

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,**

A C C U S A T I O N

25 **ZACKARY SCOTT WEST**
26 **422 Pine Street**
27 **Modesto, CA 95351**
28 **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

29 **MAURICIO AGUILAR**
30 **536 High Street**
31 **Modesto, CA 95354**
32 **Brake Adjuster License No. BA 636396**

Respondents.

1 Complainant alleges:

2 **PARTIES**

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

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

6 2. On or about June 24, 2011, the Director of Consumer Affairs ("Director") issued
7 Automotive Repair Dealer Registration Number ARD 265647 ("registration") to Redline Test
8 Only Smog Center, Inc. ("Respondent Redline"), doing business as Complete Auto Repair, with
9 Gurjit Singh Gill as president, secretary and treasurer. The registration was in full force and
10 effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless
11 renewed.

12 3. On or about November 7, 2013, the Director issued Smog Check Station License
13 Number RC 265647 to Respondent Redline. The smog check station license was in full force and
14 effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless
15 renewed.

16 4. On or about May 15, 2014, the Director issued Lamp Station License Number LS
17 265647 to Respondent Redline. The lamp station license was in full force and effect at all times
18 relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

19 5. On or about May 15, 2014, the Director issued Brake Station License Number BS
20 265647 to Respondent Redline. The brake station license was in full force and effect at all times
21 relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

22 **Zackary Scott West**

23 6. On or about November 16, 2009, the Director issued Advanced Emission Specialist
24 Technician License Number EA 631513 to Zackary Scott West ("Respondent Zackary West").
25 The advanced emission specialist technician license expired on November 30, 2013. Pursuant to
26 California Code of Regulations, title 16, section ("Regulation") 3340.28, subdivision (e), the
27 license was renewed, pursuant to Respondent's election, as Smog Check Inspector License
28 Number EO 631513 and Smog Check Repair Technician License Number EI 631513 ("smog

1 technician licenses"), effective December 2, 2013.¹ The smog technician licenses will expire on
2 November 30, 2015, unless renewed.

3 7. On or about October 16, 2014, the Director issued Brake Adjuster License Number
4 BA 631513 to Respondent Zackary West. The brake adjuster license will expire on November
5 30, 2017, unless renewed.

6 **Mauricio Aguilar**

7 8. On or about December 26, 2013, the Director issued Brake Adjuster License Number
8 BA 636396 to Mauricio Aguilar ("Respondent Mauricio Aguilar"). The brake adjuster license
9 was in full force and effect at all times relevant to the charges brought herein and will expire on
10 September 30, 2017, unless renewed.

11 **JURISDICTION**

12 9. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
13 the Director may revoke an automotive repair dealer registration.

14 10. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
15 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
16 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
17 invalidating (suspending or revoking) a registration.

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

21 12. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or
22 suspension of a license by operation of law or by order or decision of the Director or a court of
23 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
24 proceed with any disciplinary proceedings.

25 ///

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

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

4 14. Health & Saf. Code section 44072.6 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 of Consumer
6 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
7 of jurisdiction to proceed with disciplinary action.

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

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

15 **STATUTORY AND REGULATORY PROVISIONS**

16 17. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

26

27 (4) Any other conduct that constitutes fraud.

28

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

.....

///

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

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

7 The director may suspend, revoke, or take other disciplinary action
8 against a license as provided in this article [Article 7 (commencing with section
9 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
10 director thereof:

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

13

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

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

18

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

21

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

24 19. Bus. & Prof. Code section 9888.3 states:

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

29 20. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or
30 suspended following a hearing under the provisions of this article [Article 7 (commencing with
31 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and
32 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the
33 director."

34 ///

35 ///

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

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

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

22. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

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

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

....

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

24. 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 . . . ”

25. 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.

....

