

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 VIVIAN CHO
Deputy Attorney General
4 State Bar No. 293773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6603
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **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. 79/19-7894

13 **MARIA I. SANCHEZ dba ONE STOP**
14 **TEST ONLY**

ACCUSATION

15 630 W. Rialto Ave. Unit B8
16 Rialto, CA 92376

17 Automotive Repair Dealer Registration
18 No. ARD 266963
19 Smog Check, Test Only, Station License
20 No. TC 266963,

21 **GUILLERMO TOVAR**

22 17102 Fern Street
23 Fontana, CA 92336

24 Smog Check Inspector License No. EO 631381

25 and

26 **JESUS BONILLA JR.**

27 3931 ½ Brotherton St.
28 Corona, CA 92879

Smog Check Inspector License No. EO 639915

Respondents.

1 **PARTIES**

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

4 ***Maria I. Sanchez***

5 2. On or about October 26, 2011, the Bureau issued Automotive Repair Dealer
6 Registration No. ARD 266963 to Maria I. Sanchez (“Respondent Sanchez”) doing business as One
7 Stop Test Only. The Automotive Repair Dealer Registration was in full force and effect at all times
8 relevant to the charges brought herein and will expire on October 31, 2019, unless renewed.

9 3. On or about November 9, 2011, the Bureau issued Smog Check, Test Only, Station
10 License No. TC 266963 to Respondent Sanchez doing business as One Stop Test Only. The Smog
11 Check, Test Only, Station License was in full force and effect at all times relevant to the charges
12 brought herein and will expire on October 31, 2019, unless renewed.

13 4. On or about January 6, 2012, the Bureau issued Automotive Repair Dealer
14 Registration No. ARD 267653 to Respondent Sanchez doing business as Hermanos Test Only.
15 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
16 charges brought herein and will expire on January 31, 2020, unless renewed.

17 5. On or about January 6, 2012, the Bureau issued Smog Check, Test Only, Station
18 License No. TC 267653 to Respondent Sanchez doing business as Hermanos Test Only. The Smog
19 Check, Test Only, Station License was in full force and effect at all times relevant to the charges
20 brought herein and will expire on January 31, 2020, unless renewed.

21 ***Guillermo Tovar***

22 6. On or about September 29, 2009, the Bureau issued Advanced Emission Specialist
23 Technician License No. EA 631381 to Guillermo Tovar (“Respondent Tovar”). On April 8, 2013,
24 Advanced Emission Specialist Technician License No. EA 631381 was renewed pursuant to
25 Respondent Tovar’s election under California Code of Regulations, title 16, section 3340.28,
26 subdivision (e), as Smog Check Inspector License No. EO 631381. The Smog Check Inspector
27 License was in full force and effect at all times relevant to the charges brought herein and will
28 expire on March 31, 2021, unless renewed.

1 ***Jesus Bonilla Jr.***

2 7. On or about January 11, 2017, the Bureau issued Smog Check Inspector License No.
3 EO 639915 to Jesus Bonilla Jr. (“Respondent Bonilla Jr.”). The Smog Check Inspector was in full
4 force and effect at all times relevant to the charges brought herein and will expire on April 30,
5 2021, unless renewed.

6 **JURISDICTION**

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

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

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

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

20 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
21 expiration or suspension of a license by operation of law, or by order or decision of the Director
22 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
23 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
24 proceedings against the licensee, or to render a decision suspending or revoking the license.

25 13. Section 44072.8 of the Health and Safety Code states:

26 When a license has been revoked or suspended following a hearing
27 under this article, any additional license issued under this chapter in
28 the name of the licensee may be likewise revoked or suspended by
the director.

STATUTORY PROVISIONS

1
2 14. Section 477 of the Business and Professions Code provides, in pertinent part, that
3 “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
4 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
5 to engage in a business or profession regulated by the Business and Professions Code.

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

7 (a) The director, where the automotive repair dealer cannot show there
8 was a bona fide error, may refuse to validate, or may invalidate
9 temporarily or permanently, the registration of an automotive repair
10 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.

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

14

15 (4) Any other conduct that constitutes fraud.

16

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

19

20 (c) Notwithstanding subdivision (b), the director may suspend, revoke,
21 or place on probation the registration for all places of business operated
22 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.

23 16. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog
24 check stations shall be performed in accordance with procedures prescribed by the department.

25 17. Health and Safety Code section 44015, subdivision (b), provides that a certificate
26 of compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
27 40012.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. Health and Safety 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 . . .

