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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. **79/25-10800**

13 **SAMUEL JESSE NORIEGA DBA A ALL**
14 **SMOG EL CAMINO**
15 **1414 El Camino Real**
16 **Redwood City, CA 94063**

OAH No.

ACCUSATION

17 **Automotive Repair Dealer Registration No.**
18 **ARD 284873**
19 **Smog Check, Test-Only Station License No.**
20 **TC 284873**

21 **SAMUEL JESSE NORIEGA**
22 **2975 Bradbury Dr.**
23 **San Jose, CA 95122**
24 **Smog Check Inspector License No. EO**
25 **639714**

26 **ARSENIO JACOB ABENOJAR**
27 **2975 Bradbury Drive**
28 **San Jose, CA 95122**
Smog Check Inspector License No. EO
639802

JOEL PERALEZ ESPINOZA
P.O. Box 61
Alviso, CA 95002
Smog Check Inspector License No. EO
632083
Smog Check Repair Technician License No.
EI 632083

-and-

1 **ANTHONY JACOB NORIEGA**
2 **1003 Berryessa Rd.**
3 **San Jose, CA 95133**
4 **Smog Check Inspector License No. EO**
5 **643827**

Respondents.

6 **PARTIES**

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

9 2. On or about September 19, 2016, the Bureau issued Automotive Repair Dealer
10 Registration Number ARD 284873 to Samuel Jesse Noriega dba A All Smog El Camino
11 (Respondent A All Smog El Camino). The Automotive Repair Dealer Registration was in full
12 force and effect at all times relevant to the charges brought herein and will expire on September
13 30, 2026, unless renewed.

14 3. On or about October 18, 2016, the Bureau issued Smog Check, Test Only Station
15 License Number TC 284873, to Samuel Jesse Noriega dba A All Smog El Camino. The Smog
16 Check, Test Only Station License was in full force and effect at all times relevant to the charges
17 brought herein and will expire on September 30, 2026, unless renewed.

18 4. Respondent A All Smog El Camino is also certified as a STAR station. The
19 certification was issued on January 26, 2017, and will remain active unless the ARD registration
20 and/or Smog Check station license is revoked, cancelled, licenses become delinquent, or
21 certification is suspended.

22 5. On or about September 21, 2016, the Bureau issued Smog Check Inspector License
23 Number EO 639714 to Samuel Jesse Noriega. The Smog Check Inspector License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2028, unless renewed.

26 6. On or about October 17, 2016, the Bureau issued Smog Check Inspector License
27 Number EO 639802 to Arsenio Jacob Abenojar (Respondent Abenojar). The Smog Check
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Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2028, unless renewed.

7. On or about May 20, 2014, the Bureau issued Smog Check Inspector License Number EO 632083, and Smog Check Repair Technician License No. EI 632083 to Respondent Joel Peralez Espinoza. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2028, unless renewed. Smog Check Repair Technician License No. EI 632083 issued to Respondent Joel Peralez Espinoza is expired and currently inactive and has been so since June 30, 2018.

8. On or about August 11, 2022, the Bureau issued Smog Check Inspector License Number EO 643827 to Anthony Jacob Noriega. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.

JURISDICTION

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

10. Section 9884.7 of the Business and Professions Code¹ provides that the Director may revoke an ARD registration.

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

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

13. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director

¹ All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

14. Section 9884.7 of the Code states:

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

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

...

(4) Any other conduct which constitutes fraud.

...

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

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

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

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

...

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

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

...

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

...

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

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

...

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

...”

REGULATORY PROVISIONS

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

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

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

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

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

...

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

...

