

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6317
6 Facsimile: (213) 897-2804
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/17-15899

12 **J&A SMOG CHECK,**
13 **MARMOLEJO ANDRES MARTINEZ,**
14 **Owner**
715 S. Witmer St.
Los Angeles, CA 90017

ACCUSATION

15 Automotive Repair Dealer Registration No.
ARD 287686
16 Smog Check, Test Only, Station License No.
TC 287686
17

18 And

19 **MARCO AURELIO GONZALEZ RAMOS**
4006 South Trinity
20 Los Angeles, CA 90037

21 Smog Check Inspector License No. EO 638985

22 Respondents.

23
24 Complainant alleges:

25 **PARTIES**

26 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
27 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.
28

1 Automotive Repair Dealer Registration

2 2. On or about June 22, 2017, the Bureau issued Automotive Repair Dealer Registration
3 No. ARD 287686 to Respondent Marmolejo Andres Martinez, Owner, dba J&A Smog Check.
4 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
5 charges brought herein and will expire on June 30, 2018, unless renewed. However, ARD 287686
6 was suspended on April 11, 2018 as a result of an Interim Suspension Order granted after hearing
7 on April 6, 2018.

8 Smog Check, Test Only, Station

9 3. On or about July 14, 2017, the Bureau issued Smog Check, Test Only, Station
10 License No. TC 287686 to Respondent Marmolejo Andres Martinez, Owner, dba J&A Smog
11 Check. The Smog Check, Test Only, Station License was in full force and effect at all times
12 relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.
13 However, TC 287686 was suspended on April 11, 2018 as a result of an Interim Suspension
14 Order granted after hearing on April 6, 2018.

15 Smog Check Inspector

16 4. On or about February 10, 2016, the Bureau issued Smog Check Inspector License No.
17 EO 638985 to Respondent Marco Aurelio Gonzalez Ramos. The Smog Check Inspector License
18 was in full force and effect at all times relevant to the charges brought herein and will expire on
19 January 31, 2020, unless renewed. However, EO 638985 was suspended on April 11, 2018 as a
20 result of an Interim Suspension Order granted after hearing on April 6, 2018.

21 JURISDICTION

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

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

26 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
27 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
28

1 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
2 invalidating (suspending or revoking) a registration.

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

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

10 STATUTORY PROVISIONS

11 10. Bus. & Prof. Code section 9884.7 states, in pertinent part:

12 (a) The director, where the automotive repair dealer cannot show there
13 was a bona fide error, may refuse to validate, or may invalidate temporarily or
14 permanently, the registration of an automotive repair dealer for any of the following
15 acts or omissions related to the conduct of the business of the automotive repair
16 dealer, which are done by the automotive repair dealer or any automotive technician,
17 employee, partner, officer, or member of the automotive repair dealer.

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

21

22 (4) Any other conduct that constitutes fraud.

23

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

26

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

11. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board" includes
"bureau," "commission," "committee," "department," "division," "examining committee,"

1 "program," and "agency." "License" includes certificate, registration or other means to engage in
2 a business or profession regulated by the Bus. & Prof. Code.

3 12. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog
4 check stations shall be performed in accordance with procedures prescribed by the department.

5 13. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate
6 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
7 40012.

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

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

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

13

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

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

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

20 16. Health & Saf. Code section 44072.10 states, in pertinent part:

21

22 (c) The department shall revoke the license of any smog check technician
23 or station licensee who fraudulently certifies vehicles or participates in the fraudulent
inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
24 the following:

25

26 (4) Intentional or willful violation of this chapter or any regulation,
standard, or procedure of the department implementing this chapter . . .
27
28

1 REGULATORY PROVISIONS

2 17. California Code of Regulations (CCR), title 16, section 3340.15, subdivision (h),
3 prohibits a licensed smog check station from subletting inspections or repairs required as part of
4 the Smog Check Program.

5 18. CCR, title 16, section 3340.24, subdivision (c), states:

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

9 19. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
10 shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section
11 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
12 of this article."

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

18 21. CCR, title 16, section 3340.41, subdivision (c), states that "[n]o person shall enter
19 into the emissions inspection system any vehicle identification information or emission control
20 system identification data for any vehicle other than the one being tested. Nor shall any person
21 knowingly enter into the emissions inspection system any false information about the vehicle
22 being tested."

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

25 COST RECOVERY

26 23. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
27 the administrative law judge to direct a licensee found to have committed a violation or
28

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 VID DATA REVIEW

4 24. On March 9, 2015, the Bureau implemented a policy change requiring the use of
5 an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas
6 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998 and newer
7 diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in

8 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in
9 addition to communication protocol (the language used to communicate) and Parameter ID (PID)
10 differences with vehicles that have been certified correctly that are the same make and model
11 vehicles.

