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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 79/19-2470

14 **OSCAR ANTONIO FLORES, DBA**  
**DANIEL SMOG CHECK TEST ONLY**  
15 **450 N. Waterman Ave. Unit D**  
**San Bernardino, CA 92410**

**ACCUSATION**

16 **Automotive Repair Dealer Registration No.**  
17 **ARD 287850**  
**Smog Check, Test Only, Station License No.**  
18 **TC 287850,**

19 **and**

20 **OSCAR ANTONIO FLORES**  
**450 N. Waterman Ave. Unit D**  
21 **San Bernardino, CA 92410**

22 **Smog Check Inspector License No. EO**  
**640105**

23  
24 Respondent.

25  
26 **PARTIES**

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

2. On or about June 26, 2017, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 287850 to Oscar Antonio Flores, dba Daniel Smog Check Test Only (Respondent Daniel Smog Check). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

3. On or about August 10, 2017, the Bureau of Automotive Repair issued Smog Check, Test Only, Station License Number TC 287850 to Respondent Daniel Smog Check. The Smog Check, Test Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

4. On or about March 10, 2017, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 640105 to Oscar Antonio Flores (Respondent Flores). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2020, unless renewed.

## JURISDICTION

5. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

6. Business and Professions Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

7. Health and Safety Code section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

## STATUTORY PROVISIONS

8. Section 9884.7 of the Code provides, in pertinent part:

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

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

4 ...

5 (4) Any other conduct which constitutes fraud.

6 ...

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

9 ...

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

14 ...

15 9. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
16 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
17 the Motor Vehicle Inspection Program.

18 10. Section 44012 of the Health and Safety Code states, in pertinent part, that tests at  
19 smog check stations shall be performed in accordance with procedures prescribed by the  
20 department.

21 11. Section 44015, subdivision (b), of the Health and Safety Code provides that a  
22 certificate of compliance shall be issued if a vehicle meets the requirements of Health and Safety  
23 Code section 40012.

24 12. Section 44032 of the Health and Safety Code states:

25 No person shall perform, for compensation, tests or repairs of emission control devices or  
26 systems of motor vehicles required by this chapter unless the person performing the test or repair  
27 is a qualified smog check technician and the test or repair is performed at a licensed smog check  
28 station. Qualified technicians shall perform tests of emission control devices and systems in

1 accordance with Section 44012.

2 13. Section 44072.2 of the Health and Safety Code provides, in pertinent part:

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

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

9 . . .

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

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

12 14. Section 44072.8 of the Health and Safety Code states that when a license has been  
13 revoked or suspended following a hearing under this article, any additional license issued under  
14 this chapter in the name of the licensee may be likewise revoked or suspended by the Director.

15 15. Section 44072.10, subdivision (c), of the Health and Safety Code states:

16 ...

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

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

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

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

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

26 ...

27 **REGULATORY PROVISIONS**

28 16. California Code of Regulations, title 16, section 3340.24, states, in pertinent part:

1 ...

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

5 ...

6 17. California Code of Regulations, title 16, section 3340.30, provides, in pertinent part:  
7 A smog check technician shall comply with the following requirements at all times while  
8 licensed.

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

12 ...

13 18. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

14 ...

15 (c) No person shall enter into the emissions inspection system any vehicle identification  
16 information or emission control system identification data for any vehicle other than the one  
17 being tested. Nor shall any person knowingly enter into the emissions inspection system any false  
18 information about the vehicle being tested.

19 ...

20 19. California Code of Regulations, title 16, section 3340.42, provides, in pertinent part:  
21 Smog check inspection methods are prescribed in the Smog Check Manual, referenced by  
22 section 3340.45.

23 ...

24 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are  
25 as follows:

26 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides  
27 of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables  
28 described in subsection (a), as applicable.

1 (2) Vehicles with emission levels exceeding the emission standards for gross polluters  
2 during an initial inspection will be considered gross polluters and the provisions pertaining to  
3 gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and  
4 44081 of the Health and Safety Code.

5 (3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until  
6 the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle  
7 included in the tables described in subsection (a), as applicable. However, the provisions  
8 described in section 44017 of the Health and Safety Code may apply.

9 (4) This subsection applies in all program areas statewide to vehicles requiring inspection  
10 pursuant to sections 44005 and 44011 of the Health and Safety Code.

11 ...

12 20. California Code of Regulations, title 16, section 3371, states, in pertinent part:

13 No dealer shall publish, utter, or make or cause to be published, uttered, or made any false  
14 or misleading statement or advertisement which is known to be false or misleading, or which by  
15 the exercise of reasonable care should be known to be false or misleading. Advertisements and  
16 advertising signs shall clearly show the following:

17 ...

