

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
Deputy Attorney General
4 State Bar No. 282502
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
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**

<p>11 In the Matter of the Accusation Against:</p> <p>12 SMOG PROS; ASHRAF ALI YASIN</p> <p>13 2696 Foothill Blvd.</p> <p>14 San Bernardino, CA 92410</p> <p>15 Automotive Repair Dealer Registration No.</p> <p>16 ARD 233633</p> <p>17 Smog Check, Test Only, Station License No.</p> <p>18 TC 233633</p> <p>19 and</p> <p>20 ALFREDO GUERRERO GRANADOS</p> <p>21 226 N. Miramonte Ave</p> <p>22 Ontario, CA 91764</p> <p>23 Smog Check Inspector License No. EO</p> <p>24 636048</p> <p>25 Respondents.</p>	<p>Case No. 79/14-134</p> <p>A C C U S A T I O N</p>
--	---

23 Complainant alleges:

24 **PARTIES**

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

27 **Automotive Repair Dealer Registration No. ARD 233633**

1 2. On or about June 30, 2004, the Bureau of Automotive Repair issued Automotive
2 Repair Dealer Registration Number ARD 233633 (registration) to Smog Pros; Ashraf Ali Yasin
3 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all
4 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

5 **Smog Check Test Only Station License No. TC 233633**

6 3. On or about July 8, 2004, the Bureau of Automotive Repair issued Smog Check, Test
7 Only, Station License Number TC 233633(station license) to Smog Pros; Ashraf Ali Yasin
8 (Respondent). The Smog Check, Test Only, Station License was in full force and effect at all
9 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

10 **STAR Station Certification Number**

11 4. On or about March 22, 2013, the Bureau of Automotive Repair certified Respondent,
12 Smog Pros as a STAR station. The certification will remain active unless the Automotive Repair
13 and/or Smog Station is revoked, canceled, licenses become delinquent or certification is
14 invalidated.

15 **Smog Check Inspector License No. EO 636048**

16 5. On or about September 19, 2013, the Bureau of Automotive Repair issued Smog
17 Check Inspector License Number EO 636048 (technician license) to Alfredo Guerrero Granados
18 (Respondent Granados). The Smog Check Inspector License was in full force and effect at all
19 times relevant to the charges brought herein and will expire on November 30, 2015, unless
20 renewed.¹

21 **JURISDICTION**

22 6. This Accusation is brought before the Director of Consumer Affairs (Director) for the
23 Bureau of Automotive Repair.

24 7. Section 9884.7 of the Business and Professions Code ("Code") provides that the
25 Director may revoke an automotive repair dealer registration.

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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

4 (4) Any other conduct that constitutes fraud.

5 (6) Failure in any material respect to comply with the provisions of this chapter [the
6 Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted pursuant to
7 it.

8 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more
9 than one place of business in this state, the director pursuant to subdivision (a) shall only suspend,
10 revoke, or place on probation the registration of the specific place of business which has violated
11 any of the provisions of this chapter. This violation, or action by the director, shall not affect in
12 any manner the right of the automotive repair dealer to operate his or her other places of business.

13 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
14 probation the registration for all places of business operated in this state by an automotive repair
15 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
16 and willful violations of this chapter, or regulations adopted pursuant to it.

17 14. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

26 **COST RECOVERY**

27 15. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
28 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 the investigation and
2 enforcement of the case.

3 FACTUAL BACKGROUND

4 16. The Bureau conducted a review of the Vehicle Information Database (“VID”) from
5 Respondent’s facility. The VID showed abnormal OBDII² code failure patterns. On January 30,
6 2014, Bureau Representative Alfred Denno reviewed the VID information for the period between
7 January 2, 2014 to January 30, 2014 and later from March 1, 2014 through March 14, 2014. The
8 investigation revealed that twenty-two (22) vehicles were fraudulently certified with pending or
9 history Diagnostic Trouble Codes (“DTC’s”) stored in the Power Train Control Module (“PCM”)
10 memory not supported by the vehicles being tested.

