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

12 **HAKHAMANESH SADIGHI –**
13 **PRESIDENT/SECRETARY/TREASURER**
14 **MR. SMOG, INC.**
15 **DBA BROTHERS SMOG SHOP**

16 **800 NORTH HARBOR BLVD**
17 **FULLERTON, CA 92832**

18 **Automotive Repair Dealer Registration No.**
19 **ARD 285839**
20 **Smog Check, Test-Only, Station License No.**
21 **TC 285839,**

22 **-and-**

23 **HAKHAMANESH SADIGHI**
24 **800 N HARBOR BLVD**
25 **FULLERTON, CA 92832**

26 **MAILING ADDRESS**
27 **P.O. BOX 6008**
28 **FULLERTON, CA 92834**

Smog Check Inspector License Number EO
634693, Smog Check Repair Technician
License Number EI 634693

Respondents.

Case No. 79/25-16143

ACCUSATION

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PARTIES

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

2. On or about January 23, 2017, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 285839 to Mr. Smog Inc., dba Brothers Smog Shop; Hakhamanesh Sadighi, President (Respondent Brothers Smog Shop). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2026, unless renewed.

3. On or about January 30, 2017, the Bureau of Automotive Repair issued Smog Check, Test Only, Station License Number TC 285839 to Mr. Smog Inc., dba Brothers Smog Shop; Hakhamanesh Sadighi, President. 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 January 31, 2026, unless renewed.

4. Respondent is also certified as a STAR Station. The certification was issued on April 26, 2017, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is suspended.

5. On or about September 10, 2014, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 634693 to Hakhamanesh Sadighi (Respondent Sadighi). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2026, unless renewed.

6. On or about September 10, 2014, the Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 634693 to Hakhamanesh Sadighi. The Smog Check Repair Technician License expired on December 31, 2022, and has not been renewed.

JURISDICTION

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

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13. Section 44072.2 of the Health and Safety Code states:

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

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

...

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

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

...

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

...

(c) The department shall revoke the license of any smog check technician or 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 the following:

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

...

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

...”

REGULATORY PROVISIONS

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

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

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

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

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

...”

1 17. 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. . . .

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

8 **COST RECOVERY**

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

15 **VID DATA REVIEW**

16 20. Beginning March 9, 2015, California's Smog Check Program was updated to require
17 the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check
18 equipment required in all areas of the State when inspecting most model-year 2000 and newer
19 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a
20 certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD
21 is an On Board Diagnostic ("OBD") scan tool that, when requested by the California OIS
22 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it
23 supports is requested by the California OIS software and will be retrieved. The DAD connects
24 between the OIS computer and the vehicle's DLC. The California OIS software requires a
25 continuous Internet connection when performing a Smog Check inspection and the OIS software
26 communicates with BAR's central database through the Internet connection. The bar code
27 scanner is used to input technician information, the vehicles identification number ("VIN"), and
28 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 21. 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 22. 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).²
- 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 23. During normal engine operation at idle, engine speed is relatively steady around its
26 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or

27 ² Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
28 MAP or MAF parameters separately.

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

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

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

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

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

9 28. Respondents have engaged in numerous acts or omissions constituting violations of
10 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor
11 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
12 of "clean plugging."³ Respondent's OIS Test Data available on the State database indicates that
13 Respondents are involved in fraudulent smog inspection activities. A Bureau representative
14 initiated an investigation based on information transmitted to the VID for smog check inspections
15 performed by Respondents. The investigation revealed that the data related to certain vehicles
16 certified by Respondents contained a pattern of unmistakable discrepancies between the
17 information transmitted during the inspections and documented information known about the
18 vehicles at issue. Specifically, the representative compared the data received from the certified
19 vehicles to data from vehicles of the same year, make, and model and determined that the data
20 from at least ten (10) of the certified vehicles were fraudulently tested by Respondents during the
21 smog inspection using the "clean plugging" method as follows:

22 **Clean Plug #1**

23 29. Bureau Program Representative Hector Barraza (Barraza) reviewed the OIS Test Data
24 for Brothers Smog Shop. The review shows that on May 14, 2025, a 2000 Chevrolet Express
25 G2500 VIN # 1GCFG25R7Y1248082, CA License # 67515V2 was tested and smog certificate #

26 ³ "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 UO400940C was issued by Brothers Smog Shop under Hakhamanesh Sadighi's, Smog Check
2 Inspector License #EO 634693.

