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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DAVID DALON**
14 **DBA D SMOG CENTER;**
15 2241 Monument Boulevard, Unit T
16 Concord, CA 94520

17 **Automotive Repair Dealer Registration No. ARD 268471**
18 **Smog Check Test Only Station License No. TC 268471,**

19 **and**

20 **JASON MATTHEW UGERIO**
21 31 Judah Street
22 San Francisco, CA 94122

23 **Smog Check Inspector License No. EO 147150**
24 **Smog Check Repair Technician License No. EI 147150**

25 Respondents.

Case No. 79/25-2844

26 **DEFAULT DECISION AND**
27 **ORDER**

As to Jason Matthew Ungerio
Only

[Gov. Code, §11520]

28 **FINDINGS OF FACT**

1. On or about September 15, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/25-2844 against David Dalon, dba D Smog Center, and Jason Matthew Ugerio

1 before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)
2 This Default Decision and Order applies to Jason Matthew Ungerio (Respondent), only.

3 2. In 2003, The Bureau issued Advanced Emission Specialist Technician License
4 Number EA 147150 to Respondent. Respondent's advanced emission specialist technician
5 license was cancelled on March 12, 2013. Pursuant to California Code of Regulations, title 16,
6 section 3340.28, subdivision (e), the license was renewed, pursuant to Respondent Ugerio's
7 election, as Smog Check Inspector License Number EO 147150 and Smog Check Repair
8 Technician License No. 147150, effective March 12, 2013. The Smog Check Inspector License
9 will expire on June 30, 2027 unless renewed. Smog Check Repair Technician License expired on
10 June 30, 2019, and has not been renewed.¹

11 3. On or about September 19, 2025, Respondent was served by Certified and First Class
12 Mail copies of the Accusation No. 79/25-2844, Statement to Respondent, Notice of Defense,
13 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
14 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
15 section 136, is required to be reported and maintained with the Bureau. Respondent's address of
16 record was and is:

17 31 Judah Street
18 San Francisco, CA 94122

19 4. Service of the Accusation was effective as a matter of law under the provisions of
20 Government Code section 11505(c) and/or Business and Professions Code section 124.

21 5. Government Code section 11506(c) states, in pertinent part:

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

27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
28 3340.29, and 3340.30 were amended to implement a restructuring of Bureau licenses from
Advanced Emission Specialist Technician (EA) License and Basic Area (EB) Technician License
to Smog Check Inspector (EO) License and and/or Smog Check Repair Technician (EI) License.

6. The Bureau takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 79/25-2844.

7. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at the 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

8. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated September 19, 2025, signed by Jose Katigbak, finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/25-2844, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jason Matthew Ugerio has subjected his Smog Check Inspector License No. EO 147150 and Smog Check Repair Technician License No. EI 147150 to discipline.

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

3. The Director of the Department of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected his Smog Check Inspector and Smog Check Repair Technician Licenses to discipline under Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic certificates of compliance for vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State

1 of California of the protection afforded by the Motor Vehicle Inspection Program.
2 Respondent participated in clean-plugging.

3 b. Respondent has subjected his Smog Check Inspector and Smog Check Repair
4 Technician Licenses to discipline under Health and Safety Code sections 44072.10
5 and/or 44072.2, subdivisions (a) and (c), in that he violated sections of that Code and
6 applicable regulations, through Clean Plugging, as follows:

7 i. **Section 44012:** Respondent failed to ensure that smog inspections were
8 performed on vehicles in accordance with procedures prescribed by the department.

9 ii. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
10 electronic certificates of compliance to certain vehicles without performing bona fide
11 inspections of the emission control devices and systems on those vehicles.

12 iii. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
13 accordance with Health and Safety Code section 44012 and California Code of
14 Regulations, title 16, section 3340.42.

15 iv. **Section 3340.41, subdivision (c):** Respondent entered false information about
16 vehicles being tested into OIS.

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

19 vi. **Section 3340.45** Respondent violated the procedures contained in the Smog
20 Check Manual by entering vehicle identification information for a vehicle that was
21 not being tested.

22 vii. **Section 44059:** Respondent willfully made false statements in issuing the Smog
23 Certificates of compliance and on the Vehicle Inspection Reports.

24 **ORDER**

25 IT IS SO ORDERED that Smog Check Inspector License No. EO 147150 and Smog Check
26 Repair Technician License No. EI 147150, issued to Respondent Jason Matthew Ugerio, are
27 revoked.
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1 Pursuant to Government Code section 11520, subdivision (c), Respondent 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 Respondent. The motion should be sent to the
4 Bureau of Automotive Repair, ATTN: Patrick Lutfi, Bureau of Automotive Repair, 10949 North
5 Mather Boulevard Rancho Cordova, CA 95670. The agency in its discretion may vacate the
6 Decision and grant a hearing on a showing of good cause, as defined in the statute.

7 This Decision shall become effective on December 2, 2025.

8 It is so ORDERED Nov. 20, 2025

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10 
11 GRACE ARUPO RODRIGUEZ
12 Assistant Deputy Director
13 Division of Legal Affairs
14 Department of Consumer Affairs

15 44834892

16 Attachment:
17 Exhibit A: Accusation
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DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: David Dalon dba D Smog Center;
Jason Matthew Ugerio**

Case No.: 79/25/2844

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On September 19, 2025, I served the attached **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (X2); COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

David Dalon
Applicant
D Smog Center
2241 Monument Boulevard, Unit T
Concord, CA 94520
Respondent

Certified Article Number

9414 7266 9904 2244 6447 31

SENDER'S RECORD

Jason Matthew Ugerio
Smog Check Inspector and Smog Check
Repair Technician
31 Judah Street
San Francisco, CA 94122
Respondent

Certified Article Number

9414 7266 9904 2244 6447 48

SENDER'S RECORD