

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

In the Matter of the Accusation Against:

**PRESTIGE INVESTORS, LLC DBA  
LOPEZ TEST ONLY, JOSE LUIS LOPEZ**  
6326 S. Central Avenue  
Los Angeles, CA 90011

Auto Repair Dealer Registration No.  
ARD 269282  
Smog Check, Test Only, Station License No.  
TC 269282,

**JOSE LUIS LOPEZ**  
4625 S. Central Avenue  
Los Angeles, CA 90011

Advanced Emission Specialist Technician  
License No. EA 633968 (to be redesignated  
upon renewal as EO 633968 and/or EI  
633968)

**EDWARD DE LA CRUZ**  
12059 161st  
Norwalk, CA 90650

Advanced Emission Specialist Technician  
License No. EA 631923 (to be  
redesignated upon renewal as EO 631923  
and/or EI 631923)

and

**JOSHUA STEVE GUEVARA**  
3566 East 58th Street  
Maywood, CA 90270

Smog Inspector (EO) License No.  
EO 635074

Case No. 79/14-43

OAH No. 2013120731

Respondents.


## DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter, pursuant to Government Code section 11517(c)(2)(C), the typographical errors in the Proposed Decision are corrected as follows:

1. Page 1, case caption: The line "Advanced Emission Specialist Technician License No. EA 633968 (to be redesignated upon renewal as EO 633968)" is corrected to read "Advanced Emission Specialist Technician License No. EA 633968 (to be redesignated upon renewal as EO 633968 and/or EI 633968)"
2. Page 3, paragraph 4 under Factual Findings, last sentence: The sentence "Upon renewal, Respondent's license will be redesignated as EO 633968 and/or 633968" is corrected to read "Upon renewal, Respondent's license will be redesignated as EO 633968 and/or EI 633968."
3. Page 3, paragraph 5 under Factual Findings, last sentence: The sentence "Upon renewal, Respondent's license will be redesignated as EO 631923 and/or 631923" is corrected to read "Upon renewal, Respondent's license will be redesignated as EO 631923 and/or EI 631923."
4. Page 12, paragraph 4 under Order: "Smog Inspector License Number 635074" is corrected to read "Smog Check Inspector License No. EO 635074."

This Decision shall become effective September 3, 2014

DATED: July 30, 2014

  
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DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

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JOSHUA STEVE GUEVARA  
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Maywood, CA 90270

Smog Inspector (EO) License No.  
EO 635074

Respondents.

### PROPOSED DECISION

This matter came on regularly for hearing on June 23, 2014, in Los Angeles, California, before H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California.

Complainant, Patrick Dorais (Complainant), Acting Chief of the Bureau of Automotive Repair, Department of Consumer Affairs (Bureau), was represented by Thomas L. Rinaldi, Deputy Attorney General.

Respondent Joshua Steve Guevara (Respondent Guevara or Guevara), was present and represented himself.

No appearance was made by or on behalf of Respondent Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez (Prestige or the facility) despite proper service of notice of the date, time, and location of the hearing.

No appearance was made by or on behalf of Respondent Jose Luis Lopez (Respondent Lopez or Lopez) despite proper service of notice of the date, time, and location of the hearing.

Respondent Edward de la Cruz did not file a Notice of Defense and did not appear in this action.

Oral and documentary evidence was received. The record was closed on June 23, 2014, and the matter was submitted for decision.

### FACTUAL FINDINGS

1. As is more fully set forth below, some of the licenses involved in this case are expired. The Bureau maintains jurisdiction over those licenses pursuant to Business and Professions Code section 118, subdivision (b).

2. Complainant established the truth of the allegations contained in sections<sup>1</sup> 2, 3, 4, 5, 6, 22, 23, and 24 of the Accusation. Those sections are repeated verbatim below and are incorporated as factual findings herein.

2. On or about May 31, 2012, the Bureau of Automotive Repair issued Auto Repair Dealer Registration Number ARD 269282 to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez. The Auto Repair Dealer Registration expired on May 31, 2013, and has not been renewed.

3. On or about June 15, 2012, the Bureau of Automotive Repair issued Smog Check, Test Only, Station License Number TC 269282 to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez . . . The Smog Check, Test Only, Station License expired on May 31, 2013, and has not been renewed.

4. On or about January 23, 2012, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 633968 to Jose Luis Lopez . . . The Advanced Emission Specialist Technician License expired on August 31, 2013, and has not been renewed. Upon renewal, Respondent's license will be redesignated as EO 633968 and/or 633968.<sup>2</sup>

5. On or about April 1, 2010, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 631923 to Edward De La Cruz . . . The Advanced Emission Specialist Technician License expired on September 30, 2013, and has not been renewed. Upon renewal, Respondent's license will be redesignated as EO 631923 and/or 631923.

6. On or about December 26, 2012, the Bureau of Automotive Repair issued Smog Inspector (EO) License No. 635074 to Joshua Steve Guevara . . . The Smog Inspector (EO) License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2015, unless renewed.

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<sup>1</sup> The various portions of the quoted material would usually be referred to as "paragraphs." However, some of the paragraphs in the Accusation are not numbered. To avoid confusion, the portions of the quoted material are referred to as "sections" to denote a numbered paragraph followed by any and all unnumbered paragraphs.

<sup>2</sup> "Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced 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."

