

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**REDLINE TEST ONLY SMOG CENTER,
INC.,
dba COMPLETE AUTO REPAIR
GURJIT SINGH GILL, PRES./SECTY/
TREAS.**

718 South 9th Street
Modesto, CA 95351

Mailing Address:

3201 Justinpaul Lane
Modesto, CA 95355

Automotive Repair Dealer Registration No.
ARD 265647

Smog Check Station License No. RC 265647

Lamp Station License No. LS 265647

Brake Station License No. BS 265647,

ZACKARY SCOTT WEST

422 Pine Street
Modesto CA 95351

Smog Check Inspector License No. EO
631513

Smog Check Repair Technician License No.

EI 631513 (formerly Advanced Emission

Specialist Technician License No. EA

631513) Brake Adjuster License No. BA

631513,

and

MAURICIO AGUILAR

536 High Street

Modesto, CA 95354

Brake Adjuster License No. BA 636396

Respondents.

Case No. 77/15-52

OAH No. 2015080895


DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Redline Test Only Smog Center, Inc., doing business as Complete Auto Repair, Gurjit Singh Gill, President, Secretary, and Treasurer.

The suspensions of Automotive Repair Dealer Registration No. ARD 265647 and Smog Check Station License No. RC 265647 shall commence on the effective date of this decision.

This Decision shall become effective June 23, 2017.

DATED: 5/18/2017



RYAN MARCROFT
Assistant Chief Counsel
Division of Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 DAVID E. BRICE
Deputy Attorney General
4 State Bar No. 269443
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-8010
Facsimile: (916) 327-8643
7 E-mail: David.Brice@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
13 **REDLINE TEST ONLY SMOG CENTER, INC.,**
dba COMPLETE AUTO REPAIR
14 **GURJIT SINGH GILL, PRES./SECTY/TREAS.**
718 South 9th Street
15 Modesto, CA 95351
Mailing Address:
16 3201 Justinpaul Lane
Modesto, CA 95355
17 Automotive Repair Dealer Reg. No. ARD 265647
Smog Check Station License No. RC 265647
18 Lamp Station License No. LS 265647
Brake Station License No. BS 265647,
19
20 **ZACKARY SCOTT WEST**
422 Pine Street
Modesto, CA 95351
21 Smog Check Inspector License No. EO 631513
Smog Check Repair Technician License No. EI
22 631513(formerly Advanced Emission Specialist
Technician License No. EA 631513)
23 Brake Adjuster License No. BA 631513,
24
25 **and**
MAURICIO AGUILAR
536 High Street
26 Modesto, CA 95354
Brake Adjuster License No. BA 636396
27
28 Respondents.

Case No. 77/15-52

OAH No. 2015080895

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

**FOR RESPONDENT REDLINE TEST
ONLY SMOG CENTER, INC.,
dba COMPLETE AUTO REPAIR
GURJIT SINGH GILL,
PRES./SECTY/TREAS.**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by David E. Brice, Deputy Attorney General.

7 2. Respondent Redline Test Only Smog Center, Inc. dba Complete Auto Repair, Gurjit
8 Singh Gill, Pres./Secty/Treas. is represented in this proceeding by attorney William Ferreira,
9 whose address is: 582 Market Street, Suite 1608, San Francisco, CA 94104.

10 3. On or about June 24, 2011, the Bureau of Automotive Repair issued Automotive
11 Repair Dealer Registration No. ARD 265647 to Respondent. The Automotive Repair Dealer
12 Registration was in full force and effect at all times relevant to the charges brought in Accusation
13 No. 77/15-52 and will expire on June 30, 2017, unless renewed.

14 4. On or about November 7, 2013, the Bureau of Automotive Repair issued Smog
15 Check Station License No. RC 265647 to Respondent. The Smog Check Station License was in
16 full force and effect at all times relevant to the charges brought in Accusation No. 77/15-52 and
17 will expire on June 30, 2017, unless renewed.

18 5. On or about May 15, 2014, the Bureau of Automotive Repair issued Lamp Station
19 License No. LS 265647 to Respondent. The Lamp Station License was in full force and effect at
20 all times relevant to the charges brought in Accusation No. 77/15-52 and will expire on June 30,
21 2017, unless renewed.

22 6. On or about May 15, 2014, the Bureau of Automotive Repair issued Brake Station
23 License No. BS 265647 to Respondent. The Brake Station License was in full force and effect at
24 all times relevant to the charges brought in Accusation No. 77/15-52 and will expire on June 30,
25 2017, unless renewed.

26 JURISDICTION

27 7. First Amended Accusation No. 77/15-52 was filed before the Director of Consumer
28 Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending

1 against Respondent. The First Amended Accusation and all other statutorily required documents
2 were properly served on Respondent on May 3, 2016. Respondent timely filed its Notice of
3 Defense contesting the Accusation.

4 8. A copy of First Amended Accusation No. 77/15-52 is attached as exhibit A and
5 incorporated herein by reference.

6 ADVISEMENT AND WAIVERS

7 9. Respondent has carefully read, fully discussed with counsel, and understands the
8 charges and allegations in First Amended Accusation No. 77/15-52. Respondent has also
9 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
10 Settlement and Disciplinary Order.

11 10. Respondent is fully aware of its legal rights in this matter, including the right to a
12 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
13 its own expense; the right to confront and cross-examine the witnesses against it; the right to
14 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
15 the attendance of witnesses and the production of documents; the right to reconsideration and
16 court review of an adverse decision; and all other rights accorded by the California
17 Administrative Procedure Act and other applicable laws.

18 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
19 every right set forth above.

20 CULPABILITY

21 12. Respondent admits the truth of each and every charge and allegation in First
22 Amended Accusation No. 77/15-52.

