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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. 79/23-4256

14 **ANTHONY MENDOZA ALVAREZ DBA**
15 **ANT SMOG CHECK**
147 E. Santa Clara St.
San Jose, CA 95113

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
17 **ARD 281731**

18 **Smog Check Repair Station License No. RC**
19 **281731**

20 **JOSUE MATEOS MONTOYA**
21 1968 S. King Road
San Jose, CA 95122

22 **Smog Check Inspector License No. EO**
23 **631761**

24 **Smog Check Repair Technician License No.**
25 **EI 631761**

26 Respondents.
27
28

1 **PARTIES**

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

4 2. On or about October 12, 2015, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 281731 to Anthony Mendoza Alvarez doing business as
6 ANT Smog Check (Respondent ANT). The Automotive Repair Dealer Registration was in full
7 force and effect at all times relevant to the charges brought in this Accusation and will expire on
8 October 31, 2024, unless renewed.

9 3. On or about March 9, 2020, the Bureau of Automotive Repair issued Smog Check
10 Station License Number RC 281731 to Respondent ANT. The Smog Check Station License was
11 in full force and effect at all times relevant to the charges brought in this Accusation and will
12 expire on October 31, 2024, unless renewed.

13 4. On February 16, 2010, Advanced Emission Specialist (EA) Technician License No.
14 631761 was issued to Josue Mateos Montoya (Respondent Montoya). Pursuant to California
15 Code of Regulations, title 16, section 3340.28, subdivision (e), the license was renewed pursuant
16 to Respondent Montoya's election as a Smog Check Inspector License No. EO 631761 and Smog
17 Check Repair Technician License No. EI 631761, effective on August 14, 2012. Smog Check
18 Inspector License No. EO 631761 expired July 31, 2023, and has not been renewed. Smog Check
19 Repair Technician License No. EI 631761 expired on July 31, 2022, and has not been renewed.

20 **JURISDICTION**

21 5. This Accusation is brought before the Director of the Department of Consumer
22 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

23 6. Business and Professions Code (Code) section 118, subdivision (b), states:

24 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
25 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
26 order of a court of law, or its surrender without the written consent of the board, shall not, during
27 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
28 authority to institute or continue a disciplinary proceeding against the licensee upon any ground

1 provided by law or to enter an order suspending or revoking the license or otherwise taking
2 disciplinary action against the licensee on any such ground.”

3 7. Code section 9882, subdivision (a), states in part:

4 “There is in the Department of Consumer Affairs a Bureau of Automotive Repair under
5 the supervision and control of the director. The duty of enforcing and administering this chapter
6 is vested in the chief who is responsible to the director. The director may adopt and enforce those
7 rules and regulations that he or she determines are reasonably necessary to carry out the purposes
8 of this chapter and declaring the policy of the Bureau, including a system for the issuance of
9 citations for violations of this chapter as specified in Section 125.9.”

10 8. Code section 9884.13 states:

11 “The expiration of a valid registration shall not deprive the director or chief of jurisdiction
12 to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
13 or to render a decision invalidating a registration temporarily or permanently.”

14 9. Code section 9884.22, subdivision (a), states:

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

20 10. Health and Safety Code section 44002 states:

21 “The department shall have the sole and exclusive authority within the state for
22 developing and implementing the motor vehicle inspection program in accordance with this
23 chapter.

24 “For the purposes of administration and enforcement of this chapter, the department, and
25 the director and officers and employees thereof, shall have all the powers and authority granted
26 under Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475)
27 and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions
28 Code and under Chapter 33 (commencing with Section 3300) of Title 16 of the California Code

1 of Regulations. Inspections and repairs performed pursuant to this chapter, in addition to meeting
2 the specific requirements imposed by this chapter, shall also comply with all requirements
3 imposed pursuant to Division 1 (commencing with Section 1) and Division 1.5 (commencing
4 with Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the
5 Business and Professions Code and Chapter 33 (commencing with Section 3300) of Title 16 of
6 the California Code of Regulations.”

7 11. Health and Safety Code section 44072 states:

8 “Any license issued under this chapter and the regulations adopted pursuant to it may be
9 suspended or revoked by the director. The director may refuse to issue a license to any applicant
10 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted
11 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
12 of the Government Code, and the director shall have all the powers granted therein.”

13 12. Health and Safety Code section 44072.6 states:

14 “The expiration or suspension of a license by operation of law or by order or decision of
15 the director or a court of law, or the voluntary surrender of a license by a licensee shall not
16 deprive the director of jurisdiction to proceed with any investigation of, or action or disciplinary
17 proceedings against, the licensee, or to render a decision suspending or revoking the license.”

