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7

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

12 In the Matter of the Accusation Against:

Case No. 79/16-109

13 **RUBIDOUX AUTO SERVICE,**  
14 **RAUL H. HERNANDEZ, PARTNER,**  
15 **MARIA D. JACOBO, PARTNER**  
18131 Valley Blvd.  
15 Bloomington, CA 92316

**ACCUSATION**

16 **Automotive Repair Dealer Registration No.**  
17 **ARD 247614**  
18 **Smog Check, Station License No.**  
19 **RC 247614**

19 **and**

20 **ADAN GOMEZ**  
21 **9469 Grace Ave.**  
22 **Fontana, CA 92335**  
23 **Smog Check Inspector License No. EO 636076**

23 **and**

24 **JUAN PABLO VAZQUEZ**  
25 **22383 Cottonwood Ave.**  
26 **Moreno Valley, CA 92553**  
27 **Smog Check Inspector License No. EO 637054**

28 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Rubidoux Auto Service, Raul H. Hernandez, Partner, Maria D. Jacobo, Partner**

6 **Automotive Repair Dealer Registration**

7 2. On or about November 9, 2006, the Bureau of Automotive Repair issued Automotive  
8 Repair Dealer Registration Number ARD 247614 to Raul H. Hernandez and Maria D. Jacobo,  
9 partners, dba Rubidoux Auto Service. The Automotive Repair Dealer Registration was in full  
10 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
11 2016, unless renewed.

12 **Smog Check, Test Only, Station License**

13 3. In or about 2006, the Bureau of Automotive Repair issued Smog Check Station  
14 License Number RC 247614 to Raul H. Hernandez and Maria D. Jacobo, partners, dba Rubidoux  
15 Auto Service. The Smog Check Station License was in full force and effect at all times relevant  
16 to the charges brought herein and will expire on October 31, 2016, unless renewed.

17 **Adan Gomez**

18 **Smog Check Inspector License**

19 4. On September 26, 2013, the Bureau of Automotive Repair issued Smog Check  
20 Inspector (EO) License Number 636076 to Adan Gomez. The Smog Check Inspector's License  
21 was in full force and effect at all times relevant to the charges brought herein and will expire on  
22 June 30, 2017, unless renewed.

23 **Juan Pablo Vazquez**

24 **Smog Check Inspector License**

25 5. On July 2, 2014, the Bureau of Automotive Repair issued Smog Check Inspector  
26 (EO) License Number 637054 to Juan Pablo Vazquez. The Smog Check Inspector's License was  
27 in full force and effect at all times relevant to the charges brought herein and will expire on  
28 December 31, 2017.

1           **JURISDICTION**

2           6.     Business and Professions Code (“Code”) section 9884.7 provides that the Director  
3 may revoke an automotive repair dealer registration.

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

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

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

15   **STATUTORY PROVISIONS**

16          10.    Section 9884.7 of the Code states:

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

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

25           ...

26           “(4) Any other conduct which constitutes fraud.

27           ...

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

5           11. Section 44012 of the Health and Safety Code states:

6           “The test at the smog check stations shall be performed in accordance with procedures  
7 prescribed by the department and may require loaded mode dynamometer testing in enhanced  
8 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other  
9 appropriate test procedures as determined by the department in consultation with the state board.  
10 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode  
11 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning  
12 no earlier than January 1, 2013. However, the department, in consultation with the state board,  
13 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed  
14 idle testing for vehicles with onboard diagnostic systems that the department and the state board  
15 determine exhibit operational problems. The department shall ensure, as appropriate to the test  
16 method, the following:

17           “(a) Emission control systems required by state and federal law are reducing excess  
18 emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of  
19 Section 44013.

20           “(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of  
21 the vehicle's emission control system.

22           “(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of  
23 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded  
24 mode are tested in accordance with procedures prescribed by the department. In determining how  
25 loaded mode and evaporative emissions testing shall be conducted, the department shall ensure  
26 that the emission reduction targets for the enhanced program are met.

1           “(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and  
2 crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic  
3 compound emissions, in accordance with procedures prescribed by the department.

