

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6285
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 79/21-9418

13 **ERICK ANTONIO NAVARRO, DBA**
14 **ENAV SMOG SHOP**
15 **2314 S. Vineyard Ave., Unit H**
Ontario, CA 91761

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
17 **ARD 297403**
Smog Check Station License No. RC 297403,

18 **and**

19 **ERICK A. NAVARRO**
20 **30089 Sugar Pine Street**
Lake Elsinore, CA 92530

21 **Smog Check Inspector License No. EO**
22 **642472**
Smog Check Repair Technician License No.
23 **EI 642472**

24 Respondents.

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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 June 11, 2020, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 297403 to Erick Antonio Navarro, dba Enav Smog
6 Shop (Respondent Enav Smog). The Automotive Repair Dealer Registration was in full force
7 and effect at all times relevant to the charges brought herein and will expire on June 30, 2022,
8 unless renewed.

9 3. On or about June 19, 2020, the Bureau of Automotive Repair issued Smog Check
10 Station License Number RC 297403 to Erick Antonio Navarro, dba Enav Smog Shop
11 (Respondent Enav Smog). The Smog Check Station License was in full force and effect at all
12 times relevant to the charges brought herein and will expire on June 30, 2022, unless renewed.

13 4. On or about February 10, 2020, the Bureau of Automotive Repair issued Smog Check
14 Inspector License Number EO 642472 to Erick A. Navarro (Respondent Navarro). The Smog
15 Check Inspector License was in full force and effect at all times relevant to the charges brought
16 herein and will expire on April 30, 2022, unless renewed.

17 5. On or about January 31, 2020, the Bureau of Automotive Repair issued Smog Check
18 Repair Technician License Number EI 642472 to Erick A. Navarro (Respondent). The Smog
19 Check Repair Technician License was in full force and effect at all times relevant to the charges
20 brought herein and will expire on April 30, 2022, unless renewed.

21 **JURISDICTION**

22 6. Business and Professions Code ("Code") section 9884.7 provides that the director
23 may revoke an automotive repair dealer registration.

24 7. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
25 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
26 against an automotive repair dealer or to render a decision invalidating a registration temporarily
27 or permanently.

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

13. Section 44012 of the Health and Safety Code states:

“The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

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

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

23 14. Section 44015 of the Health and Safety Code states:

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

27 15. Section 44059 of the Health and Safety Code states:

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

6 16. Section 44072.2 of the Health and Safety Code states:

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

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

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

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

16 17. Section 44072.8 of the Health and Safety Code states:

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

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

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

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

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

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

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

REGULATORY PROVISIONS

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

....

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

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

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

“(a) Inspect, test and repair vehicles, as applicable, 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.”

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

“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.”

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

....

“(c) No person shall enter into the BAR-97 Emissions Inspection System or the OBD Inspection System any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System any false information about the vehicle being tested.”

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

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

1 “(a) All vehicles subject to a smog check inspection, shall receive one of the following test
2 methods:

3 “(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year
4 vehicle, except diesel-powered, registered in the enhanced program areas of the state. The
5 loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of
6 nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of
7 Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode
8 (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

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

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

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

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

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

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

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

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

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

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

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

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

21 “(2) Vehicles with emission levels exceeding the emission standards for gross polluters
22 during an initial inspection will be considered gross polluters and the provisions pertaining to
23 gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and
24 44081 of the Health and Safety Code.

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

1 information providers for the industry. Alldata and Mitchell Pro Demand obtains factory service
2 information from automobile manufacturers. This information is presented in each corporation's
3 specific format and distributed to automotive repair facilities by means of a data disc or through
4 on-line subscription to the respective website. Alldata and Mitchell Pro Demand are nationally
5 recognized as industry-standard repair information publishers.

6 27. All of the OEM information cited in the investigation by the Bureau Representative
7 has been cross-checked and verified through Alldata and Mitchell Pro Demand repair information
8 and found to be consistent.

9 **Clean Plugged Vehicle No. 1-March 10, 2021**

10 28. Between 1639 hours and 1649 on March 10, 2021, a 1999 Toyota Corolla, CA
11 License No. 4FDW839, was tested and Certificate of Compliance No. RW683139C was issued
12 under licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97
13 Test Detail shows code P1800 was stored in the PCM memory at the time of certification.
14 Service information shows code P1800 does not apply to a 1999 Toyota Corolla.

15 **Clean Plugged Vehicle No. 2-April 8, 2021**

16 29. Between 1513 hours and 1524 on April 8, 2021, a 1997 Jeep Wrangler, CA License
17 No. 6CNF384, was tested and Certificate of Compliance No. RY529556C was issued under
18 licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97 Test
19 Detail shows code P1800 was stored in the PCM memory at the time of certification. Service
20 information shows code P1800 does not apply to a 1997 Jeep Wrangler.

