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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. 79/26-16394

13 **OSCAR JAVIER MONTION, DBA**
14 **J&G SMOG CHECK**

ACCUSATION

8561 Long Beach Blvd Unit B
15 South Gate, CA 90280

16 Automotive Repair Dealer Registration No.
ARD 295018
17 Smog Check, Test-Only, Station License No.
TC 295018,

18 **STEPHEN LEE TALBOT**

2668 E 220th Place
19 Long Beach, CA 90810

20 Smog Check Inspector License No. EO
639922,

21 **and**

22 **ANDY DAVID CERRITENO TORRES**

8131 S Gate Ave
23 South Gate, CA 90280

24 Smog Check Inspector License No. EO 643921

25 Respondents.
26
27
28

1 **PARTIES**

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

4 **Oscar Javier Montion dba J&G Smog Check**

5 2. On or about July 29, 2019, the Bureau issued Automotive Repair Dealer Registration
6 Number ARD 295018 to Oscar Javier Montion (“Respondent Montion”), doing business as J&G
7 Smog Check. The Automotive Repair Dealer Registration was due to expire on July 31, 2026.
8 However, it was canceled on May 8, 2026.

9 3. On or about October 29, 2019, the Bureau issued Smog Check, Test-Only, Station
10 License Number TC 295018 to Respondent Montion, doing business as J&G Smog Check. The
11 Smog Check, Test-Only, Station License was due to expire on July 31, 2026. However, it was
12 canceled on May 8, 2026.

13 **Andy David Cerriteno Torres**

14 4. On or about September 21, 2022, the Bureau issued Smog Check Inspector License
15 Number EO 643921 to Andy David Cerriteno Torres (“Respondent Torres”). The Smog Check
16 Inspector License was in full force and effect at all times relevant to the charges brought herein
17 and will expire on May 31, 2028, unless renewed.

18 **Stephen Lee Talbot**

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

23 **JURISDICTION**

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

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

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

3 8. Business and Professions Code section 477 provides, in pertinent part, that “Board”
4 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
5 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
6 to engage in a business or profession regulated by the Business and Professions Code.

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

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

13 11. Health and Safety Code section 44002 provides, in pertinent part, that the Director
14 has all the powers and authority granted under the Automotive Repair Act for enforcing the
15 Motor Vehicle Inspection Program.

16 12. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration
17 or suspension of a license by operation of law, or by order or decision of the Director of
18 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the
19 Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings
20 against the licensee, or to render a decision suspending or revoking the license.

21 **STATUTORY PROVISIONS**

22 13. Business and Professions Code section 9884.7 states, in pertinent part:

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

...

(b) Except as provided in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate the automotive repair dealer's other places of business.

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

...

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

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

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

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

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

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

14. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems

1 that the department and the state board determine exhibit operational problems. The
2 department shall ensure, as appropriate to the test method, the following:

3 (a) Emission control systems required by state and federal law are reducing
4 excess emissions in accordance with the standards adopted pursuant to subdivisions
5 (a) and (c) of Section 44013.

6 (b) Motor vehicles are preconditioned to ensure representative and stabilized
7 operation of the vehicle's emission control system.

8 (c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
9 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle
10 mode or loaded mode are tested in accordance with procedures prescribed by the
11 department. In determining how loaded mode and evaporative emissions testing shall
12 be conducted, the department shall ensure that the emission reduction targets for the
13 enhanced program are met.

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

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

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

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

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

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

15. Health and Safety Code section 44014, subdivision (a), provides:

Except as otherwise provided in this chapter, the testing and repair portion of the program shall be conducted by smog check stations licensed by the department, and by smog check technicians who have qualified pursuant to this chapter.

16. Health and Safety Code section 44015, subdivision (b), provides:

If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

17. Health and Safety Code section 44032 provides:

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

18. Health and Safety Code section 44035 provides:

(a) A smog check station's license or a qualified smog check technician's qualification may be suspended or revoked by the department, after a hearing, for failure to meet or maintain the standards prescribed for qualification, equipment, performance, or conduct. The department shall adopt rules and regulations governing the suspension, revocation, and reinstatement of licenses and qualifications and the conduct of the hearings.

(b) The department or its representatives, including quality assurance inspectors, shall be provided access to licensed stations for the purpose of examining property, station equipment, repair orders, emissions equipment maintenance records, and any emission inspection items, as defined by the department.

19. Health and Safety Code section 44059 provides:

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

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

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.

...

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

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

4 . . .

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

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

8 . . .

