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

11 In the Matter of the Accusation Against:

Case No. 77/09-24

12 **GOOD GUYS SMOG;**  
13 **GEORGE CIOMOS, OWNER**  
765 S. Gifford Street, #6-7  
14 San Bernardino, CA 92408

**ACCUSATION**

15 **Automotive Repair Dealer Reg. No. ARD 215214**  
16 **Smog Check Station License No. RC 215214**  
**Official Brake Station License No. BS 215214**  
**Official Lamp Station No. LS 215214**

17 and

18 **GEORGE CIOMOS**  
25293 Cottage Street  
19 Loma Linda, CA 92354

20 **Advanced Emission Specialist Technician**  
License No. EA 142734  
21 **Brake Adjustor License No. BA 142734**  
22 **Lamp Adjustor License No. LA 142734**

23 Respondents.

24  
25 Complainant alleges:

26 **PARTIES**

27 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as  
28 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1           **George Ciomos dba Good Guys Smog:**

2           2.     On or about March 19, 2001, the Director of Consumer Affairs ("Director") issued  
3     Automotive Repair Dealer Registration Number ARD 215214 to George Ciomos ("Respondent"),  
4     owner of Good Guys Smog. Respondent's automotive repair dealer registration was in full force  
5     and effect at all times relevant to the charges brought herein and will expire on March 31, 2010,  
6     unless renewed.

7           3.     On or about April 16, 2001, the Director issued Smog Check Station License Number  
8     RC 215214 to Respondent. Respondent's smog check station license was in full force and effect  
9     at all times relevant to the charges brought herein and will expire on March 31, 2010, unless  
10    renewed.

11          4.     On or about November 6, 2001, the Director issued Official Lamp Station License  
12    Number LS 215214 to Respondent. Respondent's official lamp station license was in full force  
13    and effect at all times relevant to the charges brought herein and will expire on March 31, 2010,  
14    unless renewed.

15          5.     On or about November 6, 2001, the Director issued Official Brake Station License  
16    Number BS 215214 to Respondent. Respondent's official brake station license was in full force  
17    and effect at all times relevant to the charges brought herein and will expire on March 31, 2010,  
18    unless renewed.

19           **George Ciomos:**

20          6.     In or about 2002, the Director issued Advanced Emission Specialist Technician  
21    License Number EA 142734 to Respondent. Respondent's advanced emission specialist  
22    technician license was in full force and effect at all times relevant to the charges brought herein  
23    and will expire on June 30, 2010, unless renewed.

24          7.     In or about 2001, the Director issued Lamp Adjuster License Number LA 142734 to  
25    Respondent. Respondent's lamp adjuster license was in full force and effect at all times relevant  
26    to the charges brought herein, but expired on June 30, 2009.

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17. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost . . .

18. Bus. & Prof. Code section 9888.3 states:

No person shall operate an "official" lamp or brake adjusting station unless a license therefor has been issued by the director. No person shall issue, or cause or permit to be issued, any certificate purporting to be an official lamp adjustment certificate unless he or she is a licensed lamp adjuster or an official brake adjustment certificate unless he or she is a licensed brake adjuster.

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

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

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

....

(c) Violates any of the regulations promulgated by the director pursuant to this chapter.

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

....

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed . . .

20. Bus. & Prof. Code section 9889.16 states:

Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the

1 requirements of the Vehicle Code, he shall, when requested by the owner or driver of  
2 the vehicle, issue a certificate of adjustment on a form prescribed by the director,  
3 which certificate shall contain the date of issuance, the make and registration number  
4 of the vehicle, the name of the owner of the vehicle, and the official license of the  
5 station.

6 21. Bus. & Prof. Code section 9889.22 states:

7 The willful making of any false statement or entry with regard to a  
8 material matter in any oath, affidavit, certificate of compliance or noncompliance, or  
9 application form which is required by this chapter [the Automotive Repair Act] or  
10 Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health  
11 and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

12 22. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or  
13 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
14 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and  
15 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the  
16 director."

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

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

22 24. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
23 "license" includes "registration" and "certificate."

24 25. Health & Saf. Code section 44072.2 states, in pertinent part:

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

28 . . . .

