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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. 79/26-7269

13 **SANTOS SMOG CHECK, LLC., DBA**
14 **SANTOS SMOG CHECK,**
15 **AMSALEM M. ANDREA, MEMBER**
1231 Commercial Avenue
Oxnard, CA 93030

ACCUSATION

16 Automotive Repair Dealer Registration No.
ARD 305574
17 Smog Check Station Test Only Station License
No. TC 305574

18 **and**

19 **STEPHEN LEE TALBOT**
2668 E. 220th Place
20 Long Beach, CA 90810

21 Smog Check Inspector License No. EO 639922

22 Respondents.

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1 **PARTIES**

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

4 ***Automotive Repair Dealer***

5 2. On or about April 19, 2023, the Bureau issued Automotive Repair Dealer Registration
6 Number ARD 305574 to Santos Smog Check, LLC, dba Santos Smog Check, Amsalem M.
7 Andrea, Member (Respondent Santos Smog and Respondent Andrea, collectively Respondent
8 Santos). The Automotive Repair Dealer Registration was in full force and effect at all times
9 relevant to the charges brought herein and will expire on April 30, 2027, unless renewed.

10 ***Smog Check, Test Only, Station License***

11 3. On or about September 6, 2023, the Bureau of Automotive Repair issued Smog
12 Check, Test-Only, Station License Number TC 305574 to Respondent Santos. The Smog Check,
13 Test-Only, Station License was in full force and effect at all times relevant to the charges brought
14 herein and will expire on April 30, 2027, unless renewed.

15 ***STAR Station Certification***

16 4. On or about November 24, 2025, the Bureau certified Santos Smog Check, LLC, dba
17 Santos Smog Check as a STAR station. The certification was issued on November 24, 2025, and
18 was suspended on July 8, 2026.

19 ***Smog Check Inspector***

20 5. On or about January 11, 2017, the Bureau issued Smog Check Inspector License
21 Number EO 639922 to Stephen Lee Talbot (Respondent Talbot). The Smog Check Inspector
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on March 31, 2027, unless renewed.

24 **JURISDICTION**

25 6. This Accusation is brought before the Director of the Department of Consumer
26 Affairs (Director) for the Bureau under the authority of the following laws.

27 7. Business and Professions Code (Bus. & Prof. Code) section 118, subdivision (b),
28 provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the

Director of jurisdiction to proceed with disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

10. Health and Safety Code (Health & Saf. Code) section 44002 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.

11. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director 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

12. Bus. & Prof. Code section 9884.7 states, in pertinent part:

(a) The director, if 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 that constitutes fraud.

....

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

....

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

6

7 (e) For purposes of this section, “fraud” includes, but is not limited to,
8 violations of this chapter involving misrepresentations and all of the following:

9 (1) Any act or omission that is included within the definition of either “actual
10 fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573
11 of the Civil Code.

12 (2) A misrepresentation in any manner, whether intentionally false or due to
13 gross negligence, of a material fact.

14 (3) A promise or representation not made honestly and in good faith.

15 (4) An intentional failure to disclose a material fact.

16 (5) Any act in violation of Section 484 of the Penal Code.

17 13. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes
18 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
19 “program,” and “agency.” “License” includes certificate, registration or other means to engage in
20 a business or profession regulated by the Bus. & Prof. Code.

21 14. Health & Saf. Code section 44012 provides, in pertinent part, that tests at smog check
22 stations shall be performed in accordance with procedures prescribed by the department.

23 15. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of
24 compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
25 44012.

26 16. Health & Saf. Code section 44032 provides that qualified technicians shall perform
27 tests of emissions control devices and systems in accordance with Health & Saf. Code section
28 44012.

17 17. Health & Saf. 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 [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 . . .

18. Health & Saf. Code section 44072.10 states, in pertinent part:

....

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

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

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

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

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

19. Health & Saf. 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.

REGULATORY PROVISIONS

20. California Code of Regulations (CCR), 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.”

21. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42 of this article.”

1 22. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
2 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
3 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
4 this article and has all the required emission control equipment and devices installed and
5 functioning correctly.”

