

BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation  
Against:

**SMOG CHECK ONLY**  
**FRANK H. SAKAMOTO, OWNER**  
9913 Bloomington Avenue  
Bloomington, CA 92316

Automotive Repair Dealer Reg.  
No. ARD 260323  
Smog Check, Test Only, Station License No.  
TC 260323

and

**FRANK H. SAKAMOTO**  
9728 Carob Avenue, #D  
Fontana, CA 92335

Advanced Emission Specialist Technician  
License No. EA 631798 (to be redesignated  
upon renewal as EO 631798 and/or  
EI 631798)

Respondents.

Case No. 79/13-16

OAH No. 2013040373

**DECISION**

The attached Stipulated Revocation and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective December 27, 2013.

DATED: December 4, 2013

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:  
13 **SMOG CHECK ONLY**  
14 **FRANK H. SAKAMOTO, OWNER**  
9913 Bloomington Avenue  
Bloomington, CA 92316

Case No. 79/13-16

OAH No. 2013040373

**STIPULATED REVOCATION AND  
DISCIPLINARY ORDER**

15 **Automotive Repair Dealer Reg. No. ARD**  
16 **260323**  
17 **Smog Check, Test Only, Station License No.**  
18 **TC 260323**

17 and

18 **FRANK H. SAKAMOTO**  
19 **9728 Carob Avenue, #D**  
20 **Fontana, CA 92335**

21 **Advanced Emission Specialist Technician**  
22 **License No. EA 631798 (to be redesignated**  
**upon renewal as EO 631798 and/or EI**  
**631798)**

23 Respondents.

24  
25 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
26 entitled proceedings that the following matters are true:

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PARTIES

1. Patrick Dorais (Complainant) is the Acting Chief of the Bureau of Automotive Repair. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

2. Smog Check Only; Frank H. Sakamoto (Respondent) is represented in this proceeding by attorney Michael Levin, whose address is 3727 Camino del Rio South, Suite 200, San Diego, CA 92108.

3. On or about December 28, 2009, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration No. ARD 260323 to Frank H. Sakamoto (Respondent), owner of Smog Check Only. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 79/13-16 and will expire on November 30, 2013, unless renewed.

4. On or about December 29, 2009, the Bureau of Automotive Repair issued Smog Check Test Only Station License No. TC 260323 to Respondent. The Smog Check Test Only Station License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 79/13-16 and will expire on November 30, 2013, unless renewed.

5. On or about February 24, 2010, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 631798 to Respondent. The Advanced Emission Specialist Technician License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 79/13-16 and will expire on May 31, 2014, unless renewed.

JURISDICTION

6. First Amended Accusation No. 79/13-16 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on November 26, 2012. Respondent timely filed his Notice

1 of Defense contesting the First Amended Accusation. A copy of the First Amended Accusation  
2 No. 79/13-16 is attached as Exhibit A and incorporated by reference.

3 ADVISEMENT AND WAIVERS

4 7. Respondent has carefully read, fully discussed with counsel, and understands the  
5 charges and allegations in the First Amended Accusation No. 79/13-16. Respondent also has  
6 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
7 Revocation and Disciplinary Order.

8 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
9 hearing on the charges and allegations in the First Amended Accusation; the right to be  
10 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses  
11 against him; the right to present evidence and to testify on his own behalf; the right to the  
12 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
13 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
14 by the California Administrative Procedure Act and other applicable laws.

15 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
16 every right set forth above.

17 CULPABILITY

18 10. Respondent admits the truth of each and every charge and allegation in the First  
19 Amended Accusation No. 79/13-16.

20 11. Respondent agrees that his Automotive Repair Dealer Registration No. ARD 260323,  
21 Smog Check Station License No. TC 260323 and Advanced Emission Specialist Technician  
22 License No. EA 631798 are subject to discipline and he agrees to be bound by the Director of  
23 Consumer Affairs imposition of discipline as set forth in the Disciplinary Order below.

24 12. Any admissions, be they general or specific, express or implied, do not constitute  
25 admissions for any other purpose or proceeding to which the Bureau of Automotive  
26 Repair (BAR) and Department of Consumer Affairs (DCA) is not a party, including third party  
27 civil, criminal, or administrative proceedings.

