
14 shows that Diagnostic Trouble Code P0756 was stored in the Powertrain Control Module memory  
15 of the Jetta during the time of certification. However, Diagnostic Trouble Code P0756 does not  
16 apply to the Jetta.

17 e. Clean Plug 5 – Nissan Frontier

18 The BAR97 Test Detail from the Vehicle Information Database shows that on July 12,  
19 2014, from 1255 hours to 1305 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
20 check inspection on a 2006 Nissan Frontier, CA License #8D77854 (hereafter “Frontier”). The  
21 Frontier was issued Certificate of Compliance #YH565027C. The BAR97 Test Detail shows that  
22 Diagnostic Trouble Code P0756 was stored in the Powertrain Control Module memory of the  
23 Frontier during the time of certification. However, Diagnostic Trouble Code P0756 does not  
24 apply to the Frontier.

25 f. Clean Plug 6 – Subaru Impreza

26 The BAR97 Test Detail from the Vehicle Information Database shows that on July 14,  
27 2014, from 1727 hours to 1734 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
28 check inspection on a 2006 Subaru Impreza, VIN #JF1GD79666G512791 (hereafter “Impreza”).

1 The Impreza was issued Certificate of Compliance #YH608456C. The BAR97 Test Detail shows  
2 that Diagnostic Trouble Code P0756 was stored in the Powertrain Control Module memory of the  
3 Impreza during the time of certification. However, Diagnostic Trouble Code P0756 does not  
4 apply to the Impreza.

5 g. Clean Plug 7 –Kia Rio

6 The BAR97 Test Detail from the Vehicle Information Database shows that on October 7,  
7 2014, from 1916 hours to 1921 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
8 check inspection on a 2005 Kia Rio, VIN #KNADC125X56372289 (hereafter “Rio”). The Rio  
9 was issued Certificate of Compliance #YL063719C. The BAR97 Test Detail shows that  
10 Diagnostic Trouble Code P1155 was stored in the Powertrain Control Module memory of the Rio  
11 during the time of certification. However, Diagnostic Trouble Code P1155 does not apply to the  
12 Rio.

13 h. Clean Plug 8 – Saturn LW

14 The BAR97 Test Detail from the Vehicle Information Database shows that on October 24,  
15 2014, from 1620 hours to 1635 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
16 check inspection on a 2000 Saturn LW, VIN #1G8JW82R7YY669757 (hereafter “LW”). The  
17 LW was issued Certificate of Compliance #YL353306C. The BAR97 Test Detail shows that  
18 Diagnostic Trouble Code P1258 was stored in the Powertrain Control Module memory of the LW  
19 during the time of certification. However, Diagnostic Trouble Code P1258 does not apply to the  
20 LW.

21 i. Clean Plug 9 – Nissan 200SX

22 The BAR97 Test Detail from the Vehicle Information Database shows that on December  
23 20, 2014, from 1414 hours to 1422 hours, 7 to 7 Smog and Auto Repair and Leal performed a  
24 smog check inspection on a 1998 Nissan 200SX, VIN #1N4AB42D0WC513736 (hereafter  
25 “200SX”). The 200SX was issued Certificate of Compliance #YN072164C. The BAR97 Test  
26 Detail shows that Diagnostic Trouble Code P0012 was stored in the Powertrain Control Module  
27 memory of the 200SX during the time of certification. However, Diagnostic Trouble Code P0012  
28 does not apply to the 200SX.

1 j. Clean Plug 10 – Jeep Wrangler

2 The BAR97 Test Detail from the Vehicle Information Database shows that on December  
3 20, 2014, from 1716 hours to 1724 hours, 7 to 7 Smog and Auto Repair and Leal performed a  
4 smog check inspection on a 2004 Jeep Wrangler, VIN #1J4FA49S84P794238 (hereafter  
5 “Wrangler”). The Wrangler was issued Certificate of Compliance #YN072166C. The BAR97  
6 Test Detail shows that Diagnostic Trouble Code P0012 was stored in the Powertrain Control  
7 Module memory of the Wrangler during the time of certification. However, Diagnostic Trouble  
8 Code P0012 does not apply to the Wrangler.

9 k. Clean Plug 11 – Nissan Altima

10 The BAR97 Test Detail from the Vehicle Information Database shows that on December  
11 20, 2014, from 1734 hours to 1748 hours, 7 to 7 Smog and Auto Repair and Leal performed a  
12 smog check inspection on a 2001 Nissan Altima, CA License #6ELY131 (hereafter “Altima”).  
13 The Altima was issued Certificate of Compliance #YN072167C. The BAR97 Test Detail shows  
14 that Diagnostic Trouble Code P0012 was stored in the Powertrain Control Module memory of the  
15 Altima during the time of certification. However, Diagnostic Trouble Code P0012 does not apply  
16 to the Altima.

17 The following table summarizes the fraudulent Certificates of Compliance issued by 7 to 7  
18 Smog and Auto Repair, Richards, Azad, Leal, and Blackshear by clean plugging:

19 **TABLE 1**

|    | Time of Certification as Recorded in Vehicle Information Database | Vehicle Certified         | Unsupported Diagnostic Trouble Code |
|----|---|---------------------------|-------------------------------------|
| 20 |   |                           |                                     |
| 21 |   |                           |                                     |
| 22 |   |                           |                                     |
| 23 | 1 April 2, 2014, from 1434  | 2003 Volvo S40            | P1238                               |
| 24 | hours to 1441 hours   | VIN #YV1VS27533F973625    |                                     |
| 25 |   | Certificate of Compliance |                                     |
| 26 |   | #YD826628C                |                                     |
| 27 | 2 April 2, 2014, from 1726  | 2002 Toyota Sienna        | P1238                               |
| 28 | hours to 1739 hours   | VIN #4T3ZF13CX2U467801    |                                     |

|    |   |  |  |       |
|----|---|--|--|-------|
| 1  |   |  | Certificate of Compliance<br>#YD826631C  |       |
| 2  |   |  |  |       |
| 3  | 3 | July 3, 2014, from 1947<br>hours to 1957 hours     | 1997 Jeep Grand Cherokee<br>CA License #5PKP051<br>Certificate of Compliance<br>#YH454313C | P0756 |
| 4  |   |  |  |       |
| 5  |   |  |  |       |
| 6  |   |  |  |       |
| 7  | 4 | July 10, 2014, from 1734<br>hours to 1748 hours    | 2000 Volkswagen Jetta<br>VIN #3VWSA29M5YM013470<br>Certificate of Compliance<br>#YH565002C | P0756 |
| 8  |   |  |  |       |
| 9  |   |  |  |       |
| 10 |   |  |  |       |
| 11 | 5 | July 12, 2014, from 1255<br>hours to 1305 hours    | 2006 Nissan Frontier<br>CA License #8D77854<br>Certificate of Compliance<br>#YH565027C     | P0756 |
| 12 |   |  |  |       |
| 13 |   |  |  |       |
| 14 |   |  |  |       |
| 15 | 6 | July 14, 2014, from 1727<br>hours to 1734 hours    | 2006 Subaru Impreza<br>VIN #JF1GD79666G512791<br>Certificate of Compliance<br>#YH608456C   | P0756 |
| 16 |   |  |  |       |
| 17 |   |  |  |       |
| 18 |   |  |  |       |
| 19 | 7 | October 7, 2014, from 1916<br>hours to 1921 hours  | 2005 Kia Rio<br>VIN #KNADC125X56372289<br>Certificate of Compliance<br>#YL063719C          | P1155 |
| 20 |   |  |  |       |
| 21 |   |  |  |       |
| 22 |   |  |  |       |
| 23 | 8 | October 24, 2014, from<br>1620 hours to 1635 hours | 2000 Saturn LW<br>VIN #1G8JW82R7YY669757<br>Certificate of Compliance<br>#YL353306C        | P1258 |
| 24 |   |  |  |       |
| 25 |   |  |  |       |
| 26 |   |  |  |       |
| 27 | 9 | December 20, 2014, from                            | 1998 Nissan 200SX  | P0012 |
| 28 |   |  |  |       |

|    |    |                          |                           |       |
|----|----|--------------------------|---------------------------|-------|
| 1  |    | 1414 hours to 1422 hours | VIN #1N4AB42D0WC513736    |       |
| 2  |    |                          | Certificate of Compliance |       |
| 3  |    |                          | #YN072164C                |       |
| 4  | 10 | December 20, 2014, from  | 2004 Jeep Wrangler        | P0012 |
| 5  |    | 1716 hours to 1724 hours | VIN #1J4FA49S84P794238    |       |
| 6  |    |                          | Certificate of Compliance |       |
| 7  |    |                          | #YN072166C                |       |
| 8  | 11 | December 20, 2014, from  | 2001 Nissan Altima        | P0012 |
| 9  |    | 1734 hours to 1748 hours | CA License #6ELY131       |       |
| 10 |    |                          | Certificate of Compliance |       |
| 11 |    |                          | #YN072167C                |       |

**SECOND INVESTIGATION-CLEAN PLUGGING AT 7 TO 7-RIALTO**

47. At all times alleged in this Accusation, Richards was acting in the course and within the scope of a technician, employee, partner, officer, owner, or member of Joy Alina Richards, Owner, doing business as 7 to 7 Smog (collectively 7 to 7 Smog-Rialto.)

