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8  
9 **BEFORE THE**  
**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. 79/25-7013

13 **SMOG WIZARD**  
**YESHUA ASKARI, PARTNER**  
14 **KHADIJEH BARATZADEH, PARTNER**  
3445 Cincinnati Avenue  
15 Rocklin, CA 95765

**FIRST AMENDED ACCUSATION**

16 **Automotive Repair Dealer Registration**  
**No. ARD 305053**  
17 **Smog Check, Test-Only, Station License**  
**No. TC 305053,**

18 **AARON MICHAEL TAYLOR**  
19 1015 Riley Street Unit 965  
Folsom, CA 95763

20 Mailing Address:  
21 457 Toburru Way  
Folsom, CA 95630

22 **Smog Check Inspector License No.**  
23 **EO 644230,**

24 **SANJEEV SINGH**  
6 Poinsettia Ct.  
25 Sacramento, CA 95838

26 **Smog Check Inspector License No.**  
**EO 633638**  
27 **Smog Check Repair Technician License No.**  
**EI 633638,**  
28

1 **HIRMAND ASKARI**  
2 3830 Pacheco Blvd, Suite A  
3 Martinez, CA 94553

4 **Smog Check Inspector License No.**  
5 **EO 140578**  
6 **Smog Check Repair Technician License**  
7 **No. EI 140578**

8 and

9 **LOC MY NGUYEN**  
10 8536 McGray Way  
11 Elk Grove, CA 95624

12 **Smog Check Inspector License No.**  
13 **EO 154130**  
14 **Smog Check Repair Technician License No.**  
15 **EI 154130**

16 Respondents.

17 **PARTIES**

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

21 **Automotive Repair Dealer Registration**

22 2. On or about February 15, 2023, the Bureau issued Automotive Repair Dealer  
23 Registration Number ARD 305053 to Smog Wizard (Respondent Wizard) with Yeshua Askari  
24 and Khadijeh Baratzadeh as Partners. The Automotive Repair Dealer Registration was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on February 28,  
26 2027, unless renewed.

27 **Smog Check, Test-Only, Station License**

28 3. On or about March 8, 2023, the Bureau issued Smog Check, Test-Only, Station  
License Number TC 305053 to Respondent Wizard. The Smog Check, Test-Only, Station  
License was in full force and effect at all times relevant to the charges brought herein and will  
expire on February 28, 2027, unless renewed.

///

1           **Smog Check Inspector License- Respondent Taylor**

2           4.     On or about March 22, 2023, the Bureau issued Smog Check Inspector License  
3     Number EO 644230 to Aaron Michael Taylor (Respondent Taylor). The Smog Check Inspector  
4     License was in full force and effect at all times relevant to the charges brought herein and will  
5     expire on August 31, 2025, unless renewed.

6           **Smog Check Inspector License- Respondent Singh**

7           5.     On or about May 1, 2013, the issued Smog Check Inspector License Number EO  
8     633638 to Sanjeev Singh (Respondent Singh). The Smog Check Inspector License was in full  
9     force and effect at all times relevant to the charges brought herein and will expire on June 30,  
10    2027, unless renewed.

11          **Smog Check Repair Technician License- Respondent Singh**

12          6.     On or about May 1, 2013, the Bureau issued Smog Check Repair Technician License  
13    Number EI 633638 to Respondent Singh. The Smog Check Repair Technician License expired on  
14    June 30, 2017, and has not been renewed.

15          **Smog Check Inspector License- Respondent Askari**

16          7.     On or about August 7, 2013, the Bureau issued Smog Check Inspector License  
17    Number EO 140578 to Hirmand Askari (Respondent Askari). The Smog Check Inspector License  
18    was in full force and effect at all times relevant to the charges brought herein and will expire on  
19    July 31, 2027, unless renewed.

20          **Smog Check Repair Technician License- Respondent Askari**

21          8.     On or about August 7, 2013, the Bureau issued Smog Check Repair Technician  
22    License Number EI 140578 to Respondent Askari. The Smog Check Repair Technician License  
23    expired on July 31, 2017, and has not been renewed.

24          **Smog Check Inspector License- Respondent Nguyen**

25          9.     On or about February 27, 2013, the Bureau issued Smog Check Inspector License  
26    Number EO 154130 to Loc My Nguyen (Respondent Nguyen). The Smog Check Inspector  
27    License was in full force and effect at all times relevant to the charges brought herein and will  
28    expire on February 28, 2027, unless renewed.



1 **STATUTORY PROVISIONS**

2 17. Code section 9884.7 states, in pertinent part:

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

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

12 ...

13 (4) Any other conduct which constitutes fraud.

14 ...

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

17 ...

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

23 18. Code section 9889.22 states:

24 The willful making of any false statement or entry with regard to a material matter in  
25 any oath, affidavit, certificate of compliance or noncompliance, or application form which  
26 is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of  
27 Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided  
28 in the Penal Code.

19. Health & Saf. Code section 44012, states, in pertinent part:

22 The test at the smog check stations shall be performed in accordance with  
23 procedures prescribed by the department and may require loaded mode  
24 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a  
25 vehicle's onboard diagnostic system, or other appropriate test procedures as  
26 determined by the department in consultation with the state board. The department  
27 shall implement testing using onboard diagnostic systems, in lieu of loaded mode  
28 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 (a) and (c) of Section 44013.

