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

12 In the Matter of the Accusation Against:

Case No. 79/25-5526

13 **MARTINEZ TEST ONLY CENTER,**
14 **NATIVIDAD MARTINEZ, OWNER**
15 **10312 Atlantic Ave., Suite F&G**
16 **South Gate, CA 90280**

ACCUSATION

17 **Mailing Address:**
18 **18632 Brown St.**
19 **Perris, CA 92570**

20 **Automotive Repair Dealer Registration No.**
21 **ARD 272487**
22 **Smog Check, Test-Only, Station License No.**
23 **TC 272487**

24 **and**

25 **HECTOR MANUEL MORALES**
26 **3543 Brenton Ave. Apt. A**
27 **Lynwood, CA 90262**

28 **Smog Check Inspector License No. EO**
635092

Respondents.

1 **PARTIES**

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

4 2. On or about April 9, 2013, Bureau issued Automotive Repair Dealer Registration
5 Number ARD 272487 to Natividad Martinez, dba Martinez Test Only Center (Respondent
6 Martinez Test Only Center). The Automotive Repair Dealer Registration was in full force and
7 effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless
8 renewed.

9 3. On or about April 17, 2013, Bureau issued Smog Check, Test-Only, Station License
10 Number TC 272487 to Respondent Martinez Test Only Center. The Smog Check, Test-Only,
11 Station License was in full force and effect at all times relevant to the charges brought herein and
12 will expire on April 30, 2026, unless renewed.

13 4. On or about February 10, 2014, Bureau issued STAR Station Certification to
14 Respondent Martinez Test Only Center. The STAR Station Certification will remain active
15 unless the ARD registration and/or Smog Check, Test-Only, Station License is revoked,
16 cancelled, licenses become delinquent, or certification is suspended.

17 5. On or about January 7, 2013, Bureau issued Smog Check Inspector License Number
18 EO 635092 to Hector Manuel Morales (Respondent Morales). The Smog Check Inspector
19 License was in full force and effect at all times relevant to the charges brought herein and will
20 expire on October 31, 2026, unless renewed.

21 **JURISDICTION**

22 6. This Accusation is brought before the Director of the Department of Consumer
23 Affairs (Director) for the Bureau, under the authority of the following laws.

24 7. Section 9884.7 of the Code provides that the Director may revoke an automotive
25 repair dealer registration.

26 8. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
27 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
28

1 against an automotive repair dealer or to render a decision temporarily or permanently
2 invalidating (suspending or revoking) a registration.

3 9. Health and Safety Code section 44002 provides, in pertinent part, that the Director
4 has all the powers and authority granted under the Automotive Repair Act for enforcing the
5 Motor Vehicle Inspection Program.

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

10 **STATUTORY PROVISIONS**

11 11. Section 9884.7 of the Code provides, in pertinent part:

12 (a) The director, if the automotive repair dealer cannot show there was a bona
13 fide error, may deny, suspend, revoke, or place on probation the registration of an
14 automotive repair dealer for any of the following acts or omissions related to the
15 conduct of the business of the automotive repair dealer, which are done by the
16 automotive repair dealer or any automotive technician, employee, partner, officer, or
17 member of the automotive repair dealer:

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

21 ...

22 (4) Any other conduct that constitutes fraud.

23 ...

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

26 ...

27 12. Section 9889.22 of the Code provides:

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

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1 13. Health and Safety Code section 44012 provides:

2 The test at the smog check stations shall be performed in accordance with
3 procedures prescribed by the department and may require loaded mode dynamometer
4 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard
5 diagnostic system, or other appropriate test procedures as determined by the
6 department in consultation with the state board. The department shall implement
7 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
8 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
9 earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,
10 beginning no earlier than January 1, 2025. However, the department, in consultation
11 with the state board, may prescribe alternative test procedures that include loaded
12 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
13 systems that the department and the state board determine exhibit operational
14 problems. The department shall ensure, as appropriate to the test method, the
15 following:

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

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

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

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

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

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

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

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

1 failing their onboard diagnostic test have or would have passed a tailpipe test.

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

7
8 14. Health and Safety Code section 44015, subdivision (b), provides:

9 (b) If a vehicle meets the requirements of Section 44012, a smog check station
10 licensed to issue certificates shall issue a certificate of compliance or a certificate of
11 noncompliance.