6 23. CCR, title 16, section 3340.41 states, in pertinent part:

7

8 (b) No person shall enter any access or qualification number other than as
9 authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or
OIS.

10 (c) No person shall enter any vehicle identification information or emission
11 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
12 about the vehicle being tested

13 24. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
14 procedures which apply to all vehicles inspected in the State of California.

15 **COST RECOVERY**

16 25. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
17 the administrative law judge to direct a licentiate found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 **CALIFORNIA’S SMOG CHECK PROGRAM**

21 26. California’s Smog Check Program requires most vehicles in the State to undergo a
22 smog check inspection every two years or when the vehicle’s title is transferred.

23 27. A smog check inspection in certain Enhanced areas of the State is an Acceleration
24 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
25 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
26 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).

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1 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
2 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to
3 simulate driving conditions while the emissions are sampled by the EIS.

4 28. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
5 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
6 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
7 well as 2500 revolutions per minute (rpm).

8 29. In the visual portion of a smog check, the technician inspects the emission control
9 components to verify that the required emission control devices are present and properly
10 connected.

11 30. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
12 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
13 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
14 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
15 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
16 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
17 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
18 the outcome of the OBD II functional test, the smog check inspection results also show
19 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

20 31. The inspector enters the results of the visual and functional inspections into the EIS.
21 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
22 the results of the tailpipe, visual and functional tests.

23 32. The EIS is connected by internet connection to Bureau's Vehicle Information
24 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
25 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
26 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
27 inspection, is transmitted to and retained in the VID.

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33. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

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

- Engine speed in revolutions per minute (RPM)
- Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle.
- Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Measured in grams per second (gps).
- Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

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

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

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

37. The Bureau has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog check test on their own, or in some instances, are not even present during the time the test is performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another source such as defeat devices, are used to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance, and or not present for testing. Defeat devices attempt to simulate engine operation during a smog check inspection by transmitting OBD II data to the VID which has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection.

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1 **FACTUAL ALLEGATIONS**

2 38. At all times herein alleged, Respondent Andrea was acting in the course and within
3 the scope of an owner, technician, employee, partner, officer, or member of Santos Smog Check,
4 LLC. dba Santos Smog Check.

5 ***Station Inspections***

6 39. On or about August 23, 2023, September 1, 2023, and August 18, 2025, Bureau
7 representatives conducted station inspections at Santos Smog Check during which they advised
8 Respondent Andrea that all smog check inspections shall be performed by licensed technicians
9 using their own access code; that no false information about the vehicle being tested will be
10 entered in the analyzer; that tests and inspections shall be conducted in accordance with the
11 Bureau's Smog Check Manual, and that compliance with the Automotive Repair Act is
12 mandatory.

13 ***Investigation***

14 40. During the course of regular duties, a Bureau Representative accessed the Vehicle
15 Information Database (VID) and analyzed data from March 2025 through July 2025 that was
16 transmitted from Respondent Santos and produced copies of OIS Test Details, Dynamic Data
17 Charts, and Smog Check Certificate of Compliance Sales.

18 41. A Bureau Representative conducted a detailed review of the VID data for the Smog
19 Check inspections performed at Santos Smog Check which showed a pattern of vehicles being
20 certified with engine operating parameters that did not correspond to normal engine operation,
21 confirming the vehicles receiving smog certifications were not tested during the OBD II
22 functional test, which constitutes clean plugging. The Bureau's review of the smog check
23 activities at Santos Smog Check confirmed seven (7) Smog Check Certificates of Compliance
24 were fraudulently issued to vehicles that were inspected by Respondent Talbot.