[¶] . . . [¶]

**STATION SURVEILLANCE: NOVEMBER 2012**

22. On November 14 and 15, 2012, Bureau program representatives Mario Salas and Allen Steele performed video-taped surveillance of respondent Lopez Test Only's smog check facility which revealed that the station was involved in extensive unlicensed activity and illegal "clean piping."<sup>3</sup> Specifically, the surveillance operation and information obtained from the Bureau's VID revealed that between the hours of approximately 1158 and 1555 on November 14, 2012, respondent De La Cruz's smog technician license number and access code were used by an unlicensed person, Marco Gonzalez, to unlawfully certify a total of four (4) vehicles. In addition, the Bureau program representatives observed, and the surveillance video confirms, that at least three (3) of the four (4) unlawfully certified vehicles were fraudulently certified via the clean piping method in that the tailpipe emissions of a 1998 Ford Ranger (CA License No. 49948C1) owned by respondent Lopez were used in place of the tailpipe emissions of vehicles that were purportedly being tested. No licensed technicians were present at the station during the time of the Bureau's surveillance.

Furthermore, the surveillance operation and information obtained from the Bureau's VID revealed that between the hours of approximately 1017 and 1438 on November 15, 2012, respondent De La Cruz's smog technician license number and access code were again used by unlicensed person Marco Gonzalez to unlawfully certify a total of five (5) vehicles. The Bureau program representatives observed, and the surveillance video confirms, that the five (5) vehicles were fraudulently certified via the clean piping method in that the tailpipe emissions of a 1998 Ford Ranger (CA License No. 49948C1) owned by respondent Lopez were used in place of the tailpipe emissions of vehicles that were purportedly being tested. No licensed technicians were present at the station during the time of the Bureau's surveillance.

[¶] . . . [¶]

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<sup>3</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification."

**STATION SURVEILLANCE: JANUARY 14, 2013**

23. On January 14, 2013, Bureau program representative Mario Salas and Allen Steele performed another video-taped surveillance of respondent Lopez Test Only's smog check facility which revealed that the station was again involved in unlawful unlicensed activity and illegal "clean piping." Specifically, the surveillance operations and information obtained from the Bureau's VID revealed that between the hours of approximately 1043 to 1409, respondent De La Cruz's smog technician license number and access code were used by an unidentified person to unlawfully certify a total of two vehicles via the clean piping method by using the tailpipe emissions of the 1998 Ford Ranger (CA License No. 49948C1) owned by respondent Lopez in place of the tailpipe emissions of vehicles that were purportedly being tested. No licensed technicians were present at the station during the time of the Bureau's surveillance.

[¶] . . . [¶]

**STATION INSPECTION AND INVESTIGATION**

24. On March 20, 2013, bureau program representatives Mario Salas and Allen Steele performed an onsite inspection of the Lopez Test Only smog check station, at which time they observed unlicensed individual Gonzalez unlawfully performing a smog inspection with the 1998 Ford Ranger (CA License No. 49948C1) owned by respondent Lopez sitting in the test bay abruptly shutting down the emission smog system machine (EIS) resulting in an "error warning" on the EIS monitor. Bureau program representative Salas later confirmed through BAR vehicle test data that Gonzalez had used respondent Guevara's smog technician license number and access code and was in the process of clean piping a 1998 Ford Windstar (Vehicle Identification No. 2FTZA5449WBD24778) when they arrived at the station, prompting Gonzalez to abruptly interrupt the test.

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No licensed technicians were present at the station when the Bureau program representatives arrived for the inspection, but respondent Guevara arrived at the station approximately 20 minutes thereafter. Bureau program representatives Salas and Steele reviewed two invoices and Vehicle Inspection Reports (VIR) for smog inspections that had been performed earlier that day. When asked about the two inspections which had been performed using his license number and access code, respondent Guevara stated that he had not performed one of the inspections (involving 1988 Toyota Van, CA Lic. # 6WKG691) and that he could not remember whether he had performed the other inspection (involving 2002 Isuzu Rodeo, CA Lic. # 5YMN323) despite the fact that it had been performed less than an hour earlier. During his interview with Salas and Steele, respondent Guevara admitted that he often deliberately left his smog technician license and his access code unattended on top of the EIS unit.

Thereafter, on March 22, 2013, respondent Lopez voluntarily appeared [at] the Bureau's South El Monte field office and asked for his ARD, smog station license and smog check technician license to be canceled. No action was taken by the Bureau regarding respondent Lopez's request.

3. At the administrative hearing, Respondent Guevara testified that, at and around the time of the March 20, 2013 inspection, he was unaware that clean-piping was occurring at the facility. That testimony was not credible in light of the presence in the facility of invoices and VIR's for two vehicles indicating they had undergone smog inspections that morning by someone using Guevara's access code, and his other testimony that (1) the facility housed only one service bay with one dynamometer, (2) the only vehicle he saw in the service bay that day was the white Ford Ranger, and (3) he did not recall seeing a Toyota or Isuzu between the time he arrived at the facility that day and the time he left.

4. Guevara claimed that Gonzalez used his access code without his knowledge or consent. However, Guevara did not request a different access code until five days following the March 20, 2013 inspection.

