

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

**In the Matter of the Accusation Against:**

Case No. 79/14-42

**R & R SMOG UNLIMITED; RILENE  
JANICE CHAPPELLE; RENELL  
KENYATTA SHAW  
3321 W. Florence Ave.  
Los Angeles, CA 90043  
Automotive Repair Dealer Registration No.  
ARD 270669  
Smog Check Test Only Station License No.  
TC 270669**

## DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**and**  
**RILENE JANICE CHAPPELLE**  
**5901 S. Verdun Avenue**  
**Los Angeles, CA 90043**

**Advanced Emission Specialist Technician**  
**License No. EA 634123, (to be redesignated**  
**upon renewal as EO 634123 and/or EI**  
**634123)**

**Respondent.**

## **FINDINGS OF FACT**

1       1. On or about October 24, 2013, Complainant Patrick Dorais, in his official capacity as  
2 the Chief of the Bureau of Automotive Repair - I/M Smog, Department of Consumer Affairs,  
3 filed Accusation No. 79/14-42 against R & R Smog Unlimited ; Rilene Janice Chappelle; Renell  
4 Kenyatta Shaw (Respondent) before the Director of Consumer Affairs (Director). (Accusation  
5 attached as Exhibit A.)

6       2. On or about October 24, 2012, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 270669 (“registration”) to Rilene Janice Chappelle, partner, Renell K.  
8 Shaw, partner, doing business as R & R Smog Unlimited (“Respondent R & R”). The  
9 registration was in full force and effect at all times relevant to the charges brought herein and will  
10 expire on October 31, 2014, unless renewed.

11       3. On or about November 29, 2012, the Bureau issued Smog Check Test Only Station  
12 License Number TC 270669 (“station license”) to Respondent R & R. The station license was in  
13 full force and effect at all times relevant to the charges brought herein and will expire on October  
14 31, 2014, unless renewed.

15       4. On or about March 15, 2012, the Bureau of Automotive Repair issued Advanced  
16 Emission Specialist Technician License Number EA 634123 to Rilene Janice Chappelle  
17 (“Respondent Chappelle”). The Advanced Emission Specialist Technician License expired on  
18 August 31, 2014. Upon timely renewal of the license, the license will be re-designated as EO  
19 634123 and/or EI 634123. The expiration or suspension of a license by operation of law or by  
20 order or decision of the director or a court of law, or the voluntary surrender of a license by a  
21 licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action  
22 or disciplinary proceedings against such licensee, or to render a decision suspending or revoking  
23 such license.

24       5. On or about February 5, 2014, Respondents were served by Certified Mail copies of  
25 the Accusation No. 79/14-42, Statement to Respondent, Notice of Defense, Request for  
26 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
27 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
28 required to be reported and maintained with the Bureau of Automotive Repair . Respondent

1 R & R.'s address of record was and is: 3321 W. Florence Ave., Los Angeles, CA 90043.

2 Respondent Chappelle's address of record was and is: 5901 S. Verdun Ave, Los Angeles, CA  
3 90043.

4 6. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
6 124.

7 7. On or about February 5, 2014, Respondent Chappelle signed and returned a Notice of  
8 Defense in her individual capacity and on behalf of the partnership, Respondent R & R,  
9 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent  
10 Chappelle's address of record and Respondent R & R 's address of record and it informed them  
11 that an administrative hearing in this matter was scheduled for September 15, 2014. Respondents  
12 failed to appear at that hearing.

13 8. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
16 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

17 9. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the  
19 hearing, the agency may take action based upon the respondent's express admissions  
or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

21 10. Pursuant to its authority under Government Code section 11520, the Director after  
22 having reviewed the proof of service of the Notice of Hearing dated March 14, 2014, has  
23 determined that the Respondent R & R and Respondent Chappelle were properly served with the  
24 Notice of Hearing, however, they failed to appear at the administrative hearing. Accordingly, the  
25 Director finds that Respondent R & R and Respondent Chappelle are in default. The Director  
26 will take action without further hearing and, based on Accusation, No. 79/14-42, proof of service  
27 and on the Affidavit of Bureau Representative Glen Leano, finds that the allegations in  
28 Accusation are true.

