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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 Against:

13 **LARRY CASTILLO, OWNER**  
14 **dba LARRY'S SMOG & TUNE,**  
15 **271 East Main**  
**El Centro, CA 92243**

16 **Automotive Repair Dealer Registration No.**  
**ARD 266098**  
17 **Smog Check Station License No. RC 266098**  
**Lamp Station License No. LS 266098**  
18 **Brake Station License No. BS 266098**

19 **LARRY CASTILLO**  
**837 South LaBrucherie**  
20 **El Centro, CA 92243**

21 **358 San Diego Avenue**  
**El Centro, CA 92243**

22 **Smog Check Inspector License No.**  
**EO 632048**  
23 **Smog Check Repair Technician License No.**  
**EI 632048**  
24 **(formerly Advanced Emission Specialist**  
**Technician License No. EA 632048)**  
25 **Brake Adjuster License No. BA 632048**  
26 **Lamp Adjuster License No. LA 632048**

27 Respondents.  
28

Case No. 79/16-21

**ACCUSATION**

*(SMOG CHECK)*

1 Complainant alleges:

2 **PARTIES**

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

5 **Automotive Repair Dealer Registration No. ARD 266098**

6 2. On or about July 29, 2011, the Bureau of Automotive Repair (Bureau) issued  
7 Automotive Repair Dealer Registration Number ARD 266098 (dealer registration) to Larry  
8 Castillo, Owner, dba Larry's Smog & Tune, (Respondent Castillo). The Automotive Repair  
9 Dealer Registration was in full force and effect at all times relevant to the charges brought herein  
10 and will expire on July 31, 2016, unless renewed.

11 **Smog Check Station License Number RC 266098**

12 3. On or about August 10, 2011, the Bureau issued Smog Check Station License  
13 Number RC 266098 (smog check station license) to Respondent Castillo. The smog check  
14 station license was in full force and effect at all times relevant to the charges brought herein and  
15 will expire on July 31, 2016, unless renewed.

16 **Lamp Station License Number LS 266098**

17 4. On or about August 10, 2011, the Bureau issued Lamp Station License Number  
18 LS 266098 to Respondent Castillo. The lamp station license was in full force and effect at all  
19 times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

20 **Brake Station License Number BS 266098**

21 5. On or about August 10, 2011, the Bureau issued Brake Station License Number BS  
22 266098 to Respondent Castillo. The Brake Station License was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

24 **Smog Check Inspector License No. EO 632048**  
25 **Smog Check Repair Technician License No. EI 632048**

26 6. On August 2, 2010, the Bureau issued Advanced Emission Specialist Technician  
27 License No. EA 632048 to Respondent Castillo. It was due to expire on February 28, 2014,  
28 however, was cancelled on November 6, 2013. Under California Code of Regulations, title 16,

1 section 3340.28, subdivision (e), the license was renewed, under Respondent Castillo's election,  
2 as Smog Check Inspector License No. EO 632048 and Smog Check Repair Technician License  
3 No. EI 632048,<sup>1</sup> effective November 6, 2013. The Smog Check Inspector License and Smog  
4 Check Repair Technician License (technician licenses) were in full force and effect at all times  
5 relevant to the charges brought herein and will expire on February 29, 2016, unless renewed.

6 **Brake Adjuster License Number BA 632048**

7 7. On September 7, 2010, the Bureau issued Brake Adjuster License Number  
8 BA 632048 to Respondent Castillo. The brake adjuster license was in full force and effect at all  
9 times relevant to the charges brought herein and will expire on February 28, 2018, unless  
10 renewed.

11 **Lamp Adjuster License Number LA 632048**

12 8. On July 6, 2010, the Bureau issued Lamp Adjuster License Number LA 632048 to  
13 Respondent Castillo. The lamp adjuster license was in full force and effect at all times relevant to  
14 the charges brought herein and will expire on February 28, 2018, unless renewed.

15 **JURISDICTION**

16 9. This Accusation is brought before the Director of the Department of Consumer  
17 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

18 10. Section 477 of the Business and Professions Code (Code) provides, in pertinent part,  
19 that "Board" includes "bureau," . . . "License" includes certificate, registration or other means to  
20 engage in a business or profession regulated by the Code.

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

25 ///

26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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12. Section 9884.20 of the Code states:

All accusations against automotive repair dealers shall be filed within three years after the performance of the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action, the accusation may be filed within two years after the discovery, by the bureau, of the alleged facts constituting the fraud or misrepresentation.

