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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:  
13 **RENE GOMEZ dba DOGGY'S SMOG**  
**CENTER**  
14 **15018 Valley Blvd.**  
**La Puente, CA 91744**  
15 **Doggy's Smog Center**  
**Rene Gomez**  
16 **800 N. Angeleno**  
**Azusa, CA 91702**  
17  
18 **Automotive Repair Dealer Registration No.**  
**ARD 271130**  
19 **Smog Check, Test Only, Station License No.**  
**TC 271130,**

20  
21 **WILLIAM WONG**  
**329 S. Pomelo Ave. #D**  
**Monterey Park, CA 91755**  
22  
23 **Smog Check Inspector License No. EO**  
**635769**

24 **and**  
25  
26  
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28

Case No. *79/16-82*

**ACCUSATION**

*smog check*

1  
2 **CHRISTOPHER ISLAS**  
3 **12961 Rimrock Ave**  
4 **Chino Hills, CA 91709**

5 **Smog Check Inspector License No. EO**  
6 **637180**

7 Respondents.

8 Complainant alleges:

9 PARTIES

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

12 2. On or about December 13, 2012, the Bureau of Automotive Repair issued Automotive  
13 Repair Dealer Registration Number ARD 271130 to Rene Gomez dba Doggy's Smog Center. The  
14 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
15 charges brought herein and will expire on December 31, 2016, unless renewed.

16 3. On or about January 7, 2013, the Bureau of Automotive Repair issued Smog Check,  
17 Test Only, Station License Number TC 271130 to Rene Gomez dba Doggy's Smog Center  
18 (hereinafter, "Gomez" or "Doggy's Smog"). The Smog Check, Test Only, Station License was in  
19 full force and effect at all times relevant to the charges brought herein and will expire on December  
20 31, 2016, unless renewed.

21 4. On or about July 17, 2013, the Bureau of Automotive Repair issued Smog Check  
22 Inspector License Number EO 635769 to William Wong (hereinafter, "Wong"). The Smog Check  
23 Inspector License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on January 31, 2017, unless renewed.

25 5. On or about August 4, 2014, the Bureau of Automotive Repair issued Smog Check  
26 Inspector License Number EO 637180 to Christopher Islas (hereinafter, "Islas"). The Smog  
27 Check Inspector License was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on October 31, 2016, unless renewed.

1 **JURISDICTION**

2 6. Business and Professions Code (“BPC”) section 9884.13 provides, in pertinent part,  
3 that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed  
4 with a disciplinary proceeding against an automotive repair dealer or to render a decision  
5 temporarily or permanently invalidating (suspending or revoking) a registration.

6 7. Section 9889.1 of the BPC provides, in pertinent part, that the Director may suspend  
7 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
8 Automotive Repair Act.

9 8. Section 9889.7 of the BPC provides, in pertinent part, that the expiration or  
10 suspension of a license by operation of law or by order or decision of the Director or a court of  
11 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed  
12 with any disciplinary proceedings.

13 9. Health and Safety Code (“HSC”) section 44002 provides, in pertinent part, that the  
14 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
15 the Motor Vehicle Inspection Program.

16 10. Section 44072.6 of the HSC provides, in pertinent part, that the expiration or  
17 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
18 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of  
19 jurisdiction to proceed with disciplinary action.

20 **STATUTORY PROVISIONS**

21 11. Section 9884.7 of the BPC states, in pertinent part:

22 “(a) The director, where the automotive repair dealer cannot show there was a bona fide  
23 error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an  
24 automotive repair dealer for any of the following acts or omissions related to the conduct of the  
25 business of the automotive repair dealer, which are done by the automotive repair dealer or any  
26 automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

4 (4) Any other conduct which constitutes fraud.  
5 . . . .

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

8 12. Section 9889.9 of the BPC states that “[w]hen any license has been revoked or  
9 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
10 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and  
11 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the  
12 director.”

13 13. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations  
14 shall be performed in accordance with procedures prescribed by the department.

15 14. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance  
16 shall be issued if a vehicle meets the requirements of HSC section 40012.

17 15. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform  
18 tests or repairs of emission control devices or systems of motor vehicles required by the Motor  
19 Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified  
20 smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e.  
21 Motor Vehicle Inspection Program Requirements).

22 16. Section 44059 of the HSC provides:  
23 “The willful making of any false statement or entry with regard to a material matter in any  
24 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
25 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and  
26 Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

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17. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

“(e) Has misrepresented a material fact in obtaining a license.

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

18. Section 44072.8 of the HSC states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

**REGULATORY PROVISIONS**

19. California Code of Regulations, title 16, section 3340.15, subdivision (b), states, in pertinent part, that “[a] licensed inspector and/or repair technician shall be present during all hours the station is open for the business.”

