

# Automotive Repair AND Smog Check News

## Fall 2013

Fluid and Flush Services . . . . .	1
New Deputy Chief of Enforcement . . . . .	3
Delegates from the State of Mexico Visit BAR . . . . .	3
Field Offices Participate in Senior Scam Stopper Events . . . . .	4
Field Offices Participate in Military Consumer Protection Day . . . . .	4
Illegal Disposal of Vehicles and Auto Parts . . . . .	4
Adding an Inspector to Your STAR Station . . . . .	6
Sign Up NOW to be on the BAR Mailing List . . . . .	6
Regulations Update . . . . .	8
Repair Cost Limit Change . . . . .	9
Importance of Maintaining Smog Check Machines . . . . .	9
June, July, and August 2013 Disciplinary Actions . . . . .	10

DEPARTMENT OF CONSUMER AFFAIRS



10949 N. Mather Blvd.  
Rancho Cordova, CA 95670  
[www.bar.ca.gov](http://www.bar.ca.gov)

## Fluid and Flush Services

The Bureau of Automotive Repair (Bureau) has spent the last year reviewing the marketing and disclosure practices for providing fluid and flush services in the automotive repair industry. After careful review of the practices and communications of automotive repair stations, as well as conducting meetings and workshops with the manufacturers of vehicles and automotive fluids and chemical agents, the Bureau has decided not to pursue a new public awareness campaign at this time. Instead, the Bureau will ensure the materials we currently provide to consumers and the automotive industry contain useful information on fluid and flush services.

### Background on Fluid and Flush Services

Automotive technology has improved significantly, and late-model vehicles are lasting longer and require fewer repairs and maintenance. Due to these improvements, vehicle owners are saving on repair costs. However, owners that take their vehicles in for an oil change are commonly approached by repair facility personnel about performing other preventative maintenance services. The Bureau holds that manufacturer maintenance schedules should be a starting point for industry repair and service standards for fluid and flush services.

Any act or omission related to an automotive repair dealer conducting its business to maintain, repair, or service a motor vehicle falls under the provisions of Article 3 of the Automotive Repair Act (Act). This includes any preventative maintenance services, such as fluid and flush services, that the automotive repair dealer may provide.

The fact of the matter is that vehicle manufacturers are experts on preventative maintenance and, although they provide schedules for these services, most consumers are not certain if the services being recommended by their repair facility are required by the manufacturer at that point in time or if they will be of any benefit to them.

Consumers rely on the repair facility for full disclosure when preventative maintenance services such as automatic transmission, power steering unit, radiator, or brake system fluid exchanges or flushes are being recommended.

Over the past few years, the Bureau has seen a significant increase in the marketing of fluid and flush products and services through the media and various social network sites. For this reason, the Bureau, whose highest priority is to protect the public, decided to conduct a review of the solicitation and sale of preventative maintenance services. The primary goal of this review was to research the history of automotive repair and to determine whether or not these services are being solicited and sold by repair facilities with full disclosure to their customers. In other words, are repair technicians being up-front about the need for, or benefits of, the services they are recommending and selling to consumers?

*continued on page 2*

## Fluid and Flush Services *(continued from cover)*

### Industry Response

Our conversations with manufacturers, the repair industry, and others have convinced us that we were successful in communicating our concerns about how some businesses were selling these products and services. We believe the industry heard our concerns and took them to heart, and have taken meaningful steps to ensure these services and products are sold in compliance with the Act. As a result, the Bureau believes there is no need for additional outreach or regulations at this time.

### The Bureau's Ongoing Efforts

Information about consumers' rights relative to automotive repair services, information on the complaint process, and the status on automotive repair dealer licenses will continue to be updated and disseminated to consumers through our public Web site, social network sites, media alerts, and other outreach materials, such as brochures and fact sheets. The Bureau's bottom line message about preventative maintenance services is this:

*Consumers:* Your owner's manual was written by the manufacturer that built your vehicle. It contains the most accurate description of how to care for your vehicle. Take the time to look it over so you have an idea of what type of preventative maintenance services are recommended by the manufacturer and when they are due, what services are not recommended by the manufacturer, and those that may void any vehicle warranties.

If you are approached about having fluid or flush services done on your vehicle, ask the technician why the service is needed and if the service is recommended by the vehicle manufacturer at this time. All automotive repair dealers have access to required maintenance information on the vehicles they service or repair. If you are still unsure if the service is required or will be of any benefit to you, don't feel pressured to agree to those services until you do some research. If your owner's manual doesn't provide you with an answer, contact others knowledgeable in the industry before making a decision.

In addition, keep good records of services done on your vehicle. These records will help you keep track of preventative maintenance that has already been performed and can assist you in making decisions in the future.

*Automotive Repair Industry:* BAR does not regulate the products or services you sell; we regulate how you sell them to your customers. Any preventative maintenance services provided to consumers must comply with the provisions of the Act, so be familiar with your responsibilities as an Automotive Repair Dealer under the Act and its regulations. By maintaining compliance with the Act and by following the preventative maintenance services best practices below, you will earn consumer trust, enjoy the business of repeat customers,

and your automotive repair station will remain a proud leader in the industry.