21 **Clean Plugged Vehicle No. 3-April 10, 2021**

22 30. Between 0903 hours and 0913 on April 10, 2021, a 1999 Acura Integra, CA License
23 No. 6CTM611, was tested and Certificate of Compliance No. RY529559C was issued under
24 licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97 Test
25 Detail shows code P1800 was stored in the PCM memory at the time of certification. Service
26 information shows code P1800 does not apply to a 1999 Acura Integra.

27 **Clean Plugged Vehicle No. 4-April 17, 2021**

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1 31. Between 1343 hours and 1350 on April 17, 2021, a 1999 Toyota Sienna, CA License
2 No. 5PSA666, was tested and Certificate of Compliance No. RY529567C was issued under
3 licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97 Test
4 Detail shows code P1800 was stored in the PCM memory at the time of certification. Service
5 information shows code P1800 does not apply to a 1999 Toyota Sienna.

6 **Clean Plugged Vehicle No. 5-May 4, 2021**

7 32. Between 1553 hours and 1607 on May 4, 2021, a 1997 Honda Civic, CA License
8 No.3VSF586, was tested and Certificate of Compliance No. RY529583C was issued under
9 licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97 Test
10 Detail shows code P1800 was stored in the PCM memory at the time of certification. Service
11 information shows code P1800 does not apply to a 1997 Honda Civic.

12 **Clean Plugged Vehicle No. 6-May 21, 2021**

13 33. Between 1524 hours and 1534 on May 21, 2021, a 1997 Dodge RAM 1500, CA
14 License No.8X49578, was tested and Certificate of Compliance No. SC108554C was issued
15 under licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97
16 Test Detail shows code P1800 was stored in the PCM memory at the time of certification.
17 Service information shows code P1800 does not apply to a 1997 Dodge RAM 1500.

18 **Clean Plugged Vehicle No. 7-June 12, 2021**

19 34. Between 1045 hours and 1055 on June 12, 2021, a 1999 Ford Ranger Super Cab, CA
20 License No.43430Z1, was tested and Certificate of Compliance No. SC108589C was issued
21 under licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97
22 Test Detail shows code P1800 was stored in the PCM memory at the time of certification.
23 Service information shows code P1800 does not apply to a 1999 Ford Ranger Super Cab.

24 **Clean Plugged Vehicle No. 8-July 22, 2021**

25 35. Between 1524 hours and 1531 on July 22, 2021, a 1999 Toyota 4Runner, CA License
26 No.7ZVG203, was tested and Certificate of Compliance No. SE295051C was issued under
27 licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97 Test
28

1 Detail shows code P1800 was stored in the PCM memory at the time of certification. Service
2 information shows code P1800 does not apply to a 1999 Toyota 4Runner.

3 **Clean Plugged Vehicle No. 9-August 20, 2021**

4 36. Between 1504 hours and 1514 on August 20, 2021, a 1999 Chevrolet S10 2WD, CA
5 License No.8Y52178, was tested and Certificate of Compliance No. SE295086C was issued
6 under licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97
7 Test Detail shows code P1800 was stored in the PCM memory at the time of certification.
8 Service information shows code P1800 does not apply to a 1999 Chevrolet S10 2WD.

9 **Clean Plugged Vehicle No. 10-August 31, 2021**

10 37. Between 1436 hours and 1441 on August 31, 2021, a 1999 Subaru Impreza, CA
11 License No.8UVH649, was tested and Certificate of Compliance No. SG409805C was issued
12 under licensed Smog Check Inspector EO642472, issued to Respondent Navarro. The BAR97
13 Test Detail shows code P1800 was stored in the PCM memory at the time of certification.
14 Service information shows code P1800 does not apply to a 1999 Subaru Impreza.

15 **Station Inspection-September 2, 2021**

16 38. On or about September 2, 2021, a Bureau Representative performed a station
17 inspection at Respondent's facility and met Respondent Navarro. While at Respondent's facility,
18 the Bureau Representative asked Respondent Navarro to test a 2002 Nissan Maxima, CA License
19 No. 7BDZ093 with the OIS analyzer, not the BAR97 analyzer. Respondent Navarro stated it was
20 his vehicle. The Bureau Representative used his computer to access Mitchell Pro Demand and
21 Alldata, he determined code P1800 was capable of being produced by 2002 Nissan Maxima. The
22 Bureau Representative requested Respondent Navarro perform a hands-on inspection on the
23 vehicle, which he did. The Bureau Representative asked for testing records for review. The
24 station did not have records for every test performed.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 39. Respondent Enav Smog's Registration is subject to discipline pursuant to Code
28 section 9884.7, subdivision (a)(1), in that between March 10, 2021, through August 31, 2021,

