

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GOOD GUYS SMOG;
GEROGE CIOMOS, Owner
765 S. Gifford Street, #6-7
San Bernardino, CA 92408

Automotive Repair Dealer Registration
No. ARD 215214
Smog Check Station License No. RC 215214
Official Brake Station License No. BS 215214
Official Lamp Station License No. LS 215214

and

GEORGE CIOMOS
25293 Cottage Street
Loma Linda, CA 92354

Advanced Emission Specialist Technician
License No. EA 142734
Brake Adjuster License No. BA 142734
Lamp Adjuster License No. LA 142734

Respondent.

Case No. 77/09-24

OAH No. L-2010060250

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

The suspension of Automotive Repair Dealer Registration No. ARD 215214 shall commence on the effective date of this Decision.

This Decision shall become effective April 27, 2011.

DATED: March 23, 2011



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
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300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

OAH No. L-2010060250

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

18 and

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

22 Advanced Emission Specialist Technician
License No. EA 142734
23 Brake Adjuster License No. BA 142734
24 Lamp Adjuster License No. LA 142734

Respondent.

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1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
5 brought this action solely in her official capacity and is represented in this matter by Edmund G.
6 Brown Jr., Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney
7 General.

8 2. Respondent George Ciomos dba Good Guys Smog (Respondent) is represented in
9 this proceeding by attorney M.T. Nehmeh, whose address is 19162 Huntington Street, #D-2,
10 Huntington Beach, CA, 92648.

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

12 3. On or about March 19, 2001, the Director of Consumer Affairs (Director) issued
13 Automotive Repair Dealer Registration Number ARD 215214 (ARD registration) to George
14 Ciomos (Respondent), owner of Good Guys Smog. Respondent's ARD registration was in full
15 force and effect at all times relevant to the charges brought herein and will expire on March 31,
16 2011, unless renewed.

17 4. On or about April 16, 2001, the Director issued Smog Check Station License Number
18 RC 215214 (smog check station license) to Respondent. Respondent's smog check station
19 license was in full force and effect at all times relevant to the charges brought herein and will
20 expire on March 31, 2011, unless renewed.

21 5. On or about November 6, 2001, the Director issued Official Lamp Station License
22 Number LS 215214 (lamp station license) to Respondent. Respondent's lamp station license was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 March 31, 2011, unless renewed.

25 6. On or about November 6, 2001, the Director issued Official Brake Station License
26 Number BS 215214 (brake station license) to Respondent. Respondent's brake station license
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 March 31, 2011, unless renewed.

1 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
2 the attendance of witnesses and the production of documents; the right to reconsideration and
3 court review of an adverse decision; and all other rights accorded by the California
4 Administrative Procedure Act and other applicable laws.

5 13. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
6 every right set forth above.

7 CULPABILITY

8 14. Respondent admits the truth of each and every charge and allegation in Accusation
9 No. 77/09-24.

10 15. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check
11 Station License, Official Lamp Station License, Official Brake Station License, Advanced
12 Emission Specialist Technician License, Brake Adjuster License, and Lamp Adjuster License are
13 subject to discipline and he agrees to be bound by the Director's imposition of discipline as set
14 forth in the Disciplinary Order below.

15 CONTINGENCY

16 16. This stipulation shall be subject to approval by the Director of Consumer Affairs or
17 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
18 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
19 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
20 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
21 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
22 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
23 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
24 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
25 and the Director shall not be disqualified from further action by having considered this matter.

26 17. The parties understand and agree that facsimile copies of this Stipulated Settlement
27 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
28 effect as the originals.

1 18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
2 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
3 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
4 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
5 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
6 writing executed by an authorized representative of each of the parties.

7 19. In consideration of the foregoing admissions and stipulations, the parties agree that
8 the Director may, without further notice or formal proceeding, issue and enter the following
9 Disciplinary Order:

10 DISCIPLINARY ORDER

11 IT IS HEREBY ORDERED THAT Official Brake Station License No. BS 215214, Official
12 Lamp Station License No. LS 215214, Brake Adjuster License No. BA 142734, and Lamp
13 Adjuster License No. LA 142734 issued to Respondent are all REVOKED.

14 IT IS HEREBY FURTHER ORDERED that Automotive Repair Dealer Registration No.
15 ARD 215214, Smog Check Station License No. RC 215214, and Advanced Emission Specialist
16 Technician License No. EA 142734 issued to Respondent are all revoked. However, the
17 revocations are stayed, and the ARD Registration, Smog Check Station License and Advanced
18 Emission Specialist Technician License are placed on probation for three (3) years on the
19 following terms and conditions:

20 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 215214 issued
21 to Respondent is suspended for ten (10) consecutive days.

22 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
23 automotive inspections, estimates and repairs.

