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

12  
13 In the Matter of the Accusation Against:

Case No. 79/19-12286

14 **JOSEPH R. SIMONIN-President,**  
**SIMCAT ENTERPRISES DBA**  
15 **LUBE N GO**  
16 **1544 Spring Street**  
**Paso Robles, CA 93446**  
**MAILING ADDRESS**  
17 **2505 Theater Drive**  
**Paso Robles, CA 93446**  
18 **Automotive Repair Dealer Registration No.**  
**ARD 281267**  
19 **Smog Check Station License No. RC 281267**

**ACCUSATION**

20 **JOSEPH R. SIMONIN-President,**  
**SIMCAT ENTERPRISES DBA**  
21 **LUBE N GO**  
22 **7095 El Camino Real**  
**Atascadero, CA 93422**  
**MAILING ADDRESS**  
23 **2505 Theater Drive**  
**Paso Robles, CA 93446**  
24 **Automotive Repair Dealer Registration No.**  
**ARD 279310**  
25 **Smog Check Station License No. RC 279310**

26 **JOSEPH R. SIMONIN-President,**  
**SIMCAT ENTERPRISES DBA**  
27 **LUBE N GO**  
**286 Higuera St.**  
28 **San Luis Obispo, CA 93401**

**MAILING ADDRESS**

**2505 Theater Dr.  
Paso Robles, CA 93446  
Automotive Repair Dealer Registration No.  
ARD 273956  
Smog Check Station License No. RC 273956**

**JOSEPH R. SIMONIN-President,  
SIMCAT ENTERPRISES DBA  
LUBE N GO  
2505 Theater Drive Suite A1  
Paso Robles, CA 93446  
Automotive Repair Dealer Registration No.  
ARD 229122  
Smog Check Station License No. RC 229122**

**JEREMIAH LANGER  
1544 Spring St.  
Paso Robles, CA 93446  
Smog Check Inspector License No.  
EO 641661**

**and**

**DEREK IAN SMITH  
280 S. Halcyon RD  
Arroyo Grande, CA 93420  
Smog Check Inspector License No. EO  
155207  
Smog Check Repair Technician License  
Number EI 155207 (formerly Advanced  
Emission Specialist Technician License No.  
EB 155207)**

Respondents.

**PARTIES**

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

**Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go- ARD 281267 /RC  
281267-No. 1**

**Automotive Repair Dealer Registration**

2. On or about August 24, 2015, the Bureau issued Automotive Repair Dealer Registration Number ARD 281267 (“registration”) to Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go (“Respondent Lube N Go No. 1”). The Automotive Repair Dealer

1 Registration was in full force and effect at all times relevant to the charges brought herein and  
2 will expire on August 31, 2020, unless renewed.

3 **Smog Check Station License**

4 3. On or about September 11, 2015, the Bureau issued Smog Check Station License  
5 Number RC 281267 to Respondent Lube N Go No. 1. The Smog Check Station License was in  
6 full force and effect at all times relevant to the charges brought herein and will expire on August  
7 31, 2020, unless renewed.

8 **Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go- ARD 279310 /RC 279310**

9 **-No. 2**

10 **Automotive Repair Dealer Registration**

11 4. On or about February 24, 2015, the Bureau of Automotive Repair issued Automotive  
12 Repair Dealer Registration Number ARD 279310 (“registration”) to Joseph R. Simonin-  
13 President, Simcat Enterprises dba Lube N Go (“Respondent Lube N Go No. 2”). The Automotive  
14 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
15 herein and will expire on February 29, 2020, unless renewed.

16 **Smog Check Station License**

17 5. On or about April 9, 2015, the Bureau issued Smog Check Station License Number  
18 RC 279310 to Respondent Lube N Go No. 2. The Smog Check Station License was in full force  
19 and effect at all times relevant to the charges brought herein and will expire on February 29,  
20 2020, unless renewed.

21 **Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go- ARD 273956/RC 273956**

22 **-No. 3**

23 **Automotive Repair Dealer Registration**

24 6. On or about August 13, 2013, the Bureau issued Automotive Repair Dealer  
25 Registration Number ARD 273956 (“registration”) to Joseph R. Simonin-President, Simcat  
26 Enterprises dba Lube N Go (“Respondent Lube N Go No. 3”). The Automotive Repair Dealer  
27 Registration was in full force and effect at all times relevant to the charges brought herein and  
28 will expire on August 31, 2020, unless renewed.

1           **Smog Check Station License**

2           7.     On or about October 10, 2013, the Bureau issued Smog Check Station License  
3 Number RC 273956 to Respondent Lube N Go No. 3. The Smog Check Station License was in  
4 full force and effect at all times relevant to the charges brought herein and will expire on August  
5 31, 2020, unless renewed.