18 21. California Code of Regulations, title 16, section 3373, provides:

19 No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice,  
20 or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold  
21 therefrom or insert therein any statement or information which will cause any such document to  
22 be false or misleading, or where the tendency or effect thereby would be to mislead or deceive  
23 customers, prospective customers, or the public.

### 24 **COST RECOVERY**

25 22. Section 125.3 of the Code states, in pertinent part, that the Bureau may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

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

### **FACTUAL SUMMARY**

23. In September of 2018, Bureau Representative Paul Hsu (Bureau Representative Hsu) began documenting the condition of a 1997 Honda for a smog check vehicle inspection. Bureau Representative Hsu modified the vehicle by removing its original catalytic converter and replacing it with a defective aftermarket catalytic converter. Bureau Representative Hsu marked the modified parts for identification purposes and installed tamper indicators to detect movement or removal of components. The modifications performed by Bureau representative Hsu caused the vehicle to fail the visual and tailpipe portions of a smog check inspection, with an overall emissions test result exceeding Gross Polluter limits.

24. On or about October 17, 2018, an undercover operator (operator) for the Bureau of Automotive Repair (Bureau) took the 1997 Honda to a car wash located at 1223 N. Peppertree Lane in the city of San Bernardino, California. While at the car wash, the operator had a conversation with an individual named Jesus, who identified himself as the owner of the facility. The operator asked Jesus if he could do a smog check inspection on the Honda. Jesus told the operator that he could not personally perform a smog check but that his friend could do so. Jesus stated that he could have the smog check inspection performed for \$60.00 and requested that the operator give him the money along with the Department of Motor Vehicles (DMV) paperwork for the vehicle. The operator provided Jesus with the \$60.00 and the DMV paperwork as requested. Jesus then took the Honda and drove away.

25. Shortly after the exchange described in paragraph 26, Jesus returned in the Honda. He told the operator that the Honda was polluting a lot and would not pass a smog check inspection. The operator asked what he was supposed to do. Jesus stated that he could pass the Honda for \$200.00. Jesus stated that if the operator had the additional \$140.00, he could make the passing test happen within about an hour. The operator gave Jesus an additional \$140.00 for a total of \$200.00. Jesus then took the Honda and drove away.

26. The operator later saw Jesus drive the Honda back toward his location. The operator met with Jesus, who returned the DMV paperwork and provided the operator with a Vehicle Inspection Report (VIR). Jesus told the operator that the Honda had passed the smog check inspection.

27. Bureau Representative Daniel Durivage downloaded test details from the Vehicle Information Database (VID) for the smog check inspection purportedly performed on the Honda. The VID test details revealed that the Honda was certified at Respondent Daniel Smog Check and that the license of Respondent Flores was used to perform the smog check inspection for the Honda. The VID test details showed that the Honda was issued Certificate of Compliance number HV802253C.

28. Upon re-inspection of the vehicle, Bureau Representative Hsu confirmed that the Honda remained in a condition unsuitable to pass a properly performed California smog check inspection. The Honda again failed the visual and tailpipe portions of a smog check inspection, with an overall emissions test result exceeding Gross Polluter limits. Additionally, Bureau Representative Hsu confirmed that his previously installed modifications and tamper indicators remained in place and intact.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

**(As to Automotive Repair Dealer Registration No. ARD 287850)**

29. Respondent Daniel Smog Check has subjected his Automotive Repair Dealer Registration to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent Daniel Smog Check and/or his employees or agents made statements which were known to be untrue or misleading or, which by exercise of reasonable care should have been known to be untrue or misleading, when issuing a smog certificates of compliance as set forth above in paragraphs 23 through 28.

30. Respondent Daniel Smog Check and/or his employees or agents certified that the vehicle identified in paragraphs 23 through 28 above had passed inspection and was in compliance with applicable laws and regulations. In fact, Respondent Daniel Smog and/or his



1 employees or agents conducted the inspection of the vehicle identified in paragraphs 23 through  
2 28 above using clean-plugging methods in that Respondent Daniel Smog Check and/or his  
3 employees or agents substituted or used a different vehicle(s), or another source, during the OBD  
4 II functional test in order to issue smog certificate of compliance for the vehicle. Respondent  
5 Daniel Smog Check and/or his employees or agents did not test or inspect the vehicle as required  
6 by Health and Safety Code section 44012. Complainant realleges paragraphs 23 through 28.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 **(As to Automotive Repair Dealer Registration No. ARD 287850)**