12 25. On or about September 26, 2017, Bureau representative Ian Evans initiated an
13 investigation in which he reviewed OIS test data for J&A Smog Check. Representative Evans'
14 investigation revealed that the data related to certain vehicles certified by J&A Smog Check
15 contained a pattern of unmistakable discrepancies between the information transmitted during the
16 inspections and documented information known about the subject vehicles. Specifically,
17 representative Evans compared the data received from the certified vehicles to data from vehicles
18 of the same year, make, and model and determined that the data from at least ten (10) of the
19 certified vehicles contained the following unmistakable discrepancies: 1) four of the ten
20 inspections identified in the report were certified with an unexpected eVIN; 2) the data for all
21 the vehicles certified also contained different communication protocols and/or different PID
22 amounts; and 3) all of the vehicles in the report consistently reported the same Protocol of I914
23 and PID Count of 9 when this data combination was inappropriate for the vehicle allegedly being
24 tested. These documented discrepancies confirm that the vehicles receiving smog certificates
25 from J&A Smog Check were fraudulently tested during the smog inspection using the "clean
26
27
28

plugging" method.¹ The following chart illustrates the documented clean plugging activities of Respondents between September 23, 2017 to September 28, 2017.

Test Date	Vehicle Certified & License No.	Certificate No.	Technician License No.	OIS Test Data Details
Vehicle #1 9/23/2017	2002 Toyota Camry LE Lic. 4XQJ512 ²	Cert. HF015423C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: matched) PID Count: 9 (expected: 17) eVIN: Reported, But Not Expected
Vehicle #2 9/23/2017	2009 Toyota Camry Hybrid Lic. 6VDA862 ³	Cert. HF015424C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: ICAN11bt5) PID Count: 9 (expected: 38/21) eVIN: Matched

¹ "Clean plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

² This vehicle was previously tested at another smog check station on January 29, 2016. The OIS Test Detail for that test indicated the eVIN was not transmitted, the communication protocol was transmitted as I914, and the PID count was 17, consistent with the expected Similar Vehicle OIS Test Data.

³ This vehicle was previously tested at another smog check station on March 21, 2017. The OIS Test Detail for that test indicated the eVIN was transmitted matched, the communication protocol was transmitted as ICAN11bt5, and the PID count was 38/21, consistent with the expected Similar Vehicle OIS Test Data.

Vehicle #3 9/23/2017	2003 Toyota Camry LE Lic. 5ACS106 ⁴	Cert. HF015426C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: matched) PID Count: 9 (expected: 17, or 18) eVIN: Reported, But Not Expected
Vehicle #4 9/25/2017	2014 Nissan Versa Note S Lic. 7ETK637	Cert. HF015428C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: ICAN11bt5) PID Count: 9 (expected: 39, 39/15, or 39/16) eVIN: Matched
Vehicle #5 9/25/2017	2009 BMW 328i SULEV Lic. None ⁵ VIN: #WBAWV13579P 123126	Cert. HF015429C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: ICAN11bt5) PID Count: 9 (expected: 46, or 46/11) eVIN: Matched

⁴ This vehicle was previously tested at another smog check station on October 17, 2015. The OIS Test Detail for that test indicated the eVIN was not transmitted, the communication protocol was transmitted as I914, and the PID count was 17, consistent with the expected Similar Vehicle OIS Test Data.

⁵ This vehicle was previously tested at another smog check station on September 15, 2017. The OIS Test Detail for that test indicated the eVIN was transmitted matched, the communication protocol was transmitted as ICAN11bt5, and the PID count was 46/11, consistent with the expected Similar Vehicle OIS Test Data.

Vehicle #6 9/26/2017	2003 Honda Civic Hybrid Lic. None ⁶ VIN: #JHMBES95613S00 6057	Cert. HF015430C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: matched) PID Count: 9 (expected: 4/17) eVIN: Reported, But Not Expected
Vehicle #7 9/26/2017	2004 Buick Rendezvous CX Lic. 6WVS944 ⁷	Cert. HF015432C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: JVPW) PID Count: 9 (expected: 19) eVIN: Matched
Vehicle #8 9/27/2017	2012 Dodge Ram 2500 Laramie Lic. 97523F1 ⁸	Cert. HF015433C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: ICAN11bt5) PID Count: 9 (expected: 48) eVIN: Matched
Vehicle #9 9/27/2017	2013 Toyota Camry SE Lic. 6ZLS914	Cert. HF015434C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: 1CAN11bt5) PID Count: 9 (expected: 47/18) eVIN: Matched

⁶ This vehicle was previously tested at another smog check station on December 20, 2016. The OIS Test Detail for that test indicated the eVIN was not transmitted, the communication protocol was transmitted as I914, and the PID count was 4/17, consistent with the expected Similar Vehicle OIS Test Data.