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

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

COST RECOVERY

21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **VID DATA REVIEW**

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

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

26 24. During an OIS inspection, engine operating parameters are retrieved from the
27 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
28

1 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
2 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 3 • Engine speed in revolutions per minute (RPM)
- 4 • Throttle position as measured by a throttle position sensor (TPS) mounted onto
5 the throttle shaft. Measured in a percentage of opening from 0% at idle and near
6 or up to 100% at full throttle.
- 7 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
8 connected to an intake manifold source, measured in kilo pascals (kpa).
- 9 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the
10 engine's air intake tract. Measured in grams per second (gps).²
- 11 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is
12 measured in degrees Before Top Dead Center (BTDC).

13 25. During normal engine operation at idle, engine speed is relatively steady around its
14 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
15 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
16 opened to increase airflow through the engine. The engine's management systems supply fuel and
17 spark timing appropriate to any changes in throttle position and engine speed. An increase in
18 throttle, measured by the TPS, which increases engine RPM, would result in corresponding
19 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle
20 from the idle position will result in an increase of airflow through the engine with corresponding
21 increases RPM and/or MAF along with changes in MAP.

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

27 ² Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
28 MAP or MAF parameters separately.

1 27. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
2 inspection, and a Certificate of Compliance is issued and transmitted electronically to the VID.
3 These Certificates of Compliance are purchased in blocks of fifty (50) through the OIS from the
4 VID, using a pre-arranged electronic bank account debit system or by check, via mail, from
5 Bureau Headquarters in Sacramento. Each Certificate of Compliance has a unique control
6 number so that it can be tracked to determine which Smog Check Station purchased the
7 Certificate of Compliance and to which vehicle it was issued.

8 28. The VID contains registration data from Department of Motor Vehicles (“DMV”)
9 plus emission standards, vehicle smog check inspections, smog check stations and technicians,
10 and Certificates of Compliance. The VID receives the smog check results immediately following
11 the inspection. During the vehicle registration process, the DMV accesses the VID to verify that
12 the vehicle has been tested and certified. The Bureau can also access the VID to view test data on
13 smog check inspections performed at any Smog Check Station, or search for, retrieve, and print a
14 test record for a particular vehicle which has been tested. The OIS, also prints a Vehicle
15 Inspection Report (“VIR”), which is a physical record of the test results and shows the Certificate
16 of Compliance number that was issued if the vehicle passed the smog inspection.

17 29. The smog check inspector must sign the VIR under penalty of perjury to indicate that
18 the inspection was done within Bureau guidelines. Smog Check Stations are required by law to
19 maintain a copy of the VIR along with a copy of the repair invoice for three years. The
20 consumer’s VIR serves as a receipt and proof that the VID was updated, and a Certificate of
21 Compliance was issued. Licensed Smog Check Inspectors are the only people authorized by the
22 Bureau to perform official inspections. They are issued a personal access code and a license,
23 which are used to gain access to the OIS to perform smog check inspections. Unauthorized use of
24 another inspector’s access code or license is prohibited.

25 30. Respondents have engaged in numerous acts or omissions constituting violations of
26 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor
27 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
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of “clean plugging.”³ Respondent’s employees’ OIS Test Data available on the State database indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau representative initiated an investigation based on information transmitted to the VID for smog check inspections performed by Respondent’s employees. The investigation revealed that the data related to certain vehicles certified by Respondent’s employees contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the vehicles at issue. Specifically, the representative compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from at least eleven (11) of the certified vehicles were fraudulently tested by Respondent’s employees during the smog inspection using the “clean plugging” method as follows:

Clean Plug #1, August 31, 2022-RESPONDENT ARSENIO JACOB ABENOJAR

31. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on August 31, 2022, a 2014 Infiniti QX60, CA License #7CFE226, VIN 5N1AL0MM3EC502477, was tested and Smog Check Certificate of Compliance #SW472664C was issued by Respondent Arsenio. The OIS test data for the 2014 Infiniti QX60 shows eVIN JNKAY01E26M116971 was reported, the communication protocol was I914, and the PID count was 22.

32. Similar Vehicle OIS Test Data for 2014 Infiniti QX60, shows 99.7% of 1000 vehicles sampled reported the eVIN, they had the expected communication protocol of ICAN11bt5, and a PID count of either 43|15 or 43|16.

