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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:

Case No. 79/23-4939

13 **SANDRA GUERRA CARRANZA, DBA**
14 **PEDRO SMOG CHECK**
405 N Waterman Ave STE B
15 San Bernardino, CA 92410

ACCUSATION

16 Automotive Repair Dealer Registration No.
ARD 300961
17 Smog Check, Test Only, Station License No.
TC 300961,

18 **JOSHUA JOB GUEVARA**
144 W Ave 26 Apt 08
19 Los Angeles, CA 90031

20 Smog Check Inspector License No. EO 637032,

21 **EDGAR ROBLES**
13545 Flomar Dr
22 Whittier, CA 90605

23 Smog Check Inspector License No. EO 152655,

24 **and**

25 **ANTHONY A POZ-GOMEZ**
1309 Torington Dr
26 Las Vegas, NV 89108

Smog Check Inspector License No. EO 641248

27 Respondents.
28

PARTIES

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

2. On or about October 27, 2021, the Bureau of Automotive Repair (“Bureau”) issued Automotive Repair Dealer Registration Number ARD 300961 to Sandra Guerra Carranza (“Respondent Carranza”), doing business as Pedro Smog Check. The Automotive Repair Dealer Registration expired on October 31, 2023, and has not been renewed.

3. On or about February 24, 2022, the Bureau issued Smog Check, Test Only, Station License Number TC 300961 to Respondent Carranza, doing business as Pedro Smog Check. The Smog Check, Test Only, Station License expired on October 31, 2023, and has not been renewed.

4. On or about March 25, 2014, the Bureau issued Smog Check Inspector License Number EO 152655 to Edgar Robles (“Respondent Robles”). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2026, unless renewed.

5. On or about June 25, 2014, the Bureau issued Smog Check Inspector License Number EO 637032 to Joshua Job Guevara (“Respondent Guevara”). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2024, unless renewed.

6. On or about July 20, 2018, the Bureau issued Smog Check Inspector License Number EO 641248 to Anthony A. Poz-Gomez (“Respondent Poz-Gomez”). The Smog Check Inspector License expired on January 31, 2026, and has not been renewed.

JURISDICTION

7. This Accusation is brought before the Director of the Department of Consumer Affairs (“Director”) for the Bureau of Automotive Repair, under the authority of the following laws.

8. Business and Professions Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of

jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Business and Professions Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

10. Business and Professions Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

11. Health and Safety Code section 44002 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.

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

STATUTORY PROVISIONS

13. Business and Professions Code section 9884.7 states, in pertinent part:

(a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation 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 that constitutes fraud.

...

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

...

1 (b) Except as provided for in subdivision (c), if an automotive repair dealer
2 operates more than one place of business in this state, the director pursuant to
3 subdivision (a) shall only suspend, revoke, or place on probation the registration of
4 the specific place of business which has violated any of the provisions of this chapter.
5 This violation, or action by the director, shall not affect in any manner the right of the
6 automotive repair dealer to operate the automotive repair dealer's other places of
7 business.

8 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
9 on probation the registration for all places of business operated in this state by an
10 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
11 engaged in a course of repeated and willful violations of this chapter, or regulations
12 adopted pursuant to it.

13 . . .

14 (e) For purposes of this section, "fraud" includes, but is not limited to,
15 violations of this chapter involving misrepresentations and all of the following:

16 (1) Any act or omission that is included within the definition of either
17 "actual fraud" or "constructive fraud," as those terms are defined in Sections 1572
18 and 1573 of the Civil Code.

19 (2) A misrepresentation in any manner, whether intentionally false or due to
20 gross negligence, of a material fact.

21 (3) A promise or representation not made honestly and in good faith.

22 (4) An intentional failure to disclose a material fact.

23 (5) Any act in violation of Section 484 of the Penal Code.

24 14. Business and Professions Code section 477 provides, in pertinent part, that "Board"
25 includes "bureau," "commission," "committee," "department," "division," "examining
26 committee," "program," and "agency." "License" includes certificate, registration or other means
27 to engage in a business or profession regulated by the Bus. & Prof. Code.

28 15. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with
procedures prescribed by the department and may require loaded mode dynamometer
testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard
diagnostic system, or other appropriate test procedures as determined by the
department in consultation with the state board. The department shall implement
testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
earlier than January 1, 2013. However, the department, in consultation with the state
board, may prescribe alternative test procedures that include loaded mode
dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems
that the department and the state board determine exhibit operational problems. The
department shall ensure, as appropriate to the test method, the following:

1 (a) Emission control systems required by state and federal law are reducing
2 excess emissions in accordance with the standards adopted pursuant to subdivisions
3 (a) and (c) of Section 44013.

4 (b) Motor vehicles are preconditioned to ensure representative and stabilized
5 operation of the vehicle's emission control system.

6 (c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
7 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle
8 mode or loaded mode are tested in accordance with procedures prescribed by the
9 department. In determining how loaded mode and evaporative emissions testing shall
10 be conducted, the department shall ensure that the emission reduction targets for the
11 enhanced program are met.

12 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative
13 system and crankcase ventilation system are tested to reduce any nonexhaust sources
14 of volatile organic compound emissions, in accordance with procedures prescribed by
15 the department.

16 (e) For diesel-powered vehicles, a visual inspection is made of emission control
17 devices and the vehicle's exhaust emissions are tested in accordance with procedures
18 prescribed by the department, that may include, but are not limited to, onboard
19 diagnostic testing. The test may include testing of emissions of any or all of the
20 pollutants specified in subdivision (c) and, upon the adoption of applicable standards,
21 measurement of emissions of smoke or particulates, or both.

22 (f) A visual or functional check is made of emission control devices specified
23 by the department, including the catalytic converter in those instances in which the
24 department determines it to be necessary to meet the findings of Section 44001. The
25 visual or functional check shall be performed in accordance with procedures
26 prescribed by the department.

