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

12 In the Matter of the Accusation Against:

Case No. 79/25-16996

13 **ABDI H FUGFUGOSH, OWNER**  
14 **dba SUNNYS 76**  
**18950 Lake Chabot Rd**  
**Castro Valley, CA 94546**

**ACCUSATION**

15 **Automotive Repair Dealer Registration No.**  
16 **ARD 257893**  
**Smog Check Test Only Station License No.**  
17 **TC 257893,**

18 **ABDI H FUGFUGOSH**  
**5171 Stone Canyon Dr.**  
**Castro Valley, CA 94552**

19 **Smog Check Inspector License No EO**  
20 **637442**

21 **OSCAR BERNARDO MARCIAL PRADO**  
22 **16304 Saratoga St Apt B**  
**San Leandro, CA 94578**

23 **Smog Check Inspector License No.**  
24 **EO 644626**  
**Smog Check Repair Technician License No**  
25 **EI 644626,**

26 Respondents.

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**PARTIES**

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

4           2.       On April 22, 2009, the Bureau issued Automotive Repair Dealer Registration No.  
5 ARD 257893 to Abdi H Fugfugosh (Respondent Fugfugosh), Owner dba Sunnys 76 (Respondent  
6 Sunnys 76). This automotive repair dealer registration was in full force and effect at all times  
7 relevant to the charges brought in this accusation and will expire on April 30, 2026, unless  
8 renewed.

9           3.       On May 4, 2009, the Bureau issued Smog Check Test Only Station License No.  
10 TC 257893 to Respondent Sunnys 76. This smog check test only station license was in full force  
11 and effect at all times relevant to the charges brought in this accusation and will expire on April  
12 30, 2026, unless renewed.

13           4.       On August 17, 2017, the Bureau certified Respondent Sunnys 76 as a STAR  
14 Station. This certification will remain active unless the automotive repair dealer registration or  
15 smog check station license is revoked, cancelled, becomes delinquent, or the certification is  
16 suspended.

17           5.       On October 22, 2014, the Bureau issued Smog Check Inspector License No. EO  
18 637442 to Respondent Fugfugosh. This smog check inspector license was in full force and effect  
19 at all times relevant to the charges brought in this accusation and will expire on September 30,  
20 2026, unless renewed.

21           6.       On July 26, 2024, the Bureau issued Smog Check Inspector License No.  
22 EO 644626 to Oscar Bernardo Marcial Prado (Respondent Prado). This smog check inspector  
23 license was in full force and effect at all times relevant to the charges brought in this accusation  
24 and will expire on May 31, 2026, unless renewed.

25           7.       On October 13, 2023, the Bureau issued Smog Check Repair Technician License  
26 No. EI 644626 to Respondent Prado. This smog check repair technician license expired on May  
27 31, 2025, and has not been renewed.

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**JURISDICTION**

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2           8.       This accusation is brought before the Director of the Department of Consumer  
3 Affairs for the Bureau under the authority of the following laws.

4           9.       Business and Professions Code section 118, subdivision (b), states,  
5           “The suspension, expiration, or forfeiture by operation of law of a license issued by a  
6 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
7 order of a court of law, or its surrender without the written consent of the board, shall not, during  
8 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
9 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
10 provided by law or to enter an order suspending or revoking the license or otherwise taking  
11 disciplinary action against the licensee on any such ground.”

12          10.       Business and Professions Code section 9882, subdivision (a), states in part,  
13          “There is in the Department of Consumer Affairs a Bureau of Automotive Repair under  
14 the supervision and control of the director. The duty of enforcing and administering this chapter  
15 is vested in the chief who is responsible to the director. The director may adopt and enforce those  
16 rules and regulations that he or she determines are reasonably necessary to carry out the purposes  
17 of this chapter and declaring the policy of the Bureau, including a system for the issuance of  
18 citations for violations of this chapter as specified in Section 125.9.”

19          11.       Business and Professions Code section 9884.13 states,  
20          “The expiration of a valid registration shall not deprive the director or chief of jurisdiction  
21 to proceed with any investigation or disciplinary proceeding against an automotive repair dealer  
22 or to render a decision invalidating a registration temporarily or permanently.”

23          12.       Business and Professions Code section 9884.22, subdivision (a), states,  
24          “Notwithstanding any other provision of law, the director may revoke, suspend, or deny at  
25 any time any registration required by this article on any of the grounds for disciplinary action  
26 provided in this article. The proceedings under this article shall be conducted in accordance with  
27 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
28 Code, and the director shall have all the powers granted therein.”



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

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

9           ...

10          “(4) Any other conduct that constitutes fraud.

11          ...