12
13 15. Health and Safety Code section 44032 provides:

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

20
21 16. Health and Safety Code section 44059 provides:

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

27
28 17. Health and Safety Code section 44072.2 provides, in pertinent part:

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

(a) Violates any section of this chapter 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.

...

18. Health and Safety Code section 44072.10, subdivision (c), provides:

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

1 station licensee who fraudulently certifies vehicles or participates in the fraudulent
2 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
3 the following:

4 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other
5 fraudulent inspection practice, as defined by the department.

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

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

9 **REGULATORY PROVISIONS**

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

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

14 20. California Code of Regulations, title 16, section 3340.30 provides, in pertinent part:

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

17 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
18 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code,
19 and section 3340.42 of this article.

20 ...

21 21. California Code of Regulations, title 16, section 3340.35 provides, subdivision (c),
22 provides, in pertinent part:

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

27 22. California Code of Regulations, title 16, section 3340.41 provides, in pertinent part:

28 ...

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

...

(h) No licensed station shall have in the approved testing area at any time any
electronic device or software capable of simulating the OBD data stream from a

1 vehicle or manipulating OBD VIN, calibration identification, calibration verification
2 number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle
3 during a Smog Check Inspection.

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

6 24. California Code of Regulations, title 16, section 3373, provides:

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

11 **COST RECOVERY**

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

18 **FACTUAL ALLEGATIONS**

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

1 communicates with Bureau's central database through the Internet connection. The bar code
2 scanner is used to input technician information, the vehicles identification number (VIN), and
3 Department of Motor Vehicles (DMV) renewal information. The printer provides a Vehicle
4 Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate
5 of Compliance number for passing vehicles.

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

11 28. During an OIS inspection, engine operating parameters are retrieved from the
12 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
13 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
14 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are: (1) engine
15 speed in revolutions per minute (RPM); (2) throttle position as measured by a throttle position
16 sensor (TPS) mounted onto the throttle shaft, measured in a percentage of opening from 0% at
17 idle and near or up to 100% at full throttle; (3) manifold absolute pressure as measured by a
18 manifold absolute pressure sensor (MAP) connected to an intake manifold source, measured in
19 kilo pascals (kpa). Typical readings for a normally aspirated vehicle are 0 kpa being absolute
20 vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea
21 level; and (4) 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).

23 29. 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. In order for the engine speed to increase, the throttle would have
26 to be 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. An
28 increase in throttle, measured by the TPS, which increases engine RPM, would result in

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

4 30. 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 31. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
11 inspection, and a Certificate of Compliance is issued and transmitted electronically to the VID.
12 Each Certificate of Compliance has a unique control number so that it can be tracked to determine
13 which Smog Check Station purchased the Certificate of Compliance and to which vehicle it was
14 issued.

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

24 33. The smog check technician must sign the VIR under penalty of perjury to indicate
25 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
26 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
27 consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of
28 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by

1 the Bureau to perform official inspections. They are issued a personal access code and a license,
2 which are used to gain access to the EIS and OIS to perform smog check inspections.

3 Unauthorized use of another technician's access code or license is prohibited.

4 34. The Bureau has become aware of methods some Smog Check stations and Smog
5 Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog
6 Check test on their own, or in some instances, are not even present during the time the test is
7 performed. One method is known as "clean plugging." "Clean plugging" is a method by which
8 another vehicle's properly functioning OBD II system, or another source such as defeat devices,
9 are used to generate passing data readings or diagnostic information for the purpose of
10 fraudulently issuing smog certificates to vehicles that are not in smog compliance and or not
11 present for testing. Defeat devices attempt to simulate engine operation during a Smog Check
12 inspection by transmitting OBD II data to the VID which has been modified or replaced entirely
13 for the purportedly inspected vehicle during the functional portion of the OIS inspection. The use
14 of a defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

15 35. A Bureau representative investigated and reviewed OIS test data for the smog check
16 inspection performed at Martinez Test Only Center from November 2024 through December
17 2024. The investigation revealed that data related to certain vehicles certified by Respondents
18 contained a pattern of vehicles being certified with improbable engine operating parameters not
19 corresponding to normal engine operation, confirming the vehicles receiving smog certificates
20 were not tested during the OBD II functional test. This constitutes clean plugging, as follows:

21 **Clean Plug # 1**

22 36. On or about November 12, 2024, a 2004 Toyota Highlander Base, VIN
23 JTEDP21A440020799, CA license 8CCV440, was tested and smog certificate UG098628C was
24 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
25 635092, Respondent Morales.