10 31. Respondent Daniel Smog Check has subjected his Automotive Repair Dealer  
11 Registration to disciplinary action pursuant to Business and Professions Code section 9884.7,  
12 subdivision (a)(4), in that Respondent Daniel Smog Check and/or his employees or agents  
13 committed acts that constitute fraud by issuing an electronic smog certificate of compliance for  
14 the vehicle identified in paragraphs 23 through 28 above, without performing a bona fide  
15 inspection of the emission control devices and systems on the vehicle, thereby depriving the  
16 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
17 Program. Complainant realleges paragraphs 23 through 28 above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Material Violation of Automotive Repair Act)**

20 **(As to Automotive Repair Dealer Registration No. ARD 287850)**

21 32. Respondent Daniel Smog Check has subjected his Automotive Repair Dealer  
22 Registration to disciplinary action pursuant to Business and Professions Code section 9884.7,  
23 subdivision (a)(6), in that Respondent Daniel Smog Check and/or his employees or agents failed  
24 in a material respect to comply with the provisions of this chapter or regulations adopted pursuant  
25 to it when Respondent Daniel Smog Check and/or his employees or agents issued an electronic  
26 certificate of compliance for the vehicle identified in paragraphs 23 through 28 above, without  
27 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
28 thereby depriving the People of the State of California of the protection afforded by the Motor

Vehicle Inspection Program. Complainant realleges paragraphs 23 through 28.

**FOURTH CAUSE FOR DISCIPLINE**

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

**(As to Smog Check Test Only Station License No. TC 287850)**

33. Respondent Daniel Smog Check has subjected his Smog Check Test Only Station License to disciplinary action pursuant to Health and Safety Code section 44072.10, subdivision (c), and Health and Safety Code section 44072.2, subdivision (a), in that Respondent Daniel Smog Check and/or his employees or agents violated the following sections of that Code:

a. **Section 44012:** Respondent Daniel Smog Check and/or his employees or agents failed to ensure that the emission control tests were performed on the vehicle identified in paragraphs 23 through 28 above, in accordance with procedures prescribed by the Bureau.

b. **Section 44015:** Respondent Daniel Smog Check and/or his employees or agents issued an electronic smog certificate of compliance for the vehicle identified in paragraphs 23 through 28 above, without ensuring that the vehicle was properly tested and inspected to determine if it was in compliance with Health and Safety Code section 44012.

Complainant realleges paragraphs 23 through 28.

**FIFTH CAUSE FOR DISCIPLINE**

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

**(As to Smog Check Test Only Station License No. TC 287850)**

34. Respondent Daniel Smog Check has subjected his Smog Check Test Only Station License to disciplinary action pursuant to Health and Safety Code section 44072.10, subdivision (c), and Health and Safety Code section 44072.2, subdivision (c), in that Respondent Daniel Smog Check and/or his employees or agents violated provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Daniel Smog Check and/or his employees or agents falsely or fraudulently issued an electronic smog certificate of compliance for the vehicle identified in paragraphs 23 through 28 above.

b. **Section 3340.41, subdivision (c):** Respondent Daniel Smog Check and/or his

1 employees or agents knowingly entered false information into the emissions inspection system for  
2 the vehicle identified in paragraphs 23 through 28 above.

3 c. **Section 3340.42:** Respondent Daniel Smog Check and/or his employees or agents  
4 failed to ensure that the required smog tests were conducted on the vehicle identified in  
5 paragraphs 23 through 28 above, in accordance with the Bureau's specifications.

6 d. **Section 3373:** Respondent Daniel Smog Check and/or his employees or agents  
7 inserted statements or information in records required to be maintained by California Code of  
8 Regulations, title 16, section 3340.15, subdivision (e), that would cause said records to be false or  
9 misleading or would tend to mislead or deceive customers, prospective customers, or the public.

10 Complainant realleges paragraphs 23 through 28.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 **(As to Smog Check Test Only Station License No. TC 287850)**

14 35. Respondent Daniel Smog Check has subjected his Smog Check Test Only Station  
15 License to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision  
16 (d) and Health and Safety Code section 44072.10, subdivision (c), in that Respondent Daniel  
17 Smog Check and/or his employees or agents committed dishonest, fraudulent, or deceitful acts  
18 whereby others were injured by issuing an electronic smog certificate of compliance for the  
19 vehicle identified in paragraphs 23 through 28 above, without performing a bona fide inspection  
20 of the emission control devices and systems on the vehicle, thereby depriving the People of the  
21 State of California of the protection afforded by the Motor Vehicle Inspection Program.