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

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

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1 COST RECOVERY

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

6 STATION INSPECTION OF APRIL 21, 2008

7 28. On April 21, 2008, a representative of the Bureau (hereinafter "representative")  
8 performed a Periodic Brake and Lamp Station Inspection at Respondent's facility. The  
9 representative found, among other things, that Respondent did not have a rotor run-out gauge on  
10 the premises.

11 FIRST CAUSE FOR DISCIPLINE

12 (Violations of Regulations)

13 29. Respondent's automotive repair dealer registration is subject to disciplinary action  
14 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
15 comply with California Code of Regulations, title 16, section 3321, subdivision (a)(1)(D), in a  
16 material respect, as follows: Respondent failed to ensure that his official brake adjusting station  
17 was equipped with a disc brake rotor run-out gauge.

18 SECOND CAUSE FOR DISCIPLINE

19 (Failure to Comply with Regulations)

20 30. Respondent's official brake station license is subject to disciplinary action pursuant to  
21 Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with  
22 California Code of Regulations, title 16, section 3321, subdivision (a)(1)(D), as set forth in  
23 paragraph 29 above.

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1 and/or related electrical systems on the vehicle had not been inspected and were not in  
2 compliance with Bureau regulations, as set forth in paragraph 33 above.

3 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate Number BC  
4 700730 as to the Bureau's 2000 Chevrolet S-10 pickup when the brake system on the vehicle had  
5 not been tested or inspected, as set forth in paragraph 33 above.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with the Bus. & Prof. Code)**

8 38. Respondent's official brake and lamp station licenses are subject to disciplinary  
9 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
10 violated the provisions of Bus. & Prof. Code sections 9884.8, 9884.9, subdivision (a), 9889.16,  
11 and 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 36 above.

12 **NINTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations)**

14 39. Respondent's official brake and lamp station licenses are subject to disciplinary  
15 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
16 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
17 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 37 above.

18 **TENTH CAUSE FOR DISCIPLINE**

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

20 40. Respondent's official brake and lamp station licenses are subject to disciplinary  
21 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent  
22 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth  
23 in paragraph 35 above.

24 **ELEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Code)**

26 41. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the

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1 provisions of Bus. & Prof. Code sections 9884.8, 9884.9, subdivision (a), 9889.16, and 9889.22  
2 relating to his licensed activities, as set forth in paragraph 36 above.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations)**

5 42. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
7 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
8 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 37 above.

9 **UNDERCOVER OPERATION #2: 2000 TOYOTA TACOMA**

10 43. On January 15, 2009, a representative of the Bureau, acting in an undercover capacity  
11 (hereinafter "operator"), took the Bureau's 2000 Toyota Tacoma to Respondent's facility and  
12 requested smog, brake, and lamp inspections on the vehicle. The rear brake drums on the Bureau-  
13 documented vehicle were machined beyond the manufacturer's drum discard diameter  
14 specifications, the left headlamp was out of adjustment, and the back up lamps were not  
15 functioning. A man wearing a shirt with the name "George" on it backed the vehicle onto the EIS  
16 dynamometer. George had the operator fill out a work order then performed a smog test on the  
17 vehicle. After the test was completed, the operator signed and received a copy of an invoice and  
18 paid George \$110 in cash. George also gave the operator copies of a vehicle inspection report,  
19 Certificate of Brake Adjustment Number BC 781630, and Certificate of Lamp Adjustment  
20 Number LC 769730.

21 44. The operator observed the vehicle during the entire time it was at Respondent's  
22 facility. George never inspected or tested the brake or lighting systems and did not road-test the  
23 vehicle.

24 45. Later, the Bureau inspected the vehicle and found that the left headlamp was still out  
25 of adjustment, the back up lamps still were not functioning, the wheels had not been removed to  
26 inspect the brakes, and the rear brake drums were not within manufacturer's specifications.

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1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 46. Respondent's automotive repair dealer registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), Respondent made or authorized  
5 statements which he knew or in the exercise of reasonable care should have known to be untrue or  
6 misleading, as follows:

7 a. Respondent certified under penalty of perjury on Brake Certificate Number BC  
8 781630 that the applicable inspection was performed on the brake system on the Bureau's 2000  
9 Toyota Tacoma. In fact, Respondent failed to inspect the brakes on the vehicle.