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

14          17.     Business and Professions Code 9884.11 states,

15           “Each automotive repair dealer shall maintain any records that are required by regulations  
16 adopted to carry out this chapter. Those records shall be open for reasonable inspection by the  
17 chief or other law enforcement officials. All of those records shall be maintained for at least three  
18 years.”

19          18.     Business and Professions Code section 17200 states,

20           “As used in this chapter, unfair competition shall mean and include any unlawful, unfair  
21 or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and  
22 any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the  
23 Business and Professions Code.”

24          19.     Business and Professions Code section 17500 states in part,

25           “It is unlawful for any person, firm, corporation or association, or any employee thereof  
26 with intent directly or indirectly to dispose of real or personal property or to perform services,  
27 professional or otherwise, or anything of any nature whatsoever or to induce the public to enter  
28 into any obligation relating thereto, to make or disseminate or cause to be made or disseminated

1 before the public in this state, or to make or disseminate or cause to be made or disseminated  
2 from this state before the public in any state, in any newspaper or other publication, or any  
3 advertising device, or by public outcry or proclamation, or in any other manner or means  
4 whatever, including over the Internet, any statement, concerning that real or personal property or  
5 those services, professional or otherwise, or concerning any circumstance or matter of fact  
6 connected with the proposed performance or disposition thereof, which is untrue or misleading,  
7 and which is known, or which by the exercise of reasonable care should be known, to be untrue or  
8 misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so  
9 made or disseminated any such statement as part of a plan or scheme with the intent not to sell  
10 that personal property or those services, professional or otherwise, so advertised at the price  
11 stated therein, or as so advertised.”

12 20. Health and Safety Code section 44012 states in part,

13 “The test at the smog check stations shall be performed in accordance with procedures  
14 prescribed by the department and may require loaded mode dynamometer testing in enhanced  
15 areas, two-speed idle testing, testing utilizing a vehicle’s onboard diagnostic system, or other  
16 appropriate test procedures as determined by the department in consultation with the state  
17 board.”

18 21. Health and Safety Code section 44032 states in part,

19 “Qualified technicians shall perform tests of emission control devices and systems in  
20 accordance with Section 44012.”

21 22. Health and Safety Code section 44059 states,

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

26 23. Health and Safety Code section 44072.2 states in part,

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

1 following:

2 “(a) Violates any section of this chapter and the regulations adopted pursuant to it, which  
3 related to the licensed activities.

4 . . .

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

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

7 . . .

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

10 24. California Code of Regulations, title 16, section 3340.15, states in part,

11 “A smog check station shall meet the following requirements for licensure and shall  
12 comply with these requirements at all times while licensed.

13 . . .

14 “(e) The station shall make, keep secure, and have available for inspection on request of  
15 the Bureau, or its representative, legible records showing the station’s transactions as a licensee  
16 for a period of not less than three years after completion of any transaction to which the records  
17 refer. All records shall be open for reasonable inspection and/or reproduction by the Bureau or its  
18 representative. Station records required to be maintained shall include copies of:

19 “(1) All certificates of compliance and certificates of noncompliance in stock and/or  
20 issued,

21 “(2) Repair orders relating to the inspection and repair activities, and

22 “(3) Vehicle inspection reports generated either manually or by the emissions inspection  
23 system.

24 “The above listed station records shall be maintained in such a manner that the records for  
25 each transaction are kept together, so as to facilitate access to those records by the Bureau or its  
26 representative. In this regard, the second copy of an issued certificate shall be attached to the  
27 final invoice record.”

28 25. California Code of Regulations, title 16, section 3340.24, subdivision (c), states,

1           “The Bureau may suspend or revoke the license of or pursue other legal action against a  
2 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
3 certificate of noncompliance.”

4           26.     California Code of Regulations, title 16, section 3340.30, states in part,  
5           “A licensed smog check inspector and/or repair technician shall comply with the  
6 following requirements at all times while licensed:

7           “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of  
8 the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of  
9 this article.”

10          27.     California Code of Regulations, title 16, section 3340.35, subdivision (c), states in  
11 part,

12          “A licensed station shall issue a certificate of compliance or noncompliance to the owner  
13 or operator of any vehicle that has been inspected in accordance with the procedures specified in  
14 section 3340.42 of this article and has all the required emission control equipment and devices  
15 installed and functioning correctly.”

16          28.     California Code of Regulations, title 16, section 3340.41, subdivision (c), states,

17          “No person shall enter into the emissions inspection system any vehicle identification  
18 information or emission control system identification data for any vehicle other than the one  
19 being tested. Nor shall any person knowingly enter into the emissions inspection system any  
20 false information about the vehicle being tested.”

21          29.     California Code of Regulations, title 16, section 3340.42, states in part,

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

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

26                 . . .

