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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. 79/16-20115

14 **HANNA N. MAHLI, dba MARIO'S #1**  
15 **SMOG & TEST ONLY**  
16 **5510 Van Buren Blvd., Ste. B**  
17 **Riverside, CA 92503**  
18 **Automotive Repair Dealer Registration**  
19 **No. ARD 277523**  
20 **Smog Test Only Station Lic. No. TC 277523**

**A C C U S A T I O N**

21 **RAMI MAHLI**  
22 **4408 N. Lyman Ave.**  
23 **Covina, CA 91724**  
24 **Smog Check Inspector Lic. No. EO632398**

25 **DANNY PAUL DUYAN, aka, DANNY**  
26 **PAUL KJELLESVIG**  
27 **50300 Ramona Street**  
28 **Cabazon, CA 92230**

**Mailing Address:**  
29 **P.O. Box 103**  
30 **Cabazon, CA 92230**  
31 **Smog Check Inspector Lic. No. EO 636954**

32 **JUAN LUIS GUZMAN ROMERO**  
33 **7242 Evans St.**  
34 **Riverside, CA 92504**  
35 **Smog Check Inspector Lic. No. EO 637203**

Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about August 12, 2014, the BAR issued Automotive Repair Dealer Registration  
6 (ARD) Number ARD 277523 to Hanna N. Mahli, dba Mario's #1 Smog & Test Only (Respondent  
7 Mario's #1). The Automotive Repair Dealer Registration was in full force and effect at all times  
8 relevant to the charges brought herein and will expire on August 31, 2019, unless renewed.

9 3. On or about September 8, 2014, the BAR issued Smog Check-Test Only Station  
10 License (TC) Number TC 277523 to Respondent Mario's #1. The Smog Check-Test Only Station  
11 License was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on August 31, 2019, unless renewed.

13 4. On August 16, 2010, the BAR issued Advanced Emission Specialist Technician  
14 License (EA) No. 632398 to Rami Mahli (Respondent Mahli). On April 28, 2014, the BAR  
15 cancelled Respondent Mahli's EA license, and in accordance with California Code of  
16 Regulations, title 16, section 3340.28, subdivision (e), Respondent Mahli's license was renewed  
17 pursuant to his election as a Smog Check Inspector, wherein he was issued Smog Check Inspector  
18 License (EO) No. 632398. The Smog Check Inspector License was in full force and effect at all  
19 times relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.

20 5. On or about August 11, 2014, the BAR issued Smog Check Inspector License  
21 Number EO 637203 to Juan Luis Guzman Romero (Respondent Romero). The Smog Check  
22 Inspector License was due to expire on August 31, 2018, but was suspended on December 1,  
23 2016<sup>1</sup>.

24 6. On or about June 4, 2014, the BAR issued Smog Check Inspector License Number  
25 EO 636954 to Danny Paul Duyan, aka Danny Paul Kjellesvig (Respondent Duyan). The Smog

26 <sup>1</sup> On December 1, 2016, the Office of Administrative Hearings issued an order granting  
27 the BAR's petition for Interim Suspension Order (ISO) suspending Respondent Romero's EO  
28 license in *In the Matter of the Petition for Interim Suspension Order Against Jose Antonio Cardenas, et al.*, OAH No. 2016110557.

1 Check Inspector License was in full force and effect at all times relevant to the charges brought  
2 herein and will expire on June 30, 2020, unless renewed.

3 ///

4 **JURISDICTION**

5 7. This Accusation is brought before the Director of the Department of Consumer  
6 Affairs (Director) for the BAR, under the authority of the following laws.

7 8. Business and Professions Code section 477, subdivision (a) provides, in pertinent  
8 part, that "Board" includes bureau, program, and agency. Likewise, section 477, subdivision (b)  
9 provides in pertinent part that "License" includes certificate, registration or other means to engage  
10 in a business or profession regulated by the Code.

11 9. Business and Professions Code section 118, subdivision (b), provides that the  
12 suspension, expiration, surrender or cancellation of a license shall not deprive the Director of  
13 jurisdiction to proceed with a disciplinary action during the period within which the license may  
14 be renewed, restored, reissued or reinstated.

15 10. Business and Professions Code section 9884.13 states that, "The expiration of a valid  
16 registration shall not deprive the Director or chief of jurisdiction to proceed with a disciplinary  
17 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
18 temporarily or permanently."

19 11. Health and Safety Code section 44072.6 states:

20 The expiration or suspension of a license by operation of  
21 law, or by order or decision of the Director, or a court of law, or  
22 the voluntary surrender of the license shall not deprive the Director  
23 of jurisdiction to proceed with any investigation of, or action or  
disciplinary proceedings against the licensee, or to render a  
decision suspending or revoking the license.

24 12. Business and Professions Code section 9884.20 states:

25 All accusations against automotive repair dealers shall be  
26 filed within three years after the performance of the act or omission  
27 alleged as the ground for disciplinary action, except that with  
28 respect to an accusation alleging fraud or misrepresentation as a  
ground for disciplinary action, the accusation may be filed within

1 two years after the discovery, by the bureau, of the alleged facts  
2 constituting the fraud or misrepresentation.

3 13. Health and Safety Code section 44072.7 applies to the Motor Vehicle Inspection  
4 Program and provides:

5 All accusations against licensees shall be filed within three  
6 years after the act or omission alleged as the ground for  
7 disciplinary action, except that with respect to an accusation  
8 alleging a violation of subdivision (d) of Section 44072.2, the  
9 accusation may be filed within two years after the discovery by the  
10 bureau of the alleged facts constituting the fraud or  
11 misrepresentation prohibited by that section.

12 14. Business and Professions Code section 9884.22 subdivision (a) states,  
13 "Notwithstanding any other provision of law, the director may revoke, suspend, or deny at any  
14 time any registration required by this article on any of the grounds for disciplinary action provided  
15 in this article. . . ."

16 15. Health and Safety Code section 44002 provides that the Director has all the powers  
17 and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle  
18 Inspection Program.

19 16. Health and Safety Code section 44072 states:

20 Any license issued under this chapter and the regulations  
21 adopted pursuant to it may be suspended or revoked by the  
22 director. . . . The proceedings under this article shall be conducted  
23 in accordance with Chapter 5 (commencing with Section 11500) of  
24 Part 1 of Division 3 of Title 2 of the Government Code, and the  
25 director shall have all the powers granted therein.

26 17. Health and Safety Code section 44072.4 provides in pertinent part that, after a  
27 hearing, the Director may impose discipline in the form of probation, license suspension, or  
28 license revocation.

18 18. Health and Safety Code section 44072.8 states that, "When a license has been revoked  
19 or suspended following a hearing under this article, any additional license issued under this  
20 chapter in the name of the licensee may be likewise revoked or suspended by the director."

21 19. Health and Safety Code section 44072.10 states:



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

6 ...

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

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

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

14 (d) Once a license has been revoked for a smog check station  
15 or technician under subdivision (a) or (c), the license shall not be  
16 reinstated for any reason. . . .

17 20. Health and Safety Code section 44072.11, subdivision (b) states that "Any smog  
18 check station or technician's license granted by the department is a privilege and not a vested  
19 right, and may be revoked or suspended by the department for any of the reasons specified in  
20 Section 44072.1. . . ."

