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

13 In the Matter of the Accusation Against:

Case No. **79/24-17474**

14 **JOSE RAUL BLANCO, d.b.a. MOVALL**  
15 **SMOG**  
23846 Sunnymead Blvd #14  
Moreno Valley, CA 92553

**ACCUSATION**

16 **Automotive Repair Dealer Registration**  
17 **Number ARD 294485, Smog Test, Test**  
18 **Only, Station License Number TC 294485**

19 **JOSE RAUL BLANCO MELENDREZ**  
44394 Meadow Grove St  
Hemet, CA 92544

20 **Smog Check Inspector License Number EO**  
21 **643978**

22 **-and-**

23 **VALENTIN V. VALENCIA**  
920 Orange St  
Colton, CA 92324

24 **Smog Check Inspector License Number EO**  
25 **635186**

26 Respondents.  
27  
28

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, Department of Consumer Affairs.

4 2. On or about June 3, 2019, Bureau of Automotive Repair issued Automotive Repair  
5 Dealer Number ARD 294485 to Jose Raul Blanco dba Movall Smog (Respondent). The  
6 Automotive Repair Dealer was in full force and effect at all times relevant to the charges brought  
7 herein and will expire on June 30, 2025, unless renewed.

8 3. On or about June 4, 2019, Bureau of Automotive Repair issued Smog Check, Test-  
9 Only, Station Number TC 294485 to Jose Raul Blanco dba Movall Smog (Respondent). The  
10 Smog Check, Test-Only, Station was in full force and effect at all times relevant to the charges  
11 brought herein and will expire on June 30, 2025, unless renewed.

12 4. Respondent is also certified as a STAR Station. The certification was issued on July  
13 18, 2019, and will remain active unless the ARD registration and/or Smog Check Station license  
14 is revoked, canceled, licenses become delinquent, or the certification is invalidated.

15 5. On or about October 20, 2022, Bureau of Automotive Repair issued Smog Check  
16 Inspector License Number EO 643978 to Jose Raul Blanco Melendrez (Respondent). The Smog  
17 Check Inspector License was in full force and effect at all times relevant to the charges brought  
18 herein and will expire on December 31, 2026, unless renewed.

19 6. On or about February 4, 2013, Bureau of Automotive Repair issued Smog Check  
20 Inspector License Number EO 635186 to Valentin V. Valencia<sup>1</sup> (Respondent). The Smog Check  
21 Inspector License was in full force and effect at all times relevant to the charges brought herein  
22 and will expire on September 30, 2026, unless renewed.

23 **JURISDICTION**

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

26 \_\_\_\_\_  
27 <sup>1</sup> At all times alleged herein, Respondents Jose Raul Blanco Melendrez and Valentin V.  
28 Valencia were acting as employees of Respondent Movall Smog and committed the acts alleged  
herein in the course and scope of their employment at Respondent Movall Smog.

8. Section 9884.7 of the Business and Professions Code<sup>2</sup> provides that the Director may revoke an ARD registration.

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

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

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

## STATUTORY PROVISIONS

12. Section 9884.7 of the Code states:

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

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

• • •

(4) Any other conduct which constitutes fraud.

• • •

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

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

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

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

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

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

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

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

9 . . .

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

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

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

### 15 **REGULATORY PROVISIONS**

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

17 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  
18 of compliance or a certificate of noncompliance.

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

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

21 (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  
22 Health and Safety Code, and section 3340.42 of this article. . . .”

23 17. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

24 . . . .

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

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

3 **COST RECOVERY**

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

10 **VID DATA REVIEW**

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

26 21. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is  
27 the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the  
28 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to

1 relay information; and the number of Parameter Identifications (“PIDs”), which is the number of  
2 specific data values each PCM uses related to emissions controls.

3 22. During an OIS inspection, engine operating parameters are retrieved from the  
4 vehicle’s OBD II system and recorded to the VID. This is accomplished during the functional  
5 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle’s DLC when  
6 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

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

20 23. During normal engine operation at idle, engine speed is relatively steady around its  
21 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or  
22 MAF readings are also steady. For the engine speed to increase, the throttle would have to be  
23 opened to increase airflow through the engine. The engine’s management systems supply fuel and  
24 spark timing appropriate to any changes in throttle position and engine speed. An increase in  
25 throttle, measured by the TPS, which increases engine RPM, would result in corresponding  
26 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle

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27 <sup>3</sup> Not all vehicles include both MAP and MAF parameters. Many vehicles will have either  
28 MAP or MAF parameters separately.

