

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

In the Matter of the Accusation Against:

**BRIAN THOMAS NOKES, President BELTRAY INC., dba ALL STAR FORD**

3800 Century Way

Pittsburg, CA 94565

Automotive Repair Dealer Registration No. ARD 271032

Smog Check Station License No. RC 271032

and

**MARIO PALABA ROBLES**

1120 Cottage Lane

Hercules, CA 94547

Smog Check Inspector License No. EO 37348

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Smog Check Repair Technician License No. EI 37348

Respondents.


Case No. 79/16-18251

**DECISION**

The attached Stipulated Settlement and Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on June 9, 2020.

DATED: 4/28/2020

  
\_\_\_\_\_  
GRACE ARUPO RODRIGUEZ  
Assistant Deputy Director  
Legal Affairs Division  
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

**BRIAN THOMAS NOKES, PRESIDENT  
BELTRAY INC., dba  
ALL STAR FORD  
3800 Century Way  
Pittsburg, CA 94565**

**Automotive Repair Dealer Registration No.  
ARD 271032  
Smog Check Station License No. RC 271032**

**And**

**Mario Palaba Robles  
1120 Cottage Lane  
Hercules, CA 94547**

**Smog Check Inspector License No. EO  
37348 and Smog Check Repair Technician  
License No. EI 37348**

Respondents.

Case No. 79/16-18251

**APPLICABLE TO RESPONDENT  
ALL STAR FORD ONLY**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Bureau of Automotive Repair as the Decision and Order in the above entitled matter.

This Decision shall become effective on \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

**FOR THE DIRECTOR OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR**

1 XAVIER BECERRA  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 MARETTA WARD  
Deputy Attorney General  
4 State Bar No. 176470  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3545  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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

12  
13 In the Matter of the Accusation Against:

Case No. 79/16-18251

14 **BRIAN THOMAS NOKES, PRESIDENT**  
15 **BELTRAY INC., dba**  
16 **ALL STAR FORD**  
3800 Century Way  
Pittsburg, CA 94565

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

**APPLICABLE TO RESPONDENT  
ALL STAR FORD ONLY**

17 **Automotive Repair Dealer Registration No.**  
ARD 271032  
18 **Smog Check Station License No. RC 271032**

19 **And**

20 **Mario Palaba Robles**  
1120 Cottage Lane  
21 **Hercules, CA 94547**

22 **Smog Check Inspector License No. EO**  
37348 and **Smog Check Repair Technician**  
23 **License No. EI 37348**

24 Respondents.  
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1       **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
2 entitled proceedings that the following matters are true:

3                               **PARTIES**

4       1.     Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by  
6 Xavier Becerra, Attorney General of the State of California, by Maretta Ward, Deputy Attorney  
7 General.

8       2.     Respondent Brian Thomas Nokes, President of Beltray Inc., dba All Star Ford,  
9 (Respondent All Star Ford) is represented in this proceeding by attorney Gary H. Prudian, Esq.,  
10 Manning Leaver Brunder & Berberich, LLP, 801 S. Figueroa St., Suite 1150, Los Angeles, CA  
11 90017.

12                   **Automotive Repair Dealer Registration**

13       1.     On or about December 4, 2012, the Bureau of Automotive Repair issued Automotive  
14 Repair Dealer Registration Number ARD 271032 to Brian Thomas Nokes, President of Beltray  
15 Inc., dba All Star Ford (Respondent All Star Ford). The Automotive Repair Dealer Registration  
16 was in full force and effect at all times relevant to the charges brought herein and will expire on  
17 December 31, 2019, unless renewed.

18                   **Smog Check Station License**

19       2.     On or about May 13, 2013, the Bureau of Automotive Repair issued Smog Check  
20 Station License Number RC 271032 to Brian Thomas Nokes, President of Beltray Inc., dba All  
21 Star Ford (Respondent All Star Ford). The Smog Check Station License was in full force and  
22 effect at all times relevant to the charges brought herein and will expire on December 31, 2019,  
23 unless renewed.