26 37. The Dynamic PID charts and data for the 2004 Toyota Highlander Base shows that
27 between time stamp 140 and 20707, the engine RPM is steady at around 675 RPM. During this
28 time, the data shows that the throttle is varying between 13.3% and 18% opening and the MAF is

1 varying between 2.84 grams/sec and 4.55 grams/sec. Between time stamp 21052 and 38038, the
2 engine RPM is increased and then held between 1500 RPM and 2300 RPM. During this time, the
3 data shows that the throttle is varying between 12.5% and 16.9% opening and the MAF is varying
4 between 2.95 grams/sec and 4.66 grams/sec.

5 38. The steady idle and elevated engine RPMs with the improbable throttle positions and
6 MAF readings are not characteristic or expected for normal engine operation. The throttle
7 position and MAF readings are expected to be stable at idle and consistent with the elevated
8 engine RPM, not erratic and fluctuating. The discrepancies in the OIS Test Data prove the OIS
9 Data Acquisition Device (DAD) was not connected as required to the 2004 Toyota Highlander
10 Base being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

11 **Clean Plug # 2**

12 39. On or about November 13, 2024, a 2007 Honda Pilot EX, VIN
13 2HKYF18437H512704, CA license 9GEK990, was tested and smog certificate UG098633C was
14 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
15 635092, Respondent Morales.

16 40. The Dynamic PID charts and data for the 2007 Honda Pilot EX shows that between
17 time stamp 129 and 18857, the engine RPM is steady at around 700 RPM. During this time, the
18 data shows that the throttle is varying between 12.9% and 17.6% opening and the MAP is varying
19 between 18 kPa and 27 kPa. Between time stamp 19211 and 36684, the engine RPM is increased
20 then held steady at around 1650 RPM. During this time, the data shows that the throttle is
21 varying between 12.5% and 17.3% opening and the MAP is varying between 19 kPa and 30 kPa.

22 41. The steady idle and steady elevated engine RPMs with the improbable throttle
23 positions and MAP readings are not characteristic or expected for normal engine operation. The
24 throttle position and MAP readings are expected to be stable at idle and at the elevated engine
25 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS
26 Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the
27 2007 Honda Pilot EX being certified, causing the issuance of a fraudulent Smog Certificate of
28 Compliance.

1 **Clean Plug # 3**

2 42. On or about November 23, 2024, a 2003 Toyota Tundra, VIN 5TBJN32173S435198,
3 CA license 7G18112, was tested and smog certificate UG553115C was issued by Respondent
4 Martinez Test Only Center under the license of Smog Check Inspector EO 635092, Respondent
5 Morales.

6 43. The Dynamic PID charts and data for the 2003 Toyota Tundra shows that between
7 time stamp 161 and 17272, the engine RPM is steady at around 650 RPM. During this time, the
8 data shows that the throttle is fixed at 14.9% opening and the MAF is fixed at 0.56 grams/sec.
9 Between time stamp 17635 and 35270, the engine RPM is increased and then held between 1700
10 RPM and 2000 RPM. During this time, the data shows that the throttle remained fixed at 14.9%
11 and the MAF remained fixed at 0.56 grams/sec.

12 44. The steady idle and elevated engine RPM data along with the improbable fixed
13 throttle position and fixed MAF readings that never changed during the entire period the dynamic
14 data was collected, are not characteristic or expected for normal engine operation. The
15 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
16 connected as required to the 2003 Toyota Tundra being certified, causing the issuance of a
17 fraudulent Smog Certificate of Compliance.

18 **Clean Plug # 4**

19 45. On or about November 26, 2024, a 2001 Chevrolet Suburban C1500, VIN
20 3GNEC16T11G149946, CA license 4PDU955, was tested and smog certificate UG553123C was
21 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
22 635092, Respondent Morales.