⁷ This vehicle was previously tested at another smog check station on July 25, 2016. The OIS Test Detail for that test indicated the eVIN was transmitted matched, the communication protocol was transmitted as JVPW, and the PID count was 19, consistent with the expected Similar Vehicle OIS Test Data.

⁸ This vehicle was previously tested at another smog check station on August 18, 2017. The OIS Test Detail for that test indicated the eVIN was transmitted matched, the communication protocol was transmitted as ICAN11bt5, and the PID count was 48, consistent with the expected Similar Vehicle OIS Test Data.

Vehicle #10 9/28/2017	2004 Nissan Quest S Lic. 7SPJ889 ⁹	Cert. HF015438C	EO 638985 (Respondent Ramos)	Comm. Protocol: I914 (expected: matched) PID Count: 9 (expected: 22) eVIN: Reported, But Not Expected
--------------------------	---	--------------------	------------------------------------	--

26. The data analysis conducted on Respondent J&A Smog Check between September 23, 2017 to September 28, 2017 shows that Respondents participated in a scheme to perform at least ten (10) fraudulent smog check inspections resulting in the issuance of ten (10) fraudulent electronic smog check certificates of compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

27. Respondent J&A Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent J&A Smog Check certified that the 10 vehicles identified in paragraph 25 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent J&A Smog Check conducted the inspections of the 10 vehicles identified in paragraph 25 above, using clean-plugging methods in that he substituted or used a different vehicle(s), or another source, during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles. Respondent J&A Smog Check did not test or inspect any of the 10 vehicles as required by Health & Saf. Code section 44012.

⁹ This vehicle was previously tested at another smog check station on March 30, 2016. The OIS Test Detail for that test indicated the eVIN was not transmitted, the communication protocol was transmitted as I914, and the PID count was 22, consistent with the expected Similar Vehicle OIS Test Data.

1 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
2 25 through 26, above, as though set forth fully herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 28. Respondent J&A Smog Check's Automotive Repair Dealer Registration is subject to
6 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he
7 committed acts that constitute fraud by issuing electronic smog certificates of compliance for the

8 10 vehicles identified in paragraph 25 above, without performing bona fide inspections of the
9 emission control devices and systems on the vehicles, thereby depriving the People of the State of
10 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
11 refers to, and by this reference incorporates, the allegations contained in paragraphs 25 through
12 26, above, as though set forth fully herein.

13 **THIRD CAUSE FOR DISCIPLINE**

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

15 29. Respondent J&A Smog Check's Automotive Repair Dealer Registration is subject to
16 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he
17 failed in a material respect to comply with the provisions of this chapter or regulations adopted
18 pursuant to it when he issued electronic certificates of compliance for the 10 vehicles identified in
19 paragraph 25 above, without performing bona fide inspections of the emission control devices
20 and systems on those vehicles, thereby depriving the People of the State of California of the
21 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
22 reference incorporates, the allegations contained in paragraphs 25 through 26, above, as though
23 set forth fully herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

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

26 30. Respondent J&A Smog Check's Smog Check, Test Only, Station License is subject
27 to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he
28 failed to comply with the following sections of that Code:

1 a. **Section 44012:** Respondent J&A Smog Check failed to ensure that the emission
2 control tests were performed on the 10 vehicles identified in paragraph 25 above, in accordance
3 with procedures prescribed by the department.

4 b. **Section 44015:** Respondent J&A Smog Check issued electronic smog certificates of
5 compliance for the 10 vehicles identified in paragraph 25 above, without ensuring that the
6 vehicles were properly tested and inspected to determine if they were in compliance with Health
7 & Saf. Code section 44012.

8 Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 25 through 26, above, as though set forth fully herein.

10 **FIFTH CAUSE FOR DISCIPLINE**

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

13 31. Respondent J&A Smog Check's Smog Check, Test Only, Station License is subject
14 to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he
15 failed to comply with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent J&A Smog Check falsely or
17 fraudulently issued electronic smog certificates of compliance for the 10 vehicles identified in
18 paragraph 25 above.

19 b. **Section 3340.35, subdivision (c):** Respondent J&A Smog Check issued electronic
20 smog certificates of compliance for the 10 vehicles identified in paragraph 25 above, even though
21 the vehicles had not been inspected in accordance with section 3340.42.