9 (c) The department shall revoke the license of any smog check technician or
10 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
11 the following:

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

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

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

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

19 22. Health and Safety Code section 44072.8 states that “[w]hen a license has been
20 revoked or suspended following a hearing under this article, any additional license issued under
21 this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

22 **REGULATORY PROVISIONS**

23 23. California Code of Regulations, title 16, section 3340.15, states:

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

26 . . .

27 (e) The station shall make, keep secure, and have available for inspection on
request of the Bureau, or its representative, legible records showing the station's
28 transactions as a licensee for a period of not less than three years after completion of
any transaction to which the records refer. All records shall be open for reasonable

1 inspection and/or reproduction by the Bureau or its representative. Station records
2 required to be maintained shall include copies of:

3 (1) All certificates of compliance and certificates of noncompliance in
4 stock and/or issued,

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

6 (3) Vehicle inspection reports generated either manually or by the
7 emissions inspection system.

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

12 ...

13 (h) A licensed smog check station shall not sublet inspections or repairs
14 required as part of the Smog Check Program, except for the following:

15 (1) Repairs of a vehicle's exhaust system which are normally performed
16 by muffler shops, provided that the malfunction has been previously diagnosed by
17 the specific smog check station originally authorized by the customer to perform
18 repairs to the vehicle.

19 (2) Repairs of those individual components that have been previously
20 diagnosed as being defective and that have been removed by the specific smog check
21 station originally authorized by the customer to perform repairs to the vehicle.

22 (3) Repairs of diesel-powered vehicles provided the specific smog check
23 station has obtained authorization from the customer to sublet repairs to the vehicle.

24 (4) Repairs to a vehicle's transmission provided the specific smog check
25 station has obtained authorization from the customer to sublet repairs to the vehicle.

26 (5) Corrections to the vehicle's on-board computer systems' software
27 provided that the malfunction has been previously diagnosed by the specific smog
28 check station originally authorized by the customer to perform repairs to the vehicle.

...

24 24. California Code of Regulations, title 16, section 3340.24, subdivision (c), states that
25 the Bureau "may suspend or revoke the license of or pursue other legal action against a licensee,
26 if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate
27 of noncompliance."

28 ///

1 25. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

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

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

7 ...

8 26. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a
9 licensed smog check station "shall issue a certificate of compliance or noncompliance to the
10 owner or operator of any vehicle that has been inspected in accordance with the procedures
11 specified in section 3340.42 of this article and has all the required emission control equipment
and devices installed and functioning correctly."

12 27. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

13 ...

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

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

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

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

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

24 (1) A loaded-mode test shall be the test method used to inspect 1976-1999
25 model-year vehicle, except diesel-powered, registered in the enhanced program areas
26 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,
27 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's
28 specifications referenced in subsection (a) of Section 3340.17 of this article. The
loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,
including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby incorporated by reference. If the emissions standards for a specific vehicle are not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

(2) A two-speed idle mode test shall be the test method used to inspect 1976-1999 model-year vehicles, except diesel-powered, registered in all program areas of the state, except in those areas of the state where the enhanced program has been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are less than or equal to the applicable emissions standards specified in Table III.

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

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

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

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

(c) The bureau may require any combination of the inspection methods in sections (a) and (b) under any of the following circumstances:

(1) Vehicles that the department randomly selects pursuant to Health and Safety Code section 44014.7 as a means of identifying potential operational problems with vehicle OBD systems.

(2) Vehicles identified by the bureau as being operationally or physically incompatible with inspection equipment.

(3) Vehicles with OBD systems that have demonstrated operational problems.

1 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter
standards are as follows:

2 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon
3 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions
standards included in the tables described in subsection (a), as applicable.

4 (2) Vehicles with emission levels exceeding the emission standards for
5 gross polluters during an initial inspection will be considered gross polluters and the
6 provisions pertaining to gross polluting vehicles will apply, including, but not
limited to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

7 (3) A gross polluting vehicle shall not be passed or issued a certificate of
8 compliance until the vehicle's emissions are reduced to or below the applicable
9 emissions standards for the vehicle included in the tables described in subsection (a),
as applicable. However, the provisions described in section 44017 of the Health and
10 Safety Code may apply.

11 (4) This subsection applies in all program areas statewide to vehicles
12 requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety
Code.

13 29. California Code of Regulations, title 16, section 3340.45, states:

14 All Smog Check inspections shall be performed in accordance with
15 requirements and procedures prescribed in the Smog Check Manual, dated April
2025, which is hereby incorporated by reference.

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

17 No automotive repair dealer or individual in charge shall, in filling out an
18 estimate, invoice, or work order, or record required to be maintained by section
19 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or
information which will cause any such document to be false or misleading, or where
20 the tendency or effect thereby would be to mislead or deceive customers, prospective
customers, or the public.

