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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. 79/20-13442

13 **BLANCA LILIAN RIVAS, OWNER, DBA**  
14 **DTLA SMOG CHECK**  
210 E. 16th Street  
15 Los Angeles, CA 90015

**ACCUSATION**

16 Mailing Address:  
10711 S Hoover St  
17 Los Angeles, CA 90044

18 Automotive Repair Dealer Registration No.  
ARD 288784  
19 Smog Check, Test Only, Station License No.  
TC 288784

20 **DARIO ALEXANDER RAMIREZ**  
21 21161 Nandina Rd  
Apple Valley, CA 92308

22 Smog Check Inspector License No. EO 636074

23 **JOSSUE BALTAZAR RAMIREZ**  
24 807 E 95th St  
Los Angeles, CA 90002

25 Smog Check Inspector License No. EO 640836

26 Respondents.  
27

1 **PARTIES**

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

4 2. On or about October 23, 2017, the Bureau of Automotive Repair (“Bureau”) issued  
5 Automotive Repair Dealer Registration Number ARD 288784 to Blanca Lilian Rivas dba DTLA  
6 Smog Check (“Respondent Rivas”). The Automotive Repair Dealer Registration was in full force  
7 and effect at all times relevant to the charges brought herein and will expire on October 31, 2021,  
8 unless renewed.

9 3. On or about November 7, 2017, the Bureau issued Smog Check, Test Only, Station  
10 License Number TC 288784 to Respondent Rivas. The Smog Check, Test Only, Station License  
11 was in full force and effect at all times relevant to the charges brought herein and will expire on  
12 October 31, 2021, unless renewed.

13 4. On February 14, 2018, the Bureau certified DTLA Smog Check as a STAR station.  
14 That certification was in full force and effect at all times relevant to the charges brought herein  
15 and will remain active unless the Automotive Repair Dealer Registration and/or Smog Check, Test  
16 and Repair, Station License issued to Respondent is revoked, canceled, or the licenses become  
17 delinquent or certification is invalidated.

18 5. On or about September 25, 2013, the Bureau issued Smog Check Inspector License  
19 Number EO 636074 to Dario Alexander Ramirez (“Respondent Dario Ramirez”). The Smog  
20 Check Inspector License was in full force and effect at all times relevant to the charges brought  
21 herein and will expire on May 31, 2023, unless renewed.

22 6. On or about January 5, 2018, the Bureau issued Smog Check Inspector License  
23 Number EO 640836 to Jossue Baltazar Ramirez (“Respondent Jossue Ramirez”). The Smog  
24 Check Inspector License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on September 30, 2023, unless renewed.

26 **JURISDICTION**

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



1 repair dealer, which are done by the automotive repair dealer or any  
2 automotive technician, employee, partner, officer, or member of the  
automotive repair dealer.

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

6 ...

7 (4) Any other conduct which constitutes fraud.

8 ...

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

11 ...

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

15 15. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog  
16 check stations shall be performed in accordance with procedures prescribed by the department.

17 16. Health and Safety Code section 44015, subdivision (b), provides that a certificate of  
18 compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section  
19 40012.

20 17. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

26 ...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

18. Health and Safety Code section 44072.10 states, in pertinent part:

....

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

- (1) Clean piping, as defined by the department
- (2) Tampering with a vehicle emission control system or test analyzer system.
- (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.
- (4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter . . . .

19. Section 44032 of the Health and Safety Code states:

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

**REGULATORY PROVISIONS**

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

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

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21. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

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

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

...

22. California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

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 procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. . . .

23. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

(a) A licensed station shall give a copy of the test report printed from the BAR-97 Emissions Inspection System or the OBD Inspection System to the customer. The report shall be attached to the customer's invoice.

...

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

...

24. California Code of Regulations, title 16, section 3340.41.3 states, in pertinent part:

The invoice for service, adjustments or repairs performed as part of the smog check program shall describe all service work done and parts supplied to reduce emissions, in the manner prescribed by section 9884.8 of the Business and Professions Code. . . .

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

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1 26. California Code of Regulations, title 16, section 3340.45, states:

2 (a) All Smog Check inspections shall be performed in accordance with  
3 requirements and procedures prescribed in the following:

4 (1) Smog Check Manual, dated 2013, which is hereby  
5 incorporated by reference. This manual became effective on or  
6 after January 1, 2013. This manual shall remain in effect until  
7 subparagraph (2) is implemented.

