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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. 79/25-4104

13 **MIGUEL ANGEL VAZQUEZ, JEANETTE**  
14 **VAZQUEZ – PARTNERS, DBA VASQUEZ**  
15 **AUTO SERVICE,**  
16 **8012 State Street**  
17 **Huntington Park, CA 90255**

**ACCUSATION**

18 **Automotive Repair Dealer Registration No.**  
19 **ARD 282670**  
20 **Smog Check, Test-and-Repair Station**  
21 **License No. RC 282670**

22 **and**

23 **MIGUEL ANGEL VAZQUEZ-GARCIA**  
24 **2782 Glenwood Place**  
25 **South Gate, CA 90280**

26 **Smog Check Inspector License No. EO**  
27 **639151**  
28 **Smog Check Repair Technician License No.**  
**EI 639151**

Respondents.

29 **PARTIES**

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

1           ***Automotive Repair Dealer Registration***

2           2.     On or about February 8, 2016, Bureau of Automotive Repair issued Automotive  
3 Repair Dealer Registration Number ARD 282670 to Miguel Angel Vazquez, Jeanette Vazquez,  
4 Partners, dba Vasquez Auto Service (Respondent Vasquez Auto Service). The Automotive  
5 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
6 herein and will expire on February 28, 2026, unless renewed.

7           ***Smog Check, Test-and-Repair, Station License***

8           3.     On or about May 4, 2016, Bureau of Automotive Repair issued Smog Check, Test-  
9 and-Repair, Station License Number RC 282670 to Respondent Vasquez Auto Service. The  
10 Smog Check, Test-and-Repair, Station License was in full force and effect at all times relevant to  
11 the charges brought herein and will expire on February 28, 2026, unless renewed.

12           ***STAR Station Certification***

13           4.     Respondent Vasquez Auto Service is also certified as a STAR Station. The  
14 certification was issued on or about August 24, 2016, and will remain active unless the  
15 Automotive Repair Dealer Registration and/or Smog Check, Test-and-Repair, Station License is  
16 revoked, cancelled, becomes delinquent, or the certification is suspended.

17           ***Smog Check Inspector License***

18           5.     On or about April 6, 2016, Bureau of Automotive Repair issued Smog Check  
19 Inspector License Number EO 639151 to Miguel Angel Vazquez-Garcia (Respondent Vazquez-  
20 Garcia). The Smog Check Inspector License was in full force and effect at all times relevant to  
21 the charges brought herein and will expire on July 31, 2026, unless renewed.

22           ***Smog Check Repair Technician License***

23           6.     On or about September 12, 2016, Bureau of Automotive Repair issued Smog Check  
24 Repair Technician License Number EI 639151 to Respondent Vazquez-Garcia. The Smog Check  
25 Repair Technician License expired on July 31, 2022, and has not been renewed.

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**JURISDICTION**

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2 7. This Accusation is brought before the Director of the Department of Consumer Affairs  
3 (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All  
4 section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

9 9. Business and Professions Code section 9884.7 provides that the Director may revoke  
10 an automotive repair dealer registration.

11 10. Business and Professions Code section 9884.13 provides, in pertinent part, that the  
12 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a  
13 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or  
14 permanently invalidating (suspending or revoking) a registration.

15 11. Section 9884.22, subdivision (a), of the Code provides:

16 (a) Notwithstanding any other provision of law, the director may revoke,  
17 suspend, or deny at any time any registration required by this article on any of the  
18 grounds for disciplinary action provided in this article. The proceedings under this  
19 article shall be conducted in accordance with Chapter 5 (commencing with Section  
20 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director  
21 shall have all the powers granted therein.

22 12. Health and Safety Code section 44002 provides, in pertinent part, that the Director  
23 has all the powers and authority granted under the Automotive Repair Act for enforcing the  
24 Motor Vehicle Inspection Program.

25 13. Section 44072.6 of the Health and Safety Code provides:

26 The expiration or suspension of a license by operation of law or by order or  
27 decision of the director or a court of law, or the voluntary surrender of a license by a  
28 licensee shall not deprive the director 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.

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

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

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

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

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

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

17 16. Health and Safety Code section 44015 provides, in pertinent part:

18 (a) A licensed smog check station shall not issue a certificate of compliance,  
19 except as authorized by this chapter, to any vehicle that meets the following criteria:

20 (1) A vehicle that has been tampered with.