21 **COST RECOVERY**

22 31. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
23 may request the administrative law judge to direct a licensee found to have committed a
24 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
25 investigation and enforcement of the case.

26 **CALIFORNIA'S SMOG CHECK PROGRAM**

27 32. California's Smog Check Program requires most vehicles in the State to undergo a
28 smog check inspection every two years when renewing their registration and when the vehicle's

1 title is transferred. The Smog Check Program is designed and intended to reduce air pollution by
2 identifying and requiring the repair of polluting motor vehicles.

3 33. A smog check inspection in certain Enhanced areas of the State is an Acceleration
4 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
5 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
6 Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO₂) and Oxygen (O₂). The
7 first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.
8 The vehicle's drive wheels are placed on rollers and the vehicle is driven to simulate driving
9 conditions while the emissions are sampled by the EIS.

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

14 35. In the visual portion of a smog check, the technician inspects the emission control
15 components to verify that the required emission control devices are present and properly
16 connected.

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

26 37. The inspector enters the results of the visual and functional inspections into the EIS.
27 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
28 the results of the tailpipe, visual, and functional tests.

1 38. The EIS is connected by internet connection to Bureau's Vehicle Information
2 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
3 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

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

16 40. During an OIS inspection, engine operating parameters (PIDs) are retrieved from the
17 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
18 portion of the OIS Smog Check inspection by plugging the Data Acquisition Device into the
19 vehicle's diagnostic link connector when prompted by the OIS analyzer screen prompt. Some of
20 the parameters recorded are:

- 21 • Engine speed in revolutions per minute (RPM)
- 22 • Throttle position as measured by a throttle position sensor (TPS) mounted onto the
23 throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full
24 throttle.
- 25 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
26 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
27 normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa
28 at full throttle, same as atmospheric pressure at sea level.

1 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
2 air intake tract. Measured in grams per second (gps).

3 • Ignition timing is when the spark plug is ignited in relation to the position of the
4 engine's moving pistons. It is measured in degrees before top dead center (BTDC). The ignition
5 timing will constantly change based on engine operating conditions such as RPM, engine load,
6 and throttle position.

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

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

22 43. The Bureau has become aware of methods that some Smog Check stations and Smog
23 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
24 check test on their own, or in some instances, are not even present during the time the test is
25 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another
26 source such as defeat devices, are used to generate passing data readings or diagnostic
27 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
28 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine

1 operation during a smog check inspection by transmitting OBD II data to the VID which has been
2 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
3 of the OIS inspection.

4 **PRIOR BUREAU EDUCATION EFFORTS**

5 44. On May 5, 2020, July 20, 2021, August 17, 2021, January 20, 2022, July 14, 2023,
6 and September 2, 2025, various Bureau Automotive Program Representatives visited J&G Smog
7 Check and met with Respondent Montion for a station inspection. Among the topics that the
8 Program Representatives discussed with Respondent Montion are as follows: Respondent
9 Montion shall follow the Smog Check Manual/ Reference Guide; Respondent Montion shall
10 follow all Laws and Regulations; Respondent Montion is liable for all smog check inspection
11 performed at the station; Respondent Montion has the responsibility to maintain the security and
12 integrity of all equipment used for performing smog check inspections; any fraudulent Smog
13 Inspection, such as clean pipe, clean plug, or clean gas, will result in administrative and/or
14 criminal prosecution; all smog check inspections will be performed by licensed technicians using
15 their own access code; no false information about the vehicle being tested will be entered in the
16 analyzer; tests and inspections shall be conducted in accordance with the Bureau's Smog Check
17 Manual; and compliance with the Automotive Repair Act is mandatory

18 45. On September 9, 2024, a Bureau Automotive Program Representative visited J&G
19 Smog Check and met with Respondent Montion and Respondent Talbot for a station inspection.
20 Among the topics that the Program Representative discussed with Respondent Montion and
21 Respondent Talbot are as follows: smog check inspections shall be performed according to
22 California Code of Regulations, title 16, section 3340.16, and the Smog Check Manual; and
23 compliance with the Automotive Repair Act is mandatory.

24 46. On January 10, 2025, a Bureau Automotive Program Representative visited J&G
25 Smog Check and met with Respondent Talbot for a station inspection. Among the topics that the
26 Program Representative discussed with Respondent Montion are as follows: all smog check
27 inspections shall be performed by licensed technicians using their own access code; no false
28 information about the vehicle being tested will be entered in the analyzer; tests and inspections

1 shall be conducted in accordance with the Bureau's Smog Check Manual; and compliance with
2 the Automotive Repair Act is mandatory.