22 c. **Section 3340.41, subdivision (c):** Respondent J&A Smog Check knowingly entered
23 false information into the emissions inspection system for the 10 vehicles identified in paragraph
24 25 above.

25 d. **Section 3340.42:** Respondent J&A Smog Check failed to ensure that the required
26 smog tests were conducted on the 10 vehicles identified in paragraph 25 above, in accordance
27 with the Bureau's specifications.
28

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 25 through 26, above, as though set forth fully herein.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 32. Respondent J&A Smog Check's Smog Check, Test Only, Station License is subject
6 to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that he
7 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing

8 electronic smog certificates of compliance for the 10 vehicles identified in paragraph 25 above,
9 without performing bona fide inspections of the emission control devices and systems on the
10 vehicles, thereby depriving the People of the State of California of the protection afforded by the
11 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
12 allegations contained in paragraphs 25 through 26, above, as though set forth fully herein.

13 **SEVENTH CAUSE FOR DISCIPLINE**

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

15 33. Respondent Ramos' Smog Check Inspector License is subject to disciplinary action
16 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with
17 section 44012 of that Code in a material respect, as follows: Respondent Ramos failed to perform
18 the emission control tests on 10 of the vehicles identified in paragraph 25 above, in accordance
19 with procedures prescribed by the department. Complainant refers to, and by this reference
20 incorporates, the allegations contained in paragraphs 25 through 26, above, as though set forth
21 fully herein.

22 **EIGHTH CAUSE FOR DISCIPLINE**

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

24 34. Respondent Ramos' Smog Check Inspector License is subject to disciplinary action
25 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to comply with
26 provisions of California Code of Regulations, title 16, as follows:

27 a. **Section 3340.24, subdivision (c):** Respondent Ramos falsely or fraudulently issued
28 electronic smog certificates of compliance for 10 of the vehicles identified in paragraph 25 above.

1 b. Section 3340.30, subdivision (a): Respondent Ramos failed to inspect and test 10 of
2 the vehicles identified in paragraph 25 above, in accordance with Health & Saf. Code sections
3 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

4 c. Section 3340.41, subdivision (c): Respondent Ramos knowingly entered false
5 information into the emissions inspection system for 10 of the vehicles identified in paragraph 25
6 above.

7 d. Section 3340.42: Respondent Ramos failed to conduct the required smog tests on 10
8 of the vehicles identified in paragraph 25 above, in accordance with the Bureau's specifications.

9 Complainant refers to, and by this reference incorporates, the allegations contained in
10 paragraphs 25 through 26, above, as though set forth fully herein.

11 **NINTH CAUSE FOR DISCIPLINE**

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

13 35. Respondent Ramos' Smog Check Inspector License is subject to disciplinary action
14 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that he committed dishonest,
15 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
16 of compliance for 10 of the vehicles identified in paragraph 25 above, without performing bona
17 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
18 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
19 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 25 through 26, above, as though set forth fully herein.

21 **OTHER MATTERS**

22 36. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
23 Director may suspend, revoke or place on probation the registration for all places of business
24 operated in this state by Marmolejo Andres Martinez, upon a finding that Respondent has, or is,
25 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
26 automotive repair dealer.

27 37. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
28 Station License TC 287686, issued to Respondent Marmolejo Andres Martinez is revoked or

1 suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
2 and Safety Code in the name of said licensee may be likewise revoked or suspended by the
3 Director.

4 38. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
5 No. EO 638985 issued to Marco Aurelio Gonzalez Ramos, is revoked or suspended, any
6 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
7 in the name of said licensee may be likewise revoked or suspended by the Director.

8 PRAYER

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

11 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
12 287686, issued to Respondent Marmolejo Andres Martinez, Owner; dba J&A Smog Check;

13 2. Revoking or suspending any other automotive repair dealer registration issued to
14 Marmolejo Andres Martinez;

15 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
16 287686, issued to Respondent Marmolejo Andres Martinez, Owner; dba J&A Smog Check;

17 4. Revoking or suspending any additional license under Chapter 5 of Part 5 of Division
18 26 of the Health and Safety Code in the name of Marmolejo Andres Martinez;

19 5. Revoking or suspending Smog Check Inspector License No. EO 638985 issued to
20 Respondent Marco Aurelio Gonzalez Ramos;

21 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
22 Division 26 of the Health and Safety Code in the name of Marco Aurelio Gonzalez Ramos;

23 7. Ordering Respondent Marmolejo Andres Martinez, Owner; dba J&A Smog Check;
24 and Respondent Marco Aurelio Gonzalez Ramos to pay the Bureau of Automotive Repair the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3; and,

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

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

DATED: April 25, 2018



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

LA2018601110
62796681_2.docx