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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. 79/25-3541

13 **JOSE LUIS MARTINEZ, DBA JL SMOG**

14 14520 Lakewood Blvd.
Bellflower, CA 907066

ACCUSATION

15 **Automotive Repair Dealer Registration No.**

16 **ARD 209512**

Smog Check, Test-Only, Station License No.

TC 209512,

17 **and**

18 **RAMON ANGEL COVARRUBIAS**

19 11108 Marbel Ave.
Downey, CA 90241

20 **Smog Check Inspector License No. EO**

21 **150178**

Smog Check Repair Technician License No.

22 **EI 150178**

23 Respondents.

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25
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, Department of Consumer Affairs.

2. On or about January 1, 2000, Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 209512 to Jose Luis Martinez, dba JL Smog (Respondent Martinez). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2026, unless renewed.

3. On or about May 9, 2000, Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 209512 to Respondent Martinez. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2026, unless renewed.

4. On or about October 15, 2012, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 150178 to Ramon Angel Covarrubias (Respondent Covarrubias). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2026, unless renewed.

5. On or about October 15, 2012, Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 150178 to Respondent Covarrubias. The Smog Check Repair Technician License expired on October 31, 2020, and has not been renewed.

JURISDICTION

6. Business and Professions Code (“BPC”) section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

7. Health and Safety Code (“HSC”) 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.

8. Section 44072.6 of the HSC 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.

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STATUTORY PROVISIONS

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

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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 which constitutes fraud.

. . . .

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

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

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

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

13. Section 44059 of the HSC provides:

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

1 14. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

11 15. Section 44072.10, subdivision (c), of the HSC states:

12 The department shall revoke the license of any smog check technician or station licensee
13 who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A
14 fraudulent inspection includes, but is not limited to, all of the following:

15 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other
16 fraudulent inspection practice, as defined by the department.

17 (2) Tampering with a vehicle emission control system or test analyzer system.

18 (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass
19 or falsely fail an inspection.

20 (4) Intentional or willful violation of [the Motor Vehicle Inspection Program] or any
21 regulation, standard, or procedure of the department implementing [the Motor Vehicle
22 Inspection Program].

23 16. Section 44072.8 of the HSC states that when a license has been revoked or suspended
24 following a hearing under this article, any additional license issued under this chapter in the name
25 of the licensee may be likewise revoked or suspended by the director.

26 **REGULATORY PROVISIONS**

27 17. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
28 states:

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

18. California Code of Regulations (“CCR”), title 16, section 3340.30, subdivision (a), 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.

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19. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check 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.”

20. CCR, title 16, section 3340.41, subdivision (b), provides: “No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system.”

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

COST RECOVERY

22. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board “may request the administrative law judge to direct a licentiate found to have committed 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.”

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SUMMARY OF OIS SMOG CHECK INSPECTION PROGRAM

23. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). 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. The DAD is an On Board Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved.

24. The DAD connects between the OIS computer and the vehicle's Diagnostic Link Connector (DLC) located in the vehicle's passenger compartment, which allows for the retrieval of information from the vehicle's on-board computer system. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicle's identification number (VIN), and DMV renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

25. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is the digitally stored VIN programmed by the manufacturer into the vehicle's Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle specific language the PCM uses to Relay or communicate information. The communication protocol is programmed into the vehicle's on-board computer during manufacture and does not change.

26. Other data retrieved and recorded during an OIS smog check includes the number of Parameter Identifications (PIDs), which refers to the number of specific data values that the vehicle's PCM uses related to emissions controls. The specific data values associated with a vehicle's PIDs are also retrieved and recorded during an OIS smog check inspection. That data include things such as the vehicle's engine speed, throttle position, manifold absolute pressure,

1 the engine's mass air flow, and ignition timing advance readings throughout an inspection.

