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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. 79/25-4719

14 **HECTOR ANTONIO RIVERA – OWNER**
15 **DBA FIVE STAR SMOG CHECK**
16 **3831 W. Rosecrans Avenue, Unit A**
17 **Hawthorne, CA 90250**

ACCUSATION

18 Automotive Repair Dealer Registration
19 No. ARD 307103
20 Smog Check Test-Only Station License
21 No. TC 307103,

and

22 **CHRISTOPHER MAURICE GARCIA**
23 **12366 Acacia Ave**
24 **Chino, CA 91710**

25 Smog Check Inspector License No. EO
26 641036,

27 Respondents.
28

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 September 29, 2023, the Bureau issued Automotive Repair Dealer Registration
5 Number ARD 307103 to Hector Antonio Rivera – Owner, currently dba (doing business as) Five
6 Star Smog Check (Respondent Rivera).¹ The Automotive Repair Dealer Registration was in full
7 force and effect at all times relevant to the charges brought in this Accusation and will expire on
8 September 30, 2026, unless renewed.

9 3. On December 12, 2023, the Bureau issued Smog Check, Test-Only, Station License
10 Number TC 307103 to Respondent Rivera. The Smog Check, Test-Only, Station License was in
11 full force and effect at all times relevant to the charges brought in this Accusation and will expire
12 on September 30, 2026, unless renewed.

13 4. Five Star Smog Check was certified as a STAR station on January 16, 2024.

14 5. On April 9, 2018, the Bureau issued Smog Check Inspector License Number EO
15 641036 to Christopher Maurice Garcia (Respondent Garcia). The Smog Check Inspector License
16 was in full force and effect at all times relevant to the charges brought in this Accusation and will
17 expire on October 31, 2027, unless renewed.

18 **ADDITIONAL LICENSES**

19 6. On April 28, 2023, the Bureau issued Smog Check Inspector License Number EO
20 644304 to Respondent Rivera. The Smog Check Inspector License was in full force and effect at
21 all times relevant to the charges brought in this Accusation and will expire on May 31, 2027,
22 unless renewed.

23 7. On January 23, 2024, the Bureau issued Automotive Repair Dealer Registration
24 Number ARD 308064 to Respondent Rivera dba Fast Bay's Smog Check. The Automotive
25 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
26 in this Accusation and will expire on January 31, 2027, unless renewed.

27 ¹ Respondent Rivera was the owner, dba Alondra Star Smog, under Automotive Repair
28 Dealer Registration number ARD 307103, located at 9519 Alondra Boulevard, Unit D,
Bellflower, California 90706, at all times relevant to this Accusation.

8. On June 20, 2018, the Bureau issued Automotive Repair Dealer Registration Number ARD 291431 to Respondent Garcia dba Star Plus Smog Check. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on June 30, 2027, unless renewed.

9. On March 23, 2020, the Bureau issued Smog Check, Test-Only, Station License Number TC 291431 to Respondent Garcia. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on June 30, 2027, unless renewed.

JURISDICTION

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

11. Business and Professions Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

12. Business and Professions Code section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” “License” includes certificate, registration or other means to engage in a business or profession regulated by the Business and Professions Code.

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

14. Business and Professions Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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

16. Health and Safety 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

17. Business and Professions Code section 9884.7 states, in pertinent part:

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

(1) 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.

...

(4) Any other conduct that constitutes fraud.

...

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

• • •

(9) Having repair work done by someone other than the dealer or the dealer's employees without the knowledge or consent of the customer unless the dealer can demonstrate that the customer could not reasonably have been notified.

• • •

(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.

18. Business and Professions Code section 9884.9 states, in pertinent part:

• • •

(b) The automotive repair dealer shall include with the written estimated price a statement of any automotive repair service that, if required to be done, will be done by someone other than the dealer or his or her employees. No service shall be done

1 by other than the dealer or his or her employees without the consent of the customer,
2 unless the customer cannot reasonably be notified. The dealer shall be responsible,
3 in any case, for any service in the same manner as if the dealer or his or her
4 employees had done the service.

...

19. Business and Professions Code section 9889.22 states:

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

20. Health and Safety Code section 44012 states:

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

17 model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013.
18 However, the department, in consultation with the state board, may prescribe alternative
19 test procedures that include loaded mode dynamometer or two-speed idle testing for
20 vehicles with onboard diagnostic systems that the department and the state board determine
21 exhibit operational problems. The department shall ensure, as appropriate to the test
22 method, the following:

...

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

...

