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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 and Petition to Revoke Probation Against:

**DAVIS TEST ONLY SMOG TESTING,
DBA CITRUS HEIGHTS STAR SMOG
RONALD WALLINE, PRESIDENT**
8420 Auburn Blvd. B
Citrus Heights, CA 95610

**Automotive Repair Dealer Registration No.
ARD 263636**

**Smog Check Test and Repair Station
License No. RC 263636**

Respondent.

Case No. 79/24-9673

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 6, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation and Petition to Revoke Probation Number 79/24-9673 against Davis Test Only Smog Testing dba
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1 Citrus Heights Star Smog (Respondent) before the Director of the Department of Consumer
2 Affairs. (Petition to Revoke Probation attached as Exhibit A.)

3 2. On or about November 4, 2010, the Bureau of Automotive Repair (Bureau) issued
4 Automotive Repair Dealer Registration Number ARD 263636 to Respondent. The Automotive
5 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
6 in Petition to Revoke Probation Number 79/24-9673 and will expire on November 30, 2025,
7 unless renewed.

8 3. On or about June 12, 2015, the Bureau of Automotive Repair issued Smog Check
9 Test and Repair Station Number RC 263636 to Respondent. The Smog Check Test and Repair
10 Station Number was in full force and effect at all times relevant to the charges brought in
11 Accusation and Petition to Revoke Probation Number 79/24-9673 and will expire on November
12 30, 2025, unless renewed.

13 4. On or about March 11, 2025, Respondent was served by Certified and First Class
14 Mail copies of the Accusation and Petition to Revoke Probation Number 79/24-9673, Statement
15 to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government
16 Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant
17 to Business and Professions Code section 136, is required to be reported and maintained with the
18 Bureau. Respondent's address of record was and is:
19 8420 Auburn Blvd., Suite #B
20 Citrus Heights, CA 95610.

21 5. Service of the Accusation and Petition to Revoke Probation was effective as a matter
22 of law under the provisions of Government Code section 11505(c) and/or Business and
23 Professions Code section 124.

24 6. Government Code section 11506(c) states, in pertinent part:

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense . . . and the notice shall be deemed a specific denial of all
27 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
28 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
discretion may nevertheless grant a hearing.

- 1 a. Business and Professions Code section 9884.7, subdivision (a)(1), for untrue or
- 2 misleading statements;
- 3 b. Business and Professions Code section 9884.7, subdivision (a)(4), for fraudulent acts;
- 4 c. Business and Professions Code sections 9884.7, subdivision (a)(6), and 9884.8,
- 5 failure to comply with provisions of the Automotive Repair Act;
- 6 d. Business and Professions Code section 9884.7, subdivision (a)(6), and California
- 7 Code of Regulation, title 16, section 3340.35, failure to comply with regulations;
- 8 e. Health and Safety Code section 44072.2, subdivision (d), for dishonesty, fraud, or
- 9 deceit; and
- 10 f. Probation Condition 1, failure to obey all laws;

11 4. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,

12 or place on probation the registrations for all places of business operated in this state by Davis

13 Test Only Smog Testing, upon a finding that they have or are engaged in a course of repeated and

14 willful violation of the laws and regulations pertaining to an automotive repair dealer.

15 5. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test and Repair

16 Station License Number RC 263636, issued to Davis Test Only Smog Testing, doing business as

17 Citrus Heights Star Smog, is revoked or suspended, any additional license issued under Health

18 and Safety Code, Division 26, Part 5, Chapter 5 in the name of said licensee may be likewise

19 revoked or suspended by the director.

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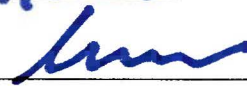
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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration Number 263636, Smog Check Test and Repair Station Number RC 263636, and all other registrations and licenses issued to Respondent Davis Test Only Smog Testing dba Citrus Heights Star Smog are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Boulevard, Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 10, 2025.

