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

11 In the Matter of the Accusation Against:

Case No. 79/17-11338

12 **HOLLON ENTERPRISES, INC.**
13 **(STEPHEN MARK HOLLON –**
14 **PRESIDENT)**

ACCUSATION

15 **DBA WEST VALLEY SMOG**
4394 E. Los Angeles Ave.
16 Simi Valley, CA 93063

17 Automotive Repair Dealer Registration No.
ARD 270607
18 Smog Check, Test Only, Station License No.
TC 270607

19 **BRANDON MICHAEL FIEGE**
225 Simi Village Dr. Unit 940242
20 Simi Valley, CA 93094

21 Mailing Address:
2272 Dogwood Street
22 Simi Valley, CA 93065

23 Smog Check Inspector License No. EO 636972

and

24 **JOSSUE R. MARTINEZ**
1845 Oneill Place
25 Oxnard, CA 93033

26 Smog Check Inspector License No. EO 631548
Smog Check Repair Technician License No.
EI 631548

27 Respondents.
28

1 Complainant alleges:

2 **PARTIES**

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

5 **Respondent West Valley Smog**

6 2. On or about October 19, 2012, the Bureau of Automotive Repair ("Bureau") issued
7 Automotive Repair Dealer Registration Number ARD 270607 to Hollon Enterprises, Inc. dba West
8 Valley Smog. Stephen Mark Hollon is the President of Hollon Enterprises, Inc. Stephen Mark
9 Hollon and Hollon Enterprises, Inc. dba West Valley Smog are collectively referred to herein as
10 "West Valley Smog." The Automotive Repair Dealer Registration was in full force and effect at
11 all times relevant to the charges brought herein and will expire on October 31, 2018, unless
12 renewed.

13 3. On or about October 25, 2012, the Bureau issued Smog Check, Test Only, Station
14 License Number TC 270607 to West Valley Smog. The Smog Check, Test Only, Station License
15 was in full force and effect at all times relevant to the charges brought herein and will expire on
16 October 31, 2018, unless renewed.

17 4. On or about September 13, 2013, the Bureau certified Respondent West Valley Smog
18 as a STAR station. That certification was in full force and effect at all times relevant to the charges
19 brought herein and will remain active unless the Automotive Repair Dealer Registration and/or
20 Smog Check Station License issued to Respondent West Valley Smog is revoked, canceled, or the
21 licenses become delinquent or certification is invalidated.

22 **Respondent Brandon Michael Fiege**

23 5. On or about June 9, 2014, the Bureau issued Smog Check Inspector License Number
24 EO 636972 to Brandon Michael Fiege (Respondent Fiege). The Smog Check Inspector License
25 was in full force and effect at all times relevant to the charges brought herein, expired on February
26 28, 2018, and has not been renewed.

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1 12. Section 44072.8 of the Health and Safety Code states:

2
3 When a license has been revoked or suspended following a hearing under
4 this article, any additional license issued under this chapter in the name of
5 the licensee may be likewise revoked or suspended by the director.

6 **STATUTORY PROVISIONS**

7 13. Section 477 of the Business and Professions Code provides, in pertinent part, that
8 "Board" includes "bureau," "commission," "committee," "department," "division," "examining
9 committee," "program," and "agency." "License" includes certificate, registration or other means
10 to engage in a business or profession regulated by the Business and Professions Code.

11 14. Business and Professions Code section 9884.7 states, in pertinent part:

12 (a) The director, where the automotive repair dealer cannot show there
13 was a bona fide error, may refuse to validate, or may invalidate
14 temporarily or permanently, the registration of an automotive repair dealer
15 for any of the following acts or omissions related to the conduct of the
16 business of the automotive repair dealer, which are done by the
17 automotive repair dealer or any automotive technician, employee, partner,
18 officer, or member of the automotive repair dealer.

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

23

24 (4) Any other conduct that constitutes fraud.

25

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

. . . .

(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.

1 15. Section 44012 of the Health and Safety Code provides, in pertinent part, that tests at
2 smog check stations shall be performed in accordance with procedures prescribed by the
3 department.