18 **STATUTORY PROVISIONS**

19 13. Section 9884.7 of the Code states, in pertinent part:

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

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

...

(4) Any other conduct that constitutes fraud.

...

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

14. Section 9889.22 of the Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

15. Section 44012 of the Health and Safety Code states, in pertinent part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:

...

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

16. Section 44015, subdivision (b) of the Health and Safety Code states:

...

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

...

17. Section 44032 of the Health and Safety Code states:

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

18. Section 44059 of the Health and Safety Code states:

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

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

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

(a) Violates any section of this chapter and the regulations adopted pursuant to it, which related to the licensed activities.

...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

20. Section 44072.10, subdivision (c), states:

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

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

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

REGULATORY PROVISIONS

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

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

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

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

...

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply:

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

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

23. California Code of Regulations, title 16, section 3340.41, subdivision (c), states:

...

(c) No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

...

(h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.

24. California Code of Regulations, title 16, section 3373, states:

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

COST RECOVERY

25. Business and Professions Code section 125.3, subdivision (a), states:

“Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceedings, the administrative law judge may direct a

1 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
2 to exceed the reasonable costs of the investigation and enforcement of the case.”

3 **SMOG CHECK PROGRAM**

4 26. Beginning March 9, 2015, California’s Smog Check Program requires smog
5 inspectors and stations to use a functional computer test during smog inspections for most model
6 year 2000 and newer gasoline and hybrid vehicles, and most 1998 and newer diesel vehicles.
7 This test requires using a cable to connect the station’s inspection system to the onboard
8 diagnostic computer system of vehicle being tested. The inspection system then retrieves
9 information from the vehicle’s computer which is sent to the Bureau’s vehicle information
10 database. Some of this information includes:

- 11 • Engine speed in revolutions per minute (RPM)
- 12 • Throttle position measured by a throttle position sensor mounted onto the throttle shaft.
13 Throttle position is measured in a percentage of opening ranging from near 0% at idle to
14 near or 100% at full throttle.
- 15 • Manifold absolute pressure (MAP) measured in kilo pascals (kpa) by a manifold air
16 pressure sensor connected to an intake manifold source. Typical readings for a normally
17 aspirated vehicle are 25-45 kpa at idle and 101 kpa at full throttle.
- 18 • Mass air flow (MAF) measured in grams per second (gps) by a mass air flow sensor
19 mounted in the engine’s air intake tract.

20 27. During normal engine operation at idle, engine speed is relatively steady. At idle,
21 the throttle position is steady at or near 0%, and the MAP and MAF readings are also steady. To
22 increase engine speed, the throttle is opened. Opening the throttle increases the engine RPM, and
23 also results in a corresponding increase in MAF and a change in MAP.

24 28. Defeat devices attempt to simulate engine operation during a Smog Check
25 inspection by transmitting OBD II data to the VID which has been modified or replaced entirely
26 for the purportedly inspected vehicle during the functional portion of the OIS inspection. The use
27 of a defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.
28

29. Some smog check stations and inspectors fraudulently issue smog certificates to vehicles that may not pass a smog check test or may not even be present during the test. One method to fraudulently issue certificates is “clean plugging,” which is using another vehicle or another source, such as defeat devices,¹ to generate passing data readings or diagnostic information for the station’s inspection system.

FACTUAL ALLEGATIONS

CLEAN PLUGS

30. During the course of a Bureau Representative’s (BR) duties, BR accessed the VID and produced copies of the Smog Check Vehicle Inspection Reports, BAR OIS Test Details, and Certificate Sales relating to ten vehicles tested at ANT Smog. BR obtained the RPM, throttle position, MAP, and MAF readings for each inspection. The data transmitted during 10 of these inspections showed that the throttle position, MAP, and MAF readings remained fixed after the RPM increased, which is not characteristic or expected for normal engine operation. Thus, the review showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation, confirming the vehicles receiving smog certificates were not tested during the OBD II functional test, which constitutes clean plugging. At least ten Smog Check Certificates of Compliance were fraudulently issued to vehicles. The details are set forth below.

Clean Plug #1

31. On January 13, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2007 Honda Accord LX, VIN ending 2703. At the beginning of the smog check, the engine speed was steady at around 675 RPM, the throttle was fixed at 14.1% opening, the MAP was fixed at 28 kpa, and the MAF was fixed at 2.98gps. After the engine speed was accelerated and held steady at around 1650 RPM, the throttle remained fixed at 14.1% opening, the MAP remained fixed at 28 kpa, and the MAF remained fixed at 2.98 gps.

¹ A defeat device is an outside entity such as a computer that generates false readings to “defeat” a smog check test.