23 46. The Dynamic PID charts and data for the 2001 Chevrolet Suburban C1500 shows that
24 between time stamp 44 and 17119, the engine RPM is steady at around 675 RPM. During this
25 time, the data shows that the throttle is fixed at 15.7% opening, the MAP is fixed at 101 kPa, and
26 the MAF is fixed at 0.0 grams/sec. Between time stamp 17479 and 35055, the engine RPM is
27 increased and then held between 1503 RPM and 1793 RPM. During this time, the data shows
28

1 that the throttle remained fixed at 15.7%, the MAP remained fixed at 101 kPa, and the MAF
2 remained fixed at 0.0 grams/sec.

3 47. The steady idle and elevated engine RPM data along with the improbable fixed
4 throttle position, fixed MAP, and fixed MAF readings that never changed during the entire period
5 the dynamic data was collected, are not characteristic or expected for normal engine operation.
6 The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
7 connected as required to the 2001 Chevrolet Suburban C1500 being certified, causing the
8 issuance of a fraudulent Smog Certificate of Compliance.

9 **Clean Plug # 5**

10 48. On or about November 27, 2024, a 2000 Toyota Echo, VIN JTDAT1233Y5015938,
11 CA license 9ACF380, was tested and smog certificate UG553126C was issued by Respondent
12 Martinez Test Only Center under the license of Smog Check Inspector EO 635092, Respondent
13 Morales.

14 49. The Dynamic PID charts and data for the 2000 Toyota Echo shows that between time
15 stamp 159 and 19953, the engine RPM is steady at around 700 RPM. During this time, the data
16 shows that the throttle is varying between 7.1% and 10.6% opening and the MAF is varying
17 between 0.64 grams/sec and 2.3 grams/sec. Between time stamp 20430 and 37962, the engine
18 RPM is increased to around 1450 RPM then held steady around 1775 RPM. During this time, the
19 data shows that the throttle is varying between 6.3% and 9.8% and the MAF is varying between
20 0.3 grams/sec and 2.53 grams/sec.

21 50. The steady idle and steady elevated engine RPMs along with the improbable throttle
22 positions and MAF readings are not characteristic or expected for normal engine operation. The
23 throttle position and MAF readings are expected to be stable at idle and at the elevated engine
24 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS
25 Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the
26 2000 Toyota Echo being certified, causing the issuance of a fraudulent Smog Certificate of
27 Compliance.

28 ///

1 51. On December 5, 2022, a previous Smog Check inspection was performed on the 2000
2 Toyota Echo at a different, unrelated Smog Check station. The Dynamic PID charts and data for
3 the 2000 Toyota Echo shows that between time stamp 978 and 31385, the engine RPM is steady
4 at around 760 RPM. During this time, the data shows that the throttle is steady at 11% opening
5 and the MAF is steady between 1.79 grams/sec and 1.81 grams/sec. Between time stamp 32505
6 and 49139, the engine RPM is increased then held steady around 1600 RPM. During this time,
7 the data shows that the throttle is increased to 13.7% and the MAF increased to between 3.43
8 grams/sec and 3.46 grams/sec. The steady idle and steady elevated engine RPM data along with
9 the associated steady throttle positions and steady MAF readings are characteristic and expected
10 for normal engine operation.

11 **Clean Plug # 6**

12 52. On or about November 27, 2024, a 2002 Lexus ES 300, VIN JTHBF30G120010270,
13 CA license 9HTV112, was tested and smog certificate UG553127C was issued by Respondent
14 Martinez Test Only Center under the license of Smog Check Inspector EO 635092, Respondent
15 Morales.

16 53. The Dynamic PID charts and data for the 2002 Lexus ES 300 shows that between
17 time stamp 157 and 22080, the engine RPM is steady at around 600 RPM. During this time, the
18 data shows that the throttle is varying between 13.7% and 17.6% opening and the MAF is varying
19 between 2.79 grams/sec and 5.03 grams/sec. Between time stamp 22533 and 40721, the engine
20 RPM is increased then held steady at around 1750 RPM. During this time, the data shows that
21 the throttle is varying between 12.5% and 18% opening and the MAF is varying between 2.86
22 grams/sec and 4.42 grams/sec.

23 54. The steady idle and steady elevated engine RPMs along with the improbable throttle
24 positions and MAF readings are not characteristic or expected for normal engine operation. The
25 throttle position and MAF readings are expected to be stable at idle and at the elevated engine
26 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS
27 Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the
28

1 2002 Lexus ES 300 being certified, causing the issuance of a fraudulent Smog Certificate of
2 Compliance.