3 ...

4 (f) A visual or functional check is made of emission control devices  
5 specified by the department, including the catalytic converter in those instances in  
6 which the findings of Section 44001. The visual or functional check shall be  
performed in accordance with the procedures as prescribed by the department....

7 20. Health & Saf. Code section 44015, subdivision (b), provides that a certificate  
8 of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code  
section 44012.

9 21. Health & Saf. Code section 44032 provides that qualified technicians shall perform  
10 tests of emissions control devices and systems in accordance with Health & Saf. Code section  
11 40012.

12 22. Health & Saf. Code section 44059 states:

13 The willful making of any false statement or entry with regard to a material  
14 matter in any oath, affidavit, certificate of compliance or noncompliance, or  
15 application form which is required by this chapter or Chapter 20.3 (commencing  
with Section 9880) of Division 3 of the Business and Professions Code, constitutes  
16 perjury and is punishable as provided in the Penal Code.

17 23. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

22 ...

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

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

26 24. Health & Saf. Code section 44072.10 states, in pertinent part:

27 ...

28 (c) The department shall revoke the license of any smog check technician or  
station license who fraudulently certifies vehicles or participates in the fraudulent

1 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of  
2 the following:

...

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

### 5 **REGULATORY PROVISIONS**

6 25. California Code of Regulations, title 16 (CCR), section 3340.30 states, in  
7 pertinent part:

8 A licensed smog check inspector and/or repair technician shall comply with the  
9 following requirements at all times while licensed:

10 (a) Inspect, test and repair vehicles, as applicable, in accordance with section  
11 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code,  
12 and section 3340.42 of this article....

13 26. CCR section 3340.35, states, in pertinent part:

...

14 (c) A licensed station shall issue a certificate of compliance or noncompliance  
15 to the owner or operator of any vehicle that has been inspected in accordance with the  
16 procedures specified in section 3340.42 of this article and has all the required  
17 emission control equipment and devices installed and functioning correctly. The  
18 following conditions shall apply....

19 27. CCR section 3340.41, states, in pertinent part:

...

20 (c) No person shall enter into the emissions inspection system any vehicle  
21 identification information or emission control system identification data for any  
22 vehicle other than the one being tested. Nor shall any person knowingly enter into the  
23 emissions inspection system any false information about the vehicle being tested....

24 28. CCR section 3340.42, states:

25 Smog check inspection methods are prescribed in the Smog Check Manual,  
26 referenced by section 3340.45.

27 (a) All vehicles subject to a smog check inspection, shall receive one of the  
28 following test methods:

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999  
model-year vehicle, except diesel-powered, registered in the enhanced program areas  
of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,  
carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's  
specifications referenced in subsection (a) of Section 3340.17 of this article. The  
loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,  
including a chassis dynamometer, certified by the bureau.

1 On and after March 31, 2010, exhaust emissions from a vehicle subject to this  
2 inspection shall be measured and compared to the emissions standards shown in the  
3 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,  
4 dated March 2010, which is hereby incorporated by reference. If the emissions  
5 standards for a specific vehicle are not included in this table then the exhaust  
emissions shall be compared to the emissions standards set forth in TABLE I or  
TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured  
emissions are less than or equal to the applicable emission standards specified in the  
applicable table.

6 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
7 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
8 the state, except in those areas of the state where the enhanced program has been  
9 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
10 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
11 contained in the bureau's specifications referenced in subsection (a) of Section  
3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
shall be measured and compared to the emission standards set forth in this section and  
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
measured emissions are less than or equal to the applicable emissions standards  
specified in Table III.

12 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
13 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
14 model-year and newer. The OBD test failure criteria are specified in section  
3340.42.2.

15 (b) In addition to subsection (a), all vehicles subject to the smog check program  
shall receive the following:

16 (1) A visual inspection of emission control components and systems to verify  
17 the vehicle's emission control systems are properly installed.

18 (2) A functional inspection of emission control systems as specified in the  
19 Smog Check Manual, referenced by section 3340.45, which may include an OBD  
test, to verify their proper operation.

20 (c) The bureau may require any combination of the inspection methods in  
sections (a) and (b) under any of the following circumstances:

21 (1) Vehicles that the department randomly selects pursuant to Health and Safety  
22 Code section 44014.7 as a means of identifying potential operational problems with  
vehicle OBD systems.

23 (2) Vehicles identified by the bureau as being operationally or physically  
24 incompatible with inspection equipment.

25 (3) Vehicles with OBD systems that have demonstrated operational problems.

26 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter  
standards are as follows:

27 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon  
28 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions  
standards included in the tables described in subsection (a), as applicable.

1 (2) Vehicles with emission levels exceeding the emission standards for gross  
2 polluters during an initial inspection will be considered gross polluters and the  
3 provisions pertaining to gross polluting vehicles will apply, including, but not limited  
4 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

5 (3) A gross polluting vehicle shall not be passed or issued a certificate of  
6 compliance until the vehicle's emissions are reduced to or below the applicable  
7 emissions standards for the vehicle included in the tables described in subsection (a),  
8 as applicable. However, the provisions described in section 44017 of the Health and  
9 Safety Code may apply.

