

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

In the Matter of the Accusation Against:

**CORONA EXPRESS SMOG**  
**PATHMARAJAN APPADORAI, Owner**  
625 W. Sixth Street  
Corona, CA 92882

Automotive Repair Dealer Registration  
No. ARD 225859  
Smog Check, Test Only, License No. TC 225859

and

**PATHMARAJAN APPADORAI**  
1734 Healy Place  
Riverside, CA 92506

Advanced Emission Specialist Technician  
License No. EA 143059

and

**DOUGLAS KENT WELLS**  
2450 San Gabriel Way, #201  
Corona, CA 92882

Advanced Emission Specialist Technician  
License No. EA 304986

Respondents.

Case No. 79/11-62


OAH No. 2011031020

**DECISION**

The attached Stipulated Settlement and Disciplinary Order as to Only Respondent Douglas Kent Wells 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 Douglas Kent Wells, Advanced Emission Specialist Technician License No. EA 304986.

This Decision shall become effective 3/16/12.

DATED: February 9, 2012

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 LAURO A. PAREDES  
Deputy Attorney General  
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*Attorneys for Complainant*

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9 **BEFORE THE**  
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**FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**  
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16 **ARD 225859**  
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18 and

19 **PATHMARAJAN APPADORAI**  
1734 Healy Place  
20 Riverside, CA 92506  
Advanced Emission Specialist Technician  
License No. EA 143059

21 and

22 **DOUGLAS KENT WELLS**  
23 2450 San Gabriel Way, #201  
Corona, CA 92882  
24 Advanced Emission Specialist Technician  
License No. EA 304986

25 Respondents.  
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Case No. 79/11-62

OAH No. 2011031020

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO ONLY  
RESPONDENT DOUGLAS KENT  
WELLS**

1 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
2 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of  
3 Automotive Repair the parties hereby agree to the following Stipulated Settlement and  
4 Disciplinary Order which will be submitted to the Director for his approval and adoption as the  
5 final disposition of the Accusation solely with respect to Respondent Douglas Kent Wells.

6 **PARTIES**

7 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She  
8 brought this action solely in her official capacity and is represented in this matter by Kamala D.  
9 Harris, Attorney General of the State of California, by Lauro A. Paredes, Deputy Attorney  
10 General.

11 2. Douglas Kent Wells, (Respondent) is representing himself in this proceeding and has  
12 chosen not to exercise his right to be represented by counsel.

13 3. On or about November 2, 1997, the Bureau of Automotive Repair issued Advanced  
14 Emission Specialist Technician License No. EA 304986 to Douglas Kent Wells, (Respondent).  
15 The Advanced Emission Specialist Technician License was in full force and effect at all times  
16 relevant to the charges brought in Accusation No. 79/11-62 and will expire on September 30,  
17 2013, unless renewed.

18 **JURISDICTION**

19 4. Accusation No. 79/11-62 was filed before the Director of Consumer Affairs  
20 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
21 Respondent. The Accusation and all other statutorily required documents were properly served  
22 on Respondent on February 7, 2011. Respondent timely filed his Notice of Defense contesting  
23 the Accusation. A copy of Accusation No. 79/11-62 is attached as Exhibit A.

24 **ADVISEMENT AND WAIVERS**

25 5. Respondent is fully aware of his legal rights in this matter, including the right to a  
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
27 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
28 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel

1 the attendance of witnesses and the production of documents; the right to reconsideration and  
2 court review of an adverse decision; and all other rights accorded by the California  
3 Administrative Procedure Act and other applicable laws.

4 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
5 every right set forth above.

#### 6 CULPABILITY

7 7. Respondent admits the truth of each and every charge and allegation in Accusation  
8 No. 79/11-62.

9 8. Respondent agrees that his Advanced Emission Specialist Technician License is  
10 subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in  
11 the Disciplinary Order below.

#### 12 CONTINGENCY

13 9. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
14 his designee. Respondent understands and agrees that counsel for Complainant and the staff of  
15 the Bureau of Automotive Repair may communicate directly with the Director and staff of the  
16 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
17 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
18 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director  
19 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
20 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
21 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director  
22 shall not be disqualified from further action by having considered this matter.

