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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

**Case No. 79/21-16089**

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

14  
15 **FIRE HOUSE SMOG**  
**REID VENTURES, MITCHEL SCOTT**  
16 **BORNSTEIN, PRESIDENT**  
2900 Lone Tree Way  
17 Antioch, CA 94509

18 **Automotive Repair Dealer Registration No.**  
**ARD 279070 and Smog Check Station**  
19 **License No. TC 279070**

20 **and**

21 **DOMINIC BONIFACIO DUCUT**  
**94 Jimno Avenue**  
22 **Pittsburg, CA 94565**

23 **Smog Check Inspector License No. EO**  
**631156**

24 Respondents.

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28 Complainant alleges:

**PARTIES**

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

5                   **Automotive Repair Dealer Registration**

6           2.     On or about January 26, 2015, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 279070 to Mitchel Scott Bornstein, President of Reid  
8 Ventures, dba Fire House Smog (Respondent Fire House). The Automotive Repair Dealer  
9 Registration was in full force and effect at all times relevant to the charges brought herein and  
10 will expire on January 31, 2023, unless renewed.

11                   **Smog Check Station License**

12           3.     On or about February 6, 2015, the Bureau of Automotive Repair issued Smog Check  
13 Station License Number TC 279070 to Respondent Fire House. The Smog Check Station License  
14 was in full force and effect at all times relevant to the charges brought herein and will expire on  
15 January 31, 2023, unless renewed.

16                   **Star Station Certification**

17           4.     On or about April 20, 2015, the Bureau of Automotive Repair issued a STAR Station  
18 Certificate to Respondent Fire House. The Star Station Certificate was in full force and effect at  
19 all times relevant to the charges brought herein.

20                   **Smog Check Technician License**

21           5.     On or about September 12, 2013, the Bureau of Automotive Repair issued Smog  
22 Inspector License No. EO 631156 to Dominic Bonifacio Ducut (Respondent Ducut). The Smog  
23 Check Inspector License was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on September 30, 2023, unless renewed.

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**PRIOR DISCIPLINARY MATTER**

6. In a disciplinary action entitled "In the Matter of the Accusation Against Fire House Smog," Case No. 79/17-2297, the Bureau of Automotive Repair issued a Decision and Order effective April 7, 2020, in which Respondent Fire House's Automotive Repair Dealer Registration and Smog Check Station licenses were each revoked. Respondent Ducut's Smog Check Inspector License was also revoked. However, each of these revocation orders was stayed and each license was placed on probation for three (3) years, on certain terms and conditions. A copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

**JURISDICTION**

7. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

8. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Code.

9. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

10. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

**STATUTORY PROVISIONS**

12. Section 9884.7 of the Code states:

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

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

. . .

(3) Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs the document.

(4) Any other conduct which constitutes fraud.

. . .

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

13. Section 9884.9 of the Code states:

"(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer if an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile

1 transmission. If that consent is oral, the dealer shall make a notation on the work order of the date,  
2 time, name of person authorizing the additional repairs and telephone number called, if any,  
3 together with a specification of the additional parts and labor and the total additional cost . . .

4 14. Section 9889.22 of the Code states:

5 The willful making of any false statement or entry with regard to a material matter in any  
6 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
7 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the  
8 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

9 15. Section 44012 of the Health and Safety Code states:

10 "The test at the smog check stations shall be performed in accordance with procedures  
11 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded  
12 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,  
13 and shall ensure all of the following:

14 "(a) Emission control systems required by state and federal law are reducing excess  
15 emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of  
16 Section 44013.

17 "(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of  
18 the vehicle's emission control system.

19 "(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of  
20 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded  
21 mode are tested in accordance with procedures prescribed by the department. In determining  
22 how loaded mode and evaporative emissions testing shall be conducted, the department shall  
23 ensure that the emission reduction targets for the enhanced program are met.

24 "(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and  
25 crankcase ventilation system are tested to reduce any no exhaust sources of volatile organic  
26 compound emissions, in accordance with procedures prescribed by the department.