13. Section 9884.22 of the Code states, in pertinent part:

(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny at any time any registration required by this article on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

....

14. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the Automotive Repair Act.

15. Section 9889.3 of the Code 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.

....

16. Section 9889.5 of the Code states:

“The director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

“(a) Imposing probation upon terms and conditions to be set forth by the director.

1           “(b) Suspending the license.

2           “(c) Revoking the license.”

3           17. Section 9889.7 of the Code provides, in pertinent part, that the expiration or  
4 suspension of a license by operation of law or by order or decision of the Director or a court of  
5 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
6 proceed with any disciplinary proceedings.

7           18. Section 9889.8 of the Code states:

8                   All accusations against licensees shall be filed within three years after the  
9 act or omission alleged as the ground for disciplinary action, except that with  
10 respect to an accusation alleging a violation of subdivision (d) of Section 9889.3,  
11 the accusation may be filed within two years after the discovery by the bureau of  
12 the alleged facts constituting the fraud or misrepresentation prohibited by that  
13 section.

14           19. Section 9889.9 of the Code states:

15                   “When any license has been revoked or suspended following a hearing under the provisions  
16 of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of  
17 the licensee may be likewise revoked or suspended by the director.”

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

21           21. H & S Code section 44072.4 states:

22                   “The director may take disciplinary action against any licensee after a hearing as provided  
23 in this article by any of the following:

24                   “(a) Imposing probation upon terms and conditions to be set forth by the director.

25                   “(b) Suspending the license.

26                   “(c) Revoking the license.”

27           22. H & S Code section 44072.6 provides, in pertinent part, that the expiration or  
28 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

1 of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against  
2 the licensee, or to render a decision suspending or revoking the license.

3 23. H & S Code section 44072.7 states:

4 All accusations against licensees shall be filed within three years after the  
5 act or omission alleged as the ground for disciplinary action, except that with  
6 respect to an accusation alleging a violation of subdivision (d) of Section 44072.2,  
7 the accusation may be filed within two years after the discovery by the bureau of  
8 the alleged facts constituting the fraud or misrepresentation prohibited by that  
9 section.

10 24. H & S Code section 44072.8 states:

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

14 25. California Code of Regulations, title 16, (CCR) section 3340.28, subdivision (e),  
15 states:

16 "Upon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
17 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
18 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

19 **STATUTORY PROVISIONS**

20 26. Section 9884.7 of the Code states:

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

27 (1) Making or authorizing in any manner or by any means whatever any  
28 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.

....

(4) Any other conduct which constitutes fraud.

....

1 (6) Failure in any material respect to comply with the provisions of this  
chapter or regulations adopted pursuant to it.

2 . . . .

3 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or  
4 place on probation the registration for all places of business operated in this state  
5 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.

6  
7 27. H & S Code section 44012 provides, in pertinent part, that the test at the smog check  
8 station shall be performed in accordance with procedures prescribed by the department, pursuant  
9 to Section 44013.

10 28. H & S Code section 44015 states, in pertinent part:

11 (a) A licensed smog check station shall not issue a certificate of  
12 compliance, except as authorized by this chapter, to any vehicle that meets the  
following criteria:

13 (1) A vehicle that has been tampered with.

14 . . . .

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

17 . . . .

18 29. H & S Code section 44032 states:

19 No person shall perform, for compensation, tests or repairs of emission  
20 control devices or systems of motor vehicles required by this chapter unless the  
21 person performing the test or repair is a qualified smog check technician and the  
test or repair is performed at a licensed smog check station. Qualified technicians  
shall perform tests of emission control devices and systems in accordance with  
Section 44012.

22 30. H & S Code section 44072.2 states:

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

25 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
26 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted  
27 pursuant to it, which related to the licensed activities.

28 . . . .

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

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

4 .....

5 **REGULATORY PROVISIONS**

6 31. CCR section 3340.24, sub-division (c), states:

7 "The bureau may suspend or revoke the license of or pursue other legal action against a  
8 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
9 certificate of noncompliance."

10 32. CCR section 3340.30, states, in pertinent part:

11 A smog check technician shall comply with the following requirements at all  
times while licensed.

12 (a) A licensed technician shall inspect, test and repair vehicles in accordance  
13 with section 44012 of the Health and Safety Code, section 44035 of the Health and  
Safety Code, and section 3340.42 of this article.