3 30. The Dynamic PID chart for the 2000 Chevrolet Express G2500 shows that between
4 time stamp 110 and 16724, the engine RPM is steady at around 630 RPM. During this time, the
5 data shows that the throttle is fluctuating erratically between 0% and 4.7% opening, the MAF is
6 fluctuating erratically between 2.85gps and 4.43gps, and the MAP is fluctuating erratically
7 between 17kPa and 30kPa. After time stamp 16724, the data shows the engine RPM is increased
8 and held elevated at no less than 1378 RPM. During the elevated engine RPM, the data shows the
9 throttle is fluctuating erratically between 0% and 5.1% opening, the MAF is fluctuating erratically
10 between 3.63gps and 4.6gps, and the MAP is fluctuating erratically between 19kPa and 29kPa.

11 31. The steady idle and elevated engine RPM data along with the improbable throttle
12 positions, MAF and MAP readings are not characteristic or expected for normal engine operation.
13 The throttle positions and MAF readings are expected to be stable during the steady idle and
14 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
15 and MAF had data points during the elevated engine RPM which were lower than data points at
16 idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not
17 connected as required to the 2000 Chevrolet Express G2500 being certified, causing the issuance
18 of a fraudulent Smog Check Certificate of Compliance.

19 **Clean Plug #2**

20 32. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
21 on May 21, 2025, a 2003 Chevrolet S Truck S10 VIN # 1GCCS19X838148206, CA License #
22 05776J2 was tested and smog certificate # UO866752C was issued by Brothers Smog Shop under
23 Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

24 33. The Dynamic PID chart for the 2003 Chevrolet S Truck S10 shows that between time
25 stamp 115 and 17413, the engine RPM is steady at around 595 RPM. During this time, the data
26 shows that the throttle is fluctuating erratically between 0% and 4.3% opening, the MAF is
27 fluctuating erratically between 3.02gps and 5.07gps, and the MAP is fluctuating erratically
28 between 32kPa and 45kPa. After time stamp 17413, the data shows the engine RPM is increased

1 and held elevated at no less than 1460 RPM. During the elevated engine RPM, the data shows the
2 throttle is fluctuating erratically between 0% and 5.5% opening, the MAF is fluctuating erratically
3 between 2.92gps and 4.66gps, and the MAP is fluctuating erratically between 33kPa and 38kPa.

4 34. The steady idle and elevated engine RPM data along with the improbable throttle
5 positions, MAF and MAP readings are not characteristic or expected for normal engine operation.
6 The throttle positions and MAF readings are expected to be stable during the steady idle and
7 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
8 and MAF had data points during the elevated engine RPM which were lower than data points at
9 idle. The MAF data points during the elevated engine RPM never increased past the highest data
10 point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD)
11 was not connected as required to the 2003 Chevrolet S Truck S10 being certified, causing the
12 issuance of a fraudulent Smog Check Certificate of Compliance.

13 **Clean Plug #3**

14 35. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
15 on June 1, 2025, a 2003 Toyota Tundra VIN # 5TBJN32143S337519, CA License # 6Y16602
16 was tested and smog certificate # UO866754C was issued by Brothers Smog Shop under
17 Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

18 36. The Dynamic PID chart for the 2003 Toyota Tundra shows that between time stamp
19 216 and 17135, the engine RPM is steady at around 685 RPM. During this time, the data shows
20 that the throttle is fluctuating erratically between 13.3% and 17.6% opening and the MAF is
21 fluctuating erratically between 0.2gps and 2.07gps. After time stamp 17135, the data shows the
22 engine RPM is increased and held elevated at no less than 1316 RPM. During the elevated engine
23 RPM, the data shows the throttle is fluctuating erratically between 12.5% and 17.3% opening and
24 the MAF is fluctuating erratically between 0.24gps and 2.46gps.