2 Accordingly, the following types of data are recorded during an OIS smog check inspection:

- 3 • Engine speed in revolutions per minute (RPM)
- 4 • Throttle position as measured by a throttle position sensor (TPS) mounted onto the
5 throttle shaft. Measured in a percentage of opening from 0% at idle and near or up
6 to 100% at full throttle.
- 7 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
8 connected to an intake manifold source, measured in kilo pascals (kpa). Typical
9 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,
10 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea
11 level.
- 12 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
13 air intake tract. Measured in grams per second (gps).
- 14 • Ignition timing is set by the vehicle PCM based on engine speed and load and is
15 measured in degrees Before Top Dead Center (BTDC).

16 **EXPLANATION OF CLEAN PLUGGING**

17 27. BAR has become aware of methods that some Smog Check stations and Smog Check
18 inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check
19 test, or in some instances, are not even present during the time that the test is performed. One
20 such method, which is known as "clean plugging," involves using another vehicle's properly
21 functioning OBD II system, or another source such as a defeat device/simulator, to generate
22 passing data readings or diagnostic information for the purpose of fraudulently issuing smog
23 certificates to vehicles that are not in smog compliance and/or are not present for testing.

24 28. Defeat devices attempt to simulate engine operation during a Smog Check inspection
25 by transmitting OBD II data to the VID that has been modified or replaced entirely for the
26 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
27 defeat device/simulator during a Smog Check inspection constitutes clean plugging and is strictly
28 prohibited. As described in more detail below, BAR is able to utilize the data retrieved and

1 recorded during an OIS smog check to identify inspections in which a defeat device/simulator
2 was used.

3 29. During normal engine operation at idle, engine speed is relatively steady around its
4 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
5 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
6 opened to increase airflow through the engine. The engine's management systems supply fuel and
7 spark timing appropriate to any changes in throttle position and engine speed. An increase in
8 throttle, measured by the TPS, which increases engine RPM, would result in corresponding
9 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle
10 from the idle position will result in an increase of airflow through the engine with corresponding
11 increases RPM and/or MAF along with changes in MAP.

12 30. Clean plugging is apparent in cases where the data recorded during an OIS smog
13 check shows that the engine speed as measured in RPM increases during the test but the throttle
14 position remains unchanged, the mass air flow rate is unchanged, the manifold absolute pressure
15 is unchanged, and the ignition timing advance readings are unchanged. Because engine speed as
16 measured in RPM cannot increase without changes in throttle position, MAF, MAP and ignition
17 timing advance readings, test data in such cases demonstrates that a defeat device was used to
18 simulate engine speed (RPM) readings for a vehicle that was not actually tested.

19 **RESPONDENTS' FRAUDULENT SMOG INSPECTIONS**

20 31. A Bureau program representative analyzed specific OIS Test Data for inspections
21 performed at the JL Smog facility between September 20, 2024, and February 25, 2025. The
22 investigation revealed that the data related to certain vehicles certified by Respondent
23 Covarrubias contained a pattern of unmistakable discrepancies between the information
24 transmitted during the inspections and the recognized and scientifically established characteristics
25 of internal combustion engine operation.

26 32. Specifically, the Bureau program representative identified 11 instances in which the
27 throttle position, MAF and/or MAP readings remained unchanged when vehicle engine speeds

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were taken from idle to a steady elevated RPM.¹ Such conditions would not have occurred if the DAD had been connected to the vehicles that were purportedly being tested instead of a defeat device that simulated engine RPM.

33. These documented discrepancies confirm that, in performing the inspections at issue, Respondents engaged in the illegal activity of clean plugging in order to issue fraudulent certificates of compliance for the vehicles. The following chart (“Table 1”) illustrates the documented clean plugging activities by Respondents during the period reviewed.

Table 1

Test Date	Vehicle Certified & License No./VIN	Certificate No.	Test Details
September 20, 2024	2000 Ford Mustang VIN # 1FAFP444XYF168723	UE220570C	Inspection performed by Respondent Covarrubias. Throttle position and MAF were unchanged when engine taken from around 675 RPM to around 1625 RPM.
October 9, 2024	2001 Dodge Dakota VIN # 1B7GL22X01S121449	JB487797C	Inspection performed by Respondent Covarrubias. Throttle position and MAP were unchanged when engine taken from around 700 RPM to around 1600 RPM.
November 1, 2024	2000 GMC Sierra C3500 VIN # 1GDGC34R4YF487126	UG034543C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 600 RPM to around 1600 RPM.