25 **Fraudulent Inspection Number 1 – 2000 GMC Sonoma**

26 42. OIS Test Data for Respondent Santos Smog indicated that on March 17, 2025, a 2000
27 GMC Sonoma, CA License #6K36938, VIN# 1GTCS19WXY8172568, was tested and smog
28 certificate #UK767277C was issued by Respondent Santos Smog under licensed Smog Check

Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between timestamp 334 and 19818, the engine RPM is relatively steady at around 700 RPM. During this time, the data shows that the throttle is fixed at 0.0% opening, the MAF is fixed at 4.65 gram/sec, and the MAP is fixed at 33 kPa. After timestamp 19818, the data shows that the engine RPM is increased and then held relatively steady at around 1550 RPM. During this time, the data shows that the throttle drops from a 2.4% opening to 0.8% opening, rises to a 5.5% opening then drops to 5.1% opening, the MAF fluctuates between 2.84 gram/sec and 4.75 gram/sec, and the MAP drops from 42 kPa to 37 kPa and then ultimately rises to 45 kPa. The anomalous throttle position, MAF and MAP readings that were produced during the elevated engine RPMs are not characteristic or expected for normal engine operation. The throttle position, the MAF and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than or close to idle readings, and the MAP readings are expected to decrease, not increase to above idle readings. The discrepancies in the OIS Test Data prove the BAR-OIS DAD was not connected to the 2000 GMC Sonoma being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 2 – 2002 Ford Econoline E350 Super Duty Cutaway Van

43. OIS Test Data for Respondent Santos Smog indicated that on April 28, 2025 a 2002 Ford Econoline E350 Super Duty Cutaway Van, VIN # 1FDWE35L22HB50935 was tested and a Smog Check Certificate of Compliance #UM233546C was issued by Respondent Santos Smog under licensed Smog Check Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between timestamp 340 and 33257, the engine RPM is relatively steady at around 725 RPM. During this time, the data shows that the throttle is fixed at 18.0% opening and the MAF is fixed at 5.01 gram/sec. After timestamp 33257, the data shows the engine RPM is increased and is then held relatively steady at around 1625 RPM. During this time, the data shows that the throttle ultimately drops from 18% opening to 15.3% opening, then rises to 17.3% opening and the MAF fluctuates between 2.88 gram/sec and 4.95 gram/sec. The anomalous throttle position and MAF readings that were produced during the elevated engine RPMs are not characteristic or

1 expected for normal engine operation. The throttle position and MAF readings are expected to be
2 stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with
3 the elevated engine RPM, the throttle position and MAF readings are expected to increase, not
4 decrease to values lower than idle readings. The discrepancies in the OIS Test Data prove the
5 BAR-OIS DAD was not connected to the 2002 Ford Econoline E350 Super Duty Cutaway Van
6 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

7 Fraudulent Inspection No. 3 – 2003 Chevrolet Silverado C1500

8 44. OIS Test Data for Respondent Santos Smog indicated that on April 28, 2025, a 2003
9 Chevrolet Silverado C1500, CA License 8G51669, VIN# 2GCEC19T231125882, was tested and
10 smog certificate #UM233550C was issued by Respondent Santos Smog under licensed Smog
11 Check Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between
12 timestamp 339 and 23459, the engine RPM is relatively steady at around 675 RPM. During this
13 time, the data shows that the throttle is fixed at 8.6% opening, the MAF is fixed at 4.57 gram/sec,
14 and the MAP is fixed at 33 kPa. After timestamp 23459, the data shows the engine RPM is
15 increased and is then held relatively steady at around 1685 RPM. During this time the data shows
16 that the throttle fluctuates between 6.3% opening and 11.8% opening, the MAF is gradually rising
17 from 2.85 gram/sec to 5.04 gram/sec, and the MAP ultimately rises from 39 kPa to 46 kPa and
18 then drops down to 35 kPa. The anomalous throttle position and MAF and MAP readings that
19 were produced during the elevated engine RPMs are not characteristic or expected for normal
20 engine operation. The throttle position, MAF and MAP readings are expected to be stable at idle
21 and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated
22 engine RPM, the throttle position and MAF readings are expected to increase, not decrease to
23 values lower than idle readings and the MAP readings are expected to decrease, not increase to
24 above idle readings. The discrepancies in the OIS Test Data prove the BAR-OIS DAD was not
25 connected to the 2003 Chevrolet Silverado C1500 being certified, causing the issuance of a
26 fraudulent Smog Check Certificate of Compliance.

