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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 and Petition to
Revoke Probation Against:

14 **CHAD ALLEN HUNT, DBA TRUE-MANS**
15 **SMOG**
4571 Lake Isabella Blvd. #13
16 Lake Isabella, CA 93240
Automotive Repair Dealer Registration No.
17 **ARD 288107**
Smog Check, Test-Only, Station License No.
18 **TC 288107,**

19 **and**

20 **CHAD ALLEN HUNT**
2812 Renbach Ave.
21 Bodfish, CA 93205
Smog Check Inspector License No. EO
22 **640196**

23 Respondent.

Case No. 79/23-14338

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

24
25 **PARTIES**

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

1 ***Automotive Repair Dealer Registration***

2 2. On or about July 28, 2017, the Bureau of Automotive Repair issued Automotive
3 Repair Dealer Registration Number ARD 288107 to Chad Allen Hunt, dba True-Mans Smog
4 (Respondent True-Mans Smog). The Automotive Repair Dealer Registration was in full force
5 and effect at all times relevant to the charges brought herein and will expire on July 31, 2024,
6 unless renewed.

7 ***Smog Check, Test-Only, Station License***

8 3. On or about August 3, 2017, the Bureau of Automotive Repair issued Smog Check,
9 Test-Only, Station License Number TC 288107 to Respondent True-Mans Smog. The Smog
10 Check, Test-Only, Station License was in full force and effect at all times relevant to the charges
11 brought herein and will expire on July 31, 2024, unless renewed.

12 ***Smog Check Inspector License***

13 4. On or about April 10, 2017, the Bureau of Automotive Repair issued Smog Check
14 Inspector License Number EO 640196 to Chad Allen Hunt (Respondent Hunt). The Smog Check
15 Inspector License was in full force and effect at all times relevant to the charges brought herein
16 and will expire on October 31, 2024, unless renewed.

17 **PRIOR DISCIPLINARY ORDER**

18 5. In a disciplinary action titled *In the Matter of the Accusation Against: Chad Allen*
19 *Hunt dba True-Mans Smog and Chad Allen Hunt*, Case No. 79/21-3686, the Bureau of
20 Automotive Repair issued a Decision and Order, effective August 23, 2022, in which Respondent
21 True-Mans Smog's Automotive Repair Dealer Registration and Smog Check, Test-Only, Station
22 License, and Respondent Hunt's Smog Check Inspector License were revoked. However, the
23 revocations were stayed and Respondents' respective licenses were placed on probation for three
24 (3) years with certain terms and conditions. A copy of that Decision and Order is attached as
25 Exhibit A and is incorporated by reference.

26 **JURISDICTION PROVISIONS FOR ACCUSATION**

27 6. This Accusation is brought before the Director of the Department of Consumer
28 Affairs (Director) for the Bureau of Automotive Repair (Bureau), under the authority of the

1 following laws. All section references are to the Business and Professions Code (Code) unless
2 otherwise indicated.

3 7. Section 9884.7 of the Code provides that the Director may revoke an automotive
4 repair dealer registration.

5 8. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
6 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
7 against an automotive repair dealer or to render a decision temporarily or permanently
8 invalidating (suspending or revoking) a registration.

9 9. Section 9884.22, subdivision (a), of the Code provides:

10 (a) Notwithstanding any other provision of law, the director may revoke,
11 suspend, or deny at any time any registration required by this article on any of the
12 grounds for disciplinary action provided in this article. The proceedings under this
13 article shall be conducted in accordance with Chapter 5 (commencing with Section
11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director
shall have all the powers granted therein.

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

17 11. Section 44072.6 of the Health and Safety Code provides:

18 The expiration or suspension of a license by operation of law or by order or
19 decision of the director or a court of law, or the voluntary surrender of a license by a
20 licensee shall not deprive the director of jurisdiction to proceed with any investigation
of, or action or disciplinary proceedings against, the licensee, or to render a decision
suspending or revoking the license.

