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

12 In the Matter of the Accusation Against:

Case No. 79/24-12392

13 **STANISLAUS SMOG 2 INC.**
DBA STANISLAUS SMOG #2
14 **JOSE G. VARGAS, PRESIDENT**
3531 Carver Road
15 Modesto, CA 95356

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
ARD 274734
17 **Smog Check, Test-Only, Station License No.**
TC 274734,

18 and

19 **JOSE VARGAS**
775 Adams Avenue
20 Orange Cove, CA 93646

21 **Smog Check Inspector No. License EO**
22 **642792**

23 Respondents.

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26 **PARTIES**

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

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8. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

9. Code section 9884.13 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. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

11. Health & Saf. Code section 44072.6 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.

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 Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional licenses issued under this chapter in the name of the license may be likewise revoked or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

STATUTORY PROVISIONS

13. Code section 9884.7 states, in pertinent part:

(a) The director, if 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.

• • •

(4) Any other conduct that constitutes fraud.

• • •

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an

1 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
2 engaged in a course of repeated and willful violations of this chapter, or regulations
3 adopted pursuant to it.

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5 14. Health & Saf. Code section 44012, provides, in pertinent part, that tests at smog
6 check stations shall be performed in accordance with procedures prescribed by the department.

7 15. Health & Saf. Code section 44015, subdivision (b) provides, in pertinent part, that a
8 certificate of compliance shall be issued if a vehicle meets the requirements of the Health & Saf.
9 Code section 44012.

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

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

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

17 . . .

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

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

22

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

25 17. Health & Safety Code section 44072.10, states, in pertinent part:

26 . . .

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

. . .

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

. . . .

18. Health & Saf. Code section 44037.1 states, in pertinent part:

(a) On or before January 1, 1995, the department shall design and establish the equipment necessary to operate a centralized computer data base and computer network that is readily accessible by all licensed smog check technicians on a real time basis.

(b) The centralized computer data base and network shall be designed with all of the following capabilities:

...

(2) To provide smog check technicians and the department with information as to the date and result of prior smog check tests performed on each vehicle to discourage vehicle owners from shopping for certificates of compliance and to permit

the department to identify smog check stations for further investigation as potential violators of this chapter.

(3) To provide the department with data on the failure rates and repair effectiveness for vehicles of each make and model year on a statewide basis, and by smog check station and technician, to facilitate identification of smog check stations and technicians as potential violators of this chapter.

...

(8) To be compatible with the department's recordkeeping and compilation requirements established by Section 44037.

...

(c) After January 1, 1995, each smog check station shall transmit vehicle data emission test results to the department's centralized data base. Each smog check station shall also transmit vehicle data and emission measurements made before and after repair. The department shall establish, by regulation, the form, manner, and frequency of the data transmittals.

19. Health & Saf. Code section 44045.6, subdivision (c) states,

The department may require remedial training at a certified training facility or may take disciplinary action, whichever the department determines to be the most appropriate, for any licensed technician who the department determines cannot perform inspections, testing, or repairs as required under the program. The failure to complete the remedial training when required by the department shall be a ground for revocation or suspension of a smog check technician's license under Section 44072.2.

REGULATORY PROVISIONS

20. California Code of Regulations, title 16 (CCR), section 3340.17 states, in pertinent part:

...

(c) Vehicle data and test results from the OBD Inspection System (OIS) shall be transmitted to the Bureau's centralized database . . .

21. CCR section 3340.30 states, in pertinent part:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article. . . .

22. CCR section 3340.35 states, in pertinent part:

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

(1) Customers shall be charged the same price for certificates as that paid by the licensed station; and

(2) Sales tax shall not be assessed on the price of certificates.

23. CCR section 3340.42 provides, in pertinent part, the mandatory smog check testing methods.

COST RECOVERY

24. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee 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.

UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM

25. On or about March 9, 2015, California's Smog Check Program was updated to keep pace with ever-advancing technology. The program update requires the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer.

26. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between

the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used to input technician information, the vehicle identification number, and the Department of Motor Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics — Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed into the OBD II computer in earlier model-years. The electronically programmed VIN is referred to as the “eVIN”, is captured by the Bureau during a smog check inspection, and should match the physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which shows the inspection results and the Smog Check Certificate of Compliance Number for passing vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the communication protocol¹, and the number of Parameter Identifications (PID).²

REVIEW OF OIS TESTS DATA

27. Bureau representative J.P. reviewed OIS test data pertaining to smog inspections conducted at Respondent Stanislaus Smog #2’s facility. J.P. found that smog check inspections were performed at Respondent Stanislaus Smog #2’s facility on the five vehicles identified below using a method known as “clean plugging”,³ resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

28. The OIS test data showed that on April 19, 2024, Respondent Vargas performed a smog check inspection on a 2010 Honda Accord LX (Vehicle 1), resulting in the issuance of electronic Smog Certificate of Compliance Number TW351022C. The OIS test details for

¹ The OBD II communication protocol describes the specified communication “language” used by the OBD II computer to communication to scan tools and other devices such as the BAR-OIS. The communication protocol is programmed into the vehicle's on-board computer during manufacture and does not change.

² PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number of data points reported by the vehicle's on-board computer and is programmed during manufacture.

³ Clean-plugging is the use of a vehicle’s properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count was recorded as 40/14. J.P. concluded that the DAD was not connected to Vehicle 1 during the inspection.

29. The OIS test data also showed that on August 23, 2021, and July 27, 2023, previous tests were performed by other smog facilities on Vehicle 1; and, on April 9, 2024, a previous test was performed by Respondent Vargas on Vehicle 1. J.P. found that the eVINs reported during the three separate inspections were recorded correctly and that the PID counts recorded during the inspections were 37/20.

30. Further, OIS test data showed that on April 19, 2024, Respondent Vargas performed a smog test on a 2013 Volkswagen EOS Komfort and that the eVIN and PID count transmitted to VID were the same eVIN and PID count that were recorded during the April 19, 2024, smog inspection on Vehicle 1. J.P. concluded that Respondent Vargas used the 2013 Volkswagen EOS Komfort's properly functioning OBD II system during the inspection on Vehicle 1, resulting in the issuance of a fraudulent certificate of compliance for Vehicle 1.

Vehicle 2

31. The OIS test data showed that on May 23, 2024, Respondent Vargas performed a smog check inspection on a 2013 Ford Explorer XLT (Vehicle 2), resulting in the issuance of electronic Smog Certificate of Compliance Number TY369514C. The OIS test details for Vehicle 2 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count was recorded as 53/15. J.P. concluded that the DAD was not connected to Vehicle 2 during the inspection.

32. The OIS test data also showed that on June 11, 2018, March 26, 2021, and May 20, 2024, previous tests were performed by other smog facilities on Vehicle 2. J.P. found that the eVINs reported during the three separate inspections were recorded correctly and that the PID counts recorded during the inspections were 42.

33. Further, OIS test data showed that on May 23, 2024, Respondent Vargas performed a smog test on a 2019 Mitsubishi Eclipse Cross ES and that the eVIN and PID count transmitted to VID was the same eVIN and PID count that was recorded during the May 23, 2024, smog

1 inspection on Vehicle 2. J.P. concluded that Respondent Vargas used the 2019 Mitsubishi
2 Eclipse Cross ES's properly functioning OBD II system during the inspection on Vehicle 2,
3 resulting in the issuance of a fraudulent certificate of compliance for Vehicle 2.

4 **Vehicle 3**

5 34. The OIS test data showed that on June 18, 2024, Respondent Vargas performed a
6 smog check inspection on a 2016 Ford Mustang GT (Vehicle 3), resulting in the issuance of
7 electronic Smog Certificate of Compliance Number UA017246C. The OIS test details for
8 Vehicle 3 showed that the eVIN recorded during the inspection did not match the physical VIN
9 on the vehicle and the PID count was recorded as 40/7/8. J.P. concluded that the DAD was not
10 connected to Vehicle 3 during the inspection.