#### *Costs*

5. The Board incurred costs in the total sum of \$25,054.61, in connection with the investigation and enforcement of this action. Those costs include attorney's fees of \$3,787.50, and investigation costs totaling \$21,267.11. The attorney's fees are reasonable. The investigation costs are not. As is more fully set forth below, the reasonable amount of investigation costs is \$8,506.84, a reduction of 60 percent of the claimed costs. The total costs of \$12,294.34 shall be prorated between the three respondents who/which appeared in the action. Respondents Prestige and Lopez shall each be ordered to pay 40 percent (\$4,917.74) of the costs. Respondent Guevara shall be ordered to pay 20 percent (\$2,458.87).



## LEGAL CONCLUSIONS

1. Cause exists to discipline Auto Repair Dealer Registration Number ARD 269282 issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), for misleading statements, as set forth in Finding 2 (22, 23, and 24).

2. Cause exists to discipline Auto Repair Dealer Registration Number ARD 269282 issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), for fraud, as set forth in Finding 2 (22, 23, and 24).

3. Cause exists to discipline Auto Repair Dealer Registration Number ARD 269282 issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), for material violations of the Automotive Repair Act, as set forth in Finding 2 (22, 23, and 24).

4. Cause exists to discipline Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Health and Safety Code sections 44072.2, subdivision (a), 44012, 44014, and 44015, subdivision (b), for violation of the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

5. Cause exists to discipline Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivision (c), and California Code of Regulations, title 16, sections 3340.15, subdivision (b), 3340.24, subdivision (c), 3340.35, subdivision (c), and 3340.42, for violation of regulations pursuant to the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

6. Cause exists to discipline Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivision (d), for acts involving dishonesty, fraud or deceit, as set forth in Finding 2 (22, 23, and 24).

7. Cause exists to discipline Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivision (f), for aiding and abetting an unlicensed person to evade the provisions of the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

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8. Cause exists to discipline Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (g), in conjunction with California Code of Regulations, title 16, section 3340.15, subdivision (e) for failure to maintain and/or make available for inspection invoices and VIR's related to Bureau inspections, as set forth in Finding 2 (22, 23, and 24).

9. Cause exists to discipline Advanced Emission Specialist Technician License Number EA 633968, issued to Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivision (d), for acts involving dishonesty, fraud or deceit causing injury by engaging in a scheme to deceive the Bureau for the purpose of circumventing the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

10. Cause exists to discipline Advanced Emission Specialist Technician License Number EA 633968, issued to Jose Luis Lopez, pursuant to Health and Safety Code section 44072.2, subdivision (f), for aiding and/or abetting an unlicensed person to evade the provisions of the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

11. Cause exists to discipline Smog Inspector License Number 635074, issued to Joshua Steve Guevara, pursuant to Health and Safety Code section 44072.2, subdivision (d), for acts involving dishonesty, fraud or deceit causing injury by engaging in a scheme to deceive the Bureau for the purpose of circumventing the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

12. Cause exists to discipline Smog Inspector License Number 635074, issued to Joshua Steve Guevara, pursuant to Health and Safety Code section 44072.2, subdivision (f), for aiding and/or abetting an unlicensed person to evade the provisions of the Motor Vehicle Inspection Program, as set forth in Finding 2 (22, 23, and 24).

13. Cause exists to discipline Smog Inspector License Number 635074, issued to Joshua Steve Guevara, pursuant to Health and Safety Code section 44072.2, subdivisions (a) and (c), in conjunction with California Code of Regulations, title 16, section 3340.45, for violating technician access requirements in section 1.1.0 of the Smog Check Inspection Manual by failing to maintain the security of his access code, disclosing his access code to others, and failing to immediately contact the Bureau once he suspected his access code had been compromised, as set forth in Finding 2 (24).

14. Cause exists to order Respondents to pay costs claimed under Business and Professions Code section 125.3, as set forth in Finding 5.

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*The Causes for Discipline Against Respondents Prestige and Lopez*

15. Respondent Lopez was not present at the facility during either of the station surveillances in November 2012 and January 2013 or the station inspection and investigation in March 2013. The wrongful acts were physically performed by employees of Prestige. However, Prestige, as the employing entity, and Lopez, as a member of Prestige (Exhibit 2), are vicariously liable for those acts.

16. In *Rob-Mac, Inc. v. Department of Motor Vehicles* (1983) 148 Cal.App.3d 793, 797, the Court stated:

The owner of a license is obligated to see that the license is not used in violation of the law. (*Ford Dealers Assn. v. Department of Motor Vehicles* (1982) 32 Cal.3d 347, 360 [185 Cal. Rptr. 453, 650 P.2d 328].) “If a licensee elects to operate his business through employees he must be responsible to the licensing authority for their conduct in the exercise of his license and he is responsible for the acts of his agents or employees done in the course of his business in the operation of the license.” (*Arenstein v. California State Bd. of Pharmacy* (1968) 265 Cal.App.2d 179, 192 [71 Cal.Rptr. 357].)

17. In *California Assn of Health Facilities v. Department of Health Services* (1997) 16 Cal.4th 284 [65 Cal.Rptr.2d 842], the California Supreme Court interpreted the meaning of the “reasonable licensee defense” established in Health and Safety Code section 1424. In its discussion of the general applicability of vicarious liability in administrative proceedings, the Court stated:

The principle that a licensee will be held liable for the acts of its agents is one that has been applied whether the agent is an independent contractor or an employee. (Citations.)