6           **Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go- ARD 229122 /RC 229122**

7           **-No. 4**

8           **Automotive Repair Dealer Registration**

9           8.     In 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD  
10 229122 (“registration”) to Joseph R. Simonin-President, Simcat Enterprises dba Lube N Go  
11 (“Respondent Lube N Go No. 4”). The Automotive Repair Dealer Registration was in full force  
12 and effect at all times relevant to the charges brought herein and will expire on August 31, 2020,  
13 unless renewed.

14           **Smog Check Station License**

15           9.     On or about November 12, 2003, the Bureau issued Smog Check Station License  
16 Number RC 229122 to Respondent Lube N Go No. 4. The Smog Check Station License was in  
17 full force and effect at all times relevant to the charges brought herein and will expire on August  
18 31, 2020, unless renewed.

19           **Jeremiah Langer**

20           **Inspector License**

21           10.    On or about January 18, 2019, the Bureau issued Smog Check Inspector License  
22 Number EO 641661 ("inspector license") to Jeremiah Langer (“Respondent Langer”). The Smog  
23 Check Inspector License was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on May 31, 2021, unless renewed.

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1 **Derek Ian Smith**

2 **Technician License/Inspector License**

3 **(formerly Advanced Emission Specialist Technician License Number EA 155207)**

4 11. In 2008, the Bureau issued Basic Area (EB) Technician License No. EA 155207 to  
5 Derek Ian Smith (“Respondent Smith”), under SB 1997, the biennial Smog Check Program  
6 implemented January 1, 1990. License No. EB 155207 expired on October 31, 2011. Is a  
7 licensed Smog Check Inspector under SB 1997, the biennial Smog Check Program implemented  
8 January 1, 1990. Respondent Smith was issued Smog Check Inspector (EO) License. License  
9 No. EO 155207 ("inspector license") was issued on March 27, 2017 and will expire on October  
10 31, 2020. Is also licensed as a Smog Check Repair Technician (EI) under SB 1997, the biennial  
11 Smog Check Program implemented January 1, 1990. Respondent Smith was issued Smog Check  
12 Repair Technician (EI) License. License No. EI 155207 ("repair technician license") was issued  
13 on August 26, 2016 and will expire on October 31, 2020.

14 **JURISDICTION**

15 12. Business and Professions Code (“Code”) section 9884.7 provides that the Director  
16 may revoke an automotive repair dealer registration.

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

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

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

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1 determine exhibit operational problems. The department shall ensure, as appropriate to the test  
2 method, the following:

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

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

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

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

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

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

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

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

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

9           18. Section 44015 of the Health and Safety Code states:

10           . . .

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

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

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

19           20. Section 44072.2 of the Health and Safety Code states:

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

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

26           . . .

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

28           “(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.”



1 loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of  
2 nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of  
3 Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode  
4 (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

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

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

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

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

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

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

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

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

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

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

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

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

17           “(2) Vehicles with emission levels exceeding the emission standards for gross polluters  
18 during an initial inspection will be considered gross polluters and the provisions pertaining to  
19 gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and  
20 44081 of the Health and Safety Code.

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

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

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1 **COST RECOVERY**

2 26. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FACTUAL BACKGROUND-INVESTIGATION NO. 1**

9 27. A Bureau Representative conducted a review of Lube N Go BAR-OIS smog check  
10 inspection records from the Vehicle Identification Database ("VID"). The review showed  
11 numerous vehicle that have been certified at Lube N Go with different e-VINs, different vehicle  
12 communication protocol and different Parameter Identification<sup>1</sup> (PID) count. All of the following  
13 inspections were performed by Respondent Langer. The data from the certified vehicles were  
14 compared to the OIS test data of similar vehicles of the same year, make and model that received  
15 passing Smog Check inspections and received smog certificates. The data comparison showed  
16 multiple discrepancies with nine (9) vehicles that were all certified with different e-VINs,  
17 different vehicle communication protocols<sup>2</sup> and different PID count, which confirms the vehicles  
18 receiving smog certificates were fraudulently tested during the smog inspection using the clean  
19 plugging method<sup>3</sup>. The Table 1 illustrates the clean plugging activities of Respondents Lube N  
20 Go and Langer between March 20, 2019 to August 8, 2019. All of the following inspections were  
21 performed by Respondent Langer.

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23 \_\_\_\_\_  
24 <sup>1</sup> Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR  
25 OIS.