8 (2) Smog Check Manual, dated November 2, 2017, which is  
9 hereby incorporated by reference. This manual shall become  
10 effective on August 2, 2018.

### 11 **COST RECOVERY**

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

### 18 **UNDERCOVER OPERATION (OCTOBER 29, 2020): 2002 HONDA CIVIC EX**

19 28. On October 29, 2020, an operator, assuming the name “Marco,” took the Bureau’s  
20 2002 Honda Civic EX (CA License No. 5VBP105) to DTLA Smog Check for a smog check  
21 inspection. The vehicle had a non-approved exhaust header, a non-approved aftermarket cold air  
22 intake, a non-approved open crankcase breather filter in place of a PCV breather pipe, and an  
23 illuminated malfunction indicator light (“MIL”). Due to these conditions, the Bureau-documented  
24 vehicle was incapable of passing a properly performed California OIS Smog Check Inspection.

25 29. At DTLA Smog Check, the operator met with Respondent Dario Ramirez, who told  
26 the operator that the cost of the Smog Check Certification would be \$300.00. Respondent Dario  
27 Ramirez checked the vehicle using a diagnostic scanner and told the operator that DTLA Smog  
28 Check could help him. Respondent Dario Ramirez told the operator that the vehicle would be  
tested at another location and a certificate of compliance would be available two weeks later.  
Respondent Dario Ramirez asked the operator for his phone number and demanded \$300.00 in

1 cash before providing the operator with a business card with an address on the back. Respondent  
2 Dario Ramirez instructed the operator to drive to the listed address and say that “Blanca” had sent  
3 him. The operator paid Respondent Dario Ramirez \$300.00 in cash and left DTLA Smog Check.  
4 The operator did not receive any paperwork.

5 30. The operator drove the 2002 Honda Civic to 3154 E. Olympic Blvd., Los Angeles, CA  
6 90023<sup>1</sup>, the address listed on the back of the business card, where he arrived around 1:09 p.m. A  
7 Smog Check facility was located at this address, although the signage did not identify the name of  
8 the facility. The operator met with a Hispanic male. The operator was asked who sent him, to  
9 which he replied “Blanca.” The unidentified male moved the vehicle into the test bay and asked  
10 for the DMV paperwork. The operator was directed to wait outside. The operator made an excuse  
11 to enter the vehicle at or around 1:21 p.m. While in the vehicle, the operator observed that a cable  
12 was connected to the vehicle’s Data Link Connector (“DLC”). The cable led into the Smog Check  
13 facility office where the operator observed a second Hispanic male seated. At the conclusion of  
14 the test, the first Hispanic male backed the 2002 Honda out of the test bay and asked the operator,  
15 “They told you the process, right?” The operator answered affirmatively. No paperwork was  
16 generated during the operator’s visit to the second facility and no money was exchanged. The  
17 operator left the facility at or around 1:45 p.m. Later that day, the operator released custody of the  
18 vehicle back to Program Representative Evans. On October 30, 2020, Program Representative  
19 Evans transferred custody of the vehicle to the Bureau’s Documentation Lab.

20 31. On or around November 5, 2020, the operator received a phone call from someone  
21 who identified herself as “Blanca.” “Blanca” told the operator that the paperwork was ready and  
22 that it could be picked up before 4:00 p.m. At or around 4:00 p.m., the operator arrived at DTLA  
23 Smog Check and greeted Respondent Dario Ramirez. The operator met with Blanca, who gave  
24 him a photocopy of a Vehicle Inspection Report (VIR) with a pink “Post-it” stapled to the top left  
25 corner. The VIR references the undercover vehicle including its year, make, model, VIN number,

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27 <sup>1</sup> The facility registered at 3154 E. Olympic Blvd., Los Angeles, CA 90023 is “Dennis Smog,”  
28 ARD/TC 296294. Dennis Smog employs J J William Aguirre, EO 642574, as one of their licensed  
technicians. The operator confirmed that J J William Aguirre was the individual he met at the  
facility.

1 and license number. The pink “Post-it” reads “Marco 626-315-4800 ISO 4279 Honda / Dario.”  
2 The section of the VIR identifying the station and technician had been obscured. The operator did  
3 not receive any paperwork other than the VIR.

4 32. Using the Bureau’s Vehicle Information Database, Representative Evans found that  
5 the fraudulent certification of the 2002 Honda Civic EX was issued by Smog Del Rio under the  
6 license of Erik Herrera. The VIR shows the smog check inspection was purportedly conducted on  
7 November 3, 2020 at 3:16 p.m. The 2002 Honda Civic EX was in the Bureau’s custody on that  
8 date and at that time.