///

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

4 26. Regulation 3321 states, in pertinent part:

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

7

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

12

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

17

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

22 COST RECOVERY

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

27 "SECRET SHOPPER" OPERATION

28 28. On or about October 10, 2014, an undercover operator of the Bureau ("operator")
took the Bureau's 2007 Ford to Respondent Redline's facility and met with Respondent Mauricio
Aguilar ("Aguilar"). The operator requested smog, lamp, and brake inspections on the vehicle.
Aguilar prepared a written estimate in the amount of \$115, had the operator sign it, then gave him
a copy. The operator observed Respondent Zackary West ("West") perform the smog inspection.
After the smog inspection was completed, the operator observed Aguilar perform the lamp and
brake inspections on the vehicle. Aguilar turned on the headlamp switch, walked around the

1 vehicle, and appeared to verify the operation of the lamps. Aguilar did not remove the wheels
2 from the vehicle, and the vehicle was not road-tested by any of the technicians. After the brake
3 and lamp inspections were completed, Aguilar went into the office. The operator observed
4 Aguilar open two certificate books and write information on both certificates (the brake and lamp
5 certificates identified below). Aguilar signed the certificates and gave them to West. Later, West
6 told the operator that the vehicle was ready. The operator paid West \$115 and received copies of
7 an invoice, a vehicle inspection report ("VIR"), Certificate of Brake Adjustment No. [REDACTED],
8 and Certificate of Lamp Adjustment No. [REDACTED]. The operator left the facility.

9 29. Later, the Bureau reviewed the lamp certificate and noted that the number RY 030749
10 had been written in as the adjuster's license number (the "official adjuster" who performed the
11 lamp inspection). Lamp Adjuster License No. LA 030749 is issued to Amarjit Singh, the owner
12 of Sam's Complete Auto Repair and Gurjit Singh Gill's father. Amarjit Singh was not present at
13 the facility at the time the inspections were performed.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

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

20 a. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
21 perjury on Lamp Certificate No. [REDACTED] that Amarjit Singh performed the applicable
22 inspection of the lighting systems on the Bureau's 2007 Ford as specified by the Bureau and in
23 accordance with title 16 of the California Code of Regulations and the Business and Professions
24 Code. In fact, Aguilar performed the lamp inspection on the vehicle and issued the certificate
25 without a valid lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code
26 section 9888.3 and Regulation 3305, subdivision (a).

27 b. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
28 perjury on Brake Certificate No. [REDACTED] that he performed the applicable inspection of the

1 brake system on the Bureau's 2007 Ford as specified by the Bureau and in accordance with Title
2 16 of the California Code of Regulations and the Business and Professions Code. In fact, Aguilar
3 failed to perform a complete brake inspection on the vehicle.

4 c. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
5 perjury on Brake Certificate No. [REDACTED] that the Bureau's 2007 Ford had a stopping distance
6 of 25 feet from a speed of 20 miles per hour as a result of a road-test. In fact, neither Aguilar nor
7 any other technician had road-tested the vehicle.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 31. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
11 Prof. Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as
12 follows: Respondent Redline obtained payment from the operator for performing the applicable
13 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2007 Ford
14 as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent
15 Redline's employee, Respondent Aguilar, failed to perform the necessary inspections,
16 adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

17 **THIRD CAUSE FOR DISCIPLINE**

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

19 32. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
20 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
21 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp
22 Certificate No. [REDACTED] as to the Bureau's 2007 Ford when, in fact, its employee, Respondent
23 Aguilar, was not a licensed lamp adjuster and was legally prohibited from performing lamp
24 inspections on vehicles.

25 ///

26 ///

27 ///

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

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

6 a. **Regulation 3305, subdivision (a)**: Respondent Redline issued Lamp Certificate No.
7 ██████████ as to the Bureau’s 2007 Ford when, in fact, its employee, Respondent Aguilar, was
8 not a licensed lamp adjuster and was legally prohibited from performing lamp inspections on
9 vehicles. Further, Aguilar failed to perform the inspection of the brake system on the Bureau’s
10 2007 Ford in accordance with the specifications, instructions, and directives issued by the Bureau
11 and the vehicle manufacturer, as set forth in subparagraph 30 (b) above.

12 b. **Section 3321, subdivision (c)(2)**: Respondent Redline issued Brake Certificate No.
13 ██████████ as to the Bureau’s 2007 Ford when the brake system on the vehicle had not been
14 completely tested or inspected.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Code)**

17 34. Respondent Redline’s brake and lamp station licenses are subject to disciplinary
18 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
19 violated Bus. & Prof. Code section 9888.3 relating to its licensed activities, as set forth in
20 paragraph 32 above.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 35. Respondent Redline’s brake and lamp station licenses are subject to disciplinary
24 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
25 Regulations 3305, subdivision (a), and 3321, subdivision (c)(2), as set forth in paragraph 33
26 above.

