

MR. ENGER: Hi. My name is Kit Enger, and I'm

23 the president of the Sand Car Builders of California. You

24 guys might know them as dune buggies.

25 Not a lobbyist. Not a public speaker, as you'll

1 soon learn. I'm not a lawyer or anything else. I just
2 represent a very small coalition of about 38 businesses
3 that are family owned.

4 I have a little story to tell you, and then I
5 have some questions to ask. I don't think the questions
6 are pertinent without the story.

7 We've already settled with ARB, our little
8 coalition. And so I'm speaking to you from the other side
9 of this transaction. Okay.

10 In September of '06, we were approached by ARB
11 certification folks that we needed to get our industry
12 compliant. We did that in one year. We were finished by
13 December '07.

14 In December '07, the nice people at the
15 certification department, who are very helpful and got us
16 through that process licitly split and answered ever
17 question we needed, we were then turned over to the
18 enforcement department. Working with the enforcement
19 department was a very different experience than was
20 working with certification.

21 I kind of took the responsibility for our
22 association to organize us, put us all together, create
23 standards, do all the things that a coalition does. And I
24 kind of rose to the top as being the representative, the
25 president. Okay.

1 Well, right then and there, as soon as the
2 certification part was over and was introduced to
3 enforcement, began one year of threats and intimidation by
4 ARB staff. One year. I was told that we were liable for
5 \$3.6 million of fines for building sand car buggies, which
6 I had no idea that we were out of compliance until they
7 approached us in the beginning. And they didn't come to
8 me with any type of worksheet or number system describing
9 how they came to that \$3.6 million. They just had it out
10 of the air. Okay.

11 After some time of being goaded and intimidated
12 with such statements as, "If you guys don't get on with
13 this settlement, it doesn't matter to us if you go out of
14 business, change your name, move to another state, or die.
15 We will find you and attach your assets." Okay. I was
16 told that twice, not just once. Okay. Where I come from,
17 we don't call that working with the guy. Okay. We call
18 that a shake-down.

19 We finally settled at \$600,000. I don't know
20 where that number came from either, 600 grand for 38
21 little businesses that had a real pollution impact of your
22 car going down the street. Okay. Not much more than
23 that.

24 We jumped at the fact that we were out of
25 compliance. We became compliant immediately. We did it

1 very quickly according to the people at certification.

2 And so we're at this point where I want to know a
3 couple of things -- okay -- about the penalties and the
4 way we were handled.

5 Number one, I want to know why I'm penalized for
6 something for building an engine that somebody else
7 installs and they're penalized, too, double. Double the
8 penalties. I want to know why the playing field still
9 isn't level. That any customer can go down the street to
10 the Ford, Chevy, or Chrysler dealer and buy the exact same
11 product I sell, but I can't sell them to them without
12 having another 1500, \$2,000 worth of stuff on it. There
13 isn't a level playing field as far as I'm concerned.

14 And I wonder why the checks that we have to make
15 out to pay our penalties are made out to the same guy that
16 shook us down. Okay. And to me, I'm confused. Okay.
17 I'm a little confused about the system here. And that's
18 why I just couldn't wait to show up today and talk to you
19 about our experiences. Okay. To my knowledge, nobody
20 else has been treated like us.

21 And then I find out from CERT, this little
22 organization that we're putting together now, that the law
23 we're being penalized for in 2007 wasn't even a law until
24 August 15th, 2007. Okay. What's with that? Just want to
25 know.

1 And during this whole process of getting together
2 and our little sand car coalition, we went to talk to our
3 State Senator, Senator Hollingsworth. And he sat there
4 across the table from us after we got an appointment and
5 he said -- we told him the story. They wanted 600k from
6 38 little small family mom and pop businesses. He said,
7 "Pay them. Pay them, they'll go away." Okay. They have
8 no legislative oversight. "I can't touch them. We can't
9 do a damn thing to them. Pay them." Okay.

10 From my side of the aisle, I'm not digging this.
11 Okay. This is not the way my government is supposed to
12 operate. This heavy-handed, overreaching, overbearing
13 type of negotiations. And, believe me, it wasn't
14 negotiations. There was no worksheet. We went back and
15 forth and back and forth and back and forth until we
16 finally -- they just said, "Hey, it's 600 grand. Take it
17 or leave it. If you leave it, you're going to be
18 talking with the attorney general and they're going to
19 shut you down, and that's that." Okay. Many times I was
20 threatened with the attorney general. What's with that?
21 I wonder why does my State Senator say he can't influence
22 what goes on here?

23 I'd like to request that my settlement be
24 reopened and that we re-discuss what was levied upon us.

25 And I'd also like to make a statement that during



1 this time almost nothing was put in writing by CARB,

2 almost nothing by the enforcement people.

3 So that's the end of my story. And I appreciate

4 your time today.