It is so ORDERED July 7, 2025


GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Division of Legal Affairs
Department of Consumer Affairs

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DOJ Matter ID:SA2024305043

Attachment:
Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

(DAVIS TEST ONLY SMOG TESTING DBA CITRUS HEIGHTS STAR SMOG, DAVIS TEST ONLY SMOG TESTING DBA CITRUS HEIGHTS STAR SMOG AND)

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2 KAREN R. DENVIR
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Attorneys for Complainant

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

12 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 79/24-9673

13 **DAVIS TEST ONLY SMOG TESTING,**
14 **DBA CITRUS HEIGHTS STAR SMOG**
15 **RONALD WALLINE, PRESIDENT**

8420 Auburn Blvd. B
16 Citrus Heights, CA 95610

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 263636**

19 **Smog Check Test and Repair Station**
20 **License No. RC 263636**

21 Respondent.

22 **PARTIES**

23 1. Patrick Dorais (Complainant) brings this Accusation and Petition to Revoke
24 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair
25 (Bureau), Department of Consumer Affairs.

26 ///

27 ///

1 *Heights Star Smog, Daniel McGarry, aka Daniel Lawrence McGarry, Case No. 77/17-18174,*"
2 the Bureau adopted a Decision and Order effective July 14, 2022, wherein Respondent C.H.
3 Smog's Automotive Repair Dealer Registration Number ARD 263636 and Smog Check Test and
4 Repair Station License Number RC 263636 were revoked. However, the revocation was stayed
5 and Respondent C.H. Smog was placed on probation for a period of three years under terms and
6 conditions.¹ (Exhibit A) The Decision and Order was based on the following: On or about June
7 20, 2017, Respondent McGarry was found guilty by a jury of violating Penal Code section 245,
8 subdivision (a)(4) (assault by means of force likely to produce great bodily injury), a felony. The
9 circumstances of the crime were that on or about July 12, 2014, Respondent McGarry assaulted a
10 customer at Respondent C.H. Smog facility following a dispute over payment for a failed smog
11 inspection.

12 JURISDICTION

13 9. This Accusation is brought before the Director of the Department of Consumer
14 Affairs (Director) for the Bureau, under the authority of the following laws. All section
15 references are to the Business and Professions Code (Code) unless otherwise indicated.

16 10. Code section 9884.7 provides, in pertinent part, that the Director may revoke an
17 automotive repair dealer registration.

18 11. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
19 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
20 against an automotive repair dealer or to render a decision temporarily or permanently
21 invalidating (suspending or revoking) a registration.

22 12. Code section 118, subdivision (b), provides that suspension, expiration, surrender, or
23 cancellation of a license shall not deprive the Director of jurisdiction to proceed with a
24 disciplinary action during the period within which the license may be renewed, restored, reissued
25 or reinstated.

26 13. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
27 "commission," "committee," "department," "division," "examining committee," "program," and

28 ¹ Due to expire on July 14, 2025.

1 “agency.” “License” includes certificate, registration or other means to engage in a business or
2 profession regulated by the Code.

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

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

10 16. Health and Safety Code section 44072.8 states that when a license has been revoked
11 or suspended following a hearing under this article, any additional license issued under this
12 chapter in the name of the licensee may be likewise revoked or suspended by the director.

13 STATUTORY PROVISIONS

14 17. Code section 9884.7 states, in pertinent part:

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

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

24

25 (4) Any other conduct which constitutes fraud.

26

27 (6) Failure in any material respect to comply with the provisions of this
28 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or
regulations adopted pursuant to it.

(b) Except as provided for in subdivision (c), if an automotive repair dealer
operates more than one place of business in this state, the director pursuant to
subdivision (a) shall only suspend, revoke, or place on probation the registration of
the specific place of business which has violated any of the provisions of this chapter.
This violation, or action by the director, shall not affect in any manner the right of the
automotive repair dealer to operate his or her other places of business.