27 ///

28 ///

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Redline's brake and lamp station licenses are subject to disciplinary
4 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
5 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth
6 in paragraph 31 above.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 37. Respondent Redline's brake and lamp station licenses are subject to disciplinary
10 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent aided or
11 abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent
12 Redline authorized or permitted Respondent Aguilar to perform a lamp inspection on the
13 Bureau's 2007 Ford when, in fact, Aguilar, was not a licensed lamp adjuster and was legally
14 prohibited from performing lamp inspections on vehicles.

15 **NINTH CAUSE FOR DISCIPLINE**

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

17 38. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
18 to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with
19 Regulations 3305, subdivision (a), and 3321, subdivision (c)(2), as set forth in paragraph 33
20 above.

21 **TENTH CAUSE FOR DISCIPLINE**

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

23 39. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
24 to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed an act
25 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 31
26 above.

27 ///

28 ///

UNDERCOVER OPERATION #1: 2007 NISSAN

1
2 40. On or about October 14, 2014, the undercover operator, identified in paragraph 28
3 above (“operator”), took the Bureau’s 2007 Nissan to Respondent Redline’s facility and requested
4 smog, lamp, and brake inspections on the vehicle. The left front and right rear brake rotors on the
5 Bureau-documented vehicle were machined below the manufacturer’s minimum thickness
6 specifications and both headlamps were out of adjustment. Respondent’s employee, William
7 Marshall (“Marshall”), prepared a written estimate in the amount of \$115, had the operator sign
8 it, then gave him a copy. The operator observed Respondent Zackary West (“West”) perform the
9 smog, lamp, and brake inspections on the vehicle. West turned on the headlamp switch, walked
10 around the vehicle, and appeared to verify the operation of the lamps. West did not remove the
11 wheels, but did road-test the vehicle. After the inspections were completed, Marshall came into
12 the office area. The operator observed Marshall open a certificate book and write information on
13 a certificate. Marshall took the certificate book out to West, who was in the shop. West appeared
14 to sign the certificate. Later, Marshall told the operator that the vehicle was ready, but it had
15 failed the brake inspection because one brake rotor needed replacement. Marshall told the
16 operator to replace the brake rotor, then to return the following day and see him, and he would
17 give the operator a brake certificate. The operator paid Marshall \$115 and received copies of an
18 invoice, a VIR, and Certificate of Lamp Adjustment No. [REDACTED]. The operator left the
19 facility. Later, the Bureau reviewed the lamp certificate and noted that West had written in the
20 number RY180098 as the adjuster’s license number. RY180098 is not a valid license number.

21 41. On or about October 15, 2014, during the third undercover operation conducted by
22 the Bureau (referring to paragraphs 64 to 75 below), the operator asked Marshall for the brake
23 certificate for the 2007 Nissan. The operator told Marshall that he had sold the vehicle and
24 needed the brake certificate so that he could get the registration. Marshall opened the certificate
25 book and filled out the certificate for the vehicle, Certificate of Brake Adjustment No.
26 [REDACTED]. Marshall signed the certificate and gave it to the operator. Later, the Bureau
27 reviewed the certificate and noted that the number RY 030749 had been written in as the

28 ///

1 adjuster's license number. Brake Adjuster License No. BA 030749 is issued to Amarjit Singh.
2 Amarjit Singh was not present at the facility at the time the inspections were performed.

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

8 **ELEVENTH CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

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

14 a. Respondent Redline's employee, Marshall, certified under penalty of perjury on
15 Brake Certificate No. [REDACTED], issued on October 15, 2014, that the drums and rotors on the
16 Bureau's 2007 Nissan were in a satisfactory condition. In fact, the left front and right rear brake
17 rotors on the vehicle were machined below the manufacturer's minimum thickness specifications
18 at the time the vehicle was taken to Respondent Redline's facility.

19 b. Respondent Redline's employee, Marshall, certified under penalty of perjury on
20 Brake Certificate No. [REDACTED], issued on October 15, 2014, that the Bureau's 2007 Nissan
21 had a stopping distance of 25 feet from a speed of 20 miles per hour as a result of a road-test. In
22 fact, the vehicle had not been road-tested on October 15, 2014.