21 **STATUTORY PROVISIONS FOR ACCUSATION**

22 12. Section 9884.7 of the Code states, in pertinent part:

23 (a) The director, if the automotive repair dealer cannot show there was a bona
24 fide error, may deny, suspend, revoke, or place on probation the registration of an
25 automotive repair dealer for any of the following acts or omissions related to the
26 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:

27 (1) Making or authorizing in any manner or by any means whatever any
28 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.

...

(3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature as soon as the customer signs the document.

(4) Any other conduct that constitutes fraud.

...

(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.

13. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

(a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.

(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of the vehicle's emission control system.

(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded mode are tested in accordance with procedures prescribed by the department. In determining how loaded mode and evaporative emissions testing shall be conducted, the department shall ensure that the emission reduction targets for the enhanced program are met.

(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic compound emissions, in accordance with procedures prescribed by the department.

(e) For diesel-powered vehicles, a visual inspection is made of emission control devices and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the department, that may include, but are not limited to, onboard diagnostic testing. The test may include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

1 (f) A visual or functional check is made of emission control devices specified
2 by the department, including the catalytic converter in those instances in which the
3 department determines it to be necessary to meet the findings of Section 44001. The
4 visual or functional check shall be performed in accordance with procedures
5 prescribed by the department.

6 (g) A determination as to whether the motor vehicle complies with the emission
7 standards for that vehicle's class and model-year as prescribed by the department.

8 (h) An analysis of pass and fail rates of vehicles subject to an onboard
9 diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard
10 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles
11 failing their onboard diagnostic test have or would have passed a tailpipe test.

12 (i) The test procedures may authorize smog check stations to refuse the testing
13 of a vehicle that would be unsafe to test, or that cannot physically be inspected, as
14 specified by the department by regulation. The refusal to test a vehicle for those
15 reasons shall not excuse or exempt the vehicle from compliance with all applicable
16 requirements of this chapter.

17 14. Health and Safety Code section 44015 provides, in pertinent part:

18 (a) A licensed smog check station shall not issue a certificate of compliance,
19 except as authorized by this chapter, to any vehicle that meets the following criteria:

20 (1) A vehicle that has been tampered with.

21 (2) A vehicle identified pursuant to subparagraph (K) of paragraph (3) of
22 subdivision (b) of Section 44036. A vehicle identified pursuant to subparagraph (K)
23 of paragraph (3) of subdivision (b) of Section 44036 shall be directed to the
24 department to determine whether an inadvertent error can explain the irregularity, or
25 whether the vehicle otherwise meets smog check requirements, allowing the
26 certificate for compliance to be issued, or the vehicle shall be reinspected by a referee
27 or another smog check station.

28 (3) A vehicle that, prior to repairs, has been initially identified by the smog
check station as a gross polluter. Certification of a gross polluting vehicle shall be
conducted by a designated test-only facility, or a test-and-repair station that is both
licensed and certified pursuant to Sections 44014 and 44014.2.

(4) A vehicle described in subdivision (c).

(b) If a vehicle meets the requirements of Section 44012, a smog check station
licensed to issue certificates shall issue a certificate of compliance or a certificate of
noncompliance.

...

15. Health and Safety Code section 44032 states:

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

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

3 16. Health and Safety Code section 44059 states:

4 The willful making of any false statement or entry with regard to a material
5 matter in any oath, affidavit, certificate of compliance or noncompliance, or
6 application form which is required by this chapter or Chapter 20.3 (commencing with
7 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury
8 and is punishable as provided in the Penal Code.

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

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

13 (a) Violates any section of this chapter and the regulations adopted pursuant to
14 it, which related to the licensed activities.

15 . . .

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

18 . . .

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

22 **REGULATORY PROVISIONS FOR ACCUSATION**

23 19. California Code of Regulations, title 16, section 3340.30 states, in pertinent part:

24 A licensed smog check inspector and/or repair technician shall comply with the
25 following requirements at all times while licensed:

26 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
27 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code,
28 and section 3340.42 of this article.