22 Complainant realleges paragraphs 23 through 28.

23 **SEVENTH CAUSE FOR DISCIPLINE**

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

25 **(As to Smog Check Inspector License No. EO 640105)**

26 36. Respondent Flores' Smog Check Inspector License is subject to disciplinary action  
27 pursuant to Health and Safety Code section 44072.2, subdivision (a) and Health and Safety Code  
28 section 44072.10, subdivision (c), in that Respondent Flores violated the following sections of

that Code:

a. **Section 44012:** Respondent Flores failed to perform emission control tests on the vehicle identified in paragraphs 23 through 28 above, in accordance with procedures prescribed by the Bureau.

b. **Section 44032:** Respondent Flores failed to perform emission control tests on the vehicle identified in paragraphs 23 through 28 above, in accordance with the requirements of Health and Safety Code section 44012.

Complainant realleges paragraphs 23 through 28.

### **EIGHTH CAUSE FOR DISCIPLINE**

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

**(As to Smog Check Inspector License No. EO 640105)**

37. Respondent Flores' Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.10, subdivision (c), and Health and Safety Code section 44072.2, subdivisions (c) and (d), in that Respondent Flores violated provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Flores falsely or fraudulently issued an electronic smog certificate of compliance for the vehicle identified in paragraphs 23 through 28 above.

b. **Section 3340.30, subdivision (a):** Respondent Flores failed to inspect and test the vehicle identified in paragraphs 23 through 28 above in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent Flores knowingly entered false information into the emissions inspection system for the vehicle identified in paragraphs 23 through 28 above.

d. **Section 3340.42:** Respondent Flores failed to conduct the required smog tests on the vehicle identified in paragraphs 23 through 28 above, in accordance with the Bureau's specifications.

e. **Section 3373:** Respondent Flores inserted statements or information in records

1 required to be maintained by California Code of Regulations, title 16, section 3340.15,  
2 subdivision (e), that would cause said records to be false or misleading or would tend to mislead  
3 or deceive customers, prospective customers, or the public.

4 Complainant realleges paragraphs 23 through 28.

5 **NINTH CAUSE FOR DISCIPLINE**

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

7 **(As to Smog Check Inspector License No. EO 640105)**

8 38. Respondent Flores' Smog Check Inspector License is subject to disciplinary action  
9 pursuant to Health and Safety Code section 44072.2, subdivision (d) and Health and Safety Code  
10 section 44072.10, subdivision (c), in that Respondent Flores committed dishonest, fraudulent, or  
11 deceitful acts whereby another was injured by issuing an electronic smog certificate of  
12 compliance for the vehicle identified in in paragraphs 23 through 28 above, without performing  
13 bona fide inspections of the emission control devices and systems on the vehicles, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program. Complainant realleges paragraphs 23 through 28.

16 **OTHER MATTERS**

17 39. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
18 Director may suspend, revoke, or place on probation the registration for all places of business  
19 operated in this state by Oscar Antonio Flores upon a finding that Respondent Daniel Smog  
20 Check has, or is, engaged in a course of repeated and willful violations of the laws and  
21 regulations pertaining to an automotive repair dealer.

22 40. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only  
23 Station License No. TC 287850, issued to Respondent Daniel Smog Check, is revoked or  
24 suspended following a hearing under this article, any additional license issued under Chapter 5 of  
25 Part 5 of Division 26 of the Health and Safety Code in the name of Oscar Antonio Flores may be  
26 likewise revoked or suspended by the Director.

27 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
28 License No. EO 640105, issued to Oscar Antonio Flores, is revoked or suspended following a

1 hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26  
2 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended  
3 by the Director.

4 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
8 287850, issued to Oscar Antonio Flores, dba Daniel Smog Check Test Only;

9 2. Revoking or suspending any other Automotive Repair Dealer Registration issued in  
10 the name of Oscar Antonio Flores;

11 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
12 287850, issued to Oscar Antonio Flores, dba Daniel Smog Check Test Only;

13 4. Revoking or suspending Smog Check Inspector License Number EO 640105, issued  
14 to Oscar Antonio Flores;

15 5. Revoking or suspending any other license issued under Chapter 5 of Part 5 of  
16 Division 26 of the Health and Safety Code in the name of Oscar Antonio Flores;

17 6. Ordering Oscar Antonio Flores, dba Daniel Smog Check Test Only, and Oscar  
18 Antonio Flores to pay the Bureau of Automotive Repair the reasonable costs of the investigation  
19 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

22 DATED: October 18, 2019

Signature On File

23 PATRICK DORAIS

Chief

24 Bureau of Automotive Repair

Department of Consumer Affairs

25 State of California

*Complainant*  
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