23 13. Respondent agrees that its Automotive Repair Dealer Registration, Smog Check
24 Station License, Lamp Station License, and Brake Station License are subject to discipline and
25 agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order
26 below.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 265647,
3 Smog Check Station License No. RC 265647, Lamp Station License No. LS 265647, and Brake
4 Station License No. BS 265647 issued to Respondent Redline Test Only Smog Center, Inc. dba
5 Complete Auto Repair are revoked. However, the revocations of Automotive Repair Dealer
6 Registration No. ARD 265647 and Smog Check Station License No. RC 265647 are stayed and
7 Respondent is placed on probation for three (3) years on the following terms and conditions.

8 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 265647 and
9 Smog Check Station License No. RC 265647 issued to Respondent Redline Test Only Smog
10 Center, Inc. dba Complete Auto Repair are suspended for five (5) days.

11 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
12 automotive inspections, estimates and repairs.

13 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
14 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
15 conspicuously displayed in a location open to and frequented by customers and shall remain
16 posted during the entire period of actual suspension.

17 4. **Reporting.** Respondent or Respondent's authorized representative must report in
18 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
19 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
20 maintaining compliance with the terms and conditions of probation.

21 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
22 any financial interest which any partners, officers, or owners of the Respondent facility may have
23 in any other business required to be registered pursuant to Section 9884.6 of the Business and
24 Professions Code.

25 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
26 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

27 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
28 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter

1 until the final decision on the accusation, and the period of probation shall be extended until such
2 decision.

3 **8. Violation of Probation.** Should the Director of Consumer Affairs determine that
4 Respondent has failed to comply with the terms and conditions of probation, the Department may,
5 after giving notice and opportunity to be heard, temporarily or permanently invalidate the
6 registration and suspend or revoke the license.

7 **9. Cost Recovery.** Respondent shall be jointly and severally responsible with
8 Respondents Zackary Scott West and Mauricio Aguilar to pay to the Bureau costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$11,509.47. Payment to the Bureau of the full amount of cost recovery shall be made
11 in twenty-four (24) consecutive, equal monthly installments, with the final payment received no
12 later than twelve (12) months before probation terminates. Failure to complete payment of cost
13 recovery within this time frame shall constitute a violation of probation which may subject
14 Respondent's registration to outright revocation; however, the Director or the Director's Bureau
15 of Automotive Repair designee may elect to continue probation until such time as reimbursement
16 of the entire cost recovery amount has been made to the Bureau.

17 **10. Equipment.** During the period of probation, Respondent shall not perform any form
18 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
19 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
20 properly perform such work, and BAR has been given 10 days notice of the availability of the
21 equipment for inspection by a BAR representative.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will
4 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
5 License and Brake Station License. I enter into this Stipulated Settlement and Disciplinary Order
6 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
7 Director of Consumer Affairs.

8
9 DATED: 11-4-16


10 GURJIT SINGH GILL, PRES./SECTY/TREAS.
11 REDLINE TEST ONLY SMOG CENTER, INC. DBA
12 COMPLETE AUTO REPAIR
Respondent

13 I have read and fully discussed with Respondent Gurjit Singh Gill, Pres./Secty/Treas.,
14 Redline Test Only Smog Center, Inc. dba Complete Auto Repair, the terms and conditions and
15 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
16 form and content.

17 DATED: 11-4-16


18 William Ferreira
19 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: 11/4/2016

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


DAVID E. BRICE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 77/15-52

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 DAVID E. BRICE
Deputy Attorney General
4 State Bar No. 269443
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-8010
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. 77/15-52

13 **REDLINE TEST ONLY SMOG CENTER, INC.,**
14 **dba COMPLETE AUTO REPAIR**
15 **GURJIT SINGH GILL, PRES./SECTY/TREAS.**
16 **718 South 9th Street**
17 **Modesto, CA 95351**
18 **Mailing Address:**
19 **3201 Justinpaul Lane**
20 **Modesto, CA 95355**
21 **Automotive Repair Dealer Reg. No. ARD 265647**
22 **Smog Check Station License No. RC 265647**
23 **Lamp Station License No. LS 265647**
24 **Brake Station License No. BS 265647,**

OAH No. 2015080895

FIRST AMENDED ACCUSATION

19 **ZACKARY SCOTT WEST**
20 **422 Pine Street**
21 **Modesto, CA 95351**
22 **Smog Check Inspector License No. EO 631513**
23 **Smog Check Repair Technician License No. EI**
24 **631513 (formerly Advanced Emission Specialist**
25 **Technician License No. EA 631513)**
26 **Brake Adjuster License No. BA 631513,**

27 and

25 **MAURICIO AGUILAR**
26 **536 High Street**
27 **Modesto, CA 95354**
28 **Brake Adjuster License No. BA 636396**

Respondents.

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais ("Complainant") brings this First Amended Accusation solely in his
4 official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of
5 Consumer Affairs. This First Amended Accusation replaces in its entirety Accusation No. 77/15-
6 52 filed on May 7, 2015.

7 **Redline Test Only Smog Center, Inc. dba Complete Auto Repair**

8 2. On or about June 24, 2011, the Director of Consumer Affairs ("Director") issued
9 Automotive Repair Dealer Registration Number ARD 265647 ("registration") to Redline Test
10 Only Smog Center, Inc. ("Respondent Redline"), doing business as Complete Auto Repair, with
11 Gurjit Singh Gill as president, secretary and treasurer. The registration was in full force and
12 effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless
13 renewed.

14 3. On or about November 7, 2013, the Director issued Smog Check Station License
15 Number RC 265647 to Respondent Redline. The smog check station license was in full force and
16 effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless
17 renewed.

18 4. On or about November 15, 2013, Respondent Redline's smog check station was
19 certified as a STAR¹ station. The certification is currently active.