27          “(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered  
28 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.”

1           30.     California Code of Regulations, title 16, section 3340.45, subdivision (a), states in  
2 part,

3           “All Smog Check inspections shall be performed in accordance with requirements and  
4 procedures prescribed.”

5           31.     California Code of Regulations, title 16, section 3358, states,

6           “Pursuant to Section 9884.11 of the Business and Professions Code, each automotive  
7 repair dealer shall maintain, in either written or electronic form, legible copies of the following  
8 records for at least three years:

9           “(a) All invoices relating to automotive repair including invoices received from other  
10 sources for parts and/or labor.

11           “(b) All estimates pertaining to work performed, including all records created to obtain the  
12 authorization from the customer for the initial estimate.

13           “(c) All work orders and/or contracts for repairs, parts and labor, including all records  
14 supplementing the work order and created to obtain additional authorization from the customer  
15 for any additional repairs estimated.

16           “(d) All such records shall be open for reasonable inspection and/or reproduction by the  
17 Bureau or other law enforcement officials during normal business hours.

18           “(e) All records as specified in this section associated with an individual transaction shall  
19 have a unique identifier linking the records to that specific transaction.”

20           32.     California Code of Regulations, title 16, section 3371, states in part,

21           “No dealer shall publish, utter, or make or cause to be published, uttered, or made any  
22 false or misleading statement or advertisement which is known to be false or misleading, or  
23 which by the exercise of reasonable care should be known to be false or misleading.”

24           33.     California Code of Regulations, title 16, section 3373, states,

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

1 or deceive customers, prospective customers, or the public.”

2 **COST RECOVERY**

3 34. Business and Professions Code section 125.3, subdivision (a), states,  
4 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
5 proceeding before any board within the department or before the Osteopathic Medical Board  
6 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
7 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
8 to exceed the reasonable costs of the investigation and enforcement of the case.”

9 **SMOG CHECK PROGRAM**

10 35. Beginning March 9, 2015, California’s Smog Check Program requires smog  
11 inspectors and stations to use a functional computer test during smog inspections for most model  
12 year 2000 and newer gasoline and hybrid vehicles, and most 1998 and newer diesel vehicles.  
13 This test requires using a cable to connect the station’s inspection system to the onboard  
14 diagnostic computer system of vehicle being tested. The inspection system then retrieves  
15 information from the vehicle’s computer, including the vehicle’s eVIN, the communication  
16 protocol, and the number of parameter identifications (PIDs). This data is sent to the Bureau’s  
17 vehicle information database.

18 36. The vehicle identification number (VIN) is physically present on all vehicles. The  
19 VIN is manually entered into the inspection system by the smog check technician. The VIN also  
20 is programmed into the vehicle’s computer on 2005 and newer vehicles, and was often  
21 programmed into the computer on earlier vehicles. This electronically-programmed VIN (eVIN)  
22 is transmitted by the vehicle’s computer during a smog check and should match the physical VIN  
23 on the vehicle that is manually entered by the technician.

24 37. The communication protocol describes the specified communication language  
25 used by the vehicle’s computer to communicate with the station’s inspection system. The  
26 communication protocol is programmed into the vehicle’s computer during manufacture and does  
27 not change.

28 38. PIDs are data points reported by the vehicle’s computer to the station’s inspection

1 device. Examples of PIDs are engine speed (rpm), vehicle speed, engine temperature, and other  
2 input and output values used by the inspection device. The PID count is the number of data points  
3 reported by the vehicle's computer. The PID count is programmed into the vehicle's computer  
4 during manufacture.

5 39. The Bureau is aware of methods used by some stations and inspectors to issue  
6 improper or fraudulent smog certificates. One method is known as "clean plugging." Clean  
7 plugging is connecting the test cable to a properly functioning vehicle or other source instead of  
8 the vehicle actually being smog tested. The properly functioning vehicle or other source then  
9 generates passing diagnostic readings that are attributed to the vehicle being tested.

10 40. However, a vehicle's eVIN, communication protocol, and PID count provide a  
11 unique combination. These data points can be compared to the eVIN, the communication  
12 protocol, and the PID count provided by similar vehicles inspected to determine whether a vehicle  
13 has been clean plugged.