23 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
24 Brake Certificate No. [REDACTED], issued on October 15, 2014, that Amarjit Singh performed the
25 applicable inspection of the brake system on the Bureau's 2007 Nissan as specified by the Bureau
26 and in accordance with title 16 of the California Code of Regulations and the Business and
27 Professions Code. In fact, the vehicle was not present at Respondent Redline's facility on the
28 above date and was never inspected by Amarjit Singh.

1 d. Respondent Redline's employee, Respondent West, certified under penalty of perjury
2 on Certificate of Lamp Adjustment No. [REDACTED] that the applicable adjustment had been
3 performed on the lighting system on the Bureau's 2007 Nissan. In fact, both headlamps were out
4 of adjustment at the time the vehicle was taken to Respondent Redline's facility.

5 e. Respondent Redline's employee, Respondent West, certified under penalty of perjury
6 on Lamp Certificate No. [REDACTED] that a licensed adjuster had performed the applicable
7 inspection of the lighting systems on the Bureau's 2007 Nissan as specified by the Bureau and in
8 accordance with title 16 of the California Code of Regulations and the Business and Professions
9 Code. In fact, West performed the lamp inspection on the vehicle and issued the certificate
10 without a valid lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code
11 section 9888.3 and Regulation 3305, subdivision (a). Further, West used a false lamp adjuster
12 license number on the certificate.

13 **TWELFTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

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

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

24 45. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
25 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
26 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp
27 Certificate No. [REDACTED] as to the Bureau's 2007 Nissan when, in fact, its employee,

28 ///

1 Respondent West, was not a licensed lamp adjuster and was legally prohibited from performing
2 lamp inspections on vehicles.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations)**

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

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

12 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.
13 [REDACTED] as to the Bureau's 2007 Nissan when all of the lamps, lighting equipment, and/or
14 related electrical systems on the vehicle were not in compliance with Bureau regulations.

15 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.
16 [REDACTED] as to the Bureau's 2007 Nissan when the brake system on the vehicle had not been
17 completely tested or inspected.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Code)**

20 47. Respondent Redline's brake and lamp station licenses are subject to disciplinary
21 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
22 violated Bus. & Prof. Code section 9888.3 relating to its licensed activities, as set forth in
23 paragraph 45 above.

24 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

26 48. Respondent Redline's brake and lamp station licenses are subject to disciplinary
27 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with

28 ///

1 Regulations 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set
2 forth in paragraph 46 above.

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

5 49. Respondent Redline's brake and lamp station licenses are subject to disciplinary
6 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
7 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth
8 in paragraph 44 above.

9 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

11 50. Respondent Redline's brake and lamp station licenses are subject to disciplinary
12 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent aided or
13 abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent
14 Redline authorized or permitted Respondent West to perform brake and lamp inspections on the
15 Bureau's 2007 Nissan when, in fact, West was not a licensed brake adjuster or lamp adjuster and
16 was legally prohibited from performing brake and lamp inspections on vehicles.

17 **NINETEENTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations)**

19 51. Respondent West's brake adjuster license is subject to disciplinary action pursuant to
20 Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions of
21 California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision
22 (c)(2), as set forth in paragraph 46 above.

23 **TWENTIETH CAUSE FOR DISCIPLINE**

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

25 52. Respondent West's brake adjuster license is subject to disciplinary action pursuant to
26 Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts involving
27 dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 44 above.