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CONTINGENCY

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13. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Revocation and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Revocation and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Revocation and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 260323, Smog Check Test Only Station License No. TC 260323 and Advanced Emission Specialist

1 Technician License No. EA 631798 issued to Respondent Frank H. Sakamoto, owner of Smog  
2 Check Only are revoked.

3 Respondent shall be held responsible for payment of the total investigative and enforcement  
4 costs incurred in this case amounting to \$7,648.87. These costs shall be deferred until  
5 reapplication for any registration or license by Respondent for any license that the Bureau of  
6 Automotive Repair issues.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Revocation and Disciplinary Order and have  
9 fully discussed it with my attorney, Michael Levin. I understand the stipulation and the effect it  
10 will have on my Automotive Repair Dealer Registration, Smog Check Test Only Station License  
11 and Advanced Emission Specialist Technician License. I enter into this Stipulated Revocation  
12 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Director of Consumer Affairs.

14  
15 DATED: 10-20-13 Frank Sakamoto

16 FRANK H. SAKAMOTO, OWNER OF SMOG  
17 CHECK ONLY  
Respondent

18 I have read and fully discussed with Respondent Frank H. Sakamoto, owner of Smog Check  
19 Only; the terms and conditions and other matters contained in this Stipulated Revocation and  
20 Disciplinary Order. I approve its form and content.

21 DATED: 10/21/13 Michael Levin

22 MICHAEL LEVIN  
23 Attorney for Respondent

24 ENDORSEMENT

25 The foregoing Stipulated Revocation and Disciplinary Order is hereby respectfully  
26 submitted for consideration by the Director of Consumer Affairs.

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Dated: October 21 2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/13-16**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
SUPERVISING DEPUTY ATTORNEY GENERAL  
3 MICHAEL BROWN  
DEPUTY ATTORNEY GENERAL  
4 STATE BAR NO. 231237  
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5 LOS ANGELES, CA. 90013  
TELEPHONE: (213) 897-2095  
6 FACSIMILE: (213) 897-2804  
ATTORNEYS FOR COMPLAINANT  
7

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 79/13-16

13 **SMOG CHECK ONLY**  
14 **FRANK H. SAKAMOTO, OWNER**  
15 9913 Bloomington Avenue  
16 Bloomington, CA 92316

**FIRST AMENDED ACCUSATION**  
(Smog Check)

17 Automotive Repair Dealer Reg. No. ARD 260323  
18 Smog Check, Test Only, Station License No.  
19 TC 260323

and

18 **FRANK H. SAKAMOTO**  
19 9728 Carob Avenue, #D  
20 Fontana, CA 92335

21 Advanced Emission Specialist Technician  
22 License No. EA 631798 (to be redesignated upon  
23 renewal as EO 631798 and/or EI 631798)

Respondents.

24 Complainant alleges:

25 **PARTIES/LICENSE INFORMATION**

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

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1 8. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
2 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
3 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
4 of jurisdiction to proceed with disciplinary action.

5 **STATUTORY PROVISIONS**

6 9. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

16 . . . .  
17 (4) Any other conduct that constitutes fraud.  
18 . . . .

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

24 10. Bus. & Prof. Code section 22, subdivision (a), states:

25 "Board" as used in any provision of this Code, refers to the board in  
26 which the administration of the provision is vested, and unless otherwise expressly  
27 provided, shall include "bureau," "commission," "committee," "department,"  
28 "division," "examining committee," "program," and "agency."

11. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
"license" includes "registration" and "certificate."

12. Health & Saf. Code section 44072.2 states, in pertinent 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 [the Motor Vehicle Inspection

1 Program (Health and Saf. Code § 44000, et seq.)) and the regulations adopted  
2 pursuant to it, which related to the licensed activities.

3 . . . .

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

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

8 13. Health & Saf. Code section 44072.8 states that when a license has been revoked or  
9 suspended following a hearing under this article, any additional license issued under this chapter  
10 in the name of the licensee may be likewise revoked or suspended by the director.