11 35. The OIS test data also showed that on March 10, 2018, April 4, 2024, and April 8,
12 2024, previous tests were performed by other smog facilities on Vehicle 3. J.P. found that the
13 eVINs reported during the three separate inspections were recorded correctly and that the PID
14 counts recorded during the inspection were 43.

15 36. Further, OIS test data showed that on June 18, 2024, Respondent Vargas performed a
16 smog test on 2011 Chevrolet Equinox LT and that the eVIN and PID count transmitted to VID
17 were the same eVIN and PID count that were recorded during the June 18, 2024, smog inspection
18 on Vehicle 3. J.P. concluded that Respondent Vargas used the 2011 Chevrolet Exquinox LT's
19 properly functioning OBD II system during the inspection on Vehicle 3, resulting in the issuance
20 of a fraudulent certificate of compliance for Vehicle 3.

21 **Vehicle 4**

22 37. The OIS test data showed that on June 25, 2024, Respondent Vargas performed a
23 smog check inspection on a 2012 Audi A 4 Premium (Vehicle 4), resulting in the issuance of
24 electronic Smog Certificate of Compliance Number IZ797252C. The OIS test details for
25 Vehicle 4 showed that the eVIN recorded during the inspection did not match the physical VIN
26 on the vehicle and the PID count was recorded as 39. J.P. concluded that the DAD was not
27 connected to Vehicle 4 during the inspection.

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1 38. The OIS test data also showed that on August 12, 2020, February 4, 2021, and
2 June 10, 2024, previous tests were performed by other smog facilities on Vehicle 4. J.P. found
3 that the eVIN reported during the three separate inspections were recorded correctly and that the
4 PID counts recorded during the inspection were 37/10.

5 39. Further, OIS test data showed that on April 24, 2024, Respondent Vargas performed a
6 smog test on 2014 Honda Accord LX-S and that the eVIN and PID count transmitted to VID were
7 the same eVIN and PID count that were recorded during the June 25, 2024, smog inspection on
8 Vehicle 4. J.P. concluded that Respondent Vargas used the 2014 Honda Accord LX-S's properly
9 functioning OBD II system during the inspection on Vehicle 4, resulting in the issuance of a
10 fraudulent certificate of compliance for Vehicle 4.

11 **Vehicle 5**

12 40. The OIS test data showed that on July 2, 2024, Respondent Vargas performed a smog
13 check inspection on a 2005 Ford Mustang GT (Vehicle 5), resulting in the issuance of electronic
14 Smog Certificate of Compliance Number UA068587C. The OIS test details for Vehicle 5
15 showed that the eVIN recorded during the inspection did not match the physical VIN on the
16 vehicle and the PID count was recorded as 22. J.P. concluded that the DAD was not connected to
17 Vehicle 5 during the inspection.

18 41. The OIS test data also showed that on January 22, 2018, July 31, 2019, and February
19 6, 2021, previous tests were performed by other smog facilities on Vehicle 5. J.P. found that the
20 eVIN reported during the three separate inspections were recorded correctly and that the PID
21 counts recorded during the inspection were 44.

22 42. Further, OIS test data showed that on July 7, 2024, Respondent Vargas performed a
23 smog test on a 2001 Chevrolet Suburban K1500 and that the eVIN and PID count transmitted to
24 VID were the same eVIN and PID count that were recorded during the July 2, 2024, smog
25 inspection on Vehicle 5. J.P. concluded that Respondent Vargas used the 2001 Chevrolet
26 Suburban K1500's properly functioning OBD II system during the inspection on Vehicle 5,
27 resulting in the issuance of a fraudulent certificate of compliance for Vehicle 5.