27 (g) A determination as to whether the motor vehicle complies with the emission
28 standards for that vehicle's class and model-year as prescribed by the department.

(h) An analysis of pass and fail rates of vehicles subject to an onboard
diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard
diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles
failing their onboard diagnostic test have or would have passed a tailpipe test.

(i) The test procedures may authorize smog check stations to refuse the testing
of a vehicle that would be unsafe to test, or that cannot physically be inspected, as
specified by the department by regulation. The refusal to test a vehicle for those
reasons shall not excuse or exempt the vehicle from compliance with all applicable
requirements of this chapter.

16. Health and Safety Code section 44014, subdivision (a), provides:

Except as otherwise provided in this chapter, the testing and repair portion of
the program shall be conducted by smog check stations licensed by the department,
and by smog check technicians who have qualified pursuant to this chapter.

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17. Health and Safety Code section 44015, subdivision (b), provides:

If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

18. Health and Safety Code section 44032 provides:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

19. Health & Safety Code section 44072.2 states, in pertinent part:

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

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

...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

20. Health & Safety Code section 44072.10 states, in pertinent part:

...

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, as defined by the department.

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter . . .

21. Health & Safety Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

REGULATORY PROVISIONS

22. California Code of Regulations, title 16, section 3340.24, subdivision (c), states that the Bureau “may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.”

23. California Code of Regulations, title 16, section 3340.30, states:

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

(b) A licensed technician shall maintain on file with the bureau a correct mailing address pursuant to section 3303.3 of Article 1 of this Chapter.

(c) A licensed technician shall notify the bureau in writing within two weeks of any change of employment.

(d) A licensed technician whose license has expired shall immediately cease to inspect, test, or repair failed vehicles.

24. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a licensed smog check station “shall issue a certificate of compliance or noncompliance to the owner or operator of any 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.”

25. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

. . .

(b) No person shall enter any access or qualification number other than as authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or OIS.

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1 (c) No person shall enter any vehicle identification information or emission
2 control system identification data for any vehicle other than the one being tested into
the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
about the vehicle being tested. . . .

3 26. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions
4 test methods and procedures which apply to all vehicles inspected in the State of California.

5 27. California Code of Regulations, title 16, section 3340.45, states:

6 All Smog Check inspections shall be performed in accordance with
7 requirements and procedures prescribed in the Smog Check Manual, dated January
2021, which is hereby incorporated by reference.

8 28. California Code of Regulations, title 16, section 3373 states:

9 No automotive repair dealer or individual in charge shall, in filling out an
10 estimate, invoice, or work order, or record required to be maintained by section
3340.15(e) of this chapter, withhold therefrom or insert therein any statement or
11 information which will cause any such document to be false or misleading, or where
the tendency or effect thereby would be to mislead or deceive customers, prospective
12 customers, or the public.

13 **COST RECOVERY**

14 29. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
15 may request the administrative law judge to direct a licensee found to have committed a
16 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
17 investigation and enforcement of the case.

18 **CALIFORNIA'S SMOG CHECK PROGRAM**

19 30. California's Smog Check Program requires most vehicles in the State to undergo a
20 smog check inspection every two years when renewing their registration and when the vehicle's
21 title is transferred. The Smog Check Program is designed and intended to reduce air pollution by
22 identifying and requiring the repair of polluting motor vehicles.

23 31. A smog check inspection in certain Enhanced areas of the State is an Acceleration
24 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
25 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
26 Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO₂) and Oxygen (O₂). The
27 first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.

28 ///

1 The vehicle's drive wheels are placed on rollers and the vehicle is driven to simulate driving
2 conditions while the emissions are sampled by the EIS.

3 32. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
4 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
5 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O₂, and CO₂ at idle as
6 well as 2500 revolutions per minute (rpm).

7 33. In the visual portion of a smog check, the technician inspects the emission control
8 components to verify that the required emission control devices are present and properly
9 connected.

10 34. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
11 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
12 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
13 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
14 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
15 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
16 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
17 the outcome of the OBD II functional test, the smog check inspection results also show
18 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

19 35. The inspector enters the results of the visual and functional inspections into the EIS.
20 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
21 the results of the tailpipe, visual, and functional tests.

22 36. The EIS is connected by internet connection to Bureau's Vehicle Information
23 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
24 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

25 37. Beginning March 9, 2015, California's Smog Check Program was updated to require
26 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
27 equipment required in all areas of the State when inspecting most model-year 2000 and newer
28 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),

computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

38. During an OIS inspection, engine operating parameters (PIDs) are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- Engine speed in revolutions per minute (RPM)
- Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle.
- Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Measured in grams per second (gps).
- Ignition timing is when the spark plug is ignited in relation to the position of the engine's moving pistons. It is measured in degrees before top dead center (BTDC). The ignition timing will constantly change based on engine operating conditions such as RPM, engine load, and throttle position.

39. During normal engine operation at idle, engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or

MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened in order to increase airflow through the engine. The engine's management systems supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result in a corresponding increases in MAF as well as a change in MAP. Any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases RPM and MAF along with changes in MAP.

40. During an OIS Smog Check inspection, along with other visual and functional inspections, there is an OBD II query portion of the inspection. The OBD II query is performed with the engine idling and, when requested by the OIS analyzer, and an elevated or increased engine speed. The increase in engine speed is performed by the inspector by stepping on the throttle pedal or manually opening the throttle resulting in a corresponding increase in engine RPMs by allowing an increase in airflow into the engine.

41. The Bureau has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog check test on their own, or in some instances, are not even present during the time the test is performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another source such as defeat devices, are used to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance, and or not present for testing. Defeat devices attempt to simulate engine operation during a smog check inspection by transmitting OBD II data to the VID which has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection. "Clean piping" is the act of using the emission sample of a known clean vehicle or other source to substitute for the emissions of a vehicle that will not pass a smog inspection or is not present at the time of the test.