Thus, the doctrine of nondelegable duties for licensees has at least one justification in common with the respondeat superior duty of employers for employees in the field of tort law: the prevention of future harm to the public by giving the licensees strong incentives to ensure that their employees’ conduct conforms to law. (Citation.) Moreover, the imposition of nondelegable duties on licensees is also a recognition of the reality that many entities subject to administrative regulation are, regardless of the precise form of ownership, corporate ones that can only act through their agents and employees. Thus to speak of the “liability of the licensee” without referring to the liability of the licensee’s employees and agents would often be a meaningless abstraction and would make the enforcement of administrative regulations a virtual impossibility. (Citation.)

*Id.* at 296-297.

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18. The doctrine of vicarious liability in administrative proceedings was also discussed in *Camacho v. Youde* (1979) 95 Cal.App.3d 161 [157 Cal.Rptr. 26]. In that case, the agricultural pest control license of an aerial crop dusting business was disciplined for the negligent acts of its agent pilot, even though the licensee was himself free of negligence. The Court stated:

A licensee must be responsible for his employees' conduct in pursuing the business for which his license is required (Citation). . . . A licensed pharmacist may be disciplined by the pharmacy board if his employees engage in unlawful conduct in the operation of the pharmacy even though he has no knowledge of such activity (Citation).

A licensee authorized to sell alcoholic beverages is subject to discipline against his license for the misconduct of his employees in conducting the licensed business although he has no knowledge thereof. (Citations.) He is subject to license suspension, for example, when his bartender hires females to solicit drinks from customers (Citation).

These and other cases cited by appellant predicate discipline on the doctrine of respondeat superior. Respondent urges a violation of due process if his license is suspended when he is "entirely innocent of wrong." However, the objective of an administrative proceeding relating to a possible license suspension is to protect the public; to determine whether a licensee has exercised his privilege in derogation of the public interest. "Such proceedings are not for the primary purpose of punishing an individual. [Citation.] Hence, such proceedings are not criminal in nature." (Citation.) It is necessary for the Department of Food and Agriculture to effectively regulate the dangerous business of pest control. Safety in the application of pesticides must be assured by fixing responsibility for that safety on the licensee. The record shows the pesticide mixture here involved consisted of lannate and thiodan, both capable of causing illness or poisoning because of their toxicity. If respondent were correct, effective regulation would be impossible. He could contract away the daily operations of his business to independent contractors and become immune to disciplinary action by the licensing authority.

[¶] . . . [¶]

We view the duties of a licensee . . . to be nondelegable to either an independent contractor or to an employee (Citation) . . .

*Id.* at 163-165.

19. The reasoning behind the doctrine of vicarious liability is the same for a smog inspection licensee as it is for the licenses referenced in Legal Conclusions 16, 17, and 18, above.

*The Causes for Discipline Against Respondent Guevara*

20. Respondent Guevara's testimony regarding his involvement in the clean piping operation on March 20, 2013 was inconsistent with the remainder of the oral and documentary evidence on that issue, and was far less convincing. Especially troubling was his testimony that he did not recall whether he performed a smog check on a vehicle for which his access code had been used less than one hour before. Honesty and integrity are of paramount importance in determining whether an individual is of sufficient good character to maintain licensure. (*Golde v. Fox* (1979) 98 Cal.App.3d 167, 176; *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402.) Respondent Guevara did not demonstrate that honesty and integrity.

21. Respondent Guevara offered no evidence of mitigation or rehabilitation.

*Costs*

22. Business and Professions Code section 125.3 states in relevant part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

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23. As is set forth in subdivision (a) of the statute, the Administrative Law Judge may award costs, providing they are reasonable. The agency may present declarations “that contain specific and sufficient facts to support findings regarding actual costs incurred and the reasonableness of the costs . . .” (Cal. Code Regs., tit. 1, §1042, subd. (b).)

24. In support of his request for costs of investigation, Complainant offered only a chart indicating that, in fiscal year 2012-2013, a Program Analyst I spent 217.25 hours at an hourly rate of \$73.20 for a total of \$15,902.70; that, in the same fiscal year, a Program Analyst II spent 65 hours at an hourly rate of \$77.87 for a total of \$5,061.55; and that, in fiscal year 2013-2014, a Program Analyst I spent 4.25 hours at an hourly rate of \$71.26 for a total of \$302.66. No details were offered regarding the nature or the work performed, and the only evidence on that issue was the testimony of two program analysts regarding the two surveillances and the site inspection, and a handful of computer printouts, most of which came from the Bureau’s own database.

25. The 217.25 hours purportedly spent by the Program Analyst I during fiscal year 2012-2013 is the equivalent of over 27 full-time, eight-hour days. Even if that credit is given for the three events referenced in the Accusation, that would leave the equivalent of over 24 days to generate the few computer printouts offered into evidence. Similarly the 65 hours spent in the same fiscal year by the Program Analyst II is the equivalent of over eight full-time days. Again allowing credit of three full days for the three events referenced in the Accusation, the analyst would have the equivalent of more than five days to generate the documents. Further, it is extremely unlikely that the two analysts worked together to generate the documents from the Bureau’s database. The costs of investigation are unreasonable and are reduced as set forth in Factual Finding 5, above.