4           “(e) For diesel-powered vehicles, a visual inspection is made of emission control devices  
5 and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the  
6 department, that may include, but are not limited to, onboard diagnostic testing. The test may  
7 include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon  
8 the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

9           “(f) A visual or functional check is made of emission control devices specified by the  
10 department, including the catalytic converter in those instances in which the department  
11 determines it to be necessary to meet the findings of Section 44001. The visual or functional  
12 check shall be performed in accordance with procedures prescribed by the department.

13           “(g) A determination as to whether the motor vehicle complies with the emission standards  
14 for that vehicle's class and model-year as prescribed by the department.

15           “(h) An analysis of pass and fail rates of vehicles subject to an onboard diagnostic test and a  
16 tailpipe test to assess whether any vehicles passing their onboard diagnostic test have, or would  
17 have, failed a tailpipe test, and whether any vehicles failing their onboard diagnostic test have or  
18 would have passed a tailpipe test.

19           “(i) The test procedures may authorize smog check stations to refuse the testing of a vehicle  
20 that would be unsafe to test, or that cannot physically be inspected, as specified by the department  
21 by regulation. The refusal to test a vehicle for those reasons shall not excuse or exempt the  
22 vehicle from compliance with all applicable requirements of this chapter.”

23           12. Section 44015 of the Health and Safety Code states:

24           ...

25           “(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to  
26 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.”

27           ///

28           ///

1 13. Section 44059 of the Health and Safety Code states:

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

6 14. Section 44072.2 of the Health and Safety Code states:

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

10 "(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health  
11 and Safety Code, section 44000, et seq.)] and the regulations adopted pursuant to it, which related  
12 to the licensed activities.

13 ...

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

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

16 15. Section 44072.8 of the Health and Safety Code states:

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

20 **REGULATORY PROVISIONS**

21 16. California Code of Regulations, title 16, section 3340.24, subdivision (c) states:

22 ...

23 "(c) The bureau may suspend or revoke the license of or pursue other legal action against a  
24 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
25 certificate of noncompliance."

26 17. California Code of Regulations, title 16, section 3340.30, subdivision (a) states:

27 "A licensed smog check inspector and/or repair technician shall comply with the following  
28 requirements at all times while licensed:

1           “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the  
2 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this  
3 article.”

4           18. California Code of Regulations, title 16, section 3340.35, subdivision (c) states:

5           “A licensed station shall issue a certificate of compliance or noncompliance to the owner or  
6 operator of any vehicle that has been inspected in accordance with the procedures specified in  
7 section 3340.42 of this article and has all the required emission control equipment and devices  
8 installed and functioning correctly.”

9           19. California Code of Regulations, title 16, section 3340.42, states: "Smog check  
10 inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

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

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

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

27           “(2) A two-speed idle mode test shall be the test method used to inspect 1976 - 1999 model-  
28 year vehicles, except diesel-powered, registered in all program areas of the state, except in those

1 areas of the state where the enhanced program has been implemented. The two-speed idle mode  
2 test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and  
3 again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of  
4 Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall  
5 be measured and compared to the emission standards set forth in this section and as shown in  
6 TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are  
7 less than or equal to the applicable emissions standards specified in Table III.

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

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

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

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

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

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

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

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

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



1 fraudulently issuing Smog Check certificates to vehicles that are not in smog compliance and/or  
 2 not present for testing. The OIS test data from these fourteen (14) vehicles were compared to the  
 3 OIS test data of similar vehicles of the same year, make and model that received passing Smog  
 4 Check inspections and received smog certificates. The data comparison showed multiple  
 5 discrepancies with fourteen (14) vehicles that were all certified with the e-VIN missing, incorrect  
 6 vehicle communication protocols<sup>1</sup> and incorrect Parameter Identification (PID) count, which  
 7 confirms the vehicles receiving smog certificates were fraudulently tested during the smog  
 8 inspection using the clean plugging method<sup>2</sup>. Table 1 illustrates the clean plugging activities at  
 9 Respondent Rubidoux Auto Service between August 26, 2015 to December 22, 2015.