. . .

20. California Code of Regulations, title 16, section 3340.35, subdivision (c), states, in
pertinent part:

(c) A licensed 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 this article and has all the required
emission control equipment and devices installed and functioning correctly. . .

21. California Code of Regulations, title 16, section 3340.42 states:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

(1) A loaded-mode test shall be the test method used to inspect 1976-1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby incorporated by reference. If the emissions standards for a specific vehicle are not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

(2) A two-speed idle mode test shall be the test method used to inspect 1976-1999 model-year vehicles, except diesel-powered, registered in all program areas of the state, except in those areas of the state where the enhanced program has been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are less than or equal to the applicable emissions standards specified in Table III.

(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

(c) The bureau may require any combination of the inspection methods in sections (a) and (b) under any of the following circumstances:

(1) Vehicles that the department randomly selects pursuant to Health and Safety Code section 44014.7 as a means of identifying potential operational problems with vehicle OBD systems.

(2) Vehicles identified by the bureau as being operationally or physically incompatible with inspection equipment.

(3) Vehicles with OBD systems that have demonstrated operational problems.

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

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

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

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

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

22. California Code of Regulations, title 16, section 3353 states, in pertinent part:

An estimate shall be provided to and authorized by the customer before any work commences. The estimate shall meet the requirements of Business and Professions Code section 9884.9 as well as the following:

(a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each customer an estimate containing the estimated price for parts and labor for a specific job prior to obtaining authorization. Each part listed in the estimate shall be new unless specifically identified as a used, rebuilt, or reconditioned part.

...

COST RECOVERY FOR ACCUSATION

23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee 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 ALLEGATIONS

Probation Conferences

24. On or about December 21, 2022 and August 23, 2023, the Bureau held Probation Conferences with Respondents. Bureau representatives advised Respondents that the terms of their probation required compliance with all statutes, regulations and rules governing automotive inspections, estimates, and repairs, and that, following the conference, the Bureau may send undercover vehicles to confirm compliance with the Automotive Repair Act.

Undercover Operation

25. From on or about July 12, 2023 through July 17, 2023, a Bureau lab representative inspected and documented the Bureau's 2003 Chevrolet. During the documentation, the Bureau lab representative removed the undercover vehicle's positive crankcase ventilation (PCV) valve and tube. Due to the removal of the PCV system components, the undercover vehicle would fail the visual inspection portion of a properly performed smog check inspection.

26. On or about August 29, 2023, at an undisclosed location in Lake Isabella, California, a Bureau representative met with and transferred custody of the 2003 Chevrolet to a Bureau undercover operator. The Bureau representative then instructed the undercover operator to drive the 2003 Chevrolet to Respondent True-Mans Smog's facility and request a smog check inspection. Immediately thereafter, the Bureau undercover operator drove the 2003 Chevrolet to Respondent True-Mans Smog's facility.

27. Upon arrival, the undercover operator requested a smog check inspection. The undercover operator signed, but did not receive a copy, of a written estimate before the requested smog check inspection began. After the inspection, the undercover operator paid Respondent True-Mans Smog \$70.00, and received a copy of an invoice and a Vehicle Inspection Report (VIR). The undercover operator then departed Respondent True-Mans Smog's facility and drove directly back to the undisclosed location where the Bureau representative was waiting.

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28. Upon receipt of the vehicle, the Bureau representative re-inspected the 2003 Chevrolet and verified that the PCV system components remained missing. As indicated by the Vehicle Inspection Report (VIR) and the Bureau's Vehicle Information Database (VID), Certificate of Compliance No. TM590318C was issued to the 2003 Chevrolet using Smog Check Inspector License No. EO640196, belonging to Respondent Hunt. The Bureau undercover operator identified Respondent Hunt, via the Bureau's database of smog check technicians which contains photographs, as the smog check technician who performed the smog check inspection on the 2003 Chevrolet.

