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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. 79/21-3686

14 **CHAD ALLEN HUNT, DBA TRUE-MANS**
15 **SMOG**
4571 Lake Isabella Blvd. #13
16 Lake Isabella, CA 93240

ACCUSATION

17 **Automotive Repair Dealer Registration No.**
ARD 288107
18 **Smog Check, Test Only, Station License No.**
TC 288107,

19 **and**

20 **CHAD ALLEN HUNT**
2812 Renbach Ave.
21 Bodfish, CA 93205

22 **Smog Check Inspector License No. EO**
640196

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24 Respondents.

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1 **PARTIES**

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

4 2. On or about July 28, 2017, the Bureau issued Automotive Repair Dealer Registration
5 Number ARD 288107 to Chad Allen Hunt, dba True-Mans Smog (Respondent True-Mans
6 Smog). The Automotive Repair Dealer Registration was in full force and effect at all times
7 relevant to the charges brought herein and will expire on July 31, 2022, unless renewed.

8 3. On or about August 3, 2017, the Bureau issued Smog Check, Test Only, Station
9 License Number TC 288107 to Respondent True-Mans Smog. The Smog Check, Test Only,
10 Station License was in full force and effect at all times relevant to the charges brought herein and
11 will expire on July 31, 2022, unless renewed.

12 4. On or about April 10, 2017, the Bureau issued Smog Check Inspector License
13 Number EO 640196 to Chad Allen Hunt (Respondent Hunt). The Smog Check Inspector License
14 was in full force and effect at all times relevant to the charges brought herein and will expire on
15 October 31, 2022, unless renewed.

16 **JURISDICTION**

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

19 6. Section 118, subdivision (b), of the Business and Professions Code (Bus. & Prof.
20 Code) provides that the suspension, expiration, surrender, or cancellation of a license shall not
21 deprive the Director of jurisdiction to proceed with a disciplinary action during the period within
22 which the license may be renewed, restored, reissued or reinstated.

23 7. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an
24 automotive repair dealer registration.

25 8. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
26 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
27 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
28 invalidating (suspending or revoking) a registration.

9. Health and Safety Code (Health & Saf. 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.

10. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

11. Bus. & Prof. Code section 9884.7 states, in pertinent part:

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.”

...

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

12. Bus. & Prof. Code section 9884.8 states:

“All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work

1 and parts shall be listed separately on the invoice, which shall also state separately the subtotal
2 prices for service work and for parts, not including sales tax, and shall state separately the sales
3 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice
4 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt
5 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a
6 statement indicating whether any crash parts are original equipment manufacturer crash parts or
7 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be
8 given to the customer and one copy shall be retained by the automotive repair dealer.”

9 13. Bus. & Prof. Code section 9884.9, subdivision (a), states:

10 “(a) The automotive repair dealer shall give to the customer a written estimated price for
11 labor and parts necessary for a specific job, except as provided in subdivision (e). No work shall
12 be done and no charges shall accrue before authorization to proceed is obtained from the
13 customer. No charge shall be made for work done or parts supplied in excess of the estimated
14 price, or the posted price specified in subdivision (e), without the oral or written consent of the
15 customer that shall be obtained at some time after it is determined that the estimated or posted
16 price is insufficient and before the work not estimated or posted is done or the parts not estimated
17 or posted are supplied. Written consent or authorization for an increase in the original estimated
18 or posted price may be provided by electronic mail or facsimile transmission from the customer.
19 The bureau may specify in regulation the procedures to be followed by an automotive repair
20 dealer if an authorization or consent for an increase in the original estimated price is provided by
21 electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation
22 on the work order of the date, time, name of person authorizing the additional repairs, and
23 telephone number called, if any, together with a specification of the additional parts and labor and
24 the total additional cost, and shall do either of the following:

25 (1) Make a notation on the invoice of the same facts set forth in the notation on the work
26 order.

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1 (2) Upon completion of the repairs, obtain the customer's signature or initials to an
2 acknowledgment of notice and consent, if there is an oral consent of the customer to additional
3 repairs, in the following language:

4 "I acknowledge notice and oral approval of an increase in the original estimated price.