1 from the idle position will result in an increase of airflow through the engine with corresponding  
2 increases RPM and/or MAF along with changes in MAP.

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

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

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

24 27. 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 28. Respondents have engaged in numerous acts or omissions constituting violations of  
5 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor  
6 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice  
7 of "clean plugging."<sup>4</sup> Respondent's employees OIS Test Data available on the State database  
8 indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau  
9 representative initiated an investigation based on information transmitted to the VID for smog  
10 check inspections performed by Respondent's employees. The investigation revealed that the  
11 data related to certain vehicles certified by Respondent's employees contained a pattern of  
12 unmistakable discrepancies between the information transmitted during the inspections and  
13 documented information known about the vehicles at issue. Specifically, the representative  
14 compared the data received from the certified vehicles to data from vehicles of the same year,  
15 make, and model and determined that the data from at least ten (10) of the certified vehicles were  
16 fraudulently tested by Respondent's employees during the smog inspection using the "clean  
17 plugging" method as follows:

18 **Fraudulent Inspection #1 (Valencia)**

19 29. Bureau Program Representative Steve Koch (Koch) reviewed the OIS Test Data for  
20 Movall Smog. The review indicates on February 10, 2023, a 2003 Toyota Camry LE, CA license  
21 5BRN715, VIN 4T1BE30K43U705275 (2003 Camry), was tested and smog certificate #  
22 IR936486C was issued under licensed Smog Check Technician #EO635186, Valencia.

23 30. The Dynamic OBDII PID Chart for the 2003 Camry shows between time stamp 151  
24 and 17696 engine speed is steady at approximately 700 RPM. During this time the throttle is  
25 fixed at 16.5% opening, MAF is fixed at .42 gps, and the ignition timing advance for #1 cylinder

26 <sup>4</sup> "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 is fixed at 5 degrees BTDC. After time stamp 17696 the engine speed accelerates to  
2 approximately 1550 RPM. From the time the engine RPM increases off idle to the higher RPMs,  
3 the throttle is fixed at the same 16.5% opening, MAF is fixed at the same .42 gps, and the ignition  
4 timing advance for #1 cylinder is also still fixed at the same 5 degrees BTDC.

5 31. During the entire period the dynamic data was collected, the only parameter that  
6 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
7 remained unchanged even though the engine speed was increased. These readings are not  
8 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
9 prove the Data Acquisition Device was not connected to the 2003 Camry being certified, causing  
10 the issuance of a fraudulent Smog Check Certificate of Compliance.

11 **Previous Failing Test: 2003 Camry**

12 32. A previous failing test was performed on the 2003 Camry at another station on  
13 January 4, 2023. The 2003 Camry failed the test for the MIL commanded on, but the MIL did not  
14 illuminate, a tamper on the post cat oxygen sensor for an unapproved installed spacer, incomplete  
15 OBDII readiness monitors, and stored OBDII DTC P0301. No dynamic OBDII PID data was  
16 collected during the test.

17 **Fraudulent Inspection #2 (Valencia)**

18 33. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on  
19 February 21, 2023, a 2004 Toyota Corolla CE, CA license 8FED696, VIN  
20 1NXBR32E54Z326458 (2004 Corolla), was tested and smog certificate # TE051900C was issued  
21 under licensed Smog Check Technician #EO635186, Valencia.

22 34. The Dynamic OBDII PID Chart for the 2004 Corolla shows between time stamp 140  
23 and 18483 engine speed is steady at approximately 675 RPM. During this time the throttle is  
24 fixed at 9.8% opening, MAF is fixed at .45 gps, and the ignition timing advance for #1 cylinder is  
25 fixed at 5 degrees BTDC. After time stamp 18483 the engine speed accelerates to approximately  
26 1800 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is  
27 fixed at the same 9.8% opening, MAF is fixed at the same .45 gps, and the ignition timing  
28 advance for #1 cylinder is also still fixed at the same 5 degrees BTDC.

35. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2004 Corolla being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

### **Fraudulent Inspection #3 (Valencia)**

36. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on February 23, 2023, a 2002 Honda Accord LX, CA license 7WXD435, VIN 3HGCG66512G703766 (2002 Accord), was tested and smog certificate # TE306576C was issued under licensed Smog Check Technician #EO635186, Valencia.

37. The Dynamic OBDII PID Chart for the 2002 Accord shows between time stamp 148 and 20206 engine speed is steady at approximately 650 RPM. During this time the throttle is fixed at 9.8% opening, MAP is fixed at 26 kPa, and the ignition timing advance for #1 cylinder is fixed at 11.5 degrees BTDC. After time stamp 20206 the engine speed accelerates to approximately 1550 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 9.8% opening, MAP is fixed at the same 26 kPa, and the ignition timing advance for #1 cylinder is also still fixed at the same 11.5 degrees BTDC.

38. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2002 Accord being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

### **Previous Failing Test: 2002 Accord**

39. A previous failing test was performed on the 2002 Accord by Licensed Inspector Valentine at Movall Smog on January 2, 2023. The 2002 Accord failed the test for the MIL commanded on, and stored OBDII DTC P0401 and P1259. The Dynamic OBDII PID data

collected during the test shows the expected change in the throttle, MAP, and ignition timing advance parameters as characteristic or expected for normal engine operation.

#### **Fraudulent Inspection #4 (Valencia)**

40. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on February 23, 2023, a 2004 Nissan Armada SE, CA license 6DUV220, VIN 5N1AA08B44N711342 (2004 Armada), was tested and smog certificate # TE306577C was issued under licensed Smog Check Technician #EO635186, Valencia.

41. The Dynamic OBDII PID Chart for the 2004 Armada shows between time stamp 178 and 19966 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at .4% opening, MAF is fixed at 1.39 gps, and the ignition timing advance for #1 cylinder is fixed at 60 degrees BTDC. After time stamp 19966 the engine speed accelerates to approximately 1600 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same .4% opening, MAF is fixed at the same 1.39 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 60 degrees BTDC.

42. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2004 Armada being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

#### **Fraudulent Inspection #5 (Valencia)**

43. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on June 17, 2023, a 2004 Mitsubishi Montero Limited, CA license 7XAU442, VIN JA4MW51S84J004921 (2004 Montero), was tested and smog certificate # TI857856C was issued under licensed Smog Check Technician #EO635186, Valencia.

44. The Dynamic OBDII PID Chart for the 2004 Montero shows between time stamp 115 and 17200 engine speed is steady at approximately 600 RPM. During this time the throttle is fixed at 3.1% opening, MAF is fixed at 3.98 gps, MAP is fixed at 27 kPa, and the ignition timing

1 advance for #1 cylinder is fixed at 9 degrees BTDC. After time stamp 17200 the engine speed  
2 accelerates to approximately 1400 RPM. From the time the engine RPM increases off idle to the  
3 higher RPMs, the throttle is fixed at the same 3.1% opening, MAF is fixed at the same 3.98 gps,  
4 MAP is fixed at the same 27 kPa, and the ignition timing advance for #1 cylinder is also still  
5 fixed at the same 9 degrees BTDC.

6 45. During the entire period the dynamic data was collected, the only parameter that  
7 changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance  
8 readings remained unchanged even though the engine speed was increased. These readings are  
9 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test  
10 Data prove the Data Acquisition Device was not connected to the 2004 Montero being certified,  
11 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 12 **Previous Failing Test: 2004 Montero**

13 46. A previous failing test was performed on the 2004 Montero at another station on  
14 April 29, 2022. The 2004 Montero failed the test for an illuminated MIL, incomplete OBDII  
15 readiness monitors, and stored OBDII DTCs P0171, P0431, and P0442. No dynamic OBDII PID  
16 data was collected during the test.