## 14 **FACTUAL ALLEGATIONS**

### 15 **CLEAN PLUGS**

16 41. A Bureau representative performed a focused review of the Bureau's vehicle  
17 information database for vehicles that were issued certificates of compliance at Respondent  
18 Sunnys 76. The representative obtained the following information for each test detail:

- 19 • VIN: VIN entered by smog inspector
- 20 • Cert ID: certificate of compliance number
- 21 • eVIN: digitally stored VIN in the vehicle's computer
- 22 • Communication protocol: the "type" of communication established by the station's  
23 inspection system with the onboard diagnostic computer system of vehicle being tested
- 24 • PID count: number of data points reported by the vehicle computer
- 25 • Similar or "Like" Vehicles: data for similar vehicles derived and compiled from smog  
26 tests conducted statewide

27 42. The data transmitted during seven of these inspections was inconsistent with the  
28 data transmitted by similar vehicles inspected. Consequently, the representative concluded that

ten smog check certificates were issued by using clean plugging.

**Clean Plug #1**

43. a. On April 8, 2025, Respondent Prado issued a smog certificate of compliance for a 2008 Pontiac G8 GT, VIN ending 038, which was inspected at Respondent Sunnys 76. Respondent Prado owned the vehicle. The Bureau’s vehicle information database showed that the inspection reported an eVIN ending 412, a communication protocol of ICAN11bt5, and a PID count of 39.

b. Comparative test data for 200 similar 2008 Pontiac G8 GT vehicles show that 100 percent of the inspections report a correct eVIN, a communication protocol of ICAN11bt5, and a PID count of 43 or 43/7.

c. This same 2008 Pontiac G8 GT had a smog check inspection at a different smog check station on June 26, 2023. That smog check inspection reported an eVIN ending 038, a communication protocol of ICAN11bt5, and a PID count of 43/7.

d. Additionally, Respondent Prado inspected and certified a 2007 Toyota RAV4 at Respondent Sunnys 76 on April 8, 2025, the same day he issued the smog certificate of compliance for the 2008 Pontiac G8 GT. The 2007 Toyota RAV4 inspection reported an eVIN ending 412, a communication protocol of ICAN11bt5, and a PID count of 39, which matched the April 8, 2025, smog check inspection conducted on the 2008 Pontiac G8 GT.

Vehicle	eVIN	Protocol	PID count
2008 Pontiac G8 GT (4/8/25 Test)	Ending 412	ICAN11bt5	39
Expected Values	Ending 038	ICAN11bt5	43 or 43 7
Same 2008 Pontiac G8 GT (6/26/23 Test)	Ending 038	ICAN11bt5	43 7
2007 Toyota RAV4 (4/8/25 Test)	Ending 412	ICAN11bt5	39

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1 **Clean Plug #2**

2 44. a. On April 11, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2007 Dodge Ram 1500 ST, VIN ending 204, which was inspected at  
4 Respondent Sunnys 76. The Bureau’s vehicle information database showed that the inspection  
5 reported an eVIN ending 783, a communication protocol of JVPW, and a PID count of 19.

6 b. Comparative test data for 110 similar 2007 Dodge Ram 1500 ST vehicles  
7 show that 100 percent of the inspections report a correct eVIN, a communication protocol of  
8 ICAN11bt5, and a PID count of 44.

9 c. This same 2007 Dodge Ram 1500 ST failed a smog check inspection at  
10 Respondent Sunnys on April 7, 2025. That smog check inspection reported an eVIN ending 038,  
11 a communication protocol of ICAN11bt5, and a PID count of 44.

12 d. Additionally, Respondent Prado inspected and certified a 2003 Buick  
13 Regal LS at Respondent Sunnys 76 on January 15, 2025.<sup>1</sup> The 2003 Buick Regal inspection  
14 reported an eVIN ending 783, a communication protocol of JVPW, and a PID count of 19, which  
15 matched the April 11, 2025, smog test inspection conducted on the 2007 Dodge Ram 1500 ST.

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Vehicle	eVIN	Protocol	PID count
2007 Dodge Ram 1500 ST (4/11/25 Test)	Ending 783	JVPW	19
Expected Values	Ending 204	ICAN29bt5	44
Same 2007 Dodge Ram 1500 ST (4/7/25 Test)	Ending 204	ICAN29bt5	44
2003 Buick Regal LS (1/15/25 Test)	Ending 783	JVPW	19

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28 <sup>1</sup> This same 2003 Buick Regal was used in Clean Plug #3 below.

1 **Clean Plug #3**

2 45. a. On April 16, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2009 Lexus GS 350, VIN ending 664, which was inspected at Respondent  
4 Sunnys 76. The Bureau’s vehicle information database showed that the inspection reported an  
5 eVIN ending 783, a communication protocol of JVPW, and a PID count of 19.

6 b. Comparative test data for 463 similar 2009 Lexus GS 350 vehicles show  
7 that 99.5 percent of the inspections report a correct eVIN, a communication protocol of  
8 ICAN11bt5, and a PID count of 48/17.