MARCH 6, 2023 VID DATA REVIEW

42. On or about March 6, 2023, a Bureau Representative conducted a detailed review of the VID data for smog check inspections performed at Pedro Smog Check, which showed a

1 pattern of vehicles being certified with engine operating parameters that did not correspond to
2 normal engine operation. The Bureau's review of the smog check activities at Pedro Smog Check
3 confirmed 19 Smog Check Certificates of Compliance were fraudulently issued to vehicles after
4 inspections performed at Pedro Smog Check.

5 **Clean Plug Number 1 – 2004 Ford Ranger (Respondent Guevara)**

6 43. OIS Test data for Pedro Smog Check indicated that on January 16, 2023, a 2004 Ford
7 Ranger, VIN #1FTYR10U54PA58698, CA License #7N98374 ("2004 Ranger"), was tested, and
8 Smog Certificate of Compliance #TC492944C was issued by Pedro Smog Check under
9 Respondent Guevara's Smog Check Technician License No. EO637032.

10 44. The Dynamic Data and PIDs for the 2004 Ranger shows that between time stamp 399
11 and 25990, the engine speed was steady at approximately 900 RPM. During this time, the throttle
12 was fixed at 19.2% opening, the MAF was fixed at 3.76gps, and the ignition timing advance for
13 #1 cylinder was fixed at 17 degrees BTDC. After time stamp 25990, the engine speed began to
14 accelerate. Between time stamp 27633 and 43815, the engine speed was held at an increased level
15 of approximately 2000 RPM. From the time the engine RPM increased off idle to the higher
16 RPMs, the throttle remained fixed at 19.2% opening, the MAF remained fixed at 3.76gps, and the
17 ignition timing advance for #1 cylinder remained fixed at 17 degrees BTDC.

18 45. During the period that the dynamic data was collected, the only parameter that
19 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings
20 remained unchanged even though the engine speed was increased. These readings are not
21 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
22 DAD was not connected to the 2004 Ranger during the certification process as required, thereby,
23 rendering this a fraudulent inspection by way of clean plugging.

24 **Clean Plug Number 2 – 2003 Ford F250 Super Duty (Respondent Guevara)**

25 46. OIS Test data for Pedro Smog Check indicated that on January 12, 2023, a 2003 Ford
26 F250 Super Duty, CA Licence #34586D1 ("2003 F250"), was tested, and smog certificate
27 #TC492916C was issued by Pedro Smog Check under Respondent Guevara's Smog Check
28 Technician License No. EO637032.

1 47. The Dynamic Data and PIDs for the 2003 F250 shows that between time stamp 390
2 and 7162, engine speed was steady at approximately 500 RPM. During this time, the throttle was
3 fixed at 17.3% opening, the MAF was fixed at 4.31gps, and the ignition timing advance for #1
4 cylinder was fixed at 12 degrees BTDC. Between time stamp 8962 and 20315, the engine speed
5 then increased and remained steady at approximately 925 RPM. During this time, the throttle was
6 still fixed at 17.3% opening, the MAF was still fixed at 4.31gps, and the ignition timing advance
7 for #1 cylinder was still fixed at 12 degrees BTDC. Between time stamp 20315 and 23025, the
8 engine speed accelerated to approximately 1925RPM. From time stamp 23025 to 37891, the
9 engine speed remained steady at approximately 1925 RPM. From the time the engine RPM
10 increased off idle to the higher RPMs, the throttle remained fixed at 17.3% opening, the MAF
11 remained fixed at the same 4.31gps, and the ignition timing advance for #1 cylinder remained
12 fixed at the same 12 degrees BTDC.

13 48. During the period the Dynamic data was collected, the only parameter that changed
14 was engine RPM. The throttle position, MAF, and ignition timing advance readings remained
15 unchanged even though the engine speed was increased. These readings are not characteristic or
16 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
17 connected to the 2003 F250 during the certification process as required, thereby, rendering this a
18 fraudulent inspection by way of clean plugging.

19 **Clean Plug Number 3 – 2002 Chevrolet Suburban C1500 (Respondent Guevara)**

20 49. OIS Test data for Pedro Smog Check indicated that on January 11, 2023, a 2002
21 Chevrolet Suburban C1500, VIN #1GNEC16T42J114771, CA License #4UIY742 (“2002
22 Suburban”), was tested and smog certificate #TC492912C was issued by Pedro Smog Check
23 under Respondent Guevara’s Smog Check Technician License No. EO637032.

24 50. The Dynamic Data and PIDs for the 2002 Suburban shows between time stamp 399
25 and 19165, engine speed was steady at approximately 675 RPM. During this time, the throttle
26 was fixed at 0% opening, the MAF was fixed at 0gps, and the ignition timing advance for #1
27 cylinder was fixed at 0 degrees BTDC. After time stamp 19165, the engine speed began to
28 accelerate to approximately 2150RPM before dropping to 1750 RPM between time stamp 22857

1 and 37232. From the time the engine RPM increased off idle to the higher RPMs, the throttle
2 remained fixed at 0% opening, the MAF remained fixed at 0gpsi, and the ignition timing advance
3 for #1 cylinder remained fixed at 0 degrees BTDC.

4 51. During the period the Dynamic data was collected, the only parameter that changed
5 was engine RPM. The throttle position, MAF, and ignition timing advance readings remained
6 unchanged even though the engine speed was increased. These readings are not characteristic or
7 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
8 connected to the 2002 Suburban during the certification process as required, thereby, rendering
9 this a fraudulent inspection by way of clean plugging.

10 **Clean Plug Number 4 – 2001 Chevrolet Silverado C1500 (Respondent Guevara)**

11 52. OIS Test data for Pedro Smog Check indicated that on December 19, 2022, a 2001
12 Chevrolet Silverado C1500, VIN #2GCEC19W311144982, CA License #79980K2 (“2001
13 Silverado”), was tested, and smog certificate #TA865735C was issued by Pedro Smog Check
14 under Respondent Guevara’s Smog Check Technician License No. EO637032.