23 10. The parties understand and agree that facsimile copies of this Stipulated Settlement  
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
25 effect as the originals.

26 11. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 12. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Director may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA  
9 304986 issued to Respondent Douglas Kent Wells, (Respondent) is revoked. However, the  
10 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
11 terms and conditions.

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

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

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

20 4. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
21 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
22 until the final decision on the accusation, and the period of probation shall be extended until such  
23 decision.

24 5. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
25 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
26 after giving notice and opportunity to be heard may revoke Respondent's Advanced Emission  
27 Specialist Technician License No. EA 304986

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**Exhibit A**

**Accusation No. 79/11-62**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
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*Attorneys for Complainant*

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15 **Automotive Repair Dealer Registration No.**  
**ARD 225859**  
16 **Smog Check Test Only Station License No.**  
**TC 225859**  
17  
and  
18  
**PATHMARAJAN APPADORAI**  
19 1734 Healy Place  
Riverside, CA 92506  
20 **Advanced Emission Specialist Technician**  
License No. EA 143059  
21  
and  
22  
**DOUGLAS KENT WELLS**  
23 2450 San Gabriel Way, #201  
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24 **Advanced Emission Specialist Technician**  
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26 Respondents.

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**ACCUSATION**  
**SMOG-CHECK**

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Complainant alleges:

**PARTIES**

1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

**Automotive Repair Dealer Registration**

2. On a date uncertain in 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 225859 ("registration") to Pathmarajan Appadorai ("Respondent Cordova") doing business as Corona Express Smog. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2012, unless renewed.

**Smog Check Test Only Station License**

3. On or about August 7, 2003, the Bureau issued Smog Check Test Only Station License Number TC 225859 ("station license") to Respondent Corona. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2012, unless renewed.

**Advanced Emission Specialist Technician License**

4. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist Technician License Number EA 143059 ("technician license") to Pathmarajan Appadorai ("Respondent Appadorai"). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2012, unless renewed.

**Advanced Emission Specialist Technician License**

5. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist Technician License Number EA 304986 ("technician license") to Douglas Kent Wells ("Respondent Wells"). The technician license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

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1 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

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

16 12. Section 44072.8 of the Health and Safety Code states:

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

#### 20 COST RECOVERY

21 13. Code section 125.3 provides, in pertinent part, that a Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

#### 25 FACTUAL BACKGROUND

26 14. On or about April 12, 2010, through April 19, 2010, the Bureau conducted a detailed  
27 review of the Vehicle Information Database ("VID") for all smog inspections performed at  
28 Respondent Corona's facility for the period September 1, 2008, through April 12, 2010. The  
VID showed a pattern of various random diagnostic trouble codes stored in the memory of the  
power train control module ("PCM") on different vehicles. Vehicles 1 through 8, set forth in  
Table 1, below, were all certified with various pending codes stored in the PCM memory while

1 the original equipment manufacturer ("OEM") service information shows these vehicles do not  
 2 support the pending codes stored in the PCM memory. The vehicles receiving smog certificates  
 3 were not tested during the OBD II<sup>1</sup> functional test and another vehicle was used, constituting  
 4 clean plugging. Vehicle 1 was inspected and certified by Respondent Wells and vehicles 2  
 5 through 8 were inspected and certified by Respondent Appadorai.