10 (4) This subsection applies in all program areas statewide to vehicles  
11 requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety  
12 Code.

13 29. CCR section 3373, states:

14 No automotive repair dealer or individual in charge shall, in filling out an  
15 estimate, invoice, or work order, or record required to be maintained by section  
16 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or  
17 information which will cause any such document to be false or misleading, or where  
18 the tendency or effect thereby would be to mislead or deceive customers, prospective  
19 customers, or the public.

#### 20 **COST RECOVERY**

21 30. Code section 125.3 provides, in pertinent part, that the Bureau may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement  
24 of the case, with failure of the licentiate to comply subjecting the license to not being renewed or  
25 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a  
26 stipulated settlement.

#### 27 **CALIFORNIA'S SMOG CHECK PROGRAM**

28 31. California's Smog Check Program requires most vehicles in the State to undergo a  
smog check inspection every two years or when the vehicle's title is transferred.

32. A smog check inspection in certain Enhanced areas of the State is an Acceleration  
Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known  
as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),  
Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO<sub>2</sub>) and Oxygen (O<sub>2</sub>). The  
first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.

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 33. 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, O<sub>2</sub>, and CO<sub>2</sub> at idle as  
6 well as 2500 revolutions per minute (rpm).

7 34. 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 35. 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 36. 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 37. 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 38. 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),

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

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

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

23 40. During normal engine operation at idle, engine speed is relatively steady around its  
24 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or  
25 MAF readings are also steady. For the engine speed to increase, the throttle would have to be  
26 opened in order to increase airflow through the engine. The engine's management systems  
27 supply fuel and spark timing appropriate to any changes in throttle position and engine speed.  
28 An increase in throttle, measured by the TPS, which increases engine RPM, would result in a

1 corresponding increases in MAF as well as a change in MAP. Any movement in the throttle from  
2 the idle position will result in an increase of airflow through the engine with corresponding  
3 increases RPM and MAF along with changes in MAP.

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

10 42. The Bureau has become aware of methods that some Smog Check stations and Smog  
11 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog  
12 check test on their own, or in some instances, are not even present during the time the test is  
13 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another  
14 source such as defeat devices, are used to generate passing data readings or diagnostic  
15 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in  
16 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine  
17 operation during a smog check inspection by transmitting OBD II data to the VID which has been  
18 modified or replaced entirely for the purportedly inspected vehicle during the functional portion  
19 of the OIS inspection.

### 20 **REVIEW OF OIS TEST DATA**

21 43. Bureau representative D.W. reviewed BAR-OIS test data pertaining to smog inspections  
22 conducted at Respondent Wizard's facility. D.W. found that Respondent Taylor, Respondent  
23 Singh, Respondent Nguyen, and Respondent Askari performed smog check inspections on  
24 fourteen vehicles identified below using a method known as "clean plugging,"<sup>1</sup> resulting in the  
25 issuance of fraudulent certificates of compliance for the vehicles. D.W. conducted a detailed

26 <sup>1</sup> Clean plugging is the use of a vehicle's properly functioning OBD II system, or another  
27 source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog  
28 certificate of compliance to another vehicle that is not in compliance with the Smog Check  
Program and/or is not present for testing.

1 review of the VID data for Smog Check inspections performed at Respondent Wizard's facility  
2 that showed a pattern of vehicles being certified with engine operating parameters that did not  
3 correspond to normal engine operation, confirming the vehicles receiving smog certifications had  
4 not been tested during the OBD II functional test, which constitutes clean plugging. The  
5 Bureau's review of the Smog Check activities at Respondent Wizard's facility confirmed that 14  
6 Smog Check Certificates of Compliance were fraudulently issued by Respondent Wizard to  
7 vehicles after inspections were performed at Respondent Wizard.

8 **Vehicle 1**

9 44. BAR-OIS test data showed that on July 1, 2023, Respondent Taylor performed a  
10 smog check inspection on a 2017 Nissan Altima 2.5 (Vehicle 1), resulting in the issuance of  
11 Certificate of Compliance No. TK293078C. The OIS test details for Vehicle 1 showed that the  
12 eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test  
13 Data for other 2017 Nissan Altima 2.5 vehicles and found that they transmit an eVIN. The PID  
14 count recorded during the inspection on Vehicle 1 was not consistent with the PID count for the  
15 make and model of this vehicle by other smog check stations. D.W. concluded that the DAD had  
16 not been connected to Vehicle 1 during the smog check inspection performed by Respondent  
17 Taylor, resulting in a fraudulent smog check certificate of compliance for Vehicle 1.

18 45. D.W. utilized the Bureau's database and found that Vehicle 1 was subsequently tested  
19 on June 3, 2024, at another licensed smog facility. The BAR-OIS test data from that inspection  
20 showed the eVIN had been transmitted as expected, and the communication protocol and PID  
21 count had been consistent with the make and model of Vehicle 1.