14 .....

15 33. CCR section 3340.35, provides, in pertinent part, that a licensed station shall issue a  
16 certificate of compliance . . . to the owner or operator of any vehicle that has been inspected in  
17 accordance with the procedures specified in section 3340.42 of this article and has all the required  
18 emission control equipment and devices installed and functioning correctly.

19 34. CCR section 3340.41, sub-division (c),states:

20 "No person shall enter into the emissions inspection system any vehicle identification  
21 information or emission control system identification data for any vehicle other than the one  
22 being tested. Nor shall any person knowingly enter into the emissions inspection system any false  
23 information about the vehicle being tested."

24 35. CCR 3340.42, provides, in pertinent part, that smog check stations and smog check  
25 technicians shall conduct tests and inspections in accordance with the bureau's BAR 97 Emission  
26 Inspection System Specifications referenced in subsections (a) and (b) of Section 3340.17.

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1 36. CCR section 3373, states:

2 No automotive repair dealer or individual in charge shall, in filling out an  
3 estimate, invoice, or work order, or record required to be maintained by section  
4 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
5 information which will cause any such document to be false or misleading, or  
6 where the tendency or effect thereby would be to mislead or deceive customers,  
7 prospective customers, or the public.

### 8 COST RECOVERY

9 37. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licentiate found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
13 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
14 may be included in a stipulated settlement.

### 15 BACKGROUND – CLEAN PLUGGING

16 38. In March 2015, the Bureau initiated an investigation of Larry's Smog & Tune smog  
17 check station based on a review of information from the Bureau's Vehicle Information Database  
18 (VID) to determine if Larry's Smog & Tune or their employees had engaged in fraudulent smog  
19 check inspections.

20 39. During a Bureau representative's review of Larry's Smog & Tune's certified test  
21 results in the VID for inspections purportedly performed on the Smog Check On-Board  
22 Diagnostic Inspection System (OIS)<sup>2</sup> between December 2014 and March 2015, Larry's Smog &

23 <sup>2</sup> The On-Board Diagnostic Inspection System (OIS) is a new Smog Check testing system  
24 to certify 2000 model year vehicles and newer. The OIS consists of a BAR certified Data  
25 Acquisition Device (DAD) and other equipment including a computer, bar code scanner, and  
26 printer. The OIS uses the California BAR-OIS software to communicate with the BAR's central  
27 database through an Internet connection. The bar code scanner is used to input technician,  
28 Vehicle Identification Number (VIN), and DMV renewal information. The printer provides a  
Vehicle Inspection Report containing inspection results for motorists and a Smog Check  
Certificate of Compliance number for passing vehicles. The Inspector is required to connect the  
Data Acquisition Device to the vehicle to be certified. The Data Acquisition Device is an On  
Board Diagnostic scan tool that, when requested by the California BAR-OIS software, retrieves  
On Board Diagnostic data from the vehicle. The Data Acquisition Device connects to the  
vehicle's on-board computer through the vehicle's diagnostic link connector (DLC). The Data  
Acquisition Device is the only BAR-certified component of the OIS.

1 Tune and smog check technician Larry Castillo inspected twenty-four vehicles, identified below  
2 in Table 1, and issued Certificates of Compliance by using the method known as “Clean  
3 Plugging”.<sup>3</sup> This resulted in the issuance of fraudulent Certificates of Compliance for each of the  
4 twenty-four vehicles.

5 40. The OIS Test Detail showed that eVIN<sup>4</sup> number 5TFRM5F1XCX037562 was  
6 transmitted and recorded on the VID for each and every one of the twenty-four vehicles, listed  
7 below, tested and passed by Larry’s Smog & Tune and smog check technician Larry Castillo. In  
8 truth and in fact, eVIN number 5TFRM5F1XCX037562 is for Larry Castillo’s 2012 Toyota  
9 Tundra Pickup (Castillo’s Toyota). Castillo’s Toyota was used to clean plug all of the twenty-  
10 four vehicles that obtained fraudulent Certificates of Compliance.