## ORDER

1. Auto Repair Dealer Registration Number ARD 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, is revoked.
2. Smog Check, Test Only, Station License Number TC 269282, issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, is revoked.
3. Advanced Emission Specialist Technician License Number EA 633968, issued to Jose Luis Lopez, is revoked.
4. Smog Inspector License Number 635074, issued to Joshua Steve Guevara, is revoked.
5. Respondent, Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez, shall reimburse the Bureau the amount of \$4,917.74 within 90 days of the effective date of this decision for its investigative and prosecution costs.

6. Respondent, Jose Luis Lopez, shall reimburse the Bureau the amount of \$4,917.74 within 90 days of the effective date of this decision for its investigative and prosecution costs.

7. Respondent, Joshua Steve Guevara, shall reimburse the Bureau the amount of \$2,458.87 within 90 days of the effective date of this decision for its investigative and prosecution costs.

Dated: July 14, 2014

  
H. STUART WAXMAN  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
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8 **BEFORE THE**  
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
10 **STATE OF CALIFORNIA**

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**License No. EA 633968 (to be redesignated**  
21 **upon renewal as EO 633968 and/or E1**  
22 **633968),**  
23 **EDWARD DE LA CRUZ**  
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24 **Norwalk, CA 90650**  
25 **Advanced Emission Specialist Technician**  
**License No. EA 631923 (to be redesignated**  
26 **upon renewal as EO 631923 and/or E1**  
27 **631923)**

Case No. *79/14-43*  
**ACCUSATION**  
*smog check*



1 and

2 **JOSHUA STEVE GUEVARA**  
3 3566 East 58<sup>th</sup> Street  
4 Maywood, CA 90270

5 **Smog Inspector (EO) License No. EO**  
6 **635074**

7 Respondents.

8 Complainant alleges:

9 PARTIES

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

12 2. On or about May 31, 2012, the Bureau of Automotive Repair issued Auto Repair  
13 Dealer Registration Number ARD 269282 to Prestige Investors, LLC dba Lopez Test Only, Jose  
14 Luis Lopez. The Auto Repair Dealer Registration expired on May 31, 2013, and has not been  
15 renewed.

16 3. On or about June 15, 2012, the Bureau of Automotive Repair issued Smog Check,  
17 Test Only, Station License Number TC 269282 to Prestige Investors, LLC dba Lopez Test Only,  
18 Jose Luis Lopez (respondent Prestige). The Smog Check, Test Only, Station License expired on  
19 May 31, 2013, and has not been renewed.

20 4. On or about January 23, 2012, the Bureau of Automotive Repair issued Advanced  
21 Emission Specialist Technician License Number EA 633968 to Jose Luis Lopez (respondent  
22 Lopez). The Advanced Emission Specialist Technician License expired on August 31, 2013, and  
23 has not been renewed. Upon renewal, Respondent's license will be redesignated as EO 633968  
24 and/or 633968.<sup>1</sup>

25 5. On or about April 1, 2010, the Bureau of Automotive Repair issued Advanced  
26 Emission Specialist Technician License Number EA 631923 to Edward De La Cruz (respondent

27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
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 De La Cruz). The Advanced Emission Specialist Technician License expired on September 30,  
2 2013, and has not been renewed. Upon renewal, Respondent's license will be redesignated as EO  
3 631923 and/or 631923.

4 6. On or about December 26, 2012, the Bureau of Automotive Repair issued Smog  
5 Inspector (EO) License No. 635074 to Joshua Steve Guevara (respondent Guevara). The Smog  
6 Inspector (EO) License was in full force and effect at all times relevant to the charges brought  
7 herein and will expire on May 31, 2015, unless renewed.

#### 8 JURISDICTION

9 7. Section 9884.13 of the Business and Professions Code ("BPC") provides, in pertinent  
10 part, that "[t]he expiration of a valid registration shall not deprive the director or chief of  
11 jurisdiction to proceed with . . . [a] disciplinary proceeding against an automotive repair dealer or  
12 to render a decision invalidating a registration temporarily or permanently."

13 8. Section 44072.6 of the Health and Safety Code ("HSC") provides:

14 "The expiration or suspension of a license by operation of law or by order or decision of the  
15 director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
16 the director of jurisdiction to proceed with any investigation of, or action or disciplinary  
17 proceedings against, the licensee, or to render a decision suspending or revoking the license."

18 9. Section 44002 of the HSC provides, in pertinent part, that the Director has all the  
19 powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle  
20 Inspection Program.

#### 21 STATUTORY PROVISIONS

22 10. Section 9884.7 of the BPC states, in pertinent part:

23 "(a) The director, where the automotive repair dealer cannot show there was a bona fide  
24 error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an  
25 automotive repair dealer for any of the following acts or omissions related to the conduct of the  
26 business of the automotive repair dealer, which are done by the automotive repair dealer or any  
27 automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

4 (4) Any other conduct which constitutes fraud.

5 . . . .

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

8 11. Section 44012 of the HSC provides, in pertinent part, that tests at smog check  
9 stations shall be performed in accordance with procedures prescribed by the department.

10 12. Section 44014, subdivision (a), of the HSC provides that the testing and repair portion  
11 of the smog check program shall be conducted only by licensed smog check technicians.

12 13. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance  
13 shall be issued if a vehicle meets the requirements of HSC section 40012.

14 14. Section 44032 of the Health and Safety Code states, in pertinent part, that: (1) no  
15 person may perform tests or repairs of emission control devices or systems of motor vehicles  
16 required by the Motor Vehicle Inspection Program unless the person performing the test or repair  
17 is a licensed qualified smog check technician; and (2) all tests must be conducted in accordance  
18 with section 44012 (i.e. Motor Vehicle Inspection Program Requirements).