4 16. Section 44015, subdivision (b), of the Health and Safety Code provides that a
5 certificate of compliance shall be issued if a vehicle meets the requirements of Health and Safety
6 Code section 40012.

7 17. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

13

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
16 whereby another is injured . . .

17 18. Health and Safety Code section 44072.10 states, in pertinent part:

18

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

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

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

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

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

1 **REGULATORY PROVISIONS**

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

3 The bureau may suspend or revoke the license of or pursue other legal
4 action against a licensee, if the licensee falsely or fraudulently issues
5 or obtains a certificate of compliance or a certificate of noncompliance.

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

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

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

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

14
15 (c) A licensed station shall issue a certificate of compliance or
16 noncompliance to the owner or operator of any vehicle that has been
17 inspected in accordance with the procedures specified in section 3340.42
18 of this article and has all the required emission control equipment and
19 devices installed and functioning correctly. . . .

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

21 . . . [n]o person shall enter into the emissions inspection system any
22 vehicle identification information or emission control system
23 identification data for any vehicle other than the one being tested. Nor
24 shall any person knowingly enter into the emissions inspection system
25 any false information about the vehicle being tested.

26 23. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions test
27 methods and procedures which apply to all vehicles inspected in the State of California.

28 **COST RECOVERY**

29 24. Business and Professions Code section 125.3 provides, in pertinent part, that the Board
30 may request the administrative law judge to direct a licentiate found to have committed a violation
31 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
32 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may
2 be included in a stipulated settlement.

3 VID DATA REVIEW

4 25. Beginning March 9, 2015, California's Smog Check Program was updated to require
5 the use of an On-Board Diagnostic Inspection System ("BAR-OIS") during smog checks. OIS is
6 the Smog Check equipment required in all areas of the State when inspecting most model-year
7 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The
8 system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and
9 printer. The DAD is an On Board Diagnostic scan tool that, when requested by the California
10 BAR-OIS software, retrieves data from the vehicle. Data retrieved and recorded during an OIS
11 smog check includes:

- 12 • eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain
13 Control Module ("PCM").
- 14 • Communication Protocol, which is the manufacturer/vehicle specific language the
15 PCM uses to relay information; and
- 16 • Number of Parameter Identifications ("PIDs"), which is the number of specific data
17 points reported by the vehicle's on-board computer. PIDs are programmed during manufacture and
18 are related to emissions controls. Examples of PIDs are engine speed, vehicle speed, engine
19 temperature, and other input and output values utilized by the vehicle's on-board computer.

20 26. On or around July 17, 2017, Bureau representative Marc Ortega initiated an
21 investigation in which he reviewed OIS test data for West Valley Smog. The OIS Bureau Test
22 Data lists differences in Vehicle Identification Numbers (VIN) for vehicles that have received
23 smog inspections, in addition to communication protocol (the language used to communicate) and
24 Parameter ID (PID) differences with vehicles that have been certified correctly that are the same
25 make and model vehicles. Representative Ortega's investigation revealed that the data related to
26 certain vehicles certified by West Valley Smog contained discrepancies between the information
27 transmitted during the inspections and documented information known about the subject vehicles.
28 Specifically, representative Ortega compared the data received from the certified vehicles to data

1 from vehicles of the same year, make, and model and determined that the data from all three
 2 certified vehicles contained the following discrepancies: (1) they were certified with either a
 3 different or missing eVIN; (2) they transmitted incorrect PID counts; and (3) they transmitted
 4 incorrect communication protocols. These documented discrepancies confirm that the vehicles
 5 receiving smog certificates from West Valley Smog were fraudulently tested during the smog
 6 inspection using the “clean plugging” method.¹ Table 1 illustrates the documented clean plugging
 7 activities of Respondents between October 20, 2016 and July 6, 2017.