48. In January 2015, the Bureau initiated an investigation of 7 to 7 Smog-Rialto's smog check station based on a review of information from the Bureau's Vehicle Information Database to determine if 7 to 7 Smog-Rialto or their employees had engaged in fraudulent smog check inspections.

49. During a Bureau representative's review of 7 to 7 Smog-Rialto's certified test results in the Vehicle Information Database for inspections purportedly performed between November 1, 2014, and February 5, 2015, 3 vehicles identified below had Diagnostic Trouble Codes stored in the Powertrain Control Module that did not apply to those vehicles for the On Board Diagnostics, generation II (OBD II) test. The Vehicle Information Database showed that 7 to 7 Smog-Rialto's smog technician, Richards, inspected these vehicles using a method known as "clean plugging." This resulted in the issuance of fraudulent certificates of compliance for the vehicles thusly:

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///

1 a. Clean Plug 1 – Chevrolet Silverado 2500 Diesel

2 The BAR97 Test Detail from the Vehicle Information Database shows that on December  
3 23, 2014, from 1819 hours to 1824 hours, 7 to 7 Smog-Rialto and Richards performed a smog  
4 check inspection on a 2003 Chevrolet Silverado 2500 Diesel, VIN #1GCHC23153F114779  
5 (hereafter “Silverado Diesel”). The Silverado Diesel was issued Certificate of Compliance  
6 #YN069671C. The BAR97 Test Detail shows that Diagnostic Trouble Code P1564 was stored in  
7 the Powertrain Control Module memory of the Silverado Diesel during the time of certification.  
8 However, Diagnostic Trouble Code P1564 does not apply to the Silverado Diesel.

9 b. Clean Plug 2 – Toyota Camry Solara

10 The BAR97 Test Detail from the Vehicle Information Database shows that on January 10,  
11 2015, from 1717 hours to 1754 hours, 7 to 7 Smog-Rialto and Richards performed a smog check  
12 inspection on a 2004 Toyota Camry Solara, VIN #4T1CE38P34U842729 (hereafter “Camry  
13 Solara”). The Camry Solara was issued Certificate of Compliance #YN399009C. The BAR97  
14 Test Detail shows that Diagnostic Trouble Code P1564 was stored in the Powertrain Control  
15 Module memory of the Camry Solara during the time of certification. However, Diagnostic  
16 Trouble Code P1564 does not apply to the Camry Solara.

17 c. Clean Plug 3 – Honda Pilot

18 The BAR97 Test Detail from the Vehicle Information Database shows that on January 22,  
19 2015, from 1458 hours to 1502 hours, 7 to 7 Smog-Rialto and Richards performed a smog check  
20 inspection on a 2005 Honda Pilot, VIN #2HKYF18485H537451 (hereafter “Honda Pilot”). The  
21 Honda Pilot was issued Certificate of Compliance #YN399037C. The BAR97 Test Detail shows  
22 that Diagnostic Trouble Code P1740 was stored in the Powertrain Control Module memory of the  
23 Honda Pilot during the time of certification. However, Diagnostic Trouble Code P1740 does not  
24 apply to the Honda Pilot.

25 The following table summarizes the fraudulent Certificates of Compliance issued by 7 to 7  
26 Smog-Rialto’s technician, Richards, by clean plugging:

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**TABLE 2**

|   | Time of Certification as Recorded in Vehicle Information Database | Vehicle Certified   | Unsupported Diagnostic Trouble Code |
|---|---|---|-------------------------------------|
| 1 | December 23, 2014, from 1819 hours to 1824 hours                  | 2003 Chevrolet Silverado 2500 Diesel<br>VIN #1GCHC23153F114779<br>Certificate of Compliance # YN069671C | P1564                               |
| 2 | January 10, 2015, from 1717 hours to 1754 hours                   | 2004 Toyota Camry Solara<br>VIN #4T1ICE38P34U842729<br>Certificate of Compliance # YN399009C            | P1564                               |
| 3 | January 22, 2015, from 1458 hours to 1502 hours                   | 2005 Honda Pilot<br>VIN #2HKYF18485H537451<br>Certificate of Compliance # YN399037C                     | P1740                               |

**THIRD INVESTIGATION-CLEAN PLUGGING AT 7 TO 7 SMOG AND AUTO REPAIR**

50. At all times alleged in this Accusation, Richards, Azad, Leal, Marley, Anees, and Maganza were acting in the course and within the scope of a technician, employee, partner, officer, owner, or member of 7 to 7 Smog and Auto Repair.

51. During the second quarter of 2015, the Bureau continued its investigation of 7 to 7 Smog and Auto Repair's smog check station to determine if 7 to 7 Smog and Auto Repair or their employees were continuing to engage in fraudulent smog check inspections.

52. The Vehicle Identification Number (VIN) is stored within the vehicle's OBD II system electronic control unit (ECU) on 2005 and newer vehicles and on many occasions was programmed into the OBD II system electronic control unit in earlier model-years. The Bureau

1 captures this electronically programmed Vehicle Identification Number, called an “eVIN,”<sup>4</sup>  
2 during a smog check inspection. Under normal circumstances, it matches the physical Vehicle  
3 Identification Number on the vehicle.

4 53. “Protocol” is the language used to communicate with a vehicle’s computer. Protocol  
5 is a communication interface. This automated determination of the communication interface, or  
6 protocol, is built into the Data Acquisition Device unit and does not change. This automatic  
7 function identifies the protocols used by vehicles manufactured and sold in the U.S. that are  
8 subject to the Smog Check Inspection Program. Electronic control units and Transmission  
9 Control Units (TCU’s), along with other control units on modern vehicles, can only communicate  
10 using the protocol for which they were designed. Thus, the specific protocol used to access a  
11 vehicle’s computer can be used to profile the vehicle itself.

12 54. “Parameter Identifications” (PIDs) are data points reported by the OBD II system  
13 electronic control unit to the scan tool or the BAR-OIS. Examples of parameter identifications  
14 are engine speed (RPM), vehicle speed, engine temperature, and other input and output values  
15 utilized by the OBD II system electronic control unit. The parameter identification count is the  
16 number of data points reported by the OBD II. It is programmed during manufacture and does not  
17 change. Each vehicle reports a specific parameter identification count with slight variations based  
18 on whether the vehicle is equipped with an automatic or manual transmission and in rare  
19 occurrences vehicle trim variations.

20 55. During a Bureau representative’s review of 7 to 7 Smog and Auto Repair’s certified  
21 test results in the Vehicle Information Database for inspections purportedly performed on the OIS  
22 system<sup>5</sup> between May and October 2015, 25 vehicles identified below had information stored in

23 <sup>4</sup> An eVIN number is a Vehicle Identification Number that is programmed into the  
24 vehicle’s OBD II system memory by the manufacturer and broadcast on the system serial data  
25 line. The eVIN is programmed into the vehicle’s Powertrain Control Module memory and  
26 transmitted over the serial data line. The serial data is accessible through the Data Link  
27 Connector. The BAR On-Board Inspection System (OIS) test equipment connects to the Data  
28 Link Connector and accesses the vehicle serial data to determine if the vehicle is within  
applicable emission system standards.

<sup>5</sup> The BAR On-Board Inspection System (OIS) is a new Smog Check testing system to  
certify 2000 model year vehicles and newer. The OIS consists of a BAR certified Data

(continued...)

1 the Vehicle Identification Database which did not apply to those vehicles. The Vehicle  
2 Information Database showed that 7 to 7 Smog and Auto Repair and their smog check technicians  
3 inspected these vehicles using a method known as “clean plugging.”<sup>6</sup> This resulted in the  
4 issuance of fraudulent certificates of compliance thusly:

5 a. Clean Plug 1 – Ford Mustang

6 The OIS Test Detail from the Vehicle Information Database shows that on May 30, 2015,  
7 from 0922 hours to 0937 hours, 7 to 7 Smog and Auto Repair and Anees performed a smog check  
8 inspection on a 2004 Ford Mustang, VIN #1FAFP40634F167656. The 2004 Ford Mustang was  
9 issued Certificate of Compliance #PS445472C. The OIS Test Detail shows that eVIN number  
10 JTEGD20V550050129 was transmitted and recorded on the Vehicle Information Database. In  
11 truth and in fact, eVIN number JTEGD20V550050129 is for a 2005 Toyota RAV4. The  
12 communication protocol was I9140808 and the parameter identification count was 17.

13 Comparative OIS data for 2,888 2004 Ford Mustangs show that 98.88% report the correct vehicle  
14 eVIN (none report the eVIN of a 2005 Toyota RAV4), have an expected communication protocol  
15 of JPWM1850, and report a parameter identification count of 22. This data, when compared with  
16 the OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2004  
17 Ford Mustang that was certified.

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19 \_\_\_\_\_  
(...continued)

20 Acquisition Device (DAD) and other equipment including a computer, bar code scanner, and  
21 printer. The OIS uses the California BAR-OIS software to communicate with the BAR's central  
22 database through an Internet connection. The bar code scanner is used to input technician, Vehicle  
23 Identification Number (VIN), and DMV renewal information. The printer provides a Vehicle  
24 Inspection Report containing inspection results for motorists and a Smog Check Certificate of  
25 Compliance number for passing vehicles. The Inspector is required to connect the Data  
26 Acquisition Device to the vehicle to be certified. The Data Acquisition Device is an On Board  
27 Diagnostic scan tool that, when requested by the California BAR-OIS software, retrieves On  
28 Board Diagnostic data from the vehicle. The Data Acquisition Device connects to the vehicle's  
on-board computer through the vehicle's diagnostic link connector (DLC). The Data Acquisition  
Device is the only BAR-certified component of the OIS.