27 45. On April 15, 2025, another licensed Smog Check station performed a Smog Check
28 Inspection on the same 2003 Chevrolet Silverado C1500, CA License #8G51699. The Dynamic

PID charts and data show that between timestamp 370 and 81769, the engine RPM is relatively steady at around 550 RPM. During this time, the data shows that the throttle is between 8.6% opening and 9.0% opening, the MAF is between 4.66 gram/sec and 4.68 gram/sec, and the MAP is between 33 kPa and 34 kPa. After timestamp 81769, the engine RPM is increased and is ultimately held at no less than 1384 RPM. During this time, the data shows that the throttle increases and is now between 16.5% opening and 17.3% opening, the MAF increases and is now between 10.61 gram/sec and 11.78 gram/sec, and the MAP decreases and is now between 24 kPa and 25 kPa. The steady idle and elevated engine RPMs along with the associated throttle positions, MAF and MAP readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and increase with the elevated engine RPM while the MAP is expected to decrease. These expected results were all present during this inspection.

Fraudulent Inspection No. 4 – 2004 GMC W3500 W35042

46. OIS Test Data for Respondent Santos Smog indicated that on May 30, 2025, a 2004 GMC W3500 W35042, VIN# 4KDB4B1U24J800191 was tested and smog certificate #UO660682C was issued by Respondent Santos Smog under licensed Smog Check Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between timestamp 338 and 26105, the engine RPM is relatively steady at around 725 RPM. During this time, the data shows that the throttle is fixed at 19.2% opening, the MAF is fixed at 3.52 gram/sec, and the MAP is fixed at 101 kPa. After timestamp 26105, the data shows the engine RPM is increased and is then held relatively steady at around 1488 RPM. During this time, the data shows that the throttle rises from a 21.6% opening to a fixed 23.1% opening, then drops to a 19.2% opening, the MAF ultimately rises from 3.16 gram/sec to 4.6 gram/sec, then drops to 2.91 gram/sec, and the MAP fluctuates between 101 kPa and 110 kPa. The anomalous throttle position, MAF and MAP readings that were produced during the elevated engine RPMs are not characteristic or expected for normal engine operation. The throttle position, MAF and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to

1 values lower than idle readings and the MAP readings are expected to decrease, not increase to
2 above idle readings. The discrepancies in the OIS Test Data prove the BAR-OIS DAD was not
3 connected to the 2004 GMC W3500 W35042 being certified, causing the issuance of a fraudulent
4 Smog Check Certificate of Compliance.

5 Fraudulent Inspection No. 5 – 2005 GMC New Sierra C1500

6 47. OIS Test Data for Respondent Santos Smog indicated that on June 17, 2025, a 2005
7 GMC New Sierra C1500, CA License 7T33829, VIN# 1GTEC19T15Z196534, was tested and
8 smog certificate #UQ420758C was issued by Respondent Santos Smog under licensed Smog
9 Check Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between
10 timestamp 333 and 26583, the engine RPM is relatively steady at around 945 RPM. During this
11 time, the data shows that the throttle is fixed at 1.6% opening, the MAF is fixed at 3.9 gram/sec,
12 and the MAP is fixed at 34 kPa. After timestamp 26583, the data shows the engine RPM is
13 increased and is held relatively steady at around 1653 RPM. During this time the data shows that
14 the throttle gradually rises from a 3.1% opening to a 5.1% opening, the MAF gradually rises from
15 a 4.5 gram/sec to 5.06 gram/sec, then drops to 3.44 gram/sec, and the MAP ultimately drops from
16 a 45 kPa to 32 kPa. The anomalous MAF and MAP readings that were produced during the
17 elevated engine RPMs are not characteristic or expected for normal engine operation. The MAF
18 and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and
19 rise unexpectedly. Additionally, with the elevated engine RPM, the MAF readings are expected to
20 increase, not decrease to values lower than idle readings and the MAP readings are expected to
21 decrease, not increase to above idle readings. The discrepancies in the OIS Test Data prove the
22 BAR-OIS DAD was not connected to the 2005 GMC New Sierra C1500 being certified, causing
23 the issuance of a fraudulent Smog Check Certificate of Compliance.