### 21 STATUTORY PROVISIONS

22 21. Business and Professions Code section 9884.7 of the Code states:

23 (a) The director, where the automotive repair dealer cannot  
24 show there was a bona fide error, may deny, suspend, revoke, or  
25 place on probation the registration of an automotive repair dealer  
26 for any of the following acts or omissions related to the conduct of  
27 the business of the automotive repair dealer, which are done by the  
28 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.

...

1 (4) Any other conduct which constitutes fraud.

2 . . .

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

5 . . .

6 (c) Notwithstanding subdivision (b), the director may  
7 suspend, revoke, or place on probation the registration for all  
8 places of business operated in this state by an automotive repair  
9 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.

10 22. Health and Safety Code section 44012 states:

11 The test at the smog check stations shall be performed in  
12 accordance with procedures prescribed by the department. . . . The  
13 department shall ensure, as appropriate to the test method, the  
following:

14 (f) A visual or functional check is made of emission control  
15 devices specified by the department, . . . *The visual or functional*  
16 *check shall be performed in accordance with procedures*  
*prescribed by the department.* (Italics added.)

17 23. Health and Safety Code section 44015, subdivision (b) states, "If a vehicle meets the  
18 requirements of Section 44012, a smog check station licensed to issue certificates shall issue a  
19 certificate of compliance or a certificate of noncompliance."

20 24. Health and Safety Code section 44032 states, ". . . Qualified technicians shall perform  
21 tests of emission control devices and systems in accordance with Section 44012."

22 25. Health and Safety Code section 44059 states:

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

27 26. Health and Safety Code section 44072.2 states:  
28

1 The director may suspend, revoke, or take other disciplinary  
2 action against a 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  
4 Inspection Program (Health and Saf. Code, § 44000, et seq.)] and  
5 the regulations adopted pursuant to it, which related to the licensed  
activities.

6 . . .

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

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

11 . . .

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

14 27. Health and Safety Code section 44072.10 states:

15 . . .

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

19 . . .

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

### 23 REGULATORY PROVISIONS

24 28. California Code of Regulations, title 16, section 3340.24, states:

25 (a) Any disciplinary . . . proceeding under this article  
26 involving licensed stations, licensed technicians, . . . licensed  
27 pursuant to section 44020 of the Health and Safety Code shall be  
conducted in accordance with chapter 5 (commencing with section  
11500) of division 3, Title 2 of the Government Code.

...

(c) 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.

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

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

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

30. 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."

31. California Code of Regulations, title 16, section 3340.41, states:

...

(b) No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system.

(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.

32. California Code of Regulations, title 16, section 3340.42, states:

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

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

...

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

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

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

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

33. California Code of Regulations, title 16, section 3340.42.2 states:

...

(c) Starting on or after January 1, 2013, OBD equipped vehicles shall fail the OBD inspection if any one of the following conditions occurs as applicable to the vehicle:

...

(7) The vehicle's OBD system data is inappropriate for the vehicle being tested;

(8) The vehicle's OBD system data does not match the original equipment manufacturer (OEM) or an Air Resources Board (ARB) exempted OBD software configuration;

34. California Code of Regulations, title 16, section 3373, states:

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



1 **COST RECOVERY**

2 35. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **CALIFORNIA'S SMOG CHECK PROGRAM**

7 36. California's Smog Check Program requires the owners of most motor vehicles to pass  
8 a Smog Check inspection and receive a Certificate of Compliance every two years when renewing  
9 their vehicle registration and also when their vehicle title is transferred. The Smog Check  
10 Program is designed and intended to reduce air pollution by identifying and requiring the repair of  
11 polluting motor vehicles.

12 37. On March 9, 2015, California's Smog Check Program was updated to require the use  
13 of an On-Board Diagnostic Inspection System (BAR-OIS). Under the updated program, most  
14 2000 model year gasoline and hybrid, as well as 1998 and newer diesel vehicles, are required to  
15 have BAR-OIS equipment and are subject to the updated program. The system consists of a  
16 certified Data Acquisition Device (DAD)<sup>2</sup>, computer, bar code scanner, and a printer. A Smog  
17 Check Inspector must use the BAR-OIS system in addition to performing a visual and functional  
18 inspection of the tested vehicle.

19 38. Smog Check Stations are authorized to perform smog checks and repairs, whereas  
20 Smog Check Test Only licensees are stations that are authorized to perform smog check  
21 inspections, but not perform repairs. Smog Check inspections begin when inspectors log into the  
22 system and scan information into the system about the vehicle tested. Licensed Smog Check  
23 Inspectors are the only persons authorized by the BAR to perform official inspections. They are  
24 issued a license and a personal access code, which are used to gain access to the system and used

25 <sup>2</sup> The DAD is the only BAR-certified component of the BAR-OIS. It is an On-Board  
26 Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS software, retrieves  
27 OBD data from the vehicle. The DAD connects between the BAR-OIS computer and the tested  
28 vehicle's Diagnostic Link Connector (DLC). An inspector will connect the DAD to the DLC,  
which is in the tested vehicle's passenger compartment.

1 to set up a user name and password within the BAR-OIS to perform smog check inspections.  
2 Unauthorized use of another inspector's license, access code, or username and password is  
3 prohibited. Accordingly, an inspector will use the bar code scanner to input inspector  
4 information, the tested vehicle identification number (VIN), and Department of Motor Vehicles  
5 (DMV) renewal information.

6 39. The inspector will attach the DAD to the tested vehicle to obtain the data about the  
7 vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS  
8 software and will be retrieved. The BAR-OIS uses the software to communicate with the BAR's  
9 Vehicle Information Database (VID)<sup>3</sup> through an internet connection and transmit information  
10 about the smog check inspection. The type of data that is retrieved, captured, and recorded to the  
11 VID during a smog check inspection includes: the electronic vehicle identification number (e-  
12 VIN), which is the digitally stored vehicle identification number (VIN)<sup>4</sup> programmed into the  
13 vehicles Powertrain Control Module (PCM); the communication protocol, which is the specific  
14 language the PCM uses to communicate information to the scan tools and other devices, such as  
15 the BAR-OIS; and the number of Parameter Identifications (PIDs), which are the number of  
16 specific data values each PCM reports related to emissions controls. The BAR uses this  
17 information to determine whether the vehicle in question was actually the vehicle tested at the  
18 time of the purported smog check inspection.

19 40. The diagnostic information obtained by the BAR-OIS is programmed by the  
20 manufacturer of the vehicles and specific to the makes, models, and years being tested. An e-VIN  
21 is required to be programmed into a vehicle's PCM on 2005 and newer vehicles, and on many  
22 occasions, was programmed into the on-board computers on earlier model year vehicles. A  
23 vehicle's communication protocol is programmed into a vehicle's on-board computer during  
24

25 <sup>3</sup> The VID contains data regarding DMV registration, emissions standards, vehicle smog  
26 check inspections, smog check stations and inspectors, and Certificates of Compliance. The BAR  
27 can access the VID to view test data on Smog Check inspections performed at any Smog Check  
28 Station. The VID has a clock which records the time and date for each smog check inspection.

<sup>4</sup> The VIN is distinct from the e-VIN in that the VIN is physically stamped onto the  
vehicle.

1 manufacture and does not change<sup>5</sup>. The PID count is the number of data points reported by the  
2 vehicle's on-board computer and is programed during manufacture, which are transmitted to the  
3 BAR-OIS by the on-board computer. Examples of PIDs are engine speed, vehicle speed, engine  
4 temperature, and other input and output values utilized by the vehicle's on-board computer.