<sup>6</sup> “Clean plugging” involves using another vehicle’s properly functioning On-Board  
Diagnostic, generation II, (OBD II) system to generate passing diagnostic readings for the purpose  
of fraudulently issuing smog Certificates of Compliance to vehicles that are not in compliance  
with California emission standards and/or not present for testing while entering data into the EIS  
or OIS and transmitting data to the Vehicle Information Database.

1           b.     Clean Plug 2 – Dodge Intrepid

2           The OIS Test Detail from the Vehicle Information Database shows that on June 13, 2015,  
3 from 1004 hours to 1009 hours, 7 to 7 Smog and Auto Repair and Anees performed a smog check  
4 inspection on a 2002 Dodge Intrepid SE, VIN #2B3HD46R72H290354 (hereafter “Intrepid”).  
5 The 2002 Dodge Intrepid SE was issued Certificate of Compliance #YR970493C. The OIS Test  
6 Detail shows that eVIN number 2T2GK31U98C031790 was transmitted and recorded on the  
7 Vehicle Information Database. In truth and in fact, eVIN number 2T2GK31U98C031790 is for a  
8 2008 Lexus RX350. The communication protocol was ICAN11bt500 and the parameter  
9 identification count was 46. Comparative OIS data for 1,042 2002 Dodge Intrepid SE’s show that  
10 90.88% report the correct vehicle eVIN (none report the eVIN of a 2008 Lexus RS350), have an  
11 expected communication protocol of JVPW1850, and report a parameter identification count of  
12 22. This data, when compared with the OIS test data, demonstrates that the Data Acquisition  
13 Device was not connected to the 2002 Dodge Intrepid SE that was certified.

14           c.     Clean Plug 3 – Buick Rendezvous

15           The OIS Test Detail from the Vehicle Information Database shows that on June 20, 2015,  
16 from 1641 hours to 1644 hours, 7 to 7 Smog and Auto Repair and Anees performed a smog check  
17 inspection on a 2003 Buick Rendezvous CX/CXL, VIN #3G5DA03E83S542487. The 2003  
18 Buick Rendezvous CX/CXL was issued Certificate of Compliance #YT181712C. The OIS Test  
19 Detail shows that eVIN number 1FTRX17212NA03771 was transmitted and recorded on the  
20 Vehicle Information Database. In truth and in fact, eVIN number 1FTRX17212NA03771 is for a  
21 2002 Ford F150 Super Cab Short pickup. The communication protocol was JPWM1850 and the  
22 parameter identification count was 22. Comparative OIS data for 989 2003 Buick Rendezvous  
23 CX/CXL’s show that 98.79% report the correct vehicle eVIN (none report the eVIN of a 2002  
24 Ford F150 Super Cab Short pickup), have an expected communication protocol of JVPW1850,  
25 and report a parameter identification count of 19. This data, when compared with the OIS test  
26 data, demonstrates that the Data Acquisition Device was not connected to the 2003 Buick  
27 Rendezvous CX/CXL that was certified.

28     ///

1 d. Clean Plug 4 – Mercedes Benz CLS 500C

2 The OIS Test Detail from the Vehicle Information Database shows that on June 27, 2015,  
3 from 1423 hours to 1427 hours, 7 to 7 Smog and Auto Repair and Anees performed a smog check  
4 inspection on a 2006 Mercedes Benz CLS 500C, VIN # WDDDJ75X76A021241. The 2006  
5 Mercedes Benz CLS 500C was issued Certificate of Compliance # YT292431C. The OIS Test  
6 Detail shows that no eVIN number was transmitted and recorded on the Vehicle Information  
7 Database. The communication protocol was JVPW1850 and the parameter identification count  
8 was 22. Comparative OIS data for 1,910 2006 Mercedes Benz CLS 500C's show that 98.88%  
9 report the vehicle eVIN, have an expected communication protocol of KWPF8FE9, and report a  
10 parameter identification count of 24. This data, when compared with the OIS test data,  
11 demonstrates that the Data Acquisition Device was not connected to the 2006 Mercedes Benz  
12 CLS 500C that was certified.

13 e. Clean Plug 5 – Ford Ranger

14 The OIS Test Detail from the Vehicle Information Database shows that on July 9, 2015,  
15 from 1219 hours to 1222 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog check  
16 inspection on a 2003 Ford Ranger, VIN # 1FTYR14V63PA35190. The 2003 Ford Ranger was  
17 issued Certificate of Compliance # PS947978C. The OIS Test Detail shows that eVIN number  
18 1NXBU40E39Z106945 was transmitted and recorded on the Vehicle Information Database. In  
19 truth and in fact, eVIN number 1NXBU40E39Z106945 is for a 2009 Toyota Corolla. The  
20 communication protocol was ICAN11bt500 and the parameter identification count was 39.  
21 Comparative OIS data for 2,006 2003 Ford Rangers show that 99.35% report the correct vehicle  
22 eVIN (none report the eVIN of a 2009 Toyota Corolla), have an expected communication  
23 protocol of JPWM1850, and report a parameter identification count of 21. This data, when  
24 compared with the OIS test data, demonstrates that the Data Acquisition Device was not  
25 connected to the 2003 Ford Ranger that was certified.

26 f. Clean Plug 6 – Kia Sorrento

27 The OIS Test Detail from the Vehicle Information Database shows that on July 9, 2015,  
28 from 1833 hours to 1838 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog check

1 inspection on a 2003 Kia Sorrento EX/LX, VIN # KNDJD733935164636. The 2003 Kia  
2 Sorrento EX/LX was issued Certificate of Compliance # PS947985C. The OIS Test Detail shows  
3 that eVIN number 1LNHM87AX4Y630292 was transmitted and recorded on the Vehicle  
4 Information Database. In truth and in fact, eVIN number 1LNHM87AX4Y630292 is for a 2004  
5 Lincoln LS. The communication protocol was ICAN11bt500 and the parameter identification  
6 count was 27. Comparative OIS data for 1,368 2003 Kia Sorrento EX/LX's show that 97.88% do  
7 not report the vehicle eVIN, have an expected communication protocol of KWPF8FE9, and report  
8 a parameter identification count of 20. This data, when compared with the OIS test data,  
9 demonstrates that the Data Acquisition Device was not connected to the 2003 Kia Sorrento  
10 EX/LX that was certified.

11 g. Clean Plug 7 – Infiniti G37/Journey/Sport

12 The OIS Test Detail from the Vehicle Information Database shows that on July 13, 2015,  
13 from 1330 hours to 1333 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog check  
14 inspection on a 2008 Infiniti G37/Journey/Sport, VIN # JNKCV64E08M103039. The 2008  
15 Infiniti G37/Journey/Sport was issued Certificate of Compliance # PUI05157C. The OIS Test  
16 Detail shows that eVIN number 4T1BE46K17U043741 was transmitted and recorded on the  
17 Vehicle Information Database. In truth and in fact, eVIN number 4T1BE46K17U043741 is for a  
18 2007 Toyota Camry. The communication protocol was ICAN11bt500 and the parameter  
19 identification count was 39. Comparative OIS data for 3,264 2008 Infiniti G37/Journey/Sports  
20 show that 98.81% report the correct vehicle eVIN (none report the eVIN of a 2007 Toyota  
21 Camry), have an expected communication protocol of ICAN11bt500, and report a parameter  
22 identification count of 43. This data, when compared with the OIS test data, demonstrates that the  
23 Data Acquisition Device was not connected to the 2008 Infiniti G37/Journey/Sport that was  
24 certified.

25 h. Clean Plug 8 – Toyota Corolla

26 The OIS Test Detail from the Vehicle Information Database shows that on July 16, 2015,  
27 from 1017 hours to 1021 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog check  
28 inspection on a 2002 Toyota Corolla CE/LE/S, VIN # 1NXBR12E82Z632197. The 2002 Toyota

1 Corolla CE/LE/S was issued Certificate of Compliance # PU105184C. The OIS Test Detail  
2 shows that eVIN number 1LNHM87A12Y678292 was transmitted and recorded on the Vehicle  
3 Information Database. In truth and in fact, eVIN number 1LNHM87A12Y678292 is for a 2004  
4 Lincoln LS. The communication protocol was JPWM1850 and the parameter identification count  
5 was 21. Comparative OIS data for 12,215 2002 Toyota Corolla CE/LE/S's show that 99.4% do  
6 not report the vehicle eVIN, have an expected communication protocol of I9140808, and report a  
7 parameter identification count of 16. This data, when compared with the OIS test data,  
8 demonstrates that the Data Acquisition Device was not connected to the 2002 Toyota Corolla  
9 CE/LE/S that was certified.