11 41. The following table summarizes the fraudulent Certificates of Compliance issued by  
12 Larry’s Smog & Tune and smog check technician Larry Castillo by clean plugging:

13 **TABLE 1**

14 #	Date	Vehicle Certified	Certificate No.	VIN No.
15 1	12/8/14	2005 Chevrolet Trailblazer	PM574464C	1GNDDT13SX52130446
16 2	1/5/15	2005 Chrysler Crossfire	PM574488C	1C3AN69L35X041943
17 3	1/20/15	2005 Ford Freestyle	PM574498C	1FMDK02175GA34836
18 4	1/21/15	2012 Hyundai Accent	PO167905C	KMHCT4AE2CU217127

19 <sup>3</sup> Clean plugging is the use of the OBD II readiness monitor status and stored code status  
20 of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that  
21 is not in compliance due to the noncompliant vehicle’s failure to complete the minimum number  
22 of self tests, known as monitors, or due to the presence of a stored code that indicates an emission  
23 control system or component failure. Clean plugging occurs during the inspection of a vehicle  
24 that has an OBD II system. To “clean plug” a vehicle, the smog technician enters information  
into the Emissions Inspection System for the vehicle the technician wishes to certify and then  
plugs the OBD II system connection from the Emissions Inspection System into another vehicle  
that has a properly functioning OBD II system, rather than plugging the connection into the  
vehicle that was originally identified for testing.

25 <sup>4</sup> An eVIN number is a Vehicle Identification Number (VIN) that is programmed into the  
26 vehicle’s OBD II system memory by the manufacturer and broadcast on the system serial data  
27 line. The eVIN is programmed into the vehicle’s Powertrain Control Module memory and  
28 transmitted over the serial data line. The serial data is accessible through the Data Link  
Connector. The BAR On-Board Inspection System (OIS) test equipment connects to the Data  
Link Connector and accesses the vehicle serial data to determine if the vehicle is within  
applicable emission system standards.

1	5	2/6/15	2005 Nissan Altima	PO167924C	1N4AL11E85C316043
2	6	2/10/15	2005 Jeep Wrangler	PO167933C	1J4FA29S95P326508
3	7	2/10/15	2006 Ford F250	PO167935C	1FTNF20586EA65797
4	8	2/17/15	2012 Chevrolet Equinox	PO167947C	2GNALBEK0C1172093
5	9	2/19/15	2005 Dodge Neon	YP008054C	1B3ES56C05D173355
6	10	2/20/15	2010 Chevrolet Equinox	YP008058C	2CNALBEW7A6254099
7	11	2/23/15	2005 Volkswagen Jetta	YP008067C	3VWSK69M95M060548
8	12	2/25/15	2007 Saturn Aura	YP008072C	1G8ZS57N57F199810
9	13	2/27/15	2005 Chrysler Pacifica	YP008076C	2C8GM48L05R598725
10	14	3/3/15	2005 Dodge Magnum	YP008087C	2D4FV48V25H598701
11	15	3/3/15	2007 Jeep Liberty	YP008089C	1J4GL48K57W604471
12	16	3/6/15	2005 Volkswagen New Beetle	YP008098C	3VWCM31Y05M318189
13	17	3/11/15	2009 Honda Civic	YP288316C	2HGFA16509H523089
14	18	3/12/15	2005 Dodge Magnum	YP288318C	2D4FV48T35H554298
15	19	3/13/15	2007 Suzuki Forenza	YP288325C	KL5JD56Z97K542388
16	20	3/13/15	2005 GMC Canyon	YP288327C	1GTDT136658195318
17	21	3/13/15	2009 Honda Civic	YP288328C	1HGFA16599L020907
18	22	3/17/15	2007 Ford Focus	YP288335C	1FAFP34N57W321347
19	23	3/17/15	2005 Toyota Camry	YP288337C	4T1BE32K45U585929
20	24	3/17/15	2000 Pontiac Grand Am	YP288338C	1G2NF52TXYC510699

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

42. Respondent Castillo's dealer registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that Respondent 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 certified that vehicles 1 through 24, identified in Table 1 above, had passed

1 inspection and were in compliance with applicable laws and regulations. In fact, Respondent  
2 conducted the inspections on the vehicles using clean-plugging methods in that he used Castillo's  
3 Toyota during the OBD II functional tests in order to issue smog certificates of compliance for  
4 the vehicles, and did not actually test or inspect the vehicles as required by H & S Code section  
5 44012.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 43. Respondent Castillo's dealer registration is subject to disciplinary action pursuant to  
9 Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud  
10 by issuing electronic smog certificates of compliance for vehicles 1 through 24, identified in  
11 Table 1 above, without performing bona fide inspections of the emission control devices and  
12 systems on the vehicles, thereby depriving the People of the State of California of the protection  
13 afforded by the Motor Vehicle Inspection Program.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Violation of Motor Vehicle Inspection Program)**

16 44. Respondent Castillo's smog check station license is subject to disciplinary action  
17 pursuant to H & S Code section 44072.2, subdivision (a), in that Respondent failed to comply  
18 with the following sections of that Code:

19 a. **Section 44012, subdivision (a):** Respondent failed to ensure that all emission  
20 control devices and systems required by law for vehicles 1 through 24, identified in Table 1  
21 above, were installed and functioning correctly in accordance with test procedures.