19 15. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

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“(f) Aids or abets unlicensed persons to evade the provisions of this chapter.

“(g) Fails to make and keep records showing his or her transactions as a licensee, or fails to have those records available for inspection by the director or his or her duly authorized representative for a period of not less than three years after completion of any transaction to which the records refer, or refuses to comply with a written request of the director to make the records available for inspection . . . .”

16. Section 44072.2 of the HSC provides”

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

**REGULATORY PROVISIONS**

17. California Code of Regulations, title 16, section 3340.15, states in pertinent part”

“(b) A licensed inspector and/or repair technician shall be present during all hours the station is open for the business. Testing and/or repairing of vehicles pursuant to the Smog Check Program shall be performed by a licensed inspector and/or repair technician, consistent with their license classification.

...

“(e) The station shall make, keep secure, and have available for inspection on request of the bureau, or its representative, legible records showing the station's transactions as a licensee for a period of not less than three years after completion of any transaction to which the records refer.

All records shall be open for reasonable inspection and/or reproduction by the bureau or its representative. Station records required to be maintained shall include copies of:

- (1) All certificates of compliance and certificates of noncompliance in stock and/or issued,
- (2) Repair orders relating to the inspection and repair activities, and
- (3) Vehicle inspection reports generated either manually or by the emissions inspection system.

1 The above listed station records shall be maintained in such a manner that the records for  
2 each transaction are kept together, so as to facilitate access to those records by the bureau or its  
3 representative. In this regard, the second copy of an issued certificate shall be attached to the final  
4 invoice record.

5 . . . .

6 18. California Code of Regulations ("CCR"), title 16, section 3340.24, subdivision (c),  
7 states:

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

11 19. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
12 station "shall issue a certificate of compliance or noncompliance to the owner or operator of any  
13 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
14 this article and has all the required emission control equipment and devices installed and  
15 functioning correctly."

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

#### 18 COST RECOVERY

19 21. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board  
20 "may request the administrative law judge to direct a licensee found to have committed a  
21 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
22 investigation and enforcement of the case."

#### 23 STATION SURVEILLANCE: NOVEMBER 2012

24 22. On November 14 and 15, 2012, Bureau program representatives Mario Salas and  
25 Allen Steele performed video-taped surveillance of respondent Lopez Test Only's smog check  
26 facility which revealed that the station was involved in extensive unlicensed activity and illegal

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1 “clean piping.”<sup>2</sup> Specifically, the surveillance operation and information obtained from the  
2 Bureau’s VID revealed that between the hours of approximately 1158 and 1555 on November 14,  
3 2012, respondent De La Cruz’s smog technician license number and access code were used by an  
4 unlicensed person, Marco Gonzalez, to unlawfully certify a total of four (4) vehicles. In addition,  
5 the Bureau program representatives observed, and the surveillance video confirms, that at least  
6 three (3) of the four (4) unlawfully certified vehicles were fraudulently certified via the clean  
7 piping method in that the tailpipe emissions of a 1998 Ford Ranger (CA License No. 49948C1)  
8 owned by respondent Lopez were used in place of the tailpipe emissions of vehicles that were  
9 purportedly being tested. No licensed technicians were present at the station during the time of  
10 the Bureau’s surveillance.

11 Furthermore, the surveillance operation and information obtained from the Bureau’s VID  
12 revealed that between the hours of approximately 1017 and 1438 on November 15, 2012,  
13 respondent De La Cruz’s smog technician license number and access code were again used by  
14 unlicensed person Marco Gonzalez to unlawfully certify a total of five (5) vehicles. The Bureau  
15 program representatives observed, and the surveillance video confirms, that the five (5) vehicles  
16 were fraudulently certified via the clean piping method in that the tailpipe emissions of a 1998  
17 Ford Ranger (CA License No. 49948C1) owned by respondent Lopez were used in place of the  
18 tailpipe emissions of vehicles that were purportedly being tested. No licensed technicians were  
19 present at the station during the time of the Bureau’s surveillance.

20 The following chart (“Table 1”) illustrates the clean piping activities observed during the  
21 Bureau’s surveillance of respondent Lopez Test Only’s station on November 14, 2012, and  
22 November 15, 2012.

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26 \_\_\_\_\_  
27 <sup>2</sup> “Clean piping” is sampling the (clean) tailpipe emissions and/or the RPM readings of  
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
compliance or are not present in the smog check area during the time of the certification.

**Table 1**

<b>Test Date and Time</b>	<b>Vehicle Certified &amp; License No.</b>	<b>Vehicle Actually Tested &amp; License No.</b>	<b>Certificate Issued</b>	<b>Details</b>
11/14/2012 1158 to 1224 hours	1989 Honda Civic CRX  2RGF715	1998 Ford Ranger  49948C1	XN734107C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/14/2012 1301 to 1319 hours	2002 Mitsubishi Eclipse  5VWC140	1998 Ford Ranger  49948C1	XN734108C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/14/2012 1417 to 1446 hours	1999 Ford Econoline Van  6R96092	1998 Ford Ranger  49948C1	XN734109C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/14/2012 1512 to 1555 hours	2002 Mazda 626  No License Plate	1998 Ford Ranger  49948C1	XN734110C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/15/2012 1017 to 1039 hours	1986 Chevrolet S10 Pickup  8S76960	1998 Ford Ranger  49948C1	XN734114C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/15/2012 1056 to 1122 hours	1990 Bentley Turbo R  DP90080	1998 Ford Ranger  49948C1	XN734115C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/15/2012 1137 to 1206 hours	1992 Chevrolet S10 Pickup  32476A1	1998 Ford Ranger  49948C1	XN734116C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
11/15/2012 1227 to 1249 hours	1985 Toyota Corolla  3MCN935	1998 Ford Ranger  49948C1	XN734117C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).