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**CONTINGENCY**

10. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. ARD 271032 and Smog Check Station License No. RC 271032 issued to Respondent Brian Thomas Nokes, President of Beltray Inc., dba All Star Ford are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions with Smog Check Station License No. RC 271032 subject to a fifteen (15) day suspension.

1. **Actual Suspension.** Smog Check Station License No. RC 271032 issued to Respondent All Star Ford is suspended for fifteen (15) consecutive days beginning on the effective date of the Decision and Order.

2. **Obey All Laws.** During the period of probation, Respondent shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by Respondent.

3. **Posting of Sign.** During the period of suspension, Respondent shall prominently post a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall be approved by BAR and shall remain posted during the entire period of actual suspension.

4. **Quarterly Reporting.** During the period of probation, Respondent shall report either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

5. **Report Financial Interests.** Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any Respondent or any partners, officers, or owners of any Respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

6. **Access to Examine Vehicles and Records.** Respondent shall provide BAR



1 representatives unrestricted access to examine all vehicles (including parts) undergoing service,  
2 inspection, or repairs, up to and including the point of completion. Respondent shall also provide  
3 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

4       **7. Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of  
5 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction  
6 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure  
7 and return, and of the dates of cessation and resumption of business in California. All provisions  
8 of probation other than cost reimbursement requirements, restitution requirements, training  
9 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of  
10 time of 30 days or more in which Respondent is not residing or engaging in business within the  
11 jurisdiction of California. All provisions of probation shall recommence on the effective date of  
12 resumption of business in California. Any period of time of 30 days or more in which Respondent  
13 is not residing or engaging in business within the jurisdiction of California shall not apply to the  
14 reduction of this probationary period or to any period of actual suspension not previously  
15 completed. Tolling is not available if business or work relevant to the probationary license or  
16 registration is conducted or performed during the tolling period.

17       **8. Violation of Probation.** If Respondent violates or fails to comply with the terms and  
18 conditions of probation in any respect, the Director, after giving notice and opportunity to be  
19 heard may set aside the stay order and carry out the disciplinary order provided in the decision.  
20 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain  
21 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

22       **9. Maintain Valid License.** Respondent shall, at all times while on probation, maintain  
23 a current and active registration and/or license(s) with BAR, including any period during which  
24 suspension or probation is tolled. If Respondent's registration or license is expired at the time the  
25 decision becomes effective, the registration or license must be renewed by Respondent within 30  
26 days of that date. If Respondent's registration or license expires during a term of probation, by  
27 operation of law or otherwise, then upon renewal Respondent's registration or license shall be  
28 subject to any and all terms and conditions of probation not previously satisfied. Failure to

1 maintain a current and active registration and/or license during the period of probation shall also  
2 constitute a violation of probation.

3       **10. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$17,091.01  
4 for the reasonable costs of the investigation and enforcement of case No. 79/16-18251.  
5 Respondent shall make such payment as follows: Respondent shall make monthly payments in  
6 equal installment amounts with full payment to be completed no later than six (6) months before  
7 probation terminates. Respondent shall make payment by check or money order payable to the  
8 Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost  
9 recovery payment for Case No. 79/16-18251. Any order for payment of cost recovery shall  
10 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost  
11 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in  
12 collecting on the costs ordered and past due, in addition to taking action based upon the violation  
13 of probation.

14       **11. Completion of Probation.** Upon successful completion of probation, Respondent's  
15 affected registration and/or license will be fully restored or issued without restriction, if  
16 Respondent meets all current requirements for registration or licensure and has paid all  
17 outstanding fees, monetary penalties, or cost recovery owed to BAR.