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1 **PRIOR CITATION**

2 43. On or about September 16, 2022, the Bureau issued Citation Number M2022-1048 to
3 Respondent Vargas for violating Health & Safety Code section 44032. The basis for the citation
4 was that on or about August 18, 2022, Respondent Vargas issued a certificate of compliance for a
5 Bureau undercover vehicle with missing or modified AIS components. The citation became final
6 and ordered Respondent Vargas to attend an eight-hour Bureau certified smog check citation
7 training course by November 15, 2022. On or about May 3, 2023, the Bureau sent Respondent
8 Vargas a failure to comply with training letter. To date, Respondent Vargas has not complied
9 with the citation.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Untrue or Misleading Statements)**

12 44. Respondent Stanislaus Smog #2's registration is subject to disciplinary action under
13 Code section 9884.7, subdivision (a)(1), in that Respondent Stanislaus Smog #2 made or
14 authorized statements which Respondent Stanislaus Smog #2 knew, or in the exercise of
15 reasonable care should have known to be untrue or misleading. Specifically, Respondent
16 Stanislaus Smog #2 certified that Vehicles 1 through 5, identified above in paragraphs 27 through
17 42, passed inspection and were in compliance with applicable laws and regulations. In fact,
18 Respondent Stanislaus #2 conducted, or cause to be conducted, smog check inspections on
19 vehicles using clean-plugging methods, in that Respondent Stanislaus Smog #2 substituted
20 different vehicles during the inspections in order to issue smog certificates of compliance for the
21 vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 45. Respondent Stanislaus Smog #2's registration is subject to disciplinary action under
25 Code section 9884.7, subdivision (a)(4), in that Respondent Stanislaus Smog #2 committed acts
26 which constitute fraud by issuing smog certificates of compliance for Vehicles 1 through 5
27 identified in paragraphs 27 through 42, without ensuring that bona fide inspections were
28 performed of the emission control devices and systems on the vehicles, thereby depriving the

1 People of the State of California of the protections afforded by the Motor Vehicle Inspection
2 Program.

3 **THIRD CAUSE FOR DISCIPLINE**

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

5 46. Respondent Stanislaus Smog #2's station license is subject to disciplinary action
6 under Health & Saf. Code sections 44072.2, subdivision (a), and 44072.10, in that regarding
7 Vehicles 1 through 5, identified in paragraphs 27 through 42, Respondent Stanislaus Smog #2
8 failed to comply with provisions of that Code, as follows:

9 a. **Section 44012:** Respondent Stanislaus Smog #2 failed to ensure that the
10 emission control test was performed on the vehicles in accordance with procedures prescribed by
11 the department.

12 b. **Section 44015:** Respondent Stanislaus Smog #2 issued electronic smog
13 certificates of compliance for the vehicles without ensure that the vehicles were properly tested
14 and inspected to determine they were in compliance with Health & Saf. Code section 44012.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

17 47. Respondent Stanislaus Smog #2's station license is subject to disciplinary action
18 under Health & Saf. Code sections 44072.2, subdivision (c) and 44072.10, in that regarding
19 Vehicles 1 through 5, identified in paragraphs 27 through 42, Respondent failed to comply with
20 provisions of the CCR, as follows:

21 a. **Section 3340.35, subdivision (c):** Respondent Stanislaus Smog #2 issued
22 electronic smog certificates of compliance for the vehicles even though the vehicles had not been
23 inspected in accordance with CCR section 3340.42.

24 b. **Section 3340.42:** Respondent Stanislaus Smog #2 failed to ensure that the
25 required smog tests were conducted on the vehicles in accordance with the Bureau's
26 specification.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 48. Respondent Stanislaus Smog #2's station license is subject to disciplinary action
4 under Health & Saf. Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), in
5 that Respondent Stanislaus Smog #2 committed dishonest, fraudulent or deceitful acts whereby
6 another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through
7 5, identified in paragraphs 27 through 42, without ensuring that a bona fide inspection was
8 performed of the emission control devices and systems on the vehicles, thereby depriving the
9 People of the State of California of the protection afforded by the Motor Vehicle Inspection
10 Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program – Respondent Vargas)**