3 55. On September 7, 2024, a previous Smog Check inspection was performed on the
4 2002 Lexus ES 300 at a different, unrelated Smog Check station. The Dynamic PID charts and
5 data for the 2002 Lexus ES 300 shows that between time stamp 858 and 26725, the engine RPM
6 is steady at around 625 RPM. During this time, the data shows that the throttle is steady at 15.7%
7 opening and the MAF is steady at 2.79 grams/sec. Between time stamp 27589 and 46511, the
8 engine RPM is increased to between around 1500 RPM and 1700 RPM. During this time, the
9 data shows that the throttle is increased and then held between 17.6% and 18% opening and the
10 MAF increased to between 6.29 grams/sec and 7.67 grams/sec. The steady idle and elevated
11 RPM data along with the associated throttle positions and MAF readings are characteristic and
12 expected for normal engine operation.

13 **Clean Plug # 7**

14 56. On or about November 27, 2024, a 2000 Chevrolet Silverado C1500, VIN
15 2GCEC19TXY1200657, CA license 71306C3, was tested and smog certificate UG553128C was
16 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
17 635092, Respondent Morales.

18 57. The Dynamic PID charts and data for the 2000 Chevrolet Silverado C1500 shows that
19 between time stamp 54 and 36755, the engine RPM is steady at around 650 RPM. During this
20 time, the data shows that the throttle is varying between 0.4% and 4.3% opening, the MAP is
21 varying between 35 kPa and 46 kPa, and the MAF is varying between 2.96 grams/sec and 4.99
22 grams/sec. Between time stamp 37092 and 54019, the engine RPM is increased then held around
23 1900 RPM. During this time, the data shows that the throttle is varying between 0% and 4.7%
24 opening, the MAP is varying between 36 kPa and 42 kPa, and the MAF is varying between 2.82
25 grams/sec and 4.89 grams/sec.

26 58. The steady idle and steady elevated engine RPMs along with the improbable throttle
27 positions and MAP and MAF readings are not characteristic or expected for normal engine
28 operation. The throttle position, MAP, and MAF readings are expected to be stable at idle and at

1 the elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The
2 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
3 connected as required to the 2000 Chevrolet Silverado C1500 being certified, causing the
4 issuance of a fraudulent Smog Certificate of Compliance.

5 **Clean Plug # 8**

6 59. On or about December 4, 2024, a 2005 Jeep Liberty Sport, VIN
7 1J4GL48K95W552985, CA license 5LGM985, was tested and smog certificate UG553145C was
8 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
9 635092, Respondent Morales.

10 60. The Dynamic PID charts and data for the 2005 Jeep Liberty Sport shows that between
11 time stamp 45 and 18930, the engine RPM is steady at around 700 RPM. During this time, the
12 data shows that the throttle is fixed at 14.1% opening and the MAP is fixed at 32 kPa. Between
13 time stamp 19284 and 44744, the data shows the engine RPM is increased and then held steady at
14 around 1650 RPM. During this time, the data shows that the throttle remains fixed at 14.1% and
15 the MAP remains fixed at 32 kPa.

16 61. The steady idle and steady elevated engine RPM data along with the improbable fixed
17 throttle position and fixed MAP readings that never changed during the entire period the dynamic
18 data was collected, are not characteristic or expected for normal engine operation. The
19 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
20 connected as required to the 2005 Jeep Liberty Sport being certified, causing the issuance of a
21 fraudulent Smog Certificate of Compliance.

22 **Clean Plug # 9**

23 62. On or about December 5, 2024, a 2002 Ford F150, VIN 1FTRX17W72NA53111, CA
24 license 6V15961, was tested and smog certificate UG553148C was issued by Respondent
25 Martinez Test Only Center under the license of Smog Check Inspector EO 635092, Respondent
26 Morales.

27 63. The Dynamic PID charts and data for the 2002 Ford F150 shows that between time
28 stamp 55 and 18968, the engine RPM is steady at around 750 RPM. During this time, the data

1 shows that the throttle is varying between 19.2% and 24.3% opening and the MAF is varying
2 between 0 grams/sec and 2.36 grams/sec. Between time stamp 19343 and 37935, the engine
3 RPM is increased then held steady at around 1750 RPM. During this time, the data shows that
4 the throttle is varying between 18.8% and 23.1% opening and the MAF is varying between 0.49
5 grams/sec and 2.26 grams/sec.