5
6 (signature or initials)"

7 Nothing in this section shall be construed as requiring an automotive repair dealer to give a
8 written estimated price if the dealer does not agree to perform the requested repair."

9 14. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

16 ...

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

18 ...

19 15. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog
20 check stations shall be performed in accordance with procedures prescribed by the department.

21 16. Section 44015, subdivision (b), of the Health & Saf. Code states: "If a vehicle meets
22 the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a
23 certificate of compliance or a certificate of noncompliance."

24 17. Health & Saf. Code section 44032 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

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1 station. Qualified technicians shall perform tests of emission control devices and systems in
2 accordance with Section 44012.”

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

6 **REGULATORY PROVISIONS**

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

9 “(c) The bureau may suspend or revoke the license of or pursue other legal action against a
10 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
11 certificate of noncompliance.”

12 20. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
13 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
14 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
15 of this article.”

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

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

23 23. CCR, title 16, section 3340.45, states, in pertinent part:

24 (a) All Smog Check inspections shall be performed in accordance with requirements and
25 procedures prescribed in the following:

26 ...

27 (2) Smog Check Manual, November 2, 2017, which is hereby incorporated by reference.

28 This manual shall become effective on August 2, 2018.

1 Inspection Report (VIR). An invoice for the transaction was not provided. The operator then left
2 the facility and returned to the staging area to meet the Bureau representative.

3 29. The Bureau representative re-inspected, photographed, and verified that the EGR
4 system was still missing from the undercover vehicle. The VIR indicated that smog technician
5 Chad Allen Hunt passed the undercover vehicle and issued Certificate of Compliance
6 #RY393295C.

7 30. Following the undercover run, the vehicle was returned to the Bureau's forensic
8 documentation lab. The lab performed an inspection of the vehicle and confirmed that the EGR
9 system was still missing. A smog inspection was performed by documentation lab. The
10 undercover vehicle failed the inspection due to the missing EGR valve and EGR cooler.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

13 31. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
14 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he
15 made or authorized statements which he knew or in the exercise of reasonable care should have
16 known to be untrue or misleading when he issued an electronic certificate of compliance to the
17 undercover vehicle described in paragraphs 27 through 30 above, certifying the vehicle as being
18 in compliance with applicable laws and regulations when, in fact, the vehicle had not been
19 properly inspected. Respondent did not inspect the vehicle as required by Health & Saf. Code
20 section 44012. Complainant refers to, and by this reference incorporates, the allegations
21 contained in paragraphs 27 through 30, above, as though set forth fully herein.

22 **SECOND CAUSE FOR DISCIPLINE**

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

24 32. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
25 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he
26 failed in a material respect to comply with the provisions of this chapter or regulations adopted
27 pursuant to it when he issued an electronic smog certificate of compliance for the undercover
28 vehicle described in paragraphs 27 through 30 above, without performing a bona fide inspection

1 of the emission control devices and systems on the vehicle, thereby depriving the People of the
2 State of California of the protection afforded by the Motor Vehicle Inspection Program.
3 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
4 27 through 30, above, as though set forth fully herein.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Provide Consumer a Written Estimate)**

7 33. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
8 disciplinary action pursuant to Bus. & Prof. Code sections 9884.7, subdivision (a)(6), and 9884.9,
9 and California Code of Regulations, title 16, section 3353, subdivision (a), in that he failed to
10 provide the consumer with a written estimate prior to conducting a smog inspection on the
11 undercover vehicle described in paragraphs 27 through 30 above. Complainant refers to, and by
12 this reference incorporates, the allegations contained in paragraphs 27 through 30, above, as
13 though set forth fully herein.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Failure to Record Oral Authorization)**

16 34. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
17 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6) and
18 California Code of Regulations, title 16, section 3353.1, subdivision (c), in that he failed to record
19 on the estimate or documents related to the authorization that supplement the estimate the
20 consumer's oral authorization to proceed with the smog inspection on the undercover vehicle
21 described in paragraphs 27 through 30 above. Complainant refers to, and by this reference
22 incorporates, the allegations contained in paragraphs 27 through 30, above, as though set forth
23 fully herein.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Failure to Provide Consumer an Invoice)**