13 49. Respondent Vargas' smog check inspector license is subject to disciplinary action
14 under Health & Saf. Code sections 44072.2, subdivision (a) and 44072.10, subdivision (c)(4), in
15 that Respondent Vargas violated section 44012 of that Code. Specifically, Respondent Vargas
16 failed to perform the emission control tests on Vehicles 1 through 5, identified in paragraphs 27
17 through 42, in accordance with procedures prescribed by the department.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations – Respondent Vargas)**

20 50. Respondent Vargas' smog check inspector license is subject to disciplinary action
21 under Health & Saf. Code sections 44072.2, subdivision (c) and 44072.10, in that regarding
22 Vehicles 1 through 5, identified in paragraphs 27 through 42 above, he failed to comply with
23 provisions of the CCR, as follows:

24 a. **Section 3340.30, subdivision (a):** Respondent Vargas failed to inspect and test
25 the vehicles in accordance with Health & Saf. Code sections 44012 and 44035, and CCR section
26 3340.42.

27 b. **Section 3340.42:** Respondent Vargas failed to conduct the required smog test
28 on vehicles in accordance with Bureau's specifications.

1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 51. Respondent Vargas' smog check inspector license is subject to disciplinary action
4 under Health & Saf. Code sections 44072.2, subdivision (d), and 44072.10, in that he committed
5 dishonest, fraudulent, or deceitful acts whereby another was injured by using false information for
6 electronic smog certificates of compliance issued for Vehicles 1 through 5 , identified in
7 paragraphs 27 through 42, thereby failing to perform bona fide inspections of the emission control
8 devices and systems on the vehicles and depriving the People of the State of California of the
9 protection afforded by the Motor Vehicle Program.

10 **NINTH CAUSE FOR DISCIPLINE**

11 52. Respondent Vargas' smog check inspector license is subject to disciplinary action
12 under Health & Saf. Code sections 44072.2, subdivision (h), and 44045.6, subdivision (c), in that
13 he failed to complete remedial training as required by Citation Number M2022-1048.

14 **MATTERS IN AGGRAVATION**

15 53. To determine the degree of discipline, if any, to be imposed, Complainant alleges as
16 follows:

17 54. On or about September 16, 2022, the Bureau issued Citation Number C2022-1047 to
18 Respondent Stanislaus Smog #2 for violating Health & Saf. Code section 44012. On or about
19 August 18, 2022, Respondent Stanislaus Smog #2 issued a certificate of compliance for a Bureau
20 undercover vehicle with missing or modified Air Injection System (AIS) components. The
21 Bureau directed Stanislaus Smog #2 to pay a \$1,000.00 fine. Respondent Stanislaus Smog #2
22 complied with the citation on or about October 21, 2022.

23 **OTHER MATTERS**

24 55. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or
25 place on probation the registration for all places of business operated in this state by Respondent
26 Stanislaus Smog #2 upon finding that Respondent Stanislaus Smog #2 has or is engaged in a
27 course of repeated and willful violations of the laws and regulations pertaining to an automotive
28 repair dealer.

56. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station License Number TC 274734, issued to Respondent Stanislaus Smog #2 is revoked or suspended, any additional licenses issued under Chapter 5 of Part 5 of Chapter 26 of Health & Saf. Code in the name of said licensee may likewise be revoked or suspended by the Director.

57. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 642792 issued to Jose Vargas is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

PRAAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 274734, issued to Stanislaus Smog 2 Inc. doing business as Stanislaus Smog #2 with Jose G. Vargas as owner;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to owner, corporation, or LLC;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 274734, issued to Stanislaus Smog 2 Inc. doing business as Stanislaus Smog #2 with Jose G. Vargas as owner;

4. Revoking or suspending any other license issued under Chapter 5 of Part 5 of Division 26 of Health and Safety Code in the name of owner, corporation, or LLC;

5. Revoking or suspending Smog Check Inspector License Number EO 642792, issued to Jose Vargas;

6. Ordering Stanislaus Smog 2 Inc. doing business as Stanislaus Smog #2 and Jose Vargas to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

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

DATED: As of Digital Signature Date

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

SA2025300570
38802885