28 ///

UNDERCOVER OPERATION #2: 2002 FORD

1
2 53. On or about October 15, 2014, the undercover operator, identified in paragraph 28
3 above (“operator”), took the Bureau’s 2002 Ford to Respondent Redline’s facility and requested
4 smog, lamp, and brake inspections on the vehicle. The right front and left rear brake rotors on the
5 Bureau-documented vehicle were machined below the manufacturer’s minimum thickness
6 specifications and both headlamps were out of adjustment. Respondent’s employee, William
7 Marshall (“Marshall”), prepared a written estimate in the amount of \$100, had the operator sign
8 it, then gave him a copy. The operator observed smog check technician Moses Valdez (“Valdez”)
9 perform the smog and lamp inspections on the vehicle. Valdez turned on the headlamp switch,
10 walked around the vehicle, and appeared to verify the operation of the lamps. Respondent
11 Mauricio Aguilar (“Aguilar”) appeared to perform the brake inspection. Aguilar did not remove
12 the wheels from the vehicle, and neither Aguilar nor Valdez road-tested the vehicle. After the
13 inspections were completed, Marshall came into the office area. The operator observed Marshall
14 open two certificate books and complete and sign both certificates. The operator paid Marshall
15 \$100 and received copies of an invoice, a VIR, Certificate of Lamp Adjustment No. [REDACTED],
16 and Certificate of Brake Adjustment No. [REDACTED]. At approximately 1210 hours, the operator
17 left the facility. Later, the Bureau reviewed the brake and lamp certificates and noted that the
18 number RY030749 had been written in as the adjuster’s license number. Brake Adjuster License
19 No. BA 030749 and Lamp Adjuster License No. LA 030749 are issued to Amarjit Singh.
20 Amarjit Singh was not present at the facility at the time the inspections were performed.

21 54. On or about October 23, 2014, the Bureau inspected the 2002 Ford and found that
22 both headlamps were still out of adjustment. The Bureau also found that none of the wheels had
23 been removed, indicating that the brake inspection had not been completely performed on the
24 vehicle. Further, the right front and left rear brake rotors were not within manufacturer’s
25 specifications.

26 ///

27 ///

28 ///

1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 55. 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, Marshall, certified under penalty of perjury on
8 Brake Certificate No. [REDACTED] that the drums and rotors on the Bureau's 2002 Ford were in a
9 satisfactory condition. In fact, the right front and left rear brake rotors on the vehicle were
10 machined below the manufacturer's minimum thickness specifications at the time the vehicle was
11 taken to Respondent Redline's facility.

12 b. Respondent Redline's employee, Marshall, certified under penalty of perjury on
13 Brake Certificate No. [REDACTED] that the Bureau's 2002 Ford had a stopping distance of 25 feet
14 from a speed of 20 miles per hour as a result of a road-test. In fact, the vehicle had not been road-
15 tested.

16 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
17 Brake Certificate No. [REDACTED] that Amarjit Singh performed the applicable inspection of the
18 brake system on the Bureau's 2002 Ford as specified by the Bureau and in accordance with title
19 16 of the California Code of Regulations and the Business and Professions Code. In fact, Amarjit
20 Singh never inspected the vehicle; the inspection was conducted by Respondent Aguilar.

21 d. Respondent Redline's employee, Marshall, certified under penalty of perjury on
22 Certificate of Lamp Adjustment No. [REDACTED] that the applicable adjustment had been
23 performed on the lighting system on the Bureau's 2002 Ford. In fact, both headlamps were out of
24 adjustment at the time the vehicle was taken to Respondent Redline's facility.

25 e. Respondent Redline's employee, Marshall, certified under penalty of perjury on
26 Lamp Certificate No. [REDACTED] that a licensed adjuster had performed the applicable inspection
27 of the lighting systems on the Bureau's 2002 Ford as specified by the Bureau and in accordance
28 with title 16 of the California Code of Regulations and the Business and Professions Code. In

1 fact, smog check technician Valdez performed the lamp inspection on the vehicle without a valid
2 lamp adjuster license issued by the Bureau, in violation of Bus. & Prof. Code section 9888.3 and
3 Regulation 3305, subdivision (a).

4 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

5 **(Fraud)**

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

14 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

16 57. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
17 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
18 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp
19 Certificate No. [REDACTED] as to the Bureau's 2002 Ford when, in fact, its employee, smog check
20 technician Valdez, was not a licensed lamp adjuster and was legally prohibited from performing
21 lamp inspections on vehicles.

22 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

23 **(Violations of Regulations)**

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

27 a. **Regulation 3305, subdivision (a):** Respondent Redline's employees, smog check
28 technician Valdez and Respondent Aguilar, failed to perform the inspection of the brake system

1 (Aguilar) and inspection or adjustment of the lighting system (Valdez) on the Bureau's 2002 Ford
2 in accordance with the specifications, instructions, and directives issued by the Bureau and the
3 vehicle manufacturer, as set forth in paragraph 55 above.