11 14. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
12 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
13 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
14 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

15 **COST RECOVERY**

16 15. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request  
17 the administrative law judge to direct a licensee found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

20 **VID DATA REVIEW**

21 16. In or about March 2012, a representative of the Bureau initiated an investigation  
22 against Respondent based on a review of information from the Bureau's Vehicle Information  
23 Database ("VID"), which indicated that Respondent may be engaging in fraudulent smog check  
24 activities. On March 5, 2012, the representative conducted a detailed review of VID data for all  
25 smog inspections performed at Respondent's facility for the period of August 1, 2011, through  
26 March 5, 2012. The representative found that vehicles 1 through 14 identified below, all of which  
27 were tested by Respondent, recorded certain diagnostic trouble codes (hereinafter "code") during  
28

1 the OBD II tests<sup>2</sup>. The representative obtained information indicating that the codes were not  
 2 applicable to the vehicles. The Bureau concluded that Respondent performed the smog  
 3 inspections on the vehicles using a different vehicle during the OBD II tests, a method known as  
 4 "clean plugging",<sup>3</sup> resulting in the issuance of fraudulent certificates of compliance for the  
 5 vehicles.

| Date & Time of Inspection       | Vehicle Certified                             | Certificate No. |
|---------------------------------|---|-----------------|
| 1. 08/02/2011<br>14:27 – 14:37  | 2001 Toyota Camry; License No. 4TJF132        | WX538503C       |
| 2. 08/02/2011<br>15:06 – 15:13  | 2001 Honda Accord; License No. 6JBZ853        | WX538506C       |
| 3. 08/02/2011<br>15:17 – 15:25  | 2000 Honda Civic; License No. 6JEA626         | WX538507C       |
| 4. 08/31/2011<br>12:31 – 12:42  | 2001 Ford Focus; License No. 5RKN984          | WX965897C       |
| 5. 08/31/2011<br>13:28 – 13:40  | 1997 Chevrolet G35 Van; License No. 5R23305   | WX965899C       |
| 6. 08/31/2011<br>13:53 – 14:00  | 1996 Nissan 240SX; License No. 5FXA331        | WX965900C       |
| 7. 10/13/2011<br>10:37 – 10:44  | 1999 Chevrolet S10 2WD; License No. 8S59855   | WZ755159C       |
| 8. 10/22/2011<br>11:30 – 11:45  | 1999 Honda Civic; License No. 4FZL955         | WZ755198C       |
| 9. 12/27/2011<br>14:35 – 14:47  | 1998 Jeep Grand Cherokee; License No. 4CUJ228 | XB820212C       |
| 10. 01/23/2012<br>14:20 – 14:40 | 2004 Ford Ranger 2WD; License No. 7M67676     | XD216145C       |
| 11. 01/30/2012<br>15:05 – 15:12 | 1998 Dodge Neon; License No. 4CDS181          | XD418856C       |

21 <sup>2</sup> The On Board Diagnostics (OBD II) functional test is an automated function of the  
 22 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an  
 23 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is  
 24 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves  
 information from the vehicle's on-board computer about the status of the readiness indicators,  
 trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II  
 functional test, it will fail the overall inspection.

25 <sup>3</sup> Clean-plugging is the use of the OBD II readiness monitor status and stored fault code  
 26 (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to  
 27 another vehicle that is not in compliance due to a failure to complete the minimum number of self  
 tests, known as monitors, or due to the presence of a stored fault code that indicates an emission  
 control system or component failure.

|                                 |  |           |
|---------------------------------|--|-----------|
| 12. 02/18/2012<br>13:18 – 13:26 | 2000 Dodge Dakota pickup 2WD; License No.<br>7F09868 | XD794952C |
| 13. 02/18/2012<br>14:28 – 14:36 | 1999 Toyota Camry Solara; License No. 4EMJ561        | XD794956C |
| 14. 02/23/2012<br>14:17 – 14:45 | 1998 Nissan Frontier; License No. 8L69755            | XD884452C |

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

17. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent 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 certified that vehicles 1 through 14, identified in paragraph 16 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on the vehicles using clean-plugging methods in that he substituted or used a different vehicle(s) during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

18. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud by issuing electronic smog certificates of compliance for vehicles 1 through 14, identified in paragraph 16 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**THIRD CAUSE FOR DISCIPLINE**

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

19. Respondent's smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the following sections of that Code:

1 a. Section 44012: Respondent failed to perform the emission control tests on vehicles 1  
2 through 14, identified in paragraph 16 above, in accordance with procedures prescribed by the  
3 department.