9 33. On or around November 18, 2020, a Bureau Program Representative documented that  
10 the vehicle still had a non-approved exhaust header, a non-approved aftermarket cold air intake, a  
11 non-approved open crankcase breather filter in place of a PCV breather pipe, and an illuminated  
12 malfunction indicator light (“MIL”). Due to these conditions, the Bureau-documented vehicle  
13 could not have passed a legitimate smog check inspection.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Fraud: Automotive Repair Dealer Registration - Respondent Rivas)**

16 34. Respondent Rivas’ Automotive Repair Dealer Registration is subject to disciplinary  
17 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that on or  
18 around October 29, 2020, Respondent Rivas committed acts which constitute fraud by, in  
19 exchange for \$300.00, knowingly providing the operator with a fraudulent electronic smog  
20 certificate of compliance without performing a bona fide inspection of the emission control devices  
21 and systems on the vehicle set forth above, thereby depriving the People of the State of California  
22 of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and  
23 by this reference incorporates, the allegations set forth above in paragraphs 28 through 33,  
24 inclusive, as though set forth fully herein.

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1 that measures hydrocarbons, carbon monoxide, nitrogen oxide, carbon dioxide, and oxygen.  
2 During the ASM inspection, a vehicle undergoes a loaded mode test on a dynamometer. The  
3 vehicle's drive wheels are placed on rollers and the vehicle is driven at speeds of 15 and 25 miles  
4 per hour to simulate driving conditions while the emissions are sampled by the EIS. Mode 1 begins  
5 when the vehicle speed stabilizes at 15 miles per hour, and Mode 2 begins when the vehicle speed  
6 stabilizes at 25 miles per hour.

7           b. Pre-2000 model year vehicles registered in Basic Areas and vehicles that are  
8 incompatible with the ASM inspection must undergo a Two Speed Idle (TSI) inspection. Rather  
9 than applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the  
10 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and oxygen at two test sequences—  
11 2500 revolutions per minute and idle.

12           40. During the visual inspection, the technician must inspect emission control components  
13 to verify that they are present and properly connected.

14           41. The functional test, depending on the vehicle, may include checking the ignition  
15 timing, malfunction indicator light, and Exhaust Gas Recirculation system, as well as conducting  
16 a low-pressure test of the evaporative emissions controls, a visible smoke test, and a pressure test  
17 of the fuel cap. An On-Board Diagnostics (OBDII) functional test is also performed on most 1996  
18 to 1999 model year vehicles. The OBDII system monitors the vehicle's emission control system  
19 performance and includes self-diagnostic and reporting functions. During an OBDII functional  
20 test, the technician connects a test cable from EIS to the vehicle's Diagnostic Link Connector.  
21 Through the Diagnostic Link Connector, the EIS retrieves information from the vehicle's on-board  
22 computer about its ability to communicate, the status of the readiness monitors and the malfunction  
23 indicator light command, as well as diagnostic trouble codes. The readiness monitors indicate  
24 whether the OBDII system has run a sufficient number of self-tests on the vehicle's emission and  
25 engine control systems. A failure of one or more of the OBDII functional criteria, depending on  
26 model year of the vehicle, will result in the vehicle failing its smog check inspection. In addition  
27 to reporting the outcome of the OBDII functional test, the smog check inspection results also show  
28 diagnostic trouble codes if there are any in the vehicle's on-board computer memory.

1           42. The technician must enter the results of the visual and functional inspections into the  
2 EIS. The EIS determines whether the vehicle passed the inspection based on the results of the  
3 tailpipe, visual, and functional tests. A vehicle must pass all three parts to pass the overall  
4 inspection and receive a Certificate of Compliance. The EIS generates a Vehicle Inspection Report  
5 (VIR), which includes the test results and the Certificate of Compliance number issued to a passing  
6 vehicle. An electronic copy of the VIR is transmitted to the Vehicle Information Database (VID).<sup>3</sup>  
7 A physical copy is printed, which the technician must sign under penalty of perjury, indicating that  
8 the inspection was performed in accordance with Bureau guidelines.