9 c. This same 2009 Lexus GS 350 had a smog check inspection at a different  
10 smog check station on April 27, 2023. That smog check inspection reported an eVIN ending 664,  
11 a communication protocol of ICAN11bt5, and a PID count of 48/17.

12 d. Additionally, Respondent Prado inspected and certified a 2003 Buick  
13 Regal LS at Respondent Sunnys 76 on January 15, 2025. The 2003 Buick Regal inspection  
14 reported an eVIN ending 783, a communication protocol of JVPW, and a PID count of 19, which  
15 matched the April 16, 2025, smog check inspection conducted on the 2009 Lexus GS 350.

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Vehicle	eVIN	Protocol	PID count
2009 Lexus GS 350 (4/16/25 Test)	Ending 783	JVPW	19
Expected Values	Ending 664	ICAN11bt5	48/17
Same 2009 Lexus GS 350 (4/27/23 Test)	Ending 664	ICAN11bt5	48/17
2003 Buick Regal LS (1/15/25 Test)	Ending 783	JVPW	19

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1 **Clean Plug #4**

2 46. a. On July 3, 2025, Respondent Prado issued a smog certificate of compliance  
3 for a 2011 Cadillac Escalade Premium, VIN ending 388, which was inspected at Respondent  
4 Sunnys 76. The Bureau's vehicle information database showed that the inspection reported no  
5 eVIN, a communication protocol of JPWM, and a PID count of 19.

6 b. Comparative test data for 162 similar 2011 Cadillac Escalade Premium  
7 vehicles show that 100 percent of the inspections report a correct eVIN, a communication  
8 protocol of ICAN11bt5, and a PID count of 45/7/8.

9 c. This same 2011 Cadillac Escalade Premium had a smog check inspection  
10 at a different smog check station on February 23, 2024. That smog check inspection reported an  
11 eVIN ending 388, a communication protocol of ICAN11bt5, and a PID count of 45/7/8.

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Vehicle	eVIN	Protocol	PID count
2011 Cadillac Escalade Premium (7/3/25 Test)	Not Reported	JPWM	19
Expected Values	Ending 388	ICAN11bt5	45/7/8
Same Cadillac Escalade Premium (2/23/24 Test)	Ending 388	ICAN11bt5	45/7/8

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1 **Clean Plug #5**

2 47. a. On July 10, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2009 BMW 328 I SULEV, VIN ending 713, which was inspected at Respondent  
4 Sunnys 76. The Bureau's vehicle information database showed that the inspection reported no  
5 eVIN, a communication protocol of JPWM, and a PID count of 19.

6 b. Comparative test data for 999 similar 2009 BMW 328 I SULEV vehicles  
7 show that 99.5 percent of the inspections report a correct eVIN, a communication protocol of  
8 ICAN11bt5, and a PID count of 46 or 46/11.

9 c. This same 2009 BMW 328 I SULEV had a smog check inspection at a  
10 different smog check station on December 19, 2022. That smog check inspection reported an  
11 eVIN ending 713, a communication protocol of ICAN11bt5, and a PID count of 46/11.

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Vehicle	eVIN	Protocol	PID count
2009 BMW 328 I SULEV (7/10/25 Test)	Not Reported	JPWM	19
Expected Values	Ending 713	ICAN11bt5	46 or 46/11
Same 2009 BMW 328 I SULEV (12/19/22 Test)	Ending 713	ICAN11bt5	46/11

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1 **Clean Plug #6**

2 48. a. On July 30, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2006 Ford F150, VIN ending 621, which was inspected at Respondent Sunnys  
4 76. The Bureau’s vehicle information database showed that the inspection reported an eVIN  
5 ending 941, a communication protocol of ICAN11bt5, and a PID count of 39.

6 b. Comparative test data for 215 similar 2006 Ford F150 vehicles show that  
7 99.5 percent of the inspections report a correct eVIN, a communication protocol of ICAN11bt5,  
8 and a PID count of 47.

9 c. This same 2006 Ford F150 had a smog check inspection at a different smog  
10 check station on August 17, 2023. That smog check inspection reported an eVIN ending 621, a  
11 communication protocol of ICAN11bt5, and a PID count of 47.

12 d. Additionally, a 2008 Mazda 3 I was inspected and certified at Respondent  
13 Sunnys 76 on January 25, 2024. The 2008 Mazda 3 I inspection reported an eVIN ending 941, a  
14 communication protocol of ICAN11bt5, and a PID count of 39, which matched the July 30, 2025,  
15 smog check inspection conducted on the 2006 Ford F150.