10 i. Clean Plug 9 – Audi A8

11 The OIS Test Detail from the Vehicle Information Database shows that on July 29, 2015,  
12 from 1340 hours to 1343 hours, 7 to 7 Smog and Auto Repair and Richards performed a smog  
13 check inspection on a 2005 Audi A8 L Quattro AWD, VIN # WAUML44E05N014901. The  
14 2005 Audi A8 L Quattro AWD was issued Certificate of Compliance # PU397956C. The OIS  
15 Test Detail shows that eVIN number 5NPEB4AC1BH050251 was transmitted and recorded on  
16 the Vehicle Information Database. In truth and in fact, eVIN number 5NPEB4AC1BH050251 is  
17 for a 2011 Hyundai Sonata. The communication protocol was ICAN11bt500 and the parameter  
18 identification count was 43. Comparative OIS data for 165 2005 Audi A8 L Quattro AWD's  
19 show that 98.18% report the correct vehicle eVIN (none report the eVIN of a 2011 Hyundai  
20 Sonata), have an expected communication protocol of KWPS8FE9, and report a parameter  
21 identification count of 22. This data, when compared with the OIS test data, demonstrates that the  
22 Data Acquisition Device was not connected to the 2005 Audi A8 L Quattro AWD that was  
23 certified.

24 j. Clean Plug 10 – Dodge Grand Caravan

25 The OIS Test Detail from the Vehicle Information Database shows that on July 29, 2015,  
26 from 1806 hours to 1810 hours, 7 to 7 Smog and Auto Repair and Richards performed a smog  
27 check inspection on a 2011 Dodge Grand Caravan Mainstreet, VIN # 2D4RN3DG4BR656683.  
28 The 2011 Dodge Grand Caravan Mainstreet was issued Certificate of Compliance # PU397965C.

1 The OIS Test Detail shows that eVIN number KMHCN4AC7AU450636 was transmitted and  
2 recorded on the Vehicle Information Database. In truth and in fact, eVIN number  
3 KMHCN4AC7AU450636 is for a 2010 Hyundai Accent. The communication protocol was  
4 ICAN11bt500 and the parameter identification count was 33. Comparative OIS data for 213 2011  
5 Dodge Grand Caravan Mainstreets show that 100% report the correct vehicle eVIN (none report  
6 the eVIN of a 2010 Hyundai Accent), have an expected communication protocol of  
7 ICAN11bt500, and report a parameter identification count of 41. This data, when compared with  
8 the OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2011  
9 Dodge Grand Caravan Mainstreet that was certified.

10 k. Clean Plug 11 – Cadillac Escalade

11 The OIS Test Detail from the Vehicle Information Database shows that on July 29, 2015,  
12 from 1827 hours to 1847 hours, 7 to 7 Smog and Auto Repair and Richards performed a smog  
13 check inspection on a 2003 Cadillac Escalade Luxury, VIN # 1GYEK63N83R122464. The 2003  
14 Cadillac Escalade Luxury was issued Certificate of Compliance # PU397966C. The OIS Test  
15 Detail shows that eVIN number JTHBA30G755089949 was transmitted and recorded on the  
16 Vehicle Information Database. In truth and in fact, eVIN number JTHBA30G755089949 is for a  
17 2005 Lexus ES330. The communication protocol was I9140808 and the parameter identification  
18 count was 21. Comparative OIS data for 2,262 2003 Cadillac Escalade Luxuries show that 99.6%  
19 report the correct vehicle eVIN, have an expected communication protocol of JVPW1850, and  
20 report a parameter identification count of 22. This data, when compared with the OIS test data,  
21 demonstrates that the Data Acquisition Device was not connected to the 2003 Cadillac Escalade  
22 Luxury that was certified.

23 l. Clean Plug 12 – BMW 530I

24 The OIS Test Detail from the Vehicle Information Database shows that on August 13, 2015,  
25 from 1237 hours to 1241 hours, 7 to 7 Smog and Auto Repair and Marley performed a smog  
26 check inspection on a 2006 BMW 530I, VIN #WBANE73526CM36893. The 2006 BMW 530I  
27 was issued Certificate of Compliance #PU859114C. The OIS Test Detail shows that eVIN  
28 number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle Information

1 Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010 Ford Focus.  
2 The communication protocol was ICAN11bt500 and the parameter identification count was 39.  
3 Comparative OIS data for 2,057 2006 BMW 530Is show that 97.76% report the correct vehicle  
4 eVIN (none report the eVIN of a 2010 Ford Focus), have an expected communication protocol of  
5 KWPF8FE9, and report a parameter identification count of 21. This data, when compared with  
6 the OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2006  
7 BMW 530I that was certified.

8 m. Clean Plug 13 – Pontiac Grand Prix

9 The OIS Test Detail from the Vehicle Information Database shows that on August 14, 2015,  
10 from 1113 hours to 1115 hours, 7 to 7 Smog and Auto Repair and Marley performed a smog  
11 check inspection on a 2006 Pontiac Grand Prix, VIN #2G2WP552861140912. The 2006 Pontiac  
12 Grand Prix was issued Certificate of Compliance #PU859I22C. The OIS Test Detail shows that  
13 eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle Information  
14 Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010 Ford Focus.  
15 The communication protocol was ICAN11bt500 and the parameter identification count was 39.  
16 Comparative OIS data for 1,467 2006 Pontiac Grand Prixes show that 98.98% report the correct  
17 vehicle eVIN (none report the eVIN of a 2010 Ford Focus), have an expected communication  
18 protocol of JVPW1850, and report a parameter identification count of 40 or 41. This data, when  
19 compared with the OIS test data, demonstrates that the Data Acquisition Device was not  
20 connected to the 2006 Pontiac Grand Prix that was certified.

21 n. Clean Plug 14 – Infiniti I30

22 The OIS Test Detail from the Vehicle Information Database shows that on August 22, 2015,  
23 from 1425 hours to 1432 hours, 7 to 7 Smog and Auto Repair and Magana performed a smog  
24 check inspection on a 2001 Infiniti I30, VIN #JNKCA31A11T027502. The 2001 Infiniti I30 was  
25 issued Certificate of Compliance #YT966027C. The OIS Test Detail shows that eVIN number  
26 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle Information Database. In  
27 truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010 Ford Focus. The  
28 communication protocol was ICAN11bt500 and the parameter identification count was 39.

1 Comparative OIS data for 3,366 2001 Infiniti I30s show that 97.71% report the correct vehicle  
2 eVIN (none report the eVIN of a 2010 Ford Focus), have an expected communication protocol of  
3 I9140808, and report a parameter identification count of 22. This data, when compared with the  
4 OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2001  
5 Infiniti I30 that was certified.

6 o. Clean Plug 15 – Nissan Sentra

7 The OIS Test Detail from the Vehicle Information Database shows that on August 22, 2015,  
8 from 1436 hours to 1444 hours, 7 to 7 Smog and Auto Repair and Magana performed a smog  
9 check inspection on a 2001 Nissan Sentra XE/GXE, VIN #3N1CB51D31L474778. The 2001  
10 Nissan Sentra was issued Certificate of Compliance #YT966028C. The OIS Test Detail shows  
11 that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle  
12 Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010  
13 Ford Focus. The communication protocol was ICAN11bt500 and the parameter identification  
14 count was 39. Comparative OIS data for 4,466 2001 Nissan Sentra XE/GXE's show that 95.57%  
15 do not report the eVIN (none report the eVIN of a 2010 Ford Focus), have an expected  
16 communication protocol of I9140808, and report a parameter identification count of 22. This  
17 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
18 not connected to the 2001 Nissan Sentra that was certified.

19 p. Clean Plug 16 – Nissan Frontier

20 The OIS Test Detail from the Vehicle Information Database shows that on August 31, 2015,  
21 from 1058 hours to 1102 hours, 7 to 7 Smog and Auto Repair and Marley performed a smog  
22 check inspection on a 2005 Nissan Frontier SE/LE/OFF, VIN #IN6AD07U45C441537. The  
23 2005 Nissan Frontier SE/LE/OFF was issued Certificate of Compliance #PW003973C. The OIS  
24 Test Detail shows that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on  
25 the Vehicle Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is  
26 for a 2010 Ford Focus. The communication protocol was ICAN11bt500 and the parameter  
27 identification count was 39. Comparative OIS data for 3,197 2005 Nissan Frontier SE/LE/OFF's  
28 show that 95.81% report the correct vehicle eVIN (none report the eVIN of a 2010 Ford Focus),

1 have an expected communication protocol of I9140808, and report a parameter identification  
2 count of 22. This data, when compared with the OIS test data, demonstrates that the Data  
3 Acquisition Device was not connected to the 2005 Nissan Frontier SE/LE/OFF that was certified.

4 q. Clean Plug 17 – Dodge Durango

5 The OIS Test Detail from the Vehicle Information Database shows that on August 31, 2015,  
6 from 1302 hours to 1306 hours, 7 to 7 Smog and Auto Repair and Marley performed a smog  
7 check inspection on a 2006 Dodge Durango SLT, VIN #1D4HD48206F149280. The 2006 Dodge  
8 Durango SLT was issued Certificate of Compliance #PW003979C. The OIS Test Detail shows  
9 that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle  
10 Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010  
11 Ford Focus. The communication protocol was ICAN11bt500 and the parameter identification  
12 count was 39. Comparative OIS data for 401 2006 Dodge Durango SLT's show that 99% report  
13 the correct vehicle eVIN (none report the eVIN of a 2010 Ford Focus), have an expected  
14 communication protocol of ICAN11bt500, and report a parameter identification count of 43. This  
15 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
16 not connected to the 2006 Dodge Durango SLT that was certified.