33. A 2006 Infinity M35 Base, VIN JNKAY01E26M116971 received an OIS inspection on February 5, 2024, at A All Smog El Camino. The OIS test data for the 2006 Infinity M35 Base shows eVIN JNKAY01E26M116971 was reported, the communication protocol was I914 and the PID count was 22.

³ “Clean plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

34. The OIS test data for the 2006 Infiniti M35 Base matches the OIS test data for the inspection of the 2014 Infiniti QX60. This proves the 2006 Infiniti M35 Base existed and its OBDII system was used to generate a fraudulent Smog Check Certificate of Compliance for the 2014 Infiniti QX60.

Clean Plug #2, May 6, 2023-RESPONDENT ARSENIO JACOB ABENOJAR

35. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on May 6, 2023, a 2004 Toyota Scion XA, CA License #5FUH284, VIN JTKKT624740054753, was tested and Smog Check Certificate of Compliance #TG650867C was issued by Respondent Arsenio. The OIS test data for the 2004 Toyota Scion XA shows eVIN JTLKT334364076575 was reported, the communication protocol was ICAN11bT5, and the PID count was 34.

36. Similar Vehicle OIS Test Data for 2004 Toyota Scion XA, shows 100% of 1000 vehicles sampled did not report the eVIN, they had the expected communication protocol of I914, and a PID count 16.

37. The same 2004 Toyota Scion XA received an OIS inspection on September 18, 2023, at a different station. During this inspection the eVIN was not reported and the expected protocol PID counts were reported.

38. A 2006 Toyota Scion XB received an OIS inspection on March 18, 2025, at a different Smog Check Station. The OIS test data for the 2006 Toyota Scion XB shows eVIN JTLKT334364076575 was reported, the communication protocol was ICAN11bt5 and the PID count was 34.

39. The OIS test data for the 2006 Toyota Scion XB matches the OIS test data for the inspection of the 2004 Toyota Scion XA. This proves the 2006 Toyota Scion XB existed and its OBDII system was used to generate a fraudulent Smog Check Certificate of Compliance for the 2004 Toyota Scion XA.

Clean Plug #3, September 21, 2023-RESPONDENT ANTHONY JACOB NORIEGA

40. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on September 21, 2023, a 2003 Honda Civic EX, CA License #5BAX692,

VIN 1HGEM22953L019116, was tested and Smog Check Certificate of Compliance #IV625464C was issued by Anthony. The OIS test data for the 2003 Honda Civic EX shows eVIN 1N4CL21EX7C230671 was reported, the communication protocol was ICAN11bt5, and the PID count was 37|18.

41. Similar Vehicle OIS Test Data for 2003 Honda Civic EX, shows 99.9% of 1000 vehicles sampled did not report the eVIN, they had the expected communication protocol of I914, and a PID count of 16 or 17.

42. The same 2003 Honda Civic EX received an OIS Smog Check Inspection on November 25, 2023, at a different Smog Check Station. During this inspection the eVIN was not reported and the expected protocol PID counts were reported.

43. A 2007 Nissan Altima Hybrid received an OIS Smog Check Inspection at A All Smog El Camino on November 8, 2024. During this inspection eVIN 1N4CL21EX7C230671 was reported, the communication protocol was ICAN11bt5 and the PID count was 37|18.

44. The OIS test data for the 2007 Nissan Altima Hybrid matches the OIS test data for the inspection of the 2003 Honda Civic EX. This proves the 2007 Nissan Altima Hybrid existed and its OBDII system was used to generate a fraudulent Smog Check Certificate of Compliance for the 2003 Honda Civic EX.