20 5. On or about May 15, 2014, the Director issued Lamp Station License Number LS
21 265647 to Respondent Redline. The lamp station license was in full force and effect at all times
22 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

23 6. On or about May 15, 2014, the Director issued Brake Station License Number BS
24 265647 to Respondent Redline. The brake station license was in full force and effect at all times
25 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

26 ¹ Pursuant to California Code of Regulations, title 16, section 3340.1, "STAR" means a
27 voluntary certification program that applies to a registered Automotive Repair Dealer that is also
28 a licensed smog check test-and-repair station or a test-only station that meets all requirements
specified in Article 10 of these regulations.

1 12. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may
2 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of
3 the Automotive Repair Act.

4 13. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or
5 suspension of a license by operation of law or by order or decision of the Director or a court of
6 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
7 proceed with any disciplinary proceedings.

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

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

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

18 17. Regulation section 3340.28, subdivision (e), states that "[u]pon renewal of an
19 unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license
20 issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog
21 Check Inspector, Smog Check Repair Technician, or both."

22 **STATUTORY AND REGULATORY PROVISIONS**

23 18. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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(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.

....

(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.

19. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Business and Professions Code which relates to his or her licensed activities.

....

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

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

....

(f) Aids or abets an unlicensed person to evade the provisions of this chapter.

....

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

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1 20. Bus. & Prof. Code section 9888.3 states:

2 No person shall operate an "official" lamp or brake adjusting station
3 unless a license therefor has been issued by the director. No person shall issue, or
4 cause or permit to be issued, any certificate purporting to be an official lamp
5 adjustment certificate unless he or she is a licensed lamp adjuster or an official brake
6 adjustment certificate unless he or she is a licensed brake adjuster.

7 21. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or
8 suspended following a hearing under the provisions of this article [Article 7 (commencing with
9 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and
10 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the
11 director."

12 22. Bus. & Prof. Code section 22, subdivision (a), states:

13 "Board" as used in any provision of this Code, refers to the board in
14 which the administration of the provision is vested, and unless otherwise expressly
15 provided, shall include "bureau," "commission," "committee," "department,"
16 "division," "examining committee," "program," and "agency."

17 23. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
18 "license" includes "registration" and "certificate."

19 24. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

26

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

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

 25. Regulation 3305, subdivision (a), states, in pertinent part, that [a]ll adjusting,
inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing
any certificate of compliance or adjustment shall be performed in official stations, by official
adjusters . . ."

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26. Regulation 3316 states, in pertinent part:

The operation of official lamp adjusting stations shall be subject to the following provisions:

....

(d) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents (\$ 3.50) each and shall not purchase or otherwise obtain such certificates from any other source . . . Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

....

(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall certify that the entire system meets all of those requirements.

....

(e)(3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, class, and official station number shall be included with the signature . . .

27. Regulation 3321 states, in pertinent part:

The operation of official brake adjusting stations shall be subject to the following provisions:

....

(c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents (\$ 3.50) and shall not purchase or otherwise obtain such certificates from any other source . . . Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

....

(2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

....

(d)(3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, the license class, and the official station license number shall be included with the signature . . .

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1 28. Regulation 3340.45 states, in pertinent part:

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

4

5 (2) Smog Check Manual, dated 2013, which is hereby incorporated by
6 reference. This manual shall become effective on or after January 1, 2013.

6 **COST RECOVERY**

7 29. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
8 the administrative law judge to direct a licentiate found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 **"SECRET SHOPPER" OPERATION**

12 30. On or about October 10, 2014, an undercover operator of the Bureau ("operator")
13 took the Bureau's 2007 Ford to Respondent Redline's facility and met with Respondent Mauricio
14 Aguilar ("Aguilar"). The operator requested smog, lamp, and brake inspections on the vehicle.
15 Aguilar prepared a written estimate in the amount of \$115, had the operator sign it, then gave him
16 a copy. The operator observed Respondent Zackary West ("West") perform the smog inspection.
17 After the smog inspection was completed, the operator observed Aguilar perform the lamp and
18 brake inspections on the vehicle. Aguilar turned on the headlamp switch, walked around the
19 vehicle, and appeared to verify the operation of the lamps. Aguilar did not remove the wheels
20 from the vehicle, and the vehicle was not road-tested by any of the technicians. After the brake
21 and lamp inspections were completed, Aguilar went into the office. The operator observed
22 Aguilar open two certificate books and write information on both certificates (the brake and lamp
23 certificates identified below). Aguilar signed the certificates and gave them to West. Later, West
24 told the operator that the vehicle was ready. The operator paid West \$115 and received copies of
25 an invoice, a vehicle inspection report ("VIR"), Certificate of Brake Adjustment [REDACTED]
26 and Certificate of Lamp Adjustment [REDACTED]. The operator left the facility.

27 31. Later, the Bureau reviewed the lamp certificate and noted that the number RY 030749
28 had been written in as the adjuster's license number (the "official adjuster" who performed the

1 lamp inspection). Lamp Adjuster License No. LA 030749 is issued to Amarjit Singh, the owner
2 of Sam's Complete Auto Repair and Gurjit Singh Gill's father. Amarjit Singh was not present at
3 the facility at the time the inspections were performed.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Untrue or Misleading Statements)**

6 32. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
7 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
8 which it knew or in the exercise of reasonable care should have known to be untrue or
9 misleading, as follows:

10 a. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
11 perjury on Lamp Certificate [REDACTED] that Amarjit Singh performed the applicable
12 inspection of the lighting systems on the Bureau's 2007 Ford as specified by the Bureau and in
13 accordance with title 16 of the California Code of Regulations and the Business and Professions
14 Code. In fact, Aguilar performed the lamp inspection on the vehicle and issued the certificate
15 without a valid lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code
16 section 9888.3 and Regulation 3305, subdivision (a).

17 b. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
18 perjury on Brake Certificate [REDACTED] that he performed the applicable inspection of the
19 brake system on the Bureau's 2007 Ford as specified by the Bureau and in accordance with Title
20 16 of the California Code of Regulations and the Business and Professions Code. In fact, Aguilar
21 failed to perform a complete brake inspection on the vehicle.