17 r. Clean Plug 18 – Nissan Quest

18 The OIS Test Detail from the Vehicle Information Database shows that on August 31, 2015,  
19 from 1306 hours to 1309 hours, 7 to 7 Smog and Auto Repair and Marley performed a smog  
20 check inspection on a 2007 Nissan Quest S/SE/SL, VIN #5N1BV28U27N141352. The 2007  
21 Nissan Quest S/SE/SL was issued Certificate of Compliance #PW003980C. The OIS Test Detail  
22 shows that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle  
23 Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010  
24 Ford Focus. The communication protocol was ICAN11bt500 and the parameter identification  
25 count was 39. Comparative OIS data for 2,674 2007 Nissan Quest S/SE/SL's show that 98.17%  
26 report the correct vehicle eVIN (none report the eVIN of a 2010 Ford Focus), have an expected  
27 communication protocol of I9140808, and report a parameter identification count of 22. This  
28

1 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
2 not connected to the 2007 Nissan Quest S/SE/SL that was certified.

3 s. Clean Plug 19 – GMC Sierra C1500

4 The OIS Test Detail from the Vehicle Information Database shows that on September 14,  
5 2015, from 1352 hours to 1355 hours, 7 to 7 Smog and Auto Repair and Richards performed a  
6 smog check inspection on a 2005 GMC Sierra C1500, VIN #1GTEC19X25Z357735. The 2005  
7 GMC Sierra C1500 was issued Certificate of Compliance #PW419570C. The OIS Test Detail  
8 shows that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle  
9 Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010  
10 Ford Focus. The communication protocol was ICAN11bt500 and the parameter identification  
11 count was 39. Comparative OIS data for 292 2005 GMC Sierra C1500's show that 98.97% report  
12 the correct vehicle eVIN (none report the eVIN of a 2010 Ford Focus), have an expected  
13 communication protocol of JVPW1850, and report a parameter identification count of 22. This  
14 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
15 not connected to the 2005 GMC Sierra C1500 that was certified.

16 t. Clean Plug 20 – Lexus ES330

17 The OIS Test Detail from the Vehicle Information Database shows that on September 30,  
18 2015, from 0943 hours to 0945 hours, 7 to 7 Smog and Auto Repair and Marley performed a  
19 smog check inspection on a 2006 Lexus ES330, VIN #JTHBA30G765169852. The 2006 Lexus  
20 ES330 was issued Certificate of Compliance #PW869992C. The OIS Test Detail shows that  
21 eVIN number OZEN ELEKTRO 2.01, an OBD electronic control unit simulation device, was  
22 transmitted and recorded on the Vehicle Information Database. The communication protocol was  
23 ICAN29bt500 and the parameter identification count was 22. Comparative OIS data for 2,560  
24 2006 Lexus ES330's show that 99.69% report the correct vehicle eVIN (none report the eVIN of  
25 OZEN ELEKTRO 2.01), have an expected communication protocol of I9140808, and report a  
26 parameter identification count of 21. This data, when compared with the OIS test data,  
27 demonstrates that the Data Acquisition Device was not connected to the 2006 Lexus ES330 that  
28 was certified.

1 u. Clean Plug 21 – Chrysler 300 Touring

2 The OIS Test Detail from the Vehicle Information Database shows that on October 5, 2015,  
3 from 1205 hours to 1209 hours, 7 to 7 Smog and Auto Repair and Richards performed a smog  
4 check inspection on a 2005 Chrysler 300 Touring, VIN #2C3JA53G85H181055. The 2005  
5 Chrysler 300 Touring was issued Certificate of Compliance #PY008440C. The OIS Test Detail  
6 shows that eVIN number OZEN ELEKTRO 2.01, an OBD electronic control unit simulation  
7 device, was transmitted and recorded on the Vehicle Information Database. The communication  
8 protocol was ICAN29bt500 and the parameter identification count was 22. Comparative OIS data  
9 for 3,486 2005 Chrysler 300 Touring's show that 99.31% report the correct vehicle eVIN (none  
10 report the eVIN of OZEN ELEKTRO 2.01), have an expected communication protocol of  
11 ICAN11bt500, and report a parameter identification count of 43. This data, when compared with  
12 the OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2005  
13 Chrysler 300 Touring that was certified.

14 v. Clean Plug 22 – Chevrolet S10

15 The OIS Test Detail from the Vehicle Information Database shows that on October 6, 2015,  
16 from 1104 hours to 1108 hours, 7 to 7 Smog and Auto Repair and Azad performed a smog check  
17 inspection on a 2000 Chevrolet S10, VIN #1GCCS1951Y8308948. The 2000 Chevrolet S10 was  
18 issued Certificate of Compliance #PY158653C. The OIS Test Detail shows that eVIN number  
19 OZEN ELEKTRO 2.01, an OBD electronic control unit simulation device, was transmitted and  
20 recorded on the Vehicle Information Database. The communication protocol was ICAN29bt500  
21 and the parameter identification count was 22. Comparative OIS data for 1,550 2000 Chevrolet  
22 S10's show that 96.65% report the correct vehicle eVIN (none report the eVIN of OZEN  
23 ELEKTRO 2.01), have an expected communication protocol of JVPW1850, and report a  
24 parameter identification count of 17. This data, when compared with the OIS test data,  
25 demonstrates that the Data Acquisition Device was not connected to the 2000 Chevrolet S10 that  
26 was certified.

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1 w. Clean Plug 23 – Hummer H2

2 The OIS Test Detail from the Vehicle Information Database shows that on October 12,  
3 2015, from 1104 hours to 1107 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
4 check inspection on a 2004 Hummer H2, VIN #5GRGN23U04H121210. The 2004 Hummer H2  
5 was issued Certificate of Compliance #PY327957C. The OIS Test Detail shows that eVIN  
6 number ID4HB38N25F607233 was transmitted and recorded on the Vehicle Information  
7 Database. In truth and in fact, eVIN number ID4HB38N25F607233 is for a 2005 Dodge Durango  
8 ST. The communication protocol was ICAN11bt500 and the parameter identification count was  
9 39. Comparative OIS data for 1,131 2004 Hummer H2's show that 97.7% report the correct  
10 vehicle eVIN (none report the eVIN of a 2005 Dodge Durango ST), have an expected  
11 communication protocol of JVPW1850, and report a parameter identification count of 22. This  
12 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
13 not connected to the 2004 Hummer H2 that was certified.

14 x. Clean Plug 24 – Honda Accord Hybrid

15 The OIS Test Detail from the Vehicle Information Database shows that on October 14,  
16 2015, from 1305 hours to 1313 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog  
17 check inspection on a 2005 Honda Accord Hybrid, VIN #JHMCN36425C002007. The 2005  
18 Honda Accord Hybrid was issued Certificate of Compliance #PY327986C. The OIS Test Detail  
19 shows that eVIN number 1FAHP3FNXAW223508 was transmitted and recorded on the Vehicle  
20 Information Database. In truth and in fact, eVIN number 1FAHP3FNXAW223508 is for a 2010  
21 Ford Focus. The communication protocol was ICAN11bt500 and the parameter identification  
22 count was 39. Comparative OIS data for 804 2005 Honda Accord Hybrids show that 98.26%  
23 report the correct vehicle eVIN (none report the eVIN of a 2010 Ford Focus.), have an expected  
24 communication protocol of I9140808, and report a parameter identification count of 25. This  
25 data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was  
26 not connected to the 2005 Honda Accord Hybrid that was certified.

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x. Clean Plug 25 – Chevrolet C1500 Suburban

The OIS Test Detail from the Vehicle Information Database shows that on October 16, 2015, from 1742 hours to 1745 hours, 7 to 7 Smog and Auto Repair and Leal performed a smog check inspection on a 2001 Chevrolet C1500 Suburban, VIN #3GNEC16T71G250733. The 2001 Chevrolet C1500 Suburban was issued Certificate of Compliance #PY435611C. The OIS Test Detail shows that eVIN number OZEN ELEKTRO 2.01, an OBD electronic control unit simulation device, was transmitted and recorded on the Vehicle Information Database. The communication protocol was ICAN29bt500 and the parameter identification count was 22. Comparative OIS data for 4,978 2001 Chevrolet C1500 Suburbans show that 98.11% report the correct vehicle eVIN (none report the eVIN of an OZEN ELEKTRO 2.01), have an expected communication protocol of JVPW1850, and report a parameter identification count of 22. This data, when compared with the OIS test data, demonstrates that the Data Acquisition Device was not connected to the 2001 Chevrolet C1500 Suburban that was certified.