### Preventative Maintenance Services Best Practices

- Obtain customer authorization and inspect the vehicle before making service recommendations.
- Openly and honestly communicate with your customers.
- Ask customers about vehicle driving conditions and use.
- Ask customers about driving habits and vehicle maintenance and repair history.
- Communicate maintenance service recommendations made by the vehicle manufacturer.
- If recommending an accelerated maintenance service that deviates from the vehicle manufacturer, explain why.

The Bureau wishes to thank all those who participated in the discussions over the past year on this issue. We understand that our review took us into some interesting areas, such as chemical engineering, product development, equipment manufacturing, and other subjects. While the Bureau appreciated the opportunity to learn more about these topics and their relationship to the automotive repair industry, we also recognize that our role, mandate, and mission lie solely within the repair processes set forth in the Act.

We also recognize that many opinions and views were shared during our review of this issue and want to make it clear that the Bureau does not endorse nor disapprove of any specific products or services available in the marketplace today. For example, our research into brake fluid testing does not reflect BAR support of one technology over another. In many instances, it may be prudent for the automotive repair dealer to perform multiple types of testing to verify whether the brake fluid continues to meet U.S. Department of Transportation standards for which it was certified.

We appreciate your interest and patience in working with us through these issues. The Bureau looks forward to our continuing dialog with the automotive repair industry and other interested parties on areas of mutual interest affecting California consumers. **BAR**

Sincerely,



PATRICK DORAIS, Acting Chief  
Bureau of Automotive Repair

## New Deputy Chief of Enforcement Named

Dan Povey has been named Deputy Chief of Enforcement for the Bureau of Automotive Repair (BAR). Povey, a native San Franciscan, worked in the industry as an automotive technician for 15 years before entering State service in 1988 with BAR's San Francisco Field Office.

Since then, he has held increasingly responsible positions with BAR, including managing the 2001–02 Auto Body Inspection Pilot Program mandated by Senate Bill 1988 for the purpose of identifying and documenting fraud in recently repaired vehicles.

Most recently, he has been in charge of BAR's Northern California Field Operations and Enforcement Branch, overseeing enforcement activities from the Oregon border to Bakersfield.

He brings to his new role as Deputy Chief of Enforcement a strong understanding of the Bureau's role as a regulator, a wealth of knowledge of the industry, and a stellar reputation for working productively with both consumers and industry.

"I'll take a 'back-to-basics' approach by focusing on protecting consumers and being responsive to their complaints," he said. His leadership skills and expertise will ensure that the goals of BAR's Enforcement Division will remain a top priority. **B:R**

---

## Delegates From the State of Mexico Visit BAR to Discuss Smog Check Program

A delegation from the State of Mexico met with the Bureau of Automotive Repair (BAR) on April 25, 2013, to discuss air pollution concerns and technological advances such as California's successful Smog Check Program.

The event was coordinated by Alejandro Rodarte, the Assistant Secretary for Border Affairs for the State of Mexico; the California Air Resources Board; and the Department of Consumer Affairs' Office of Public Affairs.

Garrett Torgerson of BAR's Engineering and Research Branch presented an overview of BAR's new STAR Program followed by questions and answers prior to a tour of the BAR Engineering Lab where a demonstration of tailpipe and on-board diagnostic (OBD) Smog Check tests took place. The event follows a previous delegation visit last year from the State of Puebla, located south of the State of Mexico. **B:R**



**Top:** Left to right, Consul General for the Mexican Consulate Carlos Gonzalez Gutierrez; BAR Representative Jaime Ramos; and Secretary of Health to the Governor of the State of Mexico Cruz J. Roa Sanchez participated in the question-and-answer portion of the STAR Program presentation.



**Bottom:** Left to right, Coordinator Eduardo Alejandro Gomez Ramiro; Secretary of Health Cruz J. Roa Sanchez; Director General Susana Lidien Diaz Gonzalez; Coordinator Omar Salvador Olvera Herreros; Consulate for Political Affairs Patricia Pizon; Consul General Carlos Gonzalez Gutierrez; and Information Officers Monica Vargas and Cristina Valdivia Aguilar from DCA's Office of Public Affairs toured the BAR Engineering Lab.

## BAR Field Offices Participate in Statewide Senior Scam Stopper Outreach Seminars

Senior Scam Stopper events are hosted by California legislators and coordinated by the Department of Consumer Affairs' Contractors State License Board. Their goal is to help senior citizens avoid being scammed. Assemblymember Roger Hernandez joined Program Representative Hamlet Shamirian of the Bureau of Automotive Repair's (BAR) South El Monte Field Office at the Senior Scam Stopper seminar in Baldwin Park on May 17, 2013.

Seminar topics included BAR's jurisdiction regarding automotive repair, the Smog Check Program, the availability and purpose of BAR's Consumer Assistance Program, and how to complete a BAR consumer complaint form online at [www.autorepair.ca.gov/01\\_ConsumerActivities/03\\_ReportingResolvingComplaints/index.html](http://www.autorepair.ca.gov/01_ConsumerActivities/03_ReportingResolvingComplaints/index.html).