15 53. The Dynamic Data and PIDs for the 2001 Silverado shows between time stamp 389
16 and 24743, engine speed was steady at approximately 500 RPM. During this time, the throttle
17 was fixed at 12.5% opening, the MAF was fixed at 4.5gpsi, the MAP was fixed at 35 kPa, and the
18 ignition timing advance for #1 cylinder was fixed at 17.5 degrees BTDC. Between time stamp
19 25270 and 43215, the engine RPM quickly increased to 2400 RPM before decreasing to 1100
20 RPM at time stamp 43215. During this time, the throttle was still fixed at 12.5% opening, the
21 MAF was still fixed at 4.5gpsi, the MAP was still fixed at 35 kPa, and the ignition timing advance
22 for #1 cylinder was still fixed at 17.5 degrees BTDC. From time stamp 43215 to 89061, the
23 engine speed was steady at approximately 1100 RPM. At time stamp 91160, the engine speed
24 quickly increased from 1100 RPM to approximately 1650 RPM, where it remained steady at 1650
25 RPM until time stamp 109395. During the time the engine RPM increased and decreased, the
26 throttle remained fixed at 12.5% opening, the MAF remained fixed at 4.5gpsi, the MAP remained
27 fixed at the 35kPa, and the ignition timing advance for #1 cylinder was still fixed at 17.5 degrees
28 BTDC.

54. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2001 Silverado during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 5 – 2000 Chevrolet Suburban C1500 (Respondent Guevara)

55. OIS Test data for Pedro Smog Check indicated that on December 19, 2022, a 2000 Chevrolet Suburban C1500, VIN #3GNEC16T1YG155580, CA License 5JXP404 (“2000 Suburban”), was tested, and smog certificate #TA865733C was issued by Pedro Smog Check under Respondent Guevara’s Smog Check Technician License No. EO637032.

56. The Dynamic Data and PIDs for the 2000 Suburban shows between time stamp 369 and 35054, engine speed was steady at approximately 775 RPM. During this time, the throttle was fixed at 0% opening, the MAF was fixed at 4.09gps, and the ignition timing advance for #1 cylinder was fixed at 24 degrees BTDC. After time stamp 35054, the engine speed began to accelerate. Between time stamp 39729 and 52920, the engine speed was held at an increased level of approximately 2050 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle remained fixed at 0% opening, the MAF remained fixed at 4.09gps, and the ignition timing advance for #1 cylinder remained fixed at 24 degrees BTDC.

57. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2000 Suburban during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 6 – 2005 Land Rover Range Rover HSE (Respondent Robles)

58. OIS Test data for Pedro Smog Check indicated that on June 5, 2022, a 2005 Land Rover Range Rover HSE, VIN#SALME11415A187429 (“2005 Range Rover”), was tested and

1 smog certificate #SS216022C was issued by Pedro Smog Check under Respondent Robles' Smog
2 Check Technician License No. EO152655.

3 59. The Dynamic Data and PIDs for the 2005 Range Rover shows between time stamp
4 863 and 23733, engine speed was steady at approximately 725 RPM. During this time, the throttle
5 was fixed at 11.8% opening, the MAF was fixed at 5.91gps, and the ignition timing advance for
6 #1 cylinder was fixed at 14 degrees BTDC. After time stamp 23733, the engine speed steadily
7 accelerated to approximately 1800 RPM. From the time the engine RPM increased off idle to the
8 higher RPMs, the throttle remained fixed at 11.8% opening, the MAF remained fixed at 5.91gps,
9 and the ignition timing advance for #1 cylinder remained fixed at 14 degrees BTDC.

10 60. During the period the Dynamic data was collected, the only parameter that changed
11 was engine RPM. The throttle position, MAF, and ignition timing advance readings remained
12 unchanged even though the engine speed was increased. These readings are not characteristic or
13 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
14 connected to the 2005 Range Rover during the certification process as required, thereby,
15 rendering this a fraudulent inspection by way of clean plugging.

16 **Clean Plug Number 7 – 2002 Toyota Tundra Access Cab SR5 (Respondent Robles)**

17 61. OIS Test data for Pedro Smog Check indicated that on June 4, 2022, a 2002 Toyota
18 Tundra Access Cab SR5, CA License #6V82897 ("2002 Tundra"), was tested and smog
19 certificate # SS216002C was issued by Pedro Smog Check under Respondent Robles' Smog
20 Check Technician License No. EO152655.

21 62. The Dynamic Data and PIDs for the 2002 Tundra shows between time stamp 834 and
22 29650, engine speed was steady at approximately 775 RPM. During this time, the throttle was
23 fixed at 9.4% opening, the MAF was fixed at 4.07gps, and the ignition timing advance for #1
24 cylinder was fixed at 12.5 degrees BTDC. From time stamp 29650 to 33090, the engine speed
25 steadily accelerated to approximately 1800 RPM. The engine speed was steady at approximately
26 1800 RPM from time stamp 33090 to 49882. From the time the engine RPM increased off idle to
27 the higher RPMs, the throttle remained fixed at 9.4% opening, the MAF remained fixed at
28 4.07gps, and the ignition timing advance for #1 cylinder remained fixed at 12.5 degrees BTDC.

63. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2002 Tundra during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 8 – 2004 Honda Accord EX (Respondent Robles)

64. OIS Test data for Pedro Smog Check indicated that on May 28, 2022, a 2004 Honda Accord EX, VIN #JHMC56734C018692 (“2004 Accord”), was tested and smog certificate #SQ970778C was issued by Pedro Smog Check under Respondent Robles’ Smog Check Technician License No. EO152655.