21. Health and Safety Code section 44015, subdivision (b), states that: "If a vehicle meets
24 the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a
25 certificate of compliance or a certificate of noncompliance."

22. Health and Safety Code section 44032 states that: "No person shall perform, for
26 compensation, tests or repairs of emission control devices or systems of motor vehicles required
27 by this chapter unless the person performing the test or repair is a qualified smog check
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1 technician and the test or repair is performed at a licensed smog check station. Qualified smog
2 check technicians shall perform tests of emission control devices and systems in accordance with
3 Section 44012.”

4 23. Health and Safety Code section 44059 states that: “The willful making of any false
5 statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance
6 or noncompliance, or application form which is required by this chapter or Chapter 20.3
7 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes
8 perjury and is punishable as provided in the Penal Code.”

9 24. Health and Safety Code section 44072.2 states:

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

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

15 . . .

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

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

19 . . .

20 25. Health and Safety Code section 44072.10, subdivision (c), states:

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

24 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other
25 fraudulent inspection practice, as defined by the department.

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

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

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

REGULATORY PROVISIONS

26. California Code of Regulations, title 16, section 3340.15, states in pertinent part:

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed:

...

(h) A licensed smog check station shall not sublet inspections or repairs required as part of the Smog Check Program, except for the following:

(1) Repairs of a vehicle's exhaust system which are normally performed by muffler shops, provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(2) Repairs of those individual components that have been previously diagnosed as being defective and that have been removed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(3) Repairs of diesel-powered vehicles provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.

(4) Repairs to a vehicle's transmission provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.

(5) Corrections to the vehicle's on-board computer systems' software provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

...

27. California Code of Regulations, title 16, 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.

...

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

1 specified in section 3340.42 of this article and has all the required emission control equipment
2 and devices installed and functioning correctly . . .”

3 29. California Code of Regulations, title 16, section 3340.41, subdivision (c), states:
4 “No person shall enter any vehicle identification information or emission control system
5 identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall
6 any person enter into the EIS or OIS any false information about the vehicle being tested.”

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

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

10 . . .

11 (f) No automotive repair shall be done by someone other than the automotive repair
12 dealer or their employees without the consent of the customer unless the customer cannot
13 reasonably be notified. An automotive repair dealer shall include with the estimate a
14 statement of any sublet repair to be performed on the vehicle. If requested by the customer,
an automotive repair dealer shall disclose the name and location of the facility performing
the sublet repair.

15 . . .

16 31. California Code of Regulations, title 16, section 3373 states: “No automotive repair
17 dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record
18 required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert
19 therein any statement or information which will cause any such document to be false or
20 misleading, or where the tendency or effect thereby would be to mislead or deceive customers,
21 prospective customers, or the public.”

22 **COST RECOVERY**

23 32. Business and Professions Code section 125.3 provides, in pertinent part, that the
24 Bureau may request the administrative law judge to direct a licensee found to have committed a
25 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
26 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
27 license to not being renewed or reinstated. If a case settles, recovery of investigation and
28 enforcement costs may be included in a stipulated settlement.

CALIFORNIA'S SMOG CHECK PROGRAM

33. California's Smog Check Program requires most vehicles in the State to undergo a smog check inspection every two years or when the vehicle's title is transferred.

34. A smog check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC), Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO₂) and Oxygen (O₂). The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to simulate driving conditions while the emissions are sampled by the EIS.

35. In Basic areas of the State, or depending on a vehicle's configuration, a similar test called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions of HC, CO, O₂, and CO₂ at idle as well as 2500 revolutions per minute (RPM).

36. The inspector also performs visual and functional tests on the vehicle as outlined in the Smog Check Manual. The visual inspection of the emission control components verifies the required emission control devices are present and properly connected.

37. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine control systems. A failure of one or more of the OBD II functional criteria, depending on model year, will result in the vehicle failing its smog check inspection. In addition to reporting the outcome of the OBD II functional test, the smog check inspection results also show Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

38. The inspector enters the results of the visual and functional inspections into the EIS. The EIS unit makes the determination whether or not the vehicle passes the inspection based on

1 the results of the tailpipe, visual and functional tests.

2 39. The EIS is connected by internet connection to Bureau's Vehicle Information
3 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
4 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

5 40. Beginning March 9, 2015, California's Smog Check Program was updated to require
6 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
7 equipment required in all areas of the State when inspecting most model-year 2000 and newer
8 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),
9 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
10 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
11 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
12 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
13 input inspector information, the vehicle identification number (VIN), and Department of Motor
14 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
15 containing inspection results for motorists and a Smog Check Certificate of Compliance number
16 for passing vehicles.