56. The following table summarizes the fraudulent Certificates of Compliance issued by 7 to 7 Smog and Auto Repair, Richards, Azad, Leal, Marley, Magana, and Anees by clean plugging:

**TABLE 3**

|    | Date      | Time      | Vehicle                             | Certificate | Expected PID | Transmitted PID | Expected Protocol | Transmitted Protocol | Inspection VIN     | eVIN              | Inspector Name | Inspector Number |
|----|-----------|-----------|-------------------------------------|-------------|--------------|-----------------|-------------------|----------------------|--------------------|-------------------|----------------|------------------|
| 1  | 5/30/2015 | 0922-0937 | 2004 Ford Mustang                   | PS445472C   | 22           | 17              | JPWM              | I9140808             | 1FAFP40634F167656  | JTEGD20V550050129 | Muhammad Anees | EO638053         |
| 2  | 6/13/2015 | 1004-1009 | 2002 Dodge Intrepid SE              | YR970493C   | 22           | 46              | JVPW              | ICAN11bt500          | 2B3HD46R72H290354  | 2T2GK31U98C031790 | Muhammad Anees | EO638053         |
| 3  | 6/20/2015 | 1641-1644 | 2003 Buick Rendezvous               | YT181712C   | 19           | 22              | JVPW              | JPWM1850             | JGSDA03E83S542487  | 1FTRX17212NA03771 | Muhammad Anees | EO638053         |
| 4  | 6/27/2015 | 1423-1427 | 2006 Mercedes Benz CLS 500C         | YT292431C   | 24           | 22              | KWPF              | JVPW1850             | WDDDJ75X76A021241  | None Reported     | Muhammad Anees | EO638053         |
| 5  | 7/9/2015  | 1219-1222 | 2003 Ford Ranger                    | PS947978C   | 21           | 39              | JPWM              | ICAN11bt500          | 1FTYR14V63PA35190  | 1NXBU40E39Z106945 | Mohammad Azad  | EO636435         |
| 6  | 7/9/2015  | 1833-1838 | 2003 Kia Sorrento EX/LX             | PS947985C   | 20           | 27              | KWPF              | ICAN11bt500          | KNDJD733935164636  | 1LNHM87AX4Y630292 | Mohammad Azad  | EO636435         |
| 7  | 7/13/2015 | 1330-1333 | 2008 Infiniti G37 Journey/Sport     | PU105157C   | 43           | 39              | ICAN11bt5         | ICAN11bt500          | JNKCV64E08M103039  | 4T1BE46K17U043741 | Mohammad Azad  | EO636435         |
| 8  | 7/16/2015 | 1017-1021 | 2002 Toyota Corolla CE/LE/S         | PU105184C   | 16           | 21              | 1914              | JPWM1850             | 1NXBR12E82Z632197  | 1LNHM87A12Y678292 | Mohammad Azad  | EO636435         |
| 9  | 7/29/2015 | 1340-1343 | 2005 Audi A8 Quattro AWD            | PU397956C   | 22           | 43              | KWPS              | ICAN11bt500          | WAUML44E05N014901  | 5NPEB4AC1BH050251 | James Richards | EO630900         |
| 10 | 7/29/2015 | 1806-1810 | 2011 Dodge Grand Caravan Mainstreet | PU397965C   | 41           | 33              | ICAN11bt5         | ICAN11bt500          | 2D4RN3JDG4BR656683 | KMHCN4AC7AU450636 | James Richards | EO630900         |

|    |    |                |               |  |           |             |    |               |                 |                       |                         |                           |          |
|----|----|----------------|---------------|--|-----------|-------------|----|---------------|-----------------|-----------------------|-------------------------|---------------------------|----------|
| 1  | 11 | 7/29/<br>2015  | 1827-<br>1847 | 2003<br>Cadillac<br>Escalade<br>Luxury | PU397966C | 22          | 21 | JVPW          | I9140808        | 1GYEK63N<br>83R122464 | JTHBA30G7<br>55089949   | James<br>Richards         | EO630900 |
| 2  | 12 | 8/13/<br>2015  | 1237-<br>1241 | 2006 BMW<br>5301                       | PU859114C | 21          | 39 | KWPF          | ICAN11bt<br>500 | WBANE73<br>526CM36893 | 1FAHP3FNX<br>AW223508   | Mark<br>Marley            | EO631148 |
| 3  | 13 | 8/14/<br>2015  | 1113-<br>1115 | 2006<br>Pontiac<br>Grand Prix          | PU859122C | 40 or<br>41 | 39 | JVPW          | ICAN11bt<br>500 | 2G2WP55286<br>1140912 | 1FAHP3FNX<br>AW223508   | Mark<br>Marley            | EO631148 |
| 4  | 14 | 8/22/<br>2015  | 1423-<br>1432 | 2001 Infiniti<br>I30                   | YT966027C | 22          | 39 | I914          | ICAN11bt<br>500 | JNKCA31A11<br>T027502 | 1FAHP3FNX<br>AW223508   | Mahuziny<br>Magana        | EO636474 |
| 5  | 15 | 8/22/<br>2015  | 1436-<br>1444 | 2001 Nissan<br>Sentra<br>XE/GXE        | YT966028C | 22          | 39 | I914          | ICAN11bt<br>500 | 3N1CB51D<br>31L474778 | 1FAHP3FNX<br>AW223508   | Mahuziny<br>Magana        | EO636474 |
| 6  | 16 | 8/31/<br>2015  | 1058-<br>1102 | 2005 Nissan<br>Frontier<br>SE/LE/OFF   | PW003973C | 22          | 39 | I914          | ICAN11bt<br>500 | 1N6AD07U<br>45C441537 | 1FAHP3FNX<br>AW223508   | Mark<br>Marley            | EO631148 |
| 7  | 17 | 8/31/<br>2015  | 1302-<br>1306 | 2006 Dodge<br>Durango<br>SLT           | PW003979C | 43          | 39 | ICAN11<br>bt5 | ICAN11bt<br>500 | 1D4HD4820<br>6F149280 | 1FAHP3FNX<br>AW223508   | Mark<br>Marley            | EO631148 |
| 8  | 18 | 8/31/<br>2015  | 1306-<br>1309 | 2007 Nissan<br>Quest<br>S/SE/SL        | PW003980C | 22          | 39 | I914          | ICAN11bt<br>500 | 5N1BV28U<br>27N141352 | 1FAHP3FNX<br>AW223508   | Mark<br>Marley            | EO631148 |
| 9  | 19 | 9/14/<br>2015  | 1352-<br>1355 | 2005 GMC<br>Sierra<br>C1500            | PW419570C | 22          | 39 | JVPW          | ICAN11bt<br>500 | 1GTEC19X<br>25Z357735 | 1FAHP3FNX<br>AW223508   | James<br>Richards         | EO630900 |
| 10 | 20 | 9/30/<br>2015  | 0943-<br>0945 | 2006 Lexus<br>ES330                    | PW869992C | 21          | 22 | I914          | ICAN29bt<br>500 | JTHBA30G<br>765169852 | OZEN<br>ELEKTRO<br>2.01 | Mark<br>Marley            | EO631148 |
| 11 | 21 | 10/5/<br>2015  | 1205-<br>1209 | 2005<br>Chrysler<br>300 Touring        | PY008440C | 43          | 22 | ICAN11<br>bt5 | ICAN29bt<br>500 | 2C3JA53G<br>85H181055 | OZEN<br>ELEKTRO<br>2.01 | James<br>Richards         | EO630900 |
| 12 | 22 | 10/6/<br>2015  | 1104-<br>1108 | 2000<br>Chevrolet<br>S10               | PY158653C | 17          | 22 | JVPW          | ICAN29bt<br>500 | 1GCCS1951<br>Y8308948 | OZEN<br>ELEKTRO<br>2.01 | Mohammad<br>Azad          | EO636435 |
| 13 | 23 | 10/12/<br>2015 | 1104-<br>1107 | 2004<br>Hummer H2                      | PY327957C | 22          | 39 | JVPW          | ICAN11bt<br>500 | 5GRGN23U<br>04H121210 | 1D4HB38N2<br>5F607233   | Jose<br>Francisco<br>Leal | EO637039 |
| 14 | 24 | 10/14/<br>2015 | 1305-<br>1313 | 2005 Honda<br>Accord<br>Hybrid         | PY327986C | 25          | 39 | I914          | ICAN11bt<br>500 | JHMCN364<br>25C002007 | 1FAHP3FNX<br>AW223508   | Jose<br>Francisco<br>Leal | EO637039 |
| 15 | 25 | 10/16/<br>2015 | 1742-<br>1745 | 2001<br>Chevrolet<br>C1500<br>Suburban | PY435611C | 22          | 22 | JVPW          | ICAN29bt<br>500 | 3GNEC16T<br>71G250733 | OZEN<br>ELEKTRO<br>2.01 | Jose<br>Francisco<br>Leal | EO637039 |

### FIRST CAUSE FOR DISCIPLINE

#### (Untrue or Misleading Statement)

57. Complainant re-alleges and incorporates by reference the allegations set forth above in the foregoing paragraphs.

58. 7 to 7 Smog and Auto Repair's Registration is subject to disciplinary action under section 9884.7, subdivision (a)(1), and 7 to 7 Smog and Auto Repair's Lamp Station License and Brake Station License are subject to discipline under Code section 9889.3, subdivision (a), in that 7 to 7 Smog and Auto Repair made or authorized statements which 7 to 7 Smog and Auto Repair knew or in the exercise of reasonable care should have known to be untrue or misleading.

59. 7 to 7 Smog and Auto Repair certified that certified that the vehicle(s) in Tables 1-3 above had passed inspection and were in compliance with all applicable laws and regulations,

1 when in fact and in truth 7 to 7 Smog and Auto Repair inspected the vehicle(s) using the clean  
2 plugging method to issue certificates of compliance.