65. The Dynamic Data and PIDs for the 2004 Accord shows between time stamp 839 and 27759, engine speed was steady at approximately 700 RPM. During this time, the throttle was fixed at 9.4% opening, the MAF was fixed at 2.42 gps, and the ignition timing advance for #1 cylinder was fixed at 4.5 degrees BTDC. From time stamp 27759 to 32037, the engine speed accelerated to approximately 1450 RPM. The engine speed was steady at approximately 1450 RPM from time stamp 32037 to 48799. From the time the engine RPM increased off idle to the higher RPMs, the throttle remained fixed at 9.4% opening, the MAF remained fixed at 2.42 gps, and the ignition timing advance for #1 cylinder remained fixed at 4.5 degrees BTDC.

66. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2004 Accord during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 9 – 2006 Nissan Maxima SE (Respondent Robles)

67. OIS Test data for Pedro Smog Check indicated that on May 13, 2022, a 2006 Nissan Maxima SE, CA License #7VZR423 (“2006 Maxima”), was tested and smog certificate #

1 SQ5099788C was issued by Pedro Smog Check under Respondent Robles' Smog Check
2 Technician License No. EO152655.

3 68. The Dynamic Data and PIDs for the 2006 Maxima shows between time stamp 975
4 and 21666, engine speed was steady at approximately 750 RPM. During this time, the throttle
5 was fixed at 3.9% opening, the MAF was fixed at 5.23gps, and the ignition timing advance for #1
6 cylinder was fixed at 13 degrees BTDC. From time stamp 21666 to 33589, the engine speed
7 accelerated to approximately 1750 RPM. The engine speed was steady at approximately 1750
8 RPM from time stamp 33589 to 45369. From the time the engine RPM increased off idle to the
9 higher RPMs, the throttle remained fixed at 3.9% opening, the MAF remained fixed at 5.23 gps,
10 and the ignition timing advance for #1 cylinder remained fixed at 13 degrees BTDC.

11 69. During the period the Dynamic data was collected, the only parameter that changed
12 was engine RPM. The throttle position, MAF, and ignition timing advance readings remained
13 unchanged even though the engine speed was increased. These readings are not characteristic or
14 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
15 connected to the 2006 Maxima during the certification process as required, thereby, rendering this
16 a fraudulent inspection by way of clean plugging.

17 **Clean Plug Number 10 – 2004 GMC New Sierra 1500 (Respondent Robles)**

18 70. OIS Test data for Pedro Smog Check indicated that on April 23, 2022, a 2004 GMC
19 New Sierra 1500, CA License #7G91860 ("2004 Sierra"), was tested and smog certificate #
20 SQ085141C was issued by Pedro Smog Check under Respondent Robles' Smog Check
21 Technician License No. EO152655.

22 71. The Dynamic Data and PIDs for the 2004 Sierra shows between time stamp 384 and
23 19663, engine speed was steady at approximately 675 RPM. During this time, the throttle was
24 fixed at 0% opening, the MAF was fixed at 8.18gps, MAP was fixed at 30kPa, and the ignition
25 timing advance for #1 cylinder was fixed at 8.5 degrees BTDC. From time stamp 19663 to 38277,
26 the engine speed accelerated to approximately 2270 RPM at time stamp 26500, before decreasing
27 and increasing several times between 2250 RPM and 1659 RPM until the data collection was
28 complete at time stamp 38277. During this period of time, the throttle remained fixed at 0%

opening, the MAF remained fixed at 8.18gps, MAP remained fixed at 30kPa, and the ignition timing advance for #1 cylinder remained fixed at 8.5 degrees BTDC.

72. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2004 Sierra during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 11 – 2000 Honda Accord EX (Respondent Poz-Gomez)

73. OIS Test data for Pedro Smog Check indicated that on April 18, 2022, a 2000 Honda Accord EX, CA License #8FDF682 (“2000 Accord”), was tested and smog certificate # SQ085125C was issued by Pedro Smog Check under Respondent Poz-Gomez’s Smog Check Technician License No. EO641248.

74. The Dynamic Data and PIDs for the 2000 Accord show between time stamp 844 and 20976, engine speed was steady at approximately 650 RPM. During this time, the throttle was fixed at 9.8% opening, the MAP was fixed at 26kPa, and the ignition timing advance for #1 cylinder was fixed at 9.5 degrees BTDC. From time stamp 20976 to 26999, the engine speed accelerated to approximately 1700 RPM. From time stamp 26999 to 40385, the engine speed was steady at approximately 1750 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle remained fixed at 9.8% opening, the MAP remained fixed at 26kPa, and the ignition timing advance for #1 cylinder remained fixed at 9.5 degrees BTDC.

75. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2000 Accord during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

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Clean Plug Number 12 – 2003 Toyota Camry LE (Respondent Poz-Gomez)

76. OIS Test data for Pedro Smog Check indicated that on April 16, 2022, a 2003 Toyota Camry LE, CA License #5CNB595 (“2003 Camry”), was tested and smog certificate # SQ085121C was issued by Pedro Smog Check under Respondent Poz-Gomez’s Smog Check Technician License No. EO641248.

77. The Dynamic Data and PIDs for the 2003 Camry show between time stamp 966 and 21625, engine speed was steady at approximately 750 RPM. During this time, the throttle was fixed at 14.5% opening, the MAF was fixed at 3.5gps, and the ignition timing advance for #1 cylinder was fixed at 11 degrees BTDC. From time stamp 21625 to 28297, the engine speed accelerated to approximately 2000 RPM before gradually decelerating to approximately 1800 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle remained fixed at 14.5% opening, the MAF remained fixed at 3.5gps, and the ignition timing advance for #1 cylinder remained fixed at the same 11 degrees BTDC.