11 17. The details of the clean plugging activities, Vehicles 1 through 22, set forth in Table 1
12 below, were all certified with trouble code P1164 stored in the PCM memory while the original
13 equipment manufacturer (“OEM”) service information shows these vehicles do not support the
14 pending codes stored in the PCM memory. The Bureau Representative also consulted the original
15 equipment manufacturer service information for these vehicles and/or industry standard
16 references Mitchell On-Demand and Alldata Information Systems and confirmed that none of the
17 clean plugged vehicles supported fault code P1164. Furthermore, the access code of Smog
18 Check Inspector Alfredo Guerrero Granados was used for all the inspections. The vehicles
19 receiving smog certificates were not tested during the OBD II functional test and another
20 vehicle(s) was used, constituting clean plugging.³

21 18. The specific details of Respondents’ clean plugging activities are set forth below.

22 ² The On Board Diagnostics (OBDII) functional test is an automated function of the
23 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an
24 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is
25 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves
information from the vehicle's on-board computer about the status of the readiness indicators,
trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II
functional test, it will fail the overall inspection.

26 ³ Clean plugging is the use of the OBD II readiness monitor status and stored fault code
27 (trouble code) status of a passing vehicle for the purposes of illegally issuing a smog certificate to
28 another vehicle that is not in compliance due to a failure to complete the minimum number of self
test, known as monitors, or due to the presence of a stored fault code that indicates an emission
control system or component failure.

Table 1

#	Test Date and Time	Vehicle Certified & License No.	Unsupported Code	Technician License	Certificate #
1	1/8/14 1729-1741	2003 Cadillac Deville 4ZFW377	P1164	EO636048	YB439597C
2	1/8/14 1745-1757	2001 GMC Sonoma DP541AM	P1164	EO636048	YB439598C
3	1/8/14 1802- 1812	2003 Kia Optima 5BQE378	P1164	EO636048	YB439599C
4	1/9/14 1607-1624	1999 Chevrolet Astro 4DLA292	P1164	EO636048	YB760405C
5	1/9/14 1716-1731	2003 Ford Escort ZX2 6RSG031	P1164	EO636048	YB760407C
6	1/9/14 1737-1747	2002 Cadillac Escalade 5XGK410	P1164	EO636048	YB760408C
7	1/10/14 1737-1757	1998 Toyota Camry 4BAP768	P1164	EO636048	YB760415C
8	1/11/14 1409-1428	2002 GMC C3500 Sierra 6Z01717	P1164	EO636048	YB760417C
9	1/11/14 1448-1504	2000 Lexus RX300 5YIY027	P1164	EO636048	YB760419C
10	1/11/14 1516-1529	2000 Toyota Avalon 5SGJ504	P1164	EO636048	YB760420C
11	1/16/14 1656-1710	1997 Chevrolet Lumina 5YKV922	P1164	EO636048	YB760441C
12	1/18/14 1429-1453	1999 Dodge Dakota 12323G1	P1164	EO636048	YB760445C
13	1/18/14 1543-1558	2001 Toyota Sienna 4PXS911	P1164	EO636048	YB760448C
14	1/21/14 1655-1711	2000 Nissan Sentra 6PBE043	P1164	EO636048	YB941763C
15	1/21/14 1715-1729	2000 Nissan Maxima 4RXJ917	P1164	EO636048	YB941764C
16	3/1/14 1446-1500	1998 Chevrolet Astro 5GHT831	P1164	EO636048	YD437992C
17	3/6/14 1619-1628	2000 Saturn LS 6TRV451	P1164	EO636048	PE437507C
18	3/6/14 1635-1650	1999 GMC C1500 62563G1	P1164	EO636048	PE437508C
19	3/10/14 1202-1212	1997 Toyota T100 6R73808	P1164	EO636048	PE437519C
20	3/10/14 1326-1333	1998 Chevrolet Camaro 6NWS333	P1164	EO636048	PE437523C
21	3/12/14 1624-1634	2000 Cadillac DTS 4LEH294	P1164	EO636048	PE437532C
22	3/14/14 1720-1741	2000 Pontiac Sunfire 4KRT086	P1164	EO636048	PE437548C

Fraudulent Inspection No. 1

a. BAR 97 test detail data shows that between 1729 and 1741 hours on January 8, 2014, a 2003 Cadillac Deville, California License No.#4ZFW377 was inspected. Certificate of

1 Compliance # YB439597C was issued by Smog Pros using license # EO636048, belonging to
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003
4 Cadillac Deville. (Exh. 3, Denno Dec., p. 2, lines 19-24.)