17 **UNDERCOVER VEHICLE OPERATION**

18 41. In February 2025, a Bureau representative documented the Bureau's 2008 Toyota
19 Corolla ("the vehicle" or "the Bureau's undercover vehicle") for an On-Board Diagnostic
20 Inspection System Smog Check inspection. The Bureau representative introduced a catalytic
21 converter malfunction which caused an illuminated Malfunction Indicator Lamp (MIL). The
22 illuminated MIL would cause the vehicle to fail a properly performed Smog Check inspection.
23 The Bureau representative placed tamper indicators on the secondary oxygen sensor and the
24 damaged catalytic converter to detect removal or movement of these parts.

25 42. On March 6, 2025, an undercover operator of the Bureau ("operator") took the
26 vehicle to Smogaholic, located at 4433 Firestone Boulevard in South Gate, California, and
27 requested a Smog Check inspection. J. C. at Smogaholic informed the operator that the cost for
28

1 the inspection would be \$350. The operator paid \$350 to J. C., but did not get a receipt. J. C.
2 gave the operator a business card for Alondra Star Smog and told him to take the vehicle there.

3 43. On March 14, 2025, the operator drove the vehicle to Alondra Smog Star and met
4 with Respondent Garcia. Respondent Garcia did not provide an estimate before performing the
5 Smog Check inspection on the vehicle. After the inspection, Respondent Garcia gave the
6 operator a VIR with Smog Check Certificate of Compliance number JD611363C and the operator
7 left Alondra Star Smog.

8 44. Between March 25, 2025 and March 27, 2025, the Bureau representative performed
9 an OIS Smog Check inspection on the vehicle. The vehicle failed the functional portion of the
10 inspection due to the "OBD II Not Ready" and "Catalyst, Oxygen Sensor, Evaporative System
11 OBDII Monitors Not Ready." The tamper indicators on the damaged catalytic converter
12 assembly and secondary oxygen sensor remained intact. The Bureau representative also road
13 tested the vehicle and observed that the MIL was illuminated.

14 45. On June 12, 2025, a Bureau representative visited Alondra Star Smog. While
15 performing a records review, the Bureau representative photographed a VIR for the Bureau's
16 undercover vehicle, signed by Respondent Garcia. The VIR showed Alondra Star Smog as the
17 certifying station with Respondent Garcia's license information.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 46. Respondent Rivera's Automotive Repair Dealer Registration is subject to disciplinary
21 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1). Respondent
22 Rivera and/or his employees made untrue or misleading statement(s) when they issued a
23 Certificate of Compliance to a Bureau undercover vehicle with a catalytic converter malfunction,
24 without performing a bona fide inspection of the emission control devices and systems on the
25 vehicle. Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 41 through 45, as though fully set forth here.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 47. Respondent Rivera's Automotive Repair Dealer Registration is subject to disciplinary
4 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4). Respondent
5 Rivera and/or his employees committed act(s) that constitute fraud by issuing a Certificate of
6 Compliance to a Bureau undercover vehicle with a catalytic converter malfunction, without
7 performing a bona fide inspection of the emission control devices and systems on the vehicle.
8 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
9 41 through 45, as though fully set forth here.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unauthorized Sublet Repairs)**

12 48. Respondent Rivera's Automotive Repair Dealer Registration is subject to disciplinary
13 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), for failing to
14 comply with Business and Professions Code section 9884.9, subdivision (b). Respondent Rivera
15 and/or his employees worked on the Bureau's undercover vehicle without a written estimate for
16 the service. Complainant refers to, and by this reference incorporates, the allegations contained in
17 paragraphs 41 through 45, as though fully set forth here.

18 **FOURTH CAUSE FOR DISCIPLINE**

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

20 49. Respondent Rivera's Automotive Repair Dealer Registration is subject to disciplinary
21 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6). Respondent
22 Rivera and/or his employees failed in a material respect to comply with the provisions of this
23 chapter or regulations adopted pursuant to it when they issued a Certificate of Compliance to a
24 Bureau undercover vehicle with a catalytic converter malfunction, without performing a bona fide
25 inspection of the emission control devices and systems on the vehicle. Complainant refers to, and
26 by this reference incorporates, the allegations contained in paragraphs 41 through 45, as though
27 fully set forth here.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 50. Respondent Rivera's Smog Check, Test-Only, Station License is subject to
4 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he
5 failed to comply with the following sections of that Code:

6 a. Section 44012: Respondent Rivera failed to ensure that the Smog Check was
7 performed on the Bureau's undercover vehicle in accordance with procedures prescribed by the
8 department.