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

19. Health and Safety Code section 44072.10 states, in pertinent part:

....

(c) The department shall revoke the license of any smog check technician or station licensee 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:

(1) Clean piping, as defined by the department

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

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass 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

20. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

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

21. California Code of Regulations, title 16, section 3340.30, subdivision (a), states:

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.

22. California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

....

(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. . . .

23. California Code of Regulations, title 16, section 3340.41, subdivision (c), states,
in pertinent part:

. . . Nor shall any person knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System any false information about the vehicle being tested.

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

25. California Code of Regulations, title 16, section 3340.45, states:

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

1 (1) Smog Check Manual, dated 2013, which is hereby
2 incorporated by reference. This manual became effective
3 on or after January 1, 2013. This manual shall remain in
effect until subparagraph (2) is implemented.

4 (2) Smog Check Manual, dated November 2, 2017, which
5 is hereby incorporated by reference. This manual shall
become effective on August 2, 2018.

6 **COST RECOVERY**

7 26. Business and Professions Code section 125.3 provides, in pertinent part, that the
8 Board may request the administrative law judge to direct a licentiate found to have committed a
9 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
10 investigation and enforcement of the case, with failure of the licentiate to comply subjecting the
11 license to not being renewed or reinstated. If a case settles, recovery of investigation and
12 enforcement costs may be included in a stipulated settlement.

13 **BACKGROUND: CALIFORNIA SMOG CHECK INSPECTION PROGRAM**

14 27. A smog check inspection of a pre-2000 model year vehicle includes three portions:
15 tailpipe, visual, and functional. A vehicle must pass all three portions to pass the overall inspection
16 and receive a Certificate of Compliance. The Certification of Compliance is then transmitted
17 electronically to the Vehicle Information Database (“Database”).

18 28. The tailpipe inspection measures levels of hydrocarbons, carbon monoxide, oxides
19 of nitrogen, carbon dioxide, and oxygen emitted by a vehicle.

20 a. Pre-2000 model year vehicles registered in certain Enhanced Areas¹ must
21 undergo an Acceleration Simulation Mode (ASM) inspection using an Emission Inspection
22 System (EIS), also known as the BAR-97. The BAR-97 is a computer-based, five-gas analyzer
23 that measures hydrocarbons, carbon monoxide, nitrogen oxide, carbon dioxide, and oxygen.
24 During the ASM inspection, a vehicle undergoes a loaded mode test on a dynamometer. The
25 vehicle’s drive wheels are placed on rollers and the vehicle is driven at speeds of 15 and 25 miles
26 per hour to simulate driving conditions while the emissions are sampled by the EIS. Mode 1 begins

27 _____
28 ¹ Enhanced Areas do not meet federal or state air quality standards for ozone and carbon monoxide.
Vehicles in Enhanced Areas are required to under Biennial Smog Check inspections.

1 when the vehicle speed stabilizes at 15 miles per hour, and Mode 2 begins when the vehicle speed
2 stabilizes at 25 miles per hour.

3 b. Pre-2000 model year vehicles registered in Basic Areas and vehicles that are
4 incompatible with the ASM inspection must undergo a Two Speed Idle (TSI) inspection. Rather
5 than applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the
6 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and oxygen at two test sequences—
7 2500 revolutions per minute and idle.

8 29. During the visual inspection, the technician must inspect emission control
9 components to verify that they are present and properly connected.

10 30. The functional test, depending on the vehicle, may include checking the ignition
11 timing, malfunction indicator light, and Exhaust Gas Recirculation system, as well as conducting a
12 low-pressure test of the evaporative emissions controls, a visible smoke test, and a pressure test of
13 the fuel cap. An On-Board Diagnostics (OBDII) functional test is also performed on most 1996
14 to 1999 model year vehicles. The OBDII system monitors the vehicle's emission control system
15 performance and includes self-diagnostic and reporting functions. During an OBDII functional
16 test, the technician connects a test cable from EIS to the vehicle's Diagnostic Link Connector.
17 Through the Diagnostic Link Connector, the EIS retrieves information from the vehicle's on-board
18 computer about its ability to communicate, the status of the readiness monitors and the malfunction
19 indicator light command, as well as diagnostic trouble codes. The readiness monitors indicate
20 whether the OBDII system has run a sufficient number of self-tests on the vehicle's emission and
21 engine control systems. A failure of one or more of the OBDII functional criteria, depending on
22 model year of the vehicle, will result in the vehicle failing its smog check inspection. In addition
23 to reporting the outcome of the OBDII functional test, the smog check inspection results also show
24 diagnostic trouble codes if there are any in the vehicle's on-board computer memory.