1 Respondent Enav Smog made or authorized statements which he knew or in the exercise of
2 reasonable care should have known to be untrue or misleading, as follows: Respondent Enav
3 Smog certified that vehicles 1 through 10 had passed inspection and were in compliance with
4 applicable laws and regulations. In fact, Respondent Enav Smog conducted the inspections on
5 the vehicles using the clean plugging method by substituting or using different vehicles or another
6 source during the OBD II functional tests in order to issue smog certificates of compliance for the
7 ten (10) vehicles, and did not test or inspect the ten (10) vehicles as required by Health and Safety
8 Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set
9 forth above in paragraphs 25 through 38, as though set forth fully.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 40. Respondent Enav Smog's Registration is subject to discipline pursuant to Code
13 section 9884.7, subdivision (a)(4), in that between March 10, 2021, through August 31, 2021,
14 Respondent Enav Smog committed acts which constitute fraud by issuing electronic smog
15 certificates of compliance for vehicles 1 through 10 without performing bona fide inspections of
16 the emission control devices and systems on those vehicles, thereby depriving the People of the
17 State of California of the protection afforded by the Motor Vehicle Inspection Program.
18 Complainant refers to, and by this reference incorporates, the allegations set forth above in
19 paragraphs 25 through 38, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

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

22 41. Respondent Enav Smog's Smog Check, Test and Repair, Station License is subject to
23 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
24 March 10, 2021, through August 31, 2021, regarding vehicles 1 through 10, Respondent Enav
25 Smog failed to comply with the following sections of that Code:

26 a. **Section 44012:** Respondent Enav Smog failed to ensure that the emission control tests
27 were performed on vehicles 1 through 10, in accordance with procedures prescribed by the
28 department.

1 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog
2 certificates of compliance for those vehicles without performing bona fide inspections of the
3 emission control devices and systems on the vehicles, thereby depriving the People of the State of
4 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
5 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25
6 through 38, as though set forth fully.

7 **SIXTH CAUSE FOR DISCIPLINE**

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

9 44. Respondent Navarro's Smog Check Inspection and Repair Licenses are subject to
10 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
11 March 10, 2021, through August 31, 2021, regarding vehicles 1 through 10, Respondent Navarro
12 failed to comply with section 44012 of that Code in a material respect, as follows: Respondent
13 Navarro failed to perform the emission control tests on those vehicles in accordance with
14 procedures prescribed by the department. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraphs 25 through 38, as though set forth fully.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant to the
18 Motor Vehicle Inspection Program)**

19 45. Respondent Navarro's Smog Check Inspection and Repair Licenses are subject to
20 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that March 10,
21 2021, through August 31, 2021, regarding vehicles 1 through 10, Respondent Navarro failed to
22 comply with provisions of California Code of Regulations, title 16, as follows:

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

27 b. **Section 3340.30 subdivision (c)**: Respondent Navarro failed to inspect and test those
28 vehicles in accordance with Health and Safety Code sections 44012.

1 c. **Section 3340.41 subdivision (c)**: Respondent Navarro knowingly entered false
2 information into the BAR-97 Emissions Inspection System.

3 d. **Section 3340.42**: Respondent Navarro failed to conduct the required smog tests and
4 inspections on those vehicles in accordance with the Bureau's specifications.

5 **EIGHTH CAUSE FOR DISCIPLINE**

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

7 46. Respondent Navarro's Smog Check Inspection and Repair Licenses are subject to
8 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d) in conjunction
9 with Health and Safety Code section 44072.10(c), in that between March 10, 2021, through
10 August 31, 2021, regarding vehicles 1 through 10, Respondent Navarro committed acts involving
11 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of
12 compliance without performing bona fide inspections of the emission control devices and systems
13 on those vehicles, thereby depriving the People of the State of California of the protection
14 afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraphs 24 through 37, as though set forth fully.

16 **OTHER MATTERS**

17 47. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke, or
18 place on probation the registrations for all places of business operated in this state by Erick
19 Antonio Navarro -Owner dba Enav Smog Shop, upon a finding that said Respondent has, or is,
20 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
21 automotive repair dealer.

22 48. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Station
23 License Number RC 297403 issued to Erick Antonio Navarro -Owner dba Enav Smog Shop is
24 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div. 26 of the
25 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
26 director.

27 49. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
28 License No. EO 642472, issued to Erick A. Navarro is revoked or suspended, any additional

1 license issued under Chapter 5 of Part 5 of Div. 26 of the Health and Safety Code in the name of
2 said licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 297403, issued to Erick Antonio Navarro, dba Enav Smog Shop;

9 2. Revoking or suspending any other Automotive Repair Dealer Registrations issued to
10 Erick Antonio Navarro;

11 3. Revoking or suspending Smog Check Station License Number RC 297403, issued to
12 Erick Antonio Navarro, dba Enav Smog Shop;

13 4. Revoking or suspending Smog Check Inspector License Number EO 642472, issued
14 to Erick A. Navarro;

15 5. Revoking or suspending Smog Check Repair Technician License Number EI 642472,
16 issued to Erick A. Navarro;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health and Safety Code in the name of Erick Antonio Navarro;

19 7. Ordering Erick Antonio Navarro and Erick A. Navarro to pay the Bureau of
20 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
21 pursuant to Business and Professions Code section 125.3; and,

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

DATED: As of digital signature date

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

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