## **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent R & R Smog Unlimited has subjected its Automotive Repair Dealer Registration and Smog Check Test Only Station License to discipline;

2. Based on the foregoing findings of fact, Respondent Rilene Janice Chappelle has subjected her technician licenses to discipline;

3. The agency has jurisdiction to adjudicate this case by default.

8       4. The Director of Consumer Affairs is authorized to revoke Respondent R & R Smog  
9       Unlimited's Automotive Repair Dealer Registration and Smog Check Test Only Station License  
10      as well as Respondent Rilene Janice Chappelle's technician licenses based upon the following  
11      violations alleged in the Accusation which are supported by the evidence contained in the  
12      affidavit of Bureau Representative Glen Leano in this case:

## **Respondent R & R Smog Unlimited**

- a. Business and Professions Code section 9884.7, subdivision (a)(1) (Misleading Statements.)
  - b. Business and Professions Code section 9884.7, subdivision (a)(4) (Fraud.)
  - c. Health and Safety Code section 44012, subdivision (a) (Violations of the Motor Vehicle Inspection Program.)
  - d. Health and Safety Code section 44012, subdivision (f) (Violations of the Motor Vehicle Inspection Program.)
  - e. Health and Safety Code section 44015, subdivision (b) (Violations of the Motor Vehicle Inspection Program.)
  - f. Health and Safety Code section 44072.2, subdivision (d)(Dishonesty, Fraud or Deceit.)
  - g. Health and Safety Code section 44059 (Violations of the Motor Vehicle Inspection Program.)
  - h. California Code of Regulations, title 16, section 3340.24, subdivision (c) (Violations of Regulations pursuant to Motor Vehicle Inspection Program.)

- 1                   i. California Code of Regulations, title 16, section 3340.35, subdivision (c) (Violations  
2                   of Regulations pursuant to Motor Vehicle Inspection Program.)  
3                   j. California Code of Regulations, title 16, section 3340.42 (Violations of Regulations  
4                   pursuant to Motor Vehicle Inspection Program.)

5                   **Respondent Chappelle**

- 6                   a. Health and Safety Code section 44072.2, subdivision (d) (Dishonesty, Fraud or  
7                   Deceit.)  
8                   b. Health and Safety Code section 44012, subdivision (a) (Violations of the Motor  
9                   Vehicle Inspection Program.)  
10                  c. Health and Safety Code section 44012, subdivision (f) (Violations of the Motor  
11                  Vehicle Inspection Program.)  
12                  d. Health and Safety Code section 44032 (Violations of the Motor Vehicle Inspection  
13                  Program.)  
14                  e. Health and Safety Code section 44059 (Violations of the Motor Vehicle Inspection  
15                  Program.)  
16                  f. California Code of Regulations, title 16, section 3340.24, subdivision (c) (Violations  
17                  of Regulations pursuant to Motor Vehicle Inspection Program.)  
18                  g. California Code of Regulations, title 16, section 3340.30, subdivision (a) (Violations  
19                  of Regulations pursuant to Motor Vehicle Inspection Program.)  
20                  h. California Code of Regulations, title 16, section 3340.41, subdivision (c) (Violations  
21                  of Regulations pursuant to Motor Vehicle Inspection Program.)  
22                  i. California Code of Regulations, title 16, section 3340.42 (Violations of Regulations  
23                  pursuant to Motor Vehicle Inspection Program.)

24                  **ORDER**

25                  **IT IS SO ORDERED** that Automotive Repair Dealer Registration No. ARD 270669,  
26                  Smog Check Test Only Station License Number TC 270669 and Advanced Emission Specialist  
27                  Technician License Number EA 634123, are revoked.