**Upcoming events:** Please see the BAR Web site for a more comprehensive list of upcoming activities. **BAR**



Assemblymember Roger Hernandez (left) and Bureau of Automotive Repair Program Representative Hamlet Shamirian share consumer protection tips at a recent Senior Scam Stopper event.

---

## BAR Field Offices Participate in Military Consumer Protection Day

Program Representative Kevin Sanderson with the Bureau of Automotive Repair's (BAR) Culver City Field Office participated in Military Consumer Protection Day held on July 17, 2013, at the Los Angeles Air Force Base in El Segundo.

Along with BAR, the event was sponsored by the County of Los Angeles Department of Consumer Affairs, and included representatives from the U.S. Department of Justice, the Federal Trade Commission, the California Attorney General's Office, the California Department of Insurance, the California Department of Business Oversight, and the Los Angeles County Department of Military and Veterans Affairs.

Military Consumer Protection Day was developed to empower service members and their families, veterans, and civilians in the

military community to become aware of consumer protection rights when getting their vehicles serviced.

Sanderson informed the military members and family audience of their consumer rights, including getting a written estimate prior to the commencement of any repairs to their vehicles, insisting that any changes in the estimate be approved by the owner of the vehicle, and that the automotive repair shop be licensed by BAR. In addition, he described the Consumer Assistance Program, that assists qualified families whose vehicles failed a Smog Check test with up to \$500 for auto repair or up to \$1,500 to retire their vehicles. He also distributed consumer brochures and flyers and encouraged the military community to contact BAR's toll-free number at (800) 952-5210; go to the nearest BAR Field Office to file a complaint; or visit [www.bar.ca.gov/01\\_ConsumerActivities/index.html](http://www.bar.ca.gov/01_ConsumerActivities/index.html) for more information. **BAR**

---

## Illegal Disposal of Vehicles and Auto Parts

A 2006 survey jointly conducted by the California State Association of Cities (CSAC), the California Integrated Waste Management Board (CIWMB), and the California League of Cities (CLC) found that the most common illegally disposed of items are appliances, tires, household waste, furniture,

vehicles, electronics, hazardous waste, and construction materials. These discarded items are found primarily in rural, unincorporated areas, vacant lots and alleys, rivers, ditches and ravines. Of special concern are unlocked dumpsters which are accessible to people, including children. Rodents, insects,

*continued on page 5*

## Illegal Disposal of Vehicles and Auto Parts *(continued from cover)*

and other vermin attracted to dump sites also pose public health risks.

An example of discarded items that can pose public health risks are automotive tires, which provide breeding grounds for mosquitoes when standing water sits in the discarded tires. West Nile virus and encephalitis have been attributed to disease-carrying mosquitoes originating from stagnant water found in dump sites.

In addition to tires, abandoned vehicles and auto parts containing electronic waste and hazardous waste are common to these sites. Deployed air bags left in abandoned vehicles are hazardous due to the poisonous chemicals they contain. Some of the most commonly dumped automobile parts are classified as “universal waste,” which contains hazardous waste that cannot be disposed of in a trash can. It must be handled, transported, and recycled by a universal waste handler and sent to a destination facility in compliance with Federal, State, and local regulations.

Common forms of universal waste include:

Part/Universal Waste	Hazardous Waste
Batteries	Cadmium, copper, mercury, HCl acid, and lead
Computers and monitors	Arsenic, cadmium, lead, and PCBs
Fluorescent lamps and switches	Mercury
Air bags	Sodium azide, a potent poison that can kill humans

Metals from water pumps, alternators, power steering pumps, wheel bearings, engines, and auto body parts can be recycled as scrap metal or managed as hazardous waste, depending upon the contents as identified by the manufacturer.

Possible solutions to illegal dumping of vehicles or parts include waste reduction, recycling, and waste management. Waste reduction refers to minimizing waste at its source. The U.S. Federal Pollution Prevention Act of 1990 (P2) established that source reduction is the preferred approach to environmental protection. P2 is a plan for reinventing traditional automotive programs and devising innovative strategies to decrease the production of waste at the source. Some examples for waste reduction strategies for the auto repair industry include:

- Avoid stockpiling perishable supplies. Label, date, and inspect new materials as they are received, and use the oldest stock first.
- Purchase nonperishable supplies in bulk and store them in bulk dispensers. This eliminates empty waste containers that may need to be disposed of as hazardous waste.
- Consider reducing the number of brands or grades of materials used.
- Select suppliers who will let you return used materials and containers for recycling.

