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

12 In the Matter of the Accusation Against:

Case No. 79/25-1965

13 **ABBETTER SMOG**
SCOTT RICHARD GREESON, OWNER

ACCUSATION

14 617 E. Pine Street, #D
Lodi, CA 95240

15 **Automotive Repair Dealer Registration No.**
16 **ARD 293742**
17 **Smog Check, Test Only, Station License No.**
TC 293742,

18 **and**

19 **SCOTT RICHARD GREESON**
20 617 E. Pine Street, #D
Lodi, CA 95240

21 **Smog Check Inspector License No. EO**
632266
22 **Smog Check Repair Technician License No.**
EI 632266

23
24 Respondent.

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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 March 20, 2019, the Bureau issued Automotive Repair Dealer
5 Registration Number ARD 293742 to Abbetter Smog, with Scott Richard Greeson as owner
6 (Respondent Abbetter Smog). The Automotive Repair Dealer Registration was in full force and
7 effect at all times relevant to the charges brought herein and will expire on March 31, 2026,
8 unless renewed.

9 3. On or about April 9, 2019, the Bureau issued Smog Check, Test Only, Station
10 License Number TC 293742 to Respondent Abbetter Smog. The Smog Check, Test Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on March 31, 2026, unless renewed. Respondent Abbetter Smog is also certified as a
13 STAR station. The certification was issued on or about August 15, 2019, and will remain active
14 unless the ARD registration and/or Smog Check station license is revoked, cancelled, licenses
15 become delinquent, or certification is suspended.

16 4. On or about October 25, 2012, the Bureau issued Smog Check Inspector License
17 Number EO 632266 to Scott Richard Greeson (Respondent Greeson). The Smog Check
18 Inspector License was in full force and effect at all times relevant to the charges brought herein
19 and will expire on October 31, 2026, unless renewed.

20 5. On or about October 25, 2012, the Bureau issued Smog Check Repair Technician
21 License Number EI 632266 to Respondent Greeson. The Smog Check Repair Technician License
22 expired on October 31, 2016, and has not been renewed.

23 **JURISDICTION**

24 6. This Accusation is brought before the Director for the Bureau (Director) under the
25 authority of the following laws. All section references are to the Business and Professions Code
26 (Code) unless otherwise indicated.

27 7. Code section 477 provides, in pertinent part, that Board includes bureau, commission,
28 committee, department, division, examining committee, program, and agency. License includes

1 certificate, registration, or other means to engage in a business or profession regulated by the
2 Code.

3 8. Code section 9884.13 states, “The expiration of a valid registration shall not deprive
4 the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding
5 against an automotive repair dealer or to render a decision invalidating a registration temporarily
6 or permanently.”

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

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

14 11. Health & Saf. Code section 44072.8 states that when a license has been revoked or
15 suspended following a hearing under this article, any additional licenses issued under this chapter
16 in the name of the licensee may be likewise revoked or suspended by the Director.

17 **STATUTORY PROVISIONS**

18 12. Code section 9884.7 states, in pertinent part:

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

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

28 ...

(4) Any other conduct which constitutes fraud.

...

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

...

1 (c) Notwithstanding subdivision (b), the director may suspend, revoke or place
2 on probation the registration for all places of business operated in this state by an
3 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....

4 13. Code section 9889.22 states:

5 The willful making of any false statement or entry with regard to a material matter in
6 any oath, affidavit, certificate of compliance or noncompliance, or application form which
7 is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of
Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided
in the Penal Code.

8 14. Health & Saf. Code section 44012, states, in pertinent part:

9 The test at the smog check stations shall be performed in accordance with
10 procedures prescribed by the department and may require loaded mode
11 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a
12 vehicle's onboard diagnostic system, or other appropriate test procedures as
13 determined by the department in consultation with the state board. The department
14 shall implement testing using onboard diagnostic systems, in lieu of loaded mode
15 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:

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

18 ...

19 (f) A visual or functional check is made of emission control devices
20 specified by the department, including the catalytic converter in those instances in
which the findings of Section 44001. The visual or functional check shall be
performed in accordance with the procedures as prescribed by the department....

21 15. Health & Saf. Code section 44015, subdivision (b), provides that a certificate
22 of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code
23 section 44012.

24 16. Health & Saf. Code section 44032 provides that qualified technicians shall perform
25 tests of emissions control devices and systems in accordance with Health & Saf. Code section
26 44012.