1 Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a  
2 written motion requesting that the Decision be vacated and stating the grounds relied on within  
3 seven (7) days after service of the Decision on Respondents. The motion should be sent to the  
4 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho  
5 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
6 on a showing of good cause, as defined in the statute.

7 This Decision shall become effective on March 11, 2015.

8 It is so ORDERED February 17, 2015



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TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

DEFAULT DECISION ORDER - LICENSING (W)  
DOJ Matter ID:LA2013510473

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
2 Attorney General of California  
3 MARC D. GREENBAUM  
4 Supervising Deputy Attorney General  
5 GREGORY J. SALUTE  
6 Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 79/14-42

R & R SMOG UNLIMITED  
3321 W. Florence Avenue  
Los Angeles, CA 90043  
RILENE JANICE CHAPPELLE,  
PARTNER, RENELL K. SHAW,  
PARTNER  
Automotive Repair Dealer Registration  
No. ARD 270669  
Smog Check Test Only Station License  
No. TC 270669

## ACCUSATION

and

RILENE JANICE CHAPPELLE  
5901 S. Verdun Avenue  
Los Angeles, CA 90043

Advanced Emission Specialist Technician  
License No. EA 634123, (to be redesignated  
upon renewal as EO 634123 and/or EI  
634123)

### Respondents.

Complainant alleges:

## PARTIES

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

## Automotive Repair Dealer Registration

2. On or about October 24, 2012, the Bureau issued Automotive Repair Dealer Registration Number ARD 270669 (“registration”) to Rilene Janice Chappelle, partner, Renell K. Shaw, partner, doing business as R & R Smog Unlimited (“Respondent R & R”). The registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2014, unless renewed.

## Smog Check Test Only Station License

3. On or about November 29, 2012, the Bureau issued Smog Check Test Only Station License Number TC 270669 ("station license") to Respondent R & R. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2014, unless renewed.

## Advanced Emission Specialist Technician License

4. On or about March 15, 2012, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician License Number EA 634123 to Rilene Janice Chappelle (“Respondent Chappelle”). The Advanced Emission Specialist Technician License will expire on August 31, 2014, unless it is renewed. Upon timely renewal of the license, the license will be redesignated as EO 634123 and/or EI 634123.<sup>1</sup>

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<sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 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.

## **STATUTORY PROVISIONS**

5. Section 9884.7 of the Business and Professions Code (“Code”) 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.

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only invalidate temporarily or permanently the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

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

6. 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.

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

8. Section 44002 of the Health and Safety Code 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.

1           9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

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

13           11. Section 44072.8 of the Health and Safety Code states:

14                 When a license has been revoked or suspended following a hearing under  
15                 this article, any additional license issued under this chapter in the name of the  
15                 licensee may be likewise revoked or suspended by the director.

#### REGULATORY PROVISIONS

17           12. California Code of Regulations ("CCR"), title 16, section 3340.24, subdivision (c),  
18           states:

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

22           13. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
23           shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section  
24           44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
25           3340.42 of this article."

26           14. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
27           station "shall issue a certificate of compliance or noncompliance to the owner or operator of any  
28           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.”

15. CCR, title 16, section 3340.41, subdivision (c), provides: "No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested."

16. 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.

17. CCR, title 16, section 3340.28, subdivision (e), states that "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

### COST RECOVERY

18. 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.

VIDEO SURVEILLANCE OPERATION OF APRIL 17, 2013

19. On or about April 17, 2013, representatives of the Bureau conducted a video surveillance operation of Respondent's smog check facility. The surveillance video and information obtained from the Bureau's vehicle information database ("VID") revealed that Respondent Chappelle performed nine (9) smog inspections, which resulted in the issuance of electronic certificates of compliance for the vehicles set forth in Table 1, below, certifying that she had tested and inspected those vehicles and that the vehicles were in compliance with applicable laws and regulations. In fact, Respondent Chappelle performed the smog inspections

1 using the clean piping method<sup>2</sup> by using the tail pipe emissions of vehicles other than the vehicles  
2 being certified in order to issue the electronic certificates of compliance. The vehicles certified  
3 were not in the test bay at the time of the smog inspections.