5 **Fraudulent Inspection No. 2**

6 a. BAR 97 test detail data shows that between 1745 and 1757 hours on January 8,
7 2014, a 2001 GMC Sonoma, California License No.#DP541AM was inspected. Certificate of
8 Compliance # YB439598C was issued by Smog Pros using license # EO636048, belonging to
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
10 the time of certification. Service information shows DTC P1164 is not supported by a 2001 GMC
11 Sonoma. (Exh. 3, Denno Dec., p. 2, lines 25-28, p. 3, lines 1-2.)

12 **Fraudulent Inspection No. 3**

13 a. BAR 97 test detail data shows that between 1802 and 1812 hours on January 8,
14 2014, a 2003 Kia Optima, California License No.#5BQE378 was inspected. Certificate of
15 Compliance # YB439599C was issued by Smog Pros using license # EO636048, belonging to
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
17 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Kia
18 Optima. (Exh. 3, Denno Dec., p. 3, lines 3-7.)

19 **Fraudulent Inspection No. 4**

20 a. BAR 97 test detail data shows that between 1607 and 1624 hours on January 9, 2014,
21 a 1999 Chevrolet Astro, California License No.#4DLA292 was inspected. Certificate of
22 Compliance # YB760405C was issued by Smog Pros using license # EO636048, belonging to
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
24 the time of certification. Service information shows DTC P1164 is not supported by a 1999
25 Chevrolet Astro. (Exh. 3, Denno Dec., p. 3, lines 8-11.)

26 **Fraudulent Inspection No. 5**

27 a. BAR 97 test detail data shows that between 1716 and 1731 hours on January 9, 2014,
28 a 2003 Ford Escort ZX2, California License No.#6RSG031 was inspected. Certificate of

1 Compliance # YB760407C was issued by Smog Pros using license # EO636048, belonging to
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Ford
4 Escort ZX2. (Exh. 3, Denno Dec., p. 3, lines 12-16.)

5 **Fraudulent Inspection No. 6**

6 a. BAR 97 test detail data shows that between 1737 and 1747 hours on January 9, 2014,
7 a 2002 Cadillac Escalade, California License No.#5XGK410 was inspected. Certificate of
8 Compliance # YB760408C was issued by Smog Pros using license # EO636048, belonging to
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
10 the time of certification. Service information shows DTC P1164 is not supported by a 2002
11 Cadillac Escalade. (Exh. 3, Denno Dec., p. 3, lines 17-22.)

12 **Fraudulent Inspection No. 7**

13 a. BAR 97 test detail data shows that between 1737 and 1757 hours on January 10,
14 2014, a 1998 Toyota Camry, California License No.#4BAP768 was inspected. Certificate of
15 Compliance # YB760415C was issued by Smog Pros using license # EO636048, belonging to
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
17 the time of certification. Service information shows DTC P1164 is not supported by a 1998
18 Toyota Camry. (Exh. 3, Denno Dec., p. 3, lines 23-26.)

19 **Fraudulent Inspection No. 8**

20 a. BAR 97 test detail data shows that between 1409 and 1428 hours on January 11,
21 2014, a 2002 GMC C3500 Sierra, California License No.#6Z01717 was inspected. Certificate of
22 Compliance # YB760417C was issued by Smog Pros using license # EO636048, belonging to
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
24 the time of certification. Service information shows DTC P1164 is not supported by a 2002 GMC
25 C3500 Sierra. (Exh. 3, Denno Dec., p. 3, lines 27-28, p. 4, lines 1-4.)

26 **Fraudulent Inspection No. 9**

27 a. BAR 97 test detail data shows that between 1448 and 1504 hours on January 11,
28 2014, a 2000 Lexus RX300, California License No.#5YIY027 was inspected. Certificate of

1 Compliance # YB760419C was issued by Smog Pros using license # EO636048, belonging to
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
3 the time of certification. Service information shows DTC P1164 is not supported by a 2003 Lexus
4 RX300. (Exh. 3, Denno Dec., p. 4, lines 5-10.)