26 35. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
27 disciplinary action pursuant to Bus. & Prof. Code sections 9884.7, subdivision (a)(6) and 9884.8,
28 in that he failed to provide an invoice to the consumer upon completing the smog inspection on

1 the undercover vehicle described in paragraphs 27 through 30 above. Complainant refers to, and
2 by this reference incorporates, the allegations contained in paragraphs 27 through 30, above, as
3 though set forth fully herein.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 36. Respondent True-Mans Smog has subjected his Smog Check Test Only Station
7 License to discipline under Health & Saf. Code section 44072.2, subdivision (a), in that
8 Respondent violated the following sections of the Health & Saf. Code with respect to the
9 inspection of the undercover vehicle as described in paragraphs 27 through 30, above:

10 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
11 performed on the vehicle was in accordance with procedures prescribed by the department.

12 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
13 compliance without properly inspecting the vehicle to determine if it was in compliance with
14 section 44012 of the Health & Saf. Code.

15 **SEVENTH CAUSE FOR DISCIPLINE**

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

17 39. Respondent True-Mans Smog has subjected his Smog Check Test Only Station
18 License to discipline under Health & Saf. Code section 44072.2, subdivision (c), in that
19 Respondent violated the following sections of title 16 of the CCR with respect to the inspection of
20 the undercover vehicle described in paragraphs 27 through 30, above:

21 a. **Section 3340.24, subdivision (c):** Respondent falsely issued electronic smog
22 certificates of compliance without performing a bona fide inspection of the emission control
23 devices and systems on the undercover vehicle as required by Health & Saf. Code section 44012.

24 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate
25 of compliance even though the vehicle had not been inspected in accordance with section 3340.42
26 of the Health & Saf. Code.

27 c. **Sections 3340.42 and 3340.45:** Respondent failed to conduct the required smog test
28 inspections on the undercover vehicle in accordance with the Bureau's specifications.

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 27 through 30 as though set forth fully herein.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 41. Respondent Hunt has subjected his Smog Check Inspector License to discipline under
6 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent violated the following
7 sections of the Health & Saf. Code with respect to the inspection of the undercover vehicle
8 referenced above in paragraphs 27 through 30:

9 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
10 performed on the undercover vehicle in accordance with procedures prescribed by the
11 department.

12 b. **Section 44032:** Respondent failed to perform tests of the emission control devices
13 and systems on the undercover vehicle in accordance with section 44012 of the Health & Saf.
14 Code.

15 Complainant refers to, and by this reference incorporates, the allegations contained in
16 paragraphs 27 through 30, as though set forth fully herein.

17 **NINTH CAUSE FOR DISCIPLINE**

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

19 42. Respondent Hunt has subjected his Smog Check Inspector License to discipline under
20 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent violated the following
21 sections of the CCR, title 16, with respect to the inspection of the undercover vehicle referenced
22 above in paragraphs 27 through 30:

23 a. **Section 3340.24, subdivision (c):** Respondent falsely issued an electronic smog
24 certificate of compliance without performing bona fide inspections of the emission control
25 devices and systems on the undercover vehicle as required by Health & Saf. Code section 44012.

26 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the
27 undercover vehicle in accordance with Health & Saf. Code section 44012.

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c. **Sections 3340.42 and 3340.45**: Respondent failed to conduct the required smog test inspections on the undercover vehicle in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 27 through 30, as though set forth fully herein.

DISCIPLINE CONSIDERATIONS

37. To determine the degree of discipline, if any, to be imposed on Respondent True-Mans Smog, Complainant alleges that on or about November 29, 2018, in a prior action, the Bureau of Automotive Repair issued Citation Number C2018-2491 and ordered Respondent True-Mans Smog to pay a penalty of \$1,000 for violating Health and Saf. Code section 44012 by issuing a Certificate of Compliance to a Bureau Undercover Vehicle with a missing or modified Evaporative Emissions System (EVAP) components. That Citation is now final.

