Declaration of
David Van Houten

I am employed by the State of California, Bureau of Automotive Repair as a Program Representative II(S), in the Bureau's Anaheim Documentation Lab (see attachment one).

On November 18, 2010, Department of Motor Vehicle Investigator, Cesar Mata, of the Orange County Auto Theft Task Force (OCATT) requested that I inspect a Nissan Skyline GTR (Grand Turismo Racing) automobile, California license plate number AWDGRIP, that OCATT had in their custody.

The purpose of this inspection was to determine if the vehicle's emission control systems met the requirements of the State of California. I was also asked to inspect for Department of Transportation (DOT) required lighting standards, which are required for use in the United States (US) and in the State of California.

From December 14, 2010, to December 22, 2010, I inspected the vehicle. During my inspection of the vehicle, I found the driver controls, (steering column and related controls, clutch pedal, brake pedal, accelerator pedal and instrument cluster assembly) to be located on the right side of the vehicle (Left and right is defined by sitting in a front seat facing forward). This arrangement is normally found in vehicles not sold in the US which do not meet US or State of California required standards.

I inspected the right side, "B" pillar, (center pillar of the vehicle where the door latches), and found an information label. This label lists that the vehicle was manufactured by Nissan Japan, imported by MOTOREX INC, date of manufacture DEC 95, Vehicle Identification Number (VIN) BCNR32-021297 and type: Passenger Car. This label also states that "THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY, BUMPER AND THEFT PREVENTION STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE". I photographed this label to document my findings (See photograph 1 attachment 12).

I then inspected the public VIN plate located in the middle left side vehicle's windshield visible through the windshield. The vehicle identification number embossed into this VIN plate matched the identification number on the label located on the left "B" pillar label. It also stated that it was a substitute VIN plate as required by the Department of Transportation Part 565. I

photographed this VIN plate (See photograph 2 attachment 12).

I searched for the VIN embossed on the bulkhead/firewall/cowl, which is visible within the vehicle's engine compartment. I found this VIN to match the previously mentioned VIN's. I photographed the embossed VIN (See photograph 3 attachment 12). This VIN contains only twelve digits whereas vehicles built for the US market, contain seventeen digits.

I inspected for the manufacturer's vehicle and unit identification plate (plate). Using the manufacturer's Skyline repair manual (obtained off the internet which I retained a copy of), it shows the location of the plate to be to the left of the embossed VIN in the bulkhead/firewall/cowl (See page GI 10 attachment 2). This plate is to list the following information: "Type, Vehicle identification number, Model, Body colour code, Trim colour code, Engine model, Engine displacement, Transmission model and Axle model". I found the following information on the manufacturers plate: "NISSAN MOTOR CO.,LTD.JAPAN", "E-BCNR33", "CHASSIS NO BCNR33-021297", "MODEL GGJPRQFR33ZDA----A". "QM1", "K", "RB26DETT 2568 CC", "FS5R30A", "RC41", "5". RB26DETT. I photographed this plate to document my findings (see photograph 4 attachment 12).

I obtained from the internet a document listing Nissan Skyline Serial Numbers (See attachment 3). Using this document and the VIN, I determined that this vehicle can be a "1996 BCNR33 Nissan Skyline GT-R, or GT-R V-Spec, with a "(RB26DETT engine 2600 cc, 4WD)". In addition, this document shows that in 1995 the last chassis number is BCNR33-021070 and the beginning chassis number in 1996 is BCNR33-021071. This vehicle's chassis number is BCNR33-021297 therefore the MOTORX INC label is inaccurate in that the date of manufacture was "DEC 1995". I inspected the vehicle's drive system and found that this vehicle is a four (4) wheel drive vehicle. I photographed the four (4) wheel drive train to document my findings (See photograph 5 to 6 attachment 12). Using the manufacturers manual, I determined that a RB26DETT is a twin (2) turbocharged engine utilizing two (2) air flow meters in the intake system for the turbocharges (See page EN-13 attachment 2).

Using the Bureau of Automotive Repairs public Smog Check Vehicle Test History Web site, I determined that this vehicle has not been to a State Referee for Emissions Inspection. I

obtained a printout of the smog test history to document my findings (see attachment 4). A State Referee is a state-contracted vehicle emissions test facility, which inspect vehicles with engine changes, gray market vehicles and specially constructed vehicle's as part of its duties. If vehicle meets the State of California emission control requirements and a BAR label is needed, a BAR label will be affixed to the vehicle by the referee. Any licensed Smog Check Technician may perform future Smog inspections as long as the label is installed and no changes to the vehicle's emission control systems have been made. There are two (2) places that this label can be placed on the vehicle, which are normally the left front strut tower assembly (located in the engine compartment) or the left side "B" pillar where the door latches. I inspected these two (2) places and found no label affixed confirming that this vehicle has not received a State Referee Inspection and does not meet the State of California emission requirements to be driven on the State of California highways and/or roadways.