10 **TABLE 1**

11 <b>Test Date and Time*</b>	12 <b>Vehicle Certified &amp; License No.</b>	13 <b>Certificate No.</b>	14 <b>Technician License No.</b>	15 <b>OIS Test Data Details</b>
16 08/26/2015 17 1638-1642 18 hours	19 2005 Chevrolet Aveo LS 20 5MSX899	21 PU897211C	22 EO637054, 23 (Respondent 24 Vazquez	25 Comm. Protocol: 26 I9140808 (expected 27 KWPF) 28 29 PID Count: 10 30 (expected 21) 31 32 e-VIN-Missing
33 9/5/2015 34 1114-1124 35 hours	36 2004 Chevrolet Express 37 G2500 38 7H53668	39 YV102703C	40 EO637054, 41 (Respondent 42 Vazquez	43 Comm. Protocol: 44 I9140808 (expected 45 JVPW) 46 47 PID Count: 10 48 (expected 22) 49 50 e-VIN-Incorrect

51 <sup>1</sup> Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a  
 52 communication interface. This automated determination of the communication interface, or protocol, is built into the  
 53 Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles  
 54 manufactured and sold in the United States that are subject to the Smog Check program.

55 <sup>2</sup> Clean plugging is the use of the OBD II readiness monitor status and stored fault code (trouble code)  
 56 status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is not in  
 57 compliance due to a failure to complete the minimum number of self tests, known as monitors, or due to the presence  
 58 of a stored fault code that indicates an emission control system or component failure.

1	Test Date and Time*	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
2	9/8/2015 1152-1200 hours	2005 Chevrolet Impala VIN# 2G1WF52E959317778	YV102709C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected ) JVPW) PID Count: 10 (expected 19)  e-VIN-Missing
6	9/11/2015 1253-1309 hours	2005 Volkswagen New Jetta 2.5 VIN# 3VWRG71K85M646139	YV102732C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected KWPS)  PID Count: 11 (expected 20)  e-VIN-Missing
11	9/12/2015 0924-0931 hours	2006 Kia Optima LX/EX  6BMD176	YV102735C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected KWPF)  PID Count: 9 (expected 17)  e-VIN-Missing
16	9/21/2015 1630-1635 hours	2005 Chevrolet Impala  6VDY249	PW620966C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected JVPW)  PID Count: 10 (expected 19)  e-VIN-Incorrect
21	10/1/2015 1611-1615 hours	2006 Suzuki Forenza Premium  5RMK886	PY053852C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected KWPF)  PID Count: 10 (expected 36)  e-VIN-Missing

Test Date and Time*	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
10/10/2015 1447-1450 hours	2005 Hyundai Elantra GLS/GT 5NVV156	PY053895C	EO637054, (Respondent Vazquez)	Comm. Protocol: I9140808 (expected KWPF)  PID Count: 10 (expected 17)  e-VIN-Missing
11/17/2015 1550-1606 hours	2005 Chrysler PT Cruiser GT 5PZA575	QA069204C	EO636076 (Respondent Gomez)	Comm. Protocol: I9140808 (expected JVPW)  PID Count: 9 (expected 18)  e-VIN-Missing
11/21/2015 0935-0948 hours	2008 Nissan Sentra 2.0/2.0S/2.0SL 6UDR036	QA069209C	EO636076 (Respondent Gomez)	Comm. Protocol: I9140808 (expected ICAN11bt5)  PID Count: 17 (expected 38)  e-VIN-Missing
12/1/2015 1203-1213 hours	2002 Chevrolet C1500 Suburban 6TBU311	QA069211C	EO636076 (Respondent Gomez)	Comm. Protocol: I9140808 (expected JVPW) OBD II readiness Monitor: "K" supported  PID Count: 10 (expected 22) OBD II readiness Monitor: "K" not supported  e-VIN-Missing