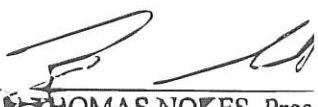
18       **12. License Surrender.** Following the effective date of a decision that orders a stay of  
19 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to  
20 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.  
21 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right  
22 to evaluate the Respondent's request and to exercise discretion whether to grant the request or  
23 take any other action deemed appropriate or reasonable under the circumstances. Upon formal  
24 granting of the request, the Director will vacate the stay order and carry out the disciplinary order  
25 provided in the decision. Respondent may not petition the Director for reinstatement of the  
26 surrendered registration and/or license, or apply for a new registration or license under the  
27 jurisdiction of BAR at any time before the date of the originally scheduled completion of  
28 probation. If Respondent applies to BAR for a registration or license at any time after that date,

1 Respondent must meet all current requirements for registration or licensure and pay all  
2 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

3  
4 ACCEPTANCE

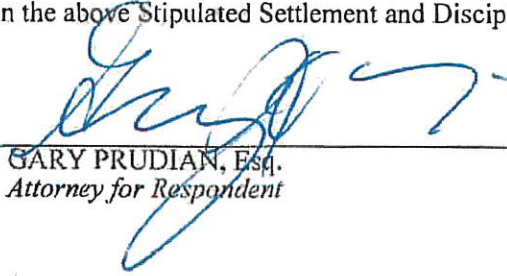
5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, Gary Prudian, Esq. I understand the stipulation and the effect it  
7 will have on my Automotive Repair Dealer Registration, and Smog Check Station License. I  
8 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
9 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
10 Affairs.

11  
12 DATED: 9/20/19

  
13 BRIAN THOMAS NOKES, President  
14 BELTRAY INC., dba All Star Ford  
Respondent

15  
16 I have read and fully discussed with Respondent Brian Thomas Nokes the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19 DATED: 9/20/19

  
20 GARY PRUDIAN, Esq.  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

DATED: *October 2, 2019*

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JOSHUA A. ROOM  
Supervising Deputy Attorney General

*Maretta Ward*

MARETTA WARD  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/16-18251**

1 XAVIER BECERRA  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 MARETTA WARD  
Deputy Attorney General  
4 State Bar No. 176470  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1384  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/16-18251

13 **BRIAN THOMAS NOKES, PRESIDENT**  
14 **BELTRAY INC., dba**  
15 **ALL STAR FORD**  
16 **3800 Century Way**  
17 **Pittsburg, CA 94565**

**ACCUSATION**

18 **Automotive Repair Dealer Registration No.**  
19 **ARD 271032**  
20 **Smog Check Station License No. RC 271032**

21 **And**

22 **Mario Palaba Robles**  
23 **1120 Cottage Lane**  
24 **Hercules, CA 94547**

25 **Smog Check Inspector License No. EO**  
26 **37348 and Smog Check Repair Technician**  
27 **License No. EI 37348**

28 Respondents:

Complainant alleges:

**PARTIES**

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

//

1           **Automotive Repair Dealer Registration**

2           2.     On or about December 4, 2012, the Bureau of Automotive Repair issued Automotive  
3     Repair Dealer Registration Number ARD 271032 to Brian Thomas Nokes, President of Beltray  
4     Inc., dba All Star Ford (Respondent All Star Ford). The Automotive Repair Dealer Registration  
5     was in full force and effect at all times relevant to the charges brought herein and will expire on  
6     December 31, 2018, unless renewed.

7           **Smog Check Station License**

8           3.     On or about May 13, 2013, the Bureau of Automotive Repair issued Smog Check  
9     Station License Number RC 271032 to Brian Thomas Nokes, President of Beltray Inc., dba All  
10    Star Ford (Respondent All Star Ford). The Smog Check Station License was in full force and  
11    effect at all times relevant to the charges brought herein and will expire on December 31, 2018,  
12    unless renewed.

13          **Smog Check Technician License**

14          4.     In 2004, the Bureau of Automotive Repair issued Advanced Emission Specialist (EA)  
15    Technician License No. 37348 to Mario Palaba Robles (Respondent Robles). Pursuant to  
16    California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was  
17    renewed, pursuant to Respondent's election, and the Bureau of Automotive Repair issued Smog  
18    Check Inspector License Number EO License No. 37348 and Smog Check Repair Technician  
19    License No. 37348, effective as of February 3, 2014. The Smog Check Inspector License and  
20    Smog Check Repair Inspector Licenses were in full force and effect at all times relevant to the  
21    charges brought herein and will expire on May 31, 2020, unless renewed.<sup>1</sup>