26 <sup>2</sup> Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a  
27 communication interface. This automated determination of the communication interface, or protocol, is built into the  
28 Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles  
manufactured and sold in the United States that are subject to the Smog Check program.

<sup>3</sup> Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,  
generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing  
fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for  
testing.

**TABLE 1**

<b>Test No.</b>	<b>Test Date</b>	<b>Vehicle Certified &amp; License No.</b>	<b>Certificate No.</b>	<b>Technician License No.</b>	<b>OIS Test Data Details</b>
1.	03/20/2019	2000 Chevrolet Camaro Z28 6KRE595	ID769812C	EO 641661 (Respondent Langer)	Comm. Protocol: I914 (expected JVPW)  PID Count: 18 (expected 22)  e-VIN No.: 1NXBR32E77 Z889483 (Expected e-VIN- None Expected)
2.	03/23/2019	2004 Mazda 3 Hatchback 7CDD902	ID769818C	EO 641661 (Respondent Langer)	Comm. Protocol: I914 (expected ICAN11bt5)  PID Count: 16 (expected 37 or 38)  e-VIN No.: Not Reported (Expected e-VIN- JM1BK14324 1128284)
3.	03/25/2019	2004 Chevrolet Trailblazer LS 5JBG646	ID769822C	EO 641661 (Respondent Langer)	Comm. Protocol: KWPf (expected JVPW)  PID Count: 20/1 (expected 18 or 19)  e-VIN No.: None (Expected e-VIN- 1GNDS13S74 2397559)

1	4.	04/22/2019	2005 Ford Mustang GT 5KYR864	QQ685887C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count: 38 (expected 42 or 44)  e-VIN No.: 3N1AB61E19 L661521 (Expected e-VIN- 1ZVFT82HX5 5160896)
10	5.	06/28/2019	2004 Ford F250 Super Duty 8R69301	QU350534C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count: 47/8/6 (expected 11/6 or 26/6 or 26/6/15 or 26/7)  e-VIN No.: 1GT121E86C F195381 (Expected e-VIN- None Expected)
20	6.	07/26/2019	2008 Chevrolet Colorado LT 8V93339	IF914454C	EO 641661 (Respondent Langer)	Comm. Protocol: JVPW (expected ICAN11bt5)  PID Count: 18 (expected 39/7)  e-VIN No.: 1GNDT13S82 2448884 (Expected e-VIN- 1GCCS339188 186003)

1	7.	07/29/2019	2011 Chevrolet Silverado K1500 65996W1	IF914461C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count:44 (expected 45/4/8 or 45/7/8)  e-VIN No.: 1FBNE3BL3B DA53422 (Expected e-VIN- 1GCNKPEA9 BZ165473)
2						
3						
4						
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9						
10	8.	08/03/2019	2013 Subaru Impreza WRX 7BWF237	IF914478C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count: 44 (expected 45)  e-VIN No.: 2T1BURHE8 KC147869 (Expected e-VIN- JF1GR7E69D G891466)
11						
12						
13						
14						
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18						
19	9.	08/08/2019	2002 Audi A4 3.0 Quattro 7NAY343	IF914492C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected KWPF or KWPS)  PID Count: 47/19 (expected 18/5 or 22 or 22/5)  e-VIN No.: 1FAHP27167 G143454 (Expected e-VIN- None Expected)
20						
21						
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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 28. Respondent Lube N Go No. 1's registration is subject to discipline pursuant to Code  
4 section 9884.7, subdivision (a)(1), in that between March 20, 2019, through August 8, 2019,  
5 Respondent Lube N Go No. 1 made or authorized statements which he knew or in the exercise of  
6 reasonable care should have known to be untrue or misleading, as follows: Respondent Lube N  
7 Go No. 1 certified that vehicles 1 through 9, set forth above in Table 1, had passed inspection and  
8 were in compliance with applicable laws and regulations. In fact, Respondent Lube N Go No. 1  
9 conducted the inspections on the vehicles using the clean plugging method by substituting or  
10 using different vehicles or another source during the OBD II functional tests in order to issue  
11 smog certificates of compliance for the nine (9) vehicles, and did not test or inspect the thirteen  
12 (13) vehicles as required by Health and Safety Code section 44012.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 29. Respondent Lube N Go No. 1's registration is subject to discipline pursuant to Code  
16 section 9884.7, subdivision (a)(4), in that between March 20, 2019, through August 8, 2019,  
17 Respondent Lube N Go No. 1 committed acts which constitute fraud by issuing electronic smog  
18 certificates of compliance for vehicles 1 through 9, set forth above in Table 1, without performing  
19 bona fide inspections of the emission control devices and systems on those vehicles, thereby  
20 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
21 Inspection Program.

