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

11 In the Matter of the Accusation Against:

Case No. **79/16-40**

12 **A SELMA SMOG (formerly A Smog Master & Repair)**
13 **SUNDIP SINGH SANGHA, OWNER**
14 **2373 W. Front Street**
Selma, CA 93662

ACCUSATION
(Smog Check)

15 **Automotive Repair Dealer Reg. No. ARD 268718**
16 **Smog Check Station License No. RC 268718**

17 **and**

18 **ALBERT NAVARRO**
19 **270 Orit Avenue**
Parlier, CA 93648

20 **Smog Check Inspector License No. EO 634573**
21 **Smog Check Repair Technician License No. EI 634573**
(formerly Advanced Emission Specialist Technician
License No. EA 634573)

22 Respondents.

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24 Complainant alleges:

25 **PARTIES**

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

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12. Bus. & Prof. Code section 22, subdivision (a), states:

“Board” as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.”

13. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

14. 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:

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

....

(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 . . .

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

....

(c) The department shall revoke the license of any smog check technician or station licensee 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:

(1) Clean piping, as defined by the department . . .

16. California Code of Regulations, title 16, section 3340, states, in pertinent part, that “[c]lean piping” for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of the actual test vehicle’s exhaust in order to cause the EIS to issue a certificate of compliance for the test vehicle”.

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1 **COST RECOVERY**

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

6 **VIDEO SURVEILLANCE OPERATION OF JUNE 2, 2014**

7 18. On June 2, 2014, at approximately 06:25 hours, Bureau Representative E. L.
8 commenced a video surveillance operation of Respondent Sangha's smog check facility. At
9 approximately 16:25 hours, E. L. visited the facility and spoke to Respondent Navarro
10 ("Navarro"). The surveillance operation was concluded at approximately 17:53 hours. Later,
11 E. L. reviewed the surveillance video and information obtained from the Bureau's vehicle
12 information database ("VID"). The VID data showed that Navarro issued electronic smog
13 certificates of compliance on behalf of Respondent Sangha, certifying that he had tested and
14 inspected the three vehicles identified below and that the vehicles were in compliance with
15 applicable laws and regulations. In fact, Navarro conducted the inspections using clean piping
16 methods, resulting in the issuance of fraudulent certificates of compliance for the vehicles.
17 Further, none of the vehicles were in the vicinity of the smog testing area at the time of the
18 inspections.

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Time of Inspection	Vehicle Certified & License No.	Vehicle Actually Tested	Certificate No.
15:41 to 15:52	1990 Nissan 240SX; License No. 3DVD683	Toyota pickup truck	YF817296C
16:51 to 17:02	1992 Honda Civic; License No. 2ZRX127	Nissan Sentra; License No. 6TKY055	YF817299C
17:07 to 17:16	2002 Chevrolet Avalanche; License No. 8T72975	GMC Yukon	YF817300C

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24 19. On or about June 12, 2014, E. L. and Bureau Representative A. L. made a field
25 visit to the facility and obtained copies of various documents, including vehicle inspection reports
26 ("VIR") for the three vehicles illegally certified by Navarro.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 20. Respondent Sangha's registration is subject to disciplinary action pursuant to Bus: &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
5 which he knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows: Respondent Sangha's smog check technician, Respondent Navarro,
7 certified under penalty of perjury on the VIR's that the vehicles, identified in paragraph 18 above,
8 had passed inspection and were in compliance with applicable laws and regulations. In fact,
9 Navarro used clean piping methods in order to issue certificates for the vehicles and did not test
10 or inspect the vehicles as required by Health & Saf. Code section 44012.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 21. Respondent Sangha's registration is subject to disciplinary action pursuant to Bus. &
14 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute
15 fraud by issuing electronic smog certificate of compliance for the vehicles, identified in paragraph
16 18 above, without ensuring that bona fide inspections were performed of the emission control
17 devices and systems on the vehicles, thereby depriving the People of the State of California of the
18 protection afforded by the Motor Vehicle Inspection Program.

19 **THIRD CAUSE FOR DISCIPLINE**

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

21 22. Respondent Sangha's smog check station license is subject to disciplinary action
22 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
23 comply with provisions of that Code, as follows:

24 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
25 performed on the vehicles, identified in paragraph 18 above, in accordance with procedures
26 prescribed by the department.

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1 section 44012 of that Code in a material respect, as follows: Respondent failed to perform the
2 emission control tests on the vehicles, identified in paragraph 18 above, in accordance with
3 procedures prescribed by the department.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

7 26. Respondent Navarro's technician licenses are subject to disciplinary action pursuant
8 to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with
9 provisions of California Code of Regulations, title 16, as follows:

10 a. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the vehicles,
11 identified in paragraph 18 above, in accordance with Health & Saf. Code sections 44012 and
12 44035, and California Code of Regulations, title 16, section 3340.42.

13 b. **Section 3340.41, subdivision (c)**: Respondent entered false information into the
14 Emissions Inspection System by entering vehicle identification information or emission control
15 system identification data for vehicles other than the ones being tested.

16 c. **Section 3340.42**: Respondent failed to conduct the required smog tests on the
17 vehicles, identified in paragraph 18 above, in accordance with the Bureau's specifications.

18 **EIGHTH CAUSE FOR DISCIPLINE**

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

20 27. Respondent Navarro's technician licenses are subject to disciplinary action pursuant
21 to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,
22 fraudulent or deceitful acts whereby another is injured by issuing electronic smog certificates of
23 compliance for the vehicles, identified in paragraph 18 above, without performing bona fide
24 inspections of the emission control devices and systems on the vehicles, thereby depriving the
25 People of the State of California of the protection afforded by the Motor Vehicle Inspection
26 Program.

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1 OTHER MATTERS

2 28. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
3 suspend, revoke, or place on probation the registration for all places of business operated in this
4 state by Respondent Sundip Singh Sangha, owner of A Selma Smog, formerly A Smog Master &
5 Repair, upon a finding that Respondent has, or is, engaged in a course of repeated and willful
6 violations of the laws and regulations pertaining to an automotive repair dealer.

7 29. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
8 Number RC 268718, issued to Respondent Sundip Singh Sangha, owner of A Selma Smog,
9 formerly A Smog Master & Repair, is revoked or suspended, any additional license issued under
10 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

11 30. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
12 Number EO 634573 and Smog Check Repair Technician License Number EI 634573, issued to
13 Respondent Albert Navarro, are revoked or suspended, any additional license issued under this
14 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

15 PRAYER

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

18 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
19 268718, issued to Sundip Singh Sangha, owner of A Selma Smog, formerly A Smog Master &
20 Repair;

21 2. Revoking or suspending any other automotive repair dealer registration issued to
22 Sundip Singh Sangha;

23 3. Revoking or suspending Smog Check Station License Number RC 268718, issued to
24 Sundip Singh Sangha, owner of A Selma Smog, formerly A Smog Master & Repair;

25 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
26 and Safety Code in the name of Sundip Singh Sangha;

27 5. Revoking or suspending Smog Check Inspector License Number EO 634573 and
28 Smog Check Repair Technician License Number EI 634573, issued to Albert Navarro;

1 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 and Safety Code in the name of Albert Navarro;

3 7. Ordering Sundip Singh Sangha, owner of A Selma Smog, formerly A Smog Master &
4 Repair, and Albert Navarro to pay the Director of Consumer Affairs the reasonable costs of the
5 investigation and enforcement of this case, pursuant to Business and Professions Code section
6 125.3;

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

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9 DATED: October 27, 2015


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

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