27 "(e) For diesel-powered vehicles, if the department determines that the inclusion of those  
28 vehicles is technologically and economically feasible, a visual inspection is made of emission

1 control devices and the vehicle's exhaust emissions in an idle mode or loaded mode are tested in  
2 accordance with procedures prescribed by the department. The test may include testing of  
3 emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of  
4 applicable standards, measurement of emissions of smoke or particulates, or both.

5 "(f) A visual or functional check is made of emission control devices specified by the  
6 department, including the catalytic converter in those instances in which the department  
7 determines it to be necessary to meet the findings of Section 44001. The visual or functional  
8 check shall be performed in accordance with procedures prescribed by the department.

9 "(g) A determination as to whether the motor vehicle complies with the emission standards  
10 for that vehicle's class and model-year as prescribed by the department.

11 "(h) The test procedures may authorize smog check stations to refuse the testing of a  
12 vehicle that would be unsafe to test, or that cannot physically be inspected, as specified by the  
13 department by regulation. The refusal to test a vehicle for those reasons shall not excuse or  
14 exempt the vehicle from compliance with all applicable requirements of this chapter."

15 16. Section 44015 of the Health and Safety Code states:

16 "(a) A licensed smog check station shall not issue a certificate of compliance, except as  
17 authorized by this chapter, to any vehicle that meets the following criteria:

18 "(1) A vehicle that has been tampered with.

19 "(2) A vehicle that, prior to repairs, has been initially identified by the smog check station  
20 as a gross polluter. Certification of a gross polluting vehicle shall be conducted by a designated  
21 test-only facility, or a test-and-repair station that is both licensed and certified pursuant to  
22 Sections 44014 and 44014.2 and is participating in the pilot program pursuant to subparagraph  
23 (B) of paragraph (2) of subdivision (g) of Section 44014.5.

24 "(3) A vehicle described in subdivision (c).

25 "(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to  
26 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

27 . . .

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1           17. Section 44032 of the Health and Safety Code states:

2           No person shall perform, for compensation, tests or repairs of emission control devices or  
3 systems of motor vehicles required by this chapter unless the person performing the test or repair  
4 is a qualified smog check technician and the test or repair is performed at a licensed smog check  
5 station. Qualified technicians shall perform tests of emission control devices and systems in  
6 accordance with Section 44012.

7           18. Section 44059 of the Health and Safety Code states:

8           "The willful making of any false statement or entry with regard to a material matter in any  
9 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
10 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business  
11 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code."

12           19. Section 44072.2 of the Health and Safety Code states:

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

16           (a) Violates any section of this chapter and the regulations adopted pursuant to it, which  
17 related to the licensed activities.

18           (b) Is convicted of any crime substantially related to the qualifications, functions, and duties  
19 of the licenseholder in question.

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

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

22           (e) Has misrepresented a material fact in obtaining a license.

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

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

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

3  
4 **REGULATORY PROVISIONS**

5 20. California Code of Regulations, title 16, section 3340.30, states:

6 "A smog check technician shall comply with the following requirements at all times while  
7 licensed.

8 "(a) A licensed technician shall inspect, test and repair vehicles in accordance with section  
9 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
10 3340.42 of this article.

11 . . .

12 21. California Code of Regulations, title 16, section 3340.35, states:

13 . . .

14 "(c) A licensed station shall issue a certificate of compliance or noncompliance to the  
15 owner or operator of any vehicle that has been inspected in accordance with the procedures  
16 specified in section 3340.42 of this article and has all the required emission control equipment  
17 and devices installed and functioning correctly. The following conditions shall apply:

18 . . .

19 22. California Code of Regulations, title 16, section 3340.41 states:

20 . . .

21 (c) No person shall enter into the BAR-97 Emissions Inspection System or the OBD  
22 Inspection System any vehicle identification information or emission control system  
23 identification data for any vehicle other than the one being tested. Nor shall any person  
24 knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System  
25 any false information about the vehicle being tested.

26 23. California Code of Regulations, title 16, section 3340.42, states:

27 (a) All vehicles subject to a smog check inspection, shall receive one of the following test  
28 methods:

1 . . .