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Vehicle	eVIN	Protocol	PID count
2006 Ford F150 (7/30/25 Test)	Ending 941	ICAN11bt5	39
Expected Values	Ending 621	ICAN11bt5	47
Same 2006 Ford F150 (8/17/23 Test)	Ending 621	ICAN11bt5	47
2008 Mazda 3 I (1/25/24 Test)	Ending 941	ICAN11bt5	39

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1 **Clean Plug #7**

2 49. a. On August 5, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2014 Honda Accord Sport, VIN ending 606, which was inspected at Respondent  
4 Sunnys 76. The Bureau's vehicle information database showed that the inspection reported no  
5 eVIN, a communication protocol of I914, and a PID count of 17.

6 b. Comparative test data for 999 similar 2014 Honda Accord Sport vehicles  
7 show that 99.6 percent of the inspections report a correct eVIN, a communication protocol of  
8 ICAN29bt5, and a PID count of 39.

9 c. This same 2014 Honda Accord Sport had a smog check inspection at a  
10 different smog check station on December 1, 2023. That smog check inspection reported an eVIN  
11 ending 606, a communication protocol of ICAN29bt5, and a PID count of 39.

12

Vehicle	eVIN	Protocol	PID count
2014 Honda Accord Sport (8/5/25 Test)	Not Reported	I914	17
Expected Values	Ending 606	ICAN29bt5	39
Same 2014 Honda Accord Sport (12/1/23 Test)	Ending 606	ICAN29bt5	39

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1 **Clean Plug #8**

2 50. a. On August 7, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2021 Chevrolet Camaro SS, VIN ending 632, which was inspected at  
4 Respondent Sunnys 76. The Bureau’s vehicle information database showed that the inspection  
5 reported an eVIN ending 956, a communication protocol of JVPW, and a PID count of 22.

6 b. Comparative test data for 49 similar 2021 Chevrolet Camaro SS vehicles  
7 show that 100 percent of the inspections report a correct eVIN, a communication protocol of  
8 ICAN11bt5, and a PID count of 58/4/4.

9 c. Respondent Prado inspected and certified a 2002 Chevrolet Tahoe K1500  
10 at Respondent Sunnys 76 on June 28, 2025. The 2002 Chevrolet Tahoe K1500 inspection  
11 reported an eVIN ending 956, a communication protocol of JVPW, and a PID count of 22, which  
12 matched the August 7, 2025, smog test inspection conducted on the 2021 Chevrolet Camaro SS.

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Vehicle	eVIN	Protocol	PID count
2021 Chevrolet Camaro SS (8/7/25 Test)	Ending 956	JVPW	22
Expected Values	Ending 632	ICAN11bt5	58/4/4
2002 Chevrolet Tahoe K1500 (6/28/25 Test)	Ending 956	JVPW	22

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1 **Clean Plug #9**

2 51. a. On August 9, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2003 Toyota RAV4, VIN ending 952, which was inspected at Respondent  
4 Sunnys 76. The Bureau’s vehicle information database showed that the inspection reported an  
5 eVIN ending 704, a communication protocol of JVPW, and a PID count of 22.

6 b. Comparative test data for 998 similar 2003 Toyota RAV4 vehicles show  
7 that 99.9 percent of the inspections report no eVIN, a communication protocol of I914, and a PID  
8 count of 21.

9 c. Respondent Prado inspected and certified a 2005 GMC Yukon at  
10 Respondent Sunnys 76 on August 13, 2025.<sup>2</sup> The 2005 GMC Yukon inspection reported an  
11 eVIN ending 704, a communication protocol of JVPW, and a PID count of 22, which matched the  
12 August 9, 2025, smog test inspection conducted on the 2003 Toyota RAV4.

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Vehicle	eVIN	Protocol	PID count
2003 Toyota RAV4 (8/9/25 Test)	Ending 704	JVPW	22
Expected Values	Not Reported	I914	21
2005 GMC Yukon (8/13/25 Test)	Ending 704	JVPW	22

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<sup>2</sup> This same 2005 GMC Yukon was used in Clean Plug #10 below.

1 **Clean Plug #10**

2 52. a. On August 13, 2025, Respondent Prado issued a smog certificate of  
3 compliance for a 2018 BMW M4, VIN ending 255, which was inspected at Respondent Sunnys  
4 76. The Bureau’s vehicle information database showed that the inspection reported an eVIN  
5 ending 704, a communication protocol of JVPW, and a PID count of 22.

6 b. Comparative test data for 128 similar 2018 BMW M4 vehicles show that  
7 100 percent of the inspections report a correct eVIN, a communication protocol of ICAN11bt5,  
8 and a PID count of 50 or 50/11.

9 c. This same 2018 BMW M4 had a smog check inspection at a different smog  
10 check station on September 22, 2022. That smog check inspection reported an eVIN ending 255,  
11 a communication protocol of ICAN11bt5, and a PID count of 50/11.