Test Date and Time*	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
12/2/2015 1040-1047 hours	2003 Dodge Neon SE 4XXJ103	QA069212C	EO636076 (Respondent Gomez)	Comm. Protocol: 19140808 (expected JVPW) OBD II readiness Monitor: "J" supported  PID Count: 9 (expected 18) OBD II readiness Monitor: "J" not supported  e-VIN-Missing
12/16/2015 0944-0956 hours	2005 Ford Explorer Sport Trac 8A35260	QA069226C	EO636076 (Respondent Gomez)	Comm. Protocol: 19140808 (expected JPWM)  PID Count: 10 (expected 22)  e-VIN-Missing
12/22/2015 1036-1100 hours	2007 Volkswagen Rabbit 5XGR415	QA069231C	EO636076 (Respondent Gomez)	Comm. Protocol: 19140808 (expected ICAN11bt5)  PID Count: 10 (expected 40)  e-VIN-Missing

\* Test times are in military time.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

22. Respondent Rubidoux Auto Service 's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in that between August 26, 2015 to December 22, 2015, Respondent Rubidoux Auto Service made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:  
Respondent Rubidoux Auto Service certified that vehicles 1 through 14, set forth above in Table 1, had passed inspection and were in compliance with applicable laws and regulations. In fact,

1 Respondent Rubidoux Auto Service conducted the inspections on the vehicles using the clean  
2 plugging method by substituting or using different vehicles during the OBD II functional tests in  
3 order to issue smog certificates of compliance for the 14 vehicles, and did not test or inspect the  
4 14 vehicles as required by Health and Safety Code section 44012.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 23. Respondent Rubidoux Auto Service 's registration is subject to discipline pursuant to  
8 Code section 9884.7, subdivision (a)(4), in that between August 26, 2015 to December 22, 2015,  
9 Rubidoux Auto Service committed acts which constitute fraud by issuing electronic smog  
10 certificates of compliance for vehicles 1 through 14, set forth above in Table 1, without  
11 performing bona fide inspections of the emission control devices and systems on those vehicles,  
12 thereby depriving the People of the State of California of the protection afforded by the Motor  
13 Vehicle Inspection Program.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with the Motor Vehicle Inspection Program)**

16 24. Respondent Rubidoux Auto Service 's station license is subject to discipline pursuant  
17 to Health and Safety Code section 44072.2, subdivision (a), in that between August 26, 2015 to  
18 December 22, 2015, regarding vehicles 1 through 14, set forth above in Table 1, Respondent failed  
19 to comply with the following sections of that Code:

20 a. **Section 44012:** Respondent Rubidoux Auto Service failed to ensure that the emission  
21 control tests were performed on vehicles 1 through 14, in accordance with procedures prescribed  
22 by the department.

23 b. **Section 44015:** Respondent Rubidoux Auto Service issued electronic smog certificates  
24 of compliance for vehicles 1 through 14, without ensuring that the vehicles were properly tested  
25 and inspected to determine if they were in compliance with Health and Safety Code section  
26 44012.

1 c. **Section 44059:** Respondent Rubidoux Auto Service willfully made false entries for the  
2 electronic smog certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

7 25. Respondent Rubidoux Auto Service 's station license is subject to discipline pursuant  
8 to Health and Safety Code section 44072.2, subdivision (c), in that between November 9, 2015 to  
9 December 22, 2015, regarding vehicles 1 through 14, set forth above in Table 1, Respondent failed  
10 to comply with provisions of California Code of Regulations, title 16, as follows:

11 a. **Section 3340.24, subdivision (c):** Respondent Rubidoux Auto Service falsely or  
12 fraudulently issued electronic smog certificates of compliance for those vehicles without  
13 performing bona fide inspections of the emission control devices and systems on the vehicles as  
14 required by Health and Safety Code section 44012.

15 b. **Section 3340.35, subdivision (c):** Respondent Rubidoux Auto Service issued electronic  
16 smog certificates of compliance even though those vehicles had not been inspected in accordance  
17 with section 3340.42 of that Code.