6 64. The steady idle and steady elevated engine RPMs along with the improbable throttle
7 positions and MAF readings are not characteristic or expected for normal engine operation. The
8 throttle position and MAF readings are expected to be stable at idle and at the elevated engine
9 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS
10 Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the
11 2002 Ford F150 being certified, causing the issuance of a fraudulent Smog Certificate of
12 Compliance.

13 **Clean Plug # 10**

14 65. On or about December 10, 2024, a 2000 Chevrolet Suburban K1500, VIN
15 3GNFK16T3YG114486, CA license 8TYL857, was tested and smog certificate UG979863C was
16 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
17 635092, Respondent Morales.

18 66. The Dynamic PID charts and data for the 2000 Chevrolet Suburban K1500 shows that
19 between time stamp 103 and 20178, the engine RPM is steady at around 675 RPM. During this
20 time, the data shows that the throttle is fixed at 0% opening, the MAP is fixed at 39 kPa, and the
21 MAF is fixed at 5.6 grams/sec. Between time stamp 20506 and 39079, the data shows that the
22 engine RPM is increased and then held steady at around 1700 RPM. During this time, the data
23 shows that the throttle remains fixed at 0%, the MAP remains fixed at 39 kPa, and the MAF
24 remains fixed at 5.6 grams/sec.

25 67. The steady idle and steady elevated engine RPM data along with the improbable fixed
26 throttle position, fixed MAP, and fixed MAF readings that never changed during the entire period
27 the dynamic data was collected, are not characteristic or expected for normal engine operation.
28 The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not

1 connected as required to the 2000 Chevrolet Suburban K1500 being certified, causing the
2 issuance of a fraudulent Smog Certificate of Compliance.

3 **Clean Plug # 11**

4 68. On or about December 12, 2024, a 2003 Mazda B2300 Cab Plus, VIN
5 4F4YR16D73TM04237, CA license 7C58647, was tested and smog certificate UG979871C was
6 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
7 635092, Respondent Morales.

8 69. The Dynamic PID charts and data for the 2003 Mazda B2300 Cab Plus shows that
9 between time stamp 33 and 17770, the engine RPM is steady at around 650 RPM. During this
10 time, the data shows that the throttle is varying between 12.9% and 18% opening, the MAP is
11 varying between 32 kPa and 46 kPa, and the MAF is varying between 2.87 grams/sec and 5.08
12 grams/sec. Between time stamp 18107 and 36172, the engine RPM is increased then held
13 between around 1500 RPM and 1650 RPM. During this time, the data shows that the throttle is
14 varying between 16.1% and 18% opening, the MAP is varying between 32 kPa and 40 kPa, and
15 the MAF is varying between 2.89 grams/sec and 4.39 grams/sec.

16 70. The steady idle and steady elevated engine RPMs along with the improbable throttle
17 positions and MAP and MAF readings are not characteristic or expected for normal engine
18 operation. The throttle position, MAP, and MAF readings are expected to be stable at idle and at
19 the elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The
20 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
21 connected as required to the 2003 Mazda B2300 Cab Plus being certified, causing the issuance of
22 a fraudulent Smog Certificate of Compliance.

23 **Clean Plug # 12**

24 71. On or about December 13, 2024, a 2001 Nissan Frontier XE, VIN
25 1N6DD21S41C353792, CA license 6M13097, was tested and smog certificate UG979879C was
26 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
27 635092, Respondent Morales.

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1 72. The Dynamic PID charts and data for the 2001 Nissan Frontier XE shows that
2 between time stamp 261 and 17580, the engine RPM is steady at around 775 RPM. During this
3 time, the data shows that the throttle is fixed at 0% opening and the MAF is fixed at 2.31
4 grams/sec. Between time stamp 17937 and 35823, the engine RPM is increased and then held
5 steady at around 1975 RPM. During this time, the data shows that the throttle remains fixed at
6 0% and the MAF remains fixed at 2.31 grams/sec.

7 73. The steady idle and steady elevated engine RPM data along with the improbable fixed
8 throttle position and fixed MAF readings that never changed during the entire period the dynamic
9 data was collected, are not characteristic or expected for normal engine operation. The
10 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
11 connected as required to the 2001 Nissan Frontier XE being certified, causing the issuance of a
12 fraudulent Smog Certificate of Compliance.