24 Fraudulent Inspection No. 6 – 2016 Honda Accord EXL

25 48. OIS Test Data for Respondent Santos Smog indicated that on June 18, 2025, a 2016
26 Honda Accord EXL, VIN #1HGCR2F8XGA013937 was tested and smog certificate
27 #UQ420761C was issued by Respondent Santos Smog under licensed Smog Check Inspector EO
28 639922, Respondent Talbot. The Dynamic Data PID shows between timestamp 337 and 33410,

1 the engine RPM is relatively steady at around 775 RPM. During this time, the data shows that the
2 throttle is fluctuating between 5.9% opening and 7.5% opening, the MAF is varying between 3.16
3 gram/sec and 3.2 gram/sec, and the MAP fluctuates between 14 kPa and 15 kPa and then stays
4 fixed at 15 kPa. After timestamp 33410 the data shows the engine RPM is increased and is then
5 held relatively steady at around 1810 RPM. During this time, the data shows that the throttle is
6 fluctuating between 5.9% opening and 7.1% opening, the MAF varies between 3.16 gram/sec and
7 3.2 gram/sec, and the MAP is fluctuating between 14 kPa and 16 kPa. The idle and elevated
8 engine RPMs along with the improbable throttle positions, MAF and MAP readings are not
9 characteristic or expected for normal engine operation. The throttle position, MAF and MAP
10 readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise
11 unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF
12 readings are expected to increase, not decrease to values lower than idle readings and the MAP
13 readings are expected to decrease, not increase to above idle readings. The discrepancies in the
14 OIS Test Data prove the BAR-OIS DAD was not connected to the 2016 Honda Accord EXL
15 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

16 Fraudulent Inspection No. 7 – 2003 Chevrolet Silverado C1500

17 49. OIS Test Data for Respondent Santos Smog indicated that on July 17, 2025, a 2003
18 Chevrolet Silverado C1500, CA License 7F42606, VIN# 2GCEC19X831382628, was tested and
19 smog certificate #US077869C was issued by Respondent Santos Smog under licensed Smog
20 Check Inspector EO 639922, Respondent Talbot. The Dynamic Data PID shows between
21 timestamp 328 and 39385, the engine RPM is relatively steady at around 860 RPM. During this
22 time, the data shows that the throttle is fixed at 0% opening, the MAF is fixed at 3.03 gram/sec,
23 and the MAP is fixed at 35 kPa. After timestamp 39385, the data shows the engine RPM is
24 increased and is ultimately held relatively steady at around 1759 RPM. During this time, the data
25 shows that the throttle drops from a fixed 4.3% opening down to 0.4% opening, then rising to
26 3.9% opening, the MAF fluctuates between 2.91 gram/sec and 4.6 gram/sec, and the MAP
27 fluctuates between 33 kPa and 46 kPa. The anomalous throttle position, MAF and MAP readings
28 that were produced during the elevated engine RPMs are not characteristic or expected for normal

1 engine operation. The throttle position, MAF and MAP readings are expected to be stable at idle
2 and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated
3 engine RPM, the throttle position and MAF readings are expected to increase, not decrease to
4 values lower than idle readings and the MAP readings are expected to decrease, not increase to
5 above idle readings. The discrepancies in the OIS Test Data prove the BAR-OIS DAD was not
6 connected to the 2003 Chevrolet Silverado C1500 being certified, causing the issuance of a
7 fraudulent Smog Check Certificate of Compliance.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 50. Respondent Santos Smog's Automotive Repair Dealer Registration is subject to
11 disciplinary action under Code section 9884.7, subdivision (a)(1) and California Code of
12 Regulations, title 16, section 3373, in that between March 2025 through July 2025, Respondent
13 Santos Smog made or authorized statements which he knew or in the exercise of reasonable care
14 should have known to be untrue or misleading, as follows: Respondent Santos Smog certified that
15 vehicles 1 through 7, set forth above, had passed inspection and were in compliance with
16 applicable laws and regulations. Respondent Santos Smog conducted inspections on the vehicles
17 using the clean plugging method by substituting or using different vehicles or another source
18 during the OBD II functional tests to issue smog check certificates of compliance for the seven
19 (7) vehicles and did not test or inspect the seven (7) vehicles as required by Health and Safety
20 Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set
21 forth above in paragraphs 42 through 49, as though fully set forth.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 51. Respondent Santos Smog's Automotive Repair Dealer Registration is subject to
25 disciplinary action under Code section 9884.7, subdivision (a)(4), in that between March 2025
26 through July 2025, Respondent Santos Smog committed acts that constitute fraud by issuing
27 electronic smog check certificates of compliance for vehicles 1 through 7, set forth above,
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the
2 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
3 allegations set forth above in paragraphs 42 through 49, as though fully set forth.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Material Violation of the Automotive Repair Act)**