3 47. On March 20, 2026, a Bureau Automotive Program Representative visited J&G Smog
4 Check and met with Respondent Montion and Respondent Torres for a station inspection. Among
5 the topics that the Program Representative discussed with Respondent Montion and Respondent
6 Torres are as follows: smog check inspections shall be performed according to California Code of
7 Regulations, title 16, section 3340.16, and the Smog Check Manual; and compliance with the
8 Automotive Repair Act is mandatory.

9 48. On March 24, 2026, a Bureau Automotive Program Representative visited J&G Smog
10 Check and met with Respondent Torres for a station inspection. Among the topics that the
11 Program Representative discussed with Respondent Torres are as follows: all smog check
12 inspections shall be performed by licensed technicians using their own access code; no false
13 information about the vehicle being tested will be entered in the analyzer; tests and inspections
14 shall be conducted in accordance with the Bureau's Smog Check Manual; and compliance with
15 the Automotive Repair Act is mandatory.

16 **AUGUST 17, 2026 VID DATA REVIEW**

17 49. On or about August 17, 2026, Bureau Representative D.M. conducted a detailed
18 review of the VID data for smog check inspections performed at J&G Smog Check, which
19 showed a pattern of vehicles being certified with engine operating parameters that did not
20 correspond to normal engine operation. The Bureau's review of the smog check activities at J&G
21 Smog Check confirmed ten (10) smog check Certificates of Compliance were fraudulently issued
22 to vehicles after inspections performed at J&G Smog Check.

23 **Clean Plug Number 1 – 2005 Toyota Camry LE (Respondent Talbot)**

24 50. OIS Test data for J&G Smog Check indicated that on October 24, 2024, a 2005
25 Toyota Camry LE, CA license 5KHW732, VIN 4T1BE32K85U409384, was tested and Smog
26 Certificate of Compliance # UE735095C was issued by J&G Smog Check under Respondent
27 Talbot's Smog Check Inspector License No. EO 639922.

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1 51. The Dynamic Data Charts for the 2005 Toyota Camry LE show that between time
2 stamp 859 and 77364, the engine RPM is held steady around 800 RPM at idle. During this time,
3 the data shows that the throttle is fixed at 16.9% opening, and the MAF is fixed at 3.86 gps. After
4 time stamp 77364, the engine RPM ultimately increases and held steady around 1700 RPM. From
5 the time the engine RPM rises to the higher RPMs, the data shows that the throttle rises from
6 12.5% to 14.1 % opening, and the MAF drops from 3.89 gps to 2.88 gps.

7 52. The steady idle and steady elevated engine RPMs along with the improbable throttle
8 positions and MAF readings are not characteristic or expected for normal engine operation. The
9 throttle and MAF readings are expected to be stable at idle and increase with the elevated engine
10 RPM. The throttle readings should not decrease below idle values at the elevated engine RPM.
11 The MAF readings should not remain near idle values and then decrease below idle values at the
12 elevated engine RPM. These readings are not characteristic or expected for normal engine
13 operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)
14 was not connected as required to the 2005 Toyota Camry LE being certified, causing the issuance
15 of a fraudulent Smog Certificate of Compliance.

16 **Clean Plug Number 2 – 2003 Toyota Camry LE (Respondent Talbot)**

17 53. OIS Test data for J&G Smog Check indicated that on October 31, 2024, a 2003
18 Toyota Camry LE, CA license 8TCE480, VIN JTDBF32KX30105544, was tested and Smog
19 Certificate of Compliance # JB539907C was issued by J&G Smog Check under Respondent
20 Talbot's Smog Check Inspector License No. EO 639922.

21 54. The Dynamic Data Charts for the 2003 Toyota Camry LE show that between time
22 stamp 12137 and 32799, the engine RPM is held steady around 800 RPM at idle. During this
23 time, the data shows that the throttle is fixed at 16.5% opening, and the MAF is fixed at 3.87 gps.
24 After time stamp 32799, the engine RPM is increased and then held steady around 1550 RPM.
25 From the time the engine RPM rises to the higher RPMs, the data shows that the throttle drops
26 from 14.5 % to 12.9% opening, and the MAF rises from 3.07 gps to 3.15 gps.

27 55. The steady idle and elevated engine RPMs along with the improbable throttle
28 positions and MAF readings are not characteristic or expected for normal engine operation. The

1 throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The
2 throttle and MAF readings should not decrease to below idle values at the elevated engine RPM.
3 These readings are not characteristic or expected for normal engine operation. The discrepancies
4 in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as
5 required to the 2003 Toyota Camry LE being certified, causing the issuance of a fraudulent Smog
6 Certificate of Compliance.