#### 17 **Fraudulent Inspection #6 (Melendrez)**

18 47. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on October  
19 18, 2023, a 2002 Honda Accord EX, CA license 6LHS715, VIN JHMCG66802C025909 (2002  
20 Accord EX), was tested and smog certificate # IX050417C was issued under licensed Smog  
21 Check Technician #EO643978, Melendrez.

22 48. The Dynamic OBDII PID Chart for the 2002 Accord EX shows between time stamp  
23 121 and 18484 engine speed is between approximately 600 RPM and 800 RPM. During this time  
24 the throttle is fixed at 11.8% opening, MAP is fixed at 25 kPa, and the ignition timing advance for  
25 #1 cylinder is fixed at 12.5 degrees BTDC. After time stamp 18484 the engine speed accelerates  
26 to approximately 1400 RPM. From the time the engine RPM increases off idle to the higher  
27 RPMs, the throttle is fixed at the same 11.8% opening, MAP is fixed at the same 25 kPa, and the  
28 ignition timing advance for #1 cylinder is also still fixed at the same 12.5 degrees BTDC.

49. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2002 Accord EX being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

**Previous Failing Test: 2002 Accord**

50. A previous failing test was performed on the 2002 Accord EX at another station on April 30, 2022. The 2002 Accord failed the test for an illuminated MIL, and stored OBDII DTC P0420, P1381, and P1456. No dynamic OBDII PID data was collected during the test.

**Fraudulent Inspection #7 (Melendrez)**

51. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on April 13, 2024, a 2001 Honda Accord LX, no plate, VIN 3HGCG66511G704284 (2001 Accord), was tested and smog certificate # TU546123C was issued under licensed Smog Check Technician #EO643978, Melendrez.

52. The Dynamic OBDII PID Chart for the 2001 Accord shows between time stamp 166 and 21564 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at 11.8% opening, MAP is fixed at 25 kPa, and the ignition timing advance for #1 cylinder is fixed at 12.5 degrees BTDC. After time stamp 21564 the engine speed accelerates to approximately 1400 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 11.8% opening, MAP is fixed at the same 25 kPa, and the ignition timing advance for #1 cylinder is also still fixed at the same 12.5 degrees BTDC.

53. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2001 Accord being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

**Fraudulent Inspection #8 (Melendrez)**

54. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on April 15, 2024, a 2000 Ford Ranger, CA license 6J14488, VIN 1FTYR10C8YPB79223 (2000 Ranger), was tested and smog certificate # TU546128C was issued under licensed Smog Check Technician #EO643978, Melendrez.

55. The Dynamic OBDII PID Chart for the 2000 Ranger shows between time stamp 18 and 26638 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at 14.5% opening, MAF is fixed at 4.11 gps, and the ignition timing advance for #1 cylinder is fixed at 8 degrees BTDC. After time stamp 26638 the engine speed accelerates to approximately 1350 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 14.5% opening, MAF is fixed at the same 4.11 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 8 degrees BTDC.

56. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2000 Ranger being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

**Previous Failing Test: 2000 Ranger**

57. A previous failing test was performed on the 2000 Ranger at another station on April 8, 2024. The 2000 Ranger failed the visual portion of the test for crankcase emission controls, catalyst, tampered EGR, and other emission related components/systems; an illuminated MIL, incomplete OBDII readiness monitors, and stored OBDII DTCs P0118 and P1504. No dynamic OBDII PID data was collected during the test.

**Fraudulent Inspection #9 (Melendrez)**

58. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on April 27, 2024, a 2003 Honda Accord EX, CA license 5ATG176, VIN JHMCM566X3C044552 (2003

1 Accord), was tested and smog certificate # TW461609C was issued under licensed Smog Check  
2 Technician #EO643978, Melendrez.

3 59. The Dynamic OBDII PID Chart for the 2003 Accord shows between time stamp 126  
4 and 18661 engine speed is steady at approximately 700 RPM. During this time the throttle is  
5 fixed at 9.4% opening, MAF is fixed at 2.45 gps, MAP is fixed at 25 kPa, and the ignition timing  
6 advance for #1 cylinder is fixed at 7.5 degrees BTDC. After time stamp 18661 the engine speed  
7 accelerates to approximately 1350 RPM. From the time the engine RPM increases off idle to the  
8 higher RPMs, the throttle is fixed at the same 9.4% opening, MAF is fixed at the same 2.45 gps,  
9 MAP is fixed at the same 25 kPa, and the ignition timing advance for #1 cylinder is also still  
10 fixed at the same 7.5 degrees BTDC.