78. During the period the Dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2003 Camry during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

Clean Plug Number 13 – 2004 Jeep Liberty Sport (Respondent Poz-Gomez)

79. OIS Test data for Pedro Smog Check indicated that on April 13, 2022, a 2004 Jeep Liberty Sport, CA License #5KRN063 (“2004 Liberty”), was tested and smog certificate # SQ085104C was issued by Pedro Smog Check under Respondent Poz-Gomez’s Smog Check Technician License No. EO641248.

80. The Dynamic Data and PIDs for the 2004 Liberty shows between time stamp 375 and 22666, engine speed was steady at approximately 600 RPM. During this time, the throttle was fixed at 14.1% opening, the MAP was fixed at 32kPa, and the ignition timing advance for #1 cylinder was fixed at 8 degrees BTDC. From time stamp 22666 to 30430, the engine speed

1 accelerated to approximately 1650 RPM. From time stamp 30430 to 45141, engine speed was
2 steady at approximately 1650 RPM. From the time the engine RPM increases off idle to the
3 higher RPMs, the throttle remained fixed at 14.1% opening, the MAP remained fixed at 32kPa,
4 and the ignition timing advance for #1 cylinder remained fixed at 8 degrees BTDC.

5 81. During the period the Dynamic data was collected, the only parameter that changed
6 was engine RPM. The throttle position, MAP, and ignition timing advance readings remained
7 unchanged even though the engine speed was increased. These readings are not characteristic or
8 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
9 connected to the 2004 Liberty during the certification process as required, thereby, rendering this
10 a fraudulent inspection by way of clean plugging.

11 **Clean Plug Number 14 – 2004 Nissan Frontier Crew Cab XE V6 (Respondent Poz-**
12 **Gomez)**

13 82. OIS Test data for Pedro Smog Check indicated that on March 30, 2022, a 2004
14 Nissan Frontier Crew Cab XE V6, CA License #7L69117 (“2004 Frontier”), was tested and smog
15 certificate # IP233074C was issued by Pedro Smog Check under Respondent Poz-Gomez’s Smog
16 Check Inspector License No. EO641248.

17 83. The Dynamic Data and PIDs for the 2004 Frontier shows between time stamp 962
18 and 21171, engine speed was steady at approximately 775 RPM. During this time, the throttle
19 was fixed at 4.3% opening, the MAF was fixed at 5.88gps, and the ignition timing advance for #1
20 cylinder was fixed at 13 degrees BTDC. From time stamp 21171 to 34821, the engine speed
21 accelerated to approximately 1900 RPM. From time stamp 34821 to 42515, the engine speed was
22 steady at approximately 1900 RPM. From the time the engine RPM increased off idle to the
23 higher RPMs, the throttle remained fixed at 4.3% opening, the MAF remained fixed at 5.88gps,
24 and the ignition timing advance for #1 cylinder remained fixed at 13 degrees BTDC.

25 84. During the period the Dynamic data was collected, the only parameter that changed
26 was engine RPM. The throttle position, MAF, and ignition timing advance readings remained
27 unchanged even though the engine speed was increased. These readings are not characteristic or
28 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not

connected to the 2004 Frontier during the certification process as required, thereby, rendering this a fraudulent inspection by way of clean plugging.

MARCH 7, 2023 SURVEILLANCE

85. On or about March 7, 2023, a Bureau representative conducted video surveillance at Pedro Smog Check. The investigation determined that Respondent Guevara's Smog Check License was utilized to employ the clean piping method, as defined in paragraph no. 41, during the below smog inspections performed at the facility, resulting in the issuance of a fraudulent certificates of compliance for the following vehicles:

Fraudulent Inspection No. 15 – Clean Pipe No. 1 - 1988 Jeep Cherokee

86. The BAR97 Test Detail shows that on March 7, 2023, between 1504 and 1524 hours, a 1988 Jeep Cherokee, CA License #7JOU869, was tested and issued Certificate of Compliance #IT482109C under Respondent Guevara's Smog Check Inspector License No. EO637032. During the time the 1988 Jeep Cherokee was certified, it was not present at the station. A BMW SUV was in the test bay. The Bureau representative did not observe Respondent Guevara at the station.

Fraudulent Inspection No. 16 – Clean Pipe No. 2 - 1990 Ford F250 pickup

87. The BAR97 Test Detail shows that on March 7, 2023, between 1539 and 1555 hours, a 1990 Ford F250 pickup, CA License #18027A3, was tested and issued Certificate of Compliance #IT482109C under Respondent Guevara's Smog Check Inspector License No. EO637032. During the time the 1990 Ford F250 pickup was certified, it was not present at the station. A Toyota Prius was in the test bay. The Bureau representative did not observe Respondent Guevara at the station.

Fraudulent Inspection No. 17 – Clean Pipe No. 3 – 1984 Chevrolet El Camino

88. The BAR97 Test Detail shows that on March 7, 2023, between 1634 and 1656 hours, a 1984 Chevrolet El Camino, CA License #8X27674, was tested and issued Certificate of Compliance # IT482110C under Respondent Guevara's Smog Check Inspector License No. EO637032. During the time the 1984 Chevrolet El Camino was certified, it was not present at the

1 station. A Toyota Prius was in the test bay. The Bureau representative did not observe
2 Respondent Guevara at the station.

3 **MARCH 22, 2023 SURVEILLANCE**

4 89. On or about March 22, 2023, a Bureau representative conducted video surveillance at
5 Pedro Smog Check. The investigation determined that Respondent Guevara's Smog Check
6 License was utilized to employ the clean piping method during the below smog inspections
7 performed at the facility, resulting in the issuance of a fraudulent certificates of compliance for
8 the following vehicles:

9 **Fraudulent Inspection No. 18 – Clean Pipe No. 4 – 1978 Chevrolet C10 Pickup**

10 90. The BAR97 Test Detail shows that on March 22, 2023, between 1459 and 1527
11 hours, a 1978 Chevrolet C10 Pickup, CA License #1H20527, was tested and issued Certificate of
12 Compliance # TE614370C under Respondent Guevara's Smog Check Inspector License No.
13 EO637032. During the time the 1984 Chevrolet El Camino was certified, it was not present at the
14 station. A Toyota Prius was in the test bay. The Bureau representative did not observe
15 Respondent Guevara at the station.