22 **Vehicle 2**

23 46. BAR-OIS test data showed that on November 14, 2023, Respondent Taylor  
24 performed a smog check inspection on a 2016 Jeep Grand Cherokee Laredo (Vehicle 2), resulting  
25 in the issuance of Certificate of Compliance No. TO923113C. The OIS test details for Vehicle 2  
26 showed that the eVIN had not been recorded during the inspection. D.W. reviewed the  
27 Comparative OIS Test Data for other 2016 Jeep Grand Cherokee Laredo vehicles and found that  
28 they transmit an eVIN. The PID count recorded during the inspection on Vehicle 2 was not

1 consistent with the PID count for the make and model of this vehicle by other smog check  
2 stations. D.W. concluded that the DAD had not been connected to Vehicle 2 during the smog  
3 check inspection performed by Respondent Taylor, resulting in a fraudulent smog check  
4 certificate of compliance for Vehicle 2.

5 47. D.W. utilized the Bureau's database and found that Vehicle 2 had been previously  
6 tested on December 10, 2019, at another licensed smog facility. The BAR-OIS test data from that  
7 inspection showed the eVIN had been transmitted as expected, and the communication protocol  
8 and PID count had been consistent with the make and model of Vehicle 2.

### 9 **Vehicle 3**

10 48. BAR-OIS test data showed that on September 1, 2024, Respondent Singh performed  
11 a smog check inspection on a 2012 Audi Q5 Premium Plus (Vehicle 3), resulting in the issuance  
12 of Certificate of Compliance No. UC696602C. The OIS test details for Vehicle 3 showed that the  
13 eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test  
14 Data for other 2012 Audi Q5 Premium Plus vehicles and found that they transmit an eVIN. The  
15 PID count recorded during the inspection on Vehicle 3 was not consistent with the PID count for  
16 the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD  
17 had not been connected to Vehicle 3 during the smog check inspection performed by Respondent  
18 Singh, resulting in a fraudulent smog check certificate of compliance for Vehicle 3.

19 49. D.W. utilized the Bureau's database and found that Vehicle 3 had been previously  
20 tested on December 11, 2023, at another licensed smog facility. The BAR-OIS test data from that  
21 inspection showed the eVIN had been transmitted as expected, and the communication protocol  
22 and PID count had been consistent with the make and model of Vehicle 3.

### 23 **Vehicle 4**

24 50. BAR-OIS test data showed that on September 4, 2024, Respondent Taylor performed  
25 a smog check inspection on a 2019 Infiniti QX50 Essential (Vehicle 4), resulting in the issuance  
26 of Certificate of Compliance No. UC763155C. The OIS test details for Vehicle 4 showed that the  
27 eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test  
28 Data for other 2019 Infiniti QX50 Essential vehicles and found that they transmit an eVIN. The

1 PID count recorded during the inspection on Vehicle 4 was not consistent with the PID count for  
2 the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD  
3 had not been connected to Vehicle 4 during the smog check inspection performed by Respondent  
4 Taylor, resulting in a fraudulent smog check certificate of compliance for Vehicle 4.

5 51. D.W. utilized the Bureau's database and found that Vehicle 4 had been previously  
6 tested on August 13, 2024, at another licensed smog facility. The BAR-OIS test data from that  
7 inspection showed the eVIN had been transmitted as expected, and the communication protocol  
8 and PID count had been consistent with the make and model of Vehicle 4.

### 9 **Vehicle 5**

10 52. BAR-OIS test data showed that on November 29, 2024, Respondent Taylor  
11 performed a smog check inspection on a 2020 GMC Acadia SLT (Vehicle 5), resulting in the  
12 issuance of Certificate of Compliance No. UG766916C. The OIS test details for Vehicle 5  
13 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle  
14 5. The PID count recorded during the inspection on Vehicle 5 was not consistent with the PID  
15 count for the make and model of this vehicle by other smog check stations.

16 53. D.W. utilized the Bureau's database and found that Vehicle 5 had been previously  
17 tested and passed inspection on January 6, 2023, at a different facility. The BAR-OIS test data  
18 from that inspection showed the eVIN had been transmitted as expected, and the communication  
19 protocol and PID count had been consistent with the make and model of Vehicle 5.

20 54. Further, D.W. utilized the Bureau's database and found that the eVIN transmitted  
21 during the inspection of Vehicle 5 on November 29, 2024, matched a 2018 Mercedes Benz E300  
22 4MATIC. The communication protocol and PID count transmitted to the Bureau's database  
23 during the inspection of Vehicle 5 had been consistent with the communication protocol and PID  
24 count for the 2018 Mercedes Benz E300 4MATIC. D.W. concluded that Respondent Taylor had  
25 used the 2018 Mercedes Benz E300 4MATIC's properly functioning OBD II system during the  
26 smog inspection of Vehicle 5, resulting in the issuance of a fraudulent smog certificate of  
27 compliance for Vehicle 5.

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1           **Vehicle 6**

2           55. BAR-OIS test data showed that on December 27, 2024, Respondent Taylor  
3 performed a smog check inspection on a 2015 Volkswagen Tiguan S (Vehicle 6), resulting in the  
4 issuance of Certificate of Compliance No. UI285625C. The OIS test details for Vehicle 6 showed  
5 that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 6. The  
6 PID count recorded during the inspection on Vehicle 6 was not consistent with the PID count for  
7 the make and model of this vehicle by other smog check stations.

