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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against**:** **SIERRA SMOG & AUTO REPAIR INC.** **dba SIERRA SMOG AND AUTO REPAIR** **STEVEN G. ROWETT, PRES** **BETH A. ROWETT, SECRETARY/TRES** 402 Grass Valley Highway Auburn, CA 95603 **Automotive Repair Dealer Registration No. ARD 235844** **Smog Check Station License No. RC 235844** **and** **DAMIAN MIGUEL VASQUEZ** 17050 Applegate Road Applegate, CA 95703 **Smog Check Inspector License No. EO 642899** Respondents.	Case No. 79/24-2973 **ACCUSATION**

PARTIES

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

Automotive Repair Dealer Registration

2. On or about January 1, 2004, the Bureau issued Automotive Repair Dealer Registration Number ARD 235844 to Sierra Smog & Auto Repair Inc. dba Sierra Smog And Auto Repair (Respondent Sierra) with Steven G. Rowett (Respondent S. Rowett) as President and Beth A. Rowett (Respondent B. Rowett) as Secretary and Treasurer. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2025, unless renewed.

Smog Check Station License

3. On or about October 13, 2004, the Bureau issued Smog Check Station License Number RC 235844 to Respondent Sierra. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2025, unless renewed.

Smog Check Inspector License

4. On or about February 12, 2021, the Bureau issued Smog Check Inspector License Number EO 642899 to Damian Miguel Vasquez (Respondent Vasquez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2025, unless renewed.

JURISDICTION

5. This Accusation is brought before the Director for the Bureau (Director) under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

6. Code section 477 provides, in pertinent part, that Board includes bureau, commission, committee, department, division, examining committee, program, and agency. License includes certificate, registration, or other means to engage in a business or profession regulated by the Code.

7. Code section 9884.13 states, "The expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily

or permanently."

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

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

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

STATUTORY PROVISIONS

11. Code section 9884.7 states, in pertinent part:

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
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> …
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> (4) Any other conduct which constitutes fraud.
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . .
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> (c) Notwithstanding subdivision (b), the director may suspend, revoke or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it. . . .

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12. Code section 9889.22 states:

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

13. Health & Safety Code (Health & Saf. Code) section 44012, states, in pertinent part:

> The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:
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> (a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.
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> …
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> (f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the findings of Section 44001. The visual or functional check shall be performed in accordance with the procedures as prescribed by the department. . . .

14. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code section 44012.

15. Health & Saf. Code section 44032 provides that qualified technicians shall perform tests of emissions control devices and systems in accordance with Health & Saf. Code section 40012.

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16. Health & Saf. Code section 44059 states:

> The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

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

> The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
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> (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Safety Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.
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> …
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> (c) Violates any of the regulations adopted by the director pursuant to this chapter.
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured. . . .

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

> …
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> (c) The department shall revoke the license of any smog check technician or station license who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:
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> …
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> (4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter. . . .

REGULATORY PROVISIONS

19. Title 16 of the California Code of Regulations (CCR), section 3340.30 states, in pertinent part:

> A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:
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> (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article. . . .

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20. CCR section 3340.35, states, in pertinent part:

…

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply. . . .

21. CCR section 3340.41, states, in pertinent part:

…

(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested. . . .

22. CCR section 3340.42, states:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby incorporated by reference. If the emissions standards for a specific vehicle are not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

(2) A two-speed idle mode test shall be the test method used to inspect 1976 - 1999 model-year vehicles, except diesel-powered, registered in all program areas of the state, except in those areas of the state where the enhanced program has been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its

measured emissions are less than or equal to the applicable emissions standards specified in Table III.

(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

(c) The bureau may require any combination of the inspection methods in sections (a) and (b) under any of the following circumstances:

(1) Vehicles that the department randomly selects pursuant to Health and Safety Code section 44014.7 as a means of identifying potential operational problems with vehicle OBD systems.

(2) Vehicles identified by the bureau as being operationally or physically incompatible with inspection equipment.

(3) Vehicles with OBD systems that have demonstrated operational problems.

