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

12 In the Matter of the Accusation Against:

Case No. **77/24-5108**

13 **Christopher Elias Zeit, owner, d.b.a. Pierce**
14 **Smog Test Only**
10941 Hole Ave., Unit B
Riverside, CA 92505

ACCUSATION

15 **Automotive Repair Dealer Registration**
16 **Number ARD 254092, Smog Test, Test**
17 **Only, Station License Number TC 254092**

18 **Christopher Elias Zeit**
19 **4875 Sun Beam Road**
20 **Yorba Linda, CA 92887**

21 **Smog Check Inspector License Number**
22 **EO 153605**

23 **Jorge Robles**
24 **10941 Hole Ave., Unit B**
25 **Riverside, CA 92505**

26 **Mailing Address**
27 **8200 Zinnia Place**
28 **Riverside, CA 92503**

Smog Check Inspector License Number EO
636196

Respondents.

PARTIES

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

3 2. On or about March 17, 2008, Bureau of Automotive Repair issued Automotive Repair
4 Dealer Registration Number ARD 254092 to Christopher Zeit dba Pierce Smog Test Only
5 (Respondent). The Automotive Repair Dealer was in full force and effect at all times relevant to
6 the charges brought herein and will expire on January 31, 2026, unless renewed.

7 3. On or about March 19, 2008, Bureau of Automotive Repair issued Smog Test, Test
8 Only, Station License Number TC 254092 to Christopher Zeit dba Pierce Smog Test Only
9 (Respondent). The Smog Test, Test Only, Station was in full force and effect at all times relevant
10 to the charges brought herein and will expire on January 31, 2026, unless renewed.

11 4. Respondent is also certified as a STAR Station. The certification was issued on
12 January 31, 2013, and will remain active unless the ARD registration and/or Smog Check Station
13 license is revoked, canceled, licenses become delinquent, or the certification is invalidated.

14 5. On or about February 27, 2014, Bureau of Automotive Repair issued Smog Check
15 Inspector License Number 153605 to Christopher Elias Zeit (Respondent Zeit). The Smog Check
16 Inspector License was in full force and effect at all times relevant to the charges brought herein
17 and will expire on March 31, 2026, unless renewed.

18 6. On or about February 27, 2014, Bureau of Automotive Repair issued Smog Check
19 Repair Technician License Number 153605 to Christopher Elias Zeit (Respondent Zeit). The
20 Smog Check Repair Technician License expired on March 31, 2016, and has not been renewed.

21 7. On or about October 31, 2013, Bureau of Automotive Repair issued Smog Check
22 Inspector License Number EO 636196 to Jorge Robles¹ (Respondent Robles). The Smog Check
23 Inspector was in full force and effect at all times relevant to the charges brought herein and will
24 expire on June 30, 2025, unless renewed.

25
26
27 ¹ At all times alleged herein, Respondent Jorge Robles was acting as an employee of
28 Respondent Pierce Smog Test Only and committed the acts alleged herein in the course and scope
of his employment at Respondent Pierce Smog Test Only.

1 **JURISDICTION**

2 8. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (“Director”) for the Bureau, under the authority of the following laws.

4 9. Section 9884.7 of the Business and Professions Code² provides that the Director may
5 revoke an ARD registration.

6 10. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
7 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
8 proceeding against an automotive repair dealer or to render a decision invalidating a registration
9 temporarily or permanently.

10 11. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
11 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
12 the Motor Vehicle Inspection Program.

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

17 **STATUTORY PROVISIONS**

18 13. Section 9884.7 of the Code states:

19 (a) The director, where the automotive repair dealer cannot show there was a
20 bona fide error, may deny, suspend, revoke, or place on probation the registration of
21 an automotive repair dealer for any of the following acts or omissions related to the
22 conduct of the business of the automotive repair dealer, which are done by the
23 automotive repair dealer or any automotive technician, employee, partner, officer, or
24 member of the automotive repair dealer.

25 (1) Making or authorizing in any manner or by any means whatever any
26 statement written or oral which is untrue or misleading, and which is known, or which
27 by the exercise of reasonable care should be known, to be untrue or misleading.

28 . . .

(4) Any other conduct which constitutes fraud.

. . .

