

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

In the Matter of the Accusation Against:

**CHA CHA SMOGZ,**  
**MARK YOUNG, OWNER,**  
Automotive Repair Dealer Reg. No.  
ARD 268149  
Smog Check Test Only Station License  
No. TC 268149

and

**DAVID ALEXANDER DOMINGUEZ,**  
Smog Check Inspector License No. EO  
633149  
Smog Check Repair Technician License  
No. EI 633149 (was redesignated upon  
renewal from EA 633149 to EO 633149  
and EI 633149)

Respondents.

Case No. 79/14-28

OAH No. 2014070928

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective

July 7, 2015

DATED:

May 20, 2015



TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

CHA CHA SMOGZ,  
MARK YOUNG, OWNER,  
Automotive Repair Dealer Reg. No. ARD  
268149  
Smog Check Test Only Station License No,  
TC 268149

and

DAVID ALEXANDER DOMINGUEZ,  
Smog Check Inspector License No. EO  
633149  
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EI 633149 (was redesignated upon renewal  
from EA 633149 to EO 633149 and EI  
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Case No. 79/14-28

OAH No. 2014070928

**PROPOSED DECISION**

This matter came on regularly for hearing before Matthew Goldsby, Administrative Law Judge, on February 24, 2015, at the Office of Administrative Hearings in Los Angeles, California.

M. Travis Peery, Deputy Attorney General, and Matthew King, Deputy Attorney General, appeared and represented Patrick Dorais (the complainant), Acting Chief of Department of Consumer Affairs for the Bureau of Automotive Repair (the Bureau).

Jeffrey T. Osborn, Esq., appeared and represented respondent Mark Young (Young), Owner of Cha Cha Smogz (the company). Young was not present.

Respondent David Alexander Dominguez (Dominguez) did not appear after having been served with notice as required by law.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision at the conclusion of the hearing.

### FACTUAL FINDINGS

1. On March 1, 2012, the Director of Consumer Affairs issued Automotive Repair Dealer Registration number ARD 268149 to Young. The registration expires on March 31, 2015, unless renewed.
2. On April 9, 2012, the Director of Consumer Affairs issued Smog Check Test Only Station License number TC 268149 to Young, as the owner of the company. The registration expires on March 31, 2015, unless renewed.
3. On May 19, 2011, the Director of Consumer Affairs issued Advanced Emission Specialist Technician License number EA 633149 to Dominguez. The license was canceled on January 8, 2013. The Bureau maintains jurisdiction over this matter pursuant to Health and Safety Code section 44072.6.
4. The complainant brought the Accusation in his official capacity. Each respondent timely submitted a Notice of Defense, which contained a request for a hearing.
5. The Legislature developed a Smog Check Program to reduce air pollution in the State of California.<sup>1</sup> The program requires motor vehicles to pass a smog check inspection every two years. Vehicle owners must file a certificate of compliance when renewing the registration of the vehicle or on a change of ownership. A smog inspection must be performed at a licensed smog station by a licensed technician.
6. The smog check inspection is an Acceleration Simulation Mode (ASM) test performed using an Emissions Inspection System (EIS), also known as BAR 97. To perform an emissions test, the technician moves the vehicle onto the dynamometer.<sup>2</sup> A tailpipe probe from the EIS is inserted into the vehicle's tailpipe and used to sample the emissions from the

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<sup>1</sup> "... the people of the State of California have a primary interest in the quality of the physical environment in which they live, and . . . this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of California." (Health & Saf. Code, § 39000.)

<sup>2</sup> The dynamometer is a machine that has two metal rollers enabling the vehicle to drive in the service bay. The dynamometer has a computer program that can simulate different road conditions to enable the proper smog emissions to be emitted for that year, make and model vehicle. The dynamometer's computer determines the weight and other characteristics of the vehicle so that a test is performed predominantly for that particular vehicle, not just any vehicle.

vehicle's tailpipe. The vehicle is run at 15 and 25 miles per hour. The EIS takes a reading of the tailpipe sampling and tests the emission levels of hydrocarbons, carbon monoxide, oxygen, and carbon dioxide. After the emissions test, the technician visually verifies that the required emission control devices are properly connected. The technician will also visually check whether smoke is observed from the tailpipe or PCV system. Thereafter a series of functional tests are performed; these tests differ slightly, depending on the vehicle. If the vehicle does not pass any portion of the test, it is a "failed vehicle." When the vehicle passes all three parts, a certificate of compliance is issued. The technician enters the results of the visual and functional inspections into the EIS, as well as information specific to the particular vehicle being tested such as year, make, model, license number, vehicle identification number, number of cylinders, etc.