27 ///

17. Health & Saf. Code section 44059 states:

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

18. Health & Saf. Code section 44072.2 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 Safety 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....

19. Health & Saf. Code section 44072.10 states, in pertinent part:

...

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

...

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

REGULATORY PROVISIONS

20. California Code of Regulations, title 16 (CCR), section 3340.30 states, in pertinent part:

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

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

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1 21. CCR section 3340.35, states, in pertinent part:

2 ...

3 (c) A licensed station shall issue a certificate of compliance or noncompliance
4 to the owner or operator of any vehicle that has been inspected in accordance with the
5 procedures specified in section 3340.42 of this article and has all the required
6 emission control equipment and devices installed and functioning correctly. The
7 following conditions shall apply....

8 22. CCR section 3340.41, states, in pertinent part:

9 ...

10 (c) No person shall enter into the emissions inspection system any vehicle
11 identification information or emission control system identification data for any
12 vehicle other than the one being tested. Nor shall any person knowingly enter into the
13 emissions inspection system any false information about the vehicle being tested....

14 23. CCR section 3340.42, states:

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

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

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

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

35 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
36 1999 model-year vehicles, except diesel-powered, registered in all program areas of
37 the state, except in those areas of the state where the enhanced program has been
38 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
39 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
40 contained in the bureau's specifications referenced in subsection (a) of Section
41 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
42 shall be measured and compared to the emission standards set forth in this section and
43 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
44 measured emissions are less than or equal to the applicable emissions standards
45 specified in Table III.

1 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
2 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
3 model-year and newer. The OBD test failure criteria are specified in section
4 3340.42.2.

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

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

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

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

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

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

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

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

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

25 (2) Vehicles with emission levels exceeding the emission standards for gross
26 polluters during an initial inspection will be considered gross polluters and the
27 provisions pertaining to gross polluting vehicles will apply, including, but not limited
28 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.

COST RECOVERY

24. Code section 125.3 provides, in pertinent part, that the Bureau may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
2 of the case, with failure of the licensee to comply subjecting the license to not being renewed or
3 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
4 stipulated settlement.

5 **UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM**

6 25. On or about March 9, 2015, California's Smog Check Program was updated to keep
7 pace with advancing technology. The program update required the use of an On-Board Diagnostic
8 Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of
9 the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and
10 most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device
11 (DAD), computer, bar code scanner, and printer.

12 26. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the
13 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between
14 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used
15 to input technician information, the vehicle identification number, and the Department of Motor
16 Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically
17 present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics —
18 Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed
19 into the OBD II computer in earlier model-years. The electronically programmed VIN is referred
20 to as the “eVIN”, is captured by the Bureau during a smog check inspection and should match the
21 physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which
22 shows the inspection results and the Smog Check Certificate of Compliance Number for passing
23 vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the
24 communication protocol¹, and the number of Parameter Identifications (PID)².

25 ¹ The OBD II communication protocol describes the specified communication “language”
26 used by the OBD II computer to communicate to scan tools and other devices such as the BAR-
27 OIS. The communication protocol is programmed into the vehicle's on-board computer during
28 manufacture and does not change.

² PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-
OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number
of data points.

REVIEW OF OIS TEST DATA

27. Bureau representative C.P. reviewed BAR-OIS test data pertaining to smog inspections conducted at Respondent Abbetter Smog's facility. C.P. found that Respondent Greeson had performed smog check inspections on the nine vehicles identified below using a method known as "clean plugging,"³ resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

28. BAR-OIS test data showed that on February 1, 2024, Respondent Greeson performed a smog check inspection on a 2008 Ford F-250 (Vehicle 1), resulting in the issuance of Certificate of Compliance No. TS209691C. The OIS test details for Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 1. The PID count recorded during the inspection on Vehicle 1 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

29. C.P. utilized the Bureau's database and found that Vehicle 1 had been previously tested and passed inspection on February 15, 2019, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 1.

30. C.P. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 1 on February 1, 2024, matched a 2007 Chevrolet Express. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 1 were consistent with the communication protocol and PID count for the 2007 Chevrolet Express. C.P. concluded that Respondent Greeson had used the 2007 Chevrolet Express's properly functioning OBD II system during the smog inspection of Vehicle 1, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 1.