Clean Plug #4, November 13, 2023-RESPONDENT ARSENIO JACOB ABENOJAR

45. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on November 13, 2023, a 2005 Chevrolet Silverado C2500 Heavy Duty, CA License #35252DV, VIN 1GCHC29U55E196300, was tested and Smog Check Certificate of Compliance #TO874785C was issued by Arsenio. The OIS test data for the 2005 Chevrolet Silverado C2500 Heavy Duty shows the eVIN was not reported, the communication protocol was JVPW, and the PID count was 22.

46. Similar Vehicle OIS Test Data for 2005 Chevrolet Silverado C2500 Heavy Duty shows 99% of 500 vehicles sampled reported the eVIN, they had the expected communication protocol of JVPW, and a PID count of 22.

1 47. Before the fraudulent test, the 2005 Chevrolet Silverado C2500 Heavy Duty received
2 four (4) OIS Smog Check Inspections at different Smog Check Stations. During these inspections
3 eVIN was reported and the expected protocol and PIDs were reported

4 48. The discrepancies in the OIS test data shows the OIS DAD was not connected to the
5 2005 Chevrolet Silverado C2500 Heavy Duty being certified, causing the issuance of a fraudulent
6 Smog Check Certificate of Compliance.

7 **Clean Plug #5, December 14, 2023-RESPONDENT ARSENIO JACOB ABENOJAR**

8 49. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino.
9 The review shows that on December 14, 2023, a 2012 Toyota Camry SE, CA License #6USJ295,
10 VIN 4T1BK1FK3CU509686, was tested and Smog Check Certificate of Compliance
11 #TQ129764C was issued by Arsenio. The OIS test data for the 2012 Toyota Camry SE shows the
12 eVIN was not reported, the communication protocol was ICAN11bt5 and the PID count was
13 47|18.

14 50. Similar Vehicle OIS Test Data for 2012 Toyota Camry SE, shows 99.7% of 1000
15 vehicles sampled report the eVIN, they had the expected communication protocol of ICAN11bt5,
16 and a PID count of 46|18 or 47|18 or 47|20.

17 51. Before and after the fraudulent test, the Toyota Camry SE received four (4) OIS
18 Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN
19 was reported and the expected protocol and PIDs were reported.

20 52. The discrepancies in the OIS test data shows the OIS DAD was not connected to the
21 2012 Toyota Camry SE being certified, causing the issuance of a fraudulent Smog Check
22 Certificate of Compliance.

23 **Clean Plug #6, December 22, 2023-RESPONDENT ARSENIO JACOB ABENOJAR**

24 53. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino.
25 The review shows that on December 22, 2023, a 2008 Honda Fit Sport, CA License #6DFE399,
26 VIN JHMGD38618S025629, was tested and Smog Check Certificate of Compliance
27 #TQ337059C was issued by Arsenio. The OIS test data for the 2008 Honda Fit Sport shows the
28 eVIN was not reported, the communication protocol was ICAN29bt5 and the PID count was 17.

1 54. Similar Vehicle OIS Test Data for 2008 Honda Fit Sport, shows 99.8% of 1000
2 vehicles sampled report the eVIN, they had the expected communication protocol of ICAN29bt5,
3 and a PID count of 38 or 38|15.

4 55. Before and after the fraudulent test, the 2008 Honda Fit received six (6) OIS Smog
5 Check Inspections at different Smog Check Stations. During these inspections the eVIN was
6 reported and the expected protocol and PIDs were reported.

7 56. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
8 2008 Honda Fit Sport being certified, causing the issuance of a fraudulent Smog Check
9 Certificate of Compliance.

10 **Clean Plug #7, February 29, 2024-RESPONDENT JOEL PERALEZ ESPINOZA**

11 57. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino.
12 The review shows that on February 29, 2024, a 2007 Mazda CX-7, CA License #5XZZ235, VIN
13 JM3ER29L970142398, was tested and Smog Check Certificate of Compliance #IZ348007C was
14 issued by Joel. The OIS test data for the 2007 Mazda CX-7 shows the eVIN was not reported, the
15 communication protocol was ICAN11bt5 and the PID count was 39|12.