7. Only a licensed smog technician may access the EIS. Technicians are issued a personal access code and a license, which are used to gain access to the EIS to perform smog check inspections. Unauthorized use of another technician's access code or license is prohibited.

8. "Clean piping" is a method that has been developed to fraudulently certify vehicles that would otherwise not pass the smog check test. The technician uses one vehicle that will pass the smog check emissions test to generate a clean exhaust gas sample while entering data into the analyzer for the vehicle to be fraudulently certified.

9. Each licensed smog station has an expected fail rate (EFR). The EFR is compared to the actual fail rate at the station. A "false fail" is a method that has been developed to fraudulently certify that a vehicle has failed the smog check test.

10. Young hired Dominguez to work for the company as a smog technician. Young filed with the Bureau all documents necessary to assign Dominguez to the company and its smog testing equipment. There is one smog bay at the facility where smog inspections are performed.

11. After analyzing data reported by the company, the Bureau opened an investigation of the company's business operations. On December 4, 2012, an investigator parked his vehicle within view of the company and its smog bay. The investigator observed, took notes and used a video camera to capture and record all activities conducted on the site during an eight hour period.

12. During the period of surveillance, the following series of facts occurred in relation to a 1993 Chevrolet Astro and a 1992 Honda Accord:

- (A) The company issued a Certificate of Compliance that each vehicle passed the smog check test.
- (B) Dominguez was the smog technician who performed a smog inspection for each vehicle.

- (C) Neither vehicle was on the company site during the surveillance period.
- (D) A 1996 Ford Mustang was in the smog bay connected to the dynamometer at the time the certificates were issued.
- (E) Young was not on the premises.
- (F) Dominguez performed the smog inspections of these vehicles using clean piping methods.
- (G) Dominguez failed to perform the emission control tests on the vehicles in accordance with the procedures prescribed by law.
- (H) Dominguez made willful false entries in the EIS in relation to each vehicle.
- (I) The company issued Certificates of Compliance that were untrue and misleading.

13. During the period of surveillance, the following series of facts occurred in relation to a 1996 Oldsmobile Delta 88.

- (A) The company issued a certificate that the vehicle failed the smog check test.
- (B) Dominguez was the smog technician who performed a smog inspection for the vehicle.
- (C) The vehicle was not on the company site during the surveillance period.
- (D) A 1996 Ford Mustang was in the smog bay connected to the dynamometer at the time the certificate was issued.
- (E) Young was not on the premises.
- (F) Dominguez performed the smog inspection of the vehicle using a false fail method.
- (G) Dominguez failed to perform the emission control tests on the vehicle in accordance with the procedures prescribed by law.
- (H) Dominguez made willful false entries in the EIS in relation to the vehicle.
- (I) The company issued a fail report for the vehicle that was untrue and misleading.

14. On May 6, 2013, two program representatives of the Bureau spoke to Dominguez who denied that he engaged in clean piping.

15. Neither Young nor Dominguez appeared at the hearing to testify under penalty of perjury and subject to cross examination. Neither respondent furnished evidence of mitigation or rehabilitation.

16. The complainant incurred reasonable costs in the amount of \$8,968.37 in its investigation of the case. The complainant incurred reasonable costs in the amount of \$7,187.50 in its enforcement of the case. The total sum of investigation and enforcement costs is \$16,155.87.

### LEGAL CONCLUSIONS

1. Cause exists to discipline Young's registration under Business and Professions Code section 9884.7, subdivision (a)(1), because the company issued Certificates of Compliance that were untrue. (Factual Findings, paragraphs 5-15; Legal Conclusions, 10 and 11.)