8           56. D.W. utilized the Bureau’s database and found that Vehicle 6 had been previously  
9 tested and passed inspection on December 15, 2024, at a different facility. The BAR-OIS test  
10 data from that inspection showed the eVIN had been transmitted as expected, and the PID count  
11 communication protocol and had been consistent with the make and model of Vehicle 6.

12           57. Further, D.W. utilized the Bureau’s database and found that the eVIN transmitted  
13 during the inspection of Vehicle 6 on December 27, 2024, matched a 2019 Honda HR-V LX.  
14 The communication protocol and PID count transmitted to the Bureau’s database during the  
15 inspection of Vehicle 6 were consistent with the communication protocol and PID count for the  
16 2019 Honda HR-V LX. D.W. concluded that Respondent Taylor had used the 2019 Honda HR-V  
17 LX’s properly functioning OBD II system during the smog inspection of Vehicle 6, resulting in  
18 the issuance of a fraudulent smog certificate of compliance for Vehicle 6.

19           **Vehicle 7**

20           58. BAR-OIS test data showed that on January 8, 2025, Respondent Taylor performed a  
21 smog check inspection on a 2018 Kia Optima LX (Vehicle 7), resulting in the issuance of  
22 Certificate of Compliance No. UI627272C. The OIS test details for Vehicle 7 showed that the  
23 eVIN recorded during the inspection did not match the physical VIN on Vehicle 7. The PID count  
24 recorded during the inspection on Vehicle 7 was not consistent with the PID count for the make  
25 and model of this vehicle by other smog check stations.

26           59. D.W. reviewed the Comparative OIS Test Data for similar 2018 Kia Optima LX  
27 vehicles and found that the communication protocol and PID count recorded during the inspection  
28 on Vehicle 7 had not been consistent with the communication protocol and PID count for that

1 make and model vehicle. D.W. concluded that the DAD had not been connected to Vehicle 7  
2 during the inspection.

3 **Vehicle 8**

4 60. BAR-OIS test data showed that on January 27, 2025, Respondent Askari performed a  
5 smog check inspection on a 2019 Toyota Prius (Vehicle 8), resulting in the issuance of Certificate  
6 of Compliance No. JB981306C. The OIS test details for Vehicle 8 showed that the eVIN  
7 recorded during the inspection did not match the physical VIN on Vehicle 8. The PID count  
8 recorded during the inspection on Vehicle 8 was not consistent with the PID count for the make  
9 and model of this vehicle by other smog check stations.

10 61. D.W. utilized the Bureau's database and found that the eVIN transmitted during the  
11 inspection of Vehicle 8 on January 27, 2025, matched a 2003 Ford F150 Super Cab. The  
12 communication protocol and PID count transmitted to the Bureau's database during the  
13 inspection of Vehicle 8 had been consistent with the communication protocol and PID count for  
14 the 2003 Ford F150 Super Cab. D.W. concluded that Respondent Askari had used the 2003 Ford  
15 F150's properly functioning OBD II system during the smog inspection of Vehicle 8, resulting in  
16 the issuance of a fraudulent smog certificate of compliance for Vehicle 8.

17 **Vehicle 9**

18 62. BAR-OIS test data showed that on January 25, 2025, Respondent Singh performed a  
19 smog check inspection on a 2016 Toyota Corolla (Vehicle 9), resulting in the issuance of  
20 Certificate of Compliance No. JB913591C.

21 63. However, the steady idle and varying elevated engine speeds with the associated  
22 fixed throttle positions and subsequent fixed MAF readings with the same idle speed parameters  
23 as set forth in the underlying OIS Test Data for the inspection of Vehicle 9 were not characteristic  
24 or expected for normal engine operation. These discrepancies confirmed that the DAD had not  
25 been connected to Vehicle 9 during the inspection performed by Respondent Singh, resulting in a  
26 fraudulent smog check certificate of compliance for Vehicle 9.

27 **Vehicle 10**

28 64. BAR-OIS test data showed that on March 30, 2025, Respondent Singh performed a

1 smog check inspection on a 2015 Lexus CT200 (Vehicle 10), resulting in the issuance of  
2 Certificate of Compliance No. UM161819C. The OIS test details for Vehicle 10 showed that the  
3 eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test  
4 Data for other 2015 Lexus CT200 vehicles and found that they transmit an eVIN. D.W.  
5 concluded that the DAD had not been connected to Vehicle 10 during the smog check inspection  
6 performed by Respondent Singh, resulting in a fraudulent smog check certificate of compliance  
7 for Vehicle 10.

8 65. D.W. utilized the Bureau's database and found that Vehicle 10 had been previously  
9 tested five times at other licensed smog facilities. The BAR-OIS test data from those inspection  
10 showed the eVIN had been transmitted as expected.

#### 11 **Vehicle 11**

12 66. BAR-OIS test data showed that on June 30, 2025, Respondent Taylor performed a  
13 smog check inspection on a 2023 Kia Forte (Vehicle 11), resulting in the issuance of Certificate  
14 of Compliance No. JF030374C. The OIS test details for Vehicle 11 showed that the eVIN had  
15 not been recorded during the inspection. The PID count recorded during the inspection on Vehicle  
16 11 was not consistent with the PID count for the make and model of this vehicle by other smog  
17 check stations. D.W. concluded that the DAD had not been connected to Vehicle 11 during the  
18 smog check inspection performed by Respondent Taylor, resulting in a fraudulent smog check  
19 certificate of compliance for Vehicle 11.