7 **Clean Plug Number 3 – 2001 Ford F250 Super Duty (Respondent Talbot)**

8 56. OIS Test data for J&G Smog Check indicated that on October 31, 2024, a 2001 Ford
9 F250 Super Duty, CA license 6M97352, VIN 1FTNF20L61EB29794, was tested and Smog
10 Certificate of Compliance # JB539908C was issued by J&G Smog Check under Respondent
11 Talbot's Smog Check Inspector License No. EO 639922.

12 57. The Dynamic Data Charts for the 2001 Ford F250 Super Duty Limited show that
13 between time stamp 350 and 19575, the engine RPM is held steady around 650 RPM at idle.
14 During this time, the data shows that the throttle is fixed at 18.0% opening, and the MAF is fixed
15 at 4.92 gps. After time stamp 19575, the engine RPM is increased and then held steady around
16 1600 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the
17 throttle is fluctuating between 17.3% and 14.1% opening, and the MAF is fluctuating between
18 2.88 gps and 4.91 gps.

19 58. The steady idle and steady elevated engine RPMs along with the improbable throttle
20 positions and MAF readings are not characteristic or expected for normal engine operation. The
21 throttle and MAF readings are expected to be stable at idle and increase with the elevated engine
22 RPM. The throttle and MAF readings should not decrease below idle values while fluctuating at
23 the elevated engine RPM. These readings are not characteristic or expected for normal engine
24 operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD)
25 was not connected as required to the 2001 Ford F250 Super Duty being certified, causing the
26 issuance of a fraudulent Smog Certificate of Compliance.

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Clean Plug Number 4 – 2005 Toyota Camry LE (Respondent Talbot)

59. OIS Test data for J&G Smog Check indicated that on November 05, 2024, a 2005 Toyota Camry LE, CA license 5RFF500, VIN 4T1BE32K45U100639, was tested and Smog Certificate of Compliance # JB539935C was issued by J&G Smog Check under Respondent Talbot's Smog Check Inspector License No. EO 639922.

60. The Dynamic Data Charts for the 2005 Toyota Camry LE show that between time stamp 865 and 24863, the engine RPM is held steady around 900 RPM at idle. During this time, the data shows that the throttle is fixed at 18.0% opening, and the MAF is fixed at 4.96 gps. After time stamp 24863, the engine RPM is increased and then held steady around 1800 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle drops from 17.3% to 14.5% opening, and the MAF rises from 4.29 gps to 4.97 gps.

61. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The throttle readings should not drop below idle values at the elevated engine RPM. The MAF readings should not drop below, or stay near, idle values at the elevated engine RPM. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2005 Toyota Camry LE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 5 – 2000 Honda Civic EX (Respondent Talbot)

62. OIS Test data for J&G Smog Check indicated that on November 05, 2024, a 2000 Honda Civic EX, CA license N (none), VIN JHMEJ8642YS000799, was tested and Smog Certificate of Compliance # JB539936C was issued by J&G Smog Check under Respondent Talbot's Smog Check Inspector License No. EO 639922.

63. The Dynamic Data Charts for the 2000 Honda Civic EX show that between time stamp 847 and 22259, the engine RPM is held steady around 1050 RPM at idle. During this time, the data shows that the throttle is fixed at 9.4% opening, and the MAP is fixed at 29 kPa. After time stamp 22259, the engine RPM fluctuates, ultimately increasing and held steady around 1850

1 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle
2 drops from 9.4% to 7.8% opening, and the MAP rises from 20 kPa to 27 kPa.

3 64. The steady idle and elevated engine RPMs along with the improbable throttle
4 positions and MAP readings are not characteristic or expected for normal engine operation. The
5 throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The
6 throttle readings should not drop below idle values at the elevated engine RPM. The MAP
7 readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP
8 readings should not rise near idle values at the elevated engine RPM. These readings are not
9 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
10 prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2000 Honda
11 Civic EX being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

12 **Clean Plug Number 6 – 2003 Ford F150 (Respondent Talbot)**

13 65. OIS Test data for J&G Smog Check indicated that on January 14, 2025, a 2003 Ford
14 F150, CA license 7B66548, VIN 2FTRX17273CA08478, was tested and Smog Certificate of
15 Compliance # UG634823C was issued by J&G Smog Check under Respondent Talbot's Smog
16 Check Inspector License No. EO 639922.

17 66. The Dynamic Data Charts for the 2003 Ford F150 show that between time stamp 336
18 and 19580, the engine RPM is held steady around 950 RPM at idle. During this time, the data
19 shows that the throttle is fixed at 18.0% opening, and the MAF is fixed at 4.85 gps. After time
20 stamp 19580, the engine RPM is increased and then held steady around 1810 RPM. From the
21 time the engine RPM rises to the higher RPMs, the data shows that the throttle varies rising from
22 13.3% to 16.1%, then drops to 15.3% opening, and the MAF fluctuates between 2.81 gps and
23 5.09 gps.