10 b. Respondent certified under penalty of perjury on Brake Certificate Number BC  
11 781630 that the rear brake drums on the Bureau's 2000 Toyota Tacoma were in a satisfactory  
12 condition. In fact, the rear brake drums had been machined beyond the manufacturer's drum  
13 discard diameter specifications.

14 c. Respondent certified under penalty of perjury on Brake Certificate Number BC  
15 781630 that the Bureau's 2000 Toyota Tacoma had a stopping distance of 16 feet from a speed of  
16 20 miles per hour as a result of a road-test when, in fact, Respondent never road-tested the  
17 vehicle.

18 d. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
19 769730 that the applicable inspection had been performed on the lighting system on the Bureau's  
20 2000 Toyota Tacoma. In fact, the lighting system had not been inspected.

21 e. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
22 769730 that the applicable adjustment had been performed on the lighting system on the Bureau's  
23 2000 Toyota Tacoma. In fact, the left headlamp had not been adjusted.

24 f. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
25 769730 that the applicable repair had been performed on the lighting system on the Bureau's  
26 2000 Toyota Tacoma. In fact, the back up lamps were not repaired or functioning.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 47. Respondent's automotive repair dealer registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act  
5 which constitutes fraud, as follows: Respondent obtained payment from the operator for  
6 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems  
7 on the Bureau's 2000 Toyota Tacoma as specified by the Bureau and in accordance with the  
8 Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and  
9 repairs in compliance with Bureau Regulations or the Vehicle Code as set forth in paragraph 46  
10 above.

11 **FIFTEENTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Bus. & Prof. Code)**

13 48. Respondent's automotive repair dealer registration is subject to disciplinary action  
14 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
15 comply with provisions of that Code in the following material respects:

16 a. **Section 9884.9, subdivision (a)**: Respondent failed to provide the operator with a  
17 written estimate for parts and/or labor necessary for specific job.

18 b. **Section 9889.16**: Respondent issued Brake Certificate Number BC 781630 and  
19 Lamp Certificate Number LC 769730 as to the Bureau's 2000 Toyota Tacoma when the vehicle  
20 was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

21 c. **Section 9889.22**: Respondent willfully made false statements or entries on Brake  
22 Certificate Number BC 781630 and Lamp Certificate Number LC 769730, as set forth in  
23 paragraph 46 above.

24 **SIXTEENTH CAUSE FOR DISCIPLINE**

25 **(Violations of Regulations)**

26 49. Respondent's automotive repair dealer registration is subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to

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1 comply with provisions of California Code of Regulations, title 16, in the following material  
2 respects:

3 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
4 brake system and inspection, adjustment, and repair of the lamp system on the Bureau's 2000  
5 Toyota Tacoma in accordance with the specifications, instructions, and directives issued by the  
6 Bureau and the vehicle manufacturer.

7 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate Number LC  
8 769730 as to the Bureau's 2000 Toyota Tacoma when all of the lamps, lighting equipment, and/or  
9 related electrical systems on the vehicle had not been inspected and were not in compliance with  
10 Bureau regulations, as set forth in paragraph 46 above.

11 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate Number BC  
12 781630 as to the Bureau's 2000 Toyota Tacoma when the brake system on the vehicle had not  
13 been tested or inspected and the vehicle had not been road-tested, as set forth in paragraph 46  
14 above.

15 **SEVENTEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Bus. & Prof. Code)**

17 50. Respondent's official brake and lamp station licenses are subject to disciplinary  
18 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
19 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and  
20 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 48 above.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations)**

23 51. Respondent's official brake and lamp station licenses are subject to disciplinary  
24 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
25 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
26 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 49 above.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

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

3 52. Respondent's official brake and lamp station licenses are subject to disciplinary  
4 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent  
5 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth  
6 in paragraph 47 above.

7 **TWENTIETH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with the Code)**

9 53. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
10 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the  
11 provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and 9889.22 relating  
12 to his licensed activities, as set forth in paragraph 48 above.

13 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations)**

15 54. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
16 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
17 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
18 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 49 above.