16 58. Similar Vehicle OIS Test Data for 2007 Mazda CX-7, shows 99.2% of 599 vehicles
17 sampled reported the eVIN, they had the expected communication protocol of ICAN11bt5, and a
18 PID count of 39|12 or 39|15 (see Exhibit 11).

19 59. Before the fraudulent test, the 2007 Mazda CX-7 received five (5) OIS Smog Check
20 Inspections at different Smog Check Stations. During these inspections the eVIN was reported
21 and the expected protocol and PIDs were reported.

22 60. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
23 2007 Mazda CX-7 being certified, causing the issuance of a fraudulent Smog Check Certificate of
24 Compliance.

25 **Clean Plug #8, May 30, 2024-RESPONDENT JOEL PERALEZ ESPINOZA**

26 61. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino.
27 The review shows that on May 30, 2024, a 2013 Ford Econoline E250 Van, CA License
28 #54012R1, VIN 1FTNE2EW4DDA82040, was tested and Smog Check Certificate of Compliance

1 #TY590913C was issued by Joel. The OIS test data for the 2013 Ford Econoline E250 Van shows
2 the eVIN was not reported, the communication protocol was ICAN11bt5 and the PID count was
3 47.

4 62. Similar Vehicle OIS Test Data for a 2013 Ford Econoline E250 Van, shows 99.8% of
5 547 vehicles sampled reported the eVIN, they had the expected communication protocol of
6 ICAN11bt5, and a PID count of 47.

7 63. The 2013 Ford Econoline E250 Van received an OIS Smog Check Inspection at a
8 different Smog Check Station on October 21, 2022. During this inspection the eVIN was reported
9 and the expected protocol and PIDs were reported.

10 64. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
11 2013 Ford Econoline E250 Van being certified, causing the issuance of a fraudulent Smog Check
12 Certificate of Compliance.

13 **Clean Plug #9, September 20, 2024-RESPONDENT ANTHONY JACOB NORIEGA**

14 65. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino.
15 The review shows that on September 20, 2024, a 2015 Ford F350 Super Duty, CA License
16 #45563P1, VIN 1FDBF3E66FEA14403, was tested and Smog Check Certificate of Compliance
17 #UE252756C was issued by Anthony. The OIS test data for the 2015 Ford F350 Super Duty
18 shows the eVIN was not reported, the communication protocol was ICAN11bt5 and the PID
19 count was 45.

20 66. Similar Vehicle OIS Test Data for a 2015 Ford F350 Super Duty, shows 99.4% of
21 163 vehicles sampled reported the eVIN, they had the expected communication protocol of
22 ICAN11bt5, and a PID count of 45.

23 67. The 2015 Ford F350 Super Duty received an OIS Smog Check Inspection at a
24 different Smog Check Station on April 12, 2023. During this inspection the eVIN was reported
25 and the expected protocol and PIDs were reported.

26 68. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
27 2015 Ford F350 Super Duty being certified, causing the issuance of a fraudulent Smog Check
28 Certificate of Compliance.

Clean Plug #10, January 9, 2025-RESPONDENT JOEL PERALEZ ESPINOZA

69. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on January 9, 2025, a 2002 Chevrolet Silverado K2500, CA License #6V73769, VIN 1GCGK29U42Z192466, was tested and Smog Check Certificate of Compliance #UI686905C was issued by Joel. The OIS test data for the 2002 Chevrolet Silverado K2500 shows the eVIN was not reported, the communication protocol was JVPW and the PID count was 22.

70. Similar Vehicle OIS Test Data for 2002 Chevrolet Silverado K2500, shows 98.6% of the 71 vehicles sampled reported the eVIN, they had the expected communication protocol of JVPW, and a PID count of 22.