22 **THIRD CAUSE FOR DISCIPLINE**

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

24 30. Respondent Lube N Go No. 1's Smog Check Station License is subject to discipline  
25 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between March 20,  
26 2019, through August 8, 2019, regarding vehicles 1 through 9, set forth above in Table 1,  
27 Respondent Lube N Go No. 1 failed to comply with the following sections of that Code:

28 ///

1 a. **Section 44012:** Respondent Lube N Go No. 1 failed to ensure that the emission control  
2 tests were performed on vehicles 1 through 9, in accordance with procedures prescribed by the  
3 department.

4 b. **Section 44015:** Respondent Lube N Go No. 1 issued electronic smog certificates of  
5 compliance for vehicles 1 through 9, without ensuring that the vehicles were properly tested and  
6 inspected to determine if they were in compliance with Health and Safety Code section 44012.

7 c. **Section 44059:** Respondent Lube N Go No. 1 willfully made false entries for the  
8 electronic smog certificates of compliance by certifying that those vehicles had been inspected as  
9 required when, in fact, they had not.

10 **FOURTH CAUSE FOR DISCIPLINE**

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

13 31. Respondent Lube N Go No. 1's Smog Check Station License is subject to discipline  
14 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 20,  
15 2019, through August 8, 2019, regarding vehicles 1 through 9, set forth above in Table 1,  
16 Respondent Lube N Go No. 1 failed to comply with provisions of California Code of Regulations,  
17 title 16, as follows:

18 a. **Section 3340.24, subdivision (c):** Respondent Lube N Go No. 1 falsely or fraudulently  
19 issued electronic smog certificates of compliance for those vehicles without performing bona fide  
20 inspections of the emission control devices and systems on the vehicles as required by Health and  
21 Safety Code section 44012.

22 b. **Section 3340.35, subdivision (c):** Respondent Lube N Go No. 1 issued electronic smog  
23 certificates of compliance even though those vehicles had not been inspected in accordance with  
24 section 3340.42 of that Code.

25 c. **Section 3340.42:** Respondent Lube N Go No. 1 failed to conduct the required smog  
26 tests and inspections on those vehicles in accordance with the Bureau's specifications.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 32. Respondent Lube N Go No. 1's Smog Check Station License is subject to discipline  
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between March 20,  
5 2019, through August 8, 2019, regarding vehicles 1 through 9, set forth above in Table 1,  
6 Respondent Lube N Go No. 1 committed acts involving dishonesty, fraud or deceit whereby  
7 another was injured by issuing electronic smog certificates of compliance for those vehicles  
8 without performing bona fide inspections of the emission control devices and systems on the  
9 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
10 Motor Vehicle Inspection Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 33. Respondent Langer's inspector license is subject to discipline pursuant to Health and  
14 Safety Code section 44072.2, subdivision (a), in that between March 20, 2019, through August 8,  
15 2019, regarding vehicles 1 through 9, set forth above in Table 1, he failed to comply with section  
16 44012 of that Code in a material respect, as follows: Respondent Langer failed to perform the  
17 emission control tests on those vehicles in accordance with procedures prescribed by the  
18 department.

19 **SEVENTH CAUSE FOR DISCIPLINE**

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

22 34. Respondent Langer's inspector license is subject to discipline pursuant to Health and  
23 Safety Code section 44072.2, subdivision (c), in that between March 20, 2019, through August 8,  
24 2019, regarding vehicles 1 through 9, set forth above in Table 1, he failed to comply with  
25 provisions of California Code of Regulations, title 16, as follows:

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

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

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

### 7 **EIGHTH CAUSE FOR DISCIPLINE**

#### 8 **(Dishonesty, Fraud or Deceit)**

9 35. Respondent Langer's inspector license is subject to discipline pursuant to Health and  
10 Safety Code section 44072.2, subdivision (d), in that between March 20, 2019, through August 8,  
11 2019, regarding vehicles 1 through 9, set forth above in Table 1, he committed acts involving  
12 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of  
13 compliance without performing bona fide inspections of the emission control devices and systems  
14 on those vehicles, thereby depriving the People of the State of California of the protection  
15 afforded by the Motor Vehicle Inspection Program.