9           43. On or around October 28, 2020, Bureau Representative Ian Evans and Air Quality  
10 Engineer Francis Di Genova conducted a detailed review of second-by-second<sup>4</sup> data for smog  
11 check inspections performed at DTLA Smog Check and found that they revealed a pattern of  
12 readings consistent with clean gassing.<sup>5</sup> Bureau Representative Evans and Air Quality Engineer  
13 Di Genova identified the allowable emission levels or “cutpoints” for Mode 1 and Mode 2 of the  
14 ASM inspection of a particular vehicle. The cutpoints were then compared to second-by-second  
15 data obtained from DTLA Smog Check. Based on discrepancies in the second-by-second test data,  
16 Bureau Representative Evans and Bureau Air Quality Engineer Di Genova determined that five  
17 pre-2000 model year vehicles received fraudulent Smog Check Certificates of Compliance by way  
18 of clean gassing, as set forth in detail in paragraph 32 below.

19 \_\_\_\_\_  
20 <sup>3</sup> The VID contains data from the DMV, emission standards, smog check inspections, smog check  
21 stations and technicians, and Certificates of Compliance. The VID receives passing smog check  
22 results immediately following the inspection. During the vehicle registration process, the DMV  
23 accesses the VID to verify that the vehicle has been tested and certified. The Bureau can also  
24 access the VID to view test data on smog check inspections performed at any smog check station,  
25 or search for, retrieve, and print a test record for a particular vehicle that has been tested.

26 <sup>4</sup> Second-by-second data refers to vehicle emissions and speed data recorded on a second-by-  
27 second basis throughout the smog check ASM tests.

28 <sup>5</sup> “Clean gassing” is a method by which surrogate gases are introduced into a Smog Check analyzer,  
or Emission Inspection System (EIS), in order to dilute the exhaust of pollution-causing emissions.  
This alters the vehicle exhaust samples and causes the EIS to issue a passing test result based on a  
fraudulent reading of exhaust emissions rather than the actual vehicle emissions. Unlike clean  
piping or clean plugging, where another car is substituted for the failing car, another car is not  
involved in clean gassing.

44. All five vehicles fraudulently passed the tailpipe portion of their inspections at DTLA Smog Check and were issued fraudulent electronic Smog Check Certificates of Compliance. Two of the five inspections, performed by way of clean gassing, were conducted by Respondent Jossue Ramirez. Three of the five inspections, performed by way of clean gassing, were conducted by Respondent Dario Ramirez. Respondents' clean gassing activities as to these five vehicles that occurred between September 18, 2018 and January 20, 2021 are illustrated in Table 1 below and set forth in further as follows:

45. Further review of the test data reveal that two of the five vehicles were previously tested at DTLA Smog Check just days prior to the fraudulent testing date. These two vehicles failed the prior tests—second-by-second data for the previous inspections showed that levels of HC, CO, and/or NO<sub>x</sub> exceeded the allowable cutpoints during one or both loaded mode sequences of the ASM test. Two other vehicles also underwent and failed smog check inspections at different Smog Check facilities just days prior to the fraudulent inspections at DTLA Smog Check—second-by-second data for these vehicles' previous inspections show that levels of HC, CO, and/or NO<sub>x</sub> exceeded the allowable cutpoints during one or both loaded mode sequences of the ASM test.

**TABLE 1**

No.	Fraudulent Clean Gas Test Date and Time	Technician	Vehicle (Year, Make, Model) License No. & VIN No.	Certificate No.
1	9/10/2018 1:54:07 p.m.	Jossue Ramirez (EO 640836)	1995 HONDA CIVIC CA License No. ARM9694 VIN No. 1HGEJ1238SL019494	QO337704C
2	9/21/2018 4:39:41 p.m.	Jossue Ramirez (EO 640836)	1990 TOYOTA COROLLA CA License No. 7FQJ896 VIN No. JT2AE94A2L3388244	QO337723C
3	9/11/2019 1:53:14 p.m.	Dario Ramirez (EO 636074)	1995 FORD EXPLORER 2-DR CA License No. 7CNB698 VIN No. 1FMCU22XXSUC15853	QW340193C
4	5/29/2020 12:46:22 p.m.	Dario Ramirez (EO 636074)	1994 FORD F250 PICKUP CA License No. 5U93052 VIN No. 1FTHF25H9RNA07783	RG454394C
5	1/20/2021 4:23:42 p.m.	Dario Ramirez (EO 636074)	FORD F150 SUPER CAB SHORT CA License No. 67738L1 VIN No. 1FTRX17W6XNC29587	IJ236532C