12 d. Additionally, Respondent Prado inspected and certified a 2005 GMC  
13 Yukon at Respondent Sunnys 76 on August 13, 2025, the same day he issued the smog certificate  
14 of compliance for the 2018 BMW M4. That 2005 GMC Yukon inspection reported an eVIN  
15 ending 704, a communication protocol of JVPW, and a PID count of 22, which matched the  
16 August 13, 2025, smog test inspection conducted on the 2018 BMW M4.

17

Vehicle	eVIN	Protocol	PID count
2018 BMW M4 (8/13/25 Test)	Ending 704	JVPW	22
Expected Values	Ending 255	ICAN11bt5	50 or 50/11
Same 2018 BMW M4 (9/22/22 Test)	Ending 255	ICAN11bt5	50/11
2005 GMC Yukon (8/13/25 Test)	Ending 704	JVPW	22

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1 **STATION RECORDS**

2 53. On October 9, 2025, the Bureau requested Respondent Sunnys 76 to produce the  
3 records pertaining to the above clean plugs. A Bureau representative later conducted a field visit  
4 to Respondent Sunnys 76 on October 21, 2025. Respondent Sunnys stated that the records were  
5 damaged in a fire and could not be produced.

6 **CERTIFICATE SALES**

7 54. Respondent Sunnys 76 purchased each smog certificate of compliance issued by  
8 Respondent Prado in paragraphs 43-52 above. The certificates were delivered to Respondent  
9 Sunnys 76’s smog check inspection system platform between April 4 and August 12, 2025.

10 **CAUSES FOR DISCIPLINE**

11 **Respondent Sunnys 76**

12 **FIRST CAUSE FOR DISCIPLINE**

13 **Untrue or Misleading Statements**

14 55. Respondent Sunnys 76 has subjected its automotive repair dealership registration  
15 and smog check test only station license to discipline for making untrue or misleading statements  
16 (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 17500; Health & Saf. Code, § 44072.2, subd. (d)).  
17 The facts are set forth in paragraphs 41-54 above.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **Fraud**

20 56. Respondent Sunnys 76 has subjected its automotive repair dealership registration  
21 and smog check test only station license to discipline for fraud (Bus. & Prof. Code, § 9884.7,  
22 subd. (a)(1); Health & Saf. Code, § 44072.2, subd. (d)). The facts are set forth in paragraphs 41-  
23 54 above.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **Failure to Maintain Records**

26 57. Respondent Sunnys 76 has subjected its automotive repair dealership registration  
27 and smog check test only station license to failing to keep records (Bus. & Prof. Code, §§ 9884.7,  
28 subd. (a)(6), 9884.11; Health & Saf. Code, § 44072.2, subs. (a), (c) & ((h); Cal. Code Regs., tit.

1 16, §§ 3340.15, subd. (e), 3358). The facts are set forth in paragraph 53 above.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 **Violation of Statutes and Regulations**

4 58. Respondent Sunnys 76 has subjected its automotive repair dealership registration  
5 and smog check test only station license for violating the Business and Professions Code, the  
6 Health and Safety Code, and regulations adopted by the Bureau (Bus. & Prof. Code,  
7 § 9884.7, subd. (a)(6); Health & Saf. Code, § 44072.2, subds. (a), (c), (d) & (h)). The facts are set  
8 forth in paragraphs 41-54 above.

9 a. Respondent Sunnys 76 engaged in unfair competition (Bus. & Prof. Code,  
10 § 17200).

11 b. Respondent Sunnys 76 did not perform smog tests in accordance with  
12 department procedures (Health & Saf. Code, § 44012).

13 c. Respondent Sunnys 76 committed perjury (Health & Saf. Code, § 44012).

14 d. Respondent Sunnys 76 issued false smog certificates of compliance (Cal.  
15 Code Regs., tit. 16, § 3340.24, subd. (c)).

16 e. Respondent Sunnys 76 issued smog certificates of compliance for vehicles  
17 that were not tested in accordance with department procedures (Cal. Code Regs., tit. 16, §  
18 3340.35, subd. (c)).

19 f. Respondent Sunnys 76 did not perform onboard diagnostic tests on  
20 vehicles it certified that it smog checked (Cal. Code Regs., tit. 16, § 3340.42, subd. (a)(3)).

21 g. Respondent Sunnys 76 did not perform smog tests in accordance with  
22 department procedures (Cal. Code Regs., tit. 16, § 3340.45, subd. (a)).

23 h. Respondent Sunnys 76 made false statements or misleading statements  
24 (Cal. Code Regs., tit. 16, § 3371).

25 i. Respondent Sunnys 76 made false statements or misleading statements on  
26 a record (Cal. Code Regs., tit. 16, § 3373).