25 37. The steady idle and elevated engine RPM data along with the improbable throttle
26 positions and MAF readings are not characteristic or expected for normal engine operation. The
27 throttle positions and MAF readings are expected to be stable during the steady idle and
28 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle

1 and MAF had data points during the elevated engine RPM which were lower than data points at
2 idle. The throttle data points during the elevated engine RPM never increased past the highest
3 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
4 (DAD) was not connected as required to the 2003 Toyota Tundra being certified, causing the
5 issuance of a fraudulent Smog Check Certificate of Compliance.

6 **Prior Inspection**

7 38. On January 28, 2025, a previous Smog Check inspection was performed on the 2003
8 Toyota Tundra VIN # 5TBJN32143S337519, License "N" at a different, unrelated Smog Check
9 station.

10 39. The Dynamic PID chart for the 2003 Toyota Tundra shows that between time stamp
11 866 and 29244, the engine RPM is steady at around 1030 RPM. During this time, the data shows
12 that the throttle is fixed at 15.3% opening and the MAF is stable between 6.5gps and 6.96gps.
13 After time stamp 29244, the data shows the engine RPM is increased and held elevated at no less
14 than 2075 RPM. During the elevated engine RPM, the data shows that the throttle is fixed at
15 18.4% opening and the MAF is stable between 14.1gps and 14.2gps.

16 40. The steady idle and elevated engine RPM data along with the associated throttle
17 positions and MAF readings are characteristic and expected for normal engine operation.

18 **Clean Plug #4**

19 41. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
20 on June 8, 2025, a 2000 Toyota Tacoma Xtracab VIN # 4TAVL52N4YZ681754, CA License #
21 6L44902 was tested and smog certificate # UO866796C was issued by Brothers Smog Shop
22 under Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

23 42. The Dynamic PID chart for the 2000 Toyota Tacoma Xtracab shows that between
24 time stamp 236 and 19214, the engine RPM is steady at around 710 RPM. During this time, the
25 data shows that the throttle is fluctuating erratically between 7.1% and 11.4% opening and the
26 MAF is fluctuating erratically between 3.25gps and 4.89gps. After time stamp 19214, the data
27 shows the engine RPM is increased and held elevated at no less than 1432 RPM. During the
28

1 elevated engine RPM, the data shows the throttle is fluctuating erratically between 6.3% and 11%
2 opening and the MAF is fluctuating erratically between 3.56gps and 5.03gps.

3 43. The steady idle and elevated engine RPM data along with the improbable throttle
4 positions and MAF readings are not characteristic or expected for normal engine operation. The
5 throttle positions and MAF readings are expected to be stable during the steady idle and
6 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
7 and MAF had data points during the elevated engine RPM which were lower than data points at
8 idle. The throttle data points during the elevated engine RPM never increased past the highest
9 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
10 (DAD) was not connected as required to the 2000 Toyota Tacoma Xtracab being certified,
11 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

12 **Prior Inspection**

13 44. On April 12, 2024, a previous Smog Check inspection was performed on the 2000
14 Toyota Tacoma Xtracab VIN # 4TAVL52N4YZ681754, CA License # 6L44902 at a different,
15 unrelated Smog Check station.

16 45. The Dynamic PID chart for the 2000 Toyota Tacoma Xtracab shows that between
17 time stamp 843 and 21635, the engine RPM is steady at around 700 RPM. During this time, the
18 data shows that the throttle is fixed at 10.6% opening and the MAF is stable between 3.46gps and
19 3.5gps. After time stamp 21635, the data shows the engine RPM is increased and held elevated
20 above 1584 RPM at a steady rising pace. During the rising, elevated engine RPM, the data shows
21 that the throttle is fixed at 11.8% opening and the MAF is stable between 6.76gps and 7.12gps.