Clean Plug #2

32. On January 13, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2000 Nissan Frontier Crew Cab XE, VIN ending 4065. At the beginning of the smog check, the engine speed was steady at around 625 RPM, the throttle was fixed at 0% opening, the MAP was fixed at 94 kpa, and the MAF was fixed at 6.37 gps. After the engine speed was accelerated and held steady at around 2175 RPM, the throttle remained fixed at 0% opening, the MAP remained fixed at 94 kpa, and the MAF remained fixed at 6.37 gps.

Clean Plug #3

33. On February 8, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2007 Honda Accord EX, VIN ending 4776. At the beginning of the smog check, the engine speed was steady at around 675 RPM, the throttle was fixed at 14.9% opening, the MAP was fixed at 27 kpa, and the MAF was fixed at 3.01 gps. After the engine speed was accelerated and held steady at around 1800 RPM, the throttle remained fixed at 14.9% opening, the MAP remained fixed at 27 kpa, and the MAF remained fixed at 3.01 gps.

Clean Plug #4

34. On February 11, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2004 Honda Accord LX, VIN ending 6078. At the beginning of the smog check, the engine speed was steady at around 625 RPM, the throttle was fixed at 9.4% opening, the MAP was fixed at 27 kpa, and the MAF was fixed at 3.2 gps. After the engine speed was accelerated and held steady at around 1750 RPM, the throttle remained fixed at 9.4% opening, the MAP remained fixed at 27 kpa, and the MAF remained fixed at 3.2 gps.

Clean Plug #5

35. On February 15, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2004 Honda Accord LX, VIN ending 6200. At the beginning of the smog check, the engine speed was steady at around 625 RPM, the throttle was fixed at 9.8% opening, the MAP was fixed at 26 kpa, and the MAF was fixed at 2.82 gps. After the engine speed was accelerated and held steady at around 2025 RPM, the throttle remained fixed at 9.8% opening, the MAP remained fixed at 26 kpa, and the MAF remained fixed at 2.82 gps.

Clean Plug #6

36. On February 23, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2006 Mitsubishi Lancer ES, VIN ending 6359. At the beginning of the smog check, the engine speed was steady at around 700 RPM, the throttle was fixed at 0% opening, the MAP was fixed at 31 kpa, and the MAF was fixed at 2.9 gps. After the engine speed was accelerated and held steady at around 1850 RPM, the throttle remained fixed at 0% opening, the MAP remained fixed at 31 kpa, and the MAF remained fixed at 2.9 gps.

Clean Plug #7

37. On March 1, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2003 Honda Accord EX, VIN ending 0918. At the beginning of the smog check, the engine speed was steady at around 700 RPM, the throttle was fixed at 9.4% opening, the MAP was fixed at 29 kpa, and the MAF was fixed at 2.25 gps. After the engine speed was accelerated and held steady at around 1460 RPM, the throttle remained fixed at 9.4% opening, the MAP remained fixed at 29 kpa, and the MAF remained fixed at 2.25 gps.

Clean Plug #8

38. On March 6, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2006 Honda Accord LX, VIN ending 6386. At the beginning of the smog check, the engine speed was steady at around 800 RPM, the throttle was fixed at 14.1% opening, the MAP was fixed at 32 kpa, and the MAF was fixed at 3.13 gps. After the engine speed was accelerated and held steady at around 1525 RPM, the throttle remained fixed at 14.1% opening, the MAP remained fixed at 32 kpa, and the MAF remained fixed at 3.13 gps.

Clean Plug #9

39. March 6, 2023, Respondent Montoya issued a smog check certificate of compliance for a 2004 Cadillac Escalade Luxury, VIN ending 8875. At the beginning of the smog check, the engine speed was steady at around 550 RPM, the throttle was fixed at 5.9% opening, the MAP was fixed at 39 kpa, and the MAF was fixed at 7.51 gps. After the engine speed was accelerated and held steady at around 1475 RPM, the throttle remained fixed at 5.9% opening, the MAP remained fixed at 39 kpa, and the MAF remained fixed at 7.51 gps.

1 **Clean Plug #10**

2 40. On March 7, 2023, Respondent Montoya issued a smog check certificate of
3 compliance for a 2003 Honda Accord EX, VIN ending 8164. At the beginning of the smog
4 check, the engine speed was steady at around 750 RPM, the throttle was fixed at 9.8% opening,
5 the MAP was fixed at 29 kpa, and the MAF was fixed at 2.84 gps. After the engine speed was
6 accelerated and held steady at around 1425 RPM, the throttle remained fixed at 9.8% opening, the
7 MAP remained fixed at 29 kpa, and the MAF remained fixed at 2.84 gps.