### 16 **FACTUAL BACKGROUND-INVESTIGATION NO. 2**

17 36. A Bureau Representative conducted a review of Lube N Go BAR-OIS smog check  
18 inspection records from the Vehicle Identification Database ("VID"). The review showed two (2)  
19 vehicles have been certified at Lube N Go with different e-VINs, different vehicle  
20 communication protocol and different Parameter Identification<sup>4</sup> (PID) count. Both of the  
21 following inspections were performed by Respondent Langer. The data from the certified  
22 vehicles were compared to the OIS test data of similar vehicles of the same year, make and model  
23 that received passing Smog Check inspections and received smog certificates. The data  
24 comparison showed multiple discrepancies with two (2) vehicles that were both certified with  
25 different e-VINs, different vehicle communication protocols<sup>5</sup> and different PID count, which

26 <sup>4</sup> Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR  
27 OIS.

28 <sup>5</sup> Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a  
communication interface. This automated determination of the communication interface, or protocol, is built into the

confirms the vehicles receiving smog certificates were fraudulently tested during the smog inspection using the clean plugging method<sup>6</sup>. The Table 2 illustrates the clean plugging activities of Respondents Lube N Go and Langer on June 11, 2019 and June 19, 2019. Both of the following inspections were performed by Respondent Langer.

**TABLE 2**

Test No.	Test Date	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
1.	06/11/2019	2000 Honda Civic CX 4ZUS340	QU225807C	EO 641661 (Respondent Langer)	Comm. Protocol: JVPW (expected I914)  PID Count: 22 (expected 16)  e-VIN No.: 1GCEK19T13 E269568 (Expected e-VIN- Not Expected)
2.	06/19/2019	2003 Ford Windstar LX 5BVR503	QU225831C	EO 641661 (Respondent Langer)	Comm. Protocol: ICAN11bt5 (expected JPWM)  PID Count: 42/4 (expected 20)  e-VIN No.: 5NPET4AC9A H640015 (Expected e-VIN- Not Expected)

Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles manufactured and sold in the United States that are subject to the Smog Check program.

<sup>6</sup> Clean Plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

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**NINTH CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

37. Respondent Lube N Go No. 2’s registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in that on June 11, 2019, and June 19, 2019, Respondent Lube N Go No. 2 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 Lube N Go No. 2 certified that vehicles No. 1 and 2, set forth above in Table 2, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Lube N Go No. 2 conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests in order to issue smog certificates of compliance for the two (2) vehicles, and did not test or inspect the two (2) vehicles as required by Health and Safety Code section 44012.

**TENTH CAUSE FOR DISCIPLINE**

**(Fraud)**

38. Respondent Lube N Go No. 2’s registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on June 11, 2019, and June 19, 2019, Respondent Lube N Go No. 2 committed acts which constitute fraud by issuing electronic smog certificates of compliance for vehicles No. 1 and 2, set forth above in Table 2, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**ELEVENTH CAUSE FOR DISCIPLINE**

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

39. Respondent Lube N Go No. 2’s Smog Check Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on June 11, 2019, and June 19, 2019, regarding vehicles No. 1 and 2, set forth above in Table 2, Respondent Lube N Go No. 2 failed to comply with the following sections of that Code:

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1 a. **Section 44012:** Respondent Lube N Go No. 2 failed to ensure that the emission control  
2 tests were performed on vehicles No. 1 and 2, in accordance with procedures prescribed by the  
3 department.

4 b. **Section 44015:** Respondent Lube N Go No. 2 issued electronic smog certificates of  
5 compliance for vehicles No. 1 and 2, without ensuring that the vehicles were properly tested and  
6 inspected to determine if they were in compliance with Health and Safety Code section 44012.

7 c. **Section 44059:** Respondent Lube N Go No. 1 willfully made false entries for the  
8 electronic smog certificates of compliance by certifying that those vehicles had been inspected as  
9 required when, in fact, they had not.

10 **TWELVE CAUSE FOR DISCIPLINE**

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

13 40. Respondent Lube N Go No. 2's Smog Check Station License is subject to discipline  
14 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on June 11, 2019,  
15 and June 19, 2019, regarding vehicles No. 1 and 2, set forth above in Table 2, Respondent Lube N  
16 Go No. 2 failed to comply with provisions of California Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent Lube N Go No. 2 falsely or fraudulently  
18 issued electronic smog certificates of compliance for those vehicles without performing bona fide  
19 inspections of the emission control devices and systems on the vehicles as required by Health and  
20 Safety Code section 44012.

21 b. **Section 3340.35, subdivision (c):** Respondent Lube N Go No. 2 issued electronic smog  
22 certificates of compliance even though those vehicles had not been inspected in accordance with  
23 section 3340.42 of that Code.