Recycling refers to the reuse and recovery of usable components. Auto repair shops are required by Federal and State emission laws to recycle materials such as antifreeze, oil, solvents, tires, and batteries or they must dispose of them as hazardous waste. Benefits for repair shops include:

- Reducing hazardous waste management costs
- Reducing material costs
- Avoiding long-term liability concerns
- Helping to create a healthier, safer work environment

Waste management practices refers to business owners and employees working together to keep the work environment clean, establishing and practicing spill prevention, cleaning up spills appropriately, and properly managing and disposing of hazardous waste. A waste minimizing program can be integrated into all shop decisions. Benefits to the shop include:

- Saving money by finding ways to reduce or recycle waste
- Ensuring compliance with local, State, and Federal environmental regulations to avoid costly penalties
- Attracting customers who prefer to deal with shops that act responsibly
- Taking pride as a repair shop that benefits the environment

For more details on how to manage the waste in your automotive repair shop and to understand why illegal dumping is a problem; how the automotive industry unwittingly contributes to the problem; and how automotive repair shops can make a difference in the environment, visit:

[www.calrecycle.ca.gov/reducewaste/Automotive](http://www.calrecycle.ca.gov/reducewaste/Automotive). **B!R**

## Requesting the Addition of an Inspector to Your STAR Station

Because inspectors work at more than one STAR station, it is important to remember that the station owner or the responsible managing employee (RME) is responsible for ensuring that the employee entered into the station's Inspector's Information Table meets STAR eligibility criteria. Authorizing the addition of an inspector that does not meet STAR eligibility criteria to a station's BAR-97 Emissions Inspection System (EIS) or a station's OBDII Inspection System (OIS) is cause for BAR to invalidate a station's STAR certification.

A STAR station's eligibility may be affected by the scores of each individual inspector that meet or do not meet the Follow-up Pass Rate (FPR) criteria and that have been added into the station's analyzer(s). Once a station is STAR certified, the Bureau of Automotive Repair (BAR) reviews each inspector added to a station's analyzer(s), even if that inspector has only been in the analyzer(s) for one day during the evaluation period. If one inspector has too low of an FPR score, the Smog Check station will be denied STAR certification or have its existing STAR certification invalidated. The Smog Check station will become eligible to apply for the STAR program or maintain STAR certification once the low-scoring inspector is removed from the station's analyzer(s).

Inspector eligibility is based upon performance standards established by the STAR Program's FPR. Eligibility includes no active enforcement actions such as citations or probation that were effective within the preceding 12 months, or a current probationary status.

### To locate your STAR station's FPR score on the BAR Web site, go to: [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov):

1. From the Home page, select STAR Program/Industry. Then select Report Card. Then select STAR Report Card.
2. Enter the station's ARD number and press select.
3. Click on the Follow-up Pass Rate tab.
4. Make a note of your station's FPR score.
5. Here is how to find your inspector's FPR score:
6. From the Home page, select STAR Program/Industry. Then select Report Card.
7. Then select STAR Report Card.
8. Enter the inspector's license number, and press select.
9. Click on the Follow-up Pass Rate tab.
10. Make a note of the current FPR score.
11. Check for enforcement actions by clicking on the Verify Inspector License link.

12. Stations or inspectors with enforcement actions such as probation or citations that became effective within the past 12 months are ineligible for STAR certification. If there are no enforcement actions, continue with the steps below.

### Next Steps:

13. Use the FPR Eligibility Chart to determine if the inspector can be added to your station's EIS or OIS. Locate the FPR Eligibility Chart by accessing the following link: [http://www.smogcheck.ca.gov/PubWebQuery/STAR\\_demo/FPRTTable.pdf](http://www.smogcheck.ca.gov/PubWebQuery/STAR_demo/FPRTTable.pdf)
14. See FPR Eligibility Chart on next page of this article.
15. Find your station's score in the first column and the inspector's score in the second column. Find the corresponding cell in the fourth column to determine if this inspector is eligible to be entered into your EIS or OIS.
16. If the inspector is eligible, complete the STAR Program Acknowledgement Form, sign and date it. Direct the eligible inspector to take the form and his/her identification, such as a valid driver license, to the closest BAR field office for processing.
17. To safeguard your STAR station's eligibility, ensure that the inspector meets the STAR eligibility criteria. **BAR**

## Sign Up NOW to be on the BAR Mailing List

The Bureau of Automotive Repair (BAR) is no longer mailing printed copies of this newsletter to licensees, members of industry, or any other interested parties.

If you would like to be alerted when the seasonal newsletter is posted on the BAR Web site, you will need to send the following contact information using one of the methods described below:

- Fax your contact information (name, company, organization, and e-mail address) to (916) 464-3424.
- E-mail your contact information to: **[BAR.mailing.list@dca.ca.gov](mailto:BAR.mailing.list@dca.ca.gov)**.
- Mail your contact information to: the Bureau of Automotive Repair, Attn. Mailing Lists, 10949 North Mather Boulevard, Rancho Cordova, CA, 95670.

To update or remove your e-mail address from the list, contact BAR by one of the three methods above to implement your request.