25 31. The technician must enter the results of the visual and functional inspections into
26 the EIS. The EIS determines whether the vehicle passed the inspection based on the results of the
27 tailpipe, visual, and functional tests. A vehicle must pass all three parts to pass the overall
28 inspection and receive a Certificate of Compliance. The EIS generates a Vehicle Inspection Report

1 (VIR), which includes the test results and the Certificate of Compliance number issued to a passing
2 vehicle. An electronic copy of the VIR is transmitted to the Vehicle Information Database (VID).²
3 A physical copy is printed, which the technician must sign under penalty of perjury, indicating that
4 the inspection was performed in accordance with Bureau guidelines.

5 CLEAN GASSING

6 32. On or around May 1, 2019, Bureau Representative Marc Ortega and Air Quality
7 Engineer Francis Di Genova conducted a detailed review of second-by-second³ data for smog
8 check inspections performed at One Stop Test Only and found that they revealed a pattern of
9 readings consistent with clean gassing. Bureau Representative Ortega and Air Quality Engineer
10 Di Genova identified the allowable emission levels or “cutpoints” for Mode 1 and Mode 2 of the
11 ASM inspection of a particular vehicle. The cutpoints were then compared to second-by-second
12 data obtained from One Stop Test Only. Based on discrepancies in the second-by-second test data,
13 Bureau Representative Ortega and Bureau Air Quality Engineer Di Genova determined that ten
14 (10) pre-2000 model year vehicles⁴ received fraudulent Smog Check Certificates of Compliance
15 by way of clean gassing, as set forth in detail in paragraph 32 below.

16 33. “Clean gassing” is a method by which surrogate gases are introduced into a Smog
17 Check analyzer, or Emission Inspection System (EIS), in order to dilute the exhaust of pollution-
18 causing emissions. This alters the vehicle exhaust samples and causes the EIS to issue a passing
19 test result based on a fraudulent reading of exhaust emissions rather than the actual vehicle
20 emissions. Unlike clean piping or clean plugging, where another car is substituted for the failing
21 car, another car is not involved in clean gassing.

22 ² The VID contains data from the DMV, emission standards, smog check inspections, smog check
23 stations and technicians, and Certificates of Compliance. The VID receives passing smog check
24 results immediately following the inspection. During the vehicle registration process, the DMV
25 accesses the VID to verify that the vehicle has been tested and certified. The Bureau can also
26 access the VID to view test data on smog check inspections performed at any smog check station,
27 or search for, retrieve, and print a test record for a particular vehicle that has been tested.

26 ³ Second-by-second data refers to vehicle emissions and speed data recorded on a second-by-
27 second basis throughout the smog check ASM tests.

27 ⁴ The Bureau’s initial investigation consisted of 11 vehicles. For the purposes of Complainant’s
28 Accusation, vehicle 2 (1989 Toyota Pickup) has been omitted.

34. Further review of test data revealed that all ten vehicles were tested on two separate dates at One Stop Test Only. The tailpipe portion of the inspections for all ten vehicles were performed using the BAR 97-ASM test at two loaded mode sequences of 15 and 25 miles per hour. All ten vehicles failed the first inspection for failing at least the tailpipe portion of the inspection. Most vehicles underwent their second inspection at One Stop Test Only within days after their failing first inspection. All ten vehicles passed the tailpipe portion of their second inspections and were issued fraudulent electronic Smog Check Certificates of Compliance. Seven of the ten inspections, performed by way of clean gassing, were conducted by Respondent Tovar. Three of the ten inspections, performed by way of clean gassing, were conducted by Respondent Bonilla Jr. Respondents' clean gassing activities as to these ten vehicles that occurred between July 7, 2017 and April 22, 2019 are illustrated below in Table 1 below and set forth in further detail below:

No. ⁵	First Test Date (Failed)	Second Test Date (Passed)	Vehicle (Year, Make, Model) License No. & VIN No.	Certificate No.
1	7/4/2017 Tovar (EO 631381)	7/7/2017 Tovar (EO 631381)	1992 Mitsubishi 3000 GT CA License No. 5FND561 VIN No. JA3XD54B3NY028443	ZX870599C
3	3/23/2018 Tovar (EO 631381)	3/27/2018 Tovar (EO 631381)	1981 Chevrolet C10 Pickup CA License No. 64454C2 VIN No. 1GCCC14G1BJ152500	HR171976C
4	5/31/2018 Tovar (EO 631381)	6/2/2018 Tovar (EO 631381)	1995 Nissan Sentra CA License No. 7HYJ310 VIN No. 1N4AB41D7SC707000	HT841634C
5	9/25/2018 Bonilla Jr. (EO 639915)	9/28/2018 Tovar (EO 631381)	1987 Ford Mustang CA License No. 2EQC428 VIN No. 1FABP41E3HF196200	QO619527C
6	11/17/2018 Tovar (EO 631381)	11/28/2018 Bonilla Jr. (EO 639915)	1993 Lexus LS 400 CA License No. 3UGR427 VIN No. JT8UF11E2P0169512	HX718424C
7	12/27/2018 Tovar (EO 631381)	12/29/2018 Tovar (EO 631381)	1995 Chevrolet C1500 Suburban CA License No. 4PCU477 VIN No. 3GNEC16K9SG112832	HZ605356C

⁵ To maintain consistency between the numbering of vehicles in this Accusation with those set forth in the Bureau's investigation, vehicles numbered 6 and 14 are omitted from Table 1.

No.	First Test Date (Failed)	Second Test Date (Passed)	Vehicle (Year, Make, Model) License No. & VIN No.	Certificate No.
8	1/19/2019	1/21/2019	1996 Geo Tracker CA License No. 3VAM664 VIN No. 2CNBE1869T6957176	HZ917687C
	Tovar (EO 631381)	Bonilla Jr. (EO 639915)		
9	12/17/2018	2/2/2019	1998 Ford F150 Super Cab Short CA License No. 5R29218 VIN No. IFTZXI767WNA22849	IB356892C
	Bonilla Jr. (EO 639915)	Tovar (EO 631381)		
10	2/25/2019	2/28/2019	1995 Toyota Corolla CA License No. 5FCL329 VIN No. 1NXAE09B0SZ330223	ID132433C
	Tovar (EO 631381)	Tovar (EO 631381)		
11	4/19/2019	4/22/2019	1997 Nissan Quest CA License No. 3VLE598 VIN No. 4N2DN1113VD830677	QS196151C
	Tovar (EO 631381)	Bonilla Jr. (EO 639915)		

a. Vehicle 1: 1992 Mitsubishi 3000 GT

On July 7, 2017 at 10:23:03 a.m., a 1992 Mitsubishi 3000 GT (CA License #5FND561; VIN JA3XD54B3NY028443) was inspected under Respondent Tovar's Smog Check Inspector License No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. ZX870599C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of hydrocarbons (HC), carbon monoxide (CO), and/or nitrogen oxides (NO_x):

- At 15 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 46 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 63 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just three days prior on July 4, 2017 at 11:19:13 a.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC, CO, and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

1 **b. Vehicle 3: 1981 Chevrolet C10 Pickup**

2 On March 27, 2018 at 4:04:08 p.m., a 1981 Chevrolet C10 Pickup (CA License #64454C2;
3 VIN 1GCCC14G1BJ152500) was inspected under Respondent Tovar’s Smog Check Inspector
4 License No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued
5 Certificate of Compliance No. HR171976C.

6 Second-by-second data shows the emission readings are inconsistent with a legitimate
7 smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous
8 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 9 • At 29 seconds, during a period of continued steady-state vehicle speed, levels
10 of HC, CO, and NO_x began to drop.
- 11 • At 55 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
12 prior levels.
- 13 • At 71 seconds, levels of HC, CO, and NO_x began to drop sharply again.

14 Bureau Representative Ortega found that the same vehicle was tested at One Stop Test
15 Only just four days prior on March 23, 2018 at 9:41:52 a.m. under Respondent Tovar’s Smog
16 Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-
17 second data from the previous inspection shows that levels of HC and CO exceeded the cutpoints
18 during both loaded mode sequences of an ASM test.

19 **c. Vehicle 4: 1995 Nissan Sentra**

20 On June 2, 2018 at 11:28:48 a.m., a 1995 Nissan Sentra (CA License # 7HYJ310; VIN
21 1N4AB41D7SC707000) was inspected under Respondent Tovar’s Smog Check Inspector License
22 No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued Certificate of
23 Compliance No. HT841634C.

24 Second-by-second data shows the emission readings are inconsistent with a legitimate
25 smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous
26 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 27 • At 25 seconds, during a period of continued steady-state vehicle speed, levels
28 of HC, CO, and NO_x began to drop.
- At 47 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
 prior levels.