24 c. **Section 3340.42:** Respondent Lube N Go No. 2 failed to conduct the required smog  
25 tests and inspections on those vehicles in accordance with the Bureau's specifications.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

3 41. Respondent Lube N Go No. 2's Smog Check Station License is subject to discipline  
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on June 11, 2019,  
5 and June 19, 2019, regarding vehicles No. 1 and 2, set forth above in Table 2, Respondent Lube N  
6 Go No. 2 committed acts involving dishonesty, fraud or deceit whereby another was injured by  
7 issuing electronic smog certificates of compliance for those vehicles without performing bona  
8 fide inspections of the emission control devices and systems on the vehicles, thereby depriving  
9 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
10 Program.

11 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

13 42. Respondent Langer's inspector license is subject to discipline pursuant to Health and  
14 Safety Code section 44072.2, subdivision (a), in that on June 11, 2019, and June 19, 2019,  
15 regarding vehicles No. 1 and 2, set forth above in Table 2, he failed to comply with section 44012  
16 of that Code in a material respect, as follows: Respondent Langer failed to perform the emission  
17 control tests on those vehicles in accordance with procedures prescribed by the department.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

21 43. Respondent Langer's inspector license is subject to discipline pursuant to Health and  
22 Safety Code section 44072.2, subdivision (c), in that on June 11, 2019, and June 19, 2019,  
23 regarding vehicles No. 1 and 2, set forth above in Table 2, he failed to comply with provisions of  
24 California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c)**: Respondent Langer 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.



plugging method<sup>9</sup>. The Table 3 illustrates the clean plugging activities of Respondents Lube N Go and Langer between September 12, 2019 to October 8, 2019. All of the following inspections were performed by Respondent Smith.

**TABLE 3**

Test No.	Test Date	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
1.	09/12/2019	2006 BMW 530I 5NYA172	QY261211C	EO 155207 (Respondent Smith)	Comm. Protocol: KWPF (expected KWPF)  PID Count: 35 (expected 15/21/7 or 21 or 21/7)  e-VIN No.: Not Reported (Expected e-VIN-WBANE7354 6CM36720)
2.	09/12/2019	2008 BMW 335 XI 7XAG335	QY261213C	EO 155207 (Respondent Smith)	Comm. Protocol: KWPF (expected ICAN11bt5)  PID Count: 35 (expected 46 or 46/14)  e-VIN No.: Not Reported (Expected e-VIN-WBAWC7356 8E066937)

<sup>9</sup> Clean Plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

1	3.	09/19/2019	2005 Mini Cooper 7LWH993	QY261233C	EO 155207 (Respondent Smith)	Comm. Protocol: ICAN11bt5 (expected I914)  PID Count: 35 (expected 18)  e-VIN No.: WMWRC3347 5TC59556 (Expected e-VIN- WMWRC3347 5TC59556)
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10	4.	09/25/2019	2003 Chevrolet Silverado C1500 92234J1	QY261248C	EO 155207 (Respondent Smith)	Comm. Protocol: KWPF (expected JVPW)  PID Count: 35 (expected 22)  e-VIN No.: Not Reported (Expected e-VIN- 1GCEC14X93 Z107719)
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18	5.	09/26/2019	2002 Ford Mustang 7YON549	QY718351C	EO 155207 (Respondent Smith)	Comm. Protocol: KWPF (expected JPWM)  PID Count: 35 (expected 21)  e-VIN No.: Not Reported (Expected e-VIN- 1FAFP40422F 106696)
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1	6.	10/04/2019	2003 Honda Civic SI 5FFV030	QY718373C	EO 155207 (Respondent Smith)	Comm. Protocol: ICAN11bt5 (expected I914)  PID Count: 35 (expected 15 or 16)  e-VIN No.: SHHEP33583 U401147 (Expected e-VIN- Not Reported)
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10	7.	10/08/2019	2013 Nissan GT-R Premium 7NAK663	QY718380C	EO 155207 (Respondent Smith)	Comm. Protocol: KWPF(expect ed ICAN11bt5)  PID Count: 35 (expected 44 or 46 or 46/16)  e-VIN No.: Not Reported (Expected e-VIN- JN1AR5EF2D M260549)
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**SEVENTEENTH CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

46. Respondent Lube N Go No. 3's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1), in that between September 12, 2019, through October 8, 2019, Respondent Lube N Go No. 3 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 Lube N Go No. 3 certified that vehicles 1 through 7, set forth above in Table 3, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Lube N Go No. 3 conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests in order to issue

1 smog certificates of compliance for the seven (7) vehicles, and did not test or inspect the seven  
2 (7) vehicles as required by Health and Safety Code section 44012.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 47. Respondent Lube N Go No. 3's registration is subject to discipline pursuant to Code  
6 section 9884.7, subdivision (a)(4), in that between September 12, 2019, through October 8, 2019,  
7 Respondent Lube N Go No. 3 committed acts which constitute fraud by issuing electronic smog  
8 certificates of compliance for vehicles 1 through 7, set forth above in Table 3, without performing  
9 bona fide inspections of the emission control devices and systems on those vehicles, thereby  
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
11 Inspection Program.