4 b. Section 44015: Respondent issued electronic smog certificates of compliance for  
5 vehicles 1 through 14, identified in paragraph 16 above, without properly testing and inspecting  
6 the vehicles to determine if they were in compliance with Health & Saf. Code section 44012.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Regulations Pursuant  
9 to the Motor Vehicle Inspection Program)

10 20. Respondent's smog check station license is subject to disciplinary action pursuant to  
11 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with  
12 provisions of California Code of Regulations, title 16, as follows:

13 a. Section 3340.35, subdivision (c): Respondent issued electronic smog certificates of  
14 compliance for vehicles 1 through 14, identified in paragraph 16 above, even though the vehicles  
15 had not been inspected in accordance with section 3340.42.

16 b. Section 3340.42: Respondent failed to conduct the required smog tests on vehicles 1  
17 through 14, identified in paragraph 16 above, in accordance with the Bureau's specifications.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (Dishonesty, Fraud or Deceit)

20 21. Respondent's smog check station license is subject to disciplinary action pursuant to  
21 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,  
22 fraudulent or deceitful acts whereby another is injured by issuing electronic smog certificates of  
23 compliance for vehicles 1 through 14, identified in paragraph 16 above, without performing bona  
24 fide inspections of the emission control devices and systems on the vehicles, thereby depriving  
25 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
26 Program.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 22. Respondent's technician license is subject to disciplinary action pursuant to Health &  
4 Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section  
5 44012 of that Code in a material respect, as follows: Respondent failed to perform the emission  
6 control tests on vehicles 1 through 14, identified in paragraph 16 above, in accordance with  
7 procedures prescribed by the department.

8 SEVENTH CAUSE FOR DISCIPLINE

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

11 23. Respondent's technician license is subject to disciplinary action pursuant to Health &  
12 Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with provisions  
13 of California Code of Regulations, title 16, as follows:

14 a. Section 3340.30, subdivision (a): Respondent failed to inspect and test vehicles 1  
15 through 14, identified in paragraph 16 above, in accordance with Health & Saf. Code sections  
16 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

17 b. Section 3340.42: Respondent failed to conduct the required smog tests on vehicles 1  
18 through 14, identified in paragraph 16 above, in accordance with the Bureau's specifications.

19 EIGHTH CAUSE FOR DISCIPLINE

20 (Dishonesty, Fraud or Deceit)

21 24. Respondent's technician license is subject to disciplinary action pursuant to Health &  
22 Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent,  
23 or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance  
24 for vehicles 1 through 14, identified in paragraph 16 above, without performing bona fide  
25 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
26 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
27 Program.

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1 OTHER MATTERS

2 25. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke, or place on probation the registration for all places of business operated in this  
4 state by Respondent Frank H. Sakamoto, owner of Smog Check Only, upon a finding that  
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
6 regulations pertaining to an automotive repair dealer.

7 26. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station  
8 License Number TC 260323, issued to Respondent Frank H. Sakamoto, owner of Smog Check  
9 Only, is revoked or suspended, any additional license issued under this chapter in the name of  
10 said licensee may be likewise revoked or suspended by the director.

11 27. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist  
12 Technician License Number EA 631798, issued to Respondent Frank H. Sakamoto, currently  
13 designated as EA 631798 and as redesignated upon timely renewal as EO 631798 and/or EI  
14 631798, is/are revoked or suspended, any additional license issued under this chapter in the name  
15 of said licensee may be likewise revoked or suspended by the Director.

16 PRAYER

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 260323, issued to Frank H. Sakamoto, owner of Smog Check Only;

21 2. Revoking or suspending any other automotive repair dealer registration issued to  
22 Frank H. Sakamoto;

23 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
24 260323, issued to Frank H. Sakamoto, owner of Smog Check Only;

25 4. Revoking or suspending Advanced Emission Specialist Technician License Number  
26 EA 631798, issued to Frank H. Sakamoto; currently designated as EA 631798 and as  
27 redesignated upon timely renewal as EO 631798 and/or EI 631798;

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1           5.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
2 and Safety Code in the name of Frank H. Sakamoto;

3           6.    Ordering Frank H. Sakamoto, individually, and as owner of Smog Check Only, to pay  
4 the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this  
5 case, pursuant to Business and Professions Code section 125.3; and

6           7.    Taking such other and further action as deemed necessary and proper.

7  
8 DATED: September 18, 2013 Patrick Dorais

9 Patrick Dorais  
10 Acting Chief  
11 Bureau of Automotive Repair  
12 Department of Consumer Affairs  
13 State of California  
14 Complainant.

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