16 **Fraudulent Inspection No. 19 – Clean Pipe No. 5 – 1994 Acura Integra**

17 91. The BAR97 Test Detail shows that on March 22, 2023, between 1534 and 1558
18 hours, a 1994 Acura Integra, CA License #8LDE573, was tested and issued Certificate of
19 Compliance #TE614371C under Respondent Guevara's Smog Check Inspector License No.
20 EO637032. During the time the 1994 Acura Integra was certified, it was not present at the station.
21 A BMW X5 was in the test bay. The Bureau representative did not observe Respondent Guevara
22 at the station.

23 92. Two other Bureau representatives entered Pedro Smog Check and observed an OBDII
24 defeat device as further defined in paragraph no. 41 above.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Untrue or Misleading Statements – Respondent Carranza)

27 93. Respondent Carranza's Automotive Repair Dealer Registration is subject to
28 disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(1), in

1 that she made statements which were known to be untrue or misleading or, which by exercise of
2 reasonable care, should have been known to be untrue or misleading, by issuing electronic smog
3 certificates of compliance for the vehicles identified above certifying that those vehicles were in
4 compliance with applicable laws and regulations when, in fact, those vehicles had not been so
5 inspected. Complainant refers to, and by this reference incorporates, the allegations contained in
6 paragraphs 42 through 92, as though fully set forth here.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Fraud – Respondent Carranza)

9 94. Respondent Carranza's Automotive Repair Dealer Registration is subject to
10 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
11 in that she committed acts that constitute fraud by issuing electronic certificates of compliance to
12 the vehicles identified above without performing bone fide inspections of the emission control
13 devices and systems on those vehicles, thereby depriving the People of the State of California of
14 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
15 this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as
16 though set forth fully herein.

17 **THIRD CAUSE FOR DISCIPLINE**

18 (Material Violation of Automotive Repair Act – Respondent Carranza)

19 95. Respondent Carranza's Automotive Repair Dealer Registration is subject to
20 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
21 in that she failed in a material respect to comply with the provisions of this chapter or regulations
22 adopted pursuant to it when she issued electronic certificates of compliance for the vehicles
23 identified above without performing bona fide inspections of the emission control devices and
24 systems on those vehicles, thereby depriving the People of the State of California of the
25 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
26 reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though
27 set forth fully herein.

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violations of the Motor Vehicle Inspection Program – Respondent Carranza)

3 96. Respondent Carranza’s Smog Check, Test Only, Station License is subject to
4 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that she
5 failed to comply with the following sections of that Code:

6 a. **Section 44012:** Respondent Carranza failed to ensure that the emission control
7 tests were performed on the vehicles identified above in accordance with procedures prescribed
8 by the department.

9 b. **Section 44015, subdivision (b):** Respondent Carranza issued electronic smog
10 certificates of compliance to the vehicles identified above without properly testing and inspecting
11 those vehicles to determine if they were in compliance with Health & Safety Code section 44012.

12 Complainant refers to, and by this reference incorporates, the allegations contained in
13 paragraphs 42 through 92, above, as though set forth fully herein.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 (Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –
16 Respondent Carranza)

17 97. Respondent Carranza’s Smog Check, Test Only, Station License is subject to
18 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that she
19 failed to comply with provisions of California Code of Regulations, title 16, as follows:

20 a. **Section 3340.24, subdivision (c):** Respondent Carranza falsely or fraudulently
21 issued electronic smog certificates of compliance for the vehicles identified above.

22 b. **Section 3340.30, subdivision (a):** Respondent Carranza failed to inspect and
23 test the vehicles identified above in accordance with Health & Safety Code sections 44012 and
24 44035, and California Code of Regulations, title 16, section 3340.42.

25 c. **Section 3340.35, subdivision (c):** Respondent Carranza issued electronic smog
26 certificates of compliance for the vehicles identified above even though those vehicles had not
27 been inspected in accordance with section 3340.42.

1 d. **Section 3340.41, subdivision (c):** Respondent Carranza knowingly entered
2 false information into the emissions inspection system for the vehicles identified above.

3 e. **Section 3340.42:** Respondent Carranza failed to ensure that the smog
4 inspections conducted on the vehicles identified above were done in accordance with the
5 Bureau's specifications.

6 f. **Section 3373:** Respondent Carranza withheld or inserted statements or
7 information in an estimate, invoice, work order, or record required to be maintained by California
8 Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be
9 false or misleading for the vehicles identified above.

10 Complainant refers to, and by this reference incorporates, the allegations contained in
11 paragraphs 42 through 92, above, as though set forth fully herein.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 (Dishonesty, Fraud or Deceit – Respondent Carranza)

14 98. Respondent Carranza's Smog Check, Test Only, Station License is subject to
15 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in
16 conjunction with Health & Safety Code section 44072.10, subdivision (c), in that she committed
17 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
18 certificates of compliance for the vehicles identified above without performing bona fide
19 inspections of the emission control devices and systems on those vehicles, thereby depriving the
20 People of the State of California of the protection afforded by the Motor Vehicle Inspection
21 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
22 paragraphs 42 through 92, above, as though set forth fully herein.

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 (Violations of the Motor Vehicle Inspection Program – Respondent Robles)

25 99. Respondent Robles' Smog Check Inspector License is subject to disciplinary action
26 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
27 with the following sections of that code:

28 ///

1 a. **Section 44012, subdivision (a):** Respondent Robles failed to determine that all
2 emission control devices and systems required by law were installed and functioning correctly on
3 the vehicles identified above in accordance with test procedures prescribed by the Bureau.

