

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

In the Matter of the Accusation Against:

Case No.: 79/1711338

**HOLLON ENTERPRISES, INC.**  
**STEPHEN MARK HOLLON, Pres.**  
**dba WEST VALLEY SMOG**  
4394 E. Los Angeles Ave.  
Simi Valley, CA 93063

OAH No.: 2018100411

Automotive Repair Dealer Registration No.:  
ARD 270607  
Smog Check Station License No.: TC 270607

and

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

2272 Dogwood Street (Mailing)  
Simi Valley, CA 93065

Smog Check Inspector License No.: EO 636972

and

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

Smog Check Inspector License No.: EO 631548  
Smog Check Repair Technician License No.:  
EI631548

Respondents.

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**DECISION**

The attached Stipulated Settlement and Disciplinary Order AS TO RESPONDENT HOLLON ENTERPRISES, INC. STEPHEN MARK HOLLON, Pres., dba WEST VALLEY SMOG ONLY is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective June 18, 2019.

DATED: May 9, 2019

  
\_\_\_\_\_  
GRACE ARUPO RODRIGUEZ  
Assistant Deputy Director  
Legal Affairs Division  
Department of Consumer Affairs

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 VIVIAN CHO  
Deputy Attorney General  
4 State Bar No. 293773  
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*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 Accusation Against:

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

13 **DBA WEST VALLEY SMOG**  
14 4394 E. Los Angeles Ave.  
15 Simi Valley, CA 93063

15 Automotive Repair Dealer Registration No.  
16 ARD 270607  
17 Smog Check, Test Only, Station License No.  
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17 **BRANDON MICHAEL FIEGE**  
18 225 Simi Village Dr. Unit 940242  
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19 Mailing Address:  
20 2272 Dogwood Street  
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23 1845 Oneill Place  
24 Oxnard, CA 93033

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

26 Respondents.

Case No. 79/17-11338

OAH No. 2018100411

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT HOLLON ENTERPRISES,**  
**INC. (STEPHEN MARK HOLLON –**  
**PRESIDENT)**

27 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
28 entitled proceedings that the following matters are true:

1 PARTIES

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair  
3 ("Bureau"). He brought this action solely in his official capacity and is represented in this matter by  
4 Xavier Becerra, Attorney General of the State of California, by Vivian Cho, Deputy Attorney  
5 General.

6 2. Respondent Hollon Enterprises, Inc. dba West Valley Smog, of which Stephen Mark  
7 Hollon is the President ("Respondent"), is represented in this proceeding by attorney Michael B.  
8 Levin, Esq., whose address is 3727 Camino del Rio South, Suite 200, San Diego, CA 92108.

9 3. On or about October 19, 2012, the Bureau issued Automotive Repair Dealer  
10 Registration Number ARD 270607 to Respondent. The Automotive Repair Dealer Registration  
11 was in full force and effect at all times relevant to the charges brought herein and will expire on  
12 October 31, 2019, unless renewed.

13 4. On or about October 25, 2012, the Bureau issued Smog Check, Test Only, Station  
14 License Number TC 270607 to Respondent. The Smog Check, Test Only, Station License was in  
15 full force and effect at all times relevant to the charges brought herein and will expire on October  
16 31, 2019, unless renewed.

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

22 JURISDICTION

23 6. Accusation No. 79/17-11338 was filed before the Director of Consumer Affairs  
24 ("Director") and is currently pending against Respondent. The Accusation and all other statutorily  
25 required documents were properly served on Respondent on May 9, 2019. Respondent timely  
26 filed his Notice of Defense contesting the Accusation.

27 7. A copy of Accusation No. 79/17-11338 is attached as exhibit A and incorporated  
28 herein by reference.



1 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall  
2 not be disqualified from further action by having considered this matter.

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

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

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

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD  
17 270607 and Smog Check, Test Only, Station License Number TC 270607, issued to Respondent  
18 Hollon Enterprises, Inc. dba West Valley Smog, are revoked. However, the revocation is stayed  
19 and Respondent is placed on probation for three (3) years on the following terms and conditions.

20 1. **Obey All Laws.** During the period of probation, Respondent shall comply with all  
21 federal and state statutes, regulations and rules governing all Bureau registrations and licenses held  
22 by Respondent.

23 2. **Posting of Sign.** (Applicable only when actual suspension of a registration or station  
24 license is ordered): During the period of suspension, Respondent shall prominently post a sign or  
25 signs, provided by BAR, indicating the beginning and ending dates of the suspension and  
26 indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a  
27 location or locations open to and frequented by customers. The location(s) of the sign(s) shall be  
28 approved by BAR and shall remain posted during the entire period of actual suspension.

1           3.    **Quarterly Reporting.** During the period of probation, Respondent shall report either  
2 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no  
3 more frequently than once each calendar quarter, on the methods used and success achieved in  
4 maintaining compliance with the terms and conditions of probation.