Using the manufacturer's manual (See attachment 2 Page EN-13 and EN-188), I determined the vehicle's emission control systems that were installed on this vehicle for use other than U.S. vehicles. They are as follows: Electronically Concentrated Engine Control System ("ECCS") with Multi-Port Injection ("MPI"), ECCS electrical distributor, "Three-way Catalyst", "Thermocouple" which is an exhaust temperature probe mounted in the exhaust pipe after the Three-way catalytic converter, "Canister system" (EVAP), "Closed system" which is Positive Crankcase Ventilation system, and "Air/Fuel ratio feedback" which are two (2) heated oxygen sensors.

I inspected the vehicle's emission control system. I found the following systems installed on the vehicle: Positive Crankcase Ventilation system (Closed system), Fuel Evaporative System (EVAP/Canister), Two Heated Oxygen sensors (air/Fuel ratio feedback), Spark Controls which is the (ECCS electrical distributor) and Thermocouple (Exhaust gas temperature probe).

I inspected the vehicle's Three-way Catalyst and found it to be missing in the vehicle's exhaust system. I photographed the area where the Three-way Catalyst is to be installed to document my findings (See photograph 7 attachment 12).

I found the Thermocouple not mounted in the exhaust system but secured to the vehicle's

floor board which I photographed to document my finding (See photograph 8 attachment 12).

Aftermarket manufacturer's, are required to submit their parts for approval to California Air Resource Board (CARB) for use in California emission control vehicles. If approved, CARB issues an Executive Order (EO) number exempting that part for sale in California.

I inspected the vehicle's Positive Crankcase Ventilation System and found it to been modified with a GREDDY Oil Catch Tank system which I photographed to document my findings (See photograph 9 to 10 attachment 12). Using the State of California Air Resource Board Aftermarket (CARB) Parts Public WEB site, I found that this oil catch tank is not exempted for use on California emission control vehicles.

I inspected the vehicle's computer (Electronically Concentrated Engine Control) which I found to have been replaced with an AEM Programmable Engine Management System Series 2 computer. This computer has imprinted the following statement: "Legal in California only for racing vehicles which may never be used upon a highway". I photographed this computer to document my findings (See photograph 11 to 13 attachment 12). Using the State of California Air Resource Board Aftermarket (CARB) Parts Public WEB site, I found that this computer is not exempted for use on California emission control vehicles. AEM is an automotive aftermarket performance manufacturer (See attachment 5).

I inspected the vehicle's fuel pressure regulator and found it to an adjustable fuel pressure. I photographed the adjustable fuel pressure regulator to document my findings (See photograph 14 attachment 12). Using CARB's Aftermarket Parts Public WEB site, I found that there is no adjustable fuel pressure regulator exempted for use on California emission control vehicles.

I inspected the vehicle's ignition system found that a HKS Twin Power High Performance Ignition System is installed in the vehicle's ignition system. I photograph this HKS ignition system to document my findings (See photograph 15 to 16 attachment 12). HKS is an automotive aftermarket performance manufacturer (See attachment 6). Using CARB's Aftermarket Parts Public WEB site, I found that this HKS Twin Power High Performance Ignition System is exempted for use on California emission control vehicles and received EO

number D-186-29 (See attachment 6).

I inspected the vehicle's fuel tank fill opening for a Fill Pipe Restrictor (FR). I found that this fuel tank fill opening has a FR installed. This vehicle is required to have FR installed to meet the State of California Emission Control requirements. I photographed this FR to document my findings (See photograph 17 attachment 12).

I inspected the vehicle's factory turbochargers and found them to have been replaced with two (2) GREDDY T5172 turbochargers as evidenced by the manufacturers plate mounted on the turbochargers. Using CARB's Aftermarket Parts Public WEB site, I found that GREEDY has no exemption for twin turbocharger system for use on California emission control vehicles. In addition, the two (2) factory air flow meters are no longer installed in the air intake system for the turbochargers. I photographed one (1) turbocharger plate and the intake system to document my findings (See photograph 18 to 20 attachment 12).

During the inspection of this vehicle I found a device permanently mounted in the center console (inside of the vehicle) within the drivers reach. It was labeled HKS EVC. I photographed this device to document my findings (See photograph 21 attachment 12). Using HKS WEB site, I determined that this EVC (Electronic Valve Controller) device is used to adjust the vehicle's twin-turbochargers boost pressure setting (See attachment 6). I located the laptop interface in the vehicle's glove box. I photographed this interface to document my findings (See photograph 22 to 23 attachment 12). Using CARB's Aftermarket Parts Public WEB site, I found that HKS has no exemption for this EVC system for use on California emission control vehicles.