24 67. The steady idle and steady elevated engine RPMs along with the improbable throttle
25 positions and MAF readings are not characteristic or expected for normal engine operation. The
26 throttle and MAF readings are expected to be stable at idle and increase with the elevated engine
27 RPM. The throttle readings should not vary and drop below idle values at the elevated engine
28 RPM. The MAF readings should not fluctuate and drop below idle values at the elevated engine

1 RPM. These readings are not characteristic or expected for normal engine operation. The
2 discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not
3 connected as required to the 2003 Ford F150 being certified, causing the issuance of a fraudulent
4 Smog Certificate of Compliance.

5 **Clean Plug Number 7 – 2015 Ram Promaster 1500 1500 Standard (Respondent**
6 **Torres)**

7 68. OIS Test data for J&G Smog Check indicated that on September 29, 2025, a 2015
8 Ram Promaster 1500 1500 Standard, CA license N (none), VIN 3C6TRVAG7FE502779, was
9 tested and Smog Certificate of Compliance # JH330678C was issued by J&G Smog Check under
10 Respondent Torres' Smog Check Inspector License No. EO 643921.

11 69. The Dynamic Data Charts for the 2015 Ram Promaster 1500 1500 Standard show that
12 between time stamp 6745 and 24875, the engine RPM is held steady around 1000 RPM at idle.
13 During this time, the data shows that the throttle varies rising from 37.6% to 38.4% then drops to
14 35.7% opening, and the MAP is fixed at 42 kPa. After time stamp 24875, the engine RPM is
15 increased and then held steady above 1664 RPM. From the time the engine RPM rises to the
16 higher RPMs, the data shows that the throttle varies dropping from 38.0% to 35.7%, then rising to
17 37.6% opening, and the MAP is fixed at 42 kPa.

18 70. The steady idle and steady elevated engine RPMs along with the improbable throttle
19 positions and MAP readings are not characteristic or expected for normal engine operation. The
20 throttle position readings are expected to be stable at idle and increase with the elevated engine
21 RPM. The throttle positions should not unexpectedly vary at idle and elevated engine RPM, and
22 remain at idle values at the elevated engine RPM. The MAP readings are expected to be stable at
23 idle and decrease with the elevated engine RPM. The MAP readings should not remain at idle
24 values at the elevated engine RPM. These readings are not characteristic or expected for normal
25 engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device
26 (DAD) was not connected as required to the 2015 Ram Promaster 1500 1500 Standard being
27 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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Clean Plug Number 8 – 2013 Honda Accord Sport (Respondent Torres)

71. OIS Test data for J&G Smog Check indicated that on October 20, 2025, a 2013 Honda Accord Sport, CA license N (none), VIN 1HGCR2F59DA265969, was tested and Smog Certificate of Compliance # UU764988C was issued by J&G Smog Check under Respondent Torres' Smog Check Inspector License No. EO 643921.

72. The Dynamic Data Charts for the 2013 Honda Accord Sport show that between time stamp 6730 and 85015, the engine RPM is held steady about 700 RPM at idle. During this time, the data shows that the throttle is fixed at 13.7% opening, the MAF is between 0.61 gps and 0.63 gps, and the MAP is fixed at 24 kPa. After time stamp 85015, the engine RPM is increased and then held steady around 1740 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle is fixed at 13.7% opening, the MAF is between 0.60 gps and 0.63 gps, and the MAP is fixed at 24 kPa.

73. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAF, and MAP readings are not characteristic or 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. The throttle positions should not remain fixed at idle values at the elevated engine RPM. The MAF readings should not be fixed at or near idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not be fixed at idle values at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2013 Honda Accord Sport being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 9 – 2013 Honda Civic LX (Respondent Torres)

74. OIS Test data for J&G Smog Check indicated that on December 15, 2025, a 2013 Honda Civic LX, CA license N (none), VIN 19XFB2F55DE277162, was tested and Smog Certificate of Compliance # UW826342C was issued by J&G Smog Check under Respondent Torres' Smog Check Inspector License No. EO 643921.

1 75. The Dynamic Data Charts for the 2013 Honda Civic LX show that between time
2 stamp 6596 and 25982, the engine RPM is held steady about 700 RPM at idle. During this time,
3 the data shows that the throttle is fixed at 15.3% opening, the MAF is between 0.63 gps and 0.64
4 gps, and the MAP is fixed at 25 kPa. After time stamp 25982, the engine RPM is increased and
5 then held steady around 1740 RPM. From the time the engine RPM rises to the higher RPMs, the
6 data shows that the throttle is fixed at 15.3% opening, the MAF is between 0.62 gps and 0.64 gps,
7 and the MAP is fixed at 25 kPa.