Table 1						
	Test Date	Vehicle & License No.	Inspector	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
1	10/20/16	2010 Jeep Liberty Sport 7CSR824	Respondent Fiege EO 636972	QG270325C	eVIN: 1J4NT1FA3BD236733 Comm. Protocol: ICAN11bt5 PID Count: 36 15	eVIN: 1J4PP2GK1AW102008 Comm. Protocol: ICAN11bt5 PID Count: 43
2	7/1/17	2002 Ford F350 Super Duty 8T99187	Respondent Martinez EO 631548	ZX986802C	eVIN: 1GCHG39U551114082 Comm. Protocol: JVPW PID Count: 22	eVIN: not expected Comm. Protocol: JPWM PID Count: 19 or 20 or 21
3	7/6/17	2007 Honda Accord EX AFINECR	Respondent Martinez EO 631548	ZZ052720C	eVIN: 3FA6P0H71ER185406 Comm. Protocol: ICAN11bt5 PID Count: 38	eVIN: 1HGCM72787A011256 Comm. Protocol: I914 PID Count: 21

Clean Plugged Vehicle No. 1 – October 20, 2016 – 2010 Jeep Liberty Sport

27. On October 20, 2016, Respondent Fiege and Respondent West Valley Smog performed a smog check inspection of and certified a 2010 Jeep Liberty Sport (VIN No.

¹ “Clean plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

1 1J4PP2GK1AW102008, CA License No. 7CSR824). Smog Certificate of Compliance No.
2 QG270325C was issued under Respondent Fiege's Smog Check Technician License No.
3 EO636972. The OIS Test Data for the 2010 Jeep Liberty Sport shows that an incorrect eVIN of
4 1J4NT1FA3BD236733 was transmitted and the PID count was transmitted as 36|15. Similar
5 Vehicle OIS Test Data for 2010 Jeep Liberty Sport vehicles show, however, that they transmit the
6 correct eVIN, they have the expected communication protocol of ICAN11bt5, and they transmit a
7 PID count of 43.

8 28. The OIS Test Data shows that a 2011 Jeep Compass Sport (VIN
9 1J4NT1FA3BD236733) was the vehicle used to generate the fraudulent Smog Certificate of
10 Compliance for the 2010 Jeep Liberty Sport. The 2011 Jeep Compass Sport was certified at another
11 licensed Smog Check facility on January 06, 2015. The OIS Test Data transmitted for the 2011
12 Jeep Compass Sport matches the OIS Test Data for the fraudulent inspection of the 2010 Jeep
13 Liberty Sport for the eVIN, communication protocol, and PID count.

14 29. On November 26, 2016, another licensed Smog Check facility performed a Smog
15 Check inspection of the same 2010 Jeep Liberty Sport (VIN No. 1J4PP2GK1AW102008, CA
16 License No. 7CSR824). According to the November 26, 2016 OIS Test Details, the 2010 Jeep
17 Liberty Sport, as expected, transmitted the correct eVIN, had the expected communication protocol
18 of ICAN11bt5, and transmitted a PID count of 43.

19 30. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)
20 was not connected to the 2010 Jeep Liberty Sport being certified, causing the issuance of a
21 fraudulent Smog Certificate of Compliance.

22 **Clean Plugged Vehicle No. 2 – July 1, 2017 – 2002 Ford F350 Super Duty**

23 31. On July 01, 2017, Respondent Martinez and Respondent West Valley Smog performed
24 a smog check inspection of and certified a 2002 Ford F350 Super Duty (VIN No.
25 1FTWW32S32ED14188, CA License No. 8T99187). Smog Certificate of Compliance No.
26 ZX986802C was issued under Respondent Martinez's Smog Check Technician License No.
27 EO631548. The OIS Test Data for the 2002 Ford F350 Super Duty shows that an incorrect eVIN
28 of 1GCHG39U551114082 was transmitted, the communication protocol was transmitted as

1 JVPW, and the PID count was transmitted as 22. Similar Vehicle OIS Test Data for 2002 Ford
2 F350 Super Duty vehicles show, however, that they do not transmit the eVIN, they transmit the
3 expected communication protocol of JPWM, and they transmit a PID count of 19, 20, or 21.