22 46. The steady idle and elevated engine RPM data along with the associated throttle
23 positions and MAF readings are characteristic and expected for normal engine operation.

24 **Clean Plug #5**

25 47. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
26 on June 29, 2025, a 2006 Hyundai Sonata GL VIN # KMHET46C36A082116, CA License #
27 5PJK802 was tested and smog certificate # JF027501C was issued by Brothers Smog Shop under
28 Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

1 48. The Dynamic PID chart for the 2006 Hyundai Sonata GL shows that between time
2 stamp 353 and 21853, the engine RPM is steady at around 680 RPM. During this time, the data
3 shows that the throttle is fluctuating erratically between 12.5% and 16.5% opening and the MAF
4 is fluctuating erratically between 2.78gps and 4.62gps. After time stamp 21853, the data shows
5 the engine RPM is increased and held elevated at no less than 1420 RPM. During the elevated
6 engine RPM, the data shows the throttle is fluctuating erratically between 14.1% and 18%
7 opening and the MAF is fluctuating erratically between 2.75gps and 4.45gps.

8 49. The steady idle and elevated engine RPM data along with the improbable throttle
9 positions and MAF readings are not characteristic or expected for normal engine operation. The
10 throttle positions and MAF readings are expected to be stable during the steady idle and
11 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
12 and MAF had data points during the elevated engine RPM which were lower than data points at
13 idle. The MAF data points during the elevated engine RPM never increased past the highest data
14 point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD)
15 was not connected as required to the 2006 Hyundai Sonata GL being certified, causing the
16 issuance of a fraudulent Smog Check Certificate of Compliance.

17 **Clean Plug #6**

18 50. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
19 on June 29, 2025, a 2005 Toyota Sienna CE VIN # 5TDZA23C85S331855, CA License #
20 5LUD687 was tested and smog certificate # JF027507C was issued by Brothers Smog Shop
21 under Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

22 51. The Dynamic PID chart for the 2005 Toyota Sienna CE shows that between time
23 stamp 250 and 23735, the engine RPM is steady at around 650 RPM. During this time, the data
24 shows that the throttle is fluctuating erratically between 13.3% and 18% opening and the MAF is
25 fluctuating erratically between 2.85gps and 4.89gps. After time stamp 23735, the data shows the
26 engine RPM is increased and held elevated at no less than 1465 RPM. During the elevated engine
27 RPM, the data shows the throttle is fluctuating erratically between 12.9% and 18% opening and
28 the MAF is fluctuating erratically between 3.15gps and 5.09gps.

1 52. The steady idle and elevated engine RPM data along with the improbable throttle
2 positions and MAF readings are not characteristic or expected for normal engine operation. The
3 throttle positions and MAF readings are expected to be stable during the steady idle and
4 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
5 and MAF had data points during the elevated engine RPM which were lower than data points at
6 idle. The throttle data points during the elevated engine RPM never increased past the highest
7 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
8 (DAD) was not connected as required to the 2005 Toyota Sienna CE being certified, causing the
9 issuance of a fraudulent Smog Check Certificate of Compliance.

10 **Prior Inspection**

11 53. On September 5, 2023, a previous Smog Check inspection was performed on the
12 2005 Toyota Sienna CE VIN # 5TDZA23C85S331855, CA License # 5LUD687 at a different,
13 unrelated Smog Check station. The Dynamic PID chart for the 2005 Toyota Sienna CE shows
14 that between time stamp 267 and 59899, the engine RPM is steady at around 650 RPM. During
15 this time, the data shows that the throttle is fixed at 16.5% opening and the MAF is stable
16 between 3.64gps and 3.82gps. After time stamp 59899, the data shows the engine RPM is
17 increased and held elevated at no less than 1579 RPM. During the elevated engine RPM, the data
18 shows that the throttle is fixed at 18.4% opening and the MAF is stable between 8.65gps and
19 9.06gps.