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

6 18. Code section 9884.8 states:

7 All work done by an automotive repair dealer, including all warranty work,
8 shall be recorded on an invoice and shall describe all service work done and parts
9 supplied. Service work and parts shall be listed separately on the invoice, which shall
10 also state separately the subtotal prices for service work and for parts, not including
11 sales tax, and shall state separately the sales tax, if any, applicable to each. If any
12 used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that
13 fact. If a part of a component system is composed of new and used, rebuilt or
14 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include
15 a statement indicating whether any crash parts are original equipment manufacturer
16 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy
17 of the invoice shall be given to the customer and one copy shall be retained by the
18 automotive repair dealer.

19 19. Health and Safety Code section 44072.2 states, in pertinent part:

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

23

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

26 REGULATORY PROVISIONS

27 20. California Code of Regulations, title 16, section 3340.35 states, in pertinent part:

28

(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:

(1) Customers shall be charged the same price for certificates as that paid by
the licensed station; and

(2) Sales tax shall not be assessed on the price of certificate.

29 COST RECOVERY

30 21. Code section 125.3 provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **BACKGROUND INFORMATION**

6 22. On or about May 13, 2024, a Bureau representative (representative) performed a
7 station inspection at Respondent C.H. Smog's facility. During the inspection, the representative
8 requested a copy of 12 invoices to review. A sign posted inside the facility stated, "Any vehicle
9 passing the smog inspection must pay \$8.25 at the conclusion of the inspection. This is paid to the
10 State of California and collected by us." The representative reviewed the 12 invoices provided by
11 Respondent C.H. Smog and found that it was charging consumers a \$1.75 transfer fee and \$8.25
12 for a certificate of compliance when vehicles failed a smog check inspection.

13 23. On or about May 20, 2024, a representative held a probation conference with
14 Respondent R. Walline and his attorney Linda Foster. During the probation conference,
15 Respondent C.H. Smog agreed to remove the \$1.75 transfer fee and the \$8.25 charge for a
16 certificate of compliance when a vehicle fails a smog check inspection.

17 24. On or about August 15, 2024, a representative conducted a field visit at Respondent
18 C.H. Smog's facility and requested invoices and inspection reports that were performed after May
19 23, 2024.

20 25. On or about August 23, 2024, a representative made a field visit to Respondent C.H.
21 Smog's facility and spoke with Respondent R. Walline. Respondent R. Walline provided the
22 representative with the invoices and inspection reports that he had requested during the
23 August 15, 2024, field visit. The representative reviewed the invoices and found eight invoices
24 wherein consumers were charged \$8.25 for a smog certificate when the vehicle did not pass the
25 smog inspection, as more particularly set forth below:

26

<u>Year</u>	<u>Make</u>	<u>Lic. Plate</u>	<u>VIN</u>
27 2012	Honda	6WME804	2HGFB2F80CH528104
28 2019	Ford	02397U2	1FT7W2BT6KED94299

1	1990	Toyota	4D52550	JT4RN02P4L7001876
	2004	Toyota	8GZK121	1NXBR32E84Z193081
2	2005	Dodge	09461R1	1D7HU18D35S143496
	2024	Chevrolet		1GB4YSEY3RF337796
3	2012	Dodge	7ASZ953	2C3CDXCT6CH120535
4	2007	Toyota	8GJF150	JTKDE167670152736

UNDERCOVER OPERATION NO. 1 – CHEVROLET

6 26. On or about May 23, 2024, a Bureau undercover operator (operator) drove a
7 Chevrolet to Respondent C.H. Smog’s facility and requested a smog inspection. The operator was
8 greeted by technician D.R. D.R. had the operator complete information on the estimate and told
9 him that the inspection cost \$79.99. The operator gave D.R. \$80 in cash and was provided with a
10 copy of the estimate. D.R. began the inspection. D.R. told the operator that the vehicle would not
11 pass the smog inspection because the EGR² was missing. Respondent C.H. Smog charged the
12 operator \$8.25 for a smog certificate that was not issued.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