5           4.    **Report Financial Interests.** Respondent shall, within 30 days of the effective date of  
6 the decision and within 30 days from the date of any request by the Bureau during the period of  
7 probation, report any financial interest which any Respondent or any partners, officers, or owners  
8 of any Respondent facility may have in any other business required to be registered pursuant to  
9 Section 9884.6 of the Business and Professions Code.

10          5.    **Access to Examine Vehicles and Records.** Respondent shall provide Bureau  
11 representatives unrestricted access to examine all vehicles (including parts) undergoing service,  
12 inspection, or repairs, up to and including the point of completion. Respondent shall also provide  
13 Bureau representatives unrestricted access to all records pursuant to Bureau laws and regulations.

14          6.    **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of  
15 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction  
16 of California, Respondent shall notify the Bureau in writing within 10 days of the dates of  
17 departure and return, and of the dates of cessation and resumption of business in California. All  
18 provisions of probation other than cost reimbursement requirements, restitution requirements,  
19 training requirements, and that Respondent obey all laws, shall be held in abeyance during any  
20 period of time of 30 days or more in which Respondent is not residing or engaging in business  
21 within the jurisdiction of California. All provisions of probation shall recommence on the effective  
22 date of resumption of business in California. Any period of time of 30 days or more in which  
23 Respondent is not residing or engaging in business within the jurisdiction of California shall not  
24 apply to the reduction of this probationary period or to any period of actual suspension not  
25 previously completed. Tolling is not available if business or work relevant to the probationary  
26 license or registration is conducted or performed during the tolling period.

27    ///

28    ///

1           7.    **Violation of Probation.** If Respondent violates or fails to comply with the terms and  
2 conditions of probation in any respect, the Director, after giving notice and opportunity to be heard,  
3 may set aside the stay order and carry out the disciplinary order provided in the decision. Once  
4 Respondent is served notice of the Bureau's intent to set aside the stay, the Director shall maintain  
5 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

6           8.    **Maintain Valid License.** Respondent shall, at all times while on probation, maintain  
7 a current and active registration and/or license(s) with the Bureau, including any period during  
8 which suspension or probation is tolled. If either of Respondent's licenses is expired at the time  
9 the decision becomes effective, the registration or license must be renewed by Respondent within  
10 30 days of that date. If either of Respondent's licenses expires during a term of probation, by  
11 operation of law or otherwise, then upon renewal, Respondent's license shall be subject to any and  
12 all terms and conditions of probation not previously satisfied. Failure to maintain a current and  
13 active registration and/or license during the period of probation shall also constitute a violation of  
14 probation.

15           9.    **Cost Recovery.** Respondent shall pay the Bureau \$5,272.80 for the reasonable costs  
16 of the investigation and enforcement of case No. 79/17-11338 pursuant to a payment plan, if any,  
17 as determined by the Bureau. Any agreement for a scheduled payment plan shall require full  
18 payment to be completed no later than six (6) months before probation terminates. Respondent  
19 shall make payment by check or money order payable to the "Bureau of Automotive Repair" and  
20 shall indicate on the check or money order that it is for cost recovery payment for case No. 79/17-  
21 11338. Any order for payment of cost recovery shall remain in effect whether or not probation is  
22 tolled. Probation shall not terminate until full cost recovery payment has been made. The Bureau  
23 reserves the right to pursue any other lawful measures in collecting on the costs ordered and past  
24 due, in addition to taking action based upon the violation of probation.

25           10. **Completion of Probation.** Upon successful completion of probation, Respondent's  
26 affected licenses will be fully restored or issued without restriction, if Respondent meets all current  
27 requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or  
28 cost recovery owed to the Bureau.


1 11. **License Surrender.** Following the effective date of a decision that orders a stay of  
2 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to  
3 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.  
4 Such request shall be made in writing to the Bureau. The Director and the Bureau Chief reserve  
5 the right to evaluate Respondent's request and to exercise discretion whether to grant the request  
6 or take any other action deemed appropriate or reasonable under the circumstances. Upon formal  
7 granting of the request, the Director will vacate the stay order and carry out the disciplinary order  
8 provided in the decision. Respondent may not petition the Director for reinstatement of the  
9 surrendered registration and/or license, or apply for a new registration or license under the  
10 jurisdiction of the Bureau at any time before the date of the originally scheduled completion of  
11 probation. If Respondent applies to the Bureau for a registration or license at any time after that  
12 date, Respondent must meet all current requirements for registration or licensure and pay all  
13 outstanding fees or cost recovery owed to the Bureau and left outstanding at the time of surrender.

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
16 discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect  
17 it will have on my Automotive Repair Dealer Registration and Smog Check, Test Only, Station  
18 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
19 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

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DATED: 4-16-19

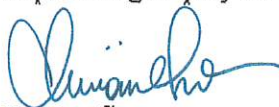
  
\_\_\_\_\_  
HOLLON ENTERPRISES, INC.  
DBA WEST VALLEY SMOG  
STEPHEN MARK HOLLON, President  
*Respondent*

1 I have read and fully discussed with Respondent Hollon Enterprises, Inc. dba West Valley  
2 Smog, of which Stephen Mark Hollon is President, the terms and conditions and other matters  
3 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
4 content.