29. On or about August 30, 2023, the same above-referenced Bureau lab representative re-inspected the 2003 Chevrolet and verified that PCV system components were missing. Due to the missing PCV system components, in this condition, the 2003 Chevrolet would not pass a properly performed smog check inspection, and Certificate of Compliance No. TM590318C should not have been issued for the 2003 Chevrolet.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

30. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that Respondent True-Mans Smog made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, by issuing an electronic smog certificate of compliance for the 2003 Chevrolet, certifying that the vehicle was in compliance with applicable laws and regulations, when, in fact, the vehicle was not. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 24-29, above, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

31. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent True-Mans Smog committed acts that constitute fraud by issuing an electronic smog certificate of

1 compliance for the 2003 Chevrolet when it was missing PCV system component parts, thereby
2 depriving the People of the State of California of the protection afforded by the Motor Vehicle
3 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
4 contained in paragraphs 24-29, above, as though set forth fully herein.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Written Estimate Requirements)**

7 32. Respondent True-Mans Smog's Automotive Repair Dealer Registration is subject to
8 disciplinary action pursuant to Code sections 9884.7, subdivision (a)(3), and 9884.9, subdivision
9 (a), in that Respondent True-Mans Smog failed to provide the undercover operator with a copy of
10 the signed written estimate before the requested smog check inspection began. Complainant
11 refers to, and by this reference incorporates, the allegations contained in paragraphs 24-29, above,
12 as though set forth fully herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

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

15 33. Respondent True-Mans Smog's Smog Check, Test-Only, Station License is subject to
16 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that it
17 failed to comply with sections of that Code as follows:

18 a. **Section 44012:** Respondent True-Mans Smog failed to ensure that the emission
19 control tests were performed on the 2003 Chevrolet in accordance with procedures prescribed by
20 the department.

21 b. **Section 44012, subdivision (f):** Respondent True-Mans Smog failed to ensure that a
22 visual and functional check was made of emission control devices on the 2003 Chevrolet as
23 specified by the department.

24 **Section 44015, subdivision (b):** Respondent True-Mans Smog issued an electronic smog
25 certificate of compliance to the 2003 Chevrolet without properly testing and inspecting the
26 vehicle to determine if it was in compliance with Health and Safety Code section 44012.

27 Complainant refers to, and by this reference incorporates, the allegations contained in
28 paragraphs 24-29, above, as though set forth fully herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 34. Respondent True-Mans Smog's Smog Check, Test-Only, Station License is subject to
4 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that it
5 failed to comply with provisions of California Code of Regulations, title 16, as follows:

6 a. **Section 3340.35, subdivision (c):** Respondent True-Mans Smog issued an electronic
7 smog certificate of compliance for the 2003 Chevrolet even though the vehicle had not been
8 inspected in accordance with section 3340.42.

9 b. **Section 3340.42:** Respondent True-Mans Smog failed to ensure that the smog
10 inspection conducted on the 2003 Chevrolet was done in accordance with the Bureau's
11 specifications.

12 c. **Section 3353:** Respondent True-Mans Smog failed to provide the customer with a
13 written estimated price for parts and labor for a specific job prior to obtaining authorization.

14 Complainant refers to, and by this reference incorporates, the allegations contained in
15 paragraphs 24-29, above, as though set forth fully herein.

16 **SIXTH CAUSE FOR DISCIPLINE**

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

18 35. Respondent Hunt's Smog Check Inspector License is subject to disciplinary action
19 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply
20 with sections of that Code as follows:

21 a. **Section 44032:** Respondent Hunt failed to perform tests of emission control devices
22 and systems on the 2003 Chevrolet in accordance with Health and Safety Code section 44012.

23 b. **Section 44059:** Respondent Hunt willfully made a false entry for the electronic
24 certificate of compliance by certifying that the 2003 Chevrolet had been inspected as required
25 when, in fact, it had not.