² All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

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

3 14. Section 44072.2 of the Health and Safety Code states:

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

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

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

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

11 15. Section 44072.10 of the Health and Safety Code states, in pertinent part:

12 . . .

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

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

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

18 **REGULATORY PROVISIONS**

19 16. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

20 The bureau may suspend or revoke the license of or pursue other legal action
21 against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate
of compliance or a certificate of noncompliance.

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

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

25 (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. . . .”

26 ///

27 ///

28 ///

1 18. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

2

3 (c) A licensed station shall issue a certificate of compliance or noncompliance
4 to the owner or operator of any vehicle that has been inspected in accordance with the
5 procedures specified in section 3340.42 of this article and has all the required
6 emission control equipment and devices installed and functioning correctly. . . .

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

9 **COST RECOVERY**

10 20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
15 included in a stipulated settlement.

16 **VID DATA REVIEW**

17 21. Beginning March 9, 2015, California's Smog Check Program was updated to require
18 the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check
19 equipment required in all areas of the State when inspecting most model-year 2000 and newer
20 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a
21 certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD
22 is an On-Board Diagnostic ("OBD") scan tool that, when requested by the California OIS
23 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it
24 supports is requested by the California OIS software and will be retrieved. The DAD connects
25 between the OIS computer and the vehicle's DLC. The California OIS software requires a
26 continuous Internet connection when performing a Smog Check inspection and the OIS software
27 communicates with BAR's central database through the Internet connection. The bar code
28 scanner is used to input technician information, the vehicles identification number ("VIN"), and
DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing

1 inspection results for motorists and a Smog Check Certificate of Compliance number for passing
2 vehicles.

3 22. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is
4 the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the
5 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to
6 relay information; and the number of Parameter Identifications ("PIDs"), which is the number of
7 specific data values each PCM uses related to emissions controls.

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

- 12 • Engine speed in revolutions per minute (RPM)
- 13 • Throttle position as measured by a throttle position sensor (TPS) mounted onto
14 the throttle shaft. Measured in a percentage of opening from 0% at idle and near
15 or up to 100% at full throttle.
- 16 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
17 connected to an intake manifold source, measured in kilo pascals (kpa). Typical
18 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,
19 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at
20 sea level.
- 21 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the
22 engine's air intake tract. Measured in grams per second (gps).³
- 23 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is
24 measured in degrees Before Top Dead Center (BTDC).

25
26 ³ Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
27 MAP or MAF parameters separately.
28

1 24. During normal engine operation at idle, engine speed is relatively steady around its
2 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
3 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
4 opened to increase airflow through the engine. The engine's management systems supply fuel and
5 spark timing appropriate to any changes in throttle position and engine speed. An increase in
6 throttle, measured by the TPS, which increases engine RPM, would result in corresponding
7 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle
8 from the idle position will result in an increase of airflow through the engine with corresponding
9 increases RPM and/or MAF along with changes in MAP.

10 25. During an OIS Smog Check inspection, along with other visual and functional
11 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
12 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
13 engine speed.

14 26. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
15 inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle
16 Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty
17 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit
18 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of
19 Compliance has a unique control number so that it can be tracked to determine which Smog
20 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

21 27. The VID contains registration data from Department of Motor Vehicles ("DMV")
22 plus emission standards, vehicle smog check inspections, smog check stations and technicians,
23 and Certificates of Compliance. The VID receives the passing smog check results immediately
24 following the inspection. During the vehicle registration process, the DMV accesses the VID to
25 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view
26 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,
27 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending
28 on the test type, also prints a Vehicle Inspection Report ("VIR"), which is a physical record of the

1 test results and shows the Certificate of Compliance number that was issued if the vehicle passed
2 the smog inspection.

3 28. The smog check technician must sign the VIR under penalty of perjury to indicate
4 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
5 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
6 consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of
7 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by
8 the Bureau to perform official inspections. They are issued a personal access code and a license,
9 which are used to gain access to the EIS and OIS to perform smog check inspections.
10 Unauthorized use of another technician's access code or license is prohibited.