- At 63 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just two days prior on May 31, 2018 at 10:22:50 a.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC, CO, and NO_x exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

d. Vehicle 5: 1987 Ford Mustang

On September 28, 2018 at 9:19:41 a.m., a 1987 Ford Mustang (CA License #2EQC428; VIN 1FABP41E3HF196200) was inspected under Respondent Tovar's Smog Check Inspector License No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. QO619527C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 26 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 37 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 54 seconds, levels of HC, CO, and NO_x began to drop sharply again.
- At 70 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 74 seconds, levels of HC, CO, and NO_x began to drop sharply again.
- At 81 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 94 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just three days prior on September 25, 2018 at 3:26:36 p.m. under Respondent Bonilla Jr.'s Smog Check Inspector License No. EO 639915. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC and CO exceeded the cutpoints during both loaded mode sequences of the ASM test.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

e. Vehicle 6: 1993 Lexus LS 400

On November 28, 2018 at 9:03:24 a.m., a 1993 Lexus LS 400 (CA License # 3UGR427; VIN JT8UF11E2P0169512) was inspected under Respondent Bonilla Jr.'s Smog Check Inspector License No. EO 639915. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. HX718424C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 18 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 32 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 39 seconds, levels of HC, CO, and NO_x began to drop sharply again.
- At 61 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 85 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just 11 days prior on November 17, 2018 at 11:18:06 a.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

f. Vehicle 7: 1995 Chevrolet C1500 Suburban

On December 29, 2018 at 1:10:56 p.m., a 1995 Chevrolet C1500 Suburban (CA License #4PCU477; VIN 3GNEC16K9SG112832) was inspected under Respondent Tovar's Smog Check Inspector License No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. HZ605356C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

///

- At 27 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 59 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 86 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just two days prior on December 27, 2018 at 12:11:36 p.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

g. Vehicle 8: 1996 Geo Tracker

On January 21, 2019 at 2:19:06 p.m., a 1996 Geo Tracker (CA License #3VAM664; VIN 2CNBE1869T6957176) was inspected under Respondent Bonilla Jr.'s Smog Check Inspector License No. EO 639915. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. HZ917687C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 39 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 70 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 74 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only just two days prior on January 19, 2019 at 2:01:14 p.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC and NO_x exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

///

///

1 **h. Vehicle 9: 1998 Ford F150 Super Cab Short**

2 On February 2, 2019 at 1:58:08 p.m., a 1998 Ford F150 Super Cab Short (CA License
3 #5R29218; VIN IFTZX1767WNA22849) was inspected under Respondent Tovar’s Smog Check
4 Inspector License No. EO 631381. The vehicle passed the inspection and Respondent Sanchez
5 issued Certificate of Compliance No. IB356892C.

6 Second-by-second data shows the emission readings are inconsistent with a legitimate
7 smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous
8 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 9 • At 15 seconds, during a period of continued steady-state vehicle speed, levels
10 of HC, CO, and NO_x began to drop.
- 11 • At 35 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
12 prior levels.
- 13 • At 40 seconds, levels of HC, CO, and NO_x began to drop sharply again.

14 Bureau Representative Ortega found that the same vehicle was tested at One Stop Test
15 Only about seven weeks prior on December 17, 2018 at 2:32:33 p.m. under Respondent Bonilla
16 Jr.’s Smog Check Inspector License No. EO 639915. This vehicle failed the previous inspection.
17 Second-by-second data from the previous inspection shows that levels of HC exceeded the
18 cutpoints during both loaded mode sequences of the ASM test.

19 **i. Vehicle 10: 1995 Toyota Corolla**

20 On February 28, 2019 at 4:50:49 p.m., a 1995 Toyota Corolla (CA License #5FCL329; VIN
21 1NXAE09B0SZ330223) was inspected under Respondent Tovar’s Smog Check Inspector License
22 No. EO 631381. The vehicle passed the inspection and Respondent Sanchez issued Certificate of
23 Compliance No. ID132433C.

24 Second-by-second data shows the emission readings are inconsistent with a legitimate
25 smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous
26 drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- 27 • At 22 seconds, during a period of continued steady-state vehicle speed, levels
28 of HC, CO, and NO_x began to drop.
- At 44 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward
 prior levels.

- At 50 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only three days prior on February 25, 2019 at 10:52:12 a.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC and NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

j. Vehicle 11: 1997 Nissan Quest

On April 22, 2019 at 9:37:48 a.m., a 1997 Nissan Quest (CA License #3VLE598; VIN 4N2DN1113VD830677) was inspected under Respondent Bonilla Jr.'s Smog Check Inspector License No. EO 639915. The vehicle passed the inspection and Respondent Sanchez issued Certificate of Compliance No. QS196151C.

Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Ortega identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO_x:

- At 37 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO_x began to drop.
- At 54 seconds, levels of HC, CO, and NO_x began to simultaneously rise toward prior levels.
- At 60 seconds, levels of HC, CO, and NO_x began to drop sharply again.

Bureau Representative Ortega found that the same vehicle was tested at One Stop Test Only three days prior on April 19, 2019 at 2:29:49 p.m. under Respondent Tovar's Smog Check Inspector License No. EO 631381. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of NO_x exceeded the cutpoints during both loaded mode sequences of the ASM test.

35. The illegal smog inspections set forth above subject Respondents to discipline pursuant to Business and Professions Code section 9884.7, subdivisions (a)(1) and (a)(4), Business and Professions Code section 9889.3, subdivision (a), Health and Safety Code section 44072.2, subdivisions (a), (c), and (d), and Health and Safety Code section 44072.10, subdivision (c).

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements:**

3 **Automotive Repair Dealer Registration - Respondent Sanchez)**

4 36. Respondent Sanchez's Automotive Repair Dealer Registration is subject to
5 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1),
6 in that between July 7, 2017 and April 22, 2019, Respondent Sanchez made or authorized
7 statements which she knew or in the exercise of reasonable care should have known to be untrue
8 or misleading, as follows: Respondent Sanchez certified that the vehicles set forth above in Table
9 1 had passed inspection and were in compliance with applicable laws and regulations. In fact,
10 Respondent Sanchez used the clean gassing method in order to issue smog certificates of
11 compliance, and did not test or inspect the vehicles as required by Health and Safety Code section
12 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 32 through 35, inclusive, as though set forth fully herein.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Fraud: Automotive Repair Dealer Registration - Respondent Sanchez)**

16 37. Respondent Sanchez's Automotive Repair Dealer Registration is subject to
17 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
18 in that between July 7, 2017 and April 22, 2019, Respondent Sanchez committed acts which
19 constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in
20 Table 1 without performing bona fide inspections of the emission control devices and systems on
21 those vehicles, thereby depriving the People of the State of California of the protection afforded
22 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as though set
24 forth fully herein.

25 ///

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act:**

3 **Automotive Repair Dealer Registration - Respondent Sanchez)**

4 38. Respondent Sanchez's Automotive Repair Dealer Registration is subject to
5 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
6 in that between July 7, 2017 and April 22, 2019, she failed in a material respect to comply with
7 the provisions of this chapter or regulations adopted pursuant to it when she issued electronic
8 certificates of compliance for the vehicles identified in Table 1 above without performing bona
9 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

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

15 **Smog Check Test Only Station License - Respondent Sanchez)**

16 39. Respondent Sanchez's Smog Check Test Only Station License is subject to
17 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
18 between July 7, 2017 and April 22, 2019, regarding the vehicles set forth above in Table 1,
19 Respondent Sanchez failed to comply with the following sections of the Health and Safety Code:

20 a. **Section 44012:** Respondent Sanchez failed to ensure that the emission
21 control tests were performed on the vehicles in accordance with procedures prescribed by the
22 department.

23 b. **Section 44015:** Respondent Sanchez issued electronic smog certificates of
24 compliance for the vehicles identified in Table 1 above without ensuring that the vehicles were
25 properly tested and inspected to determine if they were in compliance with Health and Safety Code
26 section 44012.

27 c. **Section 44072.10, subdivision (c)(2) through (c)(4):** Respondent Sanchez
28 issued electronic smog certificates of compliance for the vehicles identified in Table 1 above by

1 way of tampering with the vehicles' emission control systems or test analyzer systems, causing
2 them to falsely pass the inspection, in intentional and willful violation of this chapter or any
3 regulation, standard, or procedure of the department implementing this chapter.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above
5 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:
8 Smog Check Test Only Station License - Respondent Sanchez)**

9 40. Respondent Sanchez's Smog Check Test Only Station License is subject to
10 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
11 between July 7, 2017 and April 22, 2019, regarding the vehicles set forth above in Table 1,
12 Respondent Sanchez failed to comply with the following provisions of California Code of
13 Regulations, title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent Sanchez or fraudulently
15 issued electronic smog certificates of compliance for the vehicles identified in Table 1 above.

16 b. **Section 3340.35, subdivision (c):** Respondent Sanchez issued electronic
17 smog certificates of compliance for the vehicles identified in Table 1 above, even though the
18 vehicles had not been inspected in accordance with section 3340.42.