22 c. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
23 perjury on Brake Certificate [REDACTED] that the Bureau's 2007 Ford had a stopping distance
24 of 25 feet from a speed of 20 miles per hour as a result of a road-test. In fact, neither Aguilar nor
25 any other technician had road-tested the vehicle.

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1 Bureau's 2007 Ford when, in fact, Aguilar, was not a licensed lamp adjuster and was legally
2 prohibited from performing lamp inspections on vehicles.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 40. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
6 to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with
7 Regulations 3305, subdivision (a), and 3321, subdivision (c)(2), as set forth in paragraph 35
8 above.

9 **TENTH CAUSE FOR DISCIPLINE**

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

11 41. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
12 to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed an act
13 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 33
14 above.

15 **UNDERCOVER OPERATION #1: 2007 NISSAN**

16 42. On or about October 14, 2014, the undercover operator, identified in paragraph 30
17 above ("operator"), took the Bureau's 2007 Nissan to Respondent Redline's facility and requested
18 smog, lamp, and brake inspections on the vehicle. The left front and right rear brake rotors on the
19 Bureau-documented vehicle were machined below the manufacturer's minimum thickness
20 specifications and both headlamps were out of adjustment. Respondent's employee, William
21 Marshall ("Marshall"), prepared a written estimate in the amount of \$115, had the operator sign
22 it, then gave him a copy. The operator observed Respondent Zackary West ("West") perform the
23 smog, lamp, and brake inspections on the vehicle. West turned on the headlamp switch, walked
24 around the vehicle, and appeared to verify the operation of the lamps. West did not remove the
25 wheels, but did road-test the vehicle. After the inspections were completed, Marshall came into
26 the office area. The operator observed Marshall open a certificate book and write information on
27 a certificate. Marshall took the certificate book out to West, who was in the shop. West appeared
28 to sign the certificate. Later, Marshall told the operator that the vehicle was ready, but it had

1 failed the brake inspection because one brake rotor needed replacement. Marshall told the
2 operator to replace the brake rotor, then to return the following day and see him, and he would
3 give the operator a brake certificate. The operator paid Marshall \$115 and received copies of an
4 invoice, a VIR, and Certificate of Lamp Adjustment [REDACTED]. The operator left the
5 facility. Later, the Bureau reviewed the lamp certificate and noted that West had written in the
6 number RY180098 as the adjuster's license number. RY180098 is not a valid license number.

7 43. On or about October 15, 2014, during the third undercover operation conducted by
8 the Bureau (referring to paragraphs 66 to 79 below), the operator asked Marshall for the brake
9 certificate for the 2007 Nissan. The operator told Marshall that he had sold the vehicle and
10 needed the brake certificate so that he could get the registration. Marshall opened the certificate
11 book and filled out the certificate for the vehicle, Certificate of Brake Adjustment No.

12 [REDACTED]. Marshall signed the certificate and gave it to the operator. Later, the Bureau
13 reviewed the certificate and noted that the number RY 030749 had been written in as the
14 adjuster's license number. Brake Adjuster License No. BA 030749 is issued to Amarjit Singh.
15 Amarjit Singh was not present at the facility at the time the inspections were performed.

16 44. On or about October 27, 2014, the Bureau inspected the 2007 Nissan and found that
17 both headlamps were still out of adjustment. The Bureau also found that none of the wheels had
18 been removed, indicating that the brake inspection had not been completely performed on the
19 vehicle. Further, the left front and right rear brake rotors were not within manufacturer's
20 specifications.

21 ELEVENTH CAUSE FOR DISCIPLINE

22 (Untrue or Misleading Statements)

23 45. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
24 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
25 which it knew or in the exercise of reasonable care should have known to be untrue or
26 misleading, as follows:

27 a. Respondent Redline's employee, Marshall, certified under penalty of perjury on
28 Brake Certificate [REDACTED], issued on October 15, 2014, that the drums and rotors on the

1 Bureau's 2007 Nissan were in a satisfactory condition. In fact, the left front and right rear brake
2 rotors on the vehicle were machined below the manufacturer's minimum thickness specifications
3 at the time the vehicle was taken to Respondent Redline's facility.

4 b. Respondent Redline's employee, Marshall, certified under penalty of perjury on
5 Brake Certificate [REDACTED], issued on October 15, 2014, that the Bureau's 2007 Nissan
6 had a stopping distance of 25 feet from a speed of 20 miles per hour as a result of a road-test. In
7 fact, the vehicle had not been road-tested on October 15, 2014.

8 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
9 Brake Certificate [REDACTED], issued on October 15, 2014, that Amarjit Singh performed the
10 applicable inspection of the brake system on the Bureau's 2007 Nissan as specified by the Bureau
11 and in accordance with title 16 of the California Code of Regulations and the Business and
12 Professions Code. In fact, the vehicle was not present at Respondent Redline's facility on the
13 above date and was never inspected by Amarjit Singh.

14 d. Respondent Redline's employee, Respondent West, certified under penalty of perjury
15 on Certificate of Lamp Adjustment [REDACTED] that the applicable adjustment had been
16 performed on the lighting system on the Bureau's 2007 Nissan. In fact, both headlamps were out
17 of adjustment at the time the vehicle was taken to Respondent Redline's facility.