71. Before the fraudulent test, the 2002 Chevrolet Silverado K2500 received five (5) OIS Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

72. The discrepancies in the OIS test data showed the OIS DAD was not connected to the 2002 Chevrolet Silverado K2500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #11, February 1, 2025-RESPONDENT ARSENIO JACOB ABENOJAR

73. Bureau representative C.C. reviewed the OIS test data for A All Smog El Camino. The review shows that on February 1, 2025, a 2006 Chevrolet Silverado C1500, CA License #92746W2, VIN 2GCEC19V061109606, was tested and Smog Check Certificate of Compliance #UK171622C was issued by Arsenio. The OIS test data for the 2006 Chevrolet Silverado C1500 shows the eVIN was not reported, the communication protocol was JVPW and the PID count was 22.

74. Similar Vehicle OIS Test Data for 2006 Chevrolet Silverado C1500, shows 99.2% of 652 vehicles sampled reported the eVIN and the expected communication protocol and PIDs were reported.

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75. Before and after the fraudulent test, the 2006 Chevrolet Silverado C1500 received six (6) OIS Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

76. The discrepancies in the OIS test data showed the OIS DAD was not connected to the 2006 Chevrolet Silverado C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Respondent A All Smog El Camino)

77. Respondent A All Smog El Camino's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that Respondent's employees made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent's employees certified that the vehicles set forth above in paragraphs 31-76, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent's employees conducted the inspections on those vehicles using the clean plugging method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Respondent A All Smog El Camino)

78. Respondent A All Smog El Camino's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that Respondent A All Smog El Camino's employees committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in paragraphs 31-76, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Motor Vehicle Inspection Program –**

3 **Respondent A All Smog El Camino)**

4 79. Respondent A All Smog El Camino's smog station license is subject to disciplinary
5 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with
6 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
7 above in paragraphs 31-76, Respondent A All Smog El Camino failed to comply with the
8 following sections of the Health and Safety Code:

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

12 (b) **Section 44015**: Respondent A All Smog El Camino's employees issued electronic
13 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested
14 and inspected to determine if they were in compliance with Health and Safety Code section
15 44012.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**

18 **Respondent A All Smog El Camino)**

19 80. Respondent A All Smog El Camino's smog station license is subject to disciplinary
20 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the
21 vehicles set forth above in paragraphs 31-76, Respondent's employees failed to comply with the
22 following provisions of the California Code of Regulations, Title 16, as follows:

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

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

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Respondent A All Smog El Camino)**

3 81. Respondent A All Smog El Camino's smog station license is subject to disciplinary
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
5 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
6 above in paragraphs 31-76, Respondent A All Smog El Camino's employee's committed acts
7 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
8 certificates of compliance for those vehicles without performing bona fide inspections of the
9 emission control devices and systems on the vehicles, thereby depriving the People of the State of
10 California of the protection afforded by the Motor Vehicle Inspection Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program – Respondent Aresenio Jacob**
13 **Abenojar)**

14 82. Respondent Aresenio Jacob Abenojar's smog check inspector license is subject to
15 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding
16 the vehicles set forth above in paragraphs 31-39, 45-56, and 73-76, Respondent Aresenio Jacob
17 Abenojar failed to comply with sections 44012 and 44032 of the Health and Safety Code in a
18 material respect, as follows: Respondent Aresenio Jacob Abenojar failed to perform the emission
19 control tests on those vehicles in accordance with procedures prescribed by the department.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
22 **Respondent Aresenio Jacob Abenojar)**

23 83. Respondent Aresenio Jacob Abenojar's smog check inspector license is subject to
24 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding
25 the vehicles set forth above in paragraphs 31-39, 45-56, and 73-76, Respondent Aresenio Jacob
26 Abenojar failed to comply with provisions of the California Code of Regulations, title 16, as
27 follows:

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1 (a) **Section 3340.30, subdivision (a)**: Respondent Aresenio Jacob Abenojar failed to
2 inspect and test those vehicles in accordance with Health and Safety Code sections 44012 and
3 44032.