6 52. Respondent Santos Smog's Automotive Repair Dealer Registration is subject to
7 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between March 2025
8 through July 2025, regarding vehicles 1 through 7, set forth above, Respondent Santos Smog
9 failed in a material respect to comply with the provisions of this chapter or regulations adopted
10 pursuant to it by issuing electronic smog check certificates of compliance for the seven (7)
11 vehicles without performing bona fide inspections of the emissions control devices and systems
12 on those vehicles, thereby depriving the People of the State of California of the protection
13 afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
14 incorporates, the allegations set forth above in paragraphs 42 through 49, as though fully set forth.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of the Motor Vehicle Inspection Program)**

17 53. Respondent Santos Smog's Smog Check, Test-Only Station License is subject to
18 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
19 March 2025 through July 2025, regarding vehicles 1 through 7, set forth above, Respondent
20 Santos Smog failed to comply with the following sections of that Code:

21 a. **Section 44012:** Respondent Santos Smog failed to ensure that the emission control tests
22 were performed on vehicles 1 through 7, in accordance with procedures prescribed by the
23 department.

24 b. **Section 44015, subdivision (b):** Respondent Santos Smog issued electronic smog check
25 certificates of compliance for vehicles 1 through 7, without ensuring that the vehicles were
26 properly tested and inspected to determine if they were in compliance with Health and Safety
27 Code section 44012.

28 ///

1 c. **Section 44059:** Respondent Santos Smog willfully made false entries for the electronic
2 smog check certificates of compliance by certifying that those vehicles had been inspected as
3 required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 42 through 49, as though fully set forth.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

8 54. Respondent Santos Smog's Smog Check, Test-Only Station License is subject to
9 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
10 March 2025 through July 2025, regarding vehicles 1 through 7, set forth above, Respondent
11 Santos Smog failed to comply with provisions of California Code of Regulations, title 16, as
12 follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Santos Smog falsely or fraudulently
14 issued electronic smog check certificates of compliance for those vehicles without performing
15 bona fide inspections of the emission control devices and systems on the vehicles as required by
16 Health and Safety Code section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Santos Smog issued electronic smog
18 check certificates of compliance even though those vehicles had not been inspected in accordance
19 with section 3340.42 of that Code.

20 c. **Section 3340.41, subdivision (c):** Respondent Santos Smog falsely or fraudulently
21 entered vehicle identification information or emission control system identification data for
22 vehicles other than the one being tested into the EIS or OIS.

23 d. **Section 3340.42:** Respondent Santos Smog failed to conduct the required smog check
24 tests and inspections on those vehicles in accordance with the Bureau's specifications.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in
26 paragraphs 42 through 49, as though fully set forth.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 55. Respondent Santos Smog's Smog Check, Test-Only Station License is subject to
4 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
5 with 44072.10, subdivision (c), in that between March 2025 through July 2025, regarding
6 vehicles 1 through 7, set forth above, Respondent Santos Smog committed acts involving
7 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog check
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. Complainant
11 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 42
12 through 49, as though fully set forth.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program – Respondent Talbot)**

15 56. Respondent Talbot's Smog Check Inspector License is subject to disciplinary action
16 under Health and Safety Code section 44072.2, subdivision (a), in that between March 2025
17 through July 2025, regarding vehicles 1 through 7, set forth above, Respondent Talbot violated
18 the following Health and Safety Code sections:

19 a. **Section 44012, subdivision (a):** Respondent Talbot failed to determine that all
20 emission control devices and systems required by law were installed and function correctly on the
21 vehicles identified above in accordance with test procedures prescribed by the Bureau.