5 41. The conclusion of a smog inspection results in a Vehicle Inspection Report (VIR).  
6 The BAR-OIS software makes the determination whether or not the vehicle passes the inspection  
7 based on the results of the OBD, visual, and functional tests. The printer provides a VIR  
8 containing inspection results for motorists and a Smog Check Certificate of Compliance number  
9 for passing vehicles. The VIR is a physical record of the test results. The Smog Check inspector  
10 must sign the VIR to indicate that the inspection was performed within BAR guidelines.

11 42. The BAR is aware of methods some Smog Check Stations and Smog Check  
12 Inspectors use to fraudulently issue Smog Check Certificates to vehicles that would not pass a  
13 Smog Check test. One such method is commonly called "Clean plugging." Clean plugging  
14 involves the use of another vehicle's properly functioning OBD system, or another source such as  
15 a simulator, to substitute for the tested vehicle in order to generate passing data readings or  
16 diagnostic information for the purpose of fraudulently issuing Smog Check Certificates to  
17 vehicles that are not in smog compliance or not present for testing.

#### 18 **CLEAN PLUGGING AT MARIO'S #1 SMOG & TEST ONLY**

19 43. Between November 28, 2016, and June 8, 2017, the BAR conducted its investigation  
20 into Smog Check inspections performed at Respondent Mario's #1 station. The BAR reviewed  
21 the VID for inspections performed during the investigation period, which revealed a pattern of  
22 vehicles that Respondents certified with different or missing e-VIN's. The VID data for the  
23 vehicles certified by Respondents also contained different communication protocols and PID  
24 counts that did not correspond to the vehicles that were being certified.

25  
26  
27 <sup>5</sup> The protocols reflected here reflect the protocols in their basic form. Protocols can be  
28 recorded in basic characters or in expanded form that include additional characters. The basic  
form is always contained in the expanded form (i.e. 1914 is the basic form of 19140808).

1        44. The BAR reviewed specific data regarding the vehicles inspected by Respondents.  
2 The BAR reviewed VIN for the vehicles inspected, Smog Check Certificate numbers issued, e-  
3 VIN for the vehicles inspected, communication protocols, PID counts, and data for similar  
4 vehicles tested statewide for comparison to the vehicles tested by Respondents.

5        45. Clean plugging was evident because the OIS data Respondents' transmitted to the  
6 VID was not consistent with what would be expected for the year, make, and model for the  
7 vehicles tested. Respondents certified the vehicles in question by transmitting data that contained  
8 discrepancies when compared with similar vehicles of the same year, make, and model relating to  
9 the e-VIN, communication protocol, and PID count. Additionally, in multiple instances, vehicles  
10 that Respondents had tested had either been previously tested by Respondents or other licensed  
11 facilities, and in those other Smog Check inspections, the OIS data that was transmitted was  
12 consistent with what could be expected for the vehicle year, make, and model.

13        46. The BAR's investigation confirmed that Respondents fraudulently issued at least  
14 twenty vehicles Smog Check Certificates of Compliance using the clean plugging method to  
15 circumvent the California Smog Check Program and the laws implementing the Program.

16        **Clean Plug No. 1**

17        47. On May 14, 2015, Respondent Romero performed a Smog Check inspection on a  
18 2005 Chevrolet Silverado C1500, California Lic. No. 8C67641. The VIR that was issued  
19 identified the station as Respondent Mario's #1 (TC277523), the inspector as Respondent Romero  
20 (EO637203), indicated that the overall test result was that the vehicle passed the inspection, and  
21 that Smog Check Certificate No. YR487907C was issued to this vehicle. The OIS test data for  
22 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
23 PID count was 11.

24        48. When tested, other similar 2005 Chevrolet Silverado C1500 vehicles transmit the  
25 correct e-VIN for the specific vehicle tested, the communication protocol JVPW, and a PID count  
26 of 22.

27        49. The discrepancies between the May 14, 2015, Smog Check inspection and the data  
28 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2005



1 Chevrolet Silverado C1500, California Lic. No. 8C67641 when it was certified on May 14, 2015.  
2 As a result, Respondents Mario's #1 and Romero issued a fraudulent Smog Check Certificate.

3 **Clean Plug No. 2**

4 50. On May 28, 2015, Respondent Romero performed a Smog Check inspection on a  
5 2005 Chevrolet Express G1500, California Lic. No. 7T45878. The VIR that was issued identified  
6 the station as Respondent Mario's #1 (TC277523), the inspector as Respondent Romero  
7 (EO637203), indicated that the overall test result was that the vehicle passed the inspection, and  
8 that Smog Check Certificate No. PS380475C was issued to this vehicle. The OIS test data for  
9 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
10 PID count was 11.

11 51. When tested, other similar 2005 Chevrolet Express G1500 vehicles transmit the  
12 correct e-VIN for the specific vehicle tested, the communication protocol JVPW, and a PID count  
13 of 22.

14 52. The discrepancies between the May 28, 2015, Smog Check inspection and the data  
15 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2005  
16 Chevrolet Express G1500, California Lic. No. 7T45878 when it was certified on May 28, 2015.  
17 As a result, Respondents Mario's #1 and Romero issued a fraudulent Smog Check Certificate.

18 **Clean Plug No. 3**

19 53. On June 5, 2015, Respondent Romero performed a Smog Check inspection on a 2007  
20 BMW 335I, California Lic. No. 6ZAE762. The VIR that was issued identified the station as  
21 Respondent Mario's #1 (TC277523), the inspector as Respondent Romero (EO637203), indicated  
22 that the overall test result was that the vehicle passed the inspection, and that Smog Check  
23 Certificate No. YR860564C was issued to this vehicle. The OIS test data for this vehicle showed  
24 that the e-VIN was missing, the communication protocol was I914, and the PID count was 10.

25 54. When tested, other similar 2007 BMW 335I vehicles transmit the correct e-VIN for  
26 the specific vehicle tested; the communication protocol KWPF; and a PID count of 22, 22|10, or  
27 23|1.



1        55. The discrepancies between the June 5, 2015, Smog Check inspection and the data  
2 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2007  
3 BMW 335I, California Lic. No. 6ZAE762 when it was certified on June 5, 2015. As a result,  
4 Respondents Mario's #1 and Romero issued a fraudulent Smog Check Certificate.

5            **Clean Plug No. 4**

6        56. On June 5, 2015, Respondent Romero performed a Smog Check inspection on a 2005  
7 Volkswagen New Jetta 2.5 PKG 2, VIN 3VWDG71K25M622736.<sup>6</sup> The VIR that was issued  
8 identified the station as Respondent Mario's #1 (TC277523), the inspector as Respondent Romero  
9 (EO637203), indicated that the overall test result was that the vehicle passed the inspection, and  
10 that Smog Check Certificate No. YR860566C was issued to this vehicle. The OIS test data for  
11 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
12 PID count was 11.

13        57. When tested, other similar 2005 Volkswagen New Jetta 2.5 PKG 2 vehicles transmit  
14 the correct e-VIN for the specific vehicle tested; the communication protocol KWPS; and a PID  
15 count of 19|8, 20, or 20|12.

16        58. The discrepancies between the June 5, 2015, Smog Check inspection and the data  
17 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2005  
18 Volkswagen New Jetta 2.5 PKG 2, VIN 3VWDG71K25M622736 when it was certified on June  
19 5, 2015. As a result, Respondents Mario's #1 and Romero issued a fraudulent Smog Check  
20 Certificate.