19 **UNDERCOVER OPERATION #3: 1997 TOYOTA CAMRY**

20 55. On March 25, 2009, a representative of the Bureau, acting in an undercover capacity  
21 (hereinafter "operator"), took the Bureau's 1997 Toyota Camry to Respondent's facility and  
22 requested smog, brake, and lamp inspections on the vehicle. The rear brake drums on the Bureau-  
23 documented vehicle were machined beyond the manufacturer's drum discard diameter  
24 specifications, the left headlamp was out of adjustment, and the back up lamps were not  
25 functioning. A man, who introduced himself as "George", told the operator that he could perform  
26 the inspections, but had to leave and would not be back until later. The operator signed and  
27 received a copy of a work order totaling \$110 then left the facility.

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**TWENTY-THIRD CAUSE FOR DISCIPLINE**

**(Failure to Record the Odometer Reading)**

59. Respondent's automotive repair dealer registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(2), in that Respondent or his automotive technician or employee failed to record on the work order the odometer reading of the Bureau's 1997 Toyota Camry at the time of repair.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

**(Fraud)**

60. Respondent's automotive repair dealer registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act which constitutes fraud, as follows: Respondent obtained payment from the operator for performing the applicable inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1997 Toyota Camry as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code as set forth in paragraph 58 above.

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Bus. & Prof. Code)**

61. Respondent's automotive repair dealer registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the following material respects:

a. **Section 9889.16:** Respondent issued Brake Certificate Number BC 781581 and Lamp Certificate Number LC 769781 as to the Bureau's 1997 Toyota Camry when the vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

b. **Section 9889.22:** Respondent willfully made false statements or entries on Brake Certificate Number BC 781581 and Lamp Certificate Number LC 769781, as set forth in paragraph 58 above.

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1 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

2 (Violations of Regulations)

3 62. Respondent's automotive repair dealer registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
5 comply with provisions of California Code of Regulations, title 16, in the following material  
6 respects:

7 a. **Section 3305, subdivision (a):** Respondent failed to perform the inspection of the  
8 brake system and inspection, adjustment, and repair of the lamp system on the Bureau's 1997  
9 Toyota Camry in accordance with the specifications, instructions, and directives issued by the  
10 Bureau and the vehicle manufacturer.

11 b. **Section 3316, subdivision (d)(2):** Respondent issued Lamp Certificate Number LC  
12 769781 as to the Bureau's 1997 Toyota Camry when all of the lamps, lighting equipment, and/or  
13 related electrical systems on the vehicle had not been inspected and were not in compliance with  
14 Bureau regulations, as set forth in paragraph 58 above.

15 c. **Section 3321, subdivision (c)(2):** Respondent issued Brake Certificate Number BC  
16 781581 as to the Bureau's 1997 Toyota Camry when the brake system on the vehicle had not  
17 been tested or inspected, as set forth in paragraph 58 above.

18 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

19 (Failure to Comply with the Bus. & Prof. Code)

20 63. Respondent's official brake and lamp station licenses are subject to disciplinary  
21 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
22 violated the provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating to  
23 Respondent's licensed activities, as set forth in paragraph 61 above.

24 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

25 (Failure to Comply with Regulations)

26 64. Respondent's official brake and lamp station licenses are subject to disciplinary  
27 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to

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1 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
2 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 62 above.

3 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

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

5 65. Respondent's official brake and lamp station licenses are subject to disciplinary  
6 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent  
7 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth  
8 in paragraph 60 above.

9 **THIRTIETH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Code)**

11 66. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
12 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the  
13 provisions of Bus. & Prof. Code sections 9889.16 and 9889.22 relating to his licensed activities,  
14 as set forth in paragraph 61 above.

15 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations)**

17 67. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
18 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
19 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
20 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 62 above.