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1 **Respondent Prado**

2 **FIFTH CAUSE FOR DISCIPLINE**

3 **Violation of Statutes and Regulations**

4 59. Respondent Prado has subjected his smog check inspector license and smog check  
5 repair technician license to discipline for violating the Health and Safety Code and regulations  
6 adopted by the Bureau (Health & Saf. Code, § 44072.2, subds. (a), (c), (d) & (h)). The facts are  
7 set forth in paragraphs 41-54 above.

8 a. Respondent Prado engaged in unfair competition (Bus. & Prof. Code, §  
9 17200).

10 b. Respondent Prado made untrue or misleading statements (Bus. & Prof.  
11 Code, § 17500).

12 c. Respondent Prado did not perform smog tests in accordance with  
13 department procedures (Health & Saf. Code, § 44012).

14 d. Respondent Prado did not perform tests of emission control devices and  
15 systems in accordance with department procedures (Health & Saf. Code, § 44032).

16 e. Respondent Prado issued a false smog certificate of compliance (Cal. Code  
17 Regs., tit. 16, § 3340.24, subd. (c)).

18 f. Respondent Prado did not perform smog tests in accordance with statutes  
19 and department procedures (Cal. Code Regs., tit. 16, § 3340.30, subd. (a)).

20 g. Respondent Prado entered information and data into the emission  
21 inspection system for a vehicle other than the one being tested (Cal. Code Regs., tit. 16, §  
22 3340.41, subd. (c)).

23 h. Respondent Prado did not perform onboard diagnostic tests on vehicles he  
24 certified that he smog checked (Cal. Code Regs., tit. 16, § 3340.42, subd. (a)(3)).

25 i. Respondent Prado did not perform smog tests in accordance with  
26 department procedures (Cal. Code Regs., tit. 16, § 3340.45, subd. (a)).

27 j. Respondent Prado made false statements or misleading statements on a  
28 record (Cal. Code Regs., tit. 16, § 3373).

**OTHER MATTERS**

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2           60.     Under Business and Professions Code section 9884.7, subdivision (c), the director  
3 may suspend, revoke, or place on probation the registration for all places of business operated in  
4 this state by Respondent Fugfugosh, owner of Respondent Sunnys 76, upon a finding that it has  
5 or is engaged in a course of repeated and willful violations of the laws and regulations pertaining  
6 to an automotive repair dealer.

7           61.     Under Health & Safety Code section 44072.8, if the smog check test only station  
8 license issued to Respondent Fugfugosh, owner of Respondent Sunnys 76, is revoked or  
9 suspended, any additional license issued under division 26, chapter 5, part 5 of the Health and  
10 Safety Code in the name of the licensee also may be revoked or suspended by the director.

11           62.     Under Health & Safety Code section 44072.8, if Respondent Prado's smog check  
12 inspector license or smog check repair technician license is revoked or suspended, any additional  
13 license issued under division 26, chapter 5, part 5 of the Health and Safety Code in the name of  
14 the licensee also may be revoked or suspended by the director.

**PRAYER**

15  
16           WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
17 accusation, and that following the hearing the director issues a decision:

18           1.     Revoking, suspending, or placing on probation Automotive Repair Dealer  
19 Registration No. ARD 257893 issued to Respondent Fugfugosh, owner of Respondent Sunnys 76;

20           2.     Revoking or suspending Smog Check Test Only Station License No. TC 257893  
21 issued to Respondent Respondent Fugfugosh, owner of Respondent Sunnys 76;

22           3.     Revoking or suspending Smog Check Inspector License No. EO 637442 issued to  
23 Respondent Fugfugosh;

24           4.     Revoking, suspending, or placing on probation the automotive repair registration  
25 for all places of business operated in this state by Respondent Fugfugosh, owner of Respondent  
26 Sunnys 76;

27           5.     Revoking or suspending any additional license issued in the name of Respondent  
28 Fugfugosh, owner of Respondent Sunnys 76, under division 26, part 5, chapter 5 of the Health

1 and Safety Code;

2 6. Revoking or suspending Smog Check Inspector License No. EO 637099 and Smog  
3 Check Repair Technician License No. EI 644626 issued to Respondent Prado;

4 7. Revoking or suspending any additional license issued to Respondent Prado under  
5 division 26, part 5, chapter 5 of the Health and Safety Code;

6 8. Ordering Respondents Sunnys 76, Fugfugosh, and Prado to pay the Bureau the  
7 reasonable costs of the investigation and enforcement of this case under Business and Professions  
8 Code section 125.3; and

9 9. Taking such other and further action as deemed necessary and proper.

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11 DATED: As of Digital Signature Date\_

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

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