21 (2) A vehicle identified pursuant to subparagraph (K) of paragraph (3) of  
22 subdivision (b) of Section 44036. A vehicle identified pursuant to subparagraph (K)  
of paragraph (3) of subdivision (b) of Section 44036 shall be directed to the  
23 department to determine whether an inadvertent error can explain the irregularity, or  
whether the vehicle otherwise meets smog check requirements, allowing the  
24 certificate for compliance to be issued, or the vehicle shall be reinspected by a referee  
or another smog check station.

25 (3) A vehicle that, prior to repairs, has been initially identified by the smog  
26 check station as a gross polluter. Certification of a gross polluting vehicle shall be  
conducted by a designated test-only facility, or a test-and-repair station that is both  
licensed and certified pursuant to Sections 44014 and 44014.2.

27 (4) A vehicle described in subdivision (c).

28 (b) If a vehicle meets the requirements of Section 44012, a smog check station

1 licensed to issue certificates shall issue a certificate of compliance or a certificate of  
2 noncompliance.

3 . . .

4 17. Health and Safety Code section 44032 provides:

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

11 18. Health and Safety Code section 44059 provides:

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

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

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

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

23 . . .

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

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

28 . . .

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

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

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

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

1 the following:

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

4 ...

5 (4) Intentional or willful violation of this chapter or any regulation, standard, or  
6 procedure of the department implementing this chapter. . .

7 **REGULATORY PROVISIONS**

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

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

12 23. California Code of Regulations, title 16, section 3340.30 provides, in pertinent part:

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

15 (a) Inspect, test and repair vehicles, as applicable, in accordance with section  
16 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code,  
17 and section 3340.42 of this article.

18 ...

19 24. California Code of Regulations, title 16, section 3340.35, subdivision (c), states, in  
20 pertinent part:

21 ...

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

26 25. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides:

27 ...

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

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

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

11 32. During an OIS inspection, engine operating parameters are retrieved from the  
12 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional  
13 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when  
14 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

15 (1) Engine speed in revolutions per minute (RPM).

16 (2) Throttle position as measured by a throttle position sensor (TPS) mounted onto the  
17 throttle shaft, measured in a percentage of opening from 0% at idle and near or up to 100%  
18 at full throttle

19 (3) Manifold absolute pressure as measured by a manifold absolute pressure sensor  
20 (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical  
21 readings for a normally aspirated vehicle are: 0 kpa being absolute vacuum, 25kpa to 45kpa  
22 at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.

23 (4) Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's  
24 air intake tract, measured in grams per second (gps).

25 (5) Ignition timing is set by the vehicle PCM based on engine speed and load and is  
26 measured in degrees Before Top Dead Center (BTDC).

27 33. During normal engine operation at idle, engine speed is relatively steady around its  
28 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or

1 MAF readings are also steady. In order for the engine speed to increase, the throttle would have  
2 to be opened in order to increase airflow through the engine. The engine's management systems  
3 supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An  
4 increase in throttle, measured by the TPS, which increases engine RPM, would result in  
5 corresponding increases in MAF, as well as a change in MAP. Stated another way, any  
6 movement in the throttle from the idle position will result in an increase of airflow through the  
7 engine with corresponding increases RPM and MAF along with changes in MAP.

8 34. During an OIS Smog Check inspection, along with other visual and functional  
9 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed  
10 with the engine idling and, when requested by the OIS analyzer, an elevated or increased engine  
11 speed. The increase in engine speed is performed by the inspector by stepping on the throttle  
12 pedal or manually opening the throttle, resulting in a corresponding increase in engine RPMs by  
13 allowing an increase in airflow into the engine.

14 35. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall  
15 inspection and a Certificate of Compliance is issued and transmitted electronically to the VID.  
16 Each Certificate of Compliance has a unique control number so that it can be tracked to determine  
17 which Smog Check Station purchased the Certificate of Compliance and to which vehicle it  
18 was issued.

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

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1           37. The smog check technician must sign the VIR under penalty of perjury to indicate  
2 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law  
3 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The  
4 consumer's VIR serves as a receipt and proof that the VID was updated and a Certificate of  
5 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by  
6 the Bureau to perform official inspections. They are issued a personal access code and a license,  
7 which are used to gain access to the EIS and OIS to perform smog check inspections.  
8 Unauthorized use of another technician's access code or license is prohibited.