1 2 3	11/15/2012 1420 to 1438 hours	2000 Lexus GS 300 6LQZ708	1998 Ford Ranger 49948C1	XN734118C	Ford Ranger in test bay at time of certification. Test performed by Gonzalez (unlicensed).
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5 **STATION SURVEILLANCE: JANUARY 14, 2013**

6 23. On January 14, 2013, Bureau program representatives Mario Salas and Allen  
7 Steele performed another video-taped surveillance of respondent Lopez Test Only's smog check  
8 facility which revealed that the station was again involved in unlawful unlicensed activity and  
9 illegal "clean piping." Specifically, the surveillance operation and information obtained from the  
10 Bureau's VID revealed that between the hours of approximately 1043 to 1409, respondent De La  
11 Cruz's smog technician license number and access code were used by an unidentified person to  
12 unlawfully certify a total of two vehicles via the clean piping method by using the tailpipe  
13 emissions of the 1998 Ford Ranger (CA License No. 49948C1) owned by respondent Lopcz in  
14 place of the tailpipe emissions of vehicles that were purportedly being tested. No licensed  
15 technicians were present at the station during the time of the Bureau's surveillance.

16 The following chart ("Table 2") illustrates the clean piping activities observed during the  
17 Bureau's surveillance of respondent Lopez Test Only's station on January 14, 2013.

18 **Table 2**

19	Test Date and Time	Vehicle Certified & License No.	Vehicle Actually Tested & License No.	Certificate Issued	Details
20 21 22 23	1/14/2013 1043 to 1059 hours	1993 Jeep Wrangler No License Plate	1998 Ford Ranger 49948C1	XP531834C	Ford Ranger in test bay at time of certification. Test performed by unidentified unlicensed person.
24 25 26 27	1/14/2013 1354 to 1409 hours	1988 Honda Accord 2HLV607	1998 Ford Ranger 49948C1	XP531835C	Ford Ranger in test bay at time of certification. Test performed by unidentified unlicensed person.





1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 25. Respondent Prestige has subjected its automotive repair dealer registration to  
4 discipline under BPC section 9884.7, subdivision (a)(1), in that, with respect to the vehicles  
5 identified above in paragraphs 22 through 24 (including Tables 1 and 2), its employee(s) and/or  
6 partner(s) made statements which they knew or which by exercise of reasonable care should have  
7 known were untrue or misleading by issuing electronic certificates of compliance for those  
8 vehicles, certifying that they vehicles were in compliance with applicable laws and regulations  
9 when, in fact, those vehicles had not actually been inspected and/or had not been inspected by a  
10 licensed technician.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 26. Respondent Prestige has subjected its automotive repair dealer registration to  
14 discipline under BPC section 9884.7, subdivision (a)(4), in that, with respect to the vehicles  
15 identified above in paragraphs 22 through 24 (including Tables 1 and 2), its employeec(s) and/or  
16 partner(s) committed acts which constitute fraud by issuing electronic certificates of compliance  
17 for those vehicles without performing bona fide inspections by a licensed technician of the  
18 emission control devices and systems on those vehicles, thereby depriving the People of the State  
19 of California of the protection afforded by the Motor Vehicle Inspection Program.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Material Violation of Automotive Repair Act)**

22 27. Respondent Prestige has subjected its automotive repair dealer registration to  
23 discipline under BPC section 9884.7, subdivision (a)(6), in that, with respect to the vehicles  
24 identified above in paragraphs 22 through 24 (including Tables 1 and 2), its employee(s) and/or  
25 partner(s) failed in a material respect to comply with the provisions of the Automotive Repair Act  
26 and regulations enacted pursuant thereto by issuing electronic certificates of compliance for those  
27 vehicles without performing bona fide inspections by a licensed technician of the emission  
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1 control devices and systems on those vehicles, thereby depriving the People of the State of  
2 California of the protection afforded by the Motor Vehicle Inspection Program.

3 **FOURTH CAUSE FOR DISCIPLINE**

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

5 28. Respondent Prestige has subjected its station license to discipline under HSC section  
6 44072.2, subdivision (a), in that Respondent violated the following sections of the HSC with  
7 respect to the vehicles identified above in paragraphs 22 through 24 (including Tables 1 and 2):

8 a. **Section 44012:** Respondent Prestige failed to ensure that the emission control tests  
9 were performed on those vehicles in accordance with procedures prescribed by the department.

10 b. **Section 44014:** Respondent Prestige allowed unlicensed person Marco Gonzalez and  
11 another unidentified unlicensed person to perform emission control tests on those vehicles in  
12 violation of procedures prescribed by the department.

13 c. **Section 44015, subdivision (b):** Respondent Prestige issued electronic certificates of  
14 compliance without properly testing and inspecting the vehicles to determine if they were in  
15 compliance with section 44012 of the HSC.