2. Cause does not exist to discipline Young's registration under Business and Professions Code section 9884.7, subdivision (a)(4), because the evidence fails to prove that he committed any acts of fraud. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

3. Cause exists to discipline Young's smog check station license under Health and Safety Code section 44072.2, subdivision (a), because he failed to comply with the provisions of the Health and Safety Code. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

4. Cause exists to discipline Young's smog check station license under Health and Safety Code section 44072.2, subdivision (c), because he failed to comply with the provisions of the California Code of Regulations. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

5. Cause exists to discipline Young's smog check station license under Health and Safety Code section 44072.2, subdivision (d), because he committed an act of dishonesty by issuing Certificates of Compliance that were untrue. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

6. Cause exists to discipline Dominguez's technician licenses under Health and Safety Code section 44072.2, subdivision (a), because he failed to perform emissions tests as required by law and because he made willful false entries in the EIS. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

7. Cause exists to discipline Dominguez's technician licenses under Health and Safety Code section 44072.2, subdivision (a), because he failed to comply with the provisions of the California Code of Regulations. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

8. Cause exists to discipline Dominguez's technician licenses under Health and Safety Code section 44072.2, subdivision (d), because he committed an act of dishonesty by issuing Certificates of Compliance that were untrue. (Factual Findings, paragraphs 5-15; Legal Conclusions, paragraphs 10 and 11.)

9. Cause exists to award the complainant costs of investigation and enforcement pursuant to Business and Professions Code section 125.3. (Factual Findings, paragraph 16; Legal Conclusions, paragraphs 12 and 13.)

10. In this case, Dominguez knowingly committed dishonest and fraudulent acts when he performed the smog inspection of three vehicles using unlawful methods. For two vehicles, Dominguez used clean piping methods to generate a false and misleading certificate. For a third vehicle, an Oldsmobile, Dominguez produced a false fail based on data from another car. Although Young was not on the premises and the evidence is insufficient to show that he had actual knowledge of Dominguez's activities, Young hired Dominguez and failed to adequately supervise his activities. If a licensee elects to operate his business through employees, he must be responsible to the licensing authority for their conduct in the exercise of his license and he is responsible for the acts of his agents or employees done in the course of his business in the operation of the license. (*Arenstein v. California State Bd. of Pharmacy* (1968) 265 Cal.App.2d 179.) Disciplinary action may be taken by the Bureau against Young as the employer under the doctrine of *respondeat superior*. (*Randle v. California State Board of Pharmacy* (1966) 240 Cal.App.2d 254.)

11. No respondent offered evidence of mitigation or rehabilitation or other evidence to assure that future smog check tests will be performed in an honest manner and in compliance with the laws and regulations of the program. Having been licensed within the year, Young was not in business long enough to establish that the unlawful methods used by Dominguez constituted an isolated instance of deviant behavior. Considering the foregoing, the interests of the People of the State of California will best be served by the revocation of the respondents' licenses.

12. Business and Professions Code section 125.3 provides, in part, that in any order issued in resolution of a disciplinary proceeding before any board, the administrative law judge may direct a licensee found to have committed a violation of the licensing act to pay the reasonable costs of the investigation and enforcement of the action.

13. The complainant has presented satisfactory proof that reasonable costs were incurred in the amount of \$16,155.87 to investigate and enforce the case against the respondents. Accordingly, the respondents are jointly and severally liable under Business and Professions Code section 125.3 for costs in the amount of \$16,155.87.

ORDER

1. The Automotive Repair Dealer Reg. No. ARD 268149 issued to Mark Anthony Young, doing business as Cha Cha Smogz, is revoked.

2. The Smog Check Test Only Station License number TC 268149 issued to Mark Anthony Young, doing business as Cha Cha Smogz, is revoked.

3. The Smog Check Repair Technician License No. EI 633149 (formerly Advanced Emission Specialist Technician License number EA 633149) issued to Respondent David Alexander Dominguez is revoked.

4. Young and Dominguez, jointly and severally, shall pay to the Bureau the costs of prosecution and enforcement in the amount of \$16,155.87 within 30 days of the effective date of this decision.

DATED: March 4, 2015

  
MATTHEW GOLDSBY  
Administrative Law Judge  
Office of Administrative Hearings

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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. 79/14-28

13 **CHA CHA SMOGZ**  
14 **MARK YOUNG, OWNER**  
2819 W. Florence Avenue  
Los Angeles, CA 90043  
15 Automotive Repair Dealer Reg. No. ARD 268149  
Smog Check Test Only Station License No. TC  
268149,

**A C C U S A T I O N**

(Smog Check)

16  
17 -and-

18 **DAVID ALEXANDER DOMINGUEZ**  
19 5316 ¼ W. 77<sup>th</sup> Street  
Los Angeles, CA 90043  
20 Smog Check Inspector License No. EO 633149  
Smog Check Repair Technician License No. EI  
21 633149 (was redesignated upon renewal from  
EA633149 to EO 633149 and EI 633149)

22 Respondents.

23  
24 Complainant alleges:

25 **PARTIES/LICENSE INFORMATION**

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





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

4 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
5 Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted  
6 pursuant to it, which related to the licensed activities.

