

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SANDRA GUETTA CARRANZA dba PEDRO SMOG CHECK

405 Waterman Avenue, Suite B

San Bernardino, CA 92410

Automotive Repair Dealer Registration No. ARD 300961

Smog Check, Test Only Station License No. TC 300961

JOSHUA JOB GUEVARA

144 W Avenue 26, Apt. 08

Los Angeles, CA 90031

Smog Check Inspector License No. EO 637032

EDGAR ROBLES

13545 Flomar Drive

Whittier, CA 90605

Smog Check Inspector License No. EO 152655

and

ANTHONY A POZ-GOMEZ

1309 Torington Drive

Las Vegas, NV 89108

Smog Check Inspector License NO. EO 641248

Respondents.

Case No. 79/23-4939

OAH No. 2024090223

DECISION

The attached Proposed Decision, as to Edgar Robles ONLY, of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall be effective on August 14, 2025.

IT IS SO ORDERED July 7, 2025 .

Original signature on file
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA
IN THE MATTER OF THE ACCUSATION AGAINST:**

**SANDRA GUERRA CARRANZA, DBA
PEDRO SMOG CHECK
405 WATERMAN AVENUE, STE. B
SAN BERNARDINO, CA 92410
AUTOMOTIVE REPAIR DEALER REGISTRATION NO.
ARD 300961
SMOG CHECK, TEST ONLY STATION LICENSE NUMBER
TC 300961,**

**JOSHUA JOB GUEVARA
144 W AVE 26, APT. 08
LOS ANGELES, CA 90031
SMOG CHECK INSPECTOR LICENSE EO 637032,**

**EDGAR ROBLES
13545 FLOMAR DRIVE
WHITTIER, CA 90605
SMOG CHECK INSPECTOR LICENSE NO. EO 152665
AND**

**ANTHONY A POZ-GOMEZ
1309 TORINGTON DRIVE
LAS VEGAS, NV 89108
SMOG CHECK INSPECTOR LICENSE NO. EO 641248**

AGENCY CASE NO. 79/23-4939
OAH NO. 2024090223

PROPOSED DECISION

H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on March 18, 2025, and May 22, 2025, via videoconference. The record was closed on March 18, 2025. However, it was reopened sua sponte to address the jurisdictional issues referenced below. The hearing on May 22, 2025, was limited to those issues.

Patrick Dorais (Complainant) was represented by Langston M. Edwards, Deputy Attorney General.

The jurisdictional issues addressed during the hearing on May 22, 2025, were limited to Respondent Sandra Guerra Carranza, doing business as Pedro Smog Check. Those issues included the following:

a. The record contains a Default Decision and Order (Exhibit 5) as to Sandra Guerra Carranza, doing business as Pedro Smog Check, dated October 8, 2024. According to that Default Decision and Order, Sandra Guerra Carranza was served with the Accusation in case number 79/23-4939 (the instant case) on June 7, 2024, but she failed to file a notice of defense. She therefore waived a hearing in case number 79/22-19114. The reference to two disparate case numbers made it impossible to determine the nature of the default order.

b. In addition, Complainant's exhibits include a notice of defense purportedly signed by Sandra Guerra Carranza, dated June 17, 2024, ten days after she

was served with the Accusation. (Exhibit 1, page A50 and A51.) The case number on that notice of defense is that of the instant case.

Both in writing and in oral argument, Complainant's counsel explained the following with respect to Sandra Guerra Carranza's procedural history (Exhibit 36):

a. Case number 79/22-19114 is a different and unrelated case from the instant one. It was connected to this case in the Default Decision and Order solely by clerical error.

b. Sandra Guerra Carranza dba Pedro Smog Check did file a Notice of Defense on June 17, 2024. However, on July 16, 2024, she filed "Respondent Sandra Guerra Carranza, dba Pedro Smog Check's Withdrawal of Notice of Defense/Request for Hearing." That document was inadvertently excluded from Complainant's jurisdictional documents (Exhibit 1). The withdrawal notice is presently admitted as Exhibit 36 along with Complainant's written explanation. Respondent Carranza's operative pleading is the withdrawal of her Notice of Defense. Accordingly, the matter as to that respondent was remanded for agency action pursuant to Government Code section 11520.