2 (b) In addition to subsection (a), all vehicles subject to the smog check program shall  
3 receive the following:

4 (1) A visual inspection of emission control components and systems to verify the vehicle's  
5 emission control systems are properly installed.

6 (2) A functional inspection of emission control systems as specified in the Smog Check  
7 Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper  
8 operation.

9 . . .

10 24. California Code of Regulations, title 16, section 3340.45, states:

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

13 (1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby  
14 incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

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

17 25. California Code of Regulations, title 16, section 3353, states:

18 An estimate shall be provided to and authorized by the customer before any work  
19 commences. The estimate shall meet the requirements of Business and Professions Code section  
20 9884.9 as well as the following:

21 (a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each  
22 customer an estimate containing the estimated price for parts and labor for a specific job prior to  
23 obtaining authorization. Each part listed in the estimate shall be new unless specifically identified  
24 as a used, rebuilt, or reconditioned part.

25 26. California Code of Regulations, title 16, section 3373, states:

26 "No automotive repair dealer or individual in charge shall, in filling out an estimate,  
27 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,  
28 withhold therefrom or insert therein any statement or information which will cause any such

1 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
2 or deceive customers, prospective customers, or the public."

3  
4 **COSTS**

5 27. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
10 included in a stipulated settlement.

11 **FACTUAL BACKGROUND**

12  
13 28. On December 9, 2021, a Bureau representative conducted a vehicle undercover  
14 operation at Respondent Fire House Smog to confirm compliance with the Smog Check Program  
15 and compliance with Respondent Fire House and Respondent Ducut's terms and conditions of  
16 probation. The Bureau representative obtained a documented vehicle from a confidential storage  
17 facility. The vehicle was a 2009 Chevrolet with Exhaust Gas Recirculation (EGR) system  
18 components removed. The vehicle had a non-approved EGR delete kit installed in place of the  
19 approved EGR valve and was designed to fail a smog check.

20 29. At a confidential location near Respondent Fire House, the Bureau representative  
21 inspected the Chevrolet and took digital photos of the Chevrolet's emissions control label, and the  
22 non-approved exhaust block-off plate installed in place of the EGR valve. The Bureau  
23 representative then directed that a Bureau operator drive to Fire House Smog and request a smog  
24 inspection. The operator drove the Chevrolet to Respondent Fire House and met with an  
25 unidentified male and requested a smog inspection. The operator was instructed to pull the  
26 Chevrolet up to the service bay. The operator was provided a work order. The operator went to  
27 the waiting area, filled out the customer information, and signed the work order. The same  
28 unidentified male came to the waiting area and the operator provided him with a fictitious

1 registration for the Chevrolet and the work order. The operator was not provided a copy of the  
2 work order. After the inspection, the same unidentified male returned to the waiting area and  
3 provided the cashier with the paperwork. The operator provided the cashier with a discount  
4 coupon that was provided by the Bureau representative. The operator paid the cashier \$67.95 and  
5 was provided pink and yellow invoices #53280 and a Vehicle Inspection Report (VIR). The  
6 operator returned to the same confidential location, where the Bureau representative reinspected  
7 the Chevrolet, and re-took digital photos of the Chevrolet’s emissions control label, and the  
8 nonapproved exhaust block off plate installed in place of the EGR valve.

9 30. The operator released custody of the Chevrolet to the Bureau representative and it  
10 was secured in the confidential storage facility. On December 16, 2021, the Chevrolet was  
11 transported to a Documentation Lab, where it was subsequently re-inspected to verify that the  
12 modification of the EGR system remained the same. A smog inspection was performed and it was  
13 verified that the Chevrolet still failed a smog inspection due to the modified EGR system.