18 e. Respondent Redline's employee, Respondent West, certified under penalty of perjury
19 on Lamp Certificate [REDACTED] that a licensed adjuster had performed the applicable
20 inspection of the lighting systems on the Bureau's 2007 Nissan as specified by the Bureau and in
21 accordance with title 16 of the California Code of Regulations and the Business and Professions
22 Code. In fact, West performed the lamp inspection on the vehicle and issued the certificate
23 without a valid lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code
24 section 9888.3 and Regulation 3305, subdivision (a). Further, West used a false lamp adjuster
25 license number on the certificate.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 46. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as
5 follows: Respondent Redline obtained payment from the operator for performing the applicable
6 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2007
7 Nissan as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent
8 Redline's employee, Respondent West, failed to perform the necessary inspections, adjustments,
9 or repairs in compliance with Bureau Regulations or the Vehicle Code.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Bus. & Prof. Code)**

12 47. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
13 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
14 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp
15 Certificate No. LC1902573 as to the Bureau's 2007 Nissan when, in fact, its employee,
16 Respondent West, was not a licensed lamp adjuster and was legally prohibited from performing
17 lamp inspections on vehicles.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations)**

20 48. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
21 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
22 provisions of California Code of Regulations, title 16, in the following material respects:

23 a. **Regulation 3305, subdivision (a)**: Respondent Redline's employee, Respondent
24 West, failed to perform the inspection of the brake system and inspection or adjustment of the
25 lighting system on the Bureau's 2007 Nissan in accordance with the specifications, instructions,
26 and directives issued by the Bureau and the vehicle manufacturer.

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1 abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent
2 Redline authorized or permitted Respondent West to perform brake and lamp inspections on the
3 Bureau's 2007 Nissan when, in fact, West was not a licensed brake adjuster or lamp adjuster and
4 was legally prohibited from performing brake and lamp inspections on vehicles.

5 **NINETEENTH CAUSE FOR DISCIPLINE**

6 **(Violations of Regulations)**

7 53. Respondent West's brake adjuster license is subject to disciplinary action pursuant to
8 Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions of
9 California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision
10 (c)(2), as set forth in paragraph 48 above.

11 **TWENTIETH CAUSE FOR DISCIPLINE**

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

13 54. Respondent West's brake adjuster license is subject to disciplinary action pursuant to
14 Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts involving
15 dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 46 above.

16 **UNDERCOVER OPERATION #2: 2002 FORD**

17 55. On or about October 15, 2014, the undercover operator, identified in paragraph 30
18 above ("operator"), took the Bureau's 2002 Ford to Respondent Redline's facility and requested
19 smog, lamp, and brake inspections on the vehicle. The right front and left rear brake rotors on the
20 Bureau-documented vehicle were machined below the manufacturer's minimum thickness
21 specifications and both headlamps were out of adjustment. Respondent's employee, William
22 Marshall ("Marshall"), prepared a written estimate in the amount of \$100, had the operator sign
23 it, then gave him a copy. The operator observed smog check technician Moses Valdez ("Valdez")
24 perform the smog and lamp inspections on the vehicle. Valdez turned on the headlamp switch,
25 walked around the vehicle, and appeared to verify the operation of the lamps. Respondent
26 Mauricio Aguilar ("Aguilar") appeared to perform the brake inspection. Aguilar did not remove
27 the wheels from the vehicle, and neither Aguilar nor Valdez road-tested the vehicle. After the
28 inspections were completed, Marshall came into the office area. The operator observed Marshall

1 open two certificate books and complete and sign both certificates. The operator paid Marshall
2 \$100 and received copies of an invoice, a VIR, Certificate of Lamp Adjustment [REDACTED],
3 and Certificate of Brake Adjustment [REDACTED]. At approximately 1210 hours, the operator
4 left the facility. Later, the Bureau reviewed the brake and lamp certificates and noted that the
5 number RY030749 had been written in as the adjuster's license number. Brake Adjuster License
6 No. BA 030749 and Lamp Adjuster License No. LA 030749 are issued to Amarjit Singh.
7 Amarjit Singh was not present at the facility at the time the inspections were performed.

8 56. On or about October 23, 2014, the Bureau inspected the 2002 Ford and found that
9 both headlamps were still out of adjustment. The Bureau also found that none of the wheels had
10 been removed, indicating that the brake inspection had not been completely performed on the
11 vehicle. Further, the right front and left rear brake rotors were not within manufacturer's
12 specifications.

13 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

14 (Untrue or Misleading Statements)

15 57. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
16 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
17 which it knew or in the exercise of reasonable care should have known to be untrue or
18 misleading, as follows:

19 a. Respondent Redline's employee, Marshall, certified under penalty of perjury on
20 Brake Certificate [REDACTED] that the drums and rotors on the Bureau's 2002 Ford were in a
21 satisfactory condition. In fact, the right front and left rear brake rotors on the vehicle were
22 machined below the manufacturer's minimum thickness specifications at the time the vehicle was
23 taken to Respondent Redline's facility.

24 b. Respondent Redline's employee, Marshall, certified under penalty of perjury on
25 Brake Certificate [REDACTED] that the Bureau's 2002 Ford had a stopping distance of 25 feet
26 from a speed of 20 miles per hour as a result of a road-test. In fact, the vehicle had not been road-
27 tested.

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1 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
2 Brake Certificate [REDACTED] that Amarjit Singh performed the applicable inspection of the
3 brake system on the Bureau's 2002 Ford as specified by the Bureau and in accordance with title
4 16 of the California Code of Regulations and the Business and Professions Code. In fact, Amarjit
5 Singh never inspected the vehicle; the inspection was conducted by Respondent Aguilar.

6 d. Respondent Redline's employee, Marshall, certified under penalty of perjury on
7 Certificate of Lamp Adjustment [REDACTED] that the applicable adjustment had been
8 performed on the lighting system on the Bureau's 2002 Ford. In fact, both headlamps were out of
9 adjustment at the time the vehicle was taken to Respondent Redline's facility.

10 e. Respondent Redline's employee, Marshall, certified under penalty of perjury on
11 Lamp Certificate [REDACTED] that a licensed adjuster had performed the applicable inspection
12 of the lighting systems on the Bureau's 2002 Ford as specified by the Bureau and in accordance
13 with title 16 of the California Code of Regulations and the Business and Professions Code. In
14 fact, smog check technician Valdez performed the lamp inspection on the vehicle without a valid
15 lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code section 9888.3 and
16 Regulation 3305, subdivision (a).