21            **Clean Plug No. 5**

22        59. On July 14, 2015, Respondent Duyan performed a Smog Check inspection on a 2005  
23 Dodge Neon SXT, California Lic. No. 6UIT736. The VIR that was issued identified the station as  
24 Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka. Kjellesvig  
25 (EO636954), indicated that the overall test result was that the vehicle passed the inspection, and  
26 that Smog Check Certificate No. PS916746C was issued to this vehicle. The OIS test data for

27            <sup>6</sup>The VIR for this Smog Check inspection does not reflect that a California license plate  
28 number had been assigned to this vehicle. Accordingly, it is identified by its VIN.

1 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
2 PID count was 8.

3 60. This vehicle was previously tested on April 24, 2015. The VID showed that the April  
4 24<sup>th</sup> test transmitted the correct e-VIN, communication protocol JVPW, and a PID count of 18.  
5 This data is consistent with expected data transmitted by similar vehicles.

6 61. Accordingly, when tested, other similar 2005 Dodge Neon SXT vehicles transmit the  
7 correct e-VIN for the specific vehicle tested; the communication protocol JVPW; and a PID count  
8 of 17, 18, or 18|3.

9 62. The discrepancies between the July 14, 2015, and April 24, 2015, Smog Check  
10 inspection as well as the data reported by similar vehicles when tested prove that the OIS DAD  
11 was not connected to the 2005 Dodge Neon SXT, California Lic. No. 6UIT736 when it was  
12 certified on July 14, 2015. As a result, Respondents Mario's #1 and Duyan issued a fraudulent  
13 Smog Check Certificate.

14 **Clean Plug No. 6**

15 63. On September 12, 2015, Respondent Duyan performed a Smog Check inspection on a  
16 2007 Cadillac Escalade ESV, VIN 1GYFK66847R324086.<sup>7</sup> The VIR that was issued identified  
17 the station as Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka.  
18 Kjellesvig (EO636954), indicated that the overall test result was that the vehicle passed the  
19 inspection, and that Smog Check Certificate No. PW284778C was issued to this vehicle. The  
20 OIS test data for this vehicle showed that the e-VIN was missing, the communication protocol  
21 was I914, and the PID count was 1.

22 64. When tested, other similar 2007 Cadillac Escalade ESV vehicles transmit the correct  
23 e-VIN for the specific vehicle tested; the communication protocol ICAN11bt5; and a PID count of  
24 43|7, or 43|7|8.

25 65. The discrepancies between the September 12, 2015, Smog Check inspection and the  
26 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the

27 <sup>7</sup>The VIR for this Smog Check inspection does not reflect that a California license plate  
28 number had been assigned to this vehicle. Accordingly, it is identified by its VIN.

1 2007 Cadillac Escalade ESV, VIN 1GYFK66847R324086 when it was certified on September 12,  
2 2015. As a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check  
3 Certificate.

4 **Clean Plug No. 7**

5 66. On September 17, 2015, Respondent Duyan performed a Smog Check inspection on a  
6 2007 Chevrolet Tahoe, California Lic. No. 6BMA259. The VIR that was issued identified the  
7 station as Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka.  
8 Kjellesvig (EO636954), indicated that the overall test result was that the vehicle passed the  
9 inspection, and that Smog Check Certificate No. PW284780C was issued to this vehicle. The  
10 OIS test data for this vehicle showed that the e-VIN was missing, the communication protocol  
11 was I914, and the PID count was 1.

12 67. This vehicle was previously tested on September 5, 2015. The VID showed that the  
13 September 5<sup>th</sup> test transmitted the correct e-VIN, communication protocol ICAN11bt5, and a PID  
14 count of 44. This data is consistent with expected data transmitted by similar vehicles.

15 68. Accordingly, when tested, other similar 2007 Chevrolet Tahoe vehicles transmit the  
16 correct e-VIN for the specific vehicle tested; the communication protocol ICAN11bt5; and a PID  
17 count of 44|7.

18 69. The discrepancies between the September 5, 2015, and September 17, 2015, Smog  
19 Check inspection as well as the data reported by similar vehicles when tested prove that the OIS  
20 DAD was not connected to the 2007 Chevrolet Tahoe, California Lic. No. 6BMA259 when it was  
21 certified on September 17, 2015. As a result, Respondents Mario's #1 and Duyan issued a  
22 fraudulent Smog Check Certificate.

23 **Clean Plug No. 8**

24 70. On September 18, 2015, Respondent Duyan performed a Smog Check inspection on a  
25 2008 Honda FIT, California Lic. No. 6RSN565. The VIR that was issued identified the station as  
26 Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka. Kjellesvig  
27 (EO636954), indicated that the overall test result was that the vehicle passed the inspection, and  
28 that Smog Check Certificate No. PW284792C was issued to this vehicle. The OIS test data for

1 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
2 PID count was 1.

3 71. When tested, other similar 2008 Honda FIT vehicles transmit the correct e-VIN for  
4 the specific vehicle tested; the communication protocol ICAN29bt5; and a PID count of 38.

5 72. The discrepancies between the September 18, 2015, Smog Check inspection and the  
6 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the  
7 2008 Honda FIT, California Lic. No. 6RSN565 when it was certified on September 18, 2015. As  
8 a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check Certificate.

9 **Clean Plug No. 9**

10 73. On September 19, 2015, Respondent Duyan performed a Smog Check inspection on a  
11 2007 Nissan Versa S/SL, California Lic. No. 5VWP871. The VIR that was issued identified the  
12 station as Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka.  
13 Kjellesvig (EO636954), indicated that the overall test result was that the vehicle passed the  
14 inspection, and that Smog Check Certificate No. PW284793C was issued to this vehicle. The  
15 OIS test data for this vehicle showed that the e-VIN was missing, the communication protocol  
16 was I914, and the PID count was 1.

17 74. When tested, other similar 2007 Nissan Versa S/SL vehicles transmit the correct e-  
18 VIN for the specific vehicle tested; the communication protocol I914; and a PID count of 18 or  
19 19|5.

20 75. The discrepancies between the September 19, 2015, Smog Check inspection and the  
21 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the  
22 2007 Nissan Versa S/SL, California Lic. No. 5VWP871 when it was certified on September 19,  
23 2015. As a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check  
24 Certificate.

25 **Clean Plug No. 10**

26 76. On December 24, 2015, Respondent Duyan performed a Smog Check inspection on a  
27 2005 BMW 525I, California Lic. No. 5LBT467. The VIR that was issued identified the station as  
28 Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka. Kjellesvig



1 (EO636954), indicated that the overall test result was that the vehicle passed the inspection, and  
2 that Smog Check Certificate No. QA845328C was issued to this vehicle. The OIS test data for  
3 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
4 PID count was 1.

5 77. When tested, other similar 2005 BMW 525I vehicles transmit the correct e-VIN for  
6 the specific vehicle tested; the communication protocol KWPF; and a PID count of 12, 12|18, 22,  
7 or 22|7.

8 78. The discrepancies between the December 24, 2015, Smog Check inspection and the  
9 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the  
10 2005 BMW 525I, California Lic. No. 5LBT467 when it was certified on December 24, 2015. As  
11 a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check Certificate.