6 **TABLE 1**

7

8 <b>Date &amp; Time of Inspection</b>	<b>Vehicle Certified &amp; License No.</b>	<b>Certificate No.</b>
9 1. 09/4/2008 1311 – 1317 hours	2000 Crysler Concorde, Vin # 2C3HD36J3YH350923	VT396919C
10 2. 09/6/2008 1204 – 1209 hours	2004 Chevrolet Blazer, Vin # 1GNCS13X94K155606	VT434510C
11 3. 09/20/2008 1028 – 1035 hours	2004 Ford Focus, License No. 5JUY140	VT606914C
12 4. 03/2/2009 1720 – 1728 hours	1999 BMW 528, License No. 5RGY683	VX627372C
13 5. 04/8/2009 1209 – 1215 hours	1998 Dodge Ram, License No. 5U11353	VZ175422C
14 6. 05/9/2009 1100 – 1105 hours	1999 BMW 325, License No. 4CZG770	VZ619757C
15 7. 05/9/2009 1610 – 1621 hours	1998 Dodge Ram, License No. 5V35150	VZ619778C
16 8. 01/12/2010 1633 – 1639 hours	2000 BMW 528i, License No. 4PEL691	WF915803C

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18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Misleading Statements)**

20 15. Respondent Corona has subjected his registration to discipline under Code section  
 21 9884.7, subdivision (a)(1), in that on or about September 4, 2008, through January 12, 2010, he

22 <sup>1</sup> The On Board Diagnostics (OBD II) functional test is an automated function of the BAR-97  
 23 analyzer. During the OBD II functional test, the technician is required to connect an interface cable from  
 24 the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is located inside the vehicle. Through  
 25 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 Clean plugging is the use of the OBD II readiness monitor status and stored fault code (trouble  
 27 code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle  
 28 that is not in compliance due to a failure to complete the minimum number of self tests, known as  
 monitors, or due to the presence of a stored fault code that indicates an emission control system or  
 component failure.

1 made statements which he knew or which by exercise of reasonable care he should have known  
2 were untrue or misleading as follows: Respondent Corona certified that vehicles 1 through 8, set  
3 forth in Table 1, above, had passed inspection and were in compliance with applicable laws and  
4 regulations. In fact, Respondent Corona conducted the inspections on those vehicles using clean  
5 plugging methods by substituting or using different vehicles during the OBD II functional tests in  
6 order to issue smog certificates of compliance for the 8 vehicles, and did not test or inspect the 8  
7 vehicles as required by Health and Safety Code section 44012.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 16. Respondent Corona has subjected his registration to discipline under Code section  
11 9884.7, subdivision (a)(4), in that on or about September 4, 2008, through January 12, 2010, he  
12 committed acts which constitute fraud by issuing electronic certificates of compliance for  
13 vehicles 1 through 8, set forth in Table 1, above, without performing bona fide inspections of the  
14 emission control devices and systems on those vehicles, thereby depriving the People of the State  
15 of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violation of the Motor Vehicle Inspection Program)**

18 17. Respondent Corona has subjected his station license to discipline under Health and  
19 Safety Code section 44072.2, subdivision (a), in that on or about September 4, 2008, through  
20 January 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he violated sections  
21 of that Code, as follows:

22 a. **Section 44012:** Respondent Corona failed to ensure that the emission control tests  
23 were performed on vehicles 1 through 8, in accordance with procedures prescribed by the  
24 department.

25 b. **Section 44015:** Respondent Corona issued electronic certificates of compliance for  
26 vehicles 1 through 8, without ensuring that the vehicles were properly tested and inspected to  
27 determine if they were in compliance with Health and Safety Code section 44012.

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1 c. **Section 44059:** Respondent Corona willfully made false entries for the electronic  
2 certificates of compliance by certifying that those vehicles had been inspected as required when,  
3 in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

6 18. Respondent Corona has subjected his station license to discipline under Health and  
7 Safety Code section 44072.2, subdivision (c), in that on or about September 4, 2008, through  
8 January 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he violated sections  
9 of the California Code of Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Corona falsely or fraudulently issued  
11 electronic certificates of compliance for those vehicles without performing bona fide inspections  
12 of the emission control devices and systems on the vehicles as required by Health and Safety  
13 Code section 44012.

14 b. **Section 3340.35, subdivision (c):** Respondent Corona issued electronic certificates  
15 of compliance even though those vehicles had not been inspected in accordance with section  
16 3340.42 of that Code.

17 c. **Section 3340.42:** Respondent Corona failed to conduct the required smog tests and  
18 inspections on those vehicles in accordance with the Bureau's specifications.