13 74. On December 14, 2022, a previous Smog Check inspection was performed on the
14 2001 Nissan Frontier XE at a different, unrelated Smog Check station. The Dynamic PID charts
15 and data for the 2001 Nissan Frontier XE shows that between time stamp 241 and 30720, the
16 engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle is
17 steady at 0% opening and the MAF is steady between 2.23 grams/sec and 2.29 grams/sec.
18 Between time stamp 31372 and 49943, the engine RPM is increased to between 1400 RPM and
19 1775 RPM. During this time, the data shows that the throttle is increased to between 2.7% and
20 3.5% opening and the MAF increased to between 4.36 grams/sec and 5.17 grams/sec. The steady
21 idle and elevated engine RPM data along with the associated throttle positions and MAF readings
22 are characteristic and expected for normal engine operation.

23 **Clean Plug # 13**

24 75. On or about December 14, 2024, a 2004 Ford F-150 Heritage Classic, VIN
25 2FTRX17254CA54781, CA license 7N87167, was tested and smog certificate UG979883C was
26 issued by Respondent Martinez Test Only Center under the license of Smog Check Inspector EO
27 635092, Respondent Morales.

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1 76. The Dynamic PID charts and data for the 2004 Ford F-150 Heritage Classic shows
2 that between time stamp 50 and 44753, the engine RPM decreases, then increases, then is held
3 steady at around 850 RPM. During this time, the data shows that the throttle is fixed at 18.4%
4 opening and the MAF is fixed at 4.59 grams/sec. Between time stamp 45096 and 61689, the
5 engine RPM is increased to between 1478 RPM and 2023 RPM. During this time, the data shows
6 that the throttle remains fixed at 18.4% and the MAF remains fixed at 4.59 grams/sec.

7 77. The steady idle and elevated engine RPM data along with the improbable fixed
8 throttle position and fixed MAF readings that never changed during the entire period the dynamic
9 data was collected, are not characteristic or expected for normal engine operation. The
10 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
11 connected as required to the 2004 Ford F-150 Heritage Classic being certified, causing the
12 issuance of a fraudulent Smog Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements – Respondent Martinez Test Only Center)

14 78. Respondent Martinez Test Only Center's Automotive Repair Dealer Registration is
15 subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that, with respect
16 to the vehicles identified above, Respondent Martinez Test Only Center made or authorized
17 statements which they knew, or in the exercise of reasonable care should have known to be untrue
18 or misleading, as follows: Respondent Martinez Test Only Center certified that these vehicles
19 had passed inspection and were in compliance with applicable laws and regulations, when in fact,
20 Respondent Martinez Test Only Center conducted the inspections on the vehicles using the clean
21 plugging method in order to issue smog certificates of compliance for the vehicles. Complainant
22 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-77 as
23 though fully set forth herein.
24

SECOND CAUSE FOR DISCIPLINE

(Fraud – Respondent Martinez Test Only Center)

27 79. Respondent Martinez Test Only Center's Automotive Repair Dealer Registration is
28 subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that, with respect

1 to the vehicles identified above, Respondent Martinez Test Only Center committed acts which
2 constitute fraud by issuing electronic smog certificates of compliance for these vehicles without
3 performing bona fide inspections of the emissions control devices and systems on those vehicles,
4 thereby depriving the People of the State of California of the protection afforded by the Motor
5 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
6 allegations set forth above in paragraphs 26-77, as though fully set forth herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Material Violation of Automotive Repair Act – Respondent Martinez Test Only Center)**

9 80. Respondent Martinez Test Only Center’s Automotive Repair Dealer Registration is
10 subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that, with respect
11 to the vehicles identified above, Respondent Martinez Test Only Center failed in a material
12 respect to comply with the provisions of this chapter or regulations adopted pursuant to it by
13 issuing electronic smog certificates of compliance for these vehicles without performing bona
14 fide inspections of the emissions control devices and systems on those vehicles, thereby depriving
15 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
16 Program. Complainant refers to, and by this reference incorporates, the allegations set forth
17 above in paragraphs 26-77, as though fully set forth herein.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez Test Only**
20 **Center)**

21 81. Respondent Martinez Test Only Center’s Smog Check, Test-Only, Station License is
22 subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in
23 that, with respect to the vehicles identified above, Respondent Martinez Test Only Center failed
24 to comply with the following sections of the Health and Safety Code:

25 a. **Section 44012:** Respondent Martinez Test Only Center failed to ensure that the
26 emission control tests were performed on the vehicles in accordance with procedures prescribed
27 by the Bureau.