4 32. The OIS Test Data shows that a 2005 Chevrolet Express G3500 (VIN
5 1GCHG39U551114082) was the vehicle used to generate the fraudulent Smog Certificate of
6 Compliance for the 2002 Ford F350 Super Duty. The 2005 Chevrolet Express G3500 was certified
7 at another licensed Smog Check facility on June 08, 2016. The OIS Test Data transmitted for the
8 2005 Chevrolet Express G3500 matches the OIS Test Data for the fraudulent inspection of the
9 2002 Ford F350 Super Duty for the eVIN, communication protocol, and PID count.

10 33. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)
11 was not connected to the 2002 Ford F350 Super Duty being certified, causing the issuance of a
12 fraudulent Smog Certificate of Compliance.

13 **Clean Plugged Vehicle No. 3 – July 6, 2017 – 2007 Honda Accord EX**

14 34. On July 06, 2017, Respondent Martinez and Respondent West Valley Smog performed
15 a smog check inspection of and certified a 2007 Honda Accord EX (VIN No.
16 1HGCM72787A011256, CA License No. AFINECR). Smog Certificate of Compliance No.
17 ZZ052720C was issued under Respondent Martinez's Smog Check Technician License No.
18 EO631548. The OIS Test Data for the 2007 Honda Accord EX shows that an incorrect eVIN of
19 3FA6P0H71ER185406 was transmitted, the communication protocol was transmitted as
20 ICAN11bt5, and the PID count was transmitted as 38. Similar Vehicle OIS Test Data for 2007
21 Honda Accord EX vehicles show, however, that they transmit the correct eVIN, they have the
22 expected communication protocol of I914, and they transmit a PID count of 21.

23 35. DMV registration information shows that VIN No. 3FA6P0H71ER185406
24 corresponds to a 2014 Ford Sedan and not a 2007 Honda Accord EX.

25 36. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)
26 was not connected to the 2007 Honda Accord EX being certified, causing the issuance of a
27 fraudulent Smog Certificate of Compliance.

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1 incorporates, the allegations set forth above in paragraphs 25 through 37, inclusive, as though set
2 forth fully herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Material Violation of Automotive Repair Act -**

5 **Automotive Repair Dealer Registration – Respondent West Valley Smog)**

6 40. Respondent West Valley Smog’s Automotive Repair Dealer Registration is subject to
7 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
8 in that between October 20, 2016 and July 6, 2017, Respondent West Valley Smog failed in a
9 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it
10 when he issued electronic certificates of compliance for the vehicles identified in Table 1 above
11 without performing bona fide inspections of their emission control devices and systems, thereby
12 depriving the People of the State of California of the protection afforded by the Motor Vehicle
13 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
14 contained in paragraphs 25 through 37, above, as though set forth fully herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program -**

17 **Smog Check Test Station License – Respondent West Valley Smog)**

18 41. Respondent West Valley Smog’s Smog Check Test Only Station License is subject to
19 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
20 between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1,
21 Respondent West Valley Smog failed to comply with the following sections of the Health and
22 Safety Code:

23 a. **Section 44012:** Respondent West Valley Smog failed to ensure that the
24 emission control tests were performed on the vehicles in accordance with procedures prescribed
25 by the department; and

26 b. **Section 44015:** Respondent West Valley Smog issued electronic certificates of
27 compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected
28 to determine if they were in compliance with Health and Safety Code section 44012.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 25 through 37, inclusive, as though set forth fully herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**
5 **Smog Check Test Station License – Respondent West Valley Smog)**

6 42. Respondent West Valley Smog’s Smog Check Test Only Station License is subject to
7 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
8 between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1,
9 Respondent West Valley Smog failed to comply with the following provisions of California Code
10 of Regulations, title 16, as follows:

11 a. **Section 3340.24, subdivision (c):** Respondent West Valley Smog falsely or
12 fraudulently issued electronic smog certificates of compliance for the vehicles identified in Table
13 1 above;

14 b. **Section 3340.35, subdivision (c):** Respondent West Valley Smog issued
15 electronic smog certificates of compliance for the vehicles identified in Table 1 above, even though
16 the vehicles had not been inspected in accordance with section 3340.42;

17 c. **Section 3340.41, subdivision (c):** Respondent West Valley Smog knowingly
18 entered false information into the emissions inspection system for the vehicles identified in Table
19 1 above; and

20 d. **Section 3340.42:** Respondent West Valley Smog failed to ensure that the
21 required smog tests were conducted on the vehicles identified in Table 1 above, in accordance with
22 the Bureau’s specifications.