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³ Clean plugging is the use of a vehicle's properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

Vehicle 2

31. BAR-OIS test data showed that on July 6, 2024, at 0850 hours, Respondent Greeson performed a smog check inspection on a 2018 GMC Sierra (Vehicle 2) that had failed for readiness failed to record the eVIN, and also had the incorrect PIDs and protocol. At 1117 hours on the same day, Respondent Greeson performed a second smog check inspection of Vehicle 2 resulting in the issuance of Certificate of Compliance No. UA244504C. The OIS test details for this inspection of Vehicle 2 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 2. The PID count recorded during the inspection on Vehicle 2 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

32. C.P. utilized the Bureau's database and found that Vehicle 2 had been previously tested and passed inspection on April 27, 2022, a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 2.

33. C.P. utilized the Bureau's database and found that during both inspections of Vehicle 2, on July 20, 2024, the BAR-OIS DAD was not connected to the 2018 GMC Sierra K2500. During the second inspection, performed at 1117 hours, Respondent Greeson used a 2002 Cadillac Deville that belonged to Respondent Greeson. The communication protocol and PID count transmitted to the Bureau's database during that inspection of Vehicle 2 were consistent with the communication protocol and PID count for the 2002 Cadillac Deville. C.P. concluded that Respondent Greeson had used the 2002 Cadillac Deville's properly functioning OBD II system during the smog inspection of Vehicle 2, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 2.

Vehicle 3

34. BAR-OIS test data showed that on July 20, 2024, Respondent Greeson performed a smog check inspection on a 2006 Chevrolet Trailblazer (Vehicle 3), resulting in the issuance of Certificate of Compliance No. UA584218C. The OIS test details for Vehicle 3 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 3. The PID count

1 recorded during the inspection on Vehicle 3 was not consistent with the PID count for the make
2 and model of this vehicle by other smog check stations.

3 35. C.P. utilized the Bureau's database and found that Vehicle 3 had been previously
4 tested and passed inspection on March 25, 2022, at a different facility. The BAR-OIS test data
5 from that inspection showed the eVIN had been transmitted as expected, and the communication
6 protocol and PID count had been consistent with the make and model of Vehicle 3.

7 36. C.P. utilized the Bureau's database and found that the eVIN transmitted during the
8 inspection of Vehicle 3 on July 20, 2024, matched the 2002 Cadillac Deville used in the clean
9 plug of Vehicle 2. The communication protocol and PID count transmitted to the Bureau's
10 database during the inspection of Vehicle 3 were consistent with the communication protocol and
11 PID count for the 2002 Cadillac Deville. C.P. concluded that Respondent Greeson had used the
12 2002 Cadillac Deville's properly functioning OBD II system during the smog inspection of
13 Vehicle 3, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 3.

14 **Vehicle 4**

15 37. BAR-OIS test data showed that on August 2, 2024, at 1213 hours, Respondent
16 Greeson performed a smog check inspection on a 2010 Dodge Challenger (Vehicle 4) that had
17 failed the inspection for readiness monitors. At 1236 hours on the same day, Respondent Greeson
18 performed a second smog check inspection of Vehicle 4 resulting in the issuance of Certificate of
19 Compliance No. UA863885C. The OIS test details for Vehicle 4 showed that the eVIN recorded
20 during the inspection did not match the physical VIN on Vehicle 4. The PID count recorded
21 during the inspection on Vehicle 4 was not consistent with the PID count for the make and model
22 of this vehicle by other smog check stations.

23 38. C.P. utilized the Bureau's database and found that Vehicle 4 had been previously
24 tested and passed inspection on August 8, 2022, at a different facility. The BAR-OIS test data
25 from that inspection showed the eVIN had been transmitted as expected, and the communication
26 protocol and PID count had been consistent with the make and model of Vehicle 4.

27 39. C.P. utilized the Bureau's database and found that the eVIN transmitted during the
28 inspection of Vehicle 4 on August 2, 2024, matched a 2006 Volvo XC90. The communication

1 protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 4
2 were consistent with the communication protocol and PID count for the 2006 Volvo XC90. C.P.
3 concluded that Respondent Greeson had used the 2006 Volvo XC90's properly functioning OBD
4 II system during the smog inspection of Vehicle 4, resulting in the issuance of a fraudulent smog
5 certificate of compliance for Vehicle 4.