11 29. Respondents have engaged in numerous acts or omissions constituting violations of
12 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor
13 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
14 of "clean plugging."⁴ Respondent Robles' OIS Test Data available on the State database
15 indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau
16 representative initiated an investigation based on information transmitted to the VID for smog
17 check inspections performed by Respondent's Zeit and Robles. The investigation revealed that
18 the data related to certain vehicles certified by Respondent's Zeit and Robles contained a pattern
19 of unmistakable discrepancies between the information transmitted during the inspections and
20 documented information known about the vehicles at issue. Specifically, the representative
21 compared the data received from the certified vehicles to data from vehicles of the same year,
22 make, and model and determined that the data from at least ten (10) of the certified vehicles were
23 fraudulently tested by Respondent's Zeit and Robles during the smog inspection using the "clean
24 plugging" method as follows:

25 **Fraudulent Inspection #1: (Robles)**

26 ⁴ "Clean plugging" refers to the use of another vehicle's properly functioning On Board
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic
28 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that
are not in smog compliance and/or not present for testing.

1 30. Bureau Program Representative Raul Gacia (Garcia) reviewed the VID data for
2 Pierce Smog Test Only. The review indicates on November 14, 2022, a 2007 Nissan Xterra Off
3 Road, CA license 6BJA473, VIN# 5N1AN08U57C537593 (2007 Xterra), was tested and Smog
4 Check certificate # TA099954C was issued under licensed Smog Check technician #EO636196,
5 Robles.

6 31. The dynamic data and PID charts for the 2007 Nissan Xterra Off Road shows,
7 between time stamps 927 and 19630, engine speed is steady at approximately 500 RPM. During
8 this time, the TPS is fixed at a 3.9% opening, the MAF is fixed at 3.59 gps, and the spark timing
9 for #1 cylinder is fixed at 12 degrees BTDC. After time stamp 190630, the engine speed increases
10 to approximately 1800 RPM. From the time the engine RPM increases off idle to the higher
11 RPMs, the TPS is fixed at the same 3.9% opening, the MAF is fixed at the same 3.59 gps, and the
12 spark timing for #1 cylinder is fixed at the same 12 degrees BTDC.

13 32. During the period the dynamic data was collected, the only parameter that changed
14 was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though
15 the engine speed was increased. These readings are not characteristic or expected for normal
16 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
17 2007 Xterra being certified, causing the issuance of a fraudulent Smog Check certificate of
18 compliance.

19 **Fraudulent Inspection #2: (Robles)**

20 33. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on
21 December 2, 2022, a 2001 Toyota Camry CE, CA license 4XGH531 VIN# T1BG22K21U034171
22 (2001 Camry), was tested and Smog Check certificate # TA454384C was issued under licensed
23 Smog Check technician #EO636196, Robles.

24 34. The dynamic data and PID charts for the 2001 Camry shows, between time stamps
25 147 and 20716, engine speed is approximately 770 RPM. During this time, the TPS is fixed at a
26 10.2% opening, the MAP is fixed at 30 kPa, and the spark timing for #1 cylinder is fixed at 7
27 degrees BTDC. After time stamp 20716, the engine speed increases to approximately 1600 RPM.
28 From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at the same

1 10.2% opening, the MAP is fixed at the same 30 kPa, and the spark timing for #1 cylinder is fixed
2 at the same 7 degrees BTDC.

3 35. During the period the dynamic data was collected, the only parameter that changed
4 was engine RPM. The TPS, MAP, and spark timing readings remained unchanged even though
5 the engine speed was increased. These readings are not characteristic or expected for normal
6 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
7 2001 Camry being certified, causing the issuance of a fraudulent Smog Check certificate of
8 compliance.

9 **Fraudulent Inspection #3: (Robles)**

10 36. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on
11 January 13, 2023, a 2004 Toyota Tacoma, CA license 8V22301, VIN# 5TENL42N34Z336129
12 (2004 Tacoma), was tested and Smog Check certificate # TC481831C was issued under licensed
13 Smog Check technician #EO636196, Robles.

14 37. The Dynamic data and PID Charts for the 2004 Tacoma shows, between time stamps
15 335 and 17082, engine speed is steady at approximately 650 RPM. During this time, the TPS is
16 fixed at a 9% opening, the MAF is fixed at 3.17 gps, and the spark timing for #1 cylinder is fixed
17 at 10 degrees BTDC. After time stamp 17082, the engine speed increases to approximately 1550
18 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at
19 the same 9% opening, the MAF is fixed at the same 3.17 gps, and the spark timing for #1 cylinder
20 is fixed at the same 10 degrees BTDC.