8 76. The steady idle and steady elevated engine RPMs along with the improbable throttle
9 positions, MAF, and MAP readings are not characteristic or expected for normal engine
10 operation. The throttle position and MAF readings are expected to be stable at idle and increase
11 with the elevated engine RPM. The throttle positions should not remain fixed at idle values at the
12 elevated engine RPM. The MAF readings should not be at or near idle values at the elevated
13 engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated
14 engine RPM. The MAP readings should not be fixed at idle values at the elevated engine RPM.
15 These readings are not characteristic or expected for normal engine operation. The discrepancies
16 in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as
17 required to the 2013 Honda Civic LX being certified, causing the issuance of a fraudulent Smog
18 Certificate of Compliance.

19 **Clean Plug Number 10 – 2010 Honda Accord EXL (Respondent Torres)**

20 77. OIS Test data for J&G Smog Check indicated that on January 12, 2026, a 2010
21 Honda Accord EXL, CA license N (none), VIN 1HGCP3F89AA026889, was tested and Smog
22 Certificate of Compliance # JH799730C was issued by J&G Smog Check under Respondent
23 Torres' Smog Check Inspector License No. EO 643921.

24 78. The Dynamic Data Charts for the 2010 Honda Accord EXL show that between time
25 stamp 6660 and 54234, the engine RPM is held steady about 925 RPM at idle. During this time,
26 the data shows that the throttle drops from 7.1 % to 5.9% opening, the MAF is between 3.17 gps
27 and 3.20 gps, and the MAP is fixed at 25 kPa. After time stamp 54234, the engine RPM is
28 increased and then held steady around 1860 RPM. From the time the engine RPM rises to the

1 higher RPMs, the data shows that the throttle rises from 6.7% to 7.5% then drops to 6.3%
2 opening, the MAF is between 3.16 gps and 3.18 gps, and the MAP is fixed at 25 kPa.

3 79. The steady idle and steady elevated engine RPMs along with the improbable throttle
4 positions, MAF, and MAP readings are not characteristic or expected for normal engine
5 operation. The throttle position and MAF readings are expected to be stable at idle and increase
6 with the elevated engine RPM. The throttle positions should not remain at idle values at the
7 elevated engine RPM. The MAF readings should not be fixed at or near idle values at the elevated
8 engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated
9 engine RPM. The MAP readings should not be fixed at idle values at the elevated engine RPM.
10 These readings are not characteristic or expected for normal engine operation. The discrepancies
11 in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as
12 required to the 2010 Honda Accord EXL being certified, causing the issuance of a fraudulent
13 Smog Certificate of Compliance.

14 80. The Certificates of Compliance for each vehicle fraudulently issued by J&G Smog
15 Check were purchased through and delivered to the OIS platform at J&G Smog Check via the
16 Automated Clearing House (ACH) payment method. The certificates were delivered between
17 October 18, 2024, and December 19, 2025, and as such, were under the exclusive control of J&G
18 Smog Check for issuance by OIS platform CV016571.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements – Respondent Montion)**

21 81. Respondent Montion's Automotive Repair Dealer Registration is subject to
22 disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(1), in
23 that he made statements which were known to be untrue or misleading or, which by exercise of
24 reasonable care, should have been known to be untrue or misleading, by issuing electronic smog
25 certificates of compliance for the vehicles identified above certifying that those vehicles were in
26 compliance with applicable laws and regulations when, in fact, those vehicles had not been so
27 inspected. Complainant refers to, and by this reference incorporates, the allegations contained in
28 paragraphs 44 through 80, as though fully set forth here.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud – Respondent Montion)**

3 82. Respondent Montion’s Automotive Repair Dealer Registration is subject to
4 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
5 in that he committed acts that constitute fraud by issuing electronic certificates of compliance to
6 the vehicles identified above without performing bona fide inspections of the emission control
7 devices and systems on those vehicles, thereby depriving the People of the State of California of
8 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
9 this reference incorporates, the allegations contained in paragraphs 44 through 80, above, as
10 though set forth fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act – Respondent Montion)**

13 83. Respondent Montion’s Automotive Repair Dealer Registration is subject to
14 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
15 in that he failed in a material respect to comply with the provisions of this chapter or regulations
16 adopted pursuant to it when he issued electronic certificates of compliance for the vehicles
17 identified above without performing bona fide inspections of the emission control devices and
18 systems on those vehicles, thereby depriving the People of the State of California of the
19 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
20 reference incorporates, the allegations contained in paragraphs 44 through 80, above, as though
21 set forth fully herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Violations of the Motor Vehicle Inspection Program – Respondent Montion)**