5 **Fraudulent Inspection No. 10**

6 a. BAR 97 test detail data shows that between 1516 and 1529 hours on January 11,
7 2014, a 2000 Toyota Avalon, California License No.#5SGJ504 was inspected. Certificate of
8 Compliance # YB760420C was issued by Smog Pros using license # EO636048, belonging to
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000
11 Toyota Avalon. (Exh. 3, Denno Dec., p. 4, lines 11-15.)

12 **Fraudulent Inspection No. 11**

13 a. BAR 97 test detail data shows that between 1656 and 1710 hours on January 16,
14 2014, a 1997 Chevrolet Lumina, California License No. #5YKV922 was inspected. Certificate of
15 Compliance # YB760441C was issued by Smog Pros using license # EO636048, belonging to
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
17 the time of certification. Service information shows DTC P1164 is not supported by a 1997
18 Chevrolet Lumina. (Exh. 3, Denno Dec., p. 4, lines 16-21.)

19 **Fraudulent Inspection No. 12**

20 a. BAR 97 test detail data shows that between 1429 and 1453 hours on January 18,
21 2014, a 1999 Dodge Dakota, California License No. #12323G1 was inspected. Certificate of
22 Compliance # YB760445C was issued by Smog Pros using license # EO636048, belonging to
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
24 the time of certification. Service information shows DTC P1164 is not supported by a 1999
25 Dodge Dakota. (Exh. 3, Denno Dec., p. 4, lines 22-26.)

26 **Fraudulent Inspection No. 13**

27 a. BAR 97 test detail data shows that between 1543 and 1558 hours on January 18,
28 2014, a 2001 Toyota Sienna, California License No. #4PXS911 was inspected. Certificate of

1 Compliance #YB760448C was issued by Smog Pros using license # EO636048, belonging to
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
3 the time of certification. Service information shows DTC P1164 is not supported by a 2001
4 Toyota Sienna. (Exh. 3, Denno Dec., p. 4, lines 27-28, p. 5, lines 1-3.)

5 **Fraudulent Inspection No. 14**

6 a. BAR 97 test detail data shows that between 1655 and 1711 hours on January 21,
7 2014, a 2000 Nissan Sentra, California License No. #6PBE043 was inspected. Certificate of
8 Compliance #YB941763C was issued by Smog Pros using license # EO636048, belonging to
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000
11 Nissan Sentra. (Exh. 3, Denno Dec., p. 5, lines 4-8.)

12 **Fraudulent Inspection No. 15**

13 a. BAR 97 test detail data shows that between 1715 and 1729 hours on January 21,
14 2014, a 2000 Nissan Maxima, California License No. #4RXJ917 was inspected. Certificate of
15 Compliance # YB941764C was issued by Smog Pros using license # EO636048, belonging to
16 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
17 the time of certification. Service information shows DTC P1164 is not supported by a 2000
18 Nissan Maxima. (Exh. 3, Denno Dec., p. 5, lines 9-13.)

19 **Fraudulent Inspection No. 16**

20 a. BAR 97 test detail data shows that between 1446 and 1500 hours on March 1, 2014, a
21 1998 Chevrolet Astro, California License No. #5GHT831 was inspected. Certificate of
22 Compliance # YD437992C was issued by Smog Pros using license # EO636048, belonging to
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
24 the time of certification. Service information shows DTC P1164 is not supported by a 1998
25 Chevrolet Astro. (Exh. 3, Denno Dec., p. 5, lines 14-18.)

26 **Fraudulent Inspection No. 17**

27 a. BAR 97 test detail data shows that between 1619 and 1628 hours on March 6, 2014, a
28 2000 Saturn LS, California License No. #6TRV451 was inspected. Certificate of Compliance #

1 PE437507C was issued by Smog Pros using license # EO636048, belonging to Granados. The
2 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of
3 certification. Service information shows DTC P1164 is not supported by a 2000 Saturn LS. (Exh.
4 3, Denno Dec., p. 5, lines 19-23.)

5 **Fraudulent Inspection No. 18**

6 a. BAR 97 test detail data shows that between 1635 and 1650 hours on March 6, 2014, a
7 1999 GMC C1500, California License No. #62563G1 was inspected. Certificate of Compliance #
8 PE437508C was issued by Smog Pros using license # EO636048, belonging to Granados. The
9 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of
10 certification. Service information shows DTC P1164 is not supported by a 1999 GMC C1500.
11 (Exh. 3, Denno Dec., p. 5, lines 24-28.)