21 38. During the period the dynamic data was collected, the only parameter that changed
22 was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though
23 the engine speed was increased. These readings are not characteristic or expected for normal
24 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
25 2004 Tacoma being certified, causing the issuance of a fraudulent Smog Check certificate of
26 compliance.

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Fraudulent Inspection #4: (Robles)

39. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on January 20, 2023, a 2004 Honda CR-V LX, CA license 5EWB421, VIN# JHLRD68494C002178, (2004 CR-V), was tested and Smog Check certificate # TC587448C was issued under licensed Smog Check technician #EO636196, Robles.

40. The dynamic data and PID charts for the 2004 CR-V shows, between time stamps 136 and 27792, engine speed is steady at approximately 750 RPM. During this time, the TPS is fixed at a 9.4% opening, the MAP is fixed at 37kPa, and the spark timing for #1 cylinder is fixed at 8.5 degrees BTDC. After time stamp 27792, the engine speed increases to approximately 1800 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at the same 9.4% opening, the MAP is fixed at the same 37 kPa, and the spark timing for #1 cylinder is fixed at the same 8.5 degrees BTDC.

41. During the period the dynamic data was collected, the only parameter that changed was engine RPM. The TPS, MAP, and spark timing readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the 2004 CR-V being certified, causing the issuance of a fraudulent Smog Check certificate of compliance.

Fraudulent Inspection #5: (Zeit)

42. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on January 28, 2023, a 2001 Dodge Ram 1500, CA license 6L77053, VIN# 3B7HC13Y31G731603 (2001 Ram), was tested and Smog Check certificate # IR843668C was issued under licensed Smog Check technician #EO153605, Zeit.

43. The dynamic data and PID charts for the 2001 Ram shows, between time stamps 168 and 28933, engine speed is steady at approximately 700 RPM. During this time, the TPS is fixed at a 8.6% opening, the MAP is fixed at 36 kPa, and the spark timing for #1 cylinder is fixed at 13 degrees BTDC. After time stamp 28933, the engine speed increases to approximately 1550 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at the same

1 8.6% opening, the MAP is fixed at the same 36 kPa, and the spark timing for #1 cylinder is fixed
2 at the same 13 degrees BTDC.

3 44. During the period the dynamic data was collected, the only parameter that changed
4 was engine RPM. The TPS, MAP, and spark timing readings remained unchanged even though
5 the engine speed was increased. These readings are not characteristic or expected for normal
6 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
7 2001 Ram being certified, causing the issuance of a fraudulent Smog Check certificate of
8 compliance.

9 **Fraudulent Inspection #6: (Zeit)**

10 45. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on
11 February 1, 2023, a 2000 Honda Civic Base CA license 7FLC117, VIN# 2HGEJ6612YH553117
12 (2000 Civic), was tested and Smog Check certificate # IR843700C was issued under licensed
13 Smog Check technician #EO 153605, Zeit.

14 46. The dynamic data and PID charts for the 2000 Civic shows, between time stamps 132
15 and 27191, engine speed is steady at approximately 650 RPM. During this time, the TPS is fixed
16 at a 9.8% opening, the MAP is fixed at 27kPa, and the spark timing for #1 cylinder is fixed at
17 11.5 degrees BTDC. After time stamp 27191, the engine speed increases to approximately 1550
18 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at
19 the same 9.8% opening, the MAP is fixed at the same 27 kPa, and the spark timing for #1
20 cylinder is fixed at the same 11.5 degrees BTDC.

21 47. During the period the dynamic data was collected, the only parameter that changed
22 was engine RPM. The TPS, MAP, and spark timing readings remained unchanged even though
23 the engine speed was increased. These readings are not characteristic or expected for normal
24 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
25 2000 Civic being certified, causing the issuance of a fraudulent Smog Check certificate of
26 compliance.

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Fraudulent Inspection #7: (Robles)

48. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on February 27, 2023, a 2001 Toyota Tundra, CA license 6N84986, VIN# 5TBJN32151S149802 (2001 Tundra), was tested and Smog Check certificate # IT206689C was issued under licensed Smog Check technician #EO636196, Robles.