26 Complainant refers to, and by this reference incorporates, the allegations contained in
27 paragraphs 24-29, above, as though set forth fully herein.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Hunt's Smog Check Inspector License is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply
5 with California Code of Regulations, title 16, section 3340.30, subdivision (a), as follows:
6 Respondent Hunt failed to inspect and test the 2003 Chevrolet in accordance with Health and
7 Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section
8 3340.42. Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 24-29, above, as though set forth fully herein.

10 **JURISDICTION AND STATUTORY PROVISIONS FOR PETITION TO REVOKE**

11 **PROBATION**

12 37. This Petition to Revoke Probation is brought before the Director for the Bureau of
13 Automotive Repair under Probation Term and Condition No. 8 of the Decision and Order *In the*
14 *Matter of the Accusation Against: Chad Allen Hunt dba True-Mans Smog and Chad Allen Hunt*,
15 Case No. 79/21-3686. That term and condition states:

16 **Violation of Probation.** If Respondents violate or fail to comply with the
17 terms and conditions of probation in any respect, the Director, after giving notice and
18 opportunity to be heard may set aside the stay order and carry out the disciplinary
19 order provided in the decision. Once Respondents are served notice of BAR's intent
20 to set aside the stay, the Director shall maintain jurisdiction, and the period of
21 probation shall be extended until final resolution of the matter.

22 **CAUSE TO REVOKE PROBATION**

23 **(Failure to Obey All Laws)**

24 38. At all times after the effective date of the Decision imposing probation on
25 Respondent True-Mans Smog and Respondent Hunt, Condition No. 1 of the Order provided:

26 **Obey All Laws.** During the period of probation, Respondents shall comply
27 with all federal and state statutes, regulations and rules governing all BAR
28 registrations and licenses held by Respondents.

39. Respondent True-Mans Smog's and Respondent Hunt's probation is subject to
revocation because, as described in paragraphs 24-36, above, Respondents violated Condition No. 1
by failing to comply with all state laws governing the activities of Bureau registrants and licensees.

1 **OTHER MATTERS**

2 40. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
3 Director may suspend, revoke, or place on probation the registration for all places of business
4 operated in this state by Respondent True-Mans Smog upon a finding that it has, or is, engaged in
5 a course of repeated and willful violations of the laws and regulations pertaining to an automotive
6 repair dealer.

7 41. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only,
8 Station License No. TC 288107, issued to Respondent True-Mans Smog, is revoked or
9 suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
10 and Safety Code in the name of said licensee may be likewise revoked or suspended by the
11 director.

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

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
18 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of the
19 Department of Consumer Affairs issue a decision:

20 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
21 No. 79/21-3686 and imposing the disciplinary order that was stayed thereby revoking the
22 following licenses:

23 a. Automotive Repair Dealer Registration No. ARD 288107 issued to Chad Allen Hunt,
24 dba True-Mans Smog;

25 b. Smog Check, Test-Only, Station License No. TC 288107, issued to Chad Allen Hunt,
26 dba True-Mans Smog;

27 c. Smog Check Inspector License No. EO 640196 issued to Chad Allen Hunt;

28 ///

2. Revoking or suspending the following licenses pursuant to the violations set forth in the Accusation herein:

a. Automotive Repair Dealer Registration No. ARD 288107, issued to Chad Allen Hunt, dba True-Mans Smog;

b. Smog Check, Test-Only, Station License No. TC 288107, issued to Chad Allen Hunt, dba True-Mans Smog;

c. Smog Check Inspector License No. EO 640196, issued to Chad Allen Hunt;

3. Revoking or suspending any other automotive repair dealer registrations issued to Chad Allen Hunt;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Chad Allen Hunt;

5. Ordering Chad Allen Hunt, dba True-Mans Smog and Chad Allen Hunt to pay the Director of the Department of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2024.08.08
08:41:15 -07'00'

DATED: As of Digital Signature Date

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

LA2024601514
66699120.docx

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/21-3686