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

“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.”

21. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check station “shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of

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1 this article and has all the required emission control equipment and devices installed and  
2 functioning correctly.”

3 22. CCR, title 16, section 3340.41, subdivision (b), provides: “No person shall enter into  
4 the emissions inspection system any access or qualification number other than as authorized by the  
5 bureau, nor in any way tamper with the emissions inspection system.”

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

### 8 COST RECOVERY

9 24. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board  
10 “may request the administrative law judge to direct a licentiate found to have committed a  
11 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
12 investigation and enforcement of the case.”

### 13 STATION SURVEILLANCE DOCUMENTS “CLEAN PIPING”

14 25. On or about March 4, 2015, Bureau program representatives Mario Salas and Allen  
15 Steele performed video-taped surveillance of the Doggy’s Smog station that revealed that  
16 Respondents Doggy’s Smog, Wong and Islas (collectively, “Respondents”) are involved in  
17 fraudulently certifying vehicles through the illegal practice of “clean piping.”<sup>1</sup> Specifically, the  
18 surveillance operation and information obtained from the Bureau’s VID revealed that within a five  
19 (5) hour time period Respondents issued a total of eleven (11) fraudulent certificates of  
20 compliance to vehicles that were not actually inspected. The Bureau program representatives  
21 observed, and the surveillance video confirms, that Respondents used a 1991 Acura Integra and a  
22 2002 Ford Explorer owned by Islas to to fraudulently certify the eleven (11) vehicles. In each  
23 instance, Respondents engaged in the illegal conduct of clean piping by using the tailpipe emissions  
24 from one of these two vehicles to fraudulently certify entirely different vehicles.

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27 <sup>1</sup> “Clean piping” is sampling the (clean) tailpipe emissions and/or the RPM readings of another  
28 vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not  
present in the smog check area during the time of the certification.

1 The following chart ("Table 1") illustrates the clean piping activities observed during the  
 2 Bureau's surveillance of the Doggy's Smog check station on March 4, 2015.

3 **Table 1**

4	5	6	7	8
Test Date and Time	Vehicle Certified & License No.	Vehicle Actually Tested & License No.	Certificate Issued	Details
6 03/04/2015 0848 to 0908 hours	1988 GMC G1500 CA LIC# 8J43030	1991 Acura Integra in Test Bay at Time of Inspection	YP285633C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
12 03/04/2015 0913 to 0919 hours	1995 Toyota Camry CA LIC# 6MPT365	1991 Acura Integra in Test Bay at Time of Inspection	YP285634C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
18 03/04/2015 0925 to 0932 hours	1995 Nissan Pickup CA LIC# 5C66917	1991 Acura Integra in Test Bay at Time of Inspection	YP285635C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
24 03/04/2015 1004 to 1015 hours	2003 Toyota Sienna CA LIC# 6ZJT308	1991 Acura Integra in Test Bay at Time of Inspection	YP285636C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.

1	03/04/2015	2000 Ford Escort	1991 Acura Integra in Test Bay at Time of Inspection	YP285637C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
2	1034 to	CA LIC# BLUEYE2			
3	1043 hours				
4					
5					
6	03/04/2015	1989 Honda Accord	1991 Acura Integra in Test Bay at Time of Inspection	YP285638C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
7	1048 to	CA LIC# 4WAF022			
8	1055 hours				
9					
10					
11					
12	03/04/2015	1989 Honda Civic	1991 Acura Integra in Test Bay at Time of Inspection	YP285639C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
13	1102 to	CA LIC# 6ZEY748			
14	1110 hours				
15					
16					
17	03/04/2015	1998 Cadillac Deville	1991 Acura Integra in Test Bay at Time of Inspection	YP285640C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
18	1117 to	CA LIC# 6YSP164			
19	1129 hours				
20					
21					
22					
23	03/04/2015	1998 Audi A4 Quattro	1991 Acura Integra in Test Bay at Time of Inspection	YP285641C  (Certificate is in series purchased by Doggy's Smog)	Certified vehicle not in test bay at time it was certified. Wong and Islas perform fraudulent test using Wong's license.
24	1218 to	CA LIC# 5HEC060			
25	1226 hours				
26					
27					
28					

1	03/04/2015	1991 Toyota Pickup	2002 Ford Explorer	YP285642C	Certified vehicle
2	1323 to	CA LIC# 8S91093	Registered to Islas in	(Certificate is	not in test bay at
3	1340 hours		Test Bay at Time of	in series	time it was
4			Inspection	purchased by	certified. Wong
5				Doggy's	and Islas
6				Smog)	perform
7	03/04/2015	1989 Nissan 240 SX	2002 Ford Explorer	YP285643C	fraudulent test
8	1348 to	CA LIC# 6ZQL324	Registered to Islas in	(Certificate is	using Wong's
9	1359 hours		Test Bay at Time of	in series	license.
10			Inspection	purchased by	
11				Doggy's	
12				Smog)	

**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

26. Respondent Gomez has subjected his registration to discipline under BPC section 9884.7, subdivision (a)(1), in that he made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

27. Respondent Gomez has subjected his registration to discipline under BPC section 9884.7, subdivision (a)(4), in that he committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Tables 1, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.