12 **Fraudulent Inspection No. 19**

13 a. BAR 97 test detail data shows that between 1202 and 1212 hours on March 10, 2014,
14 a 1997 Toyota T100, California License No. # 6R73808 was inspected. Certificate of Compliance
15 # PE437519C was issued by Smog Pros using license # EO636048, belonging to Granados. The
16 BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at the time of
17 certification. Service information shows DTC P1164 is not supported by a 1997 Toyota T100.
18 (Exh. 3, Denno Dec., p. 6, lines 1-5.)

19 **Fraudulent Inspection No. 20**

20 a. BAR 97 test detail data shows that between 1326 and 1333 hours on March 10, 2014,
21 a 1998 Chevrolet Camaro, California License No. #6NWS333 was inspected. Certificate of
22 Compliance # PE437523C was issued by Smog Pros using license # EO636048, belonging to
23 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
24 the time of certification. Service information shows DTC P1164 is not supported by a 1998
25 Chevrolet Camaro. (Exh. 3, Denno Dec., p. 6, lines 6-11.)

26 **Fraudulent Inspection No. 21**

27 a. BAR 97 test detail data shows that between 1624 and 1634 hours on March 12, 2014,
28 a 2000 Cadillac DTS, California License No. #4LEH294 was inspected. Certificate of

1 Compliance # PE437532C was issued by Smog Pros using license # EO636048, belonging to
2 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
3 the time of certification. Service information shows DTC P1164 is not supported by a 2000
4 Cadillac DTS. (Exh. 3, Denno Dec., p. 6, lines 12-16.)

5 **Fraudulent Inspection No. 22**

6 a. BAR 97 test detail data shows that between 1720 and 1741 hours on March 14, 2014,
7 a 2000 Pontiac Sunfire, California License No. #4KRT086 was inspected. Certificate of
8 Compliance # PE437548C was issued by Smog Pros using license # EO636048, belonging to
9 Granados. The BAR97 Inspection Detail shows DTC P1164 was stored in the PCM memory at
10 the time of certification. Service information shows DTC P1164 is not supported by a 2000
11 Pontiac Sunfire. (Exh. 3, Denno Dec., p. 6, lines 17-22.)

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 19. Respondent's registration is subject to discipline pursuant to Code section
15 9884.7(a)(1), in that from January 2, 2014 to January 30, 2014 and later from March 1, 2014
16 through March 14, 2014, Respondent made or authorized statements which he knew or in the
17 exercise of reasonable care should have known to be untrue or misleading, as follows:
18 Respondent certified that the vehicles set forth above in Table 1, had passed inspection and were
19 in compliance with applicable laws and regulations. In fact, Respondent conducted the
20 inspections on those vehicles using the clean plugging method by substituting or using different
21 vehicles during the OBD II functional tests in order to issue smog certificates of compliance, and
22 did not test or inspect the vehicles as required by Health and Safety Code section 44012.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 20. Respondent's registration is subject to discipline pursuant to Code section
26 9884.7(a)(4), in that from January 2, 2014 to January 30, 2014 and later from March 1, 2014
27 through March 14, 2014, Respondent committed acts which constitute fraud by issuing electronic
28 certificates of compliance for the vehicles set forth above in Table 1, without performing bona

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

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with the Motor Vehicle Inspection Program)**

6 21. Respondent's station license is subject to discipline pursuant to Health and Safety
7 Code section 44072.2(a), in that from January 2, 2014 to January 30, 2014 and later from March
8 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent
9 failed to comply with the following sections of that Code:

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

12 b. Section 44015: Respondent issued electronic certificates of compliance for the vehicles,
13 without ensuring that the vehicles were properly tested and inspected to determine if they were in
14 compliance with Health and Safety Code section 44012.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

18 22. Respondent's station license is subject to discipline pursuant to Health and Safety
19 Code section 44072.2(c), in that from January 2, 2014 to January 30, 2014 and later from March
20 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent
21 failed to comply with provisions of California Code of Regulations, title 16, as follows:

22 a. Section 3340.35(c): Respondent issued electronic certificates of compliance even
23 though those vehicles had not been inspected in accordance with section 3340.42 of that Code.