7 . . . .

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

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

12 . . . .

13 (f) Aids or abets unlicensed persons to evade the provisions of this  
14 chapter . . .

15 13. Health & Saf. Code section 44072.10 states, in pertinent part:

16 . . . .

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

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

22 . . . .

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

25 **REGULATORY PROVISIONS**

26 14. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),  
27 states:

28 “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.”

15. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section

1 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
2 3340.42 of this article.”

3 16. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
4 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any  
5 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
6 this article and has all the required emission control equipment and devices installed and  
7 functioning correctly.”

8 17. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into  
9 the emissions inspection system any vehicle identification information or emission control system  
10 identification data for any vehicle other than the one being tested. Nor shall any person  
11 knowingly enter into the emissions inspection system any false information about the vehicle  
12 being tested.”

13 18. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
14 procedures which apply to all vehicles inspected in the State of California.

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

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

22 **COST RECOVERY**

23 21. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request  
24 the administrative law judge to direct a licentiate found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
26 and enforcement of the case.

27 ///

28 ///

1 VIDEO SURVEILLANCE OPERATION OF DECEMBER 4, 2012

2 22. On or about December 4, 2012, representatives of the Bureau conducted a video  
3 surveillance operation of Respondent Young's smog check facility. The surveillance video and  
4 information obtained from the Bureau's vehicle information database ("VID") showed that  
5 Respondent Dominguez employed a method commonly known as clean piping<sup>2</sup> during the  
6 following smog inspections, resulting in the issuance of fraudulent certificates of compliance for  
7 two of the following vehicles:

8 <b>Date &amp; Time of Inspection</b>	<b>Vehicle in EIS Data and License or VIN No.</b>	<b>Vehicle Actually Tested</b>	<b>Certificate No.</b>
9 1. 12/4/2012 14:56-15:03	1996 Oldsmobile Delta 88, License No. 6LWG318	1996 Ford Mustang, License No. 3TQE661	None
10 2. 12/4/2012 15:08-15:14	1993 Chevrolet Astro, License No. 5RYL347	1996 Ford Mustang, License No. 3TQE661	XP038976C
11 3. 12/4/2012 15:19-15:26	1992 Honda Accord License No. 3BJX142	1996 Ford Mustang, License No. 3TQE661	XP038977C

12 FIRST CAUSE FOR DISCIPLINE

13 (Untrue or Misleading Statements)

14  
15  
16  
17  
18 23. Respondent Young's registration is subject to disciplinary action pursuant to Bus. &  
19 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement  
20 which he knew or in the exercise of reasonable care should have known to be untrue or  
21 misleading, as follows: Respondent Young's inspector, Respondent Dominguez, certified that  
22 two of the vehicles identified in paragraph 22 above had passed inspection and were in  
23 compliance with applicable laws and regulations. In fact, Respondent Dominguez used clean  
24 piping methods in order to issue certificates for those vehicles and did not test or inspect the  
25 vehicles as required by Health & Saf. Code section 44012.

26  
27 <sup>2</sup> Pursuant to California Code of Regulations, title 16, section 3340.1, subdivision (t),  
28 "clean piping" means the use of a sample of the exhaust emissions of one vehicle in order to  
cause the EIS to issue a certificate of compliance for another vehicle.



1 a. Section 3340.24, subdivision (c): Respondent Dominguez falsely or fraudulently  
2 issued electronic smog certificates of compliance for two of the vehicles identified in paragraph  
3 22 above.

4 b. Section 3340.35, subdivision (c): Respondent Dominguez issued electronic smog  
5 certificates of compliance for two of the vehicles identified in paragraph 22 above even though  
6 the vehicles had not been inspected in accordance with section 3340.42.

7 c. Section 3340.41, subdivision (c): Respondent Young authorized or permitted his  
8 inspector, Respondent Dominguez, to enter false information into the EIS by entering vehicle  
9 identification information or emission control system identification data for a vehicle other than  
10 the one being tested.

11 d. Section 3340.42: Respondent Dominguez failed to ensure that the required smog  
12 tests were conducted on the vehicles identified in paragraph 22 above in accordance with the  
13 Bureau's specifications.