¹ Not all vehicles include both MAP and MAF parameters. Many vehicle manufacturers include only one of these parameters.

November 5, 2024	2004 GMC Safari XT VIN # 1GKDM19X64B500335	UG143203C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 600 RPM to around 1750 RPM.
November 12, 2024	2004 Chevrolet Tahoe C1500 VIN # 1GNEC13T54R171117	UG255137C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 800 RPM to around 1800 RPM.
November 15, 2024	2005 Chevrolet Astro VIN # 1GCDM19X35B109947	UG366326C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 700 RPM to around 1550 RPM.
December 6, 2024	2003 Chevrolet Tahoe C1500 VIN # 1GNEC13T33R129267	UG909089C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 750 RPM to around 1900 RPM.
January 15, 2025	2000 Chevrolet Silverado K1500 VIN # 1GCEK19T6YE132911	UI759488C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 700 RPM to around 1800 RPM.

January 29, 2025	2003 Ford F150 VIN # 1FTRX17W93KA58622	UK094766C	Inspection performed by Respondent Covarrubias. Throttle position and MAF were unchanged when engine taken from around 650 RPM to around 1575 RPM.
February 19, 2025	2002 Chevrolet Suburban C1500 VIN # 3GNEC16T72G263676	JD445693C	Inspection performed by Respondent Covarrubias. Throttle position, MAF and MAP were unchanged when engine taken from around 750 RPM to around 1800 RPM.
February 25, 2025	2000 Ford Expedition XLT VIN # 1FMRU1563YLB06835	UK316530C	Inspection performed by Respondent Covarrubias. Throttle position and MAF were unchanged when engine taken from around 775 RPM to around 1650 RPM.

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements – Respondent Martinez)

34. Respondent Martinez's Automotive Repair Dealer Registration is subject to discipline under BPC section 9884.7, subdivision (a)(1), in that he made statements which were known to be untrue or misleading or, which by exercise of reasonable care should have been known to be untrue or misleading by issuing electronic smog certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 31 through 33, inclusive, as though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud – Respondent Martinez)**

3 35. Respondent Martinez’s Automotive Repair Dealer Registration is subject to discipline
4 under BPC section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute
5 fraud by issuing electronic smog certificates of compliance for the vehicles set forth in Table 1,
6 above, without performing bona fide inspections of the emission control devices and systems on
7 those vehicles, thereby depriving the People of the State of California of the protection afforded
8 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
9 incorporates, the allegations contained in paragraphs 31 through 33, inclusive, as though set forth
10 fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act – Respondent Martinez)**

13 36. Respondent Martinez’s Automotive Repair Dealer Registration is subject to discipline
14 under BPC section 9884.7, subdivision (a)(6), in that Respondent failed in a “material respect to
15 comply with the provisions of this chapter or regulations adopted pursuant to it” when issuing
16 electronic smog certificates of compliance for the vehicles set forth in Table 1, above, without
17 performing bona fide inspections of the emission control devices and systems on those vehicles,
18 thereby depriving the People of the State of California of the protection afforded by the Motor
19 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
20 allegations contained in paragraphs 31 through 33, inclusive, as though set forth fully herein.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Violation of the Motor Vehicle Inspection Program – Respondent Martinez)**

23 37. Respondent Martinez’s Smog Check, Test-Only, Station License is subject to
24 discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set
25 forth in Table 1, above, Respondent violated the following sections of the HSC:

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

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

FIFTH CAUSE FOR DISCIPLINE

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program
– Respondent Martinez)**

38. Respondent Martinez's Smog Check, Test-Only, Station License is subject to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