3 **SECOND CAUSE FOR DISCIPLINE**

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

5 60. Complainant re-alleges and incorporates by reference the allegations set forth above  
6 in the foregoing paragraphs.

7 61. 7 to 7 Smog and Auto Repair's Smog Check Station License is subject to disciplinary  
8 action under Health and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2,  
9 subdivision (a), in that 7 to 7 Smog and Auto Repair failed to comply with the following sections  
10 of that Code:

11 a. **Section 44012**: failed to perform the tests of the emission control systems and devices  
12 on the vehicle(s) in Tables 1-3 in accordance with procedures prescribed by the Department.

13 b. **Section 44015**: issued a certificate of compliance for the vehicle(s) in Tables 1-3  
14 without properly testing and inspecting them to determine if they were in compliance with Health  
15 & Safety Code section 44012.

16 c. **Section 44035**: failed to meet or maintain the standards prescribed for qualification,  
17 equipment, performance, or conduct by failing to properly perform a smog inspection on the  
18 vehicle(s) in Tables 1-3 or certifying that such test(s) had been performed, when in fact they were  
19 never performed.

20 **THIRD CAUSE FOR DISCIPLINE**

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

22 62. Complainant re-alleges and incorporates by reference the allegations set forth above  
23 in the foregoing paragraphs.

24 63. 7 to 7 Smog and Auto Repair's Smog Check Station License is subject to disciplinary  
25 action under Health and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2,  
26 subdivision (a), in that 7 to 7 Smog and Auto Repair failed to comply with the following sections  
27 of Title 16, California Code of Regulations:

1 a. **Section 3340.35, subdivision (c)**: failed to inspect and test the vehicle(s) in Tables 1-  
2 3 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to  
3 ensure that the vehicle(s) had all the required emission control equipment and devices installed  
4 and functioning correctly.

5 b. **Section 3340.41, subdivision (c)**: knowingly entered into the Emissions Inspection  
6 System false information about the vehicle(s) in Tables 1-3, providing result(s) for smog  
7 inspection(s) which were not actually performed.

8 c. **Section 3340.42**: failed to conduct the required smog tests on the vehicle(s) in Tables  
9 1-3 in accordance with the Bureau's specifications.

10 **FOURTH CAUSE FOR DISCIPLINE**

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

12 64. Complainant re-alleges and incorporates by reference the allegations set forth above  
13 in the foregoing paragraphs.

14 65. 7 to 7 Smog and Auto Repair's Registration is subject to disciplinary action under  
15 Code section 9884.7, subdivision (a)(4), 7 to 7 Smog and Auto Repair's Smog Check Station  
16 License is subject to disciplinary action under Health and Safety Code sections 44072.10,  
17 subdivision (a) and (c) and 44072.2, subdivision (d), and 7 to 7 Smog and Auto Repair's Lamp  
18 Station License and Brake Station License are subject to disciplinary action under Code section  
19 9889.3, subdivisions (a) and (d), in that 7 to 7 Smog and Auto Repair committed dishonest,  
20 fraudulent, or deceitful acts whereby another is injured by issuing a smog certificate of  
21 compliance for the vehicle(s) in Tables 1-3 without performing bona fide inspections of the  
22 emission control devices and systems on the vehicle(s), thereby depriving the People of the State  
23 of California of the protection afforded by the Motor Vehicle Inspection Program.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Failure to Produce Records)**

26 66. Complainant re-alleges and incorporates by reference the allegations set forth above  
27 in the foregoing paragraphs.

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1 67. 7 to 7 Smog and Auto Repair's Registration is subject to disciplinary action under  
2 Code section 9884.7, subdivision (a)(6), in conjunction with Code section 9884.11 and California  
3 Code of Regulations, title 16, sections 3356 and 3358; and 7 to 7 Smog and Auto Repair's Smog  
4 Check Station License is subject to disciplinary action under Health and Safety Code sections  
5 44072.2, subdivision (g), for failure to produce records upon the Bureau's request in the following  
6 respect:

7 68. On September 19, 2014, a Bureau representative requested 7 to 7 Smog and Auto  
8 Repair to produce all original vehicle inspection reports and invoices for all smog inspections 7 to  
9 7 Smog and Auto Repair performed from June 1 to August 31, 2014. The deadline to comply was  
10 September 24, 2014. On September 26, 2014, the Bureau representative received a box of test  
11 records from 7 to 7 Smog and Auto Repair. The Bureau representative put the test records into  
12 chronological order and found about half of the requested records were missing. Testing records  
13 for clean plug #1-8 from Table 1 were missing. On October 17, 2014, the Bureau representative  
14 returned the records to 7 to 7 Smog and Auto Repair. The Bureau representative informed 7 to 7  
15 Smog and Auto Repair of the missing records and of the requirement to have them available for  
16 inspection. 7 to 7 Smog and Auto Repair stated they would look for any additional records. The  
17 Bureau representative never heard back from 7 to 7 Smog and Auto Repair.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Violation of Motor Vehicle Inspection Program)**

20 69. Complainant re-alleges and incorporates by reference the allegations set forth above  
21 in the foregoing paragraphs.

22 70. Richards's Smog Check Repair Technician License and Smog Check Inspector  
23 License are subject to disciplinary action under Health and Safety Code sections 44072.10,  
24 subdivisions (a) and (c) and 44072.2, subdivision (a), in that Richards failed to comply with the  
25 following sections of that Code:

26 a. **Section 44012**: failed to perform the tests of the emission control systems and devices  
27 on the vehicle(s) in Tables 1-3 in accordance with procedures prescribed by the Department.  
28





1 **TENTH CAUSE FOR DISCIPLINE**

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

3 77. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in the foregoing paragraphs.

5 78. Azad's Smog Check Inspector License is subject to disciplinary action under Health  
6 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a) in that  
7 Azad failed to comply with the following sections of Title 16, California Code of Regulations:

8 a. **Section 3340.35, subdivision (c)**: failed to inspect and test the vehicle(s) in Tables 1-  
9 3 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to  
10 ensure that the vehicle(s) had all the required emission control equipment and devices installed  
11 and functioning correctly.

12 b. **Section 3340.41, subdivision (c)**: knowingly entered into the Emissions Inspection  
13 System false information about the vehicle(s) in Tables 1-3, providing result(s) for smog  
14 inspection(s) which were not actually performed.

15 c. **Section 3340.42**: failed to conduct the required smog tests on the vehicle(s) in Tables  
16 1-3 in accordance with the Bureau's specifications.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

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

19 79. Complainant re-alleges and incorporates by reference the allegations set forth above  
20 in the foregoing paragraphs.

21 80. Azad's Smog Check Inspector License is subject to disciplinary action under Health  
22 and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2, subdivision (d), and his  
23 Lamp Adjuster License and Brake Adjuster License are subject to disciplinary action under Code  
24 section 9889.3, subdivision (d), in that Azad committed dishonest, fraudulent, or deceitful acts  
25 whereby another is injured by issuing a smog certificate of compliance for the vehicle(s) in Tables  
26 1-3 without performing bona fide inspections of the emission control devices and systems on the  
27 vehicle(s), thereby depriving the People of the State of California of the protection afforded by the  
28 Motor Vehicle Inspection Program.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Violation of Motor Vehicle Inspection Program)**

3 81. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in the foregoing paragraphs.

5 82. Leal's Smog Check Inspector License is subject to disciplinary action under Health  
6 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a), in that  
7 Leal failed to comply with the following sections of that Code:

8 a. **Section 44012**: failed to perform the tests of the emission control systems and devices  
9 on the vehicle(s) in Tables 1-3 in accordance with procedures prescribed by the Department.

10 b. **Section 44015**: issued a certificate of compliance for the vehicle(s) in Tables 1-3  
11 without properly testing and inspecting them to determine if they were in compliance with Health  
12 & Safety Code section 44012.

13 c. **Section 44035**: failed to meet or maintain the standards prescribed for qualification,  
14 equipment, performance, or conduct by failing to properly perform a smog inspection on the  
15 vehicle(s) in Tables 1-3 or certifying that such test(s) had been performed, when in fact they were  
16 never performed.

17 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

19 83. Complainant re-alleges and incorporates by reference the allegations set forth above  
20 in the foregoing paragraphs.

21 84. Leal's Smog Check Inspector License is subject to disciplinary action under Health  
22 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a) in that  
23 Leal failed to comply with the following sections of Title 16, California Code of Regulations:

24 a. **Section 3340.35, subdivision (c)**: failed to inspect and test the vehicle(s) in Tables 1-  
25 3 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to  
26 ensure that the vehicle(s) had all the required emission control equipment and devices installed  
27 and functioning correctly.

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1 100. Magana's Smog Check Inspector license is subject to disciplinary action under Health  
2 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a), in that  
3 Magana failed to comply with the following sections of that Code:

4 a. **Section 44012**: failed to perform the tests of the emission control systems and devices  
5 on the vehicle(s) in Tables 1-3 in accordance with procedures prescribed by the Department.

6 b. **Section 44015**: issued a certificate of compliance for the vehicle(s) in Tables 1-3  
7 without properly testing and inspecting them to determine if they were in compliance with Health  
8 & Safety Code section 44012.

9 c. **Section 44035**: failed to meet or maintain the standards prescribed for qualification,  
10 equipment, performance, or conduct by failing to properly perform a smog inspection on the  
11 vehicle(s) in Tables 1-3 or certifying that such test(s) had been performed, when in fact they were  
12 never performed.