Joshua Job Guevara failed to appear at the hearing despite his having been properly served with notice of the date, time, and method of the hearing. A default was declared as to Respondent Guevara. Upon the request of Complainant's counsel, the matter was remanded for agency action as to that respondent pursuant to Government Code section 11520.

Anthony A Poz-Gomez failed to appear despite his having been properly served with notice of the date, time, and method of the hearing. A default was declared as to Respondent Poz-Gomez. Upon the request of Complainant's counsel, the matter was

remanded for agency action as to that respondent pursuant to Government Code section 11520.

On March 18, 2025, Edgar Robles (Respondent Robles) appeared and was represented by Marcus Gomez, Attorney at Law. Respondent Robles did not appear at the hearing on May 22, 2025, but a special appearance was made on his behalf by Henry Tovmassian, Attorney at Law.

Given the procedural histories of Respondents Carranza, Guevara, and Poz-Gomez, the hearing proceeded as to Respondent Robles only.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on May 22, 2025.

FACTUAL FINDINGS

1. Complainant is the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs (Department).

2. Steve Koch is a Field Representative with the Bureau and an ASE certified master technician. He has been with the Bureau for over 25 years.

3. Mr. Koch generated an Investigation Report (Exhibit 7) based on a review of smog check data generated by Pedro Smog Check and his own undercover surveillance. In that report, he explained the concept of "clean plugging." Mr. Koch wrote in relevant part:

Beginning March 9, 2015, California's Smog Check Program was updated to keep pace with ever advancing vehicle

technology. The program update requires use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the Smog Check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and 1998 and newer diesel vehicles subject to the program. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California BAR-OIS software and will be retrieved. Sensitive data, such as vehicle location (GPS) and accident-related information (air bag deployment) is not retrieved. The DAD connects between the BAR-OIS computer and the vehicle's DLC [Diagnostic Link Connector]. The DAD is the only BAR-certified component of the BAR-OIS. The California BAR-OIS software requires a continuous Internet connection when performing a Smog Check inspection. The BAR-OIS uses the California BAR-OIS software to communicate with the VID through the Internet connection. The bar code scanner is used to input inspector information, the vehicle identification number (VID), and Department of Motor Vehicles (DMV) 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. [¶] . . . [¶]

BAR has become aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will 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 properly functioning OBD II system, or another source, is 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. The use of a defeat device during a smog check inspection is clean plugging and is strictly prohibited.

Exhibit 7, pages A106 through A108.

4. On March 25, 2014, the Bureau issued Smog Check Inspector License number EO 152655 to Respondent Robles. The license was in full force and effect at all relevant times. It will expire on March 31, 2026, unless renewed.

5. Respondent Robles became involved with Pedro Smog Check when the business initially opened. He worked on weekdays, no more than four days during the week. He also worked during the same week at a Hyundai dealership. He spent his weekends with his family. He worked at Pedro Smog Check only approximately one week. He left there to work at the Hyundai dealership. However, when he left, he allowed his license to remain in the shop for two months to enable the shop to earn its smog certification.

6. When working at Pedro Smog Check, Respondent Robles kept his smog check inspector license and his access code in his wallet. However, on one occasion, he observed someone from Pedro Smog Check looking over his shoulder at his access code, but he was unaware that shop personnel knew his access code.

7. On or about March 6, 2023, a detailed review of VID data for smog check inspections performed at Pedro Smog Check showed a pattern of vehicles being certified with engine operating parameters that did not correspond to normal engine operation. The Bureau's review of the smog check activities at Pedro Smog Check confirmed that 19 Smog Check Certificates of Compliance were fraudulently issued to vehicles after inspections performed at Pedro Smog Check.