4 b. **Section 44012, subdivision (f):** Respondent Robles failed to perform emission
5 control tests on the vehicles identified above in accordance with procedures prescribed by the
6 Bureau.

7 c. **Section 44032:** Respondent Robles failed to perform tests of emission control
8 devices and systems of the vehicles identified above in accordance with Health & Safety Code
9 section 44012.

10 d. **Section 44015, subdivision (b):** Respondent Robles caused electronic smog
11 certificates of compliance to be issued for the subject vehicles identified above without ensuring
12 that they were properly tested and inspected to determine if they were in compliance with Health
13 & Safety Code section 44012.

14 e. **Section 44059:** Respondent Robles willfully made false entries for the
15 electronic certificates of compliance by certifying that the vehicles identified above had been
16 inspected as required when, in fact, they had not.

17 Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraphs 42 through 92, above, as though set forth fully herein.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 (Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –
21 Respondent Robles)

22 100. Respondent Robles' Smog Check Inspector License is subject to disciplinary action
23 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
24 with provisions of California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent Robles falsely or fraudulently
26 issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent Robles failed to inspect and test the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent Robles knowingly entered false information into the emissions inspection system for the vehicles identified above.

d. **Section 3340.42:** Respondent Robles failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent Robles)

101. Respondent Robles' Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified 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. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

TENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Guevara)

102. Respondent Guevara's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

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1 a. **Section 44012, subdivision (a):** Respondent Guevara failed to determine that
2 all emission control devices and systems required by law were installed and functioning correctly
3 on the vehicles identified above in accordance with test procedures prescribed by the Bureau.

4 b. **Section 44012, subdivision (f):** Respondent Guevara failed to perform
5 emission control tests on the vehicles identified above in accordance with procedures prescribed
6 by the Bureau.

7 c. **Section 44032:** Respondent Guevara failed to perform tests of emission control
8 devices and systems of the vehicles identified above in accordance with Health & Safety Code
9 section 44012.

10 d. **Section 44015, subdivision (b):** Respondent Guevara caused electronic smog
11 certificates of compliance to be issued for the subject vehicles identified above without ensuring
12 that they were properly tested and inspected to determine if they were in compliance with Health
13 & Safety Code section 44012.

14 e. **Section 44059:** Respondent Guevara willfully made false entries for the
15 electronic certificates of compliance by certifying that the vehicles identified above had been
16 inspected as required when, in fact, they had not.

17 Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraphs 42 through 92, above, as though set forth fully herein.

19 **ELEVENTH CAUSE FOR DISCIPLINE**

20 (Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –
21 Respondent Guevara)

22 103. Respondent Guevara's Smog Check Inspector License is subject to disciplinary action
23 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
24 with provisions of California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent Guevara falsely or fraudulently
26 issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent Guevara failed to inspect and test the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent Guevara knowingly entered false information into the emissions inspection system for the vehicles identified above.

d. **Section 3340.42**: Respondent Guevara failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

TWELFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent Guevara)

104. Respondent Guevara's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified 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. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

THIRTEENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Poz-Gomez)

105. Respondent Poz-Gomez's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

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a. **Section 44012, subdivision (a):** Respondent Poz-Gomez failed to determine that all emission control devices and systems required by law were installed and functioning correctly on the vehicles identified above in accordance with test procedures prescribed by the Bureau.

b. **Section 44012, subdivision (f):** Respondent Poz-Gomez failed to perform emission control tests on the vehicles identified above in accordance with procedures prescribed by the Bureau.

c. **Section 44032:** Respondent Poz-Gomez failed to perform tests of emission control devices and systems of the vehicles identified above in accordance with Health & Safety Code section 44012.

d. **Section 44015, subdivision (b):** Respondent Poz-Gomez caused electronic smog certificates of compliance to be issued for the subject vehicles identified above without ensuring that they were properly tested and inspected to determine if they were in compliance with Health & Safety Code section 44012.

e. **Section 44059:** Respondent Poz-Gomez willfully made false entries for the electronic certificates of compliance by certifying that the vehicles identified above had been inspected as required when, in fact, they had not.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program – Respondent Poz-Gomez)

106. Respondent Poz-Gomez's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Poz-Gomez falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent Poz-Gomez failed to inspect and test the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c)**: Respondent Poz-Gomez knowingly entered false information into the emissions inspection system for the vehicles identified above.

d. **Section 3340.42**: Respondent Poz-Gomez failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

FIFTEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent Poz-Gomez)

107. Respondent Poz-Gomez's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified 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. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 92, above, as though set forth fully herein.

OTHER MATTERS

108. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Carranza, upon a finding that she has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

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109. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only, Station License No. TC 300961, issued to Respondent Carranza, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

110. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License No. EO 152655, issued to Respondent Robles, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

111. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License No. EO 637032, issued to Respondent Guevara, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

112. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License No. EO 641248, issued to Respondent Poz-Gomez, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 300961, issued to Sandra Guerra Carranza;

2. Revoking or suspending any other automotive repair dealer registration issued to Sandra Guerra Carranza;

3. Revoking or suspending Smog Check, Test Only, Station License Number TC 300961, issued to Sandra Guerra Carranza;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Sandra Guerra Carranza;

5. Revoking or suspending Smog Check Inspector License Number EO 152655, issued to Edgar Robles;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Edgar Robles;

7. Revoking or suspending Smog Check Inspector License Number EO 637032, issued to Joshua Job Guevara;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Joshua Job Guevara;

9. Revoking or suspending Smog Check Inspector License Number EO 641248, issued to Anthony A. Poz-Gomez;

10. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Anthony A. Poz-Gomez;

11. Ordering Sandra Guerra Carranza, Edgar Robles, Joshua Job Guevara, and Anthony A. Poz-Gomez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

12. Taking such other and further action as deemed necessary and proper.

DATED: As of digital signature date

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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