(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables described in subsection (a), as applicable.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle included in the tables described in subsection (a), as applicable. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

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23. CCR section 3373, states:

> No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

COST RECOVERY

24. Code section 125.3 provides, in pertinent part, that the Bureau 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 investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

REVIEW OF OIS TEST DATA

25. Bureau Representative K.M. reviewed BAR-OIS test data pertaining to smog inspections conducted at Respondent Sierra's facility. K.M. found that Respondent Vasquez performed smog check inspections on five vehicles identified below using a method known as "clean plugging,"[1] resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

26. BAR-OIS test data showed that on May 23, 2022, Respondent Vazquez performed a smog check inspection on a 2006 Honda Ridgeline (Vehicle 1), resulting in the issuance of Certificate of Compliance No. SQ955023C. The OIS test details for Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 1.

27. K.M. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 1 on May 23, 2022, matched a 2013 Honda Crosstour. The communication

[1] Clean plugging is the use of a vehicle's properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 1 were consistent with the communication protocol and PID count for the 2013 Honda Crosstour. K.M. concluded that Respondent Vasquez used the 2013 Honda Crosstour's properly functioning OBD II system during the smog inspection of Vehicle 1, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 1.

Vehicle 2

28. BAR-OIS test data showed that on November 30, 2022, Respondent Vasquez performed a smog check inspection on a 2009 Honda Ridgeline (Vehicle 2), resulting in the issuance of Certificate of Compliance No. TA460974C. The OIS test details for Vehicle 2 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 2.

29. K.M. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 2 on November 30, 2022, matched a 2011 Ford F-150. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 2 were consistent with the communication protocol and PID count for the 2011 Ford F-150. K.M. concluded that Respondent Vasquez used the 2011 Ford F-150's properly functioning OBD II system during the smog inspection of Vehicle 2, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 2.

Vehicle 3

30. BAR-OIS test data showed that on May 4, 2023, Respondent Vasquez performed a smog check inspection on a 2007 Infiniti G35 (Vehicle 3), resulting in the issuance of Certificate of Compliance No. IV064323C. The OIS test details for Vehicle 3 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 3.

31. K.M. utilized the Bureau's database and found that Vehicle 3 had been previously tested and failed inspection on May 3, 2023, at Respondent Sierra's facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 3.

32. Further, K.M. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 3 on May 4, 2023, matched a 2016 Hyundai Elantra. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 3 were consistent with the communication protocol and PID count for the 2016 Hyundai Elantra. K.M. concluded that Respondent Vasquez used the 2016 Hyundai Elantra's properly functioning OBD II system during the smog inspection of Vehicle 3, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 3.

Vehicle 4

33. BAR-OIS test data showed that on August 10, 2023, Respondent Vasquez performed a smog check inspection on a 2007 Honda Pilot (Vehicle 4), resulting in the issuance of Certificate of Compliance No. IV352824C. The OIS test details for Vehicle 4 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 4.

34. K.M. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 4 on August 10, 2023, matched a 2006 Dodge Ram. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 4 were consistent with the communication protocol and PID count for the 2006 Dodge Ram. K.M. concluded that Respondent Vasquez used the 2006 Dodge Ram's properly functioning OBD II system during the smog inspection of Vehicle 4, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 4.

Vehicle 5

35. BAR-OIS test data showed that on January 17, 2024, Respondent Vasquez performed a smog check inspection on a 2011 Dodge Ram 3500 ST (Vehicle 5), resulting in the issuance of Certificate of Compliance No. TQ975429C. The OIS test details for Vehicle 5 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 5.

36. K.M. utilized the Bureau's database and found that Vehicle 5 had been previously tested and failed inspection on March 16, 2023, at Respondent Sierra's facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle

5.

37. Further, K.M. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 5 on January 17, 2024, matched a 2014 Toyota Corolla. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 5 were consistent with the communication protocol and PID count for the 2014 Toyota Corolla. K.M. concluded that Respondent Vasquez used the 2014 Toyota Corolla's properly functioning OBD II system during the smog inspection of Vehicle 5, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 5.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

38. Respondent Sierra's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that Respondent Sierra made or authorized statements which Respondent Sierra knew or in the exercise of reasonable care should have known to be untrue or misleading. Specifically, Respondent Sierra certified that Vehicles 1 through 5, identified in paragraphs 25 through 37, above, passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Sierra conducted, or caused to be conducted, smog check inspections on the vehicles using clean plugging methods, in that Respondent Sierra substituted different vehicles during the inspections in order to issue smog certificates of compliance for the vehicles, and Respondent Sierra did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

39. Respondent Sierra's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent Sierra committed acts that constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 5, identified in paragraphs 25 through 37, above, without ensuring that bona fide inspections were performed of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Unfair Business Practice)

40. Respondent Sierra's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(6), in that Respondent Sierra utilized unfair business practices when Respondent Sierra issued electronic smog certificates of compliance for Vehicles 1 through 5, identified in paragraphs 25 through 37, above.