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

20           **Station Data Review**

21           39. A Bureau representative initiated an investigation, in which he reviewed OIS test data  
22 for the smog check inspections performed at Respondent Vasquez Auto Service. The  
23 investigation revealed that data related to certain vehicles certified by Respondents contained a  
24 pattern of unmistakable discrepancies between the information transmitted during the inspections  
25 and known similar data for the vehicles being tested. Specifically, the Bureau representative  
26 observed a pattern of vehicles being certified with engine operating parameters not corresponding  
27 to normal engine operation, confirming the vehicles receiving smog certificates were not tested  
28 during the OBD II functional test, which constitutes clean plugging, as follows:

1           **Clean Plug #1**

2           40. On or about November 21, 2024, a 2000 GMC New Sierra C1500, VIN  
3 #1GTEC14T3YZ173851, CA License #31923F3 (2000 New Sierra), was tested and smog  
4 certificate #UG385024C was issued under licensed Smog Check Inspector #EO639151,  
5 Respondent Vazquez-Garcia.

6           41. The Dynamic PID charts and data for the 2000 New Sierra shows that between time  
7 stamp 335 and 19275, the engine RPM is steady at around 675 RPM. During this time, the data  
8 shows the throttle is varying between 2% and 5.1% opening, the MAF is varying between 5.34  
9 grams/sec and 7.29 grams/sec, and the MAP is varying between 33 kPa and 45 kPa. Between  
10 time stamp 19625 and 37106, the data shows the RPM is increased then held steady at around  
11 1775 RPM. During this time, the data shows the throttle varying between 0.4% and 5.1%  
12 opening, the MAF is varying between 5.84 grams/sec and 6.92 grams/sec, and the MAP is  
13 varying between 36 kPa and 44 kPa.

14           42. The steady idle and steady elevated engine RPM data along with the associated  
15 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
16 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
17 Device (DAD) was not connected to the 2000 New Sierra being certified, causing the issuance of  
18 a fraudulent Smog Certificate of Compliance.

19           **Clean Plug #2**

20           43. On or about December 6, 2024, a 2002 GMC New Sierra C1500, VIN  
21 #1GTEC14V92Z180750, CA License #60468P2 (2002 New Sierra), was tested and smog  
22 certificate #UG923713C was issued under licensed Smog Check Inspector #EO639151,  
23 Respondent Vazquez-Garcia.

24           44. The Dynamic PID charts and data for the 2002 New Sierra shows that between time  
25 stamp 321 and 18733, the engine RPM is steady at around 750 RPM. During this time, the data  
26 shows the throttle is varying between 0.8% and 3.1% opening, the MAF is varying between 3.02  
27 grams/sec and 5.04 grams/sec, and the MAP is varying between 32 kPa and 46 kPa. Between  
28 time stamp 19078 and 35605, the data shows the RPM is increased then held steady at around

1 1650 RPM. During this time, the data shows the throttle varying between 0.4% and 2.4%  
2 opening, the MAF is varying between 2.87 grams/sec and 5.08 grams/sec, and the MAP is  
3 varying between 34 kPa and 46 kPa.

4 45. The steady idle and steady elevated engine RPM data along with the associated  
5 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
6 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
7 Device (DAD) was not connected to the 2002 New Sierra being certified, causing the issuance of  
8 a fraudulent Smog Certificate of Compliance.

9 **Clean Plug #3**

10 46. On or about January 30, 2025, a 2002 Dodge Dakota Quad SLT, VIN  
11 #1B7HL48X42S555558, CA License #76517H3 (2002 Dakota), was tested and smog certificate  
12 #JB948219C was issued under licensed Smog Check Inspector #EO639151, Respondent  
13 Vazquez-Garcia.

14 47. The Dynamic PID charts and data for the 2002 Dakota shows that between time  
15 stamp 339 and 22807, the engine RPM is steady at around 800 RPM. During this time, the data  
16 shows the throttle is varying between 7.1% and 11.4% opening, and the MAP is varying between  
17 32 kPa and 43 kPa. Between time stamp 23193 and 39901, the data shows the RPM is increased  
18 then held steady at around 1775 RPM. During this time, the data shows the throttle varying  
19 between 6.7% and 11.8% opening and the MAP is varying between 36 kPa and 41 kPa.