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1 by California Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the
2 document to be false or misleading for the vehicles.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in
4 paragraphs 26-77, as though fully set forth herein.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud, or Deceit – Respondent Martinez Test Only Center)**

7 83. Respondent Martinez Test Only Center’s Smog Check, Test-Only, Station License is
8 subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in
9 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect
10 to the vehicles identified above, Respondent Martinez Test Only Center committed dishonest,
11 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
12 of compliance for the vehicles without performing bona fide inspections of the emission control
13 devices and systems on those vehicles, thereby depriving the People of the State of California of
14 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
15 this reference incorporates, the allegations set forth above in paragraphs 26-77, as though fully set
16 forth herein.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Motor Vehicle Inspection Program – Respondent Morales)**

19 84. Respondent Morales’s Smog Check Inspector License is subject to disciplinary action
20 under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to the
21 vehicles identified above, Respondent Morales violated the following Health and Safety Code
22 sections:

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

26 b. **Section 44012, subdivision (f):** Respondent Morales failed to perform emission
27 control tests on the vehicles in accordance with procedures prescribed by the Bureau.

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1 c. **Section 44032:** Respondent Morales failed to perform tests of the emission control
2 devices and systems on the vehicles identified above in accordance with section 44012 of the
3 Health and Safety Code, in that the vehicles had been clean plugged.

4 d. **Section 44059:** Respondent Morales willfully made false entries for the electronic
5 certificates of compliance by certifying that the vehicles had been inspected as required when, in
6 fact, they had not.

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraphs 26-77, as though fully set forth herein.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**
11 **Program – Respondent Morales)**

12 85. Respondent Morales’s Smog Check Inspector License is subject to disciplinary action
13 under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to the
14 vehicles identified above, Respondent Morales failed to comply with provisions of the California
15 Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Morales issued false or fraudulent
17 electronic smog certificates of compliance for the vehicles.

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

21 c. **Section 3340.41, subdivision (c):** Respondent Morales knowingly entered false
22 information into the emissions inspection system for the vehicles.

23 d. **Section 3340.42:** Respondent Morales failed to ensure that the required smog tests
24 were conducted on the vehicles identified above in accordance with the Bureau’s specifications.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in
26 paragraphs 26-77, as though fully set forth herein.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit – Respondent Morales)**

3 86. Respondent Morales’s Smog Check Inspector License is subject to disciplinary
4 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with
5 Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles
6 identified above, Respondent Morales committed acts involving dishonesty, fraud, or deceit
7 when he issued electronic smog certificates of compliance for the vehicles without performing
8 bona fide inspections of the emission control devices and systems on those vehicles, thereby
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle
10 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
11 set forth above in paragraphs 26-77, as though fully set forth herein.

12 **OTHER MATTERS**

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

18 88. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only,
19 Station License Number TC 272487, issued to Respondent Natividad Martinez, dba Martinez
20 Test Only Center, is revoked or suspended following a hearing under this article, any additional
21 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name
22 of said licensee may be likewise revoked or suspended by the Director.

23 89. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
24 License Number EO 635092, issued to Hector Manuel Morales is revoked or suspended
25 following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of
26 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
27 or suspended by the Director.

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PRAYER

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

- 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 272487, issued to Natividad Martinez, dba Martinez Test Only Center;
 - 2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 272487, issued to Natividad Martinez, dba Martinez Test Only Center;
 - 3. Revoking or suspending Smog Check Inspector License Number EO 635092, issued to Hector Manuel Morales;
 - 4. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Natividad Martinez;
 - 5. Revoking or suspending any other automotive repair dealer registration issued to Natividad Martinez;
 - 6. Revoking or suspending any other smog check license under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Hector Manuel Morales;
 - 7. Ordering Natividad Martinez and Hector Manuel Morales to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;
- and,
- 8. Taking such other and further action as deemed necessary and proper.

DATED: As of digital signature date

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