## STAR Follow-up Pass Rate (FPR) Eligibility Table

Station (X) FPR Score <sup>1</sup>	Inspector (Y) FPR Score <sup>1</sup>	Station eligible to apply for STAR certification <sup>2</sup> ?	STAR-certified station can add new inspector to EIS/OIS <sup>3</sup> ?	STAR-certified station can have existing inspector in EIS/OIS <sup>3</sup> ?
$X > 0.4$	$Y > 0.4$	Yes	Yes	Yes
	$0.1 < Y < 0.4$	No	No	Yes
	$Y < 0.1$	No	No	No
	No Score	Yes	Yes	Yes
$0.1 < X < 0.4$	$Y > 0.4$	Yes	Yes	Yes
	$0.1 < Y < 0.4$	No	No	Yes
	$Y < 0.1$	No	No	No
	No Score	No	No	Yes
$X < 0.1$	$Y > 0.4$	Yes	Yes	Yes
	$0.1 < Y < 0.4$	No	No	Yes
	$Y < 0.1$	No	No	No
	No Score	No	No	No
No Score	$Y > 0.4$	Yes	Yes	Yes
	$0.1 < Y < 0.4$	No	No	Yes
	$Y < 0.1$	No	No	No
	No Score	Yes	Yes	Yes

<sup>1</sup> The variable X refers to the station FPR score and the variable Y refers to the inspector FPR score.

<sup>2</sup> The FPR score is only one of the criteria for determining STAR eligibility. The station must also meet STAR short-term measures including:

- Fuel Cap Test Not Performed
- Evaporative Test Not Performed
- Timing Test Not Performed
- OBDII Test Not Performed
- OBDII Max Readiness Monitors
- ASM Restarts
- Aborted Tests
- Incorrect Gear Selection
- Similar Vehicle Failure Rate

<sup>3</sup> Acronyms: • BAR-97 Emissions Inspection System (EIS)

- OBDII Inspection System (OIS)
- Follow-up Pass Rate (FPR)

Smog Check stations and inspectors can obtain their STAR report card at:

[www.smogcheck.ca.gov/pubwebquery/star/welcome.aspx](http://www.smogcheck.ca.gov/pubwebquery/star/welcome.aspx)

## Regulations Update

The following regulation changes to Division 33, Title 16 of the California Code of Regulations are now in effect. To view the regulation language or to learn about future opportunities for public participation, visit the Laws and Regulations section under the General Information tab on the Bureau of Automotive Repair's (BAR) Web site at: [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov).

### Referee Services and Repair Cost Waiver—Sections 3340.1, 3340.4, & 3340.43

Effective July 1, 2013, this regulatory action specifies the services provided by BAR's Smog Check Referee Service program and adjusts the costs associated with the repair cost waiver.

#### Smog Check Referee Services

This regulatory change specifies the services provided by the State-contracted Smog Check Referee (Referee) and requires, when applicable, that the Referee affix a tamper-resistant label to vehicles with unique or unusual designs including direct-import vehicles, specially constructed vehicles, vehicles with engine changes, and vehicles equipped with alternative retrofit fuel systems. This label details the vehicle's emissions control requirements and allows the consumer to take the vehicle to a licensed Smog Check station for future inspections.

#### Repair Cost Waiver

Health and Safety Code (H&S) section 44017 establishes a process that allows eligible consumers that have failed a

Smog Check inspection and have spent a minimum of \$450 on emissions-related repairs to qualify for a repair cost waiver. This regulatory change increases the repair cost limit to \$650 to match today's current dollar value in accordance with the Consumer Price Index (CPI), as published by the U.S. Bureau of Labor Statistics, and allows for regular adjustments to the repair cost limit should certain criteria be met.

### Smog Check Inspection Procedures—Sections 3340.1, 3340.16, 3340.16.4, 3340.16.5, 3340.17, 3340.17.1, 3340.17.2, 3340.18, 3340.42, 3340.42.2, 3340.45, and 3394.5

Beginning in 2014, OBD Inspection System (OIS) inspections will be required for model year 2000 and newer vehicles that are equipped with OBD II systems. The BAR-97 Emissions Inspection System (EIS) will continue to be the inspection method required for model-year 1999 and older vehicles and for vehicles not equipped with OBD II systems. Updates to Smog Check reference documents, including the new Smog Check Manual dated 2013, will be applicable upon implementation of the OIS inspection system.

Upon release of the new OBD inspection equipment, STAR certified stations will be required to maintain all inspection equipment used in the Smog Check Program including the BAR-97 EIS, the Low Pressure Fuel Evaporative Tester (LPFET), fuel cap tester, and the OBD Inspection System (OIS) as described in the Smog Check Manual dated 2013. **BAR**

## Equipment and Reference Material Requirements

BAR Certified Equipment/ Materials	STAR Test Only	STAR Test and Repair
BAR-97 Emissions Inspection System (EIS) with most current hardware and software	✓	✓
OBD Inspection System (OIS) with hardware and software necessary to conduct OBD inspections	✓	✓
Low Pressure Fuel Evaporative Tester	✓	✓
Fuel cap tester, adapters, and adapter guide	✓	✓

## Repair Cost Limit Change

Effective July 1, 2013, the Smog Check repair cost waiver limit increased from \$450 to \$650.