22 b. **Section 44012, subdivision (f):** Respondent failed to ensure that the emission  
23 control tests were performed on vehicles 1 through 24, identified in Table 1 above, in accordance  
24 with procedures prescribed by the department.

25 c. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of  
26 compliance for vehicles 1 through 24, identified in Table 1 above, without ensuring that the  
27 vehicles were properly tested and inspected to determine if they were in compliance with H & S  
28 Code section 44012.

1 d. **Section 44059:** Respondent willfully made false entries for electronic certificates of  
2 compliance for vehicles 1 through 24, identified in Table 1 above, by certifying that the vehicles  
3 had been inspected as required when, in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

6 45. Respondent Castillo's smog check station license is subject to disciplinary action  
7 pursuant to H & S Code section 44072.2, subdivision (c), in that Respondent failed to comply  
8 with provisions of California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
10 electronic smog certificates of compliance for vehicles 1 through 24, identified in Table 1 above.

11 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of  
12 compliance for vehicles 1 through 24, identified in Table 1 above, even though the vehicles had  
13 not been inspected in accordance with section 3340.42.

14 c. **Section 3340.42:** Respondent failed to ensure that the required smog tests were  
15 conducted on vehicles 1 through 24, identified in Table 1 above, in accordance with the Bureau's  
16 specifications.

17 d. **Section 3373:** Respondent created a false and misleading record by issuing a  
18 fraudulent invoice that did not reflect the actual work performed.

19 **FIFTH CAUSE FOR DISCIPLINE**

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

21 46. Respondent Castillo's smog check station license is subject to disciplinary action  
22 pursuant to H & S Code section 44072.2, subdivision (d), in that Respondent committed  
23 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog  
24 certificates of compliance for vehicles 1 through 24, identified in Table 1 above, without  
25 performing bona fide inspections of the emission control devices and systems on the vehicles,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

28 ///



1 c. **Section 3340.41, subdivision (c):** Respondent entered into the emissions inspection  
2 system vehicle identification information or emission control system identification data for a  
3 vehicle other than the one being tested for vehicles 1 through 24, identified in Table 1 above.

4 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on vehicles 1  
5 through 24, identified in Table 1 above, in accordance with the Bureau's specifications.

6 **EIGHTH CAUSE FOR DISCIPLINE**

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

8 49. Respondent Castillo's technician licenses are subject to disciplinary action pursuant to  
9 H & S Code section 44072.2, subdivision (d), in that Respondent committed dishonest,  
10 fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of  
11 compliance for vehicles 1 through 24, identified in Table 1 above, without performing bona fide  
12 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
13 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
14 Program.

15 **OTHER MATTERS**

16 50. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily  
17 or permanently or refuse to validate, the registrations for all places of business operated in this  
18 state by an automotive repair dealer upon a finding that the automotive repair dealer has engaged  
19 in a course of repeated and willful violations of the laws and regulations pertaining to an  
20 automotive repair dealer.

21 51. Pursuant to H & S Code section 44072.8, if Smog Check Station License Number RC  
22 266098, is revoked or suspended, the Director may likewise revoke or suspend any additional  
23 license, issued under Chapter 5 of the Health and Safety Code, to Larry Castillo.

24 52. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
25 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and  
26 6 in the name of Respondent Larry Castillo, including Lamp Station License Number LS 266098  
27 and Brake Station License Number BS 266098 may be likewise revoked or suspended.

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1           9.    Revoking or suspending Lamp Adjuster License No. LA 632048, issued to Larry  
2 Castillo;

3           10.   Revoking or suspending any additional license issued under Chapter 5 of the Health  
4 and Safety Code in the name of Larry Castillo;

5           11.    Ordering Larry Castillo to pay the Bureau of Automotive Repair the reasonable costs  
6 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
7 section 125.3;

8           12.    Taking such other and further action as deemed necessary and proper.

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DATED: August 28, 2015



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

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