14 31. The VIR and a VIR reprint retrieved from the BAR’s Vehicle Information Database  
15 (VID) show that Respondent Fire House and Respondent Ducut issued Smog Certificate of  
16 Compliance #SK609209C to the Chevrolet. The VIR and VIR reprint also show that Respondent  
17 Ducut entered “Pass” into the OIS for the Visual Inspection Category “Exhaust Gas Recirculation  
18 (EGR),” when in fact Respondent Ducut should have entered “Tampered” into this Visual  
19 Inspection Category. The VIR also contains a signature under penalty of perjury that the  
20 inspection was performed in accordance with all bureau requirements, and that the information  
21 listed on the VIR is true and accurate, when in fact it is not.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 32. Respondent Fire House has subjected its registration to discipline under section  
4 9884.7, subdivision (a)(1), in that Respondent Fire House made statements which were untrue or  
5 misleading, as Respondent Fire House fraudulently purported to test the Chevrolet, and certified  
6 that the vehicle passed inspection and was in compliance with applicable laws and regulations. In  
7 fact, Respondent Fire House issued a certificate for a vehicle that could not pass a proper smog  
8 check as alleged above in paragraphs 28 through 31.

9  
10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Failure to Give Copy of Signature Document)**

12 33. Respondent Fire House has subjected its registration to discipline under section  
13 9884.7, subdivision (a)(3), in that Respondent Fire House failed to provide a copy of the  
14 document that required signature as alleged above in paragraphs 28 through 31.

15  
16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Automotive Repair Act)**

18 34. Respondent Fire House has subjected its registration to discipline under section 9884.7,  
19 subdivision (a)(6), in that Respondent Fire House failed to comply with provisions of the chapter  
20 and regulations when it issued a fraudulent certificate of compliance on a vehicle which had an  
21 EGR system that had been removed so that the Chevrolet could not actually pass a proper smog  
22 check as alleged above in paragraphs 28 through 31.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide Written Estimate)**

3 35. Respondent Fire House has subjected its registration to discipline under section 9884.9,  
4 subdivision (a), in that Respondent Fire House failed to provide a written estimate of the parts and  
5 labor for the smog check as alleged above in paragraphs 28 through 31.

6  
7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 36. Respondent Fire House has subjected its station license to discipline under Health and  
10 Safety Code section 44072.2, subdivision (d), for acts constituting fraud, in that Respondent Fire  
11 House fraudulently purported to test the vehicle and certified that the vehicle passed inspection  
12 and was in compliance with applicable laws and regulations. In fact, Respondent Fire House  
13 certified a vehicle with a missing EGR system component that could not pass a proper smog  
14 check as allege above in paragraphs 28 through 31.

15  
16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Violation of the Motor Vehicle Inspection Program – Smog Station License)**

18 37. Respondent Fire House has subjected its station license to discipline under Health and  
19 Safety Code section 44072.2, subdivisions (a) and (c), in that Respondent violated section of  
20 Code and applicable regulations, as follows:

21 a. **Section 44012 (f):** Respondent Fire House failed to perform a visual and/or functional  
22 check of required equipment.

23 c. **Section 44015 (b):** Respondent Fire House issued a Certificate of Compliance to a  
24 vehicle that did not meet the requirements of section 44102.

25 d. **Section 44059:** Respondent Fire House knowingly made false statements when it  
26 issued a fraudulent Certificate of Compliance.

27 e. **Section 3340.35 (c):** Respondent Fire House issued a Certificate of Compliance to a  
28 vehicle that had not been inspected in accordance with 3340.42.

1 f. **Section 3340.42(b)(1):** Respondent Fire House failed to conduct the visual  
2 inspection on emission control components and systems to verify the vehicle's emission control  
3 systems are property installed.

4 g. **Section 3340.45(a)(2):** Respondent Fire House failed to inspect the vehicle in  
5 accordance with Smog Check Inspection Procedure Manual Requirements.

6  
7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(False Statement)**

9 38. Respondent Ducut has subjected his license to discipline under section 44059, for a  
10 false statement, in that Respondent Ducut fraudulently purported to test the vehicle and certified  
11 that the vehicle passed inspection and was in compliance with applicable laws and regulations. In  
12 fact, Respondent Ducut certified a vehicle with a missing EGR system component that could not  
13 pass a proper smog check as allege above in paragraphs 28 through 31.