12 **NINETEENTH CAUSE FOR DISCIPLINE**

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

14 48. Respondent Lube N Go No. 3's Smog Check Station License is subject to discipline  
15 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September  
16 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in Table 3,  
17 Respondent Lube N Go No. 3 failed to comply with the following sections of that Code:

18 a. **Section 44012:** Respondent Lube N Go No. 3 failed to ensure that the emission control  
19 tests were performed on vehicles 1 through 7, in accordance with procedures prescribed by the  
20 department.

21 b. **Section 44015:** Respondent Lube N Go No. 3 issued electronic smog certificates of  
22 compliance for vehicles 1 through 7, without ensuring that the vehicles were properly tested and  
23 inspected to determine if they were in compliance with Health and Safety Code section 44012.

24 c. **Section 44059:** Respondent Lube N Go No. 3 willfully made false entries for the  
25 electronic smog certificates of compliance by certifying that those vehicles had been inspected as  
26 required when, in fact, they had not.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**  
3 **Motor Vehicle Inspection Program)**

4 49. Respondent Lube N Go No. 3's Smog Check Station License is subject to discipline  
5 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between September  
6 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in Table 3,  
7 Respondent Lube N Go No. 3 failed to comply with provisions of California Code of Regulations,  
8 title 16, as follows:

9 a. **Section 3340.24, subdivision (c)**: Respondent Lube N Go No. 3 falsely or fraudulently  
10 issued electronic smog certificates of compliance for those vehicles without performing bona fide  
11 inspections of the emission control devices and systems on the vehicles as required by Health and  
12 Safety Code section 44012.

13 b. **Section 3340.35, subdivision (c)**: Respondent Lube N Go No. 3 issued electronic smog  
14 certificates of compliance even though those vehicles had not been inspected in accordance with  
15 section 3340.42 of that Code.

16 c. **Section 3340.42**: Respondent Lube N Go No. 3 failed to conduct the required smog  
17 tests and inspections on those vehicles in accordance with the Bureau's specifications.

18 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

20 50. Respondent Lube N Go No. 3's Smog Check Station License is subject to discipline  
21 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between September  
22 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in Table 3,  
23 Respondent Lube N Go No. 3 committed acts involving dishonesty, fraud or deceit whereby  
24 another was injured by issuing electronic smog certificates of compliance for those vehicles  
25 without performing bona fide inspections of the emission control devices and systems on the  
26 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
27 Motor Vehicle Inspection Program.

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

3 51. Respondent Smith's inspector license and repair technician license are subject to  
4 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
5 September 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in  
6 Table 3, he failed to comply with section 44012 of that Code in a material respect, as follows:  
7 Respondent Smith failed to perform the emission control tests on those vehicles in accordance  
8 with procedures prescribed by the department.

9 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the**  
11 **Motor Vehicle Inspection Program)**

12 52. Respondent Smith's inspector license and repair technician license are subject to  
13 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
14 September 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in  
15 Table 3, he failed to comply with provisions of California Code of Regulations, title 16, as  
16 follows:

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

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

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

25 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

27 53. Respondent Smith's inspector license and repair technician license are subject to  
28 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between

1 September 12, 2019, through October 8, 2019, regarding vehicles 1 through 7, set forth above in  
2 Table 3, he committed acts involving dishonesty, fraud or deceit whereby another was injured by  
3 issuing electronic smog certificates of compliance without performing bona fide inspections of  
4 the emission control devices and systems on those vehicles, thereby depriving the People of the  
5 State of California of the protection afforded by the Motor Vehicle Inspection Program.

6 **DISCIPLINE CONSIDERATIONS**

7 54. To determine the degree of discipline, if any, to be imposed on Respondent Lube N  
8 Go No. 2, Complainant alleges that Citation C2018-1407 was issued on June 7, 2018 with a  
9 citation fine of \$1,000.00. Citation Service Conference was held July 17, 2018. Payment was  
10 received on August 10, 2018. That Citation is now final.

11 55. To determine the degree of discipline, if any, to be imposed on Respondent Lube N  
12 Go No. 3, Complainant alleges that Citation C2016-1626 was issued on August 26, 2016 with an  
13 Order of Abatement. Citation Service Conference was held August 31, 2016. The Decision  
14 became effective October 2, 2016.