20 48. The steady idle and steady elevated engine RPM data along with the associated  
21 varying throttle positions and varying MAP readings are not characteristic or expected for normal  
22 engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device  
23 (DAD) was not connected to the 2002 Dakota being certified, causing the issuance of a fraudulent  
24 Smog Certificate of Compliance.

25 **Clean Plug #4**

26 49. On or about February 6, 2025, a 2001 Chevrolet Silverado C1500, VIN  
27 #2GCEC19V111331208, CA License #56837F3 (2001 Silverado), was tested and smog  
28

1 certificate #JD061909C was issued under licensed Smog Check Inspector #EO639151,  
2 Respondent Vazquez-Garcia.

3 50. The Dynamic PID charts and data for the 2001 Silverado shows that between time  
4 stamp 351 and 18679, the engine RPM is steady at around 600 RPM. During this time, the data  
5 shows the throttle is varying between 1.6% and 3.5% opening, the MAF is varying between 5.41  
6 grams/sec and 7.58 grams/sec, and the MAP is varying between 32 kPa and 46 kPa. Between  
7 time stamp 19059 and 35622, the data shows the RPM is increased then held steady at around  
8 1600 RPM. During this time, the data shows the throttle varying between 0% and 2.7% opening,  
9 the MAF is varying between 5.33 grams/sec and 6.93 grams/sec, and the MAP is varying between  
10 32 kPa and 41 kPa.

11 51. The steady idle and steady elevated engine RPM data along with the associated  
12 varying throttle positions, varying MAP, and varying MAF readings are not characteristic or  
13 expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS  
14 Data Acquisition Device (DAD) was not connected to the 2001 Silverado being certified, causing  
15 the issuance of a fraudulent Smog Certificate of Compliance.

16 **Clean Plug #5**

17 52. On or about February 18, 2025, a 2002 Chevrolet Suburban K1500, VIN  
18 #3GNFK16T82G229737, CA License #7VWH127 (2002 Suburban), was tested and smog  
19 certificate #JD398355C was issued under licensed Smog Check Inspector #EO639151,  
20 Respondent Vazquez-Garcia.

21 53. The Dynamic PID charts and data for the 2002 Suburban shows that between time  
22 stamp 357 and 18173, the engine RPM is steady at around 625 RPM. During this time, the data  
23 shows the throttle is varying between 2.4% and 4.7% opening, the MAF is varying between 3.03  
24 grams/sec and 4.32 grams/sec, and the MAP is varying between 17 kPa and 24 kPa. Between  
25 time stamp 18534 and 35942, the data shows the RPM is increased then held steady at around  
26 1600 RPM. During this time, the data shows the throttle varying between 0.8% and 5.1%  
27 opening, the MAF is varying between 3.36 grams/sec and 4.76 grams/sec, and the MAP is  
28 varying between 18 kPa and 27 kPa.

1           54. The steady idle and steady elevated engine RPM data along with the associated  
2 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
3 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
4 Device (DAD) was not connected to the 2002 Suburban being certified, causing the issuance of a  
5 fraudulent Smog Certificate of Compliance.

6           **Clean Plug #6**

7           55. On or about February 28, 2025, a 2003 Ford Ranger Super Cab, VIN  
8 #1FTYR14V73PA41547, CA License #7Y15361 (2003 Ranger), was tested and smog certificate  
9 #UK420310C was issued under licensed Smog Check Inspector #EO639151, Respondent  
10 Vazquez-Garcia.

11           56. The Dynamic PID charts and data for the 2003 Ranger shows that between time  
12 stamp 340 and 17685, the engine RPM is steady at around 650 RPM. During this time, the data  
13 shows the throttle is varying between 15.3% and 18% opening and the MAF is varying between  
14 3.07 grams/sec and 5 grams/sec. Between time stamp 18063 and 34681, the data shows the RPM  
15 is increased then held steady at around 1900 RPM. During this time, the data shows the throttle  
16 varying between 12.5% and 16.1% opening and the MAF is varying between 2.86 grams/sec and  
17 4.06 grams/sec.

18           57. The steady idle and steady elevated engine RPM data along with the associated  
19 varying throttle positions and varying MAF readings are not characteristic or expected for normal  
20 engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device  
21 (DAD) was not connected to the 2003 Ranger being certified, causing the issuance of a fraudulent  
22 Smog Certificate of Compliance.