Pursuant to Health and Safety Code section 44017(c), which authorizes the department to periodically revise the repair cost limit to align with changes in the Consumer Price Index (as published by the U.S. Bureau of Labor Statistics), the Bureau of Automotive Repair (BAR) amended California Code of Regulations section 3340.43 as follows:

- A vehicle owner shall qualify for a repair cost waiver if their vehicle fails to meet the biennial Smog Check standards after the customer has spent a minimum of \$650 on repairs at a BAR-licensed Smog Check test and repair or repair only station.
- Repairs covered by a vehicle manufacturer emissions warranty shall not apply toward the repair cost limit.
- Repair cost waivers can only be issued by a Referee facility.

Repair cost waivers do not apply to:

- Vehicles that received a repair cost waiver for any previous biennial inspection. A vehicle cannot be issued more than one waiver under the same ownership.
- Vehicles with tampered emission control equipment. A repair cost waiver can only be issued after all tampered emission control systems have been repaired.
- Vehicles that are undergoing a vehicle transfer of ownership.
- Initial registration of a direct import (grey market) vehicle, a vehicle previously registered outside the State, a dismantled/

salvaged vehicle, a vehicle with an engine change, an alternate fuel vehicle, a specially constructed vehicle (SPCNS).

- Vehicles that fail the Visible Smoke Test if BAR verifies the owner's income exceeds 225 percent of the Federal poverty guidelines. These guidelines are updated each year in early spring and are available at the following link: <http://aspe.hhs.gov/poverty/index.cfm>.

Health and Safety Code sections 44017 and 44017.1 state that the owner of a motor vehicle that has failed the visible smoke test will be eligible for a repair cost waiver providing the following conditions are met:

- The motor vehicle owner has a household income that is less than or equal to 225 percent of the Federal poverty level, as published in the Federal Register by the U.S. Department of Health and Human Services. (HSC §44062.1(h))
- The vehicle owner spent a minimum of \$250 on emissions related repairs at a BAR licensed Smog Check test and repair or repair only station.
- The motor vehicle owner's household income has been verified pursuant to Health and Safety Code section 44062.1 and California Code of Regulations section 3394.6.
- The motor vehicle's required emissions control equipment is not missing and has not been rendered partially inoperative or inoperative as a result of tampering.

Questions regarding the changes to the repair cost limit for a visible smoke failure can be directed to BAR's Consumer Information Center at (800) 952-5210. **BAR**

---

## Importance of Maintaining Smog Check Machines

With the introduction of the STAR Program in January 2013, many stations have learned that ignoring a broken or malfunctioning Emissions Inspection System (EIS), also known as "the Smog Check machine," or failing to understand its proper use has resulted in some stations failing to qualify for the STAR Program. Equipment related issues such as these are the responsibility of each Smog Check station.

Maintaining your Smog Check machine is critical to managing your Smog Check station because a properly functioning EIS is necessary for a proper Smog Check inspection. If your Smog Check machine exhibits any of the following faulty behaviors or is otherwise not operating correctly, it is your responsibility to have it diagnosed and repaired as soon as possible:

- Freezes up regularly
- Spontaneously aborts during a Smog Check inspection
- Requires daily calibrations
- Often requires multiple calibration attempts before a vehicle will pass
- Gives erroneous RPM readings
- Makes it hard to perform a drive-trace

A properly working Smog Check machine serves both you and your customers. It helps you complete accurate Smog Check inspections and contributes to California's clean air goals. **BAR**

## Disciplinary Actions - Northern California

### June 2013

**Holiday Smog**, Santa Cruz  
Sherry Foster, Partner  
Mike Foster, Partner

Order: ARD and Smog Check Test Only Station licenses are revoked, stayed, suspended for five days, and placed on probation for three years. Respondent shall pay \$5,000 to the Bureau for its costs of investigation and enforcement. (6/24/13)

**P & S 76**, Redwood City

Piotr Josef Baran, Owner

Order: ARD and Smog Check Station licenses are revoked, stayed, and suspended for 15 days and placed on probation for three years. Respondent shall pay \$4,097 to the Bureau for its costs of investigation and enforcement. (6/10/13)

**Cabrera Auto Body**, Santa Rosa

Rogelio S. Cabrera, Owner

Order: ARD Registration is revoked. (6/25/13)

**Hudson Auto Repair**

**(Sunny's Auto Repair, Inc.)**, Redwood City  
Sohail Irshad, (a.k.a. Irshad Sohail, President/  
Secretary/Treasurer)

Order: ARD Registration is revoked. Respondent shall pay \$30,317.97 to the Bureau for its costs of investigation and enforcement. (6/21/13)

**Specialized Coach Werks**, San Juan Capistrano

Thomas William Carmer, Owner

Order: ARD Registration is revoked. Respondent shall pay \$11,905 to the Bureau for its costs of enforcement. (6/20/13)

### July 2013

**I Do Smog, Inc.**, Sunnyvale

Lauren Pham Yang, President/Secretary/Treasurer

Order: ARD and Smog Check Test Only Station licenses are revoked. Respondents shall pay BAR its costs of investigation and enforcement in the amount of \$10,992.70 prior to issuance of a new or reinstated license. (7/17/13)

**Faster Auto Service, (Faster Auto Service, Inc.)**,

Concord

Hayatullah Hamidi, President/Secretary/Treasurer

Order: ARD and Smog Check Station licenses are revoked, stayed, and placed on probation for three years. Respondents shall be jointly, and severally liable to pay \$15,000 to the Bureau for cost recovery.