Using the Bureau's BAR-97 Test Analyzer System (Used in California Smog Inspection) in manual mode, simulating a California Smog Check Vehicle Inspection, BAR-97 Two Speed Idle Test (TSI), I obtained the following exhaust gas readings from this vehicle at the vehicle's idling RPM of 978: Hydrocarbon parts per million (HC ppm) were 688 and Carbon Monoxide Percent (CO%) was 1.43 and at 2566 RPM the readings were 150 HC ppm, 2.50 CO%. I obtained printouts of the BAR-97 analyzer screen to document my findings (See attachment 7). Using the California Emission Standards TSI Table for a "1993+ Passenger <6,001" vehicle, which I obtained from The Bureau of Automotive Repair public web-site (See attachment 8), I

found that this vehicle's maximum allowable idle RPM HC ppm is 100 with a maximum CO% of 1.0 and at 2500 RPM the maximum HC ppm is 130 with a maximum CO% of 1.0. This vehicle's idle HC ppm reading exceeds the California Emission Standard by 588 HC ppm and exceeds the maximum idle gross polluter standard by 88 HC ppm. This vehicle's idle CO% reading exceeds the California Emission Standard by .43% and at 2500 RPM the CO% is at the gross polluter cut point of 2.50%.

The MOTORX label (See photograph 1 attachment 12) states that this vehicle meets Federal Motor Vehicle Safety Standards (FMVSS) (See attachment 9 and 10) and the State of California Vehicle Code Section 26103.b (See attachment 11) states that if there is a Federal Motor Vehicle Standard covering the same aspect of performance of device then those standards shall prevail.

I inspected the vehicle's exterior required lighting lenses. The two (2) front turn signal amber color lenses are molded with "NISSAN ICHIKOH 3383 JAPAN". The two (2) front headlight clear color lenses are molded with "ICHIKOH XENON NISSAN". The two (2) outermost brake/tail lamps with a Reflex red color lenses on rear of vehicle are molded with "ICHIKOH 7357 R-1051". The two (2) innermost brake/tail lamps with a Reflex reflector in the center of the red color lenses have no identification markings. The two (2) reverse and two (2) turn signals are mounted in two (2) clear colored combination lens assemblies. Each lens assembly has a clear bulb for reverse and amber bulb for the turn signals. These lenses are marked with "ICHIKOH 4687 JAPAN R NISSAN". I photographed the vehicle's exterior lighting lenses to document my findings (See photograph 24 to 49 attachment 49). This vehicle's exterior lighting lenses do not meet the requirements of the FMVSS which are required to have "DOT" (Department of Transportation) molded vertically or horizontally and/or the "SAE" (Society of American Engineers) molded into the lenses as required by the FMVSS.

In addition, this vehicle is required by the FMVSS to have two (2) Reflex reflectors on each side of the vehicle, with one (1) red Reflex reflector to be mounted as far as possible to the rear and one amber Reflex reflector to be mounted as far as possible to the front and have two (2) clearance lamps one (1) red lamp to be mounted as far as possible to the rear and one amber

lamp to be mounted as far as possible to the front on each side of the vehicle. This vehicle does meet the requirements of FMVSS. I photographed both sides of this vehicle to document my findings (See photograph 50 to 53 attachment 12).

The FMVSS requires that the vehicle's Speedometer be illuminated and labeled with the labeling of "MPH" or "MPH and km/h" if the manufacturer includes kilometers an hour along with miles per hour. I inspected the vehicle's Speedometer and to found it to have only "km/h" printed on the Speedometer. This Speedometer does not meet the requirements of FMVSS. I photographed the vehicle's Speedometer to document my findings (See photograph 54 attachment 12).

CONCLUSION:

This vehicle, at this time, does not meet CARB regulations in that the vehicle's computer has been modified from the manufacturer's specifications with a racing computer, the required three-way catalytic converter is missing, the PCV system has been modified with an oil catch can, a HKS EVC turbocharger boost controller has been installed, a adjustable fuel pressure regulator installed, and two (2) Greedy turbochargers installed in place of the factory turbochargers which all have not been given an EO number for use in California Emission Control Vehicle's. In addition, this vehicle does not have a Bar Referee label which is issued by the California State Referee for use on California highways and/or roadways.

This vehicle fails California Emissions maximum TSI idle HC ppm by 588% and is considered as a gross polluter. In addition, this vehicle fails California Emissions TSI idle CO% by .43% and at 2500 RPM is at the cut point for gross polluter CO% 2.50.

The MOTORX Label is inaccurate in that this vehicle meets the Federal Motor Vehicle Safety Standards when the required lighting lenses for this vehicle are not molded with "DOT" and/or "SAE. The vehicle does not have the required side Reflex reflectors, side clearance lamps and the vehicle's Speedometer does not state "MPH". In addition, the MOTORX label states date of vehicle manufacturer was DEC 1995 when in fact it is a 1996.

Due to the aforementioned discrepancies and/or claims, this vehicle does not meet the Federal Motor Vehicle Safety Standards, the State of California Vehicle Code Regulations and

the State of California Emission Regulation requirements to be driven on the highways and roadways of the State of California.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 30 day of DECEMBER, 2010, at Anaheim, California.

David Van Houten