23           **Clean Plug #7**

24           58. On or about February 28, 2025, a 2002 GMC New Sierra C1500, VIN  
25 #1GTEC19V62E171035, CA License #7X93702 (2002 New Sierra), was tested and smog  
26 certificate #UK420314C was issued under licensed Smog Check Inspector #EO639151,  
27 Respondent Vazquez-Garcia.

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1           59. The Dynamic PID charts and data for the 2002 New Sierra shows that between time  
2 stamp 350 and 18269, the engine RPM is steady at around 575 RPM. During this time, the data  
3 shows the throttle is varying between 0.4% and 4.7% opening, the MAF is varying between 3.31  
4 grams/sec and 4.32 grams/sec, and the MAP is varying between 38 kPa and 43 kPa. Between  
5 time stamp 18612 and 35760, the data shows the RPM is increased then held steady at around  
6 1500 RPM. During this time, the data shows the throttle varying between 0% and 5.1% opening,  
7 the MAF is varying between 3.07 grams/sec and 4.7 grams/sec, and the MAP is varying between  
8 34 kPa and 46 kPa.

9           60. The steady idle and steady elevated engine RPM data along with the associated  
10 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
11 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
12 Device (DAD) was not connected to the 2002 New Sierra being certified, causing the issuance of  
13 a fraudulent Smog Certificate of Compliance.

14           **Clean Plug #8**

15           61. On or about March 4, 2025, a 2003 Chevrolet Silverado C1500, VIN  
16 #2GCEC19V831302405, CA License #74655D3 (2003 Silverado), was tested and smog  
17 certificate #UK420337C was issued under licensed Smog Check Inspector #EO639151,  
18 Respondent Vazquez-Garcia.

19           62. The Dynamic PID charts and data for the 2003 Silverado shows that between time  
20 stamp 345 and 17449, the engine RPM is steady at around 600 RPM. During this time, the data  
21 shows the throttle is varying between 8.6% and 11.8% opening, the MAF is varying between 2.78  
22 grams/sec and 4.4 grams/sec, and the MAP is varying between 33 kPa and 45 kPa. Between  
23 time stamp 17831 and 34473, the data shows the RPM is increased then held steady at around  
24 1575 RPM. During this time, the data shows the throttle varying between 7.1% and 9% opening,  
25 the MAF is varying between 3.13 grams/sec and 4 grams/sec, and the MAP is varying between 34  
26 kPa and 46 kPa.

27           63. The steady idle and steady elevated engine RPM data along with the associated  
28 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for

1 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
2 Device (DAD) was not connected to the 2003 Silverado being certified, causing the issuance of a  
3 fraudulent Smog Certificate of Compliance.

4 **Clean Plug #9**

5 64. On or about March 5, 2025, a 2000 Honda Passport EX, VIN  
6 #4S6CK58W6Y4401458, CA License #7KVX040 (2000 Passport), was tested and smog  
7 certificate #UK420342C was issued under licensed Smog Check Inspector #EO639151,  
8 Respondent Vazquez-Garcia.

9 65. The Dynamic PID charts and data for the 2000 Passport shows that between time  
10 stamp 356 and 18098, the engine RPM is steady at around 650 RPM. During this time, the data  
11 shows the throttle is varying between 2% and 5.5% opening, the MAF is varying between 4.1  
12 grams/sec and 4.5 grams/sec, and the MAP is varying between 17 kPa and 30 kPa. Between time  
13 stamp 18473 and 35833, the data shows the RPM is increased then held steady at around 1700  
14 RPM. During this time, the data shows the throttle varying between 2.4% and 3.1% opening, the  
15 MAF is varying between 2.96 grams/sec and 5.02 grams/sec, and the MAP is varying between 17  
16 kPa and 28 kPa.

17 66. The steady idle and steady elevated engine RPM data along with the associated  
18 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
19 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
20 Device (DAD) was not connected to the 2000 Passport being certified, causing the issuance of a  
21 fraudulent Smog Certificate of Compliance.

22 **Clean Plug #10**

23 67. On or about March 11, 2025, a 2000 Chevrolet S Truck S10, VIN  
24 #1GCCS19WXY8209070, CA License #99996R2 (2000 S Truck), was tested and smog  
25 certificate #UK727120C was issued under licensed Smog Check Inspector #EO639151,  
26 Respondent Vazquez-Garcia.