15 27. Respondent C.H. Smog’s registration is subject to discipline under Code section
16 9884.7, subdivision (a)(1), in that, Respondent C.H. Smog made or authorized statements which it
17 knew or in the exercise of reasonable care should have known to be untrue or misleading, as
18 follows:

19 a. Respondent C.H. Smog charged consumers a fee of \$8.25 for smog certificates
20 that were not issued due to the vehicle failing the smog inspection, as more particularly set forth
21 above in paragraphs 21 through 26.

22 b. Respondent C.H. Smog charged consumers a separate fee on the invoices for
23 electronic communications with the smog check database, as more particularly set for the above
24 in paragraphs 21 and 22.

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28 ² Exhaust Gas Recirculation

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 31. Respondent C.H. Smog's station license is subject to disciplinary action pursuant to
4 Health and Safety Code section 44072.2, subdivision (d), in that Respondent C.H. Smog
5 committed dishonest, fraudulent, or deceitful acts whereby another was injured, as more
6 particularly set forth above in paragraphs 21 through 26.

7 **PETITION TO REVOKE PROBATION**

8 32. At all times after the effective date of Respondent C.H. Smog's probation, Condition
9 7 stated:

10 If Respondent violates or fails to comply with the terms and conditions of
11 probation in any respect, the Director, after giving notice and opportunity to be heard
12 may set aside the stay order and carry out the disciplinary order provided in the
13 decision. Once Respondent is served notice of BAR's intent to set aside the stay, the
14 Director shall maintain jurisdiction, and the period of probation shall be extended
15 until final resolution of the matter.

16 33. Respondent C.H. Smog's probation is subject to revocation, in that it violated
17 probation as set forth below:

18 **FIRST CAUSE TO REVOKE PROBATION**

19 **(Failure to Obey All Laws)**

20 34. At all times after the effective date of Respondent C.H. Smog's probation, Condition
21 1 stated:

22 During the period of probation, Respondent shall comply with all federal and
23 state statutes, regulations and rules governing all BAR registrations and licensed held
24 by Respondent.

25 35. Respondent C.H. Smog's probation is subject to revocation by failing to comply with
26 Condition 1, in that it violated federal and state statutes, regulations and rules governing all BAR
27 registrations and licenses held by Respondent C.H. Smog, as more particularly set forth above in
28 paragraphs 21 through 27.

MATTERS IN AGGRAVATION

36. To determine the degree of discipline, if any, to be imposed on Respondent Davis
Test Only Smog Testing, Complainant alleges as follows:

- 1 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 263636,
- 2 issued to Davis Test Only Smog Testing, doing business as Citrus Heights Star Smog;
- 3 2. Revoking probation and reimposing the order of revocation of Automotive Repair
- 4 Dealer Registration Number ARD 263636, and Smog Check Test and Repair Station License
- 5 Number RC 263636, issued to Davis Test Only Smog Testing, doing business as Citrus Heights
- 6 Star Smog;
- 7 3. Revoking or suspending any other automotive repair dealer registration issued to
- 8 Davis Test Only Smog Testing;
- 9 4. Revoking or suspending Smog Check Test and Repair Station License Number RC
- 10 263636, issued to Davis Test Only Smog Testing, doing business as Citrus Heights Star Smog;
- 11 5. Revoking or suspending any additional license issued under Health and Safety Code,
- 12 Division 26, Part 5, Chapter 5 in the name of Davis Test Only Smog Testing;
- 13 6. Ordering Davis Test Only Smog Testing to pay the Bureau of Automotive Repair the
- 14 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
- 15 125.3; and,
- 16 7. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: As of Digital Signature Date

Dorais, Digitally signed by Dorais,
Patrick@DCA Patrick@DCA
Date: 2025.03.06 14:09:06
-08'00'

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

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