12 **Clean Plug No. 11**

13 79. On January 18, 2016, Respondent Duyan performed a Smog Check inspection on a  
14 2003 Chevrolet Silverado C1500, California Lic. No. 7Y91879. The VIR that was issued  
15 identified the station as Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan,  
16 aka. Kjellesvig (EO636954), indicated that the overall test result was that the vehicle passed the  
17 inspection, and that Smog Check Certificate No. YV942951C was issued to this vehicle. The OIS  
18 test data for this vehicle showed that the e-VIN was missing, the communication protocol was  
19 I914, and the PID count was 1.

20 80. When tested, other similar 2003 Chevrolet Silverado C1500 vehicles transmit the  
21 correct e-VIN for the specific vehicle tested; the communication protocol JVPW; and a PID count  
22 of 22.

23 81. The discrepancies between the January 18, 2016, Smog Check inspection and the data  
24 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2003  
25 Chevrolet Silverado C1500, California Lic. No. 7Y91879 when it was certified on January 18,  
26 2016. As a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check  
27 Certificate.

28 ///



1           **Clean Plug 12**

2           82. On January 30, 2016, Respondent Duyan performed a Smog Check inspection on a  
3 2000 Ford F-150, California Lic. No. 6D47194. The VIR that was issued identified the station as  
4 Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka. Kjellesvig  
5 (EO636954), indicated that the overall test result was that the vehicle passed the inspection, and  
6 that Smog Check Certificate No. YV942992C was issued to this vehicle. The OIS test data for  
7 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
8 PID count was 1.

9           83. This vehicle was previously tested on January 25, 2016. The VID showed that the  
10 January 25<sup>th</sup> test transmitted the correct e-VIN, communication protocol JPWM, and a PID count  
11 of 20. This data is consistent with expected data transmitted by similar vehicles.

12           84. Accordingly, when tested, other similar 2000 Ford F-150 vehicles transmit the correct  
13 e-VIN for the specific vehicle tested; the communication protocol JPWM; and a PID count of 20.

14           85. The discrepancies between the January 25, 2016, and January 30, 2016, Smog Check  
15 inspection as well as the data reported by similar vehicles when tested prove that the OIS DAD  
16 was not connected to the 2000 Ford F-150, California Lic. No. 6D47194 when it was certified on  
17 January 30, 2016. As a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog  
18 Check Certificate.

19           **Clean Plug No. 13**

20           86. On February 29, 2016, Respondent Duyan performed a Smog Check inspection on a  
21 2002 Ford F-150, California Lic. No. DP682CL. The VIR that was issued identified the station as  
22 Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka. Kjellesvig  
23 (EO636954), indicated that the overall test result was that the vehicle passed the inspection, and  
24 that Smog Check Certificate No. YZ041728C was issued to this vehicle. The OIS test data for  
25 this vehicle showed that the e-VIN was missing, the communication protocol was I914, and the  
26 PID count was 1.

27           87. When tested, other similar 2002 Ford F-150 vehicles transmit the correct e-VIN for  
28 the specific vehicle tested; the communication protocol JPWM; and a PID count of 22.

1        88. The discrepancies between the February 29, 2016, Smog Check inspection and the  
2 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the  
3 2002 Ford F-150, California Lic. No. DP682CL when it was certified on February 29, 2016. As a  
4 result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check Certificate.

5        **Clean Plug No. 14**

6        89. On May 14, 2016, Respondent Duyan performed a Smog Check inspection on a 2005  
7 Mercedes-Benz C230K, California Lic. No. 5LPD196. The VIR that was issued identified the  
8 station as Respondent Mario's #1 (TC277523), the inspector as Respondent Duyan, aka.  
9 Kjellesvig (EO636954), indicated that the overall test result was that the vehicle passed the  
10 inspection, and that Smog Check Certificate No. ZD457677C was issued to this vehicle. The OIS  
11 test data for this vehicle showed that the e-VIN was missing, the communication protocol was  
12 I914, and the PID count was 2.

13        90. When tested, other similar 2002 Ford F-150 vehicles transmit the correct e-VIN for  
14 the specific vehicle tested; the communication protocol KWPF; and a PID count of 17 or 20.

15        91. The discrepancies between the May 14, 2016, Smog Check inspection and the data  
16 reported by similar vehicles when tested prove that the OIS DAD was not connected to the 2005  
17 Mercedes-Benz C230K, California Lic. No. 5LPD196 when it was certified on May 14, 2016. As  
18 a result, Respondents Mario's #1 and Duyan issued a fraudulent Smog Check Certificate.

19        **Clean Plug No. 15**

20        92. On June 28, 2016, Respondent Mahli performed a Smog Check inspection on a 2001  
21 Chevrolet Malibu, California Lic. No. 6VUL952. The VIR that was issued identified the station  
22 as Respondent Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398),  
23 indicated that the overall test result was that the vehicle passed the inspection, and that Smog  
24 Check Certificate No. QC910301C was issued to this vehicle. The OIS test data for this vehicle  
25 showed that the e-VIN was missing, the communication protocol was I914, and the PID count  
26 was 2.

1        93. This vehicle was previously tested on June 27, 2016. The VID showed that the June  
2 27<sup>th</sup> test transmitted the correct e-VIN, communication protocol JVPW, and a PID count of 19.  
3 This data is consistent with expected data transmitted by similar vehicles.

4        94. Accordingly, when tested, other similar 2001 Chevrolet Malibu vehicles transmit the  
5 correct e-VIN for the specific vehicle tested; the communication protocol JVPW; and a PID count  
6 of 19.

7        95. The discrepancies between the June 27, 2016, and June 28, 2016, Smog Check  
8 inspection as well as the data reported by similar vehicles when tested prove that the OIS DAD  
9 was not connected to the 2001 Chevrolet Malibu, California Lic. No. 6VUL952 when it was  
10 certified on June 28, 2016. As a result, Respondents Mario's #1 and Mahli issued a fraudulent  
11 Smog Check Certificate.

12        **Clean Plug No. 16**

13        96. On July 11, 2016, Respondent Mahli performed a Smog Check inspection on a 2001  
14 Ford Ranger, California Lic. No. 6T27333. The VIR that was issued identified the station as  
15 Respondent Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398), indicated  
16 that the overall test result was that the vehicle passed the inspection, and that Smog Check  
17 Certificate No. QC910329C was issued to this vehicle. The OIS test data for this vehicle showed  
18 that the e-VIN was missing, the communication protocol was I914, and the PID count was 2.

19        97. This vehicle was previously tested on March 7, 2016. The VID showed that the  
20 March 7<sup>th</sup> test transmitted the correct e-VIN, communication protocol JPWM, and a PID count of  
21 19. This data is consistent with expected data transmitted by similar vehicles.

22        98. Accordingly, when tested, other similar 2001 Ford Ranger vehicles transmit the  
23 correct e-VIN for the specific vehicle tested; the communication protocol JPWM; and a PID count  
24 of 19 or 20.

25        99. The discrepancies between the March 7, 2016, and July 11, 2016, Smog Check  
26 inspections as well as the data reported by similar vehicles when tested prove that the OIS DAD  
27 was not connected to the 2001 Ford Ranger, California Lic. No. 6T27333 when it was certified on  
28



1 July 11, 2016. As a result, Respondents Mario's #1 and Mahli issued a fraudulent Smog Check  
2 Certificate.

3 **Clean Plug No. 17**

4 100. On September 24, 2016, Respondent Mahli performed a Smog Check inspection on a  
5 2000 Saturn SL2, California Lic. No. 5KWN621. The VIR that was issued identified the station  
6 as Respondent Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398),  
7 indicated that the overall test result was that the vehicle passed the inspection, and that Smog  
8 Check Certificate No. ZJ864785C was issued to this vehicle. The OIS test data for this vehicle  
9 showed that the e-VIN was missing, the communication protocol was I914, and the PID count  
10 was 9.