#### 20 **Vehicle 12**

21 67. BAR-OIS test data showed that on July 8, 2025, Respondent Askari performed a  
22 smog check inspection on a 2016 Mazda CX-5 (Vehicle 12), resulting in the issuance of  
23 Certificate of Compliance No. UQ998934C. The OIS test details for Vehicle 12 showed that the  
24 eVIN recorded during the inspection did not match the physical VIN on Vehicle 12. The PID  
25 count recorded during the inspection on Vehicle 12 was not consistent with the PID count for the  
26 make and model of this vehicle by other smog check stations.

27 68. D.W. utilized the Bureau's database and found that Vehicle 12 had been previously  
28 tested and passed inspection on June 4, 2025, at Respondent Wizard's facility. The BAR-OIS test

1 data from that inspection showed that the eVIN had been transmitted as expected, and the PID  
2 count and communication protocol had been consistent with the make and model of Vehicle 12.

3 69. Further, D.W. utilized the Bureau's database and found that the eVIN transmitted  
4 during the inspection of Vehicle 12 on July 8, 2025, matched a 2022 Nissan Altima. The  
5 communication protocol and PID count transmitted to the Bureau's database during the  
6 inspection of Vehicle 12 were consistent with the communication protocol and PID count for the  
7 2022 Nissan Altima. D.W. concluded that Respondent Askari had used the 2022 Nissan Altima's  
8 properly functioning OBD II system during the smog inspection of Vehicle 12, resulting in the  
9 issuance of a fraudulent smog certificate of compliance for Vehicle 12.

### 10 **Vehicle 13**

11 70. BAR-OIS test data showed that on July 28, 2025, Respondent Nguyen performed a  
12 smog check inspection on a 2023 Jeep Grand Cherokee (Vehicle 13), resulting in the issuance of  
13 Certificate of Compliance No. JF376632C. The OIS test details for Vehicle 13 showed that the  
14 eVIN had not been recorded during the inspection. The PID count recorded during the inspection  
15 on Vehicle 13 was not consistent with the PID count for the make and model of this vehicle by  
16 other smog check stations. D.W. concluded that the DAD had not been connected to Vehicle 13  
17 during the smog check inspection performed by Respondent Nguyen, resulting in a fraudulent  
18 smog check certificate of compliance for Vehicle 13.

### 19 **Vehicle 14**

20 71. BAR-OIS test data showed that on August 2, 2025, Respondent Nguyen performed a  
21 smog check inspection on a 2018 Honda Accord (Vehicle 14), resulting in the issuance of  
22 Certificate of Compliance No. JF513395C. The OIS test details for Vehicle 14 showed that the  
23 eVIN had not been recorded during the inspection. The PID count recorded during the inspection  
24 on Vehicle 14 was not consistent with the PID count for the make and model of this vehicle by  
25 other smog check stations.

26 72. D.W. utilized the Bureau's database and found that Vehicle 14 had been previously  
27 tested and passed inspection on May 1, 2023, at different facility. The BAR-OIS test data from  
28 that inspection showed that the eVIN had been transmitted as expected, and the communication

1 protocol and PID count had been consistent with the make and model of Vehicle 14. D.W.  
2 concluded that the DAD had not been connected to Vehicle 14 during the smog check inspection  
3 performed by Respondent Nguyen, resulting in a fraudulent smog check certificate of compliance  
4 for Vehicle 14.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 73. Respondent Wizard's registration is subject to disciplinary action pursuant to Code  
8 section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that Respondent  
9 Wizard made or authorized statements which Respondent Wizard knew or in the exercise of  
10 reasonable care should have known to be untrue or misleading. Specifically, Respondent Wizard  
11 certified that Vehicles 1 through 14, identified in paragraphs 44 through 72, above, passed  
12 inspection and were in compliance with applicable laws and regulations when, in fact, those  
13 vehicles had not been properly inspected.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 74. Respondent Wizard's registration is subject to disciplinary action pursuant to Code  
17 section 9884.7, subdivision (a)(4), in that Respondent Wizard committed acts that constituted  
18 fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 14, identified  
19 in paragraphs 44 through 72, above, without ensuring that bona fide inspections were performed  
20 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
21 State of California of the protection afforded by the Motor Vehicle Inspection Program.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Material Violation of Automotive Repair Act)**

24 75. Respondent Wizard's registration is subject to disciplinary action pursuant Code  
25 section 9884.7, subdivision (a)(6), in that Respondent Wizard failed in a material respect to  
26 comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent  
27 Wizard issued electronic certificates of compliance for Vehicles 1 through 14, identified in  
28 paragraphs 44 through 72, above, without performing bona fide inspections of the emission

1 control devices and systems on those vehicles, thereby depriving the People of the State of  
2 California of the protection afforded by the Motor Vehicle Inspection Program.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

5 76. Respondent Wizard's smog check, test only, station license is subject to discipline  
6 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Wizard  
7 failed to comply with the following sections of the CCR's:

8 a. **Section 3340.35, subdivision (c)**: Respondent Wizard failed to inspect and test  
9 Vehicles 1 through 14 in accordance with the procedures specified in section 3340.42 of the CCR  
10 and failed to ensure that the vehicles had all the required emission control equipment and devices  
11 installed and functioning correctly.