21 **UNDERCOVER OPERATION #4: 2002 TOYOTA 4RUNNER**

22 68. On September 10, 2009, a representative of the Bureau, acting in an undercover  
23 capacity (hereinafter "operator"), took the Bureau's 2002 Toyota 4Runner to Respondent's  
24 facility and met with "George". The operator told George that he wanted a smog inspection on  
25 the vehicle and the brakes and headlamps checked. The rear brake drums on the Bureau-  
26 documented vehicle were machined beyond the manufacturer's drum discard diameter  
27 specifications, the right and left headlamps were out of adjustment, and the back up lamps were  
28 not functioning. At approximately 11:10 a.m., George backed the vehicle onto the EIS

1 dynamometer. George had the operator fill out a repair order then performed a smog test on the  
2 vehicle. After the test was completed, George moved the vehicle to a second service bay.  
3 George then sat at his desk and filled out brake and lamp certificates. The operator observed that  
4 George did not turn on the headlamps or jack up the vehicle. At approximately 11:50 a.m.,  
5 George gave the operator a vehicle inspection report, Certificate of Brake Adjustment Number  
6 BC 850392, and Certificate of Lamp Adjustment Number LC 837392. The operator signed and  
7 received a copy of an invoice and paid George \$110.

8 69. On September 14, 2009, the Bureau inspected the vehicle and found that the right and  
9 left headlamps were still out of adjustment, the back up lamps still were not functioning, the  
10 wheels had not been removed to inspect the brakes, and the rear brake drums were not within  
11 manufacturer's specifications.

### 12 THIRTY-SECOND CAUSE FOR DISCIPLINE

#### 13 (Untrue or Misleading Statements)

14 70. Respondent's automotive repair dealer registration is subject to disciplinary action  
15 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), Respondent made or authorized  
16 statements which he knew or in the exercise of reasonable care should have known to be untrue or  
17 misleading, as follows:

18 a. Respondent certified under penalty of perjury on Brake Certificate Number BC  
19 850392 that the applicable inspection was performed on the brake system on the Bureau's 2002  
20 Toyota 4Runner. In fact, Respondent failed to inspect the brakes on the vehicle.

21 b. Respondent certified under penalty of perjury on Brake Certificate Number BC  
22 850392 that the rear brake drums on the Bureau's 2002 Toyota 4Runner were in a satisfactory  
23 condition. In fact, the rear brake drums had been machined beyond the manufacturer's drum  
24 discard diameter specifications.

25 c. Respondent certified under penalty of perjury on Brake Certificate Number BC  
26 850392 that the Bureau's 2002 Toyota 4Runner had a stopping distance of 18 feet from a speed of  
27 20 miles per hour as a result of a road-test when, in fact, Respondent did not road-test the vehicle.

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1 d. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
2 837392 that the applicable inspection had been performed on the lighting system on the Bureau's  
3 2002 Toyota 4Runner. In fact, the lighting system had not been inspected.

4 e. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
5 837392 that the applicable adjustment had been performed on the lighting system on the Bureau's  
6 2002 Toyota 4Runner. In fact, the right and left headlamps had not been adjusted.

7 f. Respondent certified under penalty of perjury on Lamp Certificate Number LC  
8 837392 that the applicable repair had been performed on the lighting system on the Bureau's  
9 2002 Toyota 4Runner. In fact, the back up lamps were not repaired or functioning.

10 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 71. Respondent's automotive repair dealer registration is subject to disciplinary action  
13 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act  
14 which constitutes fraud, as follows: Respondent obtained payment from the operator for  
15 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems  
16 on the Bureau's 2002 Toyota 4Runner as specified by the Bureau and in accordance with the  
17 Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and  
18 repairs in compliance with Bureau Regulations or the Vehicle Code as set forth in paragraph 70  
19 above.

20 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Bus. & Prof. Code)**

22 72. Respondent's automotive repair dealer registration is subject to disciplinary action  
23 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
24 comply with provisions of that Code in the following material respects:

25 a. **Section 9884.9, subdivision (a)**: Respondent failed to provide the operator with a  
26 written estimate for parts and/or labor necessary for specific job.

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1 b. **Section 9888.3:** Respondent issued Brake Certificate Number BC 850392 and Lamp  
2 Certificate Number LC 837392 as to the Bureau's 2002 Toyota 4Runner when, in fact, his brake  
3 and lamp adjuster licenses had expired.