15 56. To determine the degree of discipline, if any, to be imposed on Respondent Lube N  
16 Go No. 3, Complainant alleges that Citation C2018-1549 was issued on July 16, 2018 with a  
17 citation fine of \$2,000.00. Citation Service Conference was held August 8, 2018. Payment was  
18 received on September 4, 2018. The Decision became effective September 7, 2018.

19 **OTHER MATTERS**

20 57. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,  
21 or place on probation the registrations for all places of business operated in this state by Joseph R.  
22 Simonin-President, Simcat Enterprises dba Lube N Go, upon a finding that he has, or is, engaged  
23 in a course of repeated and willful violation of the laws and regulations pertaining to an  
24 automotive repair dealer.

25 58. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station  
26 License Number RC 281267, issued to Joseph R. Simonin-President, Simcat Enterprises dba  
27 Lube N Go (No. 1), is revoked or suspended, any additional license issued under Chapter 5 of  
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1 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise  
2 revoked or suspended by the director.

3 59. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station  
4 License Number RC 279310, issued to Joseph R. Simonin-President, Simcat Enterprises dba  
5 Lube N Go (No. 2), is revoked or suspended, any additional license issued under Chapter 5 of  
6 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise  
7 revoked or suspended by the director.

8 60. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station  
9 License Number RC 273956, issued to Joseph R. Simonin-President, Simcat Enterprises dba  
10 Lube N Go (No. 3), is revoked or suspended, any additional license issued under Chapter 5 of  
11 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise  
12 revoked or suspended by the director.

13 61. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station  
14 License Number RC 229122, issued to Joseph R. Simonin-President, Simcat Enterprises dba  
15 Lube N Go (No. 4), is revoked or suspended, any additional license issued under Chapter 5 of  
16 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise  
17 revoked or suspended by the director.

18 62. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
19 License Number EO 641661, issued to Jeremiah Langer, is revoked or suspended, any additional  
20 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of  
21 said licensee may be likewise revoked or suspended by the director.

22 63. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
23 License No. EO 155207 and Smog Check Repair Technician License Number EI 155207  
24 (formerly Advanced Emission Specialist Technician License Number EA 155207), issued to  
25 Derek Ian Smith, is revoked or suspended, any additional license issued under Chapter 5 of Part 5  
26 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or  
27 suspended by the director.

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**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 281267, issued to Simcat Enterprises dba Lube N Go (No. 1), Joseph R. Simonin;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Simcat Enterprises;
3. Revoking or suspending Smog Check Station License Number RC 281267, issued to Simcat Enterprises dba Lube N Go, Joseph R. Simonin;
4. Revoking or suspending Automotive Repair Dealer Registration Number ARD 279310, issued to Simcat Enterprises dba Lube N Go (No. 2), Joseph R. Simonin;
5. Revoking or suspending Smog Check Station License Number RC 279310, issued to Simcat Enterprises dba Lube N Go, Joseph R. Simonin, Jeremiah Langer (No. 2);
6. Revoking or suspending Automotive Repair Dealer Registration Number ARD 273956, issued to Simcat Enterprises dba Lube N Go (No. 3), Joseph R. Simonin;
7. Revoking or suspending Smog Check Station License Number RC 273956, issued to Simcat Enterprises dba Lube N Go, Joseph R. Simonin;
8. Revoking or suspending Automotive Repair Dealer Registration Number ARD 229122, issued to Simcat Enterprises dba Lube N Go (No. 4), Joseph R. Simonin;
9. Revoking or suspending Smog Check Station License Number RC 229122, issued to Simcat Enterprises dba Lube N Go, Joseph R. Simonin;
10. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26 of the Health and Safety Code in the name of Joseph R. Simonin;
11. Revoking or suspending Smog Check Inspector License Number EO 641661, issued to Jeremiah Langer;
12. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26 of the Health and Safety Code in the name of Jeremiah Langer;

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1           13. Revoking or suspending Smog Check Inspector License Number EO 155207, issued  
2 to Derek Ian Smith;

3           14. Revoking or suspending Smog Check Repair Technician Number EI 155207, issued  
4 to Derek Ian Smith;

5           15. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26  
6 of the Health and Safety Code in the name of Derek Ian Smith;

7           16. Ordering Simcat Enterprises dba Lube N Go (No. 1), Simcat Enterprises dba Lube N  
8 Go (No. 2), Simcat Enterprises dba Lube N Go (No. 3), Simcat Enterprises dba Lube N Go (No.  
9 4), Jeremiah Langer and Derek Ian Smith to pay the Bureau of Automotive Repair the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3; and

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

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DATED: \_\_\_\_\_

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

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