1           **a. Vehicle 1 - 1995 HONDA CIVIC (CA License No. ARM9694, VIN No.**  
2 **1HGEJ1238SL019494):** On September 10, 2018 at 1:54:07 p.m., a 1995 Honda Civic (CA  
3 License No. ARM9694; VIN 1HGEJ1238SL019494) was inspected under Respondent Jossue  
4 Ramirez’s Smog Check Inspector License No. EO 640836. The vehicle passed the inspection and  
5 was issued Certificate of Compliance No. QO337704C. Second-by-second data shows the emission  
6 readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans  
7 identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the  
8 concentrations of hydrocarbons (HC), carbon monoxide (CO), and/or nitrogen oxides (NO<sub>x</sub>):

- 9           • At 27 seconds, during a period of continued steady-state vehicle speed, levels of HC,  
10 CO, and NO<sub>x</sub> began to drop.
- 11           • At 43 seconds, levels of HC, CO, and NO<sub>x</sub> began to simultaneously rise toward prior  
12 levels.
- 13           • At 60 seconds, levels of HC, CO, and NO<sub>x</sub> began to drop sharply again and remained  
14 low to the end of the test at or about 71 seconds.

15           Bureau Representative Evans found that the same vehicle was tested at DTLA Smog Check  
16 just three days prior on September 7, 2018 at 10:29:04 a.m. under Respondent Jossue Ramirez’s  
17 Smog Check Inspector License No. EO 640836. This vehicle failed the previous inspection.  
18 Second-by-second data from the previous inspection shows that levels of HC, CO, and/or NO<sub>x</sub>  
19 exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

20           **b. Vehicle 2 - 1990 TOYOTA COROLLA (CA License No. 7FQJ896, VIN No.**  
21 **JT2AE94A2L3388244):** On September 21, 2018 at 4:39:41 p.m., a 1990 Toyota Corolla (CA  
22 License No. 7FQJ896, VIN No. JT2AE94A2L3388244) was inspected under Respondent Jossue  
23 Ramirez’s Smog Check Inspector License No. EO 640836. The vehicle passed the inspection and  
24 Respondent Rivas issued Certificate of Compliance No. QO337723C. Second-by-second data  
25 shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau  
26 Representative Evans identified two or more sharp, simultaneous drops and at least one sharp,  
27 simultaneous rise in the concentrations of HC, CO, and/or NO<sub>x</sub>:

- 28           • At 29 seconds, during a period of continued steady-state vehicle speed, levels of HC,  
CO, and NO<sub>x</sub> began to drop.

- At 46 seconds, levels of HC, CO, and NO<sub>x</sub> began to simultaneously rise toward prior levels.
- At 65 seconds, levels of HC, CO, and NO<sub>x</sub> began to drop sharply again and remained low to the end of the test at or about 75 seconds.

Bureau Representative Evans found that the same vehicle was tested at DTLA Smog Check just four days prior on September 17, 2018 at 10:49:55 a.m. under Respondent Jossue Ramirez's Smog Check Inspector License No. EO 640836. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC, CO, and/or NO<sub>x</sub> exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

**c. Vehicle 3 - 1995 FORD EXPLORER 2-DR (CA License No. 7CNB698, VIN No. 1FMCU22XXSUC15853):** On September 11, 2019 at 1:53:14 p.m., a 1995 Ford Explorer 2-DR (CA License No. 7CNB698, VIN No. 1FMCU22XXSUC15853) was inspected under Respondent Dario Ramirez's Smog Check Inspector License No. EO 636074. The vehicle passed the inspection and Respondent Rivas issued Certificate of Compliance No. QW340193C. Second-by-second data shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO<sub>x</sub>:

- At 36 seconds, during a period of continued steady-state vehicle speed, levels of HC, CO, and NO<sub>x</sub> began to drop.
- At 63 seconds, levels of HC, CO, and NO<sub>x</sub> began to simultaneously rise toward prior levels.
- At 81 seconds, levels of HC, CO, and NO<sub>x</sub> began to drop sharply again and remained low to the end of the test at or about 100 seconds.