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in
24 paragraphs 25 through 37, inclusive, as though set forth fully herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit –**

3 **Smog Check Test Station License – Respondent West Valley Smog)**

4 43. Respondent West Valley Smog’s Smog Check Test Only Station License is subject to
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that
6 between October 20, 2016 and July 6, 2017, regarding the vehicles set forth above in Table 1,
7 Respondent West Valley Smog committed acts involving dishonesty, fraud or deceit whereby
8 another was injured by issuing electronic certificates of compliance for those vehicles without
9 performing bona fide inspections of their emission control devices and systems, thereby depriving
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 25 through 37, inclusive, as though set forth fully herein.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program –**

15 **Smog Check Inspector License – Respondent Fiege)**

16 44. Respondent Fiege’s Smog Check Inspector License is subject to discipline pursuant to
17 Health and Safety Code section 44072.2, subdivision (a), in that on October 20, 2016, regarding
18 vehicle no. 1 set forth above in Table 1, Respondent Fiege failed to comply with section 44012 of
19 the Health and Safety Code in a material respect, as follows: Respondent Fiege failed to perform
20 the emission control tests on vehicle no. 1 in accordance with procedures prescribed by the
21 department. Complainant refers to, and by this reference incorporates, the allegations set forth
22 above in paragraphs 25 through 37, inclusive, as though set forth fully herein.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**

25 **Smog Check Inspector License – Respondent Fiege)**

26 45. Respondent Fiege’s Smog Check Inspector License is subject to discipline pursuant to
27 Health and Safety Code section 44072.2, subdivision (c), in that on October 20, 2016, regarding
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1 vehicle no. 1 set forth above in Table 1, Respondent Fiege failed to comply with provisions of
2 California Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Fiege falsely or fraudulently
4 issued an electronic smog certificate of compliance for vehicle no. 1, identified in Table 1 above;

5 b. **Section 3340.30, subdivision (a):** Respondent Fiege failed to inspect and test
6 vehicle no. 1, identified in Table 1 above, in accordance with Health and Safety Code sections
7 44012 and 44035, and California Code of Regulations, title 16, section 3340.42;

8 c. **Section 3340.41, subdivision (c):** Respondent Fiege knowingly entered false
9 information into the emissions inspection system for vehicle no. 1, identified in Table 1 above;
10 and

11 d. **Section 3340.42:** Respondent Fiege failed to conduct the required smog tests
12 on vehicle no. 1, identified in Table 1 above, in accordance with the Bureau's specifications.

13 Complainant refers to, and by this reference incorporates, the allegations contained in
14 paragraphs 25 through 37, above, as though set forth fully herein.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License – Respondent Fiege)**

17 46. Respondent Fiege's Smog Check Inspector License is subject to disciplinary action
18 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on October 20, 2016,
19 Respondent Fiege committed dishonest, fraudulent, or deceitful acts whereby another was injured
20 by the issuance of an electronic smog certificate of compliance for vehicle no. 1, identified in Table
21 1 above, without performing bona fide inspections of their emission control devices and systems,
22 thereby depriving the People of the State of California of the protection afforded by the Motor
23 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
24 allegations contained in paragraphs 25 through 37, above, as though set forth fully herein.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program –**

3 **Smog Check Inspector and Repair Technician Licenses – Respondent Martinez)**

4 47. Respondent Martinez’s Smog Check Inspector and Repair Technician Licenses are
5 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
6 between July 1, 2016 and July 6, 2017, regarding vehicle nos. 2 and 3 set forth above in Table 1,
7 Respondent Martinez failed to comply with section 44012 of the Health and Safety Code in a
8 material respect, as follows: Respondent Martinez failed to perform the emission control tests on
9 vehicle nos. 2 and 3 in accordance with procedures prescribed by the department. Complainant
10 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25
11 through 37, inclusive, as though set forth fully herein.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**

14 **Smog Check Inspector and Repair Technician Licenses – Respondent Martinez)**