4 c. **Section 9889.16:** Respondent issued Brake Certificate Number BC 850392 and  
5 Lamp Certificate Number LC 837392 as to the Bureau's 2002 Toyota 4Runner when the vehicle  
6 was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

7 d. **Section 9889.22:** Respondent willfully made false statements or entries on Brake  
8 Certificate Number BC 850392 and Lamp Certificate Number LC 837392, as set forth in  
9 paragraph 70 above.

10 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

11 **(Violations of Regulations)**

12 73. Respondent's automotive repair dealer registration is subject to disciplinary action  
13 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
14 comply with provisions of California Code of Regulations, title 16, in the following material  
15 respects:

16 a. **Section 3305, subdivision (a):** Respondent failed to perform the inspection of the  
17 brake system and inspection, adjustment, and repair of the lamp system on the Bureau's 2002  
18 Toyota 4Runner in accordance with the specifications, instructions, and directives issued by the  
19 Bureau and the vehicle manufacturer.

20 b. **Section 3316, subdivision (d)(2):** Respondent issued Lamp Certificate Number LC  
21 837392 as to the Bureau's 2002 Toyota 4Runner when all of the lamps, lighting equipment,  
22 and/or related electrical systems on the vehicle had not been inspected and were not in  
23 compliance with Bureau regulations, as set forth in paragraph 70 above.

24 c. **Section 3321, subdivision (c)(2):** Respondent issued Brake Certificate Number BC  
25 850392 as to the Bureau's 2002 Toyota 4Runner when the brake system on the vehicle had not  
26 been tested or inspected and the vehicle had not been road-tested, as set forth in paragraph 70  
27 above.

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**THIRTY-SIXTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Bus. & Prof. Code)**

74. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9888.3, 9889.16, and 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 72 above.

**THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

75. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 73 above.

**THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

76. Respondent's official brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 71 above.

**THIRTY-NINTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Code)**

77. Respondent's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9888.3, 9889.16, and 9889.22 relating to his licensed activities, as set forth in paragraph 72 above.

**FORTIETH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

78. Respondent's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the

1 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
2 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 73 above.

3 **FORTY-FIRST CAUSE FOR DISCIPLINE**

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

5 79. Respondent's smog check station and advanced emission specialist technician  
6 licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
7 subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts whereby  
8 another is injured, as set forth in paragraphs 35, 47, 60, and 71 above.

9 **OTHER MATTERS**

10 80. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
11 refuse to validate, or may invalidate temporarily or permanently, the registrations for all places of  
12 business operated in this state by Respondent George Ciomos, owner of Good Guys Smog, upon  
13 a finding that said Respondent has, or is, engaged in a course of repeated and willful violations of  
14 the laws and regulations pertaining to an automotive repair dealer.

15 81. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
16 Number RC 215214, issued to Respondent George Ciomos, owner of Good Guys Smog, is  
17 revoked or suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in  
18 the name of said licensee may be likewise revoked or suspended by the Director.

19 82. Pursuant to Bus. & Prof. Code section 9889.9, if Official Lamp Station License  
20 Number LS 215214, issued to Respondent George Ciomos, owner of Good Guys Smog, is  
21 revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the  
22 Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the  
23 Director.

24 83. Pursuant to Bus. & Prof. Code section 9889.9, if Official Brake Station License  
25 Number BS 215214, issued to Respondent George Ciomos, owner of Good Guys Smog, is  
26 revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the  
27 Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the  
28 Director.



- 1           7.    Revoking or suspending Official Brake Station License Number BS 215214, issued to
- 2 George Ciomos, owner of Good Guys Smog;
- 3           8.    Revoking or suspending Lamp Adjuster License Number LA 142734, issued to
- 4 George Ciomos;
- 5           9.    Revoking or suspending Brake Adjuster License Number BA 142734, issued to
- 6 George Ciomos;
- 7           10.   Revoking or suspending any additional license issued under Articles 5 and 6 of
- 8 Chapter 20.3 of the Business and Professions Code in the name of George Ciomos;
- 9           11.   Ordering George Ciomos, individually, and as owner of Good Guys Smog, to pay the
- 10 Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this
- 11 case, pursuant to Business and Professions Code section 125.3;
- 12           12.   Taking such other and further action as deemed necessary and proper.

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14 DATED: 4/1/10

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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