38. To determine the degree of discipline, if any, to be imposed on Respondent True-Mans Smog, Complainant alleges that on or about December 17, 2019, in a prior action, the Bureau of Automotive Repair issued Citation Number C2019-2003 and ordered Respondent True-Mans Smog to pay a penalty of \$2,000 for violating Health and Saf. Code section 44012 by issuing a Certificate of Compliance to a Bureau Undercover Vehicle with a non-functional Exhaust Gas Recirculation valve. That Citation is now final.

39. To determine the degree of discipline, if any, to be imposed on Respondent True-Mans Smog, Complainant alleges that on or about October 20, 2020, in a prior action, the Bureau of Automotive Repair issued Citation Number C2020-857, along with an Order of Abatement, and ordered Respondent True-Mans Smog to pay a penalty of \$3,000 for violating Health and Saf. Code section 44012 by issuing a Certificate of Compliance to a Bureau Undercover Vehicle with a missing Air Injection System Pump, Solenoid Valve, and disconnected Air Pipes. That Citation is now final.

40. To determine the degree of discipline, if any, to be imposed on Respondent Hunt, Complainant alleges that on or about November 29, 2018, in a prior action, the Bureau of Automotive Repair issued Citation Number M2018-2492, along with an Order of Abatement, and ordered Respondent Hunt to take an 8-Hour BAR Certified Smog Check Citation Training Course

1 for violating Health and Saf. Code section 44032 by issuing a Certificate of Compliance to a
2 Bureau Undercover Vehicle with a missing or modified Evaporative Emissions System (EVAP)
3 components. That Citation is now final.

4 41. To determine the degree of discipline, if any, to be imposed on Respondent Hunt,
5 Complainant alleges that on or about December 17, 2019, in a prior action, the Bureau of
6 Automotive Repair issued Citation Number M2019-2004, along with an Order of Abatement, and
7 ordered Respondent Hunt to take a 28-Hour BAR Certified Smog Check Citation Training Course
8 and pay a \$500 penalty for violating Health and Saf. Code section 44032 by issuing a Certificate
9 of Compliance to a Bureau Undercover Vehicle with a non-functional Exhaust Gas Recirculation
10 valve. That Citation is now final.

11 42. To determine the degree of discipline, if any, to be imposed on Respondent Hunt,
12 Complainant alleges that on or about October 20, 2020, in a prior action, the Bureau of
13 Automotive Repair issued Citation Number M2020-858, along with an Order of Abatement, and
14 ordered Respondent Hunt to take a 68-Hour Level 1 – Engine and Emission Control
15 Fundamentals Course and pay a \$500 penalty for violating Health and Saf. Code section 44032
16 by issuing a Certificate of Compliance to a Bureau Undercover Vehicle with a missing Air
17 Injection System Pump, Solenoid Valve, and disconnected Air Pipes. That Citation is now final.

18 **OTHER MATTERS**

19 45. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
20 suspend, revoke, or place on probation the registration for all places of business operated in this
21 state by Respondent True-Mans Smog, upon a finding that he has, or is, engaged in a course of
22 repeated and willful violations of the laws and regulations pertaining to an automotive repair
23 dealer.

24 46. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
25 License No. TC 288107, issued to Respondent True-Mans Smog, is revoked or suspended, any
26 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the
27 name of said licensee may be likewise revoked or suspended by the director.

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47. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 640196, issued to Respondent Hunt, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 288107, issued to Chad Allen Hunt, dba True-Mans Smog;
2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Chad Allen Hunt;
3. Revoking or suspending Smog Check, Test Only, Station License Number TC 288107, issued to Chad Allen Hunt, dba True-Mans Smog;
4. Revoking or suspending Smog Check Inspector License Number EO 640196, issued to Chad Allen Hunt;
5. Revoking or suspending any additional license under Chapter 5, Part 5, Division 26, issued to Chad Allen Hunt;
6. Ordering Chad Allen Hunt, dba True-Mans Smog and individually, to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2021.10.14
16:47:13 -07'00'

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

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