49. The dynamic data and PID charts for the 2001 Tundra shows, between time stamps 167 and 17758, engine speed is steady at approximately 850 RPM. During this time, the TPS is fixed at a 9 % opening, the MAF is fixed at 4.1 gps, and the spark timing for #1 cylinder is fixed at 11.5 degrees BTDC. After time stamp 17758, the engine speed increases to approximately 1650 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at the same 9% opening, the MAF is fixed at the same 4.1 gps, and the spark timing for #1 cylinder is fixed at the same 11.5 degrees BTDC.

50. During the period the dynamic data was collected, the only parameter that changed was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the 2001 Tundra being certified, causing the issuance of a fraudulent Smog Check certificate of compliance.

Fraudulent Inspection #8: (Robles)

51. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on March 3, 2023, a 2007 Nissan Frontier Crew Cab LE, CA license 8H41686, VIN# 1N6AD09W47C432435 (2007 Frontier), was tested and Smog Check certificate # IT405212C was issued under licensed Smog Check technician #EO636196, Robles.

52. The dynamic data and PID charts for the 2007 Frontier shows, between time stamps 179 and 18207, engine speed is steady at approximately 650 RPM. During this time, the TPS is fixed at a 2% opening, the MAF is fixed at 3.27 gps, and the spark timing for #1 cylinder is fixed at 15 degrees BTDC. After time stamp 18207, the engine speed increases to approximately 2150 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at

1 the same 2% opening, the MAF is fixed at the same 3.27 gps, and the spark timing for #1 cylinder
2 is fixed at the same 15 degrees BTDC.

3 53. During the period the dynamic data was collected, the only parameter that changed
4 was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though
5 the engine speed was increased. These readings are not characteristic or expected for normal
6 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
7 2007 Frontier being certified, causing the issuance of a fraudulent Smog Check certificate of
8 compliance.

9 **Fraudulent Inspection #9: (Robles)**

10 54. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on
11 March 4, 2023, a 2001 Toyota Avalon XL, CA license 7YAZ369, VIN# 4T1BF28B51U164374
12 (2001 Avalon), was tested and Smog Check certificate # IT405229C was issued under licensed
13 Smog Check technician #EO636196, Robles.

14 55. The dynamic data and PID charts for the 2001 Avalon shows, between time stamps
15 167 and 27504, engine speed is steady at approximately 760 RPM. During this time, the TPS is
16 fixed at a 10.6% opening, the MAF is fixed at 4.76gps, and the spark timing for #1 cylinder is
17 fixed at 12 degrees BTDC. After time stamp 27504, the engine speed increases to approximately
18 1900 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is
19 fixed at the same 10.6% opening, the MAF is fixed at the same 4.76 gps, and the spark timing for
20 #1 cylinder is fixed at the same 12 degrees BTDC.

21 56. During the period the dynamic data was collected, the only parameter that changed
22 was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though
23 the engine speed was increased. These readings are not characteristic or expected for normal
24 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
25 2001 Avalon being certified, causing the issuance of a fraudulent Smog Check certificate of
26 compliance.

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1 **Fraudulent Inspection #10: (Robles)**

2 57. Garcia reviewed the VID data for Pierce Smog Test Only. The review indicates on
3 March 14, 2023, a 2004 Toyota Corolla Matrix XR, CA license 6JYK803, VIN#
4 T1KR32E24C232832 (2004 Matrix), was tested and Smog Check certificate # TE515154C was
5 issued under licensed Smog Check technician #EO636196, Robles.

6 58. The dynamic data and PID charts for the 2004 Matrix shows, between time stamps
7 155 and 17376, engine speed is steady at approximately 735 RPM. During this time, the TPS is
8 fixed at 11.4% opening, the MAF is fixed at 4.5 gps, and the spark timing for #1 cylinder is fixed
9 at 15 degrees BTDC. After time stamp 17376, the engine speed increases to approximately 1650
10 RPM. From the time the engine RPM increases off idle to the higher RPMs, the TPS is fixed at
11 the same 11.4% opening, the MAF is fixed at the same 4.5 gps, and the spark timing for #1
12 cylinder is fixed at the same 15 degrees BTDC.