8 **CAUSES FOR DISCIPLINE**

9 **RESPONDENT ANT SMOG**

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Untrue or Misleading Statements)

12 41. Respondent ANT Smog has subjected its automotive repair dealership registration
13 to discipline for making untrue or misleading statements (Bus. & Prof. Code, § 9884.7, subd.
14 (a)(1)). The facts are set forth in paragraphs 26 through 40, above.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Fraud)

17 42. Respondent ANT Smog has subjected its automotive repair dealership registration to
18 discipline for fraud (Bus. & Prof. Code, § 9884.7, subd. (a)(4)). The facts are set forth in
19 paragraphs 26 through 40, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Violation of Statutes and Regulations)

22 43. Respondent ANT Smog has subjected its automotive repair dealership registration
23 and smog check repair station license to discipline for violating the Business and Professions
24 Code, the Health and Safety Code, and regulations adopted by the Bureau (Bus. & Prof. Code,
25 § 9884.7, subd. (a)(6); Health & Saf. Code, §§ 44012 subd. (f), 44015, subd. (b), 44059). The
26 facts are set forth in paragraphs 26 through 40, above.

27 a. Respondent ANT Smog did not perform smog tests in accordance with department
28 procedures (Health & Saf. Code, § 44012).

b. Respondent ANT Smog failed to perform a visual and/or functional check of required emission control devices (Health & Saf. Code, § 44012, subd. (f)).

c. Respondent ANT Smog issued a Certificate of Compliance to vehicle that does not meet the requirements of section 44012 (Health & Saf. Code, § 44015, subd. (b)).

d. Respondent ANT Smog made a false statement or entry on a certificate of compliance (Health & Saf. Code § 44059).

e. Respondent ANT Smog issued smog certificates of compliance for vehicles that were not tested in accordance with department procedures (Cal. Code Regs., tit. 16, § 3340.35, subd. (c)).

f. Respondent ANT Smog had in the approved testing area an electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during the above Smog Check Inspections. (Cal. Code Regs., tit. 16, § 3340.35, subd. (h)).

g. Respondent ANT Smog made false statements or misleading statements on a record (Cal. Code Regs., tit. 16, § 3373).

FOURTH CAUSE FOR DISCIPLINE

(False Statement on Certificate of Compliance)

44. Respondent ANT Smog has subjected its automotive repair dealership registration and smog check repair station license to discipline for making false statements on at least ten certificates of compliance. (Bus. & Prof. Code § 9889.22.) The facts are set forth in paragraphs 26 through 40, above.

FIFTH CAUSE FOR DISCIPLINE

(False Statement on Certificate of Compliance)

45. Respondent ANT Smog has subjected its smog check repair station license to discipline for fraud. (Health & Saf. Code §§ 44072.2, subd. (d); 44072.10, subd. (c) .) The facts are set forth in paragraphs 26 through 40, above.

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1 **OTHER MATTERS**

2 49. Under Business and Professions Code section 9884.7, subdivision (c), the director
3 may suspend, revoke, or place on probation the registration for all places of business operated in
4 this state by Respondent ANT Smog upon a finding that it has or is engaged in a course of
5 repeated and willful violations of the laws and regulations pertaining to an automotive repair
6 dealer.

7 50. Under Health & Safety Code section 44072.8, if the smog check repair station
8 license issued to Respondent ANT Smog is revoked or suspended, any additional license issued
9 under division 26, chapter 5, part 5 of the Health and Safety Code in the name of the licensee also
10 may be revoked or suspended by the Director.

11 51. Under Health & Safety Code section 44072.8, if Respondent Montoya's smog
12 check inspector license and smog check repair technician license is revoked or suspended, any
13 additional license issued under division 26, chapter 5, part 5 of the Health and Safety Code in the
14 name of the licensee also may be revoked or suspended by the Director.

15 **DISCIPLINARY CONSIDERATIONS**

16 52. On April 16, 2018, in a prior disciplinary action titled "*In the Matter of Accusation*
17 *Against Josue Mateos Montoya, dba San Jose Smog Check, Josue Mateos Montoya, and Douglas*
18 *Allen Nielson*" Case No. 79/15-2746, the Bureau issued a Decision and Order revoking the
19 Automotive Repair Registration License No. ARD 270981, and Smog Check Station License No.
20 RC 270981, issued to Josue Mateos Montoya doing business as San Jose Smog Check (San Jose
21 Smog), located at 147 E Santa Clara St, San Jose, CA 95113. San Jose Smog and Douglas Allen
22 Nielson were jointly and severally liable for paying the Bureau's costs of investigation and
23 enforcement in the amount of \$8,821.58. The Bureau has not received any payment to date.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
26 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs
27 issue a decision:
28