18 c. **Section 3340.42:** Respondent Rubidoux Auto Service failed to conduct the required  
19 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

20 **FIFTH CAUSE FOR DISCIPLINE**

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

22 26. Respondent Rubidoux Auto Service 's station license is subject to discipline pursuant  
23 to Health and Safety Code section 44072.2, subdivision (d), in that between August 26, 2015 to  
24 December 22, 2015, regarding vehicles 1 through 14, set forth above in Table 1, Respondent  
25 Rubidoux Auto Service committed acts involving dishonesty, fraud or deceit whereby another  
26 was injured by issuing electronic smog certificates of compliance for those vehicles without  
27 performing bona fide inspections of the emission control devices and systems on the vehicles,  
28

1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 27. Respondent Vazquez' Inspector License is subject to discipline pursuant to Health  
6 and Safety Code section 44072.2, subdivision (a), in that between August 26, 2015 to October 10,  
7 2015, regarding vehicles 1 through 8, set forth above in Table 1, he failed to comply with section  
8 44012 of that Code in a material respect, as follows: Respondent Vazquez failed to perform the  
9 emission control tests on those vehicles in accordance with procedures prescribed by the  
10 department.

11 **SEVENTH CAUSE FOR DISCIPLINE**

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

14 28. Respondent Vazquez' Inspector License is subject to discipline pursuant to Health and  
15 Safety Code section 44072.2, subdivision (c), in that between August 26, 2015 to October 10,  
16 2015, regarding vehicles 1 through 8, set forth above in Table 1, he failed to comply with  
17 provisions of California Code of Regulations, title 16, as follows:

18 a. **Section 3340.24, subdivision (c)**: Respondent Vazquez falsely or fraudulently issued  
19 electronic smog certificates of compliance without performing bona fide inspections of the  
20 emission control devices and systems on those vehicles as required by Health and Safety Code  
21 section 44012.

22 b. **Section 3340.30 subdivision (a)**: Respondent Vazquez failed to inspect and test those  
23 vehicles in accordance with Health and Safety Code sections 44012.

24 c. **Section 3340.42**: Respondent Vazquez failed to conduct the required smog tests and  
25 inspections on those vehicles in accordance with the Bureau's specifications.

1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 29. Respondent Vazquez' Inspector License is subject to discipline pursuant to Health  
4 and Safety Code section 44072.2, subdivision (d), in that between August 26, 2015 to October 10,  
5 2015, regarding vehicles 1 through 8, set forth above in Table 1, he committed acts involving  
6 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of  
7 compliance without performing bona fide inspections of the emission control devices and systems  
8 on those vehicles, thereby depriving the People of the State of California of the protection  
9 afforded by the Motor Vehicle Inspection Program.

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Violations of the Motor Vehicle Inspection Program)**

12 30. Respondent Gomez' Inspector License is subject to discipline pursuant to Health and  
13 Safety Code section 44072.2, subdivision (a), in that between November 17, 2015 to December 22,  
14 2015, regarding vehicles 9 through 14, set forth above in Table 1, he failed to comply with section  
15 44012 of that Code in a material respect, as follows: Respondent Gomez failed to perform the  
16 emission control tests on those vehicles in accordance with procedures prescribed by the  
17 department.

18 **TENTH CAUSE FOR DISCIPLINE**

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

21 31. Respondent Gomez' Inspector License is subject to discipline pursuant to Health and  
22 Safety Code section 44072.2, subdivision (c), in that between November 17, 2015 to December  
23 22, 2015, regarding vehicles 9 through 14,, set forth above in Table 1, he failed to comply with  
24 provisions of California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c)**: Respondent Gomez falsely or fraudulently issued  
26 electronic smog certificates of compliance without performing bona fide inspections of the  
27 emission control devices and systems on those vehicles as required by Health and Safety Code  
28 section 44012.

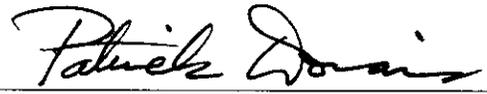




1           8.     Ordering Raul H. Hernandez and Maria D. Jacobo, partners, Adan Gomez and Juan  
2 Pablo Vazquez to pay the Bureau of Automotive Repair the reasonable costs of the investigation  
3 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

5  
6 DATED: July 14, 2016



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

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