**Hayatullah Hamidi**, Concord

Technician/Inspector/Brake and Lamp Adjuster

Order: Smog Check Repair Technician (formerly Advanced Emission Specialist Technician license) and Smog Check Inspector license are revoked, stayed, and placed on probation for three years. Respondents shall be jointly and severally liable to pay \$15,000 to the Bureau for cost recovery.

### August 2013

**ABC Nick's Automotive**, Oroville

Nikki Lee Evans, Owner

Order: ARD is revoked, stayed, and placed on probation for three years. Smog Check Station license is revoked. Respondent shall pay \$1,500 to the Bureau of Automotive Repair for cost of investigation and prosecution. (8/12/13)

**Smog Tech 1**, Manteca

Dustin Randall Rickert, Owner

Order: ARD and Smog Check Test Only Station licenses are revoked. (8/13/13)

**Carrisalez Automotive**, Fresno

Christopher Julius Carrisalez, Owner

Order: ARD Registration is revoked. (8/22/13)

**Christopher Julius Carrisalez**, Fresno

Technician

Order: Advanced Emission Specialist Technician license is revoked. (8/22/13)

**Soria's Auto Body**, Turlock

Juan Soria Calderon, Owner

Order: ARD Registration is revoked. Respondent Calderon shall pay \$48,964.22 to the Bureau of Automotive Repair for costs of investigation and prosecution. Payment must be made prior to Bureau considering any application or petition for issuance of a new ARD. (8/12/13)

**Sundance Auto Service**, (AFFAF Auto

Management, Inc.), Sacramento

Mazhar Iqbal, Owner

Order: ARD Registration is revoked. (8/13/13)

## Disciplinary Actions - Southern California

### June 2013

**Mark Andrew Flores**, Huntington Park  
Technician

Order: Advanced Emission Specialist Technician license number EA632062 (and as re-designated upon his timely renewal as EO 632062 and /or EI 632062) heretofore issued to Mark Andrew Flores is revoked. (6/7/13)

**Happy Smog Test Only**, Los Angeles

Jong Jin Kim, Owner

Order: ARD and Smog Check Test Only Station licenses are revoked. (6/7/13)

**Jong Jin Kim**, La Palma

Technician

Order: Advanced Emission Specialist Technician license EA145215 (and as re-designated upon his timely renewal as EO 145215 and/or EI 145215, heretofore issued to Jong Jin Kim is revoked. (6/7/13)

**Luis Enrique Macias**, Los Angeles

Smog Check Inspector and Smog Check Repair Technician

Order: Smog Check Inspector and Smog Check Repair Technician license numbers EI/EO 632185

issued to respondent Luis Enrique Macias are revoked. Respondent Luis Enrique Macias shall pay \$1,910 to the Bureau for its costs of investigation and enforcement. (6/21/13)

**Thinh Trong Nguyen**, Garden Grove

Inspector/Technician

Order: Smog Check Inspector license and Smog Check Repair Technician license are revoked, stayed, suspended for five days, and placed on probation for three years. Respondent shall pay \$4,495.80 to the Bureau for its costs of investigation and enforcement. (6/24/13)

**R & R Smog Test Only**, San Bernardino

Daniel Alberto Roman, Owner

Order: ARD and Smog Check Station licenses are revoked. (6/10/13)

**Jose Rigoberto Roman-Gonzalez**, San Bernardino  
Technician

Order: Advanced Emission Specialist Technician license is revoked. (6/10/13)

**Sierra Valero Test Only**, Fontana

John D. Sherry, Owner

Order: ARD and Smog Check Test Only Station licenses are revoked. (6/24/13)

**John D. Sherry**, Fontana

Technician

Order: Advanced Emission Specialist Technician license is revoked. (6/24/13)

**1800 Engines (1800 Engines, Inc.)**, Montclair

Tariq Marjeh, President

Order: ARD Registration is revoked. (6/10/13)

**Accord Auto Recycler**, Riverside

Mohammad Panahipour, Owner

Order: ARD Registration, Lamp Station license, and Brake Station license are revoked. Respondent shall pay \$3,435.52 to the Bureau for its costs of investigation and enforcement prior to issuance of a new or reinstated license. (6/25/13)

**Enrique Solorio**, Riverside

Brake/Lamp Adjuster

Order: Brake and Lamp Adjuster's licenses are revoked. Respondent shall pay \$3,435.52 to the Bureau for its costs for investigation and enforcement prior to issuance of a new or reinstated license. (6/25/13)

## Disciplinary Actions - Southern California *(continued)*

**Mota Mufflers & Auto Repair**, Santa Ana  
Salvador Diaz Mota, Owner

Order: ARD Registration is revoked, stayed, suspended for five days and placed on probation for three years. Respondent shall pay \$8,400 to the Bureau for its costs of investigation and enforcement. (6/10/13)