Bureau Representative Evans found that the same vehicle was tested at a different smog check facility just eight days prior on September 3, 2019 at 9:45:32 a.m. This vehicle failed the previous inspection. Second-by-second data from the previous inspection shows that levels of HC, CO, and/or NO<sub>x</sub> exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

**d. Vehicle 2 - 1994 FORD F250 PICKUP (CA License No. 5U93052, VIN No. 1FTHF25H9RNA07783):** On May 29, 2020 at 12:46:22 p.m., a 1994 Ford F250 Pickup (CA

1 License No. 5U93052, VIN No. 1FTHF25H9RNA07783) was inspected under Respondent Dario  
2 Ramirez's Smog Check Inspector License No. EO 636074. The vehicle passed the inspection and  
3 Respondent Rivas issued Certificate of Compliance No. RG454394C. Second-by-second data  
4 shows the emission readings are inconsistent with a legitimate smog check inspection. Bureau  
5 Representative Evans identified two or more sharp, simultaneous drops and at least one sharp,  
6 simultaneous rise in the concentrations of HC, CO, and/or NO<sub>x</sub>:

- 7 • At 58 seconds, during a period of continued steady-state vehicle speed, levels of HC,  
8 CO, and NO<sub>x</sub> began to drop.
- 9 • At 80 seconds, levels of HC, CO, and NO<sub>x</sub> began to simultaneously rise toward prior  
10 levels.
- 11 • At 95 seconds, levels of HC, CO, and NO<sub>x</sub> began to drop sharply again and remained  
12 low to the end of the test at or about 112 seconds.

13 Bureau Representative Evans found that the same vehicle was tested at a different smog  
14 check facility just three days prior on May 26, 2020 at 3:12:16 p.m. This vehicle failed the previous  
15 inspection. Second-by-second data from the previous inspection shows that levels of HC, CO,  
16 and/or NO<sub>x</sub> exceeded the cutpoints during one or both loaded mode sequences of the ASM test.

17 **e. Vehicle 5 - 1999 FORD F150 SUPER CAB SHORT (CA License No. 67738L1,**  
18 **VIN No. 1FTRX17W6XNC29587):** On January 20, 2021 at 4:23:42 p.m., a 1999 Ford F150  
19 Super Cab Short (CA License No. 67738L1, VIN No. 1FTRX17W6XNC29587) was inspected  
20 under Respondent Dario Ramirez's Smog Check Inspector License No. EO 636074. The vehicle  
21 passed the inspection and Respondent Rivas issued Certificate of Compliance No. IJ236532C.  
22 Second-by-second data shows the emission readings are inconsistent with a legitimate smog check  
23 inspection. Bureau Representative Evans identified two or more sharp, simultaneous drops and at  
24 least one sharp, simultaneous rise in the concentrations of HC, CO, and/or NO<sub>x</sub>:

- 25 • At 30 seconds, during a period of continued steady-state vehicle speed, levels of HC,  
26 CO, and NO<sub>x</sub> began to drop.
- 27 • At 56 seconds, levels of HC, CO, and NO<sub>x</sub> began to simultaneously rise toward prior  
28 levels.
- At 75 seconds, levels of HC, CO, and NO<sub>x</sub> began to drop sharply again and remained  
low to the end of the test at or about 88 seconds.



1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act:**

3 **Automotive Repair Dealer Registration - Respondent Rivas)**

4 49. Respondent Rivas' Automotive Repair Dealer Registration is subject to disciplinary  
5 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that  
6 between September 10, 2018 and January 20, 2021, she failed in a material respect to comply with  
7 the provisions of this chapter or regulations adopted pursuant to it when she issued electronic  
8 certificates of compliance for the vehicles identified in Table 1 above without performing bona  
9 fide inspections of the emission control devices and systems on those vehicles, thereby depriving  
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above  
12 in paragraphs 38 through 47, inclusive, as though set forth fully herein.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program:**

15 **Smog Check, Test Only, Station License - Respondent Rivas)**

16 50. Respondent Rivas' Smog Check, Test Only, Station License is subject to disciplinary  
17 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
18 September 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1,  
19 Respondent Rivas failed to comply with the following sections of the Health and Safety Code:

20 a. **Section 44012:** Respondent Rivas failed to ensure that the emission control tests  
21 were performed on the vehicles in accordance with procedures prescribed by the department.

22 b. **Section 44015:** Respondent Rivas issued electronic smog certificates of  
23 compliance for the vehicles identified in Table 1 above without ensuring that the vehicles were  
24 properly tested and inspected to determine if they were in compliance with Health and Safety Code  
25 section 44012.

26 c. **Section 44072.10, subdivision (c)(2) through (c)(4):** Respondent Rivas issued  
27 electronic smog certificates of compliance for the vehicles identified in Table 1 above by way of  
28 tampering with the vehicles' emission control systems or test analyzer systems, causing them to

1 falsely pass the inspection, in intentional and willful violation of this chapter or any regulation,  
2 standard, or procedure of the department implementing this chapter.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
4 paragraphs 38 through 47, inclusive, as though set forth fully herein.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:**  
7 **Smog Check, Test Only, Station License - Respondent Rivas)**

8 51. Respondent Rivas' Smog Check, Test Only, Station License is subject to disciplinary  
9 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
10 September 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1,  
11 Respondent Rivas failed to comply with the following provisions of California Code of  
12 Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Rivas falsely or fraudulently  
14 issued electronic smog certificates of compliance for the vehicles identified in Table 1 above.