13 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

15 101. Complainant re-alleges and incorporates by reference the allegations set forth above  
16 in the foregoing paragraphs.

17 102. Magana's Smog Check Inspector license is subject to disciplinary action under Health  
18 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a) in that  
19 Magana failed to comply with the following sections of Title 16, California Code of Regulations:

20 a. **Section 3340.35, subdivision (c)**: failed to inspect and test the vehicle(s) in Tables 1-  
21 3 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to  
22 ensure that the vehicle(s) had all the required emission control equipment and devices installed  
23 and functioning correctly.

24 b. **Section 3340.41, subdivision (c)**: knowingly entered into the Emissions Inspection  
25 System false information about the vehicle(s) in Tables 1-3, providing result(s) for smog  
26 inspection(s) which were not actually performed.

27 c. **Section 3340.42**: failed to conduct the required smog tests on the vehicle(s) in Tables  
28 1-3 in accordance with the Bureau's specifications.



1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

3 107. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in the foregoing paragraphs.

5 108. Anees's Smog Check Inspector License is subject to disciplinary action under Health  
6 and Safety Code sections 44072.10, subdivisions (a) and (c) and 44072.2, subdivision (a) in that  
7 Anees failed to comply with the following sections of Title 16, California Code of Regulations:

8 a. **Section 3340.35, subdivision (c)**: failed to inspect and test the vehicle(s) in Tables 1-  
9 3 in accordance with the procedures specified in section 3340.42 of the Regulations and failed to  
10 ensure that the vehicle(s) had all the required emission control equipment and devices installed  
11 and functioning correctly.

12 b. **Section 3340.41, subdivision (c)**: knowingly entered into the Emissions Inspection  
13 System false information about the vehicle(s) in Tables 1-3, providing result(s) for smog  
14 inspection(s) which were not actually performed.

15 c. **Section 3340.42**: failed to conduct the required smog tests on the vehicle(s) in Tables  
16 1-3 in accordance with the Bureau's specifications.

17 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

19 109. Complainant re-alleges and incorporates by reference the allegations set forth above  
20 in the foregoing paragraphs.

21 110. Anees's Smog Check Inspector License is subject to disciplinary action under Health  
22 and Safety Code sections 44072.10, subdivision (a) and (c) and 44072.2, subdivision (d), and his  
23 Brake Adjuster License is subject to disciplinary action under Code section 9889.3, subdivision  
24 (d), in that Anees committed dishonest, fraudulent, or deceitful acts whereby another is injured by  
25 issuing a smog certificate of compliance for the vehicle(s) in Tables 1-3 without performing bona  
26 fide inspections of the emission control devices and systems on the vehicle(s), thereby depriving  
27 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
28 Program.

1 **OTHER MATTERS**

2 111. Under Code section 9884.7, subdivision (c), the Director may suspend, revoke or  
3 place on probation the registration for all places of business operated in this State by 7 to 7 Smog  
4 and Auto Repair upon a finding that 7 to 7 Smog and Auto Repair has, or is, engaged in a course  
5 of repeated and willful violations of the laws and regulations pertaining to an automotive repair  
6 dealer.

7 112. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
8 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and 6  
9 of Chapter 20.3 in the name of 7 to 7 Smog and Auto Repair may be likewise revoked or  
10 suspended.

11 113. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
12 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and 6  
13 of Chapter 20.3 in the name of Richards may be likewise revoked or suspended.

14 114. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
15 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and 6  
16 of Chapter 20.3 in the name of Azad may be likewise revoked or suspended.

17 115. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
18 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and 6  
19 of Chapter 20.3 in the name of Anees may be likewise revoked or suspended.

20 116. Under Health & Safety Code section 44072.8, if 7 to 7 Smog and Auto Repair's Smog  
21 Check Station License is revoked or suspended, the Director may likewise revoke or suspend any  
22 additional license issued under Chapter 5 of the Health and Safety Code in the name of 7 to 7  
23 Smog and Auto Repair.

24 117. Under Health and Safety Code section 44072.8, if Richards's license is revoked or  
25 suspended, any additional license issued under the Motor Vehicle Inspection Program in the name  
26 of Richards may be likewise revoked or suspended by the Director.

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1           2.     Revoking or suspending Smog Check Station License Number RC 266532, issued to  
2 James Gilbert Richards, Partner, Mohammad Rahim Azad, Partner, doing business as 7 to 7 Smog  
3 and Auto Repair;

4           3.     Revoking or suspending Brake Station License Number BS 266532, issued to James  
5 Gilbert Richards, Partner, Mohammad Rahim Azad, Partner, doing business as 7 to 7 Smog and  
6 Auto Repair;

7           4.     Revoking or suspending Lamp Station License No. LS 266532, issued to James  
8 Gilbert Richards, Partner, Mohammad Rahim Azad, Partner, doing business as 7 to 7 Smog and  
9 Auto Repair;

10          5.     Revoking or suspending any additional license issued under Chapter 5 of the Health  
11 and Safety Code in the name of James Gilbert Richards, Partner, Mohammad Rahim Azad,  
12 Partner, doing business as 7 to 7 Smog and Auto Repair;

13          6.     Revoking or suspending the registration for all places of business operated in this  
14 State in the name of James Gilbert Richards, Partner, Mohammad Rahim Azad, Partner, doing  
15 business as 7 to 7 Smog and Auto Repair;

16          7.     Revoking or suspending any additional license issued under Articles 5 and 6 of  
17 Chapter 20.3 of the Code in the name of James Gilbert Richards, Partner, Mohammad Rahim  
18 Azad, Partner, doing business as 7 to 7 Smog and Auto Repair.

19          8.     Revoking or suspending Smog Check Repair Technician License No. EI 630900 and  
20 Smog Check Inspector License No. EO 630900 issued to James Gilbert Richards;

21          9.     Revoking or suspending Brake Adjuster License Number BA 630900, issued to James  
22 Gilbert Richards;

23          10.    Revoking or suspending Lamp Adjuster License Number LA 630900, issued to James  
24 Gilbert Richards;

25          11.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 and Safety Code in the name of James Gilbert Richards;

27          12.    Revoking or suspending any additional license issued under Articles 5 and 6 of  
28 Chapter 20.3 of the Code in the name of James Gilbert Richards.

1           13. Revoking or suspending Smog Check Inspector License No. EO 636435 issued to  
2 Mohammad Rahim Azad;

3           14. Revoking or suspending Brake Adjuster License Number BA 636435, issued to  
4 Mohammad Rahim Azad;

5           15. Revoking or suspending Lamp Adjuster License Number LA 636435, issued to  
6 Mohammad Rahim Azad;

7           16. Revoking or suspending any additional license issued under Chapter 5 of the Health  
8 and Safety Code in the name of Mohammad Rahim Azad;

9           17. Revoking or suspending any additional license issued under Articles 5 and 6 of  
10 Chapter 20.3 of the Code in the name of Mohammad Rahim Azad;

11           18. Revoking or suspending Smog Check Inspector License No. EO 637039 issued to  
12 Jose Francisco Leal;

13           19. Revoking or suspending any additional license issued under Chapter 5 of the Health  
14 and Safety Code in the name of Jose Francisco Leal;

15           20. Revoking or suspending Stephen Blackshear's smog technician license(s), currently  
16 designated as Advanced Emission Specialist Technician License Number EA 634692 and as  
17 redesignated upon his timely renewal as EO 634692 and/or EI 634692;

18           21. Revoking or suspending any additional license issued under Chapter 5 of the Health  
19 and Safety Code in the name of Stephen Blackshear;

20           22. Revoking or suspending Smog Check Inspector License No. EO 631148 and Smog  
21 Check Repair Technician License No. EI 631148 (formerly Advanced Emission Specialist  
22 Technician License Number EA 631148) issued to Mark Charles Marley;

23           23. Revoking or suspending any additional license issued under Chapter 5 of the Health  
24 and Safety Code in the name of Mark Charles Marley;

25           24. Revoking or suspending Smog Check Inspector License No. EO 636474 issued to  
26 Mahuziny Magana;

27           25. Revoking or suspending any additional license issued under Chapter 5 of the Health  
28 and Safety Code in the name of Mahuziny Magana;

1           26. Revoking or suspending Smog Check Inspector License No. EO 638053 issued to  
2 Muhammad Anees;

3           27. Revoking or suspending any additional license issued under Chapter 5 of the Health  
4 and Safety Code in the name of Muhammad Anees;

5           28. Revoking or suspending Brake Adjuster License No. BA 638053 issued to  
6 Muhammad Anees;

7           29. Revoking or suspending any additional license issued under Articles 5 and 6 of  
8 Chapter 20.3 of the Code in the name of Muhammad Anees;

9           30. Ordering James Gilbert Richards, Partner, Mohammad Rahim Azad, Partner, doing  
10 business as 7 to 7 Smog and Auto Repair; James Gilbert Richards; Mohammad Rahim Azad; Jose  
11 Francisco Leal; Stephen Blackshear; Mark Charles Marley; Mahuziny Magana; and Muhammad  
12 Anees to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

14           31. Taking such other and further action as deemed necessary and proper.

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DATED: February 1, 2016



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

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