11 101. When tested, other similar 2000 Saturn SL2 vehicles transmit the correct e-VIN for  
12 the specific vehicle tested; the communication protocol JVPW; and a PID count of 16 or 17.

13 102. The discrepancies between the September 24, 2016, Smog Check inspection and the  
14 data reported by similar vehicles when tested prove that the OIS DAD was not connected to the  
15 2000 Saturn SL2, California Lic. No. 5KWN621 when it was certified on September 24, 2016.  
16 As a result, Respondents Mario's #1 and Mahli issued a fraudulent Smog Check Certificate.

17 **Clean Plug No. 18**

18 103. On October 5, 2016, Respondent Mahli performed a Smog Check inspection on a  
19 2000 Chevrolet S10, California Lic. No. 6J52339. The VIR that was issued identified the station  
20 as Respondent Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398),  
21 indicated that the overall test result was that the vehicle passed the inspection, and that Smog  
22 Check Certificate No. QE651912C was issued to this vehicle. The OIS test data for this vehicle  
23 showed that the e-VIN was missing, the communication protocol was I914, and the PID count  
24 was 8.

25 104. This vehicle was previously tested on August 14, 2015. The VID showed that the  
26 August 14<sup>th</sup> test transmitted the correct e-VIN, communication protocol JVPW, and a PID count  
27 of 17. This data is consistent with expected data transmitted by similar vehicles.  
28

1 105. Accordingly, when tested, other similar 2000 Chevrolet S10 vehicles transmit the  
2 correct e-VIN for the specific vehicle tested; the communication protocol JVPW; and a PID count  
3 of 17.

4 106. The discrepancies between the August 14, 2015, and October 5, 2016, Smog Check  
5 inspections as well as the data reported by similar vehicles when tested prove that the OIS DAD  
6 was not connected to the 2000 Chevrolet S10, California Lic. No. 6J52339 when it was certified  
7 on October 5, 2016. As a result, Respondents Mario's #1 and Mahli issued a fraudulent Smog  
8 Check Certificate.

9 **Clean Plug No. 19**

10 107. On November 30, 2016, Respondent Mahli performed a Smog Check inspection on a  
11 2000 GMC Sonoma, California Lic. No. 8D84277. The VIR that was issued identified the station  
12 as Respondent Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398),  
13 indicated that the overall test result was that the vehicle passed the inspection, and that Smog  
14 Check Certificate No. ZJ916594C was issued to this vehicle. The OIS test data for this vehicle  
15 showed that the communication protocol was I914 and the PID count was 8.

16 108. This vehicle was previously tested on November 2, 2016. The VID showed that the  
17 November 2<sup>nd</sup> test transmitted the communication protocol JVPW and a PID count of 16. This  
18 data is consistent with expected data transmitted by similar vehicles.

19 109. Accordingly, when tested, other similar 2000 GMC Sonoma vehicles transmit the  
20 communication protocol JVPW; and a PID count of 16.

21 110. The discrepancies between the November 2, 2016, and November 30, 2016, Smog  
22 Check inspections as well as the data reported by similar vehicles when tested prove that the OIS  
23 DAD was not connected to the 2000 GMC Sonoma, California Lic. No. 8D84277 when it was  
24 certified on November 30, 2016. As a result, Respondents Mario's #1 and Mahli issued a  
25 fraudulent Smog Check Certificate.

26 **Clean Plug No. 20**

27 111. On February 10, 2017, at about 3:50 p.m., Respondent Mahli performed a Smog  
28 Check inspection on a 2006 Toyota Corolla CE, California Lic. No. 7TOD916, VIN



1 INXBR32E76Z605364 (Corolla). The VIR that was issued identified the station as Respondent  
2 Mario's #1 (TC277523), the inspector as Respondent Mahli (EO632398), indicated that the  
3 overall test result was that the vehicle passed the inspection, and that Smog Check Certificate No.  
4 ZP250173C was issued to this vehicle. The OIS test data for this vehicle showed that the e-VIN  
5 was KL5JD56Z88K935557, the communication protocol was ICAN11bt5, and the PID count was  
6 38|1.

7 112. Also on February 10, 2017, at about 4:08, Respondent Mahli performed a Smog  
8 Check inspection on a 2008 Suzuki Forenza Base, VIN KL5JD56Z88K935557 (Suzuki). The  
9 VIR that was issued identified the station as Respondent Mario's #1 (TC277523), the inspector as  
10 Respondent Mahli (EO632398), indicated that the overall test result was that the vehicle passed  
11 the inspection, that Respondent Mahli manually entered the VIN KL5JD56Z88K935557, and that  
12 Smog Check Certificate No. ZP250174C was issued to the Suzuki. The OIS test data for the  
13 Suzuki showed that the e-VIN was KL5JD56Z88K935557, the communication protocol was  
14 ICAN11bt5, and the PID count was 38|1.

15 113. When tested, other similar 2006 Toyota Corolla CE vehicles transmit the correct e-  
16 VIN for the specific vehicle tested; the communication protocol I914; and a PID count of 18.

17 114. The similarities between the OIS test data proved that the Suzuki was the vehicle used  
18 in place of the Corolla to generate Smog Certificate of Compliance No. ZP250173C.  
19 Additionally, the discrepancies between the February 10, 2017, Smog Check inspection of the  
20 Corolla and the data reported by similar 2006 Toyota Corolla CE vehicles when tested prove that  
21 the OIS DAD was not connected to the Corolla when it was certified on February 10, 2017 at 3:50  
22 p.m. As a result, Respondents Mario's #1 and Mahli issued a fraudulent Smog Check Certificate.

### 23 **FIRST CAUSE FOR DISCIPLINE**

#### 24 **(Untrue or Misleading Statements)**

25 115. Complainant re-alleges and incorporates by reference the allegations set forth above  
26 in paragraphs 43 to 114.

27 116. Respondent Mario's #1's Automotive Repair Dealer Registration is subject to  
28 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1),

1 in that Respondent Mario's #1 made or authorized statements which it knew or in the exercise of  
2 reasonable care should have known to be untrue or misleading, as follows: Respondent Mario's  
3 #1 certified the vehicles described above had passed inspection and were in compliance with  
4 applicable laws and regulations. In fact, Respondent Mario's #1 conducted the inspections on the  
5 vehicles using clean plugging methods in order to issue smog certificates of compliance for the  
6 vehicles and did not actually test or inspect the vehicles as required by Health and Safety Code  
7 section 44012.

## 8 **SECOND CAUSE FOR DISCIPLINE**

### 9 **(Conduct Constituting Fraud)**

10 117. Complainant re-alleges and incorporates by reference the allegations set forth above  
11 in paragraphs 43 to 114.

12 118. Respondent Mario's #1's Automotive Repair Dealer Registration is subject to  
13 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),  
14 in that Respondent Mario's #1 committed acts that constitute fraud by issuing electronic smog  
15 certificates of compliance for the vehicles described above without performing bona fide  
16 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
17 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
18 Program.