12 b. **Section 3373**: Respondent Wizard made or authorized documents which it  
13 knew or which by exercise of reasonable care should have known to be untrue or misleading,  
14 when Respondent issued fraudulent smog certificates of compliance for Vehicles 1 through 14.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 77. Respondent Wizard's smog check, test only, station license is subject to disciplinary  
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to  
19 Vehicles 1 through 14, identified in paragraphs 44 through 72, above, Respondent Wizard failed  
20 to comply with the Health & Saf. Code, as follows:

21 a. **Health & Saf. Code, section 44012**: Respondent Wizard failed to ensure that  
22 the emission control tests were performed on the vehicles in accordance with procedures  
23 prescribed by the department.

24 b. **Health & Saf. Code, section 44015**: Respondent Wizard issued electronic  
25 smog certificates of compliance for the vehicles without ensuring that the vehicles were properly  
26 tested and inspected to determine if they were in compliance with Health & Saf. Code section  
27 44012.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 78. Respondent Wizard’s smog check, test only, station license is subject to disciplinary  
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with  
5 Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Wizard committed  
6 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
7 certificates of compliance for Vehicles 1 through 14, identified in paragraphs 44 through 72,  
8 above, without ensuring that a bona fide inspection had been performed of the emission control  
9 devices and systems on the vehicles, thereby depriving the people of the State of California of the  
10 protection afforded by the Motor Vehicle Inspection Program.

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program)**

13 79. Respondent Taylor’s smog check inspector license is subject to disciplinary action  
14 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Taylor  
15 violated section 44032 of that Code. Specifically, Respondent Taylor failed to perform the  
16 emission control tests on Vehicles 1, 2, 4 through 7, and 11, identified in paragraphs 44 through  
17 47, 50 through 59, and 66, above, in accordance with procedures prescribed by the department.

18 **EIGHTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations)**

20 80. Respondent Taylor’s smog check inspector license is subject to discipline pursuant to  
21 Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1, 2, 4 through 7,  
22 and 11, identified in paragraphs 44 through 47, 50 through 59, and 66, above, Respondent Taylor  
23 failed to comply with provisions of the CCR, as follows:

24 a. **CCR, section 3340.30, subdivision (a)**: Respondent Taylor failed to inspect  
25 and test Vehicles 1, 2, 4 through 7, and 11, in accordance with Health & Saf. Code section 44012  
26 and CCR section 3340.42.

27 b. **CCR, section 3340.41, subdivision (c)**: Respondent Taylor entered false  
28 information into the EIS by entering vehicle identification information for a vehicle other than the

1 one being tested.

2 **NINTH CAUSE FOR DISCIPLINE**

3 **(Dishonesty, Fraud or Deceit)**

4 81. Respondent Taylor’s smog check inspector license is subject to disciplinary action  
5 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &  
6 Saf. Code section 44072.10, subdivision (c), in that Respondent Taylor committed dishonest,  
7 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates  
8 of compliance for Vehicles 1, 2, 4 through 7, and 11, identified in paragraphs 44 through 47, 50  
9 through 59, and 66, above, without performing bona fide inspections of the emission control  
10 devices and systems on those vehicles, thereby depriving the People of the State of California of  
11 the protection afforded by the Motor Vehicle Inspection Program.

12 **TENTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program)**

14 82. Respondent Singh’s smog check inspector license and smog check repair technician  
15 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
16 subdivision (a), in that Respondent Singh violated section 44032 of that Code. Specifically,  
17 Respondent Singh failed to perform the emission control tests on Vehicles 3, 9, and 10 identified  
18 in paragraphs 48, 49, and 62 through 65, above, in accordance with procedures prescribed by the  
19 department.

20 **ELEVENTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations)**

22 83. Respondent Singh’s smog check inspector license and smog check repair technician  
23 license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c),  
24 in that regarding Vehicles 3, 9, and 10 identified in paragraphs 48, 49, and 62 through 65, above,  
25 Respondent Singh failed to comply with provisions of the CCR, as follows:

26 a. **CCR, section 3340.30, subdivision (a)**: Respondent Singh failed to inspect  
27 and test Vehicles 3, 9, and 10 in accordance with Health & Saf. Code section 44012 and CCR  
28 section 3340.42.



1 and test Vehicles 8 and 12 in accordance with Health & Saf. Code section 44012 and CCR  
2 section 3340.42.

3 b. **CCR, section 3340.41, subdivision (c):** Respondent Askari entered false  
4 information into the EIS by entering vehicle identification information for a vehicle other than the  
5 one being tested.

6 **FIFTEENTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 87. Respondent Askari's smog check inspector license and smog check repair technician  
9 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
10 subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that  
11 Respondent Askari committed dishonest, fraudulent, or deceitful acts whereby another was  
12 injured by issuing electronic smog certificates of compliance for Vehicles 8 and 12, identified in  
13 paragraphs 60, 61, and 67 through 69, above, without performing bona fide inspections of the  
14 emission control devices and systems on those vehicles, thereby depriving the People of the State  
15 of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **SIXTEENTH CAUSE FOR DISCIPLINE**

17 **(Violations of the Motor Vehicle Inspection Program)**

18 88. Respondent Nguyen's smog check inspector license and smog check repair technician  
19 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
20 subdivision (a), in that Respondent Nguyen violated section 44032 of that Code. Specifically,  
21 Respondent Nguyen failed to perform the emission control tests on Vehicles 13 and 14, identified  
22 in paragraphs 70 through 72, above, in accordance with procedures prescribed by the department.