17 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 58. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
20 Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as
21 follows: Respondent Redline obtained payment from the operator for performing the applicable
22 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2002 Ford
23 as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent
24 Redline's employees, Respondent Aguilar and smog check technician Valdez, failed to perform
25 the necessary inspections, adjustments, or repairs in compliance with Bureau Regulations or the
26 Vehicle Code.

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TWENTY-THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

59. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp Certificate No. LC1902576 as to the Bureau's 2002 Ford when, in fact, its employee, smog check technician Valdez, was not a licensed lamp adjuster and was legally prohibited from performing lamp inspections on vehicles.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

60. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Regulation 3305, subdivision (a)**: Respondent Redline's employees, smog check technician Valdez and Respondent Aguilar, failed to perform the inspection of the brake system (Aguilar) and inspection or adjustment of the lighting system (Valdez) on the Bureau's 2002 Ford in accordance with the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer, as set forth in paragraph 57 above.

b. **Section 3316, subdivision (d)(2)**: Respondent Redline issued Lamp Certificate No. LC1902576 as to the Bureau's 2002 Ford when all of the lamps, lighting equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

c. **Section 3321, subdivision (c)(2)**: Respondent Redline issued Brake Certificate No. BC1934475 as to the Bureau's 2002 Ford when the brake system on the vehicle had not been completely tested or inspected.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Bus. & Prof. Code)

61. Respondent Redline's brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent

1 violated Bus. & Prof. Code section 9888.3 relating to its licensed activities, as set forth in
2 paragraph 59 above.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

5 62. Respondent Redline's brake and lamp station licenses are subject to disciplinary
6 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
7 Regulations 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set
8 forth in paragraph 60 above.

9 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

11 63. Respondent Redline's brake and lamp station licenses are subject to disciplinary
12 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
13 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth
14 in paragraph 58 above.

15 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

16 **(Aiding and Abetting Unlicensed Activity)**

17 64. Respondent Redline's brake and lamp station licenses are subject to disciplinary
18 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent aided or
19 abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent
20 Redline authorized or permitted smog check technician Valdez to perform the lamp inspection on
21 the Bureau's 2002 Ford when, in fact, Valdez was not a licensed lamp adjuster and was legally
22 prohibited from performing lamp inspections on vehicles.

23 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations)**

25 65. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
26 to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions
27 of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision
28 (c)(2), as set forth in paragraph 60 above.

1 UNDERCOVER OPERATION #3: 2000 PONTIAC

2 66. On or about October 15, 2014, at approximately 1300 hours, the undercover operator,
3 identified in paragraph 30 above ("operator"), took the Bureau's 2000 Pontiac to Respondent
4 Redline's facility and requested smog, lamp, and brake inspections on the vehicle. The right front
5 and left rear brake rotors on the Bureau-documented vehicle were machined below the
6 manufacturer's minimum thickness specifications and the front headlamps were out of
7 adjustment. Respondent's employee, William Marshall ("Marshall"), prepared a written estimate
8 in the amount of \$100, had the operator sign it, then gave him a copy. The operator observed
9 smog check technician Moses Valdez perform the smog inspection on the vehicle. Marshall
10 performed the lamp inspection. Marshall turned on the headlamp switch, walked around the
11 vehicle, and appeared to verify the operation of the lamps. Respondent Mauricio Aguilar
12 ("Aguilar") appeared to perform the brake inspection. Aguilar did not remove the wheels from
13 the vehicle, and neither Aguilar, Valdez nor Marshall road-tested the vehicle. After the
14 inspections were completed, Aguilar came into the office area. The operator observed Aguilar
15 open a certificate book and complete and sign a certificate. Later, Marshall came into the office
16 area, opened a certificate book, and completed and signed another certificate. The operator paid
17 Marshall \$100 and received copies of an invoice, a VIR, Certificate of Lamp Adjustment No.
18 [REDACTED], and Certificate of Brake Adjustment [REDACTED]. The operator left the facility.
19 Later, the Bureau reviewed the brake and lamp certificates. The brake certificate had been signed
20 by Aguilar using his official brake adjuster license number. The number RY030749 had been
21 written in as the adjuster's license number on the lamp certificate. Lamp Adjuster License No.
22 LA 030749 is issued to Amarjit Singh. Amarjit Singh was not present at the facility at the time
23 the inspections were performed.

24 67. On or about November 19, 2014, the Bureau inspected the vehicle and found that the
25 front headlamps were still out of adjustment. The Bureau also found that none of the wheels had
26 been removed, indicating that the brake inspection had not been completely performed on the
27 vehicle. Further, the right front and left rear brake rotors were not within manufacturer's
28 specifications.

1 **THIRTIETH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 68. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
5 which it knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows:

7 a. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
8 perjury on Brake Certificate [REDACTED] that the drums and rotors on the Bureau's 2000
9 Pontiac were in a satisfactory condition. In fact, the right front and left rear brake rotors on the
10 vehicle were machined below the manufacturer's minimum thickness specifications at the time
11 the vehicle was taken to Respondent Redline's facility.

12 b. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
13 perjury on Brake Certificate [REDACTED] that the Bureau's 2000 Pontiac had a stopping
14 distance of 25 feet from a speed of 20 miles per hour as a result of a road-test. In fact, the vehicle
15 had not been road-tested.

16 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
17 Certificate of Lamp Adjustment [REDACTED] that the applicable adjustment had been
18 performed on the lighting system on the Bureau's 2000 Pontiac. In fact, the front headlamps
19 were out of adjustment at the time the vehicle was taken to Respondent Redline's facility.

20 d. Respondent Redline's employee, Marshall, certified under penalty of perjury on
21 Lamp Certificate [REDACTED] that Amarjit Singh performed the applicable inspection of the
22 lighting systems on the Bureau's 2000 Pontiac as specified by the Bureau and in accordance with
23 title 16 of the California Code of Regulations and the Business and Professions Code. In fact,
24 Marshall performed the lamp inspection on the vehicle without a valid lamp adjuster license
25 issued by the Bureau, in violation of Bus. & Prof. Code section 9888.3 and Regulation 3305,
26 subdivision (a).