6 **Vehicle 5**

7 40. BAR-OIS test data showed that on August 17, 2024, Respondent Greeson performed
8 a smog check inspection on a 2000 Chevrolet S-10 (Vehicle 5), resulting in the issuance of
9 Certificate of Compliance No. IZ901559C. The OIS test details for Vehicle 5 showed that the
10 eVIN recorded during the inspection did not match the physical VIN on Vehicle 5. The PID count
11 recorded during the inspection on Vehicle 5 was not consistent with the PID count for the make
12 and model of this vehicle by other smog check stations.

13 41. C.P. utilized the Bureau's database and found that Vehicle 5 had been previously
14 tested and passed inspection on January 5, 2023, at a different facility. The BAR-OIS test data
15 from that inspection showed the eVIN had been transmitted as expected, and the communication
16 protocol and PID count had been consistent with the make and model of Vehicle 5.

17 42. C.P. utilized the Bureau's database and found that the eVIN transmitted during the
18 inspection of Vehicle 5 on August 17, 2024, matched the 2002 Cadillac Deville used in the clean
19 plugs of Vehicles 2 and 3. The communication protocol and PID count transmitted to the Bureau's
20 database during the inspection of Vehicle 5 were consistent with the communication protocol and
21 PID count for the 2002 Cadillac Deville. C.P. concluded that Respondent Greeson had used the
22 2002 Cadillac Deville's properly functioning OBD II system during the smog inspection of
23 Vehicle 5, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 5.

24 **Vehicle 6**

25 43. BAR-OIS test data showed that on September 14, 2024, Respondent Greeson
26 performed a smog check inspection on a 2010 Chevrolet Cobalt (Vehicle 6), resulting in the
27 issuance of Certificate of Compliance No. UC795139C. The OIS test details for Vehicle 6
28 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle

6. The PID count recorded during the inspection on Vehicle 6 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

44. C.P. utilized the Bureau's database and found that Vehicle 6 had been previously tested and passed inspection on August 18, 2022, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 6.

45. C.P. utilized the Bureau's database and found that the eVIN, communication protocol, and PID count transmitted during the inspection of Vehicle 6 on September 14, 2024, matched the 2002 Cadillac Deville used in the clean plugs of Vehicles 2, 3 and 5. C.P. concluded that Respondent Greeson had used the 2002 Cadillac Deville's properly functioning OBD II system during the smog inspection of Vehicle 6, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 6.

Vehicle 7

46. BAR-OIS test data showed that on December 30, 2024, Respondent Greeson performed a smog check inspection on a 2008 GMC Sierra (Vehicle 7), resulting in the issuance of Certificate of Compliance No. UI325515C. The OIS test details for Vehicle 7 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 7. The PID count recorded during the inspection on Vehicle 7 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

47. C.P. utilized the Bureau's database and found that Vehicle 7 had been previously tested and passed inspection on December 28, 2022, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 7.

48. C.P. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 7 on December 30, 2024, matched a 2006 Dodge Stratus. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 7 were consistent with the communication protocol and PID count for the 2006 Dodge

1 Stratus. C.P. concluded that Respondent Greeson had used the 2006 Dodge Stratus's properly
2 functioning OBD II system during the smog inspection of Vehicle 7, resulting in the issuance of
3 a fraudulent smog certificate of compliance for Vehicle 7.

4 **Vehicle 8**

5 49. BAR-OIS test data showed that on December 31, 2024, Respondent Greeson
6 performed a smog check inspection on a 2009 Saturn Outlook (Vehicle 8), resulting in the
7 issuance of Certificate of Compliance No. UI325525C. The OIS test details for Vehicle 8 showed
8 that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 8. The
9 PID count recorded during the inspection on Vehicle 8 was not consistent with the PID count for
10 the make and model of this vehicle by other smog check stations.

11 50. C.P. utilized the Bureau's database and found that Vehicle 8 had been previously
12 tested and passed inspection on November 30, 2021, at a different facility. The BAR-OIS test
13 data from that inspection showed the eVIN had been transmitted as expected, and the
14 communication protocol and PID count had been consistent with the make and model of
15 Vehicle 8.