20 54. The steady idle and elevated engine RPM data along with the associated throttle
21 positions and MAF readings are characteristic and expected for normal engine operation.

22 **Clean Plug #7**

23 55. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
24 on July 23, 2025, a 2002 Ford F150 VIN # 1FTRX17272NB81944, CA License # 6Z11237 was
25 tested and smog certificate # US315336C was by Brothers Smog Shop under Hakhamanesh
26 Sadighi's, Smog Check Inspector License #EO 634693.

27 56. The Dynamic PID chart for the 2002 Ford F150 shows that between time stamp 131
28 and 18999, the engine RPM is steady at around 820 RPM. During this time, the data shows that

1 the throttle is fluctuating erratically between 19.2% and 24.3% opening and the MAF is
2 fluctuating erratically between 3.12gps and 4.77gps. After time stamp 18999, the data shows the
3 engine RPM is increased and held elevated at no less than 1418 RPM. During the elevated engine
4 RPM, the data shows the throttle is fluctuating erratically between 18.8% and 24.3% opening and
5 the MAF is fluctuating erratically between 3.53gps and 5.03gps.

6 57. The steady idle and elevated engine RPM data along with the improbable throttle
7 positions and MAF readings are not characteristic or expected for normal engine operation. The
8 throttle positions and MAF readings are expected to be stable during the steady idle and
9 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
10 and MAF had data points during the elevated engine RPM which were lower than data points at
11 idle. The throttle data points during the elevated engine RPM never increased past the highest
12 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
13 (DAD) was not connected as required to the 2002 Ford F150 being certified, causing the issuance
14 of a fraudulent Smog Check Certificate of Compliance.

15 **Clean Plug #8**

16 58. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
17 on July 23, 2025, a 2002 Toyota Tacoma Double Cab PreRunner VIN # 5TEGN92N72Z143172,
18 CA License # 21195K1 was tested and smog certificate # US315338C was issued by Brothers
19 Smog Shop under Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

20 59. The Dynamic PID chart for the 2002 Toyota Tacoma Double Cab PreRunner shows
21 that between time stamp 200 and 28306, the engine RPM is steady at around 650 RPM. During
22 this time, the data shows that the throttle ultimately drops from 10.2% to 9% opening, then rises
23 to 11.8% opening and the MAF is fluctuating erratically between 0.32gps and 2.43gps. After time
24 stamp 28306, the data shows the engine RPM is increased and held elevated at no less than 1364
25 RPM. During the elevated engine RPM, the data shows the throttle is fluctuating erratically
26 between 6.7% and 10.6% opening and the MAF is fluctuating erratically between 0.25gps and
27 2.5gps.

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1 60. The steady idle and elevated engine RPM data along with the improbable throttle
2 positions and MAF readings are not characteristic or expected for normal engine operation. The
3 throttle positions and MAF readings are expected to be stable during the steady idle and
4 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
5 and MAF had data points during the elevated engine RPM which were lower than data points at
6 idle. The throttle data points during the elevated engine RPM never increased past the highest
7 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
8 (DAD) was not connected as required to the 2002 Toyota Tacoma Double Cab PreRunner being
9 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

10 Clean Plug #9

11 61. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
12 on July 23, 2025, a 2006 Nissan 350Z Coupe VIN # JN1AZ34EX6M352895, CA License #
13 7VUP563 was tested and smog certificate # US315343C was by Brothers Smog Shop issued
14 under Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

15 62. The Dynamic PID chart for the 2006 Nissan 350Z Coupe shows that between time
16 stamp 368 and 27325, the engine RPM is steady at around 680 RPM. During this time, the data
17 shows that the throttle ultimately drops from 4.7% to 2% opening and the MAF is fluctuating
18 erratically between 2.72gps and 5.05gps. After time stamp 27325, the data shows the engine RPM
19 is increased and held elevated at no less than 1338 RPM. During the elevated engine RPM, the
20 data shows the throttle ultimately drops from 4.3% to 2.4%, then ultimately rises to 4.7% opening
21 and the MAF is fluctuating erratically between 2.82gps and 4.03gps.