4 (b) **Section 3340.41, subdivision (c)**: Respondent Aresenio Jacob Abenojar entered false
5 information into the OIS.

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

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit - Respondent Aresenio Jacob Abenojar)**

10 84. Respondent Aresenio Jacob Abenojar's smog check inspector license is subject to
11 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction
12 with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set
13 forth above in paragraphs 31-39, 45-56, and 73-76, Respondent Aresenio Jacob Abenojar
14 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
15 electronic certificates of compliance for those vehicles without performing bona fide inspections
16 of the emission control devices and systems on the vehicles, thereby depriving the People of the
17 State of California of the protection afforded by the Motor Vehicle Inspection Program.

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program – Respondent Anthony Jacob Noriega)**

20 85. Respondent Anthony Jacob Noriega's smog check inspector license is subject to
21 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding
22 the vehicles set forth above in paragraphs 40-44 and 65-68, Respondent Anthony Jacob Noriega
23 failed to comply with sections 44012 and 44032 of the Health and Safety Code in a material
24 respect, as follows: Respondent Anthony Jacob Noriega failed to perform the emission control
25 tests on those vehicles in accordance with procedures prescribed by the department.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
3 **Respondent Anthony Jacob Noriega)**

4 86. Respondent Anthony Jacob Noriega's smog check inspector license is subject to
5 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding
6 the vehicles set forth above in paragraphs 40-44 and 65-68, Respondent Anthony Jacob Noriega
7 failed to comply with provisions of the California Code of Regulations, title 16, as follows:

8 (a) **Section 3340.30, subdivision (a)**: Respondent Anthony Jacob Noriega failed to
9 inspect and test those vehicles in accordance with Health and Safety Code sections 44012 and
10 44032.

11 (b) **Section 3340.41, subdivision (c)**: Respondent Anthony Jacob Noriega entered false
12 information into the OIS.

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

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud or Deceit - Respondent Anthony Jacob Noriega)**

17 87. Respondent Anthony Jacob Noriega's smog check inspector license is subject to
18 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction
19 with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set
20 forth above in paragraphs 40-44 and 65-68, Respondent Anthony Jacob Noriega committed acts
21 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
22 certificates of compliance for those vehicles without performing bona fide inspections of the
23 emission control devices and systems on the vehicles, thereby depriving the People of the State of
24 California of the protection afforded by the Motor Vehicle Inspection Program.

25 **TWELFTH CAUSE FOR DISCIPLINE**

26 **(Violations of the Motor Vehicle Inspection Program – Respondent Joel Peralez Espinoza)**

27 88. Respondent Joel Peralez Espinoza's smog check inspector license and smog check
28 repair technician license are subject to discipline pursuant to Health and Safety Code section

1 44072.2, subdivision (a), in that regarding the vehicles set forth above in paragraphs 57-64 and
2 69-72, Respondent Joel Perez Espinoza failed to comply with sections 44012 and 44032 of the
3 Health and Safety Code in a material respect, as follows: Respondent Joel Perez Espinoza
4 failed to perform the emission control tests on those vehicles in accordance with procedures
5 prescribed by the department.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
8 **Respondent Joel Perez Espinoza)**

9 89. Respondent Joel Perez Espinoza's smog check inspector license and smog check
10 repair technician license are subject to discipline pursuant to Health and Safety Code section
11 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 57-64 and
12 69-72, Respondent Joel Perez Espinoza failed to comply with provisions of the California Code
13 of Regulations, title 16, as follows:

14 (a) **Section 3340.30, subdivision (a)**: Respondent Joel Perez Espinoza failed to inspect
15 and test those vehicles in accordance with Health and Safety Code sections 44012 and 44032.

16 (b) **Section 3340.41, subdivision (c)**: Respondent Joel Perez Espinoza entered false
17 information into the OIS.