16 51. C.P. utilized the Bureau's database and found that the eVIN transmitted during the
17 inspection of Vehicle 8 on December 31, 2024, matched the 2006 Dodge Stratus used in the clean
18 plug of Vehicle 7. The communication protocol and PID count transmitted to the Bureau's
19 database during the inspection of Vehicle 8 were consistent with the communication protocol and
20 PID count for the 2006 Dodge Stratus. C.P. concluded that Respondent Greeson had used the
21 2006 Dodge Stratus's properly functioning OBD II system during the smog inspection of Vehicle
22 8, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 8.

23 **Vehicle 9**

24 52. BAR-OIS test data showed that on January 8, 2025, at 1407 hours, Respondent
25 Greeson performed a smog check inspection on a 2016 Nissan Rogue (Vehicle 9) that failed the
26 inspection for readiness monitors. At 1600 hours on the same day, Respondent Greeson
27 performed a second smog check inspection of Vehicle 9 resulting in the issuance of Certificate
28 of Compliance No. JB808963C. The OIS test details for Vehicle 9 showed that the eVIN

1 recorded during the inspection did not match the physical VIN on Vehicle 9. The PID count
2 recorded during the inspection on Vehicle 9 was not consistent with the PID count for the make
3 and model of this vehicle by other smog check stations.

4 53. C.P. utilized the Bureau's database and found that Vehicle 9 had been previously
5 tested and passed inspection on February 8, 2023, at Respondent Abbetter Smog's facility. The
6 BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and
7 the communication protocol and PID count had been consistent with the make and model of
8 Vehicle 9.

9 54. C.P. utilized the Bureau's database and found that the eVIN transmitted during the
10 inspection of Vehicle 9 on January 8, 2025, matched a 2014 Chevrolet Malibu. The
11 communication protocol and PID count transmitted to the Bureau's database during the
12 inspection of Vehicle 9 were consistent with the communication protocol and PID count for the
13 2014 Chevrolet Malibu. C.P. concluded that Respondent Greeson had used the 2014 Chevrolet
14 Malibu's properly functioning OBD II system during the smog inspection of Vehicle 9, resulting
15 in the issuance of a fraudulent smog certificate of compliance for Vehicle 9.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Untrue or Misleading Statements)**

18 55. Respondent Abbetter Smog's registration is subject to disciplinary action pursuant to
19 Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that
20 Respondent Abbetter Smog made or authorized statements which Respondent Abbetter Smog
21 knew or in the exercise of reasonable care should have known to be untrue or misleading.
22 Specifically, Respondent Abbetter Smog certified that Vehicles 1 through 9, identified in
23 paragraphs 28 through 54, above, passed inspection and were in compliance with applicable laws
24 and regulations when, in fact, those vehicles had not been properly inspected.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 56. Respondent Abbetter Smog's registration is subject to disciplinary action pursuant to
4 Code section 9884.7, subdivision (a)(4), in that Respondent Abbetter Smog committed acts that
5 constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 9,
6 identified in paragraphs 28 through 54, above, without ensuring that bona fide inspections were
7 performed of the emission control devices and systems on the vehicles, thereby depriving the
8 People of the State of California of the protection afforded by the Motor Vehicle Inspection
9 Program.

10 **THIRD CAUSE FOR DISCIPLINE**

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

12 57. Respondent Abbetter Smog's registration is subject to disciplinary action pursuant
13 Code section 9884.7, subdivision (a)(6), in that Respondent Abbetter Smog failed in a material
14 respect to comply with the provisions of the chapter or regulations adopted pursuant to it when
15 Respondent Abbetter Smog issued electronic certificates of compliance for Vehicles 1 through 9,
16 identified in paragraphs 28 through 54, above, without performing bona fide inspections of the
17 emission control devices and systems on those vehicles, thereby depriving the People of the State
18 of California of the protection afforded by the Motor Vehicle Inspection Program.

19 **FOURTH CAUSE FOR DISCIPLINE**

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

21 58. Respondent Abbetter Smog's smog check, test only, station license is subject to
22 discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent
23 Abbetter Smog failed to comply with the following sections of the CCR's:

24 a. **Section 3340.35, subdivision (c)**: Respondent Abbetter Smog failed to inspect
25 and test Vehicles 1 through 9 in accordance with the procedures specified in section 3340.42 of
26 the CCR and failed to ensure that the vehicles had all the required emission control equipment
27 and devices installed and functioning correctly.

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b. **Section 3373:** Respondent Abbetter Smog made or authorized documents which it knew or which by exercise of reasonable care should have known to be untrue or misleading, when Respondent issued fraudulent smog certificates of compliance for Vehicles 1 through 9.

FIFTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

59. Respondent Abbetter Smog's smog check, test only, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to Vehicles 1 through 9, identified in paragraphs 28 through 54, above, Respondent Abbetter Smog failed to comply with the Health & Saf. Code, as follows:

a. **Health & Saf. Code, section 44012**: Respondent Abbetter Smog failed to ensure that the emission control tests were performed on the vehicles in accordance with procedures prescribed by the department.

b. **Health & Saf. Code, section 44015**: Respondent Abbetter Smog issued electronic smog certificates of compliance for the vehicles without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health & Saf. Code section 44012.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

60. Respondent Abbetter Smog's smog check, test only, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Abbetter Smog committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 9, identified in paragraphs 28 through 54, above, without ensuring that a bona fide inspection had been performed of the emission control devices and systems on the vehicles, thereby depriving the people of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 61. Respondent Greeson's smog check inspector license and smog check repair
4 technician license are subject to disciplinary action pursuant to Health & Saf. Code
5 section 44072.2, subdivision (a), in that Respondent Greeson violated section 44032 of that Code.
6 Specifically, Respondent Greeson failed to perform the emission control tests on Vehicles 1
7 through 9, identified in paragraphs 28 through 54, above, in accordance with procedures
8 prescribed by the department.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations)**

11 62. Respondent Greeson's smog check inspector license and smog check repair
12 technician license are subject to discipline pursuant to Health & Saf. Code section 44072.2,
13 subdivision (c), in that regarding Vehicles 1 through 9, identified in paragraphs 28 through 54,
14 above, Respondent Greeson failed to comply with provisions of the CCR, as follows:

15 a. **CCR, section 3340.30, subdivision (a)**: Respondent Greeson failed to inspect
16 and test Vehicles 1 through 9 in accordance with Health & Saf. Code section 44012 and CCR
17 section 3340.42.

18 b. **CCR, section 3340.41, subdivision (c)**: Respondent Greeson entered false
19 information into the OIS by entering vehicle identification information for a vehicle other than
20 the one being tested.

21 **NINTH CAUSE FOR DISCIPLINE**

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

23 63. Respondent Greeson's smog check inspector license and smog check repair
24 technician license are subject to disciplinary action pursuant to Health & Saf. Code
25 section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10,
26 subdivision (c), in that Respondent Greeson committed dishonest, fraudulent, or deceitful acts
27 whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1
28 through 9, identified in paragraphs 28 through 54, above, without performing bona fide

1 inspections of the emission control devices and systems on those vehicles, thereby depriving the
2 People of the State of California of the protection afforded by the Motor Vehicle Inspection
3 Program.

4 **OTHER MATTERS**

5 64. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
6 suspend, revoke, or place on probation the registration for all places of business operated in this
7 state by Respondent Abbetter Smog, upon a finding that Respondent Abbetter Smog has, or is,
8 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
9 automotive repair dealer.

10 65. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station
11 License Number TC 293742, issued to Respondent Abbetter Smog, is revoked or suspended, any
12 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in
13 the name of said licensee may be likewise revoked or suspended by the Director.

14 66. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
15 Number EO 632266 and Smog Check Repair Technician License Number EI 632266, issued to
16 Respondent Greeson, are revoked or suspended, any additional license issued under Chapter 5 of
17 Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise
18 revoked or suspended by the Director.

19 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 293742, issued to Abbetter Smog with Scott Richard Greeson as the owner;

25 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
26 Scott Richard Greeson;

27 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
28 293742, issued to Abbetter Smog with Scott Richard Greeson as the owner;

- 1 4. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of
2 Division 26 of the Health & Saf. Code in the name of Scott Richard Greeson;
- 3 5. Revoking or suspending Smog Check Inspector License Number EO 632266, issued
4 to Scott Richard Greeson;
- 5 6. Revoking or suspending Smog Check Repair Technician License Number EI 632266,
6 issued to Scott Richard Greeson;
- 7 7. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of
8 Division 26 of the Health & Saf. Code in the name of Scott Richard Greeson;
- 9 8. Ordering Abbetter Smog and Scott Richard Greeson to pay the Bureau of Automotive
10 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3; and
- 12 9. Taking such other and further action as deemed necessary and proper.

13
14 DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.01.22 14:14:41
-08'00'

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

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