19 **FIFTH CAUSE FOR DISCIPLINE**

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

21 19. Respondent Corona subjected his station license to discipline under Health and Safety  
22 Code section 44072.2, subdivision (d), in that on or about September 4, 2008, through January  
23 12, 2010, regarding vehicles 1 through 8, set forth in Table 1, above, he committed acts involving  
24 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
25 compliance for those vehicles without performing bona fide inspections of the emission control  
26 devices and system on the vehicles, thereby depriving the People of the State of California of the  
27 protection afforded by the Motor Vehicle Inspection Program.

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1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 23. Respondent Appadorai has subjected his technician license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (a), in that on or about September 6, 2008, through  
7 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, Respondent  
8 Appadorai failed to comply with section 44012 of that Code in a material respect, as follows:  
9 Respondent Appadorai failed to perform the emission control tests on those vehicles in  
10 accordance with procedures prescribed by the department.

11 **TENTH CAUSE FOR DISCIPLINE**

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

13 24. Respondent Appadorai has subjected his technician license to discipline under Health  
14 and Safety Code section 44072.2, subdivision (c), in that on or about September 6, 2008, through  
15 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, he violated sections  
16 of the California Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent Appadorai falsely or fraudulently  
18 issued electronic certificates of compliance without performing bona fide inspections of the  
19 emission control devices and systems on those vehicles as required by Health and Safety Code  
20 section 44012.

21 b. **Section 3340.30, subdivision (a):** Respondent Appadorai failed to inspect and test  
22 those vehicles in accordance with Health and Safety Code section 44012.

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

25 **ELEVENTH CAUSE FOR DISCIPLINE**

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

27 25. Respondent Appadorai has subjected his technician license to discipline under Health  
28 and Safety Code section 44072.2, subdivision (d), in that on or about September 6, 2008, through



1 January 12, 2010, regarding vehicles 2 through 8, set forth in Table 1, above, he committed acts  
2 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
3 certificates of compliance without performing bona fide inspections of the emission control  
4 devices and systems on those vehicles, thereby depriving the People of the State of California of  
5 the protection afforded by the Motor Vehicle Inspection Program.

6 **OTHER MATTERS**

7 26. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
8 or may invalidate temporarily or permanently, the registrations for all places of business operated  
9 in this state by Pathmarajan Appadorai doing business as Corona Express Smog upon a finding  
10 that he has, or is, engaged in a course of repeated and willful violations of the laws and  
11 regulations pertaining to an automotive repair dealer.

12 27. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
13 License Number TC 225859, issued to Pathmarajan Appadorai doing business as Corona Express  
14 Smog, is revoked or suspended, any additional license issued under this chapter in the name of  
15 said licensee, including Advanced Emission Specialist Technician License Number EA143059,  
16 issued to Pathmarajan Appadorai, may be likewise revoked or suspended by the director.

17 28. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
18 Technician License Number EA 304986, issued to Douglas Kent Wells, is revoked or suspended,  
19 any additional license issued under this chapter in the name of said licensee may be likewise  
20 revoked or suspended by the director.

21 **PRAYER**

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

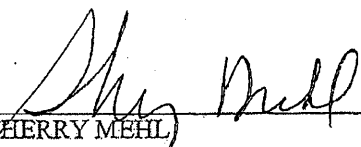
24 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
25 Registration Number ARD 225859, issued to Pathmarajan Appadorai doing business as Corona  
26 Express Smog;

27 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
28 registration issued in the name of Pathmarajan Appadorai;

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3. Revoking or suspending Smog Check Test Only Station License Number TC 225859, issued to Pathmarajan Appadorai doing business as Corona Express Smog;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Pathmarajan Appadorai, including but not limited to Advanced Emission Specialist Technician License Number EA143059;
5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 304986, issued to Douglas Kent Wells;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Douglas Kent Wells;
7. Ordering Pathmarajan Appadorai and Douglas Kent Wells to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
8. Taking such other and further action as deemed necessary and proper.

DATED: 1/25/11

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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