14  
15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 39. Respondent Ducut has subjected his license to discipline under Health and Safety  
18 Code section 44012, in that he violated sections of Code and applicable regulations, as follows:

19 a. **Section 44012(f):** Respondent Ducut failed to perform a visual and/or functional  
20 check of the required equipment at the time they were certified.

21 a. **Section 44015(b):** Respondent Ducut issued fraudulent Certificate of Compliance to  
22 a vehicle that was tampered when certified.

23 b. **Section 44032:** Respondent Ducut failed to inspect, test or repair vehicles in  
24 accordance with section 44012 when he failed to perform a visual and/or functional check of  
25 required equipment.

26 c. **Section 44059:** Respondent Ducut knowingly made false statements when he issued  
27 a fraudulent Certificate of Compliance.

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1 d. **Section 3340.30(a):** Respondent Ducut issued a certificate of compliance to a  
2 vehicle which had not been inspected in accordance with 3340.42.

3 e. **Section 3340.42(b)(2):** Respondent Ducut failed to conduct tests on the vehicle in  
4 accordance with the BAR Onboard Inspections System Specifications.

5 f. **Section 3340.45(a)(2):** Respondent Ducut failed to inspect vehicles in accordance  
6 with Smog Check Inspection Procedure Manual Requirements.

7  
8 **PETITION TO REVOKE PROBATION**

9 40. This Petition to Revoke Probation is brought before the Director of the Bureau of  
10 Automotive Repair, Department of Consumer Affairs under Probation Terms and Conditions (a)  
11 and (f) of the Decision and Order In the Matter of the Accusation and Petition to Revoke  
12 Probation against Fire House Smog Case No. 79/17-2297. Those terms and conditions state:

13 a. **Obey All Laws.** During the period of probation Respondents shall comply with all  
14 federal and state regulations and rules governing all Bureau registrations and licenses it holds.

15 f. **Violation of Probation.** If Respondents violate or fail to comply with the terms of  
16 Probation in any respect the Director after giving notice and an opportunity to be heard may set  
17 aside the stay order and carry out the disciplinary order provided in this decision. Once  
18 Respondents receive notice of the Directors intent to set aside the stay, the Director shall maintain  
19 jurisdiction and the period of probation shall be extended until final resolution of the matter.

20  
21 **CAUSE TO REVOKE PROBATION**

22 **(Failure to Obey All Laws)**

23 42. Respondents' probations are subject to revocation in that they failed to comply with  
24 statutes and regulations governing automotive inspections, estimates and repairs and thus failed to  
25 obey all laws, as referenced above in paragraphs 28 through 31.

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**OTHER MATTERS**

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43. Under Business and Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent, upon a finding that Mitchell Borenstein, Owner of Fire House Smog, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

44. Under Health and Safety Code section 44072.8, if Respondent, Mitchell Scott Borenstein, Owner of Fire House Smog, Smog Check Station License TC 279070, is revoked or suspended, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

41. Under Health and Safety Code section 44072.8, if Respondent Ducut's Smog Check Inspector License EO 631156 is revoked or suspended, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

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**PRAYER**

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

- 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 279070, issued to Mitchel Scott Bornstein, President of Reid Ventures, dba Fire House Smog (Respondent Fire House);
- 2. Revoking or suspending any additional Automotive Repair Dealer registration issued to Reid Ventures;
- 3. Revoking or suspending Smog Check Station License Number TC 279070, issued to Respondent Fire House;
- 4. Revoking or suspending any additional license issued pursuant to Chapter 5, Part 5, Division 26 in the name of Reid Ventures;
- 5. Revoking or suspending the Smog Check Inspector License No. EO 631156 issued to Dominic Bonifacio Ducut (Respondent Ducut);
- 6. Revoking or suspending any additional license issued pursuant o Chapter 5, Part 5, Division 26 in the name of Dominic Bonifacio Ducut;
- 7. Ordering Respondent Fire House and Respondent Ducut to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 8. Taking such other and further action as is deemed necessary and proper.

DATED: As of Digital Signature Date

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

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# **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 79/17-2297**