11 60. During the entire period the dynamic data was collected, the only parameter that  
12 changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance  
13 readings remained unchanged even though the engine speed was increased. These readings are  
14 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test  
15 Data prove the Data Acquisition Device was not connected to the 2003 Accord being certified,  
16 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

17 **Fraudulent Inspection #10 (Melendrez)**

18 61. Koch reviewed the OIS Test Data for Movall Smog. The review indicates on July 19,  
19 2024, a 2004 Nissan Xterra SE, CA license 7TIL781, VIN 5N1MD28Y94C602634 (2004  
20 Xterra), was tested and smog certificate # UA284685C was issued under licensed Smog Check  
21 Technician #EO643978, Melendrez.

22 62. The Dynamic OBDII PID Chart for the 2004 Xterra shows between time stamp 179  
23 and 20197 engine speed is steady at approximately 700 RPM with an RPM spike to  
24 approximately 950 RPM at time stamp 16171. During this time the throttle is fixed at 0%  
25 opening, MAF is fixed at 3.67 gps, and the ignition timing advance for #1 cylinder is fixed at 10  
26 degrees BTDC. After time stamp 20197 the engine speed accelerates to approximately 1400  
27 RPM, with a downward spike to approximately 925 RPM at time stamp 29192. From the time the  
28 engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 0% opening,

1 MAF is fixed at the same 3.67 gps, and the ignition timing advance for #1 cylinder is also still  
2 fixed at the same 10 degrees BTDC.

3 63. During the entire period the dynamic data was collected, the only parameter that  
4 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
5 remained unchanged even though the engine speed was increased. These readings are not  
6 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
7 prove the Data Acquisition Device was not connected to the 2004 Xterra being certified, causing  
8 the issuance of a fraudulent Smog Check Certificate of Compliance.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Untrue or Misleading Statements - Respondent Movall Smog)**

11 64. Respondent Movall Smog's registration is subject to disciplinary action pursuant to  
12 section 9884.7, subdivision (a)(1), in that Respondent's employees made or authorized statements  
13 which they knew or in the exercise of reasonable care should have known to be untrue or  
14 misleading, as follows: Respondent's employees certified that the vehicles set forth above in  
15 paragraphs 29-63, had passed inspection and were in compliance with applicable laws and  
16 regulations. In fact, Respondent's employees conducted the inspections on those vehicles using  
17 the clean plugging method in order to issue smog certificates of compliance, and did not test or  
18 inspect the vehicles as required by Health and Safety Code section 44012.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Fraud - Respondent Movall Smog)**

21 65. Respondent Movall Smog's registration is subject to disciplinary action pursuant to  
22 section 9884.7, subdivision (a)(4), in that Respondent Movall Smog's employees committed acts  
23 which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth  
24 above in paragraphs 29-63, without performing bona fide inspections of the emission control  
25 devices and systems on those vehicles, thereby depriving the People of the State of California of  
26 the protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Motor Vehicle Inspection Program –**  
3 **Respondent Movall Smog)**

4 66. Respondent Movall Smog's smog station license is subject to disciplinary action  
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health  
6 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in  
7 paragraphs 29-63, Respondent Movall Smog failed to comply with the following sections of the  
8 Health and Safety Code:

9 (a) **Section 44012**: Respondent Movall Smog's employees failed to ensure that the  
10 emission control tests were performed on the vehicles, in accordance with procedures prescribed  
11 by the department.