24 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
25 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
26 conspicuously displayed in a location open to and frequented by customers and shall remain
27 posted during the entire period of actual suspension.

28

1 4. **Reporting.** Respondent or Respondent's authorized representative must report in
2 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
3 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
4 maintaining compliance with the terms and conditions of probation.

5 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
6 any financial interest which any partners, officers, or owners of the Respondent facility may have
7 in any other business required to be registered pursuant to Section 9884.6 of the Business and
8 Professions Code.

9 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
10 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

11 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
12 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
13 until the final decision on the accusation, and the period of probation shall be extended until such
14 decision.

15 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
16 Respondent has failed to comply with the terms and conditions of probation, the Department may,
17 after giving notice and opportunity to be heard temporarily or permanently invalidate the
18 registration and suspend or revoke the license(s).

19 9. **Continuing Education Courses.** During the period of probation, Respondent shall
20 attend and successfully complete a Bureau certified training course in diagnosis and repair of
21 emission systems failures and engine performance, applicable to the class of license held by the
22 Respondent. Said course shall be completed and proof of completion submitted to the Bureau
23 within 60 days of the effective date of this decision and order. If proof of completion of the
24 course is not furnished to the Bureau within the 60-day period, Respondents' license shall be
25 immediately suspended until such proof is received.

26 10. **Restrictions.** During the period of probation, Respondent shall not perform any form
27 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
28 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to

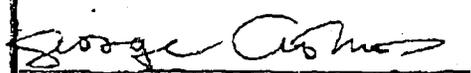
1 properly perform such work, and BAR has been given 10 days notice of the availability of the
2 equipment for inspection by a BAR representative.

3 11. Cost Recovery. Payment to the Bureau of the full amount of cost recovery in the
4 amount of \$6000.00 shall be received no later than 6 months before probation terminates. Failure
5 to complete payment of cost recovery within this time frame shall constitute a violation of
6 probation which may subject Respondent's license and/or registration to outright revocation;
7 however, the Director or the Director's Bureau of Automotive Repair designee may elect to
8 continue probation until such time as reimbursement of the entire cost recovery amount has been
9 made to the Bureau.

10 ACCEPTANCE

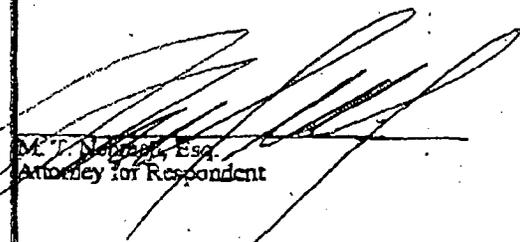
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, M. L. Nehmet, Esq. I understand the stipulation and the effect it
13 will have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp
14 Station License, Brake Station License, Advanced Emission Specialist Technician License, Brake
15 Adjuster License, and Lamp Adjuster License. I enter into this Stipulated Settlement and
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Director of Consumer Affairs.

18
19 Dated: 12-01-2010


GOOD GUYS SMOG; GEORGE CIOMOS
Respondent

22 I have read and fully discussed with Respondent George Ciomos the terms and conditions
23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
24 its form and content.

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26 Dated: 12-1-10


M. L. Nehmet, Esq.
Attorney for Respondent

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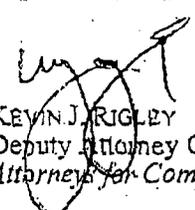
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 11/24/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


KEVIN J. RIGLEY
Deputy Attorney General
Attorney for Complainant

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Exhibit A

Accusation No. 77/09-24

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
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14 **765 S. Gifford Street, #6-7**
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A C C U S A T I O N

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**
19 **25293 Cottage Street**
Loma Linda, CA 92354

20 **Advanced Emission Specialist Technician**
21 **License No. EA 142734**
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:

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(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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COST RECOVERY

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

STATION INSPECTION OF APRIL 21, 2008

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

FIRST CAUSE FOR DISCIPLINE

(Violations of Regulations)

29. 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 California Code of Regulations, title 16, section 3321, subdivision (a)(1)(D), in a material respect, as follows: Respondent failed to ensure that his official brake adjusting station was equipped with a disc brake rotor run-out gauge.

SECOND CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

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

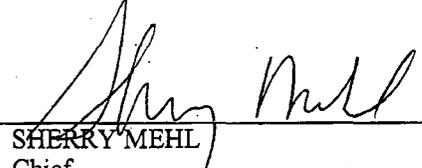
15 81. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
16 Number RC 215214, issued to Respondent George Ciomos, owner of Good Guys Smog, is
17 revoked or suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in
18 the name of said licensee may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

14 DATED: 4/1/10



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

28 LA2009604520
accusation.rtf