4 **Table 1**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
4/17/2013 10:55 hours to 11:06 hours	1995 Ford Mustang, License # 5BMB755	2001 Mazda Protégé, License # 4RIB734	XT383660C
4/17/2013 11:25 hours to 11:37 hours	1992 Dodge Caravan License #3BAE938	2001 Mazda Protégé, License # 4RIB734	XT383661C
4/17/2013 11:49 hours to 12:03 hours	1996 Chevrolet C1500 Pickup, License #6E91152	2002 Chevrolet C1500 Tahoe, License # 6PYN783	XT383662C
4/17/2013 12:33 hours to 12:45 hours	1992 Honda Accord License #6RET705	2001 Mazda Protégé, License # 4RIB734	XT383663C
4/17/2013 12:53 hours to 13:05 hours	2001 Mitsubishi Galant License # 480053V	2001 Mazda Protégé, License # 4RIB734	XT383664C
4/17/2013 13:14 hours to 13:23 hours	1996 Honda Civic License #5NMM820	2001 Mazda Protégé, License # 4RIB734	XT383665C
4/17/2013 13:57 hours to 14:18 hours	1983 GMC C1500 Sierra License #3J69550	2002 Chevrolet C1500 Tahoe, License # 6PYN783	XT383666C

26 <sup>2</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
28 compliance or are not present in the smog check area during the time of the certification.

4/17/2013 14:27 hours to 14:44 hours	1986 Nissan Pickup 4WD, License #2V28313	2001 Mazda Protégé, License # 4RIB734	XT383667C
4/17/2013 15:36 hours to 15:52 hours	1986 Ford F150 Pickup License #3TYA170	White Chevrolet Camaro, License # Unknown	XT383668C

## **FIRST CAUSE FOR DISCIPLINE**

### **(Misleading Statements)**

11        20. Respondent R &R has subjected its registration to discipline under Code section  
12 9884.7, subdivision (a)(1), in that on or about the dates specified in Table 1 above, it made  
13 statements which it knew or which by exercise of reasonable care it should have known were  
14 untrue or misleading when its employee issued electronic certificates of compliance for the  
15 vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with  
16 applicable laws and regulations when, in fact, the vehicles had been clean piped.

## SECOND CAUSE FOR DISCIPLINE

### (Fraud)

19        21. Respondent R & R has subjected its registration to discipline under Code section  
20 9884.7, subdivision (a)(4), in that on or about the dates listed above in Table 1, it committed acts  
21 which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in  
22 Table 1, above, without performing bona fide inspections of the emission control devices and  
23 systems on those vehicles, thereby depriving the People of the State of California of the  
24 protection afforded by the Motor Vehicle Inspection Program.

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### THIRD CAUSE FOR DISCIPLINE

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

22. Respondent R & R has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in Table 1, above, it violated sections of that Code, as follows:

a. Section 44012, subdivision (a): Respondent R & R's smog technician failed to determine that all emission control devices and systems required by law were installed and functioning correctly in accordance with test procedures.

b. **Section 44012, subdivision (f):** Respondent R & R's smog technician failed to perform emission control tests on those vehicles in accordance with procedures prescribed by the department.

c. Section 44015, subdivision (b): Respondent R & R's smog technician issued electronic certificates of compliance without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of that Code.

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

## FOURTH CAUSE FOR DISCIPLINE

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

23. Respondent R & R has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth in Table 1, above, it violated sections of the California Code of Regulations, title 16, as follows:

a. Section 3340.24, subdivision (c): Respondent R & R's smog technician falsely or fraudulently issued electronic certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

b. Section 3340.35, subdivision (c): Respondent R & R's smog technician issued electronic certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42 of that Code.