15 b. **Section 3340.35, subdivision (c):** Respondent Rivas issued electronic smog  
16 certificates of compliance for the vehicles identified in Table 1 above, even though the vehicles  
17 had not been inspected in accordance with section 3340.42.

18 c. **Section 3340.41, subdivision (c):** Respondent Rivas knowingly entered false  
19 information into the emissions inspection system for the vehicles identified in Table 1.

20 d. **Section 3340.42:** Respondent Rivas failed to ensure that the required smog tests  
21 were conducted on the vehicles identified in Table 1 above, in accordance with the Bureau's  
22 specifications.

23 e. **Section 3340.45:** Respondent Rivas failed to perform smog check inspections on  
24 the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraphs 38 through 47, inclusive, as though set forth fully herein.

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1 **TENTH CAUSE FOR DISCIPLINE**

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

3 **Smog Check, Test Only, Station License - Respondent Rivas)**

4 52. Respondent Rivas' Smog Check, Test Only, Station License is subject to disciplinary  
5 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between  
6 September 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1,  
7 Respondent Rivas committed acts involving dishonesty, fraud, or deceit whereby another was  
8 injured, by issuing electronic certificates of compliance for those vehicles without performing bona  
9 fide inspections of the emission control devices and systems on the vehicles, thereby depriving the  
10 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
11 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above  
12 in paragraphs 38 through 47, inclusive, as though set forth fully herein.

13 **ELEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program:**

15 **Smog Check Inspector License - Respondent Dario Ramirez)**

16 53. Respondent Dario Ramirez's Smog Check Inspector License is subject to discipline  
17 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September  
18 10, 2018 and January 20, 2021, regarding three of the vehicles set forth above in Table 1,  
19 Respondent Dario Ramirez failed to comply with section 44012 of the Health and Safety Code in  
20 a material respect, as follows: Respondent Dario Ramirez failed to perform the emission control  
21 tests on those vehicles in accordance with procedures prescribed by the department. Complainant  
22 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38  
23 through 47, inclusive, as though set forth fully herein.

24 **TWELFTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program:**

26 **Smog Check Inspector License - Respondent Dario Ramirez)**

27 54. Respondent Dario Ramirez's Smog Check Inspector License is subject to discipline  
28 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September

1 10, 2018 and January 20, 2021, regarding three of the vehicles set forth above in Table 1,  
2 Respondent Dario Ramirez failed to comply with Health and Safety Code section 44072.10,  
3 subdivision (c)(2) through (c)(4). Specifically, Respondent Dario Ramirez issued electronic smog  
4 certificates of compliance for three of the vehicles identified in Table 1 above, by way of tampering  
5 with the vehicles' emission control systems or test analyzer systems, causing it to falsely pass the  
6 inspection, in intentional and willful violation of this chapter or any regulation, standard, or  
7 procedure of the department implementing this chapter. Complainant refers to, and by this  
8 reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as  
9 though set forth fully herein.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:  
12 Smog Check Inspector License - Respondent Dario Ramirez)**

13 55. Respondent Dario Ramirez's Smog Check Inspector License is subject to discipline  
14 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between September  
15 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1, he failed to  
16 comply with provisions of California Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent Dario Ramirez falsely or  
18 fraudulently issued electronic smog certificates of compliance for three of the vehicles identified  
19 in Table 1 above.

20 b. **Section 3340.30, subdivision (a):** Respondent Dario Ramirez failed to inspect  
21 and test three of the vehicles identified in Table 1 above, in accordance with Health and Safety  
22 Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

23 c. **Section 3340.41, subdivision (c):** Respondent Dario Ramirez knowingly entered  
24 false information into the emissions inspection system for three of the vehicles identified in Table  
25 1 above.

26 d. **Section 3340.42:** Respondent Dario Ramirez failed to conduct the required smog  
27 tests on three of the vehicles identified in Table 1 above, in accordance with the Bureau's  
28 specifications.

1 e. **Section 3340.45:** Respondent Dario Ramirez failed to perform smog check  
2 inspections on three of the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
4 paragraphs 38 through 47, inclusive, as though set forth fully herein.