22 63. The steady idle and elevated engine RPM data along with the improbable throttle
23 positions and MAF readings are not characteristic or expected for normal engine operation. The
24 throttle positions and MAF readings are expected to be stable during the steady idle and
25 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
26 and MAF had data points during the elevated engine RPM which never increased past the data
27 points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD)

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1 was not connected as required to the 2006 Nissan 350Z Coupe being certified, causing the
2 issuance of a fraudulent Smog Check Certificate of Compliance.

3 **Clean Plug #10**

4 64. Barraza reviewed the OIS Test Data for Brothers Smog Shop. The review shows that
5 on July 30, 2025, a 2005 Chevrolet Silverado C1500 VIN # 1GCEC19X25Z357296, CA License
6 # 19854G3 was tested and smog certificate # JF487655C was issued by Brothers Smog Shop
7 under Hakhamanesh Sadighi's, Smog Check Inspector License #EO 634693.

8 65. The Dynamic PID chart for the 2005 Chevrolet Silverado C1500 shows that between
9 time stamp 154 and 20832, the engine RPM is steady at around 740 RPM. During this time, the
10 data shows that the throttle is fluctuating erratically between 0% and 5.1% opening, the MAF is
11 fluctuating erratically between 3.92gps and 4.96gps and the MAP is fluctuating erratically
12 between 32kPa and 44kPa. After time stamp 20832, the data shows the engine RPM is increased
13 and held elevated at no less than 1327 RPM. During the elevated engine RPM, the data shows the
14 throttle is fluctuating erratically between 0.4% and 5.1% opening, the MAF is fluctuating
15 erratically between 3.36gps and 4.99gps and the MAP is fluctuating erratically between 35kPa
16 and 43kPa.

17 66. The steady idle and elevated engine RPM data along with the improbable throttle
18 positions, MAF and MAP readings are not characteristic or expected for normal engine operation.
19 The throttle positions and MAF readings are expected to be stable during the steady idle and
20 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
21 and MAF had data points during the elevated engine RPM which were lower than data points at
22 idle. The throttle data points during the elevated engine RPM never increased past the highest
23 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
24 (DAD) was not connected as required to the 2005 Chevrolet Silverado C1500 being certified,
25 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Respondent Brothers Smog Shop)

67. Respondent Brothers Smog Shop’s registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondents certified that the vehicles set forth above in paragraphs 29-66, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondents conducted the inspections on those vehicles using the clean plugging method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Respondent Brothers Smog Shop)

68. Respondent Brothers Smog Shop’s registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that Respondent Brothers Smog Shop’s employees committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in paragraphs 29-66, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Motor Vehicle Inspection Program – Respondent Brothers Smog Shop)

69. Respondent Brothers Smog Shop’s smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-66, Respondents failed to comply with the following sections of the Health and Safety Code:

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1 (a) **Section 44012**: Respondent Brothers Smog Shop's employees failed to ensure that
2 the emission control tests were performed on the vehicles, in accordance with procedures
3 prescribed by the department.

4 (b) **Section 44015**: Respondent Brothers Smog Shop's employees issued electronic
5 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested
6 and inspected to determine if they were in compliance with Health and Safety Code section
7 44012.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**
10 **Respondent Brothers Smog Shop)**

11 70. Respondent Brothers Smog Shop's smog station license is subject to disciplinary
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the
13 vehicles set forth above in paragraphs 29-66, Respondents failed to comply with the following
14 provisions of the California Code of Regulations, Title 16, as follows:

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

18 (b) **Section 3340.42**: Respondent Brothers Smog Shop's employees failed to conduct the
19 required smog tests and inspections on those vehicles in accordance with the Bureau's
20 specifications.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit - Respondent Brothers Smog Shop)**