## 19 **THIRD CAUSE FOR DISCIPLINE**

### 20 **(Violation of Motor Vehicle Inspection Program)**

21 119. Complainant re-alleges and incorporates by reference the allegations set forth above  
22 in paragraphs 43 to 114.

23 120. Respondent Mario's #1's Smog Check Test Only Station License is subject to  
24 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that  
25 Respondent Mario's #1 failed to comply with the following sections of the code:

26 a. **Health and Safety Code section 44012, subdivision (a):** Respondent Mario's  
27 #1 failed to ensure that all emission control devices and systems required by law for the vehicles  
28 identified above, were installed and functioning correctly in accordance with test procedures.

1           b.    **Health and Safety Code section 44012, subdivision (f):** Respondent Mario's  
2 #1 failed to ensure that the emission control tests were performed on the vehicles identified  
3 above, in accordance with procedures prescribed by the department.

4           c.    **Health and Safety Code section 44015, subdivision (b):** Respondent Mario's  
5 #1 issued electronic smog certificates of compliance for the vehicles identified above, without  
6 ensuring that the vehicles were properly tested and inspected to determine if they were in  
7 compliance with Health and Safety Code section 44012.

8           d.    **Health and Safety Code section 44059:** Respondent Mario's #1 willfully  
9 made false entries for electronic certificates of compliance for the vehicles identified above, by  
10 certifying that the vehicles had been inspected as required when, in fact, they had not.

11                                   **FOURTH CAUSE FOR DISCIPLINE**

12                                   **(Violation of Regulations)**

13           121. Complainant re-alleges and incorporates by reference the allegations set forth above  
14 in paragraphs 43 to 114.

15           122. Respondent Mario's #1 Smog Check Test Only Station License is subject to  
16 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that  
17 Respondent Mario's #1 failed to comply with provisions of California Code of Regulations, title  
18 16, as follows:

19           a.    **Section 3340.24, subdivision (c):** Respondent Mario's #1 falsely or  
20 fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

21           b.    **Section 3340.35, subdivision (c):** Respondent Mario's #1 issued electronic  
22 smog certificates of compliance for the vehicles identified above, even though the vehicles had  
23 not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

24           c.    **Section 3340.42:** Respondent Mario's #1 failed to ensure that the required  
25 smog tests were conducted on the vehicles identified above, in accordance with the Bureau's  
26 specifications.

27           d.    **Section 3373:** Respondent Mario's #1 created a false and misleading record by  
28 issuing documents that were false and misleading.

1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 123. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 43 to 114.

5 124. Respondent Mario's #1 Smog Check Test Only Station License is subject to  
6 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that  
7 Respondent Mario's #1 committed dishonest, fraudulent or deceitful acts whereby another is  
8 injured by issuing electronic smog certificates of compliance for the vehicles identified above,  
9 without performing bona fide inspections of the emission control devices and systems on the  
10 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
11 Motor Vehicle Inspection Program.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Violation of Motor Vehicle Inspection Program)**

14 125. Complainant re-alleges and incorporates by reference the allegations set forth above  
15 in paragraphs 47 to 58.

16 126. Respondent Romero's Smog Check Inspector License is subject to disciplinary action  
17 pursuant to Health and Safety Code section 44072, subdivision (a), in that Respondent Romero  
18 failed to comply with the following sections of the Code:

19 a. **Health and Safety Code section 44012, subdivision (a):** Respondent Romero  
20 failed to ensure that all emission control devices and systems required by law for the vehicles he  
21 inspected, were installed and functioning correctly in accordance with test procedures.

22 b. **Health and Safety Code section 44012, subdivision (f):** Respondent Romero  
23 failed to ensure that the emission control tests were performed on the vehicles he inspected, in  
24 accordance with procedures prescribed by the department.

25 c. **Health and Safety Code section 44015, subdivision (b):** Respondent Romero  
26 issued electronic smog certificates of compliance for the vehicles he inspected, without ensuring  
27 that the vehicles were properly tested and inspected to determine if they were in compliance with  
28 Health and Safety Code section 44012.



1           d. **Health and Safety Code section 44059:** Respondent Romero willfully made false  
2 entries for electronic certificates of compliance for the vehicles he inspected, by certifying that the  
3 vehicles had been inspected as required when, in fact, they had not.

4                                   **SEVENTH CAUSE FOR DISCIPLINE**

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

6           127. Complainant re-alleges and incorporates by reference the allegations set forth above  
7 in paragraphs 47 to 58.

8           128. Respondent Romero's Smog Check Inspector License is subject to disciplinary action  
9 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Romero  
10 failed to comply with provisions of California Code of Regulations, title 16, as follows:

11               a.   **Section 3340.24, subdivision (c):** Respondent Romero falsely or fraudulently  
12 issued electronic smog certificates of compliance for the vehicles he inspected.

13               b.   **Section 3340.30, subdivision (a):** Respondent Romero failed to inspect and  
14 test the vehicles identified above, in accordance with Health and Safety Code sections 44012 and  
15 44035, and California Code of Regulations, title 16, section 3340.42.

16               c.   **Section 3340.41, subdivision (c):** Respondent Romero entered into the  
17 emissions inspection system vehicle identification information or emission control system  
18 identification data for a vehicle other than the one being tested. Alternatively, Respondent  
19 Romero knowingly entered into the emissions inspection system false information about the  
20 vehicles he inspected.

21               d.   **Section 3340.42:** Respondent Romero failed to conduct the required smog tests  
22 on vehicles he inspected, in accordance with the Bureau's specifications.

23                                   **EIGHTH CAUSE FOR DISCIPLINE**

24                                   **(Dishonesty, Fraud, Deceit)**

25           129. Complainant re-alleges and incorporates by reference the allegations set forth above  
26 in paragraphs 47 to 58.

27           130. Respondent Romero's Smog Check Inspector License is subject to disciplinary action  
28 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Romero

1 committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic  
2 smog certificates of compliance for vehicles he tested, without performing bona fide inspections  
3 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
4 State of California of the protection afforded by the Motor Vehicle Inspection Program.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Violation of Motor Vehicle Inspection Program)**

7 131. Complainant re-alleges and incorporates by reference the allegations set forth above  
8 in paragraphs 59 to 91.

9 132. Respondent Duyan's Smog Check Inspector License is subject to disciplinary action  
10 pursuant to Health and Safety Code section 44072, subdivision (a), in that Respondent Duyan  
11 failed to comply with the following sections of the Code:

12 a. **Health and Safety Code section 44012, subdivision (a):** Respondent Duyan  
13 failed to ensure that all emission control devices and systems required by law for the vehicles he  
14 inspected, were installed and functioning correctly in accordance with test procedures.

15 b. **Health and Safety Code section 44012, subdivision (f):** Respondent Duyan  
16 failed to ensure that the emission control tests were performed on the vehicles he inspected, in  
17 accordance with procedures prescribed by the department.

18 c. **Health and Safety Code section 44015, subdivision (b):** Respondent Duyan  
19 issued electronic smog certificates of compliance for the vehicles he inspected, without ensuring  
20 that the vehicles were properly tested and inspected to determine if they were in compliance with  
21 Health and Safety Code section 44012.

22 d. **Health and Safety Code section 44059:** Respondent Duyan willfully made false  
23 entries for electronic certificates of compliance for the vehicles he inspected, by certifying that the  
24 vehicles had been inspected as required when, in fact, they had not.