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27                   <sup>1</sup> Effective August 1, 2013, 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 mode, dynamometer testing in enhanced areas, and two-speed testing in all other program areas,  
2 and shall ensure all of the following:

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

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

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

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

16 "(e) For diesel-powered vehicles, if the department determines that the inclusion of those  
17 vehicles is technologically and economically feasible, a visual inspection is made of emission  
18 control devices and the vehicle's exhaust emissions in an idle mode or loaded mode are tested in  
19 accordance with procedures prescribed by the department. The test may include testing of  
20 emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of  
21 applicable standards, measurement of emissions of smoke or particulates, or both.

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

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

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

5       9. Section 44015 of the Health and Safety Code states:

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

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

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

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

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

17       . . .

18       10. Section 44032 of the Health and Safety Code states:

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

24       11. Section 44059 of the Health and Safety Code states:

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

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

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

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

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

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

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

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

(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.

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

## REGULATORY PROVISIONS

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

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

"(a) A licensed technician shall inspect, test and repair vehicles 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.

• • •

1        14. California Code of Regulations, title 16, section 3340.35, states:

2        . . .

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

7        . . .

8        15. California Code of Regulations, title 16, section 3340.41, states:

9        . . .

10        "(c) No person shall enter into the emissions inspection system any vehicle identification  
11 information or emission control system identification data for any vehicle other than the one  
12 being tested. Nor shall any person knowingly enter into the emissions inspection system any false  
13 information about the vehicle being tested.

14        . . .

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

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

18        . . .

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

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

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

26        . . .

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1 17. California Code of Regulations, title 16, section 3340.45, states:

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

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

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

8 18. California Code of Regulations, title 16, section 3373, states:

9 "No automotive repair dealer or individual in charge shall, in filling out an estimate,  
10 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,  
11 withhold therefrom or insert therein any statement or information which will cause any such  
12 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
13 or deceive customers, prospective customers, or the public."

14

15 **COSTS**

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

22

23 **FACTUAL BACKGROUND**

24 20. On October 21, 2016, a Bureau representative initiated an investigation into  
25 Respondent All Star Ford's smog check inspection practices. OIS Test Data was reviewed and  
26 compared to abnormalities in the data to similar vehicles tested statewide. It was found that  
27 Respondent All Star Ford issued fraudulent Smog Check Certificates to certain vehicles. For  
28 purposes of the investigation and report the following data was referenced: DMV VIN – VIN of

the vehicle entered or scanned by the Smog Check Inspectors; Cert ID – Smog Check Certificate number issues; eVIN – Digitally stored VIN in the vehicle PCM and identified by the OIS; Protocol – the “type” of communication that was established with the vehicle by the OIS; PID Count – the number of Parameter Identification (PID’s) available from the vehicle computer(s) used for diagnostic data received by the OIS; Similar Vehicle OIS Test Data – Data for similar vehicles is derived and compiled from tests conducted statewide on vehicles that have specific matching VIN characters.

21. The investigation determined that All Star Ford issued nine (9) fraudulent Smog Check Certificates of Compliance using Clean Plugging methods to the following vehicles as listed below:<sup>2</sup>

**Clean Plug One – September 29, 2015**

Certificate # PW623365C	eVin	Protocol	PID Count
Pass Inspection 9.29.15	1FMHK7D85CGA25926	ICAN11bt500	42
Expected Value <sup>3</sup>	1FTRF02525KD79884	ICAN11bt5	44

**Clean Plug Two – October 2, 2015**

Certificate # PW623374C	eVin	Protocol	PID Count
Passing Insp. 10.2.15	3GTRCVE0XAG148934	ICAN11bt500	45/7/8
Expected Value	Not Reported	JPWM	20

**Clean Plug Three – October 30, 2015**

Certificate # PY641206C	eVin	Protocol	PID Count
Passing Insp 10.30.15	Not Reported	ICAN11bt500	25/13/0
Expected Value	Not Reported	JPWM	4

<sup>2</sup> Clean plugging refers to using another vehicle’s properly functioning On Board Diagnostic, generation II, (OBDII) system or using another source to generate passing diagnostic readings for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance and/or not present for testing.