14 **FIFTH CAUSE FOR DISCIPLINE**

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

16 27. Respondent Young's smog check station license is subject to disciplinary action  
17 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
18 dishonest, fraudulent or deceitful act whereby another is injured by issuing electronic smog  
19 certificates of compliance for two of the vehicles identified in paragraph 22 without ensuring that  
20 a bona fide inspection was performed of the emission control devices and systems on the  
21 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
22 Motor Vehicle Inspection Program.

23 **SIXTH CAUSE FOR DISCIPLINE**

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

25 28. Respondent Dominguez's technician licenses are subject to disciplinary action  
26 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to  
27 comply with provisions of that Code, as follows:  
28

1 a. Section 44012: Respondent Dominguez failed to perform the emission control tests  
2 on the vehicles identified in paragraph 22 above in accordance with procedures prescribed by the  
3 department.

4 b. Section 44059: Respondent Dominguez willfully made false entries in the EIS,  
5 resulting in the issuance of fraudulent certificates of compliance for two of the vehicles identified  
6 in paragraph 22 above.

7 **SEVENTH CAUSE FOR DISCIPLINE**

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

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

13 a. Section 3340.24, subdivision (c): Respondent Dominguez falsely or fraudulently  
14 issued electronic smog certificates of compliance for two of the vehicles identified in paragraph  
15 22 above.

16 b. Section 3340.30, subdivision (a): Respondent Dominguez failed to inspect and test  
17 the vehicles identified in paragraph 22 above in accordance with Health & Saf. Code sections  
18 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

19 c. Section 3340.41, subdivision (c): Respondent Dominguez entered false information  
20 into the EIS by entering vehicle identification information or emission control system  
21 identification data for a vehicle other than the one being tested.

22 d. Section 3340.42: Respondent Dominguez failed to conduct the required smog tests  
23 on the vehicles identified in paragraph 22 above in accordance with the Bureau's specifications.

24 **EIGHTH CAUSE FOR DISCIPLINE**

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

26 30. Respondent Dominguez's technician licenses are subject to disciplinary action  
27 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
28 dishonest, fraudulent or deceitful act whereby another is injured by issuing electronic smog

1 certificates of compliance for two of the vehicles identified in paragraph 22 above without  
2 performing a bona fide inspection of the emission control devices and systems on the vehicles,  
3 thereby depriving the People of the State of California of the protection afforded by the Motor  
4 Vehicle Inspection Program.

5 **OTHER MATTERS**

6 31. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
7 suspend, revoke or place on probation the registration for all places of business operated in this  
8 state by Respondent Mark Young, owner of CHA CHA SMOGZ, upon a finding that Respondent  
9 has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
10 pertaining to an automotive repair dealer.

11 32. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station  
12 License Number TC 268149, issued to Respondent Mark Young, owner of CHA CHA SMOGZ,  
13 is revoked or suspended, any additional license issued under this chapter in the name of said  
14 licensee may be likewise revoked or suspended by the Director.

15 33. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
16 Number EO 633149 and Smog Check Repair Technician License No. EI 633149, (formerly  
17 Advanced Emission Specialist Technician License No. EA 633149), issued to Respondent David  
18 Alexander Dominguez, are revoked or suspended, any additional license issued under this chapter  
19 in the name of said licensee may be likewise revoked or suspended by the Director.

20 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
24 268149, issued to Mark Young, owner of CHA CHA SMOGZ;

25 2. Revoking or suspending any other automotive repair dealer registration issued to  
26 Mark Young;

27 3. Revoking or suspending Smog Check Test Only Station License Number TC 268149,  
28 issued to Mark Young, owner of CHA CHA SMOGZ;

1           4.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
2 and Safety Code in the name of Mark Young;

3           5.    Revoking or suspending Smog Check Inspector License Number EO 633149 and  
4 Smog Check Repair Technician License No. EI 633149, (formerly Advanced Emission Specialist  
5 Technician License No. EA 633149) issued to David Alexander Dominguez;

6           6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
7 and Safety Code in the name of David Alexander Dominguez;

8           7.    Ordering Mark Young, individually, and as owner of CHA CHA SMOGZ, and David  
9 Alexander Dominguez to pay the Bureau of Automotive Repair the reasonable costs of the  
10 investigation and enforcement of this case, pursuant to Business and Professions Code section  
11 125.3;

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

13  
14 DATED: September 23, 2013

  
\_\_\_\_\_  
PATRICK DORAIS  
Acting Chief, Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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