25 **TENTH CAUSE FOR DISCIPLINE**

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

27 133. Complainant re-alleges and incorporates by reference the allegations set forth above  
28 in paragraphs 59 to 91.

1 134. Respondent Duyan's Smog Check Inspector License is subject to disciplinary action  
2 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Duyan  
3 failed to comply with provisions of California Code of Regulations, title 16, as follows:

4 a. **Section 3340.24, subdivision (c):** Respondent Duyan falsely or fraudulently  
5 issued electronic smog certificates of compliance for the vehicles he inspected.

6 b. **Section 3340.30, subdivision (a):** Respondent Duyan failed to inspect and test  
7 the vehicles identified above, in accordance with Health and Safety Code sections 44012 and  
8 44035, and California Code of Regulations, title 16, section 3340.42.

9 c. **Section 3340.41, subdivision (c):** Respondent Duyan entered into the  
10 emissions inspection system vehicle identification information or emission control system  
11 identification data for a vehicle other than the one being tested. Alternatively, Respondent Duyan  
12 knowingly entered into the emissions inspection system false information about the vehicles he  
13 inspected.

14 d. **Section 3340.42:** Respondent Duyan failed to conduct the required smog tests  
15 on vehicles he inspected, in accordance with the Bureau's specifications.

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud, Deceit)**

18 135. Complainant re-alleges and incorporates by reference the allegations set forth above  
19 in paragraphs 59 to 91.

20 136. Respondent Duyan's Smog Check Inspector License is subject to disciplinary action  
21 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Duyan  
22 committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic  
23 smog certificates of compliance for vehicles he tested, without performing bona fide inspections  
24 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
25 State of California of the protection afforded by the Motor Vehicle Inspection Program.

26 ///

27 ///

28 ///







1           a.     **Section 3340.24, subdivision (c):** Respondent Mahli falsely or fraudulently  
2 issued electronic smog certificates of compliance for the vehicles he inspected.

3           b.     **Section 3340.30, subdivision (a):** Respondent Mahli failed to inspect and test  
4 the vehicles identified above, in accordance with Health and Safety Code sections 44012 and  
5 44035, and California Code of Regulations, title 16, section 3340.42.

6           c.     **Section 3340.41, subdivision (c):** Respondent Mahli entered into the  
7 emissions inspection system vehicle identification information or emission control system  
8 identification data for a vehicle other than the one being tested. Alternatively, Respondent Mahli  
9 knowingly entered into the emissions inspection system false information about the vehicles he  
10 inspected.

11           d.     **Section 3340.42:** Respondent Mahli failed to conduct the required smog tests  
12 on vehicles he inspected, in accordance with the Bureau's specifications.

13                                 **FOURTEENTH CAUSE FOR DISCIPLINE**

14   **(Dishonesty, Fraud, Deceit)**

15           141. Complainant re-alleges and incorporates by reference the allegations set forth above  
16 in paragraphs 92 to 114.

17           142. Respondent Mahli's Smog Check Inspector License is subject to disciplinary action  
18 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Mahli  
19 committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic  
20 smog certificates of compliance for vehicles he tested, without performing bona fide inspections  
21 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
22 State of California of the protection afforded by the Motor Vehicle Inspection Program.

23                                 **DISCIPLINARY CONSIDERATIONS**

24           143. To determine the degree of discipline, if any, to be imposed on Respondent Mario's  
25 #1, Complainant alleges that on September 29, 2015, the BAR issued Citation No. C2015-2277  
26 against Respondent Mario's #1, for his violation of Health and Safety Code section 44012,  
27 subdivision (f), in that Respondent Mario's #1 issued a Smog Check Certificate of Compliance to  
28 a BAR vehicle with a missing exhaust gas recirculation valve.

1           144. To determine the degree of discipline, if any, to be imposed on Respondent Duyan,  
2 Complainant alleges that on September 29, 2015, the BAR issued Citation No. M2015-2278  
3 against Respondent Duyan, for his violation of Health and Safety Code section 44032, in that  
4 Respondent Duyan issued a Smog Check Certificate of Compliance to a BAR vehicle with a  
5 missing exhaust gas recirculation valve.

6           145. To determine the degree of discipline, if any, to be imposed on Respondent Romero,  
7 on December 1, 2016, the BAR issued an Interim Suspension Order against Respondent Romero.

8                                   **OTHER MATTERS**

9           146. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily  
10 or permanently or refuse to validate, the registrations for all places of business operated in this  
11 state by an automotive repair dealer upon a finding that the automotive repair dealer has engaged  
12 in a course of repeated and willful violations of the laws and regulations pertaining to an  
13 automotive repair dealer.

14           147. Pursuant to Health and Safety Code section 44072.8, if Respondent Mario's #1 Smog  
15 Check Station License, is revoked or suspended, the Director may likewise revoke or suspend any  
16 additional license, issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code,  
17 to Respondent Mario's #1.

18           148. Under Health and Safety Code section 44072.8, if Respondent Romero's Smog Check  
19 Inspector License is revoked or suspended, any additional license issued under Chapter 5 of Part 5  
20 of Division 26 of the Health and Safety Code, in the name of Respondent Romero, may be  
21 likewise revoked or suspended by the Director.

22           149. Under Health and Safety Code section 44072.8, if Respondent Duyan's Smog Check  
23 Inspector License is revoked or suspended, any additional license issued under Chapter 5 of Part 5  
24 of Division 26 of the Health and Safety Code, in the name of Respondent Duyan, may be likewise  
25 revoked or suspended by the Director.

26           150. Under Health and Safety Code section 44072.8, if Respondent Mahli's Smog Check  
27 Inspector License is revoked or suspended, any additional license issued under Chapter 5 of Part 5  
28

1 of Division 26 of the Health and Safety Code, in the name of Respondent Mahli, may be likewise  
2 revoked or suspended by the Director.

3 **PRAYER**

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

6 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
7 277523, issued to Hanna N. Mahli, dba Mario's #1 Smog & Test Only;

8 2. Revoking or suspending any other Automotive Repair Dealer Registration in the  
9 name of Hanna N. Mahli;

10 3. Revoking or suspending Smog Check-Test Only Station License Number TC 277523,  
11 issued to Hanna N. Mahli, dba Mario's #1 Smog & Test Only;

12 4. Revoking, suspending, or placing on probation any additional license issued under  
13 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Hanna N. Mahli;

14 5. Revoking or suspending Smog Check Inspector License Number EO 632398, issued  
15 to Rami Mahli;

16 6. Revoking, suspending, or placing on probation any additional license issued under  
17 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Rami Mahli;

18 7. Revoking or suspending Smog Check Inspector License Number EO 637203, issued  
19 to Juan Luis Guzman Romero;

20 8. Revoking, suspending, or placing on probation any additional license issued under  
21 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Juan Luis  
22 Guzman Romero;

23 9. Revoking or suspending Smog Check Inspector License Number EO 636954, issued  
24 to Danny Paul Duyan, aka Danny Paul Kjellesvig;

25 10. Revoking, suspending, or placing on probation any additional license issued under  
26 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Danny Paul  
27 Duyan, aka Danny Paul Kjellesvig;  
28

1           11.    Ordering Hanna N. Mahli, Rami Mahli, Juan Luis Guzman Romero and Danny Paul  
2 Duyan to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
3 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4           12.    Taking such other and further action as deemed necessary and proper.

5  
6 DATED: November 30, 2018 

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

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