FOURTH CAUSE FOR DISCIPLINE

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

41. Respondent Sierra's smog check station license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Sierra failed to comply with the following sections of the CCR's:

a. **Section 3340.35, subdivision (c)**: Respondent Sierra failed to inspect and test Vehicles 1 through 5 in accordance with the procedures specified in section 3340.42 of the CCR and failed to ensure that the vehicles had all the required emission control equipment and devices installed and functioning correctly.

b. **Section 3340.45**: Respondent Sierra failed to perform smog check inspections on Vehicles 1 through 5 as prescribed in the operative Smog Check Manual.

c. **Section 3373:** Respondent Sierra made or authorized documents which it knew or which by exercise of reasonable care should have known to be untrue or misleading, when Respondent Sierra issued fraudulent smog certificates of compliance for Vehicles 1 through 5.

FIFTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

42. Respondent Sierra's smog check station license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to Vehicles 1 through 5, identified in paragraphs 25 through 37 above, Respondent Sierra failed to comply with the Health & Saf. Code, as follows:

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a. **Health & Saf. Code, section 44012**: Respondent Sierra failed to ensure that the emission control tests were performed on the vehicles in accordance with procedures prescribed by the department.

b. **Health & Saf. Code, section 44015**: Respondent Sierra issued electronic smog certificates of compliance for the vehicles without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health & Saf. Code section 44012.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

43. Respondent Sierra's smog check station license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Sierra committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 5, identified in paragraphs 25 through 37 above, without ensuring that a bona fide inspection had been performed of the emission control devices and systems on the vehicles, thereby depriving the people of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

44. Respondent Vasquez's smog check inspector license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Vasquez violated section 44032 of that Code. Specifically, Respondent Vasquez failed to perform the emission control tests on Vehicles 1 through 5, identified in paragraphs 25 through 37 above, in accord with procedures prescribed by the department.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

45. Respondent Vasquez's smog check inspector license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1 through 5, identified in paragraphs 25 through 37 above, Respondent Vasquez failed to comply with

provisions of the CCR, as follows:

a. **CCR, section 3340.30, subdivision (a)**: Respondent Vasquez failed to inspect and test Vehicles 1 through 5 in accordance with Health & Saf. Code section 44012 and CCR section 3340.42.

b. **CCR, section 3340.41, subdivision (c):** Respondent Vasquez entered false information into the EIS by entering vehicle identification information for a vehicle other than the one being tested.

c. **CCR, section 3340.42**: Respondent Vasquez failed to conduct the required smog tests in accordance with the Bureau's specifications.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

46. Respondent Vasquez's smog check inspector license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Vasquez committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false information for electronic smog certificates of compliance issued for Vehicles 1 through 5, identified in paragraphs 25 through 37 above, thereby failing to performing bona fide inspections of the emission control devices and systems on the vehicles and depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

OTHER MATTERS

47. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Sierra, upon a finding that Respondent Sierra has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

48. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License Number RC 235844, issued to Respondent Sierra, is revoked or suspended, any additional license

issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

49. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 642899, issued to Respondent Damian Miguel Vasquez, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 235844 and Smog Check Station License Number RC 235844, issued to Sierra Smog & Auto Repair Inc. dba Sierra Smog And Auto Repair with Steven G. Rowett as President and Beth A. Rowett as Secretary and Treasurer;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Sierra Smog & Auto Repair Inc.;

3. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Sierra Smog & Auto Repair Inc.;

4. Revoking or suspending Smog Check Inspector License Number EO 642899, issued to Damian Miguel Vasquez;

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Damian Miguel Vasquez;

6. Ordering Steven G. Rowett, Beth A. Rowett, and Damian Miguel Vasquez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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7. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais, Patrick@DCA
Date: 2024.08.20 14:57:31 -07'00'

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

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