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1 THIRTY-FIRST CAUSE FOR DISCIPLINE

2 (Fraud)

3 69. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as
5 follows: Respondent Redline obtained payment from the operator for performing the applicable
6 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2000
7 Pontiac as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent
8 Redline's employees, Respondent Aguilar and Marshall (an unlicensed adjuster) failed to perform
9 the necessary inspections, adjustments, or repairs in compliance with Bureau Regulations or the
10 Vehicle Code.

11 THIRTY-SECOND CAUSE FOR DISCIPLINE

12 (Failure to Comply with the Bus. & Prof. Code)

13 70. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
14 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
15 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp
16 Certificate No. LC1902578 as to the Bureau's 2000 Pontiac when, in fact, its employee, Marshall,
17 was not a licensed lamp adjuster and was legally prohibited from performing lamp inspections on
18 vehicles.

19 THIRTY-THIRD CAUSE FOR DISCIPLINE

20 (Violations of Regulations)

21 71. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
22 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
23 provisions of California Code of Regulations, title 16, in the following material respects:

24 a. Regulation 3305, subdivision (a): Respondent Redline's employees, Respondent
25 Aguilar and Marshall (an unlicensed adjuster), failed to perform the inspection of the brake
26 system (Aguilar) and inspection or adjustment of the lighting system (Marshall) on the Bureau's
27 2000 Pontiac in accordance with the specifications, instructions, and directives issued by the
28 Bureau and the vehicle manufacturer, as set forth in paragraph 68 above.

1 abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent
2 Redline authorized or permitted Marshall to perform the lamp inspection on the Bureau's 2000
3 Pontiac when, in fact, Marshall was not a licensed lamp adjuster and was legally prohibited from
4 performing lamp inspections on vehicles.

5 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

6 **(Violations of Regulations)**

7 76. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
8 to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions
9 of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision
10 (c)(2), as set forth in paragraph 71 above.

11 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

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

13 77. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
14 to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts
15 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 69
16 above.

17 **FORTIETH CAUSE FOR DISCIPLINE**

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

19 78. Respondent Redline's smog check station license is subject to disciplinary action
20 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
21 dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraphs 32,
22 33, 45, 46, 57, 58, 68, and 69 above.

23 **FORTY-FIRST CAUSE FOR DISCIPLINE**

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

25 79. Respondent West's smog technician licenses are subject to disciplinary action
26 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
27 dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraphs 45
28 and 46 above.

1 technicians shall only use the 2013 Smog Check Manual when performing a smog check
2 inspection.

3 **Bureau's Review of Smog Inspections performed by Respondent Redline:**

4 83. Information from the Bureau's Vehicle Information Database ("VID") indicated that
5 on or about August 27, 2014, Respondent Redline registered an OIS. The VID also indicated that
6 Respondent had purchased certificates of compliance for the OIS unit.

7 84. On or about June 5, 2015, Bureau Representative A. L. reviewed VID data pertaining
8 to smog inspections conducted at Respondent's facility from March 24, 2015 to June 1, 2015.
9 The representative found that Respondent's technicians Jose Duran ("Duran"), Roshan Battan
10 ("Battan"), and Sushil Kumar ("Kumar") performed smog inspections on the 14 vehicles
11 identified below, on behalf of Respondent, using a BAR-97 EIS when, in fact, an OIS test was
12 required on the vehicle, resulting in the issuance of fraudulent certificates of compliance for the
13 vehicles.

Date & Time of Inspection	Vehicle Certified	Certificate No.	Technician Performing Test
1. 03/24/2015 01:32 - 01:53	2000 Chevrolet Silverado 3500 2WD	PQ235496C	Duran
2. 05/22/2015 11:23 - 11:38	2000 Chrysler Town & Country 2WD	PS302106C	Kumar
3. 05/22/2015 14:12 - 14:26	2001 Honda Civic	PS302109C	Battan
4. 05/22/2015 14:37 - 14:57	2005 Nissan Altima	PS302110C	Battan
5. 05/22/2015 15:31 - 15:51	2002 Dodge Ram 1500 2WD	PS302112C	Battan
6. 05/23/2015 08:48 - 09:03	2003 Pontiac Bonneville	PS302116C	Battan
7. 05/23/2015 11:31 - 11:40	2007 Chevrolet Silverado 1500 2WD	PS302118C	Battan
8. 05/23/2015 13:40 - 13:49	2004 Ford Focus	PS302120C	Battan
9. 05/23/2015 13:58 - 14:08	2003 Chevrolet Silverado 1500 2WD	PS302121C	Battan
10. 05/26/2015 09:42 - 10:31	2002 Chevrolet Trailblazer 2WD	PS302125C	Battan
11. 05/28/2015 11:07 - 11:26	2000 Jeep Cherokee	PS302138C	Battan

Date & Time of Inspection	Vehicle Certified	Certificate No.	Technician Performing Test
12. 05/28/2015 11:33 – 11:55	2005 Hyundai Elantra	PS302139C	Battan
13. 06/01/2015 11:17 – 11:25	2000 Chevrolet Silverado 1500 4WD	PS452202C	Battan
14. 06/01/2015 11:30 – 11:46	2008 Chevrolet Silverado C2500HD	PS452203C	Battan

FORTY-SECOND CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

85. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent's technician, Duran, certified that vehicle 1, identified in paragraph 84 above, had passed inspection and was in compliance with applicable laws and regulations. In fact, Duran conducted the smog inspection on the vehicle using a BAR-97 EIS when, in fact, an OIS test was required on the vehicle.

b. Respondent's technician, Kumar, certified that vehicle 2, identified in paragraph 84 above, had passed inspection and was in compliance with applicable laws and regulations. In fact, Kumar conducted the smog inspection on the vehicle using a BAR-97 EIS when, in fact, an OIS test was required on the vehicle.

c. Respondent's technician, Battan, certified that vehicles 3 through 14, identified in paragraph 84 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Battan conducted the smog inspections on the vehicles using a BAR-97 EIS when, in fact, an OIS test was required on the vehicle.