15 48. Respondent Martinez’s Smog Check Inspector and Repair Technician Licenses are
16 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
17 between July 1, 2016 and July 6, 2017, regarding vehicle nos. 2 and 3 set forth above in Table 1,
18 Respondent Martinez failed to comply with provisions of California Code of Regulations, title 16,
19 as follows:

20 a. **Section 3340.24, subdivision (c):** Respondent Martinez falsely or fraudulently
21 issued electronic smog certificates of compliance for vehicle nos. 2 and 3, identified in Table 1
22 above;

23 b. **Section 3340.30, subdivision (a):** Respondent Martinez failed to inspect and
24 test vehicle nos. 2 and 3, identified in Table 1 above, in accordance with Health and Safety Code
25 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42;

26 c. **Section 3340.41, subdivision (c):** Respondent Martinez knowingly entered
27 false information into the emissions inspection system for vehicle nos. 2 and 3, identified in Table
28 1 above; and

1 Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected
2 and certified a Bureau vehicle documented to fail a properly performed Smog Check inspection.
3 A Citation Service Conference was held on June 01, 2017. The Decision became effective on July
4 02, 2017. That Citation is now final and is incorporated by reference as if fully set forth.

5 **Respondent Brandon Michael Fiege**

6 55. To determine the degree of discipline, if any, to be imposed on Respondent Brandon
7 Michael Fiege, Complainant alleges the following prior disciplinary considerations:

8 a. On or about August 5, 2016, in a prior action, the Bureau issued Citation Number
9 M2016-1545 to Respondent Fiege for his actions in violation of section 44032 of the Health and
10 Safety Code, in that Respondent Fiege unlawfully Smog Check inspected and certified a Bureau
11 vehicle documented to fail a properly performed Smog Check inspection. A Citation Service
12 Conference was held on September 06, 2016. Respondent Fiege completed the required training
13 on September 29, 2016. That Citation is now final and is incorporated by reference as if fully set
14 forth.

15 b. On or about May 2, 2017, in a prior action, the Bureau issued Citation Number
16 M2017-958 to Respondent Fiege for his actions in violation of section 44032 of the Health and
17 Safety Code, in that Respondent Fiege unlawfully Smog Check inspected and certified a Bureau
18 vehicle documented to fail a properly performed Smog Check inspection. A Citation Service
19 Conference was held on June 01, 2017. The Decision became effective on July 02, 2017. That
20 Citation is now final and is incorporated by reference as if fully set forth.

21 **PRAYER**

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

24 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
25 270607, issued to Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the
26 president) dba West Valley Smog;

27 2. Revoking or suspending any other automotive repair dealer registration issued to
28 Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the president);

1 3. Revoking or suspending Smog Check, Test Only, Station License Number TC 270607,
2 issued to Respondent Hollon Enterprises, Inc. (of which Stephen Mark Hollon is the president)
3 dba West Valley Smog;

4 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
5 Division 26 of the Health and Safety Code in the name of Respondent Hollon Enterprises, Inc. (of
6 which Stephen Mark Hollon is the president);

7 5. Revoking or suspending Smog Check Inspector License Number EO 636972, issued
8 to Respondent Brandon Michael Fiege;

9 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health and Safety Code in the name of Respondent Brandon Michael Fiege;

11 7. Revoking or suspending Smog Check Inspector License Number EO 631548, issued
12 to Respondent Jossue R. Martinez;

13 8. Revoking or suspending Smog Check Repair Technician License No. EI 631548,
14 issued to Respondent Jossue R. Martinez;

15 9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
16 Division 26 of the Health and Safety Code in the name of Respondent Jossue R. Martinez;

17 10. Ordering Respondent Hollon Enterprises, Inc., of which Stephen Mark Hollon is the
18 president, Respondent Brandon Michael Fiege, and Respondent Jossue R. Martinez to pay the
19 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
20 case, pursuant to Business and Professions Code section 125.3; and,

21 11. Taking such other and further action as deemed necessary and proper.
22
23

24 DATED: May 3, 2018



25 PATRICK DORAIS
26 Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant

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