24 84. Respondent Montion’s Smog Check, Test Only, Station License is subject to
25 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he
26 failed to comply with the following sections of that Code:

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a. **Section 44012:** Respondent Montion failed to ensure that the emission control tests were performed on the vehicles identified above in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent Montion issued electronic smog certificates of compliance to the vehicles identified above without properly testing and inspecting those vehicles to determine if they were in compliance with Health & Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 44 through 80, above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

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

85. Respondent Montion's Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Montion falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

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

c. **Section 3340.35, subdivision (c):** Respondent Montion issued electronic smog certificates of compliance for the vehicles identified above even though those vehicles had not been inspected in accordance with section 3340.42.

d. **Section 3340.41, subdivision (c):** Respondent Montion knowingly entered false information into the BAR-OIS for the vehicles identified above.

e. **Section 3340.42:** Respondent Montion failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

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1 f. **Section 3373:** Respondent Montion withheld or inserted statements or
2 information in an estimate, invoice, work order, or record required to be maintained by California
3 Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be
4 false or misleading for the vehicles identified above.

5 Complainant refers to, and by this reference incorporates, the allegations contained in
6 paragraphs 44 through 80, above, as though set forth fully herein.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud or Deceit – Respondent Montion)**

9 86. Respondent Montion’s Smog Check, Test Only, Station License is subject to
10 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in
11 conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed
12 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
13 certificates of compliance for the vehicles identified above without performing bona fide
14 inspections of the emission control devices and systems on those vehicles, thereby depriving the
15 People of the State of California of the protection afforded by the Motor Vehicle Inspection
16 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
17 paragraphs 44 through 80, above, as though set forth fully herein.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program – Respondent Torres)**

20 87. Respondent Torres’ Smog Check Inspector License is subject to disciplinary action
21 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
22 with the following sections of that code:

23 a. **Section 44012, subdivision (a):** Respondent Torres failed to determine that all
24 emission control devices and systems required by law were installed and functioning correctly on
25 the vehicles identified above in accordance with test procedures prescribed by the Bureau.

26 b. **Section 44012, subdivision (f):** Respondent Torres failed to perform emission
27 control tests on the vehicles identified above in accordance with procedures prescribed by the
28 Bureau.

1 c. **Section 44032:** Respondent Torres failed to perform tests of emission control
2 devices and systems of the vehicles identified above in accordance with Health & Safety Code
3 section 44012.

4 d. **Section 44015, subdivision (b):** Respondent Torres caused electronic smog
5 certificates of compliance to be issued for the subject vehicles identified above without ensuring
6 that they were properly tested and inspected to determine if they were in compliance with Health
7 & Safety Code section 44012.

8 e. **Section 44059:** Respondent Torres willfully made false entries for the
9 electronic certificates of compliance by certifying that the vehicles identified above had been
10 inspected as required when, in fact, they had not.

11 Complainant refers to, and by this reference incorporates, the allegations contained in
12 paragraphs 47 through 49, and 68 through 80, above, as though set forth fully herein.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
15 **Respondent Torres)**

16 88. Respondent Torres's Smog Check Inspector License is subject to disciplinary action
17 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
18 with provisions of California Code of Regulations, title 16, as follows:

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

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

24 c. **Section 3340.41, subdivision (c):** Respondent Torres knowingly entered false
25 information into the BAR-OIS for the vehicles identified above.

26 d. **Section 3340.42:** Respondent Torres failed to ensure that the smog inspections
27 conducted on the vehicles identified above were done in accordance with the Bureau's
28 specifications.

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 47 through 49, and 68 through 80, above, as though set forth fully herein.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit – Respondent Torres)**

5 89. Respondent Torres's Smog Check Inspector License is subject to disciplinary action
6 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
7 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
8 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
9 for the vehicles identified above without performing bona fide inspections of the emission control
10 devices and systems on those vehicles, thereby depriving the People of the State of California of
11 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
12 this reference incorporates, the allegations contained in paragraphs 47 through 49, and 68 through
13 80, above, as though set forth fully herein.

14 **TENTH CAUSE FOR DISCIPLINE**

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

16 90. Respondent Talbot's Smog Check Inspector License is subject to disciplinary action
17 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
18 with the following sections of that code:

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 functioning correctly on
21 the 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 emission control
26 devices and systems of the vehicles identified above in accordance with Health & Safety Code
27 section 44012.

28 ///

1 d