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

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

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

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud and/or Deceit – Respondent Martinez)

39. Respondent Martinez's Smog Check, Test-Only, Station License is subject to discipline under HSC section 44072.2, subdivision (d), in conjunction with HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing electronic smog certificates of compliance for those vehicles without performing bona fide inspections and functional testing of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 31 through 33, inclusive, as though set forth fully herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program**

3 **– Respondent Covarrubias)**

4 40. Respondent Covarrubias' Smog Check Inspector License and Smog Check Repair
5 Technician License are subject to discipline under HSC section 44072.2, subdivision (a), in that,
6 with respect to the vehicles set forth in Table 1, above, Respondent violated the following
7 sections of the HSC:

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

10 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
11 compliance without properly testing and inspecting the vehicles to determine if they were in
12 compliance with section 44012 of the HSC.

13 c. **Section 44032:** Respondent failed to perform tests of the onboard diagnostic systems
14 on those vehicles in accordance with section 44012 of the HSC.

15 d. **Section 44059:** Respondent willfully made false entries for the electronic smog
16 certificates of compliance by certifying that those vehicles had been inspected as required when,
17 in fact, they had not.

18 **EIGHTH CAUSE FOR DISCIPLINE**

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

20 **– Respondent Covarrubias)**

21 41. Respondent Covarrubias' Smog Check Inspector License and Smog Check Repair
22 Technician License are subject to discipline under HSC section 44072.2, subdivision (c), in that,
23 with respect to the vehicles set forth in Table 1, above, Respondent violated the following
24 sections of title 16 of the CCR:

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

1 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those
2 vehicles in accordance with HSC section 44012.

3 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
4 compliance even though those vehicles had not been inspected in accordance with section
5 3340.42 of the HSC.

6 d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
7 into the EIS about the vehicles being tested.

8 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
9 inspections on those vehicles in accordance with the Bureau's specifications.

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit– Respondent Covarrubias)**

12 42. Respondent Covarrubias' Smog Check Inspector License and Smog Check Repair
13 Technician License are subject to discipline under HSC section 44072.2, subdivision (d), in
14 conjunction with HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set
15 forth in Table 1, above, Respondent committed acts involving dishonesty, fraud or deceit
16 whereby another was injured by issuing electronic smog certificates of compliance for those
17 vehicles without performing bona fide inspections and functional testing of the emission control
18 devices and systems on those vehicles, thereby depriving the People of the State of California of
19 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
20 this reference incorporates, the allegations contained in paragraphs 31 through 33, inclusive, as
21 though set forth fully herein.

22 **OTHER MATTERS**

23 43. Section 9884.7, subdivision (c), of the BPC states that "the director may suspend,
24 revoke, or place on probation the registration for all places of business operated in this state by an
25 automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a
26 course of repeated and willful violations of this chapter, or regulations adopted pursuant to."

27 44. Section 44072.8 of the HSC states that when a license has been revoked or suspended
28 following a hearing, any additional license issued under the Motor Vehicle Inspection Program

(Health & Saf. Code Sec. 44000, et seq.) in the name of the licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 209512, issued to Jose Luis Martinez, dba JL Smog;
2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 209512, issued to Jose Luis Martinez, dba JL Smog;
3. Revoking or suspending Smog Check Inspector License Number EO 150178, issued to Ramon Angel Covarrubias;
4. Revoking or suspending Smog Check Repair Technician License Number EI 150178, issued to Ramon Angel Covarrubias;
5. Revoking or suspending any and all additional Automotive Repair Dealer Registrations issued in the name of Jose Luis Martinez and pursuant to section 9884.7, subdivision (c), of the Business and Professions Code;
6. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Jose Luis Martinez pursuant to section 44072.8 of the Health and Safety Code;
7. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Ramon Angel Covarrubias pursuant to section 44072.8 of the Health and Safety Code;

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8. Ordering Jose Luis Martinez and Ramon Angel Covarrubias to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and

9. 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

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