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

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

10 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Code)**

12 59. Respondent Redline's brake and lamp station licenses are subject to disciplinary
13 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
14 violated Bus. & Prof. Code section 9888.3 relating to its licensed activities, as set forth in
15 paragraph 57 above.

16 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

18 60. Respondent Redline's brake and lamp station licenses are subject to disciplinary
19 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
20 Regulations 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set
21 forth in paragraph 58 above.

22 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

24 61. Respondent Redline's brake and lamp station licenses are subject to disciplinary
25 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
26 committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth
27 in paragraph 56 above.

28 ///

1 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

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

9 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

10 **(Violations of Regulations)**

11 63. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
12 to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions
13 of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision
14 (c)(2), as set forth in paragraph 58 above.

15 **UNDERCOVER OPERATION #3: 2000 PONTIAC**

16 64. On or about October 15, 2014, at approximately 1300 hours, the undercover operator,
17 identified in paragraph 28 above ("operator"), took the Bureau's 2000 Pontiac to Respondent
18 Redline's facility and requested smog, lamp, and brake inspections on the vehicle. The right front
19 and left rear brake rotors on the Bureau-documented vehicle were machined below the
20 manufacturer's minimum thickness specifications and the front headlamps were out of
21 adjustment. Respondent's employee, William Marshall ("Marshall"), prepared a written estimate
22 in the amount of \$100, had the operator sign it, then gave him a copy. The operator observed
23 smog check technician Moses Valdez perform the smog inspection on the vehicle. Marshall
24 performed the lamp inspection. Marshall turned on the headlamp switch, walked around the
25 vehicle, and appeared to verify the operation of the lamps. Respondent Mauricio Aguilar
26 ("Aguilar") appeared to perform the brake inspection. Aguilar did not remove the wheels from
27 the vehicle, and neither Aguilar, Valdez nor Marshall road-tested the vehicle. After the
28 inspections were completed, Aguilar came into the office area. The operator observed Aguilar

1 open a certificate book and complete and sign a certificate. Later, Marshall came into the office
2 area, opened a certificate book, and completed and signed another certificate. The operator paid
3 Marshall \$100 and received copies of an invoice, a VIR, Certificate of Lamp Adjustment No.
4 [REDACTED], and Certificate of Brake Adjustment No. [REDACTED]. The operator left the facility.
5 Later, the Bureau reviewed the brake and lamp certificates. The brake certificate had been signed
6 by Aguilar using his official brake adjuster license number. The number RY030749 had been
7 written in as the adjuster's license number on the lamp certificate. Lamp Adjuster License No.
8 LA 030749 is issued to Amarjit Singh. Amarjit Singh was not present at the facility at the time
9 the inspections were performed.

10 65. On or about November 19, 2014, the Bureau inspected the vehicle and found that the
11 front headlamps were still out of adjustment. The Bureau also found that none of the wheels had
12 been removed, indicating that the brake inspection had not been completely performed on the
13 vehicle. Further, the right front and left rear brake rotors were not within manufacturer's
14 specifications.

15 **THIRTIETH CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statements)**

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

21 a. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
22 perjury on Brake Certificate No. [REDACTED] that the drums and rotors on the Bureau's 2000
23 Pontiac were in a satisfactory condition. In fact, the right front and left rear brake rotors on the
24 vehicle were machined below the manufacturer's minimum thickness specifications at the time
25 the vehicle was taken to Respondent Redline's facility.

26 b. Respondent Redline's employee, Respondent Aguilar, certified under penalty of
27 perjury on Brake Certificate No. [REDACTED] that the Bureau's 2000 Pontiac had a stopping

28 ///

1 distance of 25 feet from a speed of 20 miles per hour as a result of a road-test. In fact, the vehicle
2 had not been road-tested.

3 c. Respondent Redline's employee, Marshall, certified under penalty of perjury on
4 Certificate of Lamp Adjustment No. [REDACTED] that the applicable adjustment had been
5 performed on the lighting system on the Bureau's 2000 Pontiac. In fact, the front headlamps
6 were out of adjustment at the time the vehicle was taken to Respondent Redline's facility.