5  
6  
7 DATED: 4/16/19 Michael B. L  
8 MICHAEL B. LEVIN, ESQ.  
9 Attorney for Respondent  
10

11 **ENDORSEMENT**

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted  
13 for consideration by the Director of Consumer Affairs.

14 DATED: April 16, 2019  
15 Respectfully submitted,  
16 XAVIER BECERRA  
17 Attorney General of California  
18 THOMAS L. RINALDI  
19 Supervising Deputy Attorney General  
20   
21 VIVIAN CHO  
22 Deputy Attorney General  
23 Attorneys for Complainant

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7 *Attorneys for Complainant*

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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

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**(STEPHEN MARK HOLLON -**  
14 **PRESIDENT)**  
**DBA WEST VALLEY SMOG**  
4394 E. Los Angeles Ave.  
15 Simi Valley, CA 93063

**ACCUSATION**

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

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

20 Mailing Address:  
2272 Dogwood Street  
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22 Smog Check Inspector License No. EO 636972

23 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.

27 ///

28 ///



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**

24 24. Business and Professions Code section 125.3 provides, in pertinent part, that the Board  
25 may request the administrative law judge to direct a licentiate found to have committed a violation  
26 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 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.<sup>1</sup> Table 1 illustrates the documented clean plugging  
 7 activities of Respondents between October 20, 2016 and July 6, 2017.

8 **Table 1**

9	Test Date	Vehicle & License No.	Inspector	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
10	11 10/20/16	2010 Jeep Liberty Sport 7CSR824	Respondent Fiege EO 636972	QG270325C	eVIN: 1J4NT1FA3BD236733	eVIN: 1J4PP2GK1AW102008
12					Comm. Protocol: ICAN11bt5	Comm. Protocol: ICAN11bt5
13					PID Count: 36 15	PID Count: 43
14	15 7/1/17	2002 Ford F350 Super Duty 8T99187	Respondent Martinez EO 631548	ZX986802C	eVIN: 1GCHG39U551114082	eVIN: not expected
16					Comm. Protocol: JVPW	Comm. Protocol: JPWM
17					PID Count: 22	PID Count: 19 or 20 or 21
18	19 7/6/17	2007 Honda Accord EX AFINECR	Respondent Martinez EO 631548	ZZ052720C	eVIN: 3FA6POH71ER185406	eVIN: 1HGCM72787A011256
20					Comm. Protocol: ICAN11bt5	Comm. Protocol: I914
21					PID Count: 38	PID Count: 21

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

23  
 24 27. On October 20, 2016, Respondent Fiege and Respondent West Valley Smog  
 25 performed a smog check inspection of and certified a 2010 Jeep Liberty Sport (VIN No.  
 26

27 <sup>1</sup> "Clean plugging" refers to the use of another vehicle's properly functioning On Board  
 28 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.

28



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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**SIXTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit –**

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

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

**SEVENTH CAUSE FOR DISCIPLINE**

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

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

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

**EIGHTH CAUSE FOR DISCIPLINE**

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

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

45. Respondent Fiege’s Smog Check Inspector License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on October 20, 2016, regarding

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 52. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License  
2 No. EO 636972, issued to Respondent Fiege, is revoked or suspended following a hearing, any  
3 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code  
4 in the name of said licensee may be likewise revoked or suspended by the Director.

5 53. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License  
6 No. EO 631548 and/or Smog Check Repair Technician License Number EI 631548, issued to  
7 Respondent Martinez, is revoked or suspended following a hearing, any additional license issued  
8 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee  
9 may be likewise revoked or suspended by the Director.

#### 10 DISCIPLINE CONSIDERATIONS

##### 11 **Respondent West Valley Smog**

12 54. To determine the degree of discipline, if any, to be imposed on Respondent West  
13 Valley Smog, Complainant alleges the following prior disciplinary considerations:

14 a. On or about May 29, 2015, in a prior action, the Bureau issued Citation Number  
15 C2015-628 to Respondent West Valley Smog for actions in violation of section 44012 of the  
16 Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected  
17 and certified a vehicle using the BAR-97 when the OIS test was required. A Citation Service  
18 Conference was held on June 16, 2015. A request for formal appeal was received on September  
19 25, 2015. Citation Number C2015-628 was affirmed on or about April 19, 2018.

20 b. On or about August 5, 2016, in a prior action, the Bureau issued Citation Number  
21 C2016-1544 to Respondent West Valley Smog for actions in violation of section 44012 of the  
22 Health and Safety Code, in that Respondent West Valley Smog unlawfully Smog Check inspected  
23 and certified a Bureau vehicle documented to fail a properly performed Smog Check inspection.  
24 A Citation Service Conference was held on September 06, 2016. The Decision became effective  
25 on November 26, 2016. That Citation is now final and is incorporated by reference as if fully set  
26 forth.

27 c. On or about May 2, 2017, in a prior action, the Bureau issued Citation Number  
28 C2017-957 to Respondent West Valley Smog for actions in violation of section 44012 of the

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.

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23  
24 DATED: May 3, 2018



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

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