24 b. Section 3340.42: Respondent failed to conduct the required smog tests and inspections
25 on those vehicles in accordance with the Bureau's specifications.

26 ///

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 23. Respondent's station license is subject to discipline pursuant to Health and Safety
4 Code section 44072.2(d), in that from January 2, 2014 to January 30, 2014 and later from March
5 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, Respondent
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
7 electronic certificates of compliance for those vehicles without performing bona fide inspections
8 of the emission control devices and systems on the vehicles, thereby depriving the People of the
9 State of California of the protection afforded by the Motor Vehicle Inspection Program.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 24. Respondent Granados' technician license(s) is subject to discipline pursuant to Health
13 and Safety Code section 44072.2(a), in that from January 2, 2014 to January 30, 2014 and later
14 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he
15 failed to comply with section 44012 of that Code in a material respect, as follows: Respondent
16 Granados failed to perform the emission control tests on those vehicles in accordance with
17 procedures prescribed by the department.

18 **SEVENTH CAUSE FOR DISCIPLINE**

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

21 25. Respondent Granados' technician license(s) is subject to discipline pursuant to Health
22 and Safety Code section 44072.2(c), in that from January 2, 2014 to January 30, 2014 and later
23 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he
24 failed to comply with provisions of California Code of Regulations, title 16, as follows:

25 a. Section 3340.30(a): Respondent Granados failed to inspect and test those vehicles in
26 accordance with Health and Safety Code sections 44012.

27 b. Section 3340.42: Respondent Granados failed to conduct the required smog tests and
28 inspections on those vehicles in accordance with the Bureau's specifications.

1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 26. Respondent Granados' technician license(s) is subject to discipline pursuant to Health
4 and Safety Code section 44072.2(d), in that from January 2, 2014 to January 30, 2014 and later
5 from March 1, 2014 through March 14, 2014, regarding the vehicles set forth above in Table 1, he
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
7 electronic certificates of compliance without performing bona fide inspections of the emission
8 control devices and systems on those vehicles, thereby depriving the People of the State of
9 California of the protection afforded by the Motor Vehicle Inspection Program.

10 **OTHER MATTERS**

11 27. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
12 probation the registrations for all places of business operated in this state by Ashraf Ali Yasin,
13 doing business as Smog Pros, upon a finding that he has, or is, engaged in a course of repeated
14 and willful violation of the laws and regulations pertaining to an automotive repair dealer.

15 28. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
16 Station License Number TC 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros, is
17 revoked or suspended, any additional license issued under this chapter in the name of said
18 licensee may be likewise revoked or suspended by the director.

19 29. Pursuant to Health and Safety Code section 44072.8, if Alfredo Guerrero Granados
20 technician license, currently designated as EO 636048 is revoked or suspended, any additional
21 license issued under this chapter in the name of said licensee may be likewise revoked or
22 suspended by the Director.

23 **PRAYER**

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

26 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD
27 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros;

28

- 1 2. Revoking or suspending any other automotive repair dealer registration issued
2 to Ashraf Ali Yasin;
- 3 3. Revoking or suspending Smog Check Test Only Station License Number TC
4 233633, issued to Ashraf Ali Yasin, doing business as Smog Pros;
- 5 4. Revoking or suspending any additional license issued under Chapter 5 of the
6 Health and Safety Code in the name of Ashraf Ali Yasin;
- 7 5. Revoking or suspending Alfredo Guerrero Granados' smog technician license
8 EO 636048;
- 9 6. Revoking or suspending any additional license issued under Chapter 5 of the
10 Health and Safety Code in the name of Alfredo Guerrero Granados;
- 11 7. Ordering Ashraf Ali Yasin and Alfredo Guererro Granados to pay the Director
12 of Consumer Affairs the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Code section 125.3; and,
- 14 8. Taking such other and further action as deemed necessary and proper.

17 DATED: June 19, 2014

18 PATRICK DORAIS
19 Chief
20 Bureau of Automotive Repair
21 Department of Consumer Affairs
22 State of California
23 *Complainant*

26 LA2014511728
27 51535228.doc
28 6/18/14