FORTY-THIRD CAUSE FOR DISCIPLINE

(Fraud)

86. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud by issuing electronic smog certificates of compliance for vehicles 1 through 14, identified in

1 paragraphs 84 above, without ensuring that bona fide inspections were performed of the emission
2 control devices and systems on the vehicles, thereby depriving the People of the State of
3 California of the protection afforded by the Motor Vehicle Inspection Program.

4 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

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

6 87. Respondent Redline's smog check station license is subject to disciplinary action
7 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
8 comply with section 44012 of that Code, as follows: Respondent failed to ensure that the
9 emission control tests were performed on vehicles 1 through 14, identified in paragraph 84 above,
10 in accordance with procedures prescribed by the department.

11 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

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

14 88. Respondent Redline's smog check station license is subject to disciplinary action
15 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
16 comply with provisions of California Code of Regulations, title 16, as follows:

17 a. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
18 compliance for vehicles 1 through 14, identified in paragraph 84 above, even though the vehicles
19 had not been inspected in accordance with section 3340.42.

20 b. **Section 3340.45:** Respondent failed to ensure that his technicians Duran, Battan and
21 Kumar performed the smog inspections on vehicles 1 to 14, identified in paragraph 84 above,
22 using the OBD Inspection System, in violation of the Test Requirements in the 2013 Smog Check
23 Manual.

24 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

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

26 89. Respondent Redline's smog check station license is subject to disciplinary action
27 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
28 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog

1 certificates of compliance for vehicles 1 through 14, identified in paragraph 84 above, without
2 ensuring that bona fide inspections were performed of the emission control devices and systems
3 on the vehicles, thereby depriving the People of the State of California of the protection afforded
4 by the Motor Vehicle Inspection Program.

5 **OTHER MATTERS**

6 90. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
7 suspend, revoke or place on probation the registration for all places of business operated in this
8 state by Respondent Redline Test Only Smog Center, Inc., doing business as Complete Auto
9 Repair, upon a finding that Respondent has, or is, engaged in a course of repeated and willful
10 violations of the laws and regulations pertaining to an automotive repair dealer.

11 91. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
12 Number RC 265647, issued to Respondent Redline Test Only Smog Center, Inc., doing
13 business as Complete Auto Repair, is revoked or suspended, any additional license issued under
14 Chapter 5
15 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by
16 the Director.

17 92. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number
18 LS 265647, issued to Respondent Redline Test Only Smog Center, Inc., doing business as
19 Complete Auto Repair, is revoked or suspended, any additional license issued under Articles 5
20 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise
21 revoked or suspended by the Director.

22 93. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number
23 BS 265647, issued to Respondent Redline Test Only Smog Center, Inc., doing business as
24 Complete Auto Repair, is revoked or suspended, any additional license issued under Articles 5
25 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise
26 revoked or suspended by the Director.

27 94. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
28 Number EO 631513 and Smog Check Repair Technician License Number EI 631513, issued to

1 Respondent Zackary Scott West, are revoked or suspended, any additional license issued under
2 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

3 95. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number
4 BA 631513, issued to Respondent Zackary Scott West, is revoked or suspended, any additional
5 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
6 licensee may be likewise revoked or suspended by the Director.

7 96. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number
8 BA 636396, issued to Mauricio Aguilar, is revoked or suspended, any additional license issued
9 under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may
10 be likewise revoked or suspended by the Director.

11 **PRAYER**

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

14 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
15 265647, issued to Redline Test Only Smog Center, Inc., doing business as Complete Auto Repair;

16 2. Revoking or suspending any other automotive repair dealer registration issued to
17 Redline Test Only Smog Center, Inc.;

18 3. Revoking or suspending Smog Check Station License Number RC 265647, issued to
19 Redline Test Only Smog Center, Inc., doing business as Complete Auto Repair;

20 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
21 and Safety Code in the name of Redline Test Only Smog Center, Inc.;

22 5. Revoking or suspending Lamp Station License Number LS 265647, issued to Redline
23 Test Only Smog Center, Inc., doing business as Complete Auto Repair;

24 6. Revoking or suspending Brake Station License Number BS 265647, issued to Redline
25 Test Only Smog Center, Inc., doing business as Complete Auto Repair;

26 7. Revoking or suspending any additional license issued under Articles 5 and 6 of
27 Chapter 20.3 of the Business and Professions Code in the name of Redline Test Only Smog
28 Center, Inc.;

1 8. Revoking or suspending Smog Check Inspector License Number EO 631513 and
2 Smog Check Repair Technician License Number EI 631513, issued to Zackary Scott West;

3 9. Revoking or suspending any additional license issued under Chapter 5 of the Health
4 and Safety Code in the name of Zackary Scott West;

5 10. Revoking or suspending Brake Adjuster License Number BA 631513, issued to
6 Zackary Scott West;

7 11. Revoking or suspending any additional license issued under Articles 5 and 6 of
8 Chapter 20.3 of the Business and Professions Code in the name of Zackary Scott West;


9 12. Revoking or suspending Brake Adjuster License Number BA 636396, issued to
10 Mauricio Aguilar;

11 13. Revoking or suspending any additional license issued under Articles 5 and 6 of
12 Chapter 20.3 of the Business and Professions Code in the name of Mauricio Aguilar;

13 14. Ordering Redline Test Only Smog Center, Inc., doing business as Complete Auto
14 Repair, Zackary Scott West, and Mauricio Aguilar to pay the Director of Consumer Affairs the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3; and

17 15. Taking such other and further action as deemed necessary and proper.

18
19 DATED: April 29, 2016


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

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