9 b. Section 44012, subdivision (f): Respondent Rivera failed to ensure that the visual or
10 functional check of emission control devices on the Bureau's undercover vehicle were performed
11 in accordance with procedures prescribed by the department.

12 c. Section 44015, subdivision (b): Respondent Rivera issued a smog certificate of
13 compliance without ensuring that the Bureau's undercover vehicle was properly tested and
14 inspected to determine if they were in compliance with Health and Safety Code section 44012.

15 Complainant refers to, and by this reference incorporates, the allegations contained in
16 paragraphs 41 through 45, as though fully set forth here.

17 **SIXTH CAUSE FOR DISCIPLINE**

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

20 51. Respondent Rivera's Smog Check, Test-Only, Station License, is subject to
21 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he
22 failed to comply with the following provisions of the California Code of Regulations, title 16:

23 a. Section 3340.35, subdivision (c): Respondent Rivera issued a Certificate of
24 Compliance for the Bureau's undercover vehicle without performing without performing a bona
25 fide inspection of the emission control devices and systems on the vehicle.

26 b. Section 3353, subdivision (f): Respondent Rivera and/or his employees worked on the
27 Bureau's undercover vehicle without providing a written estimate for the service.
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1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 41 through 45, as though fully set forth here.

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 52. Respondent Rivera's Smog Check, Test-Only, Station License, is subject to
6 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
7 conjunction with Health and Safety Code section 44072.10, subdivision (c). Respondent Rivera
8 and/or his employees committed an act involving dishonesty, fraud, or deceit by issuing a
9 Certificate of Compliance to a Bureau undercover vehicle with a catalytic converter malfunction,
10 without performing a bona fide inspection of the emission control devices and systems on the
11 vehicle. Complainant refers to, and by this reference incorporates, the allegations contained in
12 paragraphs 41 through 45, as though fully set forth here.

13 **EIGHTH CAUSE FOR DISCIPLINE**

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

15 53. Respondent Garcia's Smog Check Inspector License is subject to disciplinary action
16 pursuant to Health and Safety Code section 44072.2, subdivision (a). Respondent Garcia failed to
17 comply with section 44032, by failing to ensure that the emission control tests were performed on
18 the Bureau's undercover vehicle in accordance with Health and Safety Code section 44012.
19 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
20 41 through 45, as though fully set forth here.

21 **NINTH CAUSE FOR DISCIPLINE**

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

24 54. Respondent Garcia's Smog Check Inspector License is subject to disciplinary action
25 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply
26 with provisions of the California Code of Regulations, title 16, as follows:

27 ///

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a. Section 3340.30, subdivision (a): Respondent Garcia failed to inspect and test the Bureau's undercover vehicle in accordance with Health and Safety Code section 44032, and California Code of Regulations, title 16, section 3340.30, subdivision (a).

b. Section 3340.41, subdivision (c): Respondent Garcia knowingly entered false information into the emissions inspection system for the Bureau's undercover vehicle.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 45, as though fully set forth here.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

55. Respondent Garcia's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c). Respondent Garcia committed an act involving dishonesty, fraud, or deceit by issuing a Certificate of Compliance to a Bureau undercover vehicle with a catalytic converter malfunction, without performing a bona fide inspection of the emission control devices and systems on the vehicle. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 45, as though fully set forth here.

OTHER MATTERS

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

57. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only, Station License Number TC 307103 issued to Hector Antonio Rivera– Owner dba Five Star Smog Check, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

58. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 641036 issued to Christopher Maurice Garcia is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety 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 alleged in this Accusation, 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 307103, issued to Hector Antonio Rivera– Owner dba Five Star Smog Check;
2. Revoking or suspending any other automotive repair dealer registration issued to Hector Antonio Rivera;
3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 307103, issued to Hector Antonio Rivera– Owner dba Five Star Smog Check;
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 Hector Antonio Rivera;
5. Revoking or suspending Smog Check Inspector License Number EO 641036, issued to Christopher Maurice Garcia;
6. 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 Christopher Maurice Garcia;
7. Ordering Hector Antonio Rivera and Christopher Maurice Garcia 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, if placed on probation, the costs of probation monitoring; and,

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8. 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: 2026.09.14 13:26:18
-07'00'

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

LA2026601941
68473348