19 c. **Section 3340.41, subdivision (c):** Respondent Sanchez knowingly entered
20 false information into the emissions inspection system for the vehicles identified in Table 1.

21 d. **Section 3340.42:** Respondent Sanchez failed to ensure that the required
22 smog tests were conducted on the vehicles identified in Table 1 above, in accordance with the
23 Bureau's specifications.

24 e. **Section 3340.45:** Respondent Sanchez failed to perform smog check
25 inspections on the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 32 through 35, inclusive, as though set forth fully herein.

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit:**

3 **Smog Check Test Only Station License - Respondent Sanchez)**

4 41. Respondent Sanchez's Smog Check Test Only Station License is subject to
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that
6 between July 7, 2017 and April 22, 2019, regarding the vehicles set forth above in Table 1,
7 Respondent Sanchez committed acts involving dishonesty, fraud, or deceit whereby another was
8 injured, by issuing electronic certificates of compliance for those vehicles without performing bona
9 fide inspections of the emission control devices and systems on the vehicles, thereby depriving the
10 People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 32 through 35, inclusive, as though set forth fully herein.

13 **SEVENTH CAUSE FOR DISCIPLINE**

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

15 **Smog Check Inspector License - Respondent Tovar)**

16 42. Respondent Tovar's Smog Check Inspector License is subject to discipline
17 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between July 7, 2017
18 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Tovar failed to
19 comply with section 44012 of the Health and Safety Code in a material respect, as follows:
20 Respondent Tovar failed to perform the emission control tests on those vehicles in accordance
21 with procedures prescribed by the department. Complainant refers to, and by this reference
22 incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as though set
23 forth fully herein.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program:**

26 **Smog Check Inspector License - Respondent Tovar)**

27 43. Respondent Tovar's Smog Check Inspector License is subject to discipline
28 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between July 7, 2017

1 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Tovar failed to
2 comply with Health and Safety Code section 44072.10, subdivision (c)(2) through (c)(4).
3 Specifically, Respondent Tovar issued electronic smog certificates of compliance for the vehicles
4 identified in Table 1 above, by way of tampering with the vehicles' emission control systems or
5 test analyzer systems, causing them to falsely pass the inspection, in intentional and willful
6 violation of this chapter or any regulation, standard, or procedure of the department implementing
7 this chapter. Complainant refers to, and by this reference incorporates, the allegations set forth
8 above in paragraphs 32 through 35, inclusive, as though set forth fully herein.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:
11 Smog Check Inspector License - Respondent Tovar)**

12 44. Respondent Tovar's Smog Check Inspector License is subject to discipline
13 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between July 7, 2017
14 and April 22, 2019, regarding the vehicles set forth above in Table 1, he failed to comply with
15 provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Tovar falsely or
17 fraudulently issued electronic smog certificates of compliance for the vehicles identified in Table
18 1 above.

19 b. **Section 3340.30, subdivision (a):** Respondent Tovar failed to inspect and
20 test the vehicles identified in Table 1 above, in accordance with Health and Safety Code sections
21 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.41, subdivision (c):** Respondent Tovar knowingly entered
23 false information into the emissions inspection system for the vehicles identified in Table 1 above.

24 d. **Section 3340.42:** Respondent Tovar failed to conduct the required smog
25 tests on the vehicles identified in Table 1 above, in accordance with the Bureau's specifications.

26 e. **Section 3340.45:** Respondent Tovar failed to perform smog check
27 inspections on the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

28 ///

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 32 through 35, inclusive, as though set forth fully herein.

3 **TENTH CAUSE FOR DISCIPLINE**

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

5 **Smog Check Inspector License - Respondent Tovar)**

6 45. Respondent Tovar's Smog Check Inspector License is subject to disciplinary action
7 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between July 7, 2017
8 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Tovar committed
9 acts involving dishonesty, fraud, or deceit whereby another was injured by issuing electronic
10 certificates of compliance for those vehicles without performing bona fide inspections of the
11 emission control devices and systems on the vehicles, thereby depriving the People of the State of
12 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers
13 to, and by this reference incorporates, the allegations set forth above in paragraphs 32 through 35,
14 inclusive, as though set forth fully herein.