13 59. During the period the dynamic data was collected, the only parameter that changed
14 was engine RPM. The TPS, MAF, and spark timing readings remained unchanged even though
15 the engine speed was increased. These readings are not characteristic or expected for normal
16 engine operation. The discrepancies in the dynamic data prove the DAD was not connected to the
17 2004 Matrix being certified, causing the issuance of a fraudulent Smog Check certificate of
18 compliance.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements - Respondent Pierce Smog Test Only)**

21 60. Respondent Pierce Smog Test Only's registration is subject to disciplinary action
22 pursuant to section 9884.7, subdivision (a)(1), in that Respondent's employees made or
23 authorized statements which they knew or in the exercise of reasonable care should have known
24 to be untrue or misleading, as follows: Respondent's employees certified that the vehicles set
25 forth above in paragraphs 30-59, had passed inspection and were in compliance with applicable
26 laws and regulations. In fact, Respondent's employees conducted the inspections on those
27 vehicles using the clean plugging method in order to issue smog certificates of compliance, and
28 did not test or inspect the vehicles as required by Health and Safety Code section 44012.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud - Respondent Pierce Smog Test Only)**

3 61. Respondent Pierce Smog Test Only's registration is subject to disciplinary action
4 pursuant to section 9884.7, subdivision (a)(4), in that Respondent Pierce Smog Test Only's
5 employees committed acts which constitute fraud by issuing electronic certificates of compliance
6 for the vehicles set forth above in paragraphs 30-59, without performing bona fide inspections of
7 the emission control devices and systems on those vehicles, thereby depriving the People of the
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Motor Vehicle Inspection Program –**
11 **Respondent Pierce Smog Test Only)**

12 62. Respondent Pierce Smog Test Only's smog station license is subject to disciplinary
13 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with
14 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
15 above in paragraphs 30-59, Respondent Pierce Smog Test Only failed to comply with the
16 following sections of the Health and Safety Code:

17 (a) **Section 44012**: Respondent Pierce Smog Test Only's employees failed to ensure that
18 the emission control tests were performed on the vehicles, in accordance with procedures
19 prescribed by the department.

20 (b) **Section 44015**: Respondent Pierce Smog Test Only's employees issued electronic
21 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested
22 and inspected to determine if they were in compliance with Health and Safety Code section
23 44012.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**
26 **Respondent Pierce Smog Test Only)**

27 63. Respondent Pierce Smog Test Only's smog station license is subject to disciplinary
28 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the

1 vehicles set forth above in paragraphs 30-59, Respondent's employees failed to comply with the
2 following provisions of the California Code of Regulations, Title 16, as follows:

3 (a) **Section 3340.35, subdivision (c)**: Respondent Pierce Smog Test Only's employees
4 issued electronic certificates of compliance even though those vehicles had not been inspected in
5 accordance with section 3340.42, Title 16, of the California Code of Regulations.

6 (b) **Section 3340.42**: Respondent Pierce Smog Test Only's employees failed to conduct
7 the required smog tests and inspections on those vehicles in accordance with the Bureau's
8 specifications.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud or Deceit - Respondent Pierce Smog Test Only)**

11 64. Respondent Pierce Smog Test Only's smog station license is subject to disciplinary
12 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
13 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
14 above in paragraphs 30-59, Respondent Pierce Smog Test Only's employee's committed acts
15 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
16 certificates of compliance for those vehicles without performing bona fide inspections of the
17 emission control devices and systems on the vehicles, thereby depriving the People of the State of
18 California of the protection afforded by the Motor Vehicle Inspection Program.

19 **SIXTH CAUSE FOR DISCIPLINE**

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

21 65. Respondent Robles's smog check inspector license is subject to discipline pursuant to
22 Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
23 above in paragraphs 30-41 and 48-59, Respondent Robles failed to comply with section 44012 of
24 the Health and Safety Code in a material respect, as follows: Respondent Robles failed to
25 perform the emission control tests on those vehicles in accordance with procedures prescribed by
26 the department.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
3 **Respondent Robles)**

4 66. Respondent Robles's smog check inspector license is subject to discipline pursuant to
5 Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
6 above in paragraphs 30-41 and 48-59, Respondent Robles failed to comply with provisions of the
7 California Code of Regulations, title 16, as follows:

8 (a) **Section 3340.30, subdivision (a)**: Respondent Robles failed to inspect and test those
9 vehicles in accordance with Health and Safety Code section 44012.