23 71. Respondent Brothers Smog Shop's smog station license is subject to disciplinary
24 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
25 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
26 above in paragraphs 29-66, Respondents employees committed acts involving dishonesty, fraud
27 or deceit whereby another was injured by issuing electronic certificates of compliance for those
28 vehicles without performing bona fide inspections of the emission control devices and systems on

1 the vehicles, thereby depriving the People of the State of California of the protection afforded by
2 the Motor Vehicle Inspection Program.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program – Respondent Sadighi)**

5 72. Respondent Sadighi’s Smog Check Inspector License and Smog Check Repair
6 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,
7 subdivision (a), in that regarding the vehicles set forth above in paragraphs 29-66, Respondent
8 Sadighi failed to comply with section 44012 of the Health and Safety Code in a material respect,
9 as follows: Respondent Sadighi failed to perform the emission control tests on those vehicles in
10 accordance with procedures prescribed by the department.

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
13 **Respondent Sadighi)**

14 73. Respondent Sadighi’s Smog Check Inspector License and Smog Check Repair
15 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,
16 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-66, Respondent
17 Sadighi failed to comply with provisions of the California Code of Regulations, title 16, as
18 follows:

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

21 (b) **Section 3340.41, subdivision (c)**: Respondent Sadighi entered false information into
22 the OIS.

23 (c) **Section 3340.42**: Respondent Sadighi failed to conduct the required smog tests and
24 inspections on those vehicles in accordance with the Bureau’s specifications.

25 **EIGHTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud or Deceit - Respondent Sadighi)**

27 74. Respondent Sadighi’s Smog Check Inspector License and Smog Check Repair
28 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,

1 subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in
2 that regarding the vehicles set forth above in paragraphs 29-66, Respondent Sadighi committed
3 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
4 certificates of compliance for those vehicles without performing bona fide inspections of the
5 emission control devices and systems on the vehicles., thereby depriving the People of the State
6 of California of the protection afforded by the Motor Vehicle Inspection Program.

7 **DISCIPLINARY CONSIDERATIONS**

8 **CONFERENCE HISTORY**

9 75. By way of aggravation, Complainant alleges that on or about May 14, 2024, Bureau
10 Representative Ballo (Ballo) visited Brothers Smog Shop, met with Owner Hakhamanesh
11 Sadighi, and held a Proactive Conference. During the conference, Hakhamanesh Sadighi was
12 advised of, among other things, that no false information about the vehicle being tested will be
13 entered into the analyzer, and that tests and inspections shall be conducted in accordance with the
14 Bureau's Smog Check Manual. Ballo specifically discussed California Code of Regulations
15 3340.41(c) – No person shall enter false information into Emissions Inspection System or the
16 OBD Inspection System and Health and Safety Code 44012 - A licensed station and/or technician
17 shall follow smog test procedures for proper inspection with Hakhamanesh Sadighi.

18 **OTHER MATTERS**

19 76. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director
20 may suspend, revoke, or place on probation the registration for all places of business operated in
21 this State by Respondent Brothers Smog Shop upon a finding that Respondent Brothers Smog
22 Shop has, or is, engaged in a course of repeated and willful violations of the laws and regulations
23 pertaining to an automotive repair dealer.

24 77. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
25 License Number TC 285839 issued to Respondent Brothers Smog Shop is revoked or suspended
26 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
27 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

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1 this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the
2 costs of probation monitoring; and,

3 9. Taking such other and further action as deemed necessary and proper.
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6 DATED: As of Digital Signature Date

Dorais; Digitally signed by
Dorals, Patrick@DCA
Patrick@DCA Date: 2025.11.15
17:07:56 -08'00'

7 PATRICK DORAIS
8 Chief
9 Bureau of Automotive Repair
10 Department of Consumer Affairs
11 State of California
12 *Complainant*

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