

EXECUTIVE OFFICE

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October 8, 2018

Mr. Mitchel Bornstein
Lucy Ventures
dba Smog Repair and Lube
1225 Parkside Drive
Walnut Creek, CA 94596

Re: **LETTER OF PUBLIC REPROVAL**; In the Matter of the Accusation Against: Lucy Ventures, dba Smog Repair and Lube; Mitchel Scott Bornstein, President/Secretary/Treasurer; Smog Check Station License No. RC 282023; Case No. 79/16-13904; OAH Case No. 2017080930

Dear Mr. Bornstein:

On August 14, 2017, the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs (Department), State of California, filed an Accusation against Lucy Ventures, doing business as Smog Repair and Lube, Smog Check Station License No. RC 282023 (Smog Repair and Lube), as well as three smog technicians. On December 20, 2017, the Director of the Department adopted the Proposed Decision issued by Administrative Law Judge Perry O. Johnson, effective February 7, 2018, publicly reproving the Smog Check Station License of Lucy Ventures, doing business as Smog Repair and Lube.

The Accusation alleged, and the Decision confirmed that Smog Repair and Lube engaged in the following improper conduct under sections of the Business and Professions Code, Health and Safety Code, and California Code of Regulations:

(1) Failure to ensure that emission control tests were performed in accordance with procedures prescribed by the Department, in violation of Health and Safety Code section 44012 and California Code of Regulations, title 16, section 3340.42; negligently supervising its employees, resulting in its smog technicians' ability to falsely or fraudulently issue certificates of compliance for certain vehicles without first performing bona fide inspections of the emission control devices and systems, in violation of California Code of Regulations, title 16, section 3340.24(c); and

(2) As stated in paragraph 45 on page 25 of the Decision, making statements which it knew, or with the exercise of reasonable care should have known, were untrue or misleading in the way of the false statements made by three smog check technicians employed by Smog Repair and Lube in violation of Business and Professions Code section 9884.7(a)(1).

Pursuant to the Decision, and under the authority provided by Business and Professions Code section 495, the Bureau issues this Letter of Public Reproval. This letter will be posted on the Bureau's website, along with the Accusation and Decision, as provided in Business and Professions Code section 27.

Sincerely,

PATRICK DORAIS
Chief, Bureau of Automotive Repair