23 **SEVENTEENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations)**

25 89. Respondent Nguyen's smog check inspector license and smog check repair technician  
26 license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c),  
27 in that regarding Vehicles 13 and 14, identified in paragraphs 70 through 72, above, Respondent  
28 Nguyen failed to comply with provisions of the CCR, as follows:

1 a. **CCR, section 3340.30, subdivision (a)**: Respondent Nguyen failed to inspect  
2 and test Vehicles 13 and 14 in accordance with Health & Saf. Code section 44012 and CCR  
3 section 3340.42.

4 b. **CCR, section 3340.41, subdivision (c)**: Respondent Nguyen entered false  
5 information into the EIS by entering vehicle identification information for a vehicle other than the  
6 one being tested.

7 **EIGHTEENTH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud or Deceit)**

9 90. Respondent Nguyen's smog check inspector license and smog check repair technician  
10 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
11 subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that  
12 Respondent Nguyen committed dishonest, fraudulent, or deceitful acts whereby another was  
13 injured by issuing electronic smog certificates of compliance for Vehicles 13 and 14, identified in  
14 paragraphs 70 through 72, above, without performing bona fide inspections of the emission  
15 control devices and systems on those vehicles, thereby depriving the People of the State of  
16 California of the protection afforded by the Motor Vehicle Inspection Program.

17 **OTHER MATTERS**

18 91. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
19 suspend, revoke, or place on probation the registration for all places of business operated in this  
20 state by Respondent Wizard, upon a finding that Respondent Wizard has, or is, engaged in a  
21 course of repeated and willful violations of the laws and regulations pertaining to an automotive  
22 repair dealer.

23 92. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
24 Number TC 305053, issued to Respondent Wizard, is revoked or suspended, any additional  
25 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of  
26 said licensee may be likewise revoked or suspended by the Director.

27 93. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
28 Number EO 644230, issued to Respondent Taylor, is revoked or suspended, any additional

1 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name  
2 of said licensee may be likewise revoked or suspended by the Director.

3 94. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
4 Number EO 633638 and Smog Check Repair Technician License Number EI 633638, issued to  
5 Respondent Singh, is revoked or suspended, any additional license issued under Chapter 5 of Part  
6 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise  
7 revoked or suspended by the Director.

8 95. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
9 Number EO 140578 and Smog Check Repair Technician License Number EI 140578, issued to  
10 Respondent Askari, is revoked or suspended, any additional license issued under Chapter 5 of  
11 Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise  
12 revoked or suspended by the Director.

13 96. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
14 Number EO 154130 and Smog Check Repair Technician License Number EI 154130, issued to  
15 Respondent Nguyen, is revoked or suspended, any additional license issued under Chapter 5 of  
16 Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise  
17 revoked or suspended by the Director.

18 **PRAYER**

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

22 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
23 305053, issued to Smog Wizard with Yeshua Askari and Khadijeh Baratzadeh as Partners;

24 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to  
25 Yeshua Askari and Khadijeh Baratzadeh;

26 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC  
27 305053, issued to Smog Wizard with Yeshua Askari and Khadijeh Baratzadeh as Partners;

28 4. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of

1 Division 26 of the Health & Saf. Code in the name of Yeshua Askari and Khadijeh Baratzadeh;

2 5. Revoking or suspending Smog Check Inspector License Number EO 644230, issued  
3 to Aaron Michael Taylor;

4 6. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
5 Division 26 of the Health & Saf. Code in the name of Aaron Michael Taylor;

6 7. Revoking or suspending Smog Check Inspector License Number EO 633638, issued  
7 to Sanjeev Singh;

8 8. Revoking or suspending Smog Check Repair Technician License Number EI 633638,  
9 issued to Sanjeev Singh;

10 9. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
11 Division 26 of the Health & Saf. Code in the name of Sanjeev Singh;

12 10. Revoking or suspending Smog Check Inspector License Number EO 140578, issued  
13 to Hirmand Askari;

14 11. Revoking or suspending Smog Check Repair Technician License Number EI 140578,  
15 issued to Hirmand Askari;

16 12. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
17 Division 26 of the Health & Saf. Code in the name of Hirmand Askari;

18 13. Revoking or suspending Smog Check Inspector License Number EO 154130, issued  
19 to Loc My Nguyen;

20 14. Revoking or suspending Smog Check Repair Technician License Number EI 154130,  
21 issued to Loc My Nguyen;

22 15. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
23 Division 26 of the Health & Saf. Code in the name of Loc My Nguyen;

24 16. Ordering Smog Wizard, Aaron Michael Taylor, Sanjeev Singh, Hirmand Askari, and  
25 Loc My Nguyen to pay the Bureau of Automotive Repair the reasonable costs of the investigation  
26 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

27 17. Taking such other and further action as deemed necessary and proper.  
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DATED: As of Digital Signature Date

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

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