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

## **FIFTH CAUSE FOR DISCIPLINE**

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

8        24. Respondent R & R has subjected its station license to discipline under Health and  
9 Safety Code section 44072.2, subdivision (d), in that regarding the vehicles set forth in Table 1,  
10 above, it committed acts involving dishonesty, fraud or deceit whereby another was injured by  
11 issuing electronic certificates of compliance for those vehicles without performing bona fide  
12 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
13 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
14 Program.

## SIXTH CAUSE FOR DISCIPLINE

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

17       25. Respondent Chappelle has subjected her technician license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in Table  
19 1, above, she violated sections of that Code, as follows:

20 a. **Section 44012, subdivision (a):** Respondent Chappelle failed to determine that all  
21 emission control devices and systems required by law were installed and functioning correctly in  
22 accordance with test procedures.

23 b. Section 44012, subdivision (f): Respondent Chappelle failed to perform emission  
24 control tests on those vehicles in accordance with procedures prescribed by the department.

25 c. Section 44032: Respondent Chappelle failed to perform tests of the emission control  
26 devices and systems on those vehicles in accordance with section 44012 of that Code, in that the  
27 vehicle had been clean piped.

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

## **SEVENTH CAUSE FOR DISCIPLINE**

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

26. Respondent Chappelle has subjected her technician license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles set forth in Table 1, above, she violated sections of the California Code of Regulations, title 16, as follows:

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

b. Section 3340.30, subdivision (a): Respondent Chappelle failed to inspect and test those vehicles in accordance with Health and Safety Code section 44012.

c. Section 3340.41, subdivision (c): Respondent Chappelle entered false information into the Emission Inspection System for the electronic certificates of compliance by entering vehicle emission control information for vehicles other than the vehicles being certified.

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

## EIGHTH CAUSE FOR DISCIPLINE

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

27. Respondent Chappelle has subjected her technician license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that regarding the vehicles set forth above in Table 1, she committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without performing bona fide inspections 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.

## OTHER MATTERS

28. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate, or may invalidate temporarily or permanently, the registrations for all places of business operated in this state by Rilene Janice Chappelle, partner, and Renell K. Shaw, partner, doing business as R & R Smog Unlimited, upon a finding that either partner has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

29. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station License Number TC 270669, issued to Rilene Janice Chappelle, partner, and Renell K. Shaw, partner, doing business as R & R Smog Unlimited, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

30. Pursuant to Health & Saf. Code sections 44072.8, if Respondent Rilene Janice Chappelle's Advanced Emission Specialist Technician License currently designated as EA 634123 and as redesignated upon timely renewal as EO 634123 and/or EI 634123, is revoked or suspended, any additional license issued under this chapter in the name of said 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 Consumer Affairs issue a decision:

1. Revoking, suspending, placing on probation, Automotive Repair Dealer Registration Number ARD 270669, issued to Rilene Janice Chappelle and Renell K. Shaw, partners, of R & R Smog Unlimited;

2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Rilene Janice Chappelle and/or Renell K. Shaw;

3. Revoking or suspending Smog Check Test Only Station License Number TC 270669, issued to Rilene Janice Chappelle and Renell K. Shaw, partners, of R & R Smog Unlimited;

4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Rilene Janice Chappelle or Renell K. Shaw;

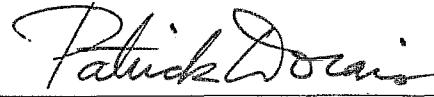
1       5. Revoking or suspending Advanced Emission Specialist Technician License Number  
2 EA 634123 (and as redesignated upon timely renewal as EO 634123 and/or EI 634123), issued to  
3 Rilene Janice Chappelle;

4       6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
5 and Safety Code in the name of Rilene Janice Chappelle;

6       7. Ordering Rilene Janice Chappelle and Renell K. Shaw to pay the Bureau of  
7 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
8 pursuant to Business and Professions Code section 125.3; and,

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

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11  
12 DATED: October 24, 2013

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

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