27 68. The Dynamic PID charts and data for the 2000 S Truck shows that between time  
28 stamp 346 and 17437, the engine RPM is steady at around 700 RPM. During this time, the data

1 shows the throttle is varying between 1.6% and 4.7% opening, the MAF is varying between 5.31  
2 grams/sec and 7.33 grams/sec, and the MAP is varying between 35 kPa and 46 kPa. Between  
3 time stamp 17801 and 34416, the data shows the RPM is increased then held steady at around  
4 1550 RPM. During this time, the data shows the throttle varying between 1.2% and 5.5%  
5 opening, the MAF is varying between 5.47 grams/sec and 7.65 grams/sec, and the MAP is  
6 varying between 35 kPa and 37 kPa.

7 69. The steady idle and steady elevated engine RPM data along with the associated  
8 varying throttle positions, varying MAF and MAP readings are not characteristic or expected for  
9 normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition  
10 Device (DAD) was not connected to the 2000 S Truck being certified, causing the issuance of a  
11 fraudulent Smog Certificate of Compliance.

12 70. On or about August 31, 2023, a previous smog check inspection was performed on  
13 the 2000 S Truck at a different smog check station. During this smog check inspection, the  
14 Dynamic PID charts and data for the 2000 S Truck shows that between time stamp 415 and  
15 62222, the engine RPM is steady at around 700 RPM. During this time, the data shows the  
16 throttle is steady at 0% opening, the MAP is steady at 34 kPa, and the MAF is steady between  
17 5.35 grams/sec and 5.49 grams/sec. Between time stamp 62751 and 79525, the data shows the  
18 RPM is increased then held between 1450 and 1890 RPM. During this time, the data shows the  
19 throttle is increased and then held between 5.5% and 5.9%, the MAP is decreased and steady at  
20 29 kPa, and the MAF increased to between 11.74 grams/sec and 12.95 grams/sec. The steady idle  
21 and elevated RPM data along with the associated varying throttle positions and varying MAP and  
22 MAF readings are characteristic and expected for normal engine operation.

### 23 **Station Inspection**

24 71. On or about March 17, 2025, a Bureau representative conducted a station inspection  
25 at Respondent Vasquez Auto Service and request invoices and VIRs for the ten (10) vehicles  
26 identified above. On or about March 19, 2025, a Bureau representative returned to Respondent  
27 Vasquez Auto Service and Respondent Vazquez-Garcia provided the Bureau representative with  
28 the requested records for the ten (10) vehicles. Respondent Vazquez-Garcia confirmed that him

1 and his wife are the only people allowed at his station, that he does not share his Smog Check  
2 Inspector License or password with anyone, and that he personally signs all of his VIRs.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements – Respondent Vasquez Auto Service)**

5 72. Respondent Vasquez Auto Service’s Automotive Repair Dealer Registration is  
6 subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that, with respect  
7 to the 10 vehicles identified above, Respondent Vasquez Auto Service made or authorized  
8 statements which they knew, or in the exercise of reasonable care should have known to be untrue  
9 or misleading, as follows: Respondent Vasquez Auto Service certified that these vehicles had  
10 passed inspection and were in compliance with applicable laws and regulations, when in fact,  
11 Respondent Vasquez Auto Service conducted the inspections on the vehicles using the clean  
12 plugging method in order to issue smog certificates of compliance for the vehicles. Complainant  
13 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 39-71,  
14 as though fully set forth herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud – Respondent Vasquez Auto Service)**

17 73. Respondent Vasquez Auto Service’s Automotive Repair Dealer Registration is  
18 subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that, with respect  
19 to the 10 vehicles identified above, Respondent Vasquez Auto Service committed acts which  
20 constitute fraud by issuing electronic smog certificates of compliance for these vehicles without  
21 performing bona fide inspections of the emissions control devices and systems on those vehicles,  
22 thereby depriving the People of the State of California of the protection afforded by the Motor  
23 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
24 allegations set forth above in paragraphs 39-71, as though fully set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Material Violation of Automotive Repair Act – Respondent Vasquez Auto Service)**

27 74. Respondent Vasquez Auto Service’s Automotive Repair Dealer Registration is  
28 subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that, with respect

