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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 **STATUTORY PROVISIONS**

2 16. Section 9884.7 of the Code states:

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

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

11 . . .

12 "(4) Any other conduct which constitutes fraud.

13 . . .

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

18 17. Section 44012 of the Health and Safety Code states:

19 "The test at the smog check stations shall be performed in accordance with procedures
20 prescribed by the department and may require loaded mode dynamometer testing in enhanced
21 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
22 appropriate test procedures as determined by the department in consultation with the state board.
23 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode
24 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning
25 no earlier than January 1, 2013. However, the department, in consultation with the state board,
26 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed
27 idle testing for vehicles with onboard diagnostic systems that the department and the state board
28

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 21. Section 44072.8 of the Health and Safety Code states:

2 "When a license has been revoked or suspended following a hearing under this article, any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

5 **REGULATORY PROVISIONS**

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

7 . . .

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

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

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

14 "(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
15 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
16 article."

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

18 "A licensed station shall issue a certificate of compliance or noncompliance to the owner or
19 operator of any vehicle that has been inspected in accordance with the procedures specified in
20 section 3340.42 of this article and has all the required emission control equipment and devices
21 installed and functioning correctly."

22 25. California Code of Regulations, title 16, section 3340.42, states:

23 "Smog check inspection methods are prescribed in the Smog Check Manual, referenced by
24 section 3340.45.

25 "(a) All vehicles subject to a smog check inspection, shall receive one of the following test
26 methods:

27 "(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year
28 vehicle, except diesel-powered, registered in the enhanced program areas of the state. The

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 Identification¹ (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 protocols² and different PID count, which confirms the vehicles
18 receiving smog certificates were fraudulently tested during the smog inspection using the clean
19 plugging method³. 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.

22 ///

23 _____
24 ¹ Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR
25 OIS.

26 ² 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.

³ 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

Test No.	Test Date	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
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-JM1BK143241128284)
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-1GNDS13S742397559)

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.: 1GNNDT13S82 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)
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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)
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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)
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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 Identification⁴ (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 protocols⁵ and different PID count, which

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

28 ⁵ 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 method⁶. 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.

⁶ 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 method⁹. 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-WBANE73546CM36720)
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-WBAWC73568E066937)

⁹ 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: _____

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

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