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program:**

17 **Smog Check Inspector License - Respondent Bonilla Jr.)**

18 46. Respondent Bonilla Jr.'s Smog Check Inspector License is subject to discipline
19 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between July 7, 2017
20 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Bonilla Jr. failed
21 to comply with section 44012 of the Health and Safety Code in a material respect, as follows:
22 Respondent Bonilla Jr. failed to perform the emission control tests on those vehicles in accordance
23 with procedures prescribed by the department. Complainant refers to, and by this reference
24 incorporates, the allegations set forth above in paragraphs 32 through 35, inclusive, as though set
25 forth fully herein.

26 ///

27 ///

28 ///

1 **TWELFTH CAUSE FOR DISCIPLINE**

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

3 **Smog Check Inspector License - Respondent Bonilla Jr.)**

4 47. Respondent Bonilla Jr.'s Smog Check Inspector License is subject to discipline
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between July 7, 2017
6 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Bonilla Jr. failed
7 to comply with Health and Safety Code section 44072.10, subdivision (c)(2) through (c)(4).
8 Specifically, Respondent Bonilla Jr. issued electronic smog certificates of compliance for the
9 vehicles identified in Table 1 above, by way of tampering with the vehicles' emission control
10 systems or test analyzer systems, causing it to falsely pass the inspection, in intentional and willful
11 violation of this chapter or any regulation, standard, or procedure of the department implementing
12 this chapter. Complainant refers to, and by this reference incorporates, the allegations set forth
13 above in paragraphs 32 through 35, inclusive, as though set forth fully herein.

14 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

16 **Smog Check Inspector License - Respondent Bonilla Jr.)**

17 48. Respondent Bonilla Jr.'s Smog Check Inspector License is subject to discipline
18 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between July 7, 2017
19 and April 22, 2019, regarding the vehicles set forth above in Table 1, he failed to comply with
20 provisions of California Code of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Bonilla Jr. falsely or
22 fraudulently issued electronic smog certificates of compliance for the vehicles identified in Table
23 1 above.

24 b. **Section 3340.30, subdivision (a):** Respondent Bonilla Jr. failed to inspect
25 and test the vehicles identified in Table 1 above, in accordance with Health and Safety Code
26 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

27 ///

28 ///

1 c. **Section 3340.41, subdivision (c):** Respondent Bonilla Jr. knowingly
2 entered false information into the emissions inspection system for the vehicles identified in Table
3 1 above.

4 d. **Section 3340.42:** Respondent Bonilla Jr. failed to conduct the required
5 smog tests on the vehicles identified in Table 1 above, in accordance with the Bureau's
6 specifications.

7 e. **Section 3340.45:** Respondent Bonilla Jr. failed to perform smog check
8 inspections on the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

9 Complainant refers to, and by this reference incorporates, the allegations set forth above in
10 paragraphs 32 through 35, inclusive, as though set forth fully herein.

11 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

13 **Smog Check Inspector License - Respondent Bonilla Jr.)**

14 49. Respondent Bonilla Jr.'s Smog Check Inspector License is subject to disciplinary
15 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between July
16 7, 2017 and April 22, 2019, regarding the vehicles set forth above in Table 1, Respondent Bonilla
17 Jr. committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing
18 electronic certificates of compliance for those vehicles without performing bona fide inspections
19 of the emission control devices and systems on the vehicles, thereby depriving the People of the
20 State of California of the protection afforded by the Motor Vehicle Inspection Program.
21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraphs 32 through 35, inclusive, as though set forth fully herein.

23 **OTHER MATTERS**

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

1 to, in part, failing tailpipe emission levels. The vehicle passed the smog check inspection and
2 Respondent Sanchez issued a Certificate of Compliance for the vehicle.

3 The decision in case no. 79/14-108 is now final.

4 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 266963, issued to Respondent Sanchez;

9 2. Revoking or suspending any other Automotive Repair Dealer Registration issued
10 to Respondent Sanchez;

11 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
12 266963, issued to Respondent Sanchez;

13 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
14 Division 26 of the Health and Safety Code in the name of Respondent Sanchez;

15 5. Revoking or suspending Smog Check Inspector License Number EO 631381,
16 issued to Respondent Guillermo Tovar;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health and Safety Code in the name of Respondent Guillermo Tovar;

19 7. Revoking or suspending Smog Check Inspector License Number EO 639915,
20 issued to Respondent Jesus Bonilla Jr.;

21 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
22 Division 26 of the Health and Safety Code in the name of Respondent Jesus Bonilla Jr.;

23 9. Ordering Respondents Maria I. Sanchez, Guillermo Tovar, and Jesus Bonilla Jr. to
24 pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of
25 this case, pursuant to Business and Professions Code section 125.3; and,

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: November 8, 2019

Signature on File

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

LA2019503757
53733137.docx