1 to the 10 vehicles identified above, Respondent Vasquez Auto Service failed in a material respect  
2 to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing  
3 electronic smog certificates of compliance for these vehicles without performing bona fide  
4 inspections of the emissions control devices and systems on those vehicles, thereby depriving the  
5 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
6 Program. Complainant refers to, and by this reference incorporates, the allegations set forth  
7 above in paragraphs 39-71, as though fully set forth herein.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Violations of the Motor Vehicle Inspection Program – Respondent Vasquez Auto Service)**

10 75. Respondent Vasquez Auto Service’s Smog Check, Test-and-Repair, Station License  
11 is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in  
12 that, with respect to the 10 vehicles identified above, Respondent Vasquez Auto Service failed to  
13 comply with the following sections of the Health and Safety Code:

14 a. **Section 44012:** Respondent Vasquez Auto Service failed to ensure that the emission  
15 control tests were performed on the vehicles in accordance with procedures prescribed by the  
16 Bureau.

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

21 c. **Section 44059:** Respondent Vasquez Auto Service willfully made false entries for  
22 the electronic smog certificates of compliance for the vehicles by certifying that the vehicles had  
23 been inspected as required when, in fact, they had not.

24 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
25 paragraphs 39-71, as though fully set forth herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**  
3 **Program – Respondent Vasquez Auto Service)**

4 76. Respondent Vasquez Auto Service’s Smog Check, Test-and-Repair, Station License  
5 is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (c), in  
6 that, with respect to the 10 vehicles identified above, Respondent Vasquez Auto Service failed to  
7 comply with provisions of the California Code of Regulations, title 16, as follows:

8 a. **Section 3340.24, subdivision (c):** Respondent Vasquez Auto Service issued false or  
9 fraudulent certificates of compliance for the vehicles.

10 b. **Section 3340.35, subdivision (c):** Respondent Vasquez Auto Service issued  
11 electronic smog certificates of compliance for the vehicles even though the vehicles had not been  
12 inspected in accordance with section 3340.42 of the California Code of Regulations, title 16.

13 c. **Section 3340.41, subdivision (c):** Respondent Vasquez Auto Service knowingly  
14 entered false information into the emissions inspection system for the vehicles.

15 d. **Section 3340.42:** Respondent Vasquez Auto Service failed to ensure that the  
16 required smog tests were conducted on the vehicles in accordance with the Bureau’s  
17 specifications.

18 e. **Section 3373:** Respondent Vasquez Auto Service withheld or inserted statements or  
19 information in an estimate, invoice, work order, or record required to be maintained by California  
20 Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be  
21 false or misleading for the vehicles.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 39-71, as though fully set forth herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Dishonesty, Fraud, or Deceit – Respondent Vasquez Auto Service)**

26 77. Respondent Vasquez Auto Service’s Smog Check, Test-and-Repair, Station License  
27 is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in  
28 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect

1 to the 10 vehicles identified above, Respondent Vasquez Auto Service committed dishonest,  
2 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates  
3 of compliance for the vehicles without performing bona fide inspections of the emission control  
4 devices and systems on those vehicles, thereby depriving the People of the State of California of  
5 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
6 this reference incorporates, the allegations set forth above in paragraphs 39-71, as though fully set  
7 forth herein.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Violations of the Motor Vehicle Inspection Program – Respondent Vazquez-Garcia)**

10 78. Respondent Vazquez-Garcia’s Smog Check Inspector License and Smog Check  
11 Repair Technician License are subject to disciplinary action under Health and Safety Code  
12 section 44072.2, subdivision (a), in that, with respect to the 10 vehicles identified above,  
13 Respondent Vazquez-Garcia violated the following Health and Safety Code sections:

14 a. **Section 44012, subdivision (a):** Respondent Vazquez-Garcia failed to determine that  
15 all emission control devices and systems required by law were installed and functioning correctly  
16 on the vehicles in accordance with test procedures prescribed by the Bureau.

17 b. **Section 44012, subdivision (f):** Respondent Vazquez-Garcia failed to perform  
18 emission control tests on the vehicles in accordance with procedures prescribed by the Bureau.

19 c. **Section 44032:** Respondent Vazquez-Garcia failed to perform tests of the emission  
20 control devices and systems on the vehicles identified above in accordance with section 44012 of  
21 the Health and Safety Code, in that the vehicles had been clean plugged.