7 d. Respondent Redline's employee, Marshall, certified under penalty of perjury on
8 Lamp Certificate No. [REDACTED] that Amarjit Singh performed the applicable inspection of the
9 lighting systems on the Bureau's 2000 Pontiac as specified by the Bureau and in accordance with
10 title 16 of the California Code of Regulations and the Business and Professions Code. In fact,
11 Marshall performed the lamp inspection on the vehicle without a valid lamp adjuster license
12 issued by the Bureau, in violation of Bus. & Prof. Code section 9888.3 and Regulation 3305,
13 subdivision (a).

14 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

15 **(Fraud)**

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

24 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

26 68. Respondent Redline's registration is subject to disciplinary action pursuant to Bus. &
27 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
28 9888.3 of that Code in a material respect, as follows: Respondent Redline issued Lamp

1 Certificate No. [REDACTED] as to the Bureau's 2000 Pontiac when, in fact, its employee, Marshall,
2 was not a licensed lamp adjuster and was legally prohibited from performing lamp inspections on
3 vehicles.

4 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations)**

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

9 a. **Regulation 3305, subdivision (a)**: Respondent Redline's employees, Respondent
10 Aguilar and Marshall (an unlicensed adjuster), failed to perform the inspection of the brake
11 system (Aguilar) and inspection or adjustment of the lighting system (Marshall) on the Bureau's
12 2000 Pontiac in accordance with the specifications, instructions, and directives issued by the
13 Bureau and the vehicle manufacturer, as set forth in paragraph 66 above.

14 b. **Section 3316, subdivision (d)(2)**: Respondent Redline issued Lamp Certificate No.
15 LC1902578 as to the Bureau's 2000 Pontiac when all of the lamps, lighting equipment, and/or
16 related electrical systems on the vehicle were not in compliance with Bureau regulations.

17 c. **Section 3321, subdivision (c)(2)**: Respondent Redline issued Brake Certificate No.
18 [REDACTED] as to the Bureau's 2000 Pontiac when the brake system on the vehicle had not been
19 completely tested or inspected.

20 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Code)**

22 70. Respondent Redline's brake and lamp station licenses are subject to disciplinary
23 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
24 violated Bus. & Prof. Code section 9888.3 relating to its licensed activities, as set forth in
25 paragraph 68 above.

26 ///

27 ///

28 ///

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

THIRTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

71. Respondent Redline’s brake and lamp station licenses are subject to disciplinary action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with Regulations 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 69 above.

THIRTY-SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

72. Respondent Redline’s brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed an act involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 67 above.

THIRTY-SEVENTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activity)

73. Respondent Redline’s brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent aided or abetted an unlicensed person to evade the provisions of this chapter, as follows: Respondent Redline authorized or permitted Marshall to perform the lamp inspection on the Bureau’s 2000 Pontiac when, in fact, Marshall was not a licensed lamp adjuster and was legally prohibited from performing lamp inspections on vehicles.

THIRTY-EIGHTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

74. Respondent Aguilar’s brake adjuster license is subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3321, subdivision (c)(2), as set forth in paragraph 69 above.

///
///

1 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

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

3 75. Respondent Aguilar's brake adjuster license is subject to disciplinary action pursuant
4 to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts
5 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 67
6 above.

7 **FORTIETH CAUSE FOR DISCIPLINE**

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

9 76. Respondent Redline's smog check station license is subject to disciplinary action
10 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
11 dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraphs 30,
12 31, 43, 44, 55, 56, 66, and 67 above.

13 **FORTY-FIRST CAUSE FOR DISCIPLINE**

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

15 77. Respondent West's smog technician licenses are subject to disciplinary action
16 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
17 dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraphs 43
18 and 44 above.

19 **OTHER MATTERS**

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

25 79. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
26 Number RC 265647, issued to Respondent Redline Test Only Smog Center, Inc., doing business
27 as Complete Auto Repair, is revoked or suspended, any additional license issued under Chapter 5

28 ///

1 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by
2 the Director.

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

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

13 82. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
14 Number EO 631513 and Smog Check Repair Technician License Number EI 631513, issued to
15 Respondent Zackary Scott West, are revoked or suspended, any additional license issued under
16 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

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

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

25 ///

26 ///

27 ///

28 ///

PRAYER

1
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Director of Consumer Affairs issue a decision:

4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
5 265647, issued to Redline Test Only Smog Center, Inc., doing business as Complete Auto Repair;

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

DATED: May 7, 2015


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

SA2015101370