5 **FOURTEENTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit:**

7 **Smog Check Inspector License - Respondent Dario Ramirez)**

8 56. Respondent Dario Ramirez's Smog Check Inspector License is subject to disciplinary  
9 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between  
10 September 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1,  
11 Respondent Dario Ramirez committed acts involving dishonesty, fraud, or deceit whereby another  
12 was injured by issuing electronic certificates of compliance for those vehicles without performing  
13 bona fide inspections of the emission control devices and systems on the vehicles, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set  
16 forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

17 **FIFTEENTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Motor Vehicle Inspection Program:**

19 **Smog Check Inspector License - Respondent Jossue Ramirez)**

20 57. Respondent Jossue Ramirez's Smog Check Inspector License is subject to discipline  
21 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September  
22 10, 2018 and January 20, 2021, regarding two of the vehicles set forth above in Table 1,  
23 Respondent Jossue Ramirez failed to comply with section 44012 of the Health and Safety Code in  
24 a material respect, as follows: Respondent Jossue Ramirez failed to perform the emission control  
25 tests on those vehicles in accordance with procedures prescribed by the department. Complainant  
26 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38  
27 through 47, inclusive, as though set forth fully herein.

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1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program:**

3 **Smog Check Inspector License - Respondent Jossue Ramirez)**

4 58. Respondent Jossue Ramirez’s Smog Check Inspector License is subject to discipline  
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September  
6 10, 2018 and January 20, 2021, regarding two of the vehicles set forth above in Table 1,  
7 Respondent Jossue Ramirez failed to comply with Health and Safety Code section 44072.10,  
8 subdivision (c)(2) through (c)(4). Specifically, Respondent Jossue Ramirez issued electronic smog  
9 certificates of compliance for the vehicles identified in Table 1 above, by way of tampering with  
10 the vehicles’ emission control systems or test analyzer systems, causing them to falsely pass the  
11 inspection, in intentional and willful violation of this chapter or any regulation, standard, or  
12 procedure of the department implementing this chapter. Complainant refers to, and by this  
13 reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as  
14 though set forth fully herein.

15 **SEVENTEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:**

17 **Smog Check Inspector License - Respondent Jossue Ramirez)**

18 59. Respondent Jossue Ramirez’s Smog Check Inspector License is subject to discipline  
19 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between September  
20 10, 2018 and January 20, 2021, regarding the vehicles set forth above in Table 1, he failed to  
21 comply with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Jossue Ramirez falsely or  
23 fraudulently issued electronic smog certificates of compliance for two of the vehicles identified in  
24 Table 1 above.

25 b. **Section 3340.30, subdivision (a):** Respondent Jossue Ramirez failed to inspect  
26 and test two of the vehicles identified in Table 1 above, in accordance with Health and Safety Code  
27 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

1 c. **Section 3340.41, subdivision (c):** Respondent Jossue Ramirez knowingly entered  
2 false information into the emissions inspection system for two of the vehicles identified in Table  
3 1 above.

4 d. **Section 3340.42:** Respondent Jossue Ramirez failed to conduct the required smog  
5 tests on two of the vehicles identified in Table 1 above, in accordance with the Bureau's  
6 specifications.

7 e. **Section 3340.45:** Respondent Jossue Ramirez failed to perform smog check  
8 inspections on two of the vehicles in Table 1 as prescribed in the operative Smog Check Manual.

9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraphs 38 through 47, inclusive, as though set forth fully herein.

11 **EIGHTEENTH CAUSE FOR DISCIPLINE**

12 **(Dishonesty, Fraud or Deceit:**

13 **Smog Check Inspector License - Respondent Jossue Ramirez)**

14 60. Respondent Jossue Ramirez's Smog Check Inspector License is subject to disciplinary  
15 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between  
16 September 10, 2018 and January 20, 2021, regarding two of the vehicles set forth above in Table  
17 1, Respondent Jossue Ramirez committed acts involving dishonesty, fraud, or deceit whereby  
18 another was injured by issuing electronic certificates of compliance for those vehicles without  
19 performing bona fide inspections of the emission control devices and systems on the vehicles,  
20 thereby depriving the People of the State of California of the protection afforded by the Motor  
21 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
22 allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

23 **OTHER MATTERS**

24 61. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
25 Director may suspend, revoke, or place on probation the registration for all places of business  
26 operated in this state by Respondent Rivas, upon a finding that she has, or is, engaged in a course  
27 of repeated and willful violations of the laws and regulations pertaining to an automotive repair  
28 dealer.