<sup>3</sup> “Expected Value” is the value recorded for “like vehicles” inspected.

**Clean Plug Four – October 30, 2015**

Certificate # PY641207C eVin Protocol PID Count

Passing Insp. 10.30.15	1ZVFT80NX65177143	ICAN11bt500	47
Expected Value	KMHU6KHXA005273	ICAN11bt5	42, 42/ 14, or 42 /21

**Clean Plug Five – December 2, 2015**

Certificate # PY641241C eVin Protocol PID Count

Passing Insp. 12.2.15	1FTEX1CG9FKE10700	ICAN11bt500	44
Expected Value	5LMEU88H65ZJ21632	JPWM	24

**Clean Plug Six – January 25, 2016**

Certificate # YV854661C eVin Protocol PID Count

Passing Insp. 1.25.16	3FA6P0K9XFR164551	ICAN11bt500	39
Expected Value	1FADP5CUXDL548199	ICAN11bt5	42/0/15/14

**Clean Plug Seven – February 11, 2016**

Certificate # YV854697C eVin Protocol PID Count

Passing Insp. 2.11.16	2C3CDXBG0EH326330	ICAN11bt500	43/12
Expected Value	2C3CDXCT8CH194555	ICAN11bt5	42/12

**Clean Plug Eight – February 11, 2016**

Certificate # YV854700C eVin Protocol PID Count

Passing Insp. 2.11.16	2C3CDXBG0EH326330	ICAN11bt500	43/12
Expected Value	1FBZX2ZM4FKA63348	ICAN11bt5	45

**Clean Plug Nine – February 24, 2016**

Certificate # YX763828C                      eVin                      Protocol                      PID Count

Passing Insp.    2.24.16	1C4RDHAG9DC699722	ICAN11bt500	42/12
Expected Value	3N1AB7AP8EL659024	ICAN11bt5	39 or 39/16

**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements - Registration)**

22. Respondent All Star Ford has subjected its registration to discipline under section 9884.7, subdivision (a)(1), in that Respondent All Star Ford made statements which were untrue or misleading, in that Respondent fraudulently purported to test the nine (9) vehicles, and certified that the nine (9) vehicles passed inspection and were following applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean plugging methods.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud - Registration)**

23. Respondent All Star Ford has subjected its registration to discipline under section 9884.7, subdivision (a)(4), in that Respondent All Star Ford committed acts which constitute fraud, in that Respondent fraudulently purported to test the nine (9) vehicles, and certified that the nine (9) vehicles passed inspection and were in compliance with applicable laws and regulations. In fact, Respondents conducted the inspections on those vehicles using clean plugging methods.

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1 d. **Section 44059:** Respondent All Star Ford knowingly made a false statement resulting  
2 in the issuance of nine (9) fraudulent Certificates of Compliance to nine (9) vehicles.

3 e. **Section 3340.35(c):** Respondent All Star Ford failed to inspect vehicles in accordance  
4 with section 3340.42 and issued fraudulent Certificates of Compliance to vehicles that were not  
5 connected to the BAR-OIS when they were being certified. conduct tests on the nine (9) vehicles  
6 in accordance with the BAR Onboard Inspections System Specifications.

7 f. **Section 3340.42(b)(2):** Respondent All Star Ford failed to conduct tests on the nine (9)  
8 vehicles in accordance with the BAR Onboard Inspections System Specifications.

9 g. **Section 3340.45(a)(2):** Respondent All Star Ford failed to perform smog check  
10 inspections in accordance with requirements and procedures prescribed in the Smog Check  
11 Inspection Manual.

12 h. **Section 3373:** Respondent All Star Ford created false records when they issued nine  
13 (9) fraudulent Certificated of Compliance.