1 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
2 electronic certificates of compliance without performing bona fide inspections of the emission  
3 control devices and systems on those vehicles as required by HSC section 44012.

4 b. **Section 3340.35, subdivision (c):** Respondent issued electronic certificates of  
5 compliance even though those vehicles had not been inspected in accordance with section 3340.42  
6 of the HSC.

7 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and  
8 inspections on those vehicles in accordance with the Bureau's specifications.

9 **SIXTH CAUSE FOR DISCIPLINE**

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

11 31. Respondent Gomez has subjected his station license to discipline under HSC section  
12 44072.2, subdivision (d), in that, with respect to the vehicles set forth in Table 1, above,  
13 Respondent committed acts involving dishonesty, fraud or deceit whereby another was injured by  
14 issuing electronic certificates of compliance for those vehicles without performing bona fide  
15 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
16 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
17 Program.

18 **SEVENTH CAUSE FOR DISCIPLINE**

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

20 32. Respondents Wong and Islas have subjected their smog check inspector licenses to  
21 discipline under HSC section 44072.2, subdivision (a), in that they violated the following sections  
22 of the HSC with respect to the vehicles set forth in Table, 1 above:

23 a. **Section 44012:** Respondents failed to ensure that the emission control tests were  
24 performed on those vehicles in accordance with procedures prescribed by the department.

25 b. **Section 44032:** Respondents failed to perform tests of the emission control devices  
26 and systems on those vehicles in accordance with section 44012 of the HSC, in that the vehicles  
27 had been clean piped.

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1 c. **Section 44059:** Respondents willfully made false entries for the electronic certificates  
2 of compliance by certifying that those vehicles had been inspected as required when, in fact, they  
3 had not.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 33. Respondents Wong and Islas have subjected their smog check inspector licenses to  
7 discipline under HSC section 44072.2, subdivision (c), in that they violated the following sections  
8 of the CCR, title 16, with respect to the vehicles set forth in Table 1, above:

9 a. **Section 3340.24, subdivision (c):** Respondents falsely or fraudulently issued  
10 electronic certificates of compliance without performing bona fide inspections of the emission  
11 control devices and systems on those vehicles as required by HSC section 44012.

12 b. **Section 3340.30, subdivision (a):** Respondents failed to inspect and test those  
13 vehicles in accordance with HSC section 44012.

14 c. **Section 3340.41, subdivision (c):** Respondents entered false information into the EIS  
15 for the electronic certificates of compliance by entering vehicle emission control information for  
16 vehicles other than the vehicles being certified.

17 d. **Section 3340.42:** Respondents failed to conduct the required smog tests and  
18 inspections on those vehicles in accordance with the Bureau's specifications.

19 **NINTH CAUSE FOR DISCIPLINE**

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

21 34. Respondents Wong and Islas have subjected their smog check inspector licenses to  
22 discipline under HSC section 44072.2, subdivision (d), in that they committed acts involving  
23 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
24 compliance for the vehicles set forth in Table 1, above, without performing bona fide inspections  
25 of the emission control devices and systems on those vehicles, thereby depriving the People of the  
26 State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 PRAYER

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

4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
5 271130, issued to Rene Gomez dba Doggy's Smog Center;

6 2. Revoking or suspending Smog Check, Test Only, Station License Number TC  
7 271130, issued to Rene Gomez dba Doggy's Smog Center;

8 3. Revoking or suspending Smog Check Inspector License No. EO 635769, issued to  
9 William Wong;

10 4. Revoking or suspending Smog Check Inspector License No. EO 637180, issued to  
11 Christopher Islas;

12 5. Revoking or suspending any and all licenses issued under Articles 5 and 6 of the  
13 Automotive Repair Act in the names of Rene Gomez, William Wong or Christopher Islas pursuant  
14 to section 9889.9 of the Business and Professions Code;

15 6. Revoking or suspending any and all licenses issued under the Motor Vehicle  
16 Inspection Program in the names of Rene Gomez, William Wong or Christopher Islas pursuant to  
17 Section 44072.8 of the Health and Safety Code;

18 7. Ordering Rene Gomez, William Wong and Christopher Islas to pay the Bureau of  
19 Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant  
20 to Business and Professions Code section 125.3;

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

22  
23 DATED: 3-11-16

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

*Doug Balatti*

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