### July 2013

**76 Smog Center**, Anaheim

Michael Issa Batarseh, Owner

Order: ARD and Smog Check Test Station licenses are revoked, stayed, suspended for ten days, and placed on probation for three years. Respondent shall pay \$9,939.80 to the Bureau for cost recovery. (7/24/13)

**Michael Issa Batarseh**, Anaheim

Technician/Inspector

Order: Advanced Emission Specialist Technician number EA313498 and as redesignated upon timely renewal as EO 33313498 and/or EI 313498 is revoked, stayed, suspended for ten days and placed on probation for three years. (7/24/13)

**Clean Air Smog Test Only**, Yucaipa

Gary Avedis Bekelian, (a.k.a. Gharbis Avedis Bekelian), Owner

Order: ARD and Smog Check Test Only Station licenses are revoked. (7/18/13)

**Gary Avedis Bekelian (a.k.a. Gharbis Avedis Bekelian)**, Yucaipa

Technician

Order: Advanced Emission Specialist Technician license is revoked. (7/18/13)

**Mahmoud Samy Sabahat**, Mission Viego

Technician/Inspector

Order: Advanced Emission Specialist Technician license currently designated as EA 144511, and as re-designated upon timely renewal as EO 144511 and/or EI 144511 issued to respondent Mahmoud Samy Sabahat is revoked. Respondent shall pay \$8,000 to the Bureau for its costs of investigation and enforcement prior to issuance of a new or reinstated license. (7/24/13)

**AAMCO Lancaster**, (Auto Fix Group, Inc.),  
Lancaster

Eric Hamini, President

Order: ARD Registration is revoked. Respondent Auto Fix Group, Inc. (DBA AAMCO Lancaster) Eric Hamini shall pay \$18,126.32 if and when he submits an application for a new registration or license and/or a petition for reinstatement of registration or license. (7/18/13)

**Valley Collision**, Murrieta

Gustavo Gallegos Rodrigues, (a.k.a. Bustavo Gallegos Rodrigues), Owner

Order: ARD Registration is revoked, stayed, suspended for 15 days and placed on probation for three years. Respondent shall pay \$15,000 to the Bureau for its investigation and enforcement costs. (7/17/13)

### August 2013

**JP Smog Check Test Only**, Orange

Jimmy Pham, Owner

Order: ARD and Smog Check Test Only Station licenses are revoked. (8/28/13)

**Jimmy Pham**, Garden Grove

Technician

Order: Advanced Emission Specialist Technician license is revoked, stayed, and placed on probation for three years. Respondent shall pay \$7,945.31 to the Bureau of Automotive Repair for its cost of investigation and enforcement. (8/28/13)

**Cong D. Pham**, Garden Grove

Technician

Order: Advanced Emission Specialist Technician license is revoked. (8/28/13)

**L A Test Only**, Los Angeles

Vilyam Yegikyan, Owner

Order: ARD and Smog Check Test Only licenses are revoked. Respondent shall pay \$2,252.50 to the Bureau of Automotive Repair for its cost in investigation and enforcement. The costs shall be deferred until reapplication for any registration or license the Bureau issues. (8/9/13)

**Vilyam Yegikyan**, La Crescenta  
Technician

Order: Advanced Emission Specialists Technician license is revoked. (8/9/13)

**Whittier Tire Zone 1**, Whittier

Hamid Hamidzadeh Hamoodi, President

Rya Koda, Treasurer

Patricia Robinson, Secretary

Order: ARD and Smog Check Station licenses are revoked, stayed, and placed on probation for three years. Respondent Whittier Tire shall pay \$10,000 to the Bureau of Automotive Repair for costs of investigation and enforcement. All respondents are jointly and severally liable for these costs. (8/27/13)

**Cesar Duran**, Montebello

Technician

Order: Advanced Emission Specialist Technician license number EA 152775, and as redesignated upon timely renewal as EO 152775 and/or EI 152775, issued to respondent Duran is/are revoked, stayed, and placed on probation for three years. During this period of probation, respondent Duran shall attend and successfully complete a Bureau certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of license held by respondent Duran. Said course shall be completed and proof of completion submitted to the Bureau of Automotive Repair within 60 days of the effective date of this decision and order. Respondent Duran shall pay \$10,000 to the Bureau of Automotive Repair for the costs of investigation and enforcement. All respondents are jointly and severally liable for these costs. (8/27/13)

**Japanese Automotive Center, (Japanese Automotive Center, Inc.)**, Torrance

Richard S. Jano, President

Order: ARD Registration is revoked, stayed, suspended for five days and placed on probation for three years. Respondent shall pay \$25,000 to the Bureau of Automotive Repair the full amount of cost recovery. (8/16/13) **B:R**

Follow us on Twitter and Facebook!



[www.twitter.com/BARinfo](http://www.twitter.com/BARinfo)



[facebook.com/BureauofAutomotiveRepair](http://facebook.com/BureauofAutomotiveRepair)

**BAR**

BAR Executive Staff

Patrick Dorais, Acting Chief  
Doug Balatti, Assistant Chief