22 d. **Section 44059:** Respondent Vazquez-Garcia willfully made false entries for the  
23 electronic certificates of compliance by certifying that the vehicles had been inspected as required  
24 when, in fact, they had not.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraphs 39-71, as though fully set forth herein.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**  
3 **Program – Respondent Vazquez-Garcia)**

4 79. Respondent Vazquez-Garcia’s Smog Check Inspector License and Smog Check  
5 Repair Technician License are subject to disciplinary action under Health and Safety Code  
6 section 44072.2, subdivision (c), in that, with respect to the 10 vehicles identified above,  
7 Respondent Vazquez-Garcia failed to comply with provisions of the California Code of  
8 Regulations, title 16, as follows:

- 9 a. **Section 3340.24, subdivision (c):** Respondent Vazquez-Garcia issued false or  
10 fraudulent electronic smog certificates of compliance for the vehicles.
- 11 b. **Section 3340.30, subdivision (a):** Respondent Vazquez-Garcia failed to inspect and  
12 test the vehicles in accordance with Health and Safety Code sections 44012 and 44035 and  
13 California Code of Regulations, title 16, section 3340.42.
- 14 c. **Section 3340.41, subdivision (c):** Respondent Vazquez-Garcia knowingly entered  
15 false information into the emissions inspection system for the vehicles.
- 16 d. **Section 3340.42:** Respondent Vazquez-Garcia failed to ensure that the required  
17 smog tests were conducted on the vehicles identified above in accordance with the Bureau’s  
18 specifications.

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraphs 39-71, as though fully set forth herein.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud, or Deceit – Respondent Vazquez-Garcia)**

23 80. Respondent Vazquez-Garcia’s Smog Check Inspector License and Smog Check  
24 Repair Technician License are subject to disciplinary action under Health and Safety Code  
25 section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10,  
26 subdivision (c), in that, with respect to the 10 vehicles identified above, Respondent Vazquez-  
27 Garcia committed acts involving dishonesty, fraud, or deceit when he issued electronic smog  
28 certificates of compliance for the vehicles without performing bona fide inspections of the

1 emission control devices and systems on those vehicles, thereby depriving the People of the State  
2 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
3 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 39-71,  
4 as though fully set forth herein.

5 **OTHER MATTERS**

6 81. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
7 Director may suspend, revoke, or place on probation the registration for all places of business  
8 operated in this state by Respondent Vasquez Auto Service, upon a finding that it has, or is,  
9 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
10 automotive repair dealer.

11 82. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-and-  
12 Repair, Station License No. RC 282670, issued to Respondent Vasquez Auto Service, is revoked  
13 or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health  
14 and Safety Code in the name of said licensee may be likewise revoked or suspended by the  
15 director.

16 83. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
17 License No. EO 639151 and/or Smog Check Repair Technician License Number EI 639151,  
18 issued to Respondent Vazquez-Garcia, is revoked or suspended, any additional license issued  
19 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said  
20 licensee may be likewise revoked or suspended by the director.

21 **PRAYER**

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

- 25 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
26 282670, issued to Miguel Angel Vazquez, Jeanette Vazquez, Partners, dba Vasquez Auto Service;  
27 2. Revoking or suspending any other automotive repair dealer registration issued to  
28 Miguel Angel Vazquez, Jeanette Vazquez;

1           3.     Revoking or suspending Smog Check, Test-and-Repair, Station License Number RC  
2 282670, issued to Miguel Angel Vazquez, Jeanette Vazquez, Partners, dba Vasquez Auto Service;

3           4.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
4 Division 26 of the Health and Safety Code in the name of Miguel Angel Vazquez, Jeanette  
5 Vazquez;

6           5.     Revoking or suspending Smog Check Inspector Number EO 639151, issued to  
7 Miguel Angel Vazquez-Garcia;

8           6.     Revoking or suspending Smog Check Repair Technician Number EI 639151, issued  
9 to Miguel Angel Vazquez-Garcia;

10          7.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
11 Division 26 of the Health and Safety Code in the name of Miguel Angel Vazquez-Garcia;

12          8.     Ordering Vasquez Auto Service and Miguel Angel Vazquez-Garcia to pay the Bureau  
13 of Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
14 pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of  
15 probation monitoring; and,

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

17  
18  
19 DATED: As of digital signature date

\_\_\_\_\_  
20 PATRICK DORAIS  
21 Chief  
22 Bureau of Automotive Repair  
23 Department of Consumer Affairs  
24 State of California  
25 *Complainant*

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