14  
15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 27. Respondent All Star Ford has subjected its station license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (d), in that Respondent All Star Ford committed  
19 acts which constitute fraud, in that Respondent fraudulently purported to test the nine (9)  
20 vehicles, and certified that the nine (9) vehicles passed inspection and were in compliance with  
21 applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles  
22 using clean plugging methods.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements - Registration)**

3 28. Respondent Robles has subjected his license to discipline under section 9889.22  
4 in that he made statements which he knew or which by exercise of reasonable care he should have  
5 known were untrue or misleading in that Respondent fraudulently purported to test the nine (9)  
6 vehicles; and certified that the nine (9) vehicles passed inspection and were in compliance with  
7 applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles  
8 using clean plugging methods.

9  
10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 29. Respondent Robles has subjected his technician license to discipline under Health and  
13 Safety Code section 44072.2, subdivision (d), in that Respondent Robles committed acts which  
14 constitute fraud, in that Respondent fraudulently purported to test the nine (9) vehicles, and  
15 certified that the nine (9) vehicles passed inspection and were in compliance with applicable laws  
16 and regulations. In fact, Respondent conducted the inspections on those vehicles using clean  
17 plugging methods.

18  
19 **TENTH CAUSE FOR DISCIPLINE**

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

21 30. Respondent Robles has subjected his station license to discipline under Health and  
22 Safety Code sections 44012 in that he violated sections of that Code and applicable regulations,  
23 as follows:

24 a. **Section 44012(f):** Respondent Robles failed to perform a visual and/or functional  
25 check of the required equipment when he failed to connect nine (9) Vehicles to the BAR-OIS at  
26 the time they were certified.



1 license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise  
2 revoked or suspended by the Director.

3  
4 **PRIOR CITATIONS**

5 34. To determine the degree of penalty, if any to be imposed upon Respondent,  
6 Complainant alleges as follows: On January 8, 2015, the Bureau issued Citation No. M2015-0023  
7 to Respondent Mario Robles EO 37348 (formerly Advanced Emission Specialist Technician  
8 License Number EA 37348) for violations of Health and Safety Code section 44012, subdivision  
9 (f) (Failure to perform a visual/functional check of emission control devices) and California Code  
10 of Regulations, title 16, ("Regulation"), section 3340.5, subdivision (c ) (issuing a certificate of  
11 compliance to a vehicle with a missing Positive Crankcase Ventilation (PCV) system. The  
12 Bureau assessed a penalty of an 8 Hour training course. A Citation Conference was held on  
13 February 12, 2015, where Respondent Robles was presented with the citation. Training was  
14 completed on April 14, 2015. The Citation is now final and is incorporated herein by reference.

15  
16 **PRAYER**

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 271032, issued to Brian Thomas Nokes, President of Beltray Inc., dba All Star Ford;

21 2. Revoking or suspending Smog Check Station License Number RC 271032, issued to  
22 Brian Thomas Nokes, President of Beltray Inc., dba All Star Ford;

23 3. Revoking, suspending or placing on probation any additional license issued under  
24 Chapter 5, Part 5 of the Division 26 of the Health and Safety Code in the name of Brian Thomas  
25 Nokes.

26 4. Revoking, suspending, or placing on probation any additional license issued under  
27 Chapter 5, Part 5 of Division 26 of the Health and Safety Code section in the name of Brian  
28 Thomas Nokes.

1           5.    Revoking or suspending the Smog Check Inspector License No. EO 37348 issued to  
2 Mario Robles;

3           6.    Revoking or suspending the Smog Check Repair Technician License No. EI 37348  
4 issued to Mario Palaba Robles;

5           7.    Revoking, suspending or placing on probation any additional license or registration  
6 issued to Mario Palaba Robles;

7           8.    Ordering Brian Thomas Nokes, President of Beltray Inc., dba All Star Ford to pay the  
8 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this  
9 case, pursuant to Business and Professions Code section 125.3;

10          9.    Ordering Mario Robles to pay the Bureau of Automotive Repair the reasonable costs  
11 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
12 section 125.3;

13          10.   Taking such other and further action as deemed necessary and proper.

14  
15 DATED:

August 10, 2018



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

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