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 29. Respondent Prestige has subjected its station license to discipline under HSC section  
19 44072.2, subdivision (c), in that Respondent violated the following sections of the HSC with  
20 respect to the vehicles identified above in paragraphs 22 through 24 (including Tables 1 and 2):

21 a. **Section 3340.15, subdivision (b):** Respondent Prestige failed to ensure that a  
22 licensed inspector and/or repair technician was present during all hours that the station was open  
23 for business.

24 b. **Section 3340.24, subdivision (c):** Respondent Prestige falsely or fraudulently issued  
25 electronic certificates of compliance without performing bona fide inspections by a licensed  
26 technician of the emission control devices and systems on those vehicles as required by HSC  
27 section 44012.

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1 c. **Section 3340.35, subdivision (c):** Respondent Prestige issued electronic certificates  
2 of compliance even though those vehicles had not been inspected in accordance with section  
3 3340.42 of the HSC.

4 d. **Section 3340.42:** Respondent Prestige failed to conduct the required smog tests and  
5 inspections on those vehicles in accordance with the Bureau's specifications.

6 **SIXTH CAUSE FOR DISCIPLINE**

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

8 30. Respondent Prestige has subjected its station license to discipline under HSC section  
9 44072.2, subdivision (d), in that, with respect to the vehicles identified above in paragraphs 22  
10 through 24 (including Tables 1 and 2), Respondent committed acts involving dishonesty, fraud or  
11 deceit whereby another was injured by issuing electronic certificates of compliance for those  
12 vehicles without performing bona fide inspections by a licensed technician of the emission  
13 control devices and systems on those vehicles, thereby depriving the People of the State of  
14 California of the protection afforded by the Motor Vehicle Inspection Program.

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 **(Aid and Abet Unlicensed Activity)**

17 31. Respondent Prestige has subjected its station license to discipline under HSC section  
18 44072.2, subdivision (f), in that, with respect to the allegations above in paragraphs 22 through 24  
19 (including Tables 1 and 2), Respondent has aided and/or abetted an unlicensed person to evade  
20 the provisions of the Motor Vehicle Inspection Program. Complainant refers to, and by this  
21 reference incorporates, the allegations set forth above in paragraphs 22 through 24, including  
22 Tables 1 and 2, inclusive, as though set forth fully herein.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Fail to Maintain/Make Available Records)**

25 32. Respondent Prestige has subjected its station license to discipline under HSC section  
26 44072.2, subdivisions (a) and (g), in conjunction California Code of Regulations, title 16, section  
27 3340.15, subdivision (c), in that, with respect to the vehicles identified above in paragraphs 22

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1 through 24 (including Tables 1 and 2), Respondent failed to maintain and/or make available for  
2 inspection the invoices and VIRs related to those inspections.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 33. Respondents Lopez, De La Cruz and Guevara have subjected their technician licenses  
6 to discipline under HSC section 44072.2, subdivision (d), in that respondents Lopez, De La Cruz  
7 and Guevara have engaged in acts involving dishonesty, fraud or deceit causing injury by  
8 engaging in a scheme to deceive the Bureau of Automotive Repair for the purpose of  
9 circumventing the Motor Vehicle Inspection Program. Complainant refers to, and by this  
10 reference incorporates, the allegations set forth above in paragraphs 22 through 24, including  
11 Tables 1 and 2, inclusive, as though set forth fully herein.

12 **TENTH CAUSE FOR DISCIPLINE**

13 **(Aid and Abet Unlicensed Activity)**

14 34. Respondents Lopez, De La Cruz and Guevara have subjected their technician licenses  
15 to discipline under HSC section 44072.2, subdivision (f), in that respondents Lopez, De La Cruz  
16 and Guevara have aided and/or abetted an unlicensed person to evade the provisions of the Motor  
17 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
18 allegations set forth above in paragraphs 22 through 24, including Tables 1 and 2, inclusive, as  
19 though set forth fully herein.

20 **PRAYER**

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

23 1. Revoking or suspending Auto Repair Dealer Registration Number ARD 269282,  
24 issued to Prestige Investors, LLC dba Lopez Test Only, Jose Luis Lopez;

25 2. Revoking or suspending Smog Check, Test Only, Station License Number TC  
26 269282, issued to Prestige Investors LLC dba Lopez Test Only, Jose Luis Lopez;

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1           3.    Revoking or suspending Jose Luis Lopez's smog technician license, currently  
2 designated as EA 633968 and as redesignated upon his timely renewal as EO 633968 and/or EI  
3 633968;

4           Revoking or suspending Edward De La Cruz's smog technician license, currently  
5 designated as EA 631923 and as redesignated upon his timely renewal as EO 631923 and/or EI  
6 631923;

7           4.    Revoking or suspending Smog Inspector (EO) License No. 635074, issued to Joshua  
8 Steve Guevara;

9           6.    Revoking or suspending any additional licenses issued to the respondents under the  
10 Motor Vehicle Inspection Program pursuant section 44072.2 of the HSC;

11          7.    Ordering Lopez Test Only, Jose Luis Lopez, Edward De La Cruz and Joshua Steve  
12 Guevara to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
13 enforcement of this case, pursuant to Business and Professions Code section 125.3;

14          8.    Taking such other and further action as deemed necessary and proper.

15  
16 DATED: October 28, 2013



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

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