22 b. **Section 44012, subdivision (f):** Respondent Talbot failed to perform emission
23 control tests on the vehicles identified above in accordance with procedures prescribed by the
24 Bureau.

25 c. **Section 44032:** Respondent Talbot failed to perform tests of the emission control
26 devices and systems on the vehicles identified above in accordance with section 44012 of the
27 Health and Safety Code, in that the vehicles had been clean plugged.

28 ///

d. **Section 44059:** Respondent Talbot willfully made false entries for the electronic smog check certificates of compliance by certifying that the vehicles identified above had been inspected as required when, in fact, they had not.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 42 through 49, as though fully set forth.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –

Respondent Talbot)

57. Respondent Talbot's Smog Check Inspector License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 2025 through July 2025, regarding vehicles 1 through 7, set forth above, Respondent Talbot failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c)**: Respondent Talbot falsely or fraudulently issued electronic smog check certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

b. **Section 3340.30 subdivision (a)**: Respondent Talbot failed to inspect and test those vehicles in accordance with Health and Safety Code sections 44012.

c. **Section 3340.41, subdivision (c):** Respondent Talbot knowingly entered false information into the OIS for the seven (7) vehicles identified above.

d. **Section 3340.42**: Respondent Talbot failed to conduct the required smog check tests and inspections on those vehicles in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 42 through 49, as though fully set forth.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

58. Respondent Talbot's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and

1 Safety Code section 44072.10, subdivision (c), in that between March 2025 through July 2025,
2 regarding vehicles 1 through 7, set forth above, Respondent Talbot committed acts involving
3 dishonesty, fraud, or deceit when he issued electronic smog check certificates of compliance for
4 the vehicles without performing bona fide inspections of the emission control devices and
5 systems on those vehicles, thereby depriving the People of the State of California of the
6 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
7 reference incorporates, the allegations set forth above in paragraphs 42 through 49, as though
8 fully set forth.

9 **OTHER MATTERS**

10 59. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke, or
11 place on probation the registrations for all places of business operated in this state by Amsalem
12 M. Andrea, upon a finding that said Respondent Santos Smog Check, LLC. dba Santos Smog
13 Check has, or is, engaged in a course of repeated and willful violations of the laws and
14 regulations pertaining to an automotive repair dealer.

15 60. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only
16 Station License No. TC 305574, issued to Santos Smog Check, LLC. dba Santos Smog Check,
17 Amsalem M. Andrea, is revoked or suspended, any additional license issued under Chapter 5 of
18 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise
19 revoked or suspended by the director.

20 61. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
21 License No. EO 639922, issued to Stephen Lee Talbot is revoked or suspended, any additional
22 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of
23 said licensee may be likewise revoked or suspended by the director.

24 **PRAYER**

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

28 ///

- 1 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
- 2 305574, issued to Santos Smog Check, LLC, dba Santos Smog Check, Amsalem M. Andrea,
- 3 Member;
- 4 2. Revoking or suspending Smog Check, Test-Only, Station License Number TC
- 5 305574, issued to Santos Smog Check, LLC, dba Santos Smog Check, Amsalem M. Andrea,
- 6 Member;
- 7 3. Revoking or suspending any other automotive repair dealer registration issued to
- 8 Santos Smog Check, LLC.;
- 9 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 10 Division 26 or the Health and Safety Code in the name of Santos Smog Check, LLC.;
- 11 5. Revoking or suspending Smog Check Inspector License Number EO 639922, issued
- 12 to Stephen Lee Talbot;
- 13 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 14 Division 26 of the Health and Safety Code in the name of Stephen Lee Talbot;
- 15 7. Ordering Santos Smog Check and Stephen Lee Talbot to pay the Bureau of
- 16 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
- 17 pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of
- 18 probation monitoring; and,
- 19 8. Taking such other and further action as deemed necessary and proper.

20
21 DATED: As of digital signature date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.09.23 22:12:18
-07'00'

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

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