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

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**  
17 **Respondent Movall Smog)**

18 67. Respondent Movall Smog's smog station license is subject to disciplinary action  
19 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the  
20 vehicles set forth above in paragraphs 29-63, Respondent's employees failed to comply with the  
21 following provisions of the California Code of Regulations, Title 16, as follows:

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

25 (b) **Section 3340.42**: Respondent Movall Smog's employees failed to conduct the  
26 required smog tests and inspections on those vehicles in accordance with the Bureau's  
27 specifications.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Respondent Movall Smog)**

3 68. Respondent Movall Smog's smog station license is subject to disciplinary action  
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
5 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in  
6 paragraphs 29-63, Respondent Movall Smog's employee's committed acts involving dishonesty,  
7 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for  
8 those vehicles without performing bona fide inspections of the emission control devices and  
9 systems on the vehicles, thereby depriving the People of the State of California of the protection  
10 afforded by the Motor Vehicle Inspection Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program – Respondent Blanco Melendrez)**

13 69. Respondent Blanco Melendrez's smog check inspector license is subject to discipline  
14 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding the  
15 vehicles set forth above in paragraphs 47-49, 51-53, 54-56, 58-60, and 61-63, Respondent Blanco  
16 Melendrez failed to comply with section 44012 of the Health and Safety Code in a material  
17 respect, as follows: Respondent Blanco Melendrez failed to perform the emission control tests on  
18 those vehicles in accordance with procedures prescribed by the department.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
21 **Respondent Blanco Melendrez)**

22 70. Respondent Blanco Melendrez's smog check inspector license is subject to discipline  
23 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the  
24 vehicles set forth above in paragraphs 47-49, 51-53, 54-56, 58-60, and 61-63, Respondent Blanco  
25 Melendrez failed to comply with provisions of the California Code of Regulations, title 16, as  
26 follows:

27 (a) **Section 3340.30, subdivision (a):** Respondent Blanco Melendrez failed to inspect  
28 and test those vehicles in accordance with Health and Safety Code section 44012.

1 (b) **Section 3340.41, subdivision (c)**: Respondent Blanco Melendrez entered false  
2 information into the EIS.

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

5 **EIGHTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit - Respondent Blanco Melendrez)**

7 71. Respondent Blanco Melendrez's smog check inspector license is subject to discipline  
8 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
9 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in  
10 paragraphs 47-49, 51-53, 54-56, 58-60, and 61-63, Respondent Blanco Melendrez committed acts  
11 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
12 certificates of compliance for those vehicles without performing bona fide inspections of the  
13 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
14 California of the protection afforded by the Motor Vehicle Inspection Program.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program – Respondent Valencia)**

17 72. Respondent Valencia's smog check inspector license is subject to discipline pursuant  
18 to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth  
19 above in paragraphs 29-31, 33-35, 36-38, 40-42, and 43-45, Respondent Valencia failed to  
20 comply with section 44012 of the Health and Safety Code in a material respect, as follows:  
21 Respondent Valencia failed to perform the emission control tests on those vehicles in accordance  
22 with procedures prescribed by the department.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
25 **Respondent Valencia)**

26 73. Respondent Valencia's smog check inspector license is subject to discipline pursuant  
27 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth  
28

above in paragraphs 29-31, 33-35, 36-38, 40-42, and 43-45, Respondent Valencia failed to comply with provisions of the California Code of Regulations, title 16, as follows:

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

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

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

### **ELEVENTH CAUSE FOR DISCIPLINE**

#### **(Dishonesty, Fraud or Deceit - Respondent Valencia)**

74. Respondent Valencia's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-31, 33-35, 36-38, 40-42, and 43-45, Respondent Valencia committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles., thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

### **OTHER MATTERS**

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

76. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station License Number TC 294485 issued to Respondent Movall Smog is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

77. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 635186, issued to Respondent Valencia, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

78. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 643978, issued to Respondent Blanco Melendrez, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

## PRAAYER

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 Number ARD 294485, issued to Jose Raul Blanco dba Movall Smog;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Jose Raul Blanco;

3. Revoking or suspending Smog Check, Test-Only, Station Number TC 294485, issued to Jose Raul Blanco dba Movall Smog;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Jose Raul Blanco;

5. Revoking or suspending Smog Check Inspector License Number EO 643978, issued to Jose Raul Blanco Melendrez;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Jose Raul Blanco Melendrez;

7. Revoking or suspending Smog Check Inspector License Number EO 635186, issued to Valentin V. Valencia;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Valentin V. Valencia;

9. Ordering Jose Raul Blanco, Jose Raul Blanco Melendrez and Valentin V. Valencia 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,

10. 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*

SD2025800731  
Accusation