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

20 **FOURTEENTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit - Respondent Joel Perez Espinoza)**

22 90. Respondent Joel Perez Espinoza's smog check inspector license and smog check
23 repair technician license are subject to discipline pursuant to Health and Safety Code section
24 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10
25 subdivision (c), in that regarding the vehicles set forth above in paragraphs 57-64 and 69-72,
26 Respondent Joel Perez Espinoza committed acts involving dishonesty, fraud or deceit whereby
27 another was injured by issuing electronic certificates of compliance for those vehicles without
28 performing bona fide inspections of the emission control devices and systems on the vehicles,

1 thereby depriving the People of the State of California of the protection afforded by the Motor
2 Vehicle Inspection Program.

3 **DISCIPLINARY CONSIDERATIONS**

4 **CITATION HISTORY:**

5 **A All Smog El Camino**

6 91. By way of aggravation, Complainant alleges that Respondent A All Smog El Camino
7 was issued Citation C2016-2372 for issuing a Certificate of Compliance to a Bureau undercover
8 vehicle with a missing Oxidizing Catalyst and Particulate Trap Oxidizer. The Citation was
9 affirmed on May 17, 2018.

10 **Arsenio Jacob Abenojar**

11 92. By way of aggravation, Complainant alleges that Respondent Arsenio Jacob Abenojar
12 was issued Citation M2016-2373 for issuing a Certificate of Compliance to a Bureau undercover
13 vehicle with a missing Oxidizing Catalyst and Particulate Trap Oxidizer. The Citation became
14 effective on May 17, 2018.

15 **OTHER MATTERS**

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

21 94. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
22 License Number TC 284873 issued to Respondent A All Smog El Camino is revoked or
23 suspended following a hearing under this article, any additional license issued under Chapter 5,
24 Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the
25 Director.

26 95. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
27 Number EO 639802 issued to Respondent Aresenio Jacob Abenojar, is revoked or suspended
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1 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
2 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

3 96. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
4 Number EO 643827 issued to Respondent Anthony Jacob Noriega, is revoked or suspended
5 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
6 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

7 97. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
8 Number EO 632083 or Smog Check Repair Technician License Number EI 632083 issued to
9 Respondent Joel Perez Espinoza, is revoked or suspended following a hearing under this article,
10 any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee
11 may be likewise revoked or suspended by the Director.

12 **PRAYER**

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

16 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
17 284873, issued to Samuel Jesse Noriega dba A All Smog El Camino;

18 2. Revoking or suspending Smog Check, Test-Only Station Number TC 284873, issued
19 to Samuel Jesse Noriega dba A All Smog El Camino;

20 3. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
21 Division 26 of the Health and Safety Code in the name of Respondent Samuel Jesse Noriega;

22 4. Revoking or suspending Smog Check Inspector License Number EO 639802, issued
23 to Arsenio Jacob Abenojar;

24 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
25 Division 26 of the Health and Safety Code in the name of Respondent Arsenio Jacob Abenojar;

26 6. Revoking or suspending Smog Check Inspector License Number EO 632083, issued
27 to Joel Perez Espinoza;

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1 7. Revoking or suspending Smog Check Repair Technician License Number EI 632083,
2 issued to Joel Peralez Espinoza;

3 8. 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 Respondent Joel Peralez Espinoza;

5 9. Revoking or suspending Smog Check Inspector License Number EO 643827, issued
6 to Anthony Jacob Noriega;

7 10. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
8 Division 26 of the Health and Safety Code in the name of Respondent Anthony Jacob Noriega;

9 11. Ordering Arsenio Jacob Abenojar, Joel Peralez Espinoza, Samuel Jesse Noriega and
10 Anthony Jacob Noriega to pay the Bureau of Automotive Repair the reasonable costs of the
11 investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3 and if placed on probation, the costs of probation monitoring; and,

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

14
15 DATED: As of Digital Signature Date__

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.09.10 14:38:51
-07'00'

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

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