10 (b) **Section 3340.41, subdivision (c)**: Respondent Robles entered false information into
11 the EIS.

12 (c) **Section 3340.42**: Respondent Robles failed to conduct the required smog tests and
13 inspections on those vehicles in accordance with the Bureau's specifications.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Dishonesty, Fraud or Deceit - Respondent Robles)**

16 67. Respondent Robles's smog check inspector license is subject to discipline pursuant to
17 Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety
18 Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
19 paragraphs 30-41 and 48-59, Respondent Robles committed acts involving dishonesty, fraud or
20 deceit whereby another was injured by issuing electronic certificates of compliance for those
21 vehicles without performing bona fide inspections of the emission control devices and systems on
22 the vehicles., thereby depriving the People of the State of California of the protection afforded by
23 the Motor Vehicle Inspection Program.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program – Respondent Zeit)**

26 68. Respondent Zeit's smog check inspector license and Smog Check Repair Technician
27 License are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
28 (a), in that regarding the vehicles set forth above in paragraphs 42-47, Respondent Zeit failed to

1 comply with section 44012 of the Health and Safety Code in a material respect, as follows:
2 Respondent Zeit failed to perform the emission control tests on those vehicles in accordance with
3 procedures prescribed by the department.

4 **TENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
6 **Respondent Zeit)**

7 69. Respondent Zeit's smog check inspector license and Smog Check Repair Technician
8 License are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
9 (c), in that regarding the vehicles set forth above in paragraphs 42-47, Respondent Zeit failed to
10 comply with provisions of the California Code of Regulations, title 16, as follows:

11 (a) **Section 3340.30, subdivision (a)**: Respondent Zeit failed to inspect and test those
12 vehicles in accordance with Health and Safety Code section 44012.

13 (b) **Section 3340.41, subdivision (c)**: Respondent Zeit entered false information into the
14 EIS.

15 (c) **Section 3340.42**: Respondent Zeit failed to conduct the required smog tests and
16 inspections on those vehicles in accordance with the Bureau's specifications.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 **(Dishonesty, Fraud or Deceit - Respondent Zeit)**

19 70. Respondent Zeit's smog check inspector license and Smog Check Repair Technician
20 License are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
21 (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that
22 regarding the vehicles set forth above in paragraphs 42-47, Respondent Zeit committed acts
23 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
24 certificates of compliance for those vehicles without performing bona fide inspections of the
25 emission control devices and systems on the vehicles., thereby depriving the People of the State
26 of California of the protection afforded by the Motor Vehicle Inspection Program.

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OTHER MATTERS

71. Pursuant to Business & 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 Pierce Smog Test Only upon a finding that Respondent Pierce Smog Test Only has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

72. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station License Number TC 254092 issued to Respondent Pierce Smog Test Only is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

73. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 153605, issued to Respondent Zeit, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

74. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 636196, issued to Respondent Robles, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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 254092, issued to Christopher Zeit dba Pierce Smog Test Only;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Christopher Zeit;

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1 3. Revoking or suspending Smog Test, Test Only, Station License Number TC 254092,
2 issued to Christopher Zeit dba Pierce Smog Test Only;

3 4. Revoking or suspending Smog Check Inspector License Number EO 153605, issued
4 to Christopher Elias Zeit;

5 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of Respondent Christopher Elias Zeit;

7 6. Revoking or suspending Smog Check Inspector Number EO 636196, issued to Jorge
8 Robles;

9 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health and Safety Code in the name of Respondent Jorge Robles;

11 8. Ordering Christopher Elias Zeit and Jorge Robles to pay the Bureau of Automotive
12 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
13 Business and Professions Code section 125.3 and if placed on probation, the costs of probation
14 monitoring; and,

15 9. Taking such other and further action as deemed necessary and proper.

16
17 DATED: As of digital signature date

18 PATRICK DORAIS
19 Chief
20 Bureau of Automotive Repair
21 Department of Consumer Affairs
22 State of California
23 *Complainant*

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