8. Of the 19 smog checks fraudulently performed at Pedro Smog Check, five were performed under Respondent Robles's smog check technician's license, specifically, a 2005 Land Rover Range Rover HSE, a 2002 Toyota Tundra Access Cab SR5, a 2004 Honda Accord EX, a 2006 Nissan Maxima SE, and a 2004 GMC New Sierra 1500. In fact, although Respondent Robles admitted that he left his confidential access code number at Pedro Smog Check during the inclusive dates of the five smog checks, and although he was aware of someone at Pedro Smog Check looking over his shoulder at his confidential access code while he was performing a legitimate smog

check, he vehemently denied being on the Pedro Smog Check premises on those dates. His denials were supported by documentary and photographic evidence showing he was not on site when the fraudulent smog checks were performed. He was engaged in family activities such as his son's First Holy Communion, or he was too far from Pedro Smog Check, which was in San Bernardino, to return from a remote location, such as Pismo Beach, in time to perform fraudulent smog checks.

9. Respondent Robles produced photographic evidence showing he was not at Pedro Smog Check on two of the days on which his license and access code were used for fraudulent smog inspections. However, he was credible in his testimony that he was not on site on the other days when his confidential access code was used.

10. Respondent Robles no longer works at the Hyundai dealership. He is employed at the AAA Smog Center in Costa Mesa.

11. Complainant requested recovery of the Board's costs of investigation and prosecution totaling \$13,696.75. Because the burden of proof was not met as to Respondent Robles, no costs will be assessed against him.

LEGAL CONCLUSIONS

1. Cause does not exist to revoke or suspend Smog Check Inspector License number EO 152655, issued to Respondent Edgar Robles, pursuant to Health and Safety Code section 44072.2, subdivision (a), for violation of Health and Safety Code sections 44012, subdivisions (a) and (f), 44032, 44015, subdivision (b), and 44059 pursuant to the Motor Vehicle Inspection Program, as set forth in Findings 3 through 9.

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2. Cause does not exist to revoke or suspend Smog Check Inspector License number EO 152655, issued to Respondent Edgar Robles, pursuant to Health and Safety Code section 44072.2, subdivision (c), for violations of California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.30, subdivision (a), 3340.41, subdivision (c), and 3340.42, for violation of regulations pursuant to the Motor Vehicle Inspection Program, as set forth in Findings 3 through 9.

3. Cause does not exist to revoke or suspend Smog Check Inspector License number EO 152655, issued to Respondent Edgar Robles, pursuant to Health and Safety Code section 44072.2, subdivision (d), for dishonesty, fraud, or deceit, pursuant to the Motor Vehicle Inspection Program, as set forth in Findings 3 through 9. Although leaving his license at Pedro Smog Check for use by others was an act of dishonesty, Respondent Robles is not charged with that wrongdoing. He is charged with "issuing electronic smog certificates of compliance." (Exhibit 1, page 28, line 16.)

4. Cause does not exist to order Respondent Edgar Robles to pay the costs claimed under Business and Professions Code section 125.3, as set forth in Finding 11.

5. The Bureau bore the burden of proving the truth of the allegations contained in the Accusation. The standard of proof is a preponderance of the evidence. (*Fukuda v. City of Angels Camp* (1998) 63 Cal.App.4th 1426, 1429.) A preponderance of the evidence requires the trier of fact to determine that the existence of a fact is more probable than its nonexistence. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.) Complainant did not sustain his burden of proof as the Accusation is pled.

6. While Respondent Robles is guilty of failing to protect his confidential access code, and even intentionally leaving it at Pedro Smog Check, Complainant did

not prove that Respondent Robles performed any of the five smog checks attributable to his license.

7. Although a failure to protect a confidential access code and to keep the code confidential may constitute a cause for discipline, no such violation is alleged against Respondent Robles in the Accusation. However, Respondent Robles is cautioned to be mindful of the location of his license and access code and to refrain from using them for improper purposes.

ORDER

1. The Accusation against Respondent Edgar Robles, Smog Check Inspector License number EO 152655, is denied.

2. Complainant's request for cost recovery is denied.

DATE: 06/03/2025

H. Stuart Waxman

H. Stuart Waxman (Jun 3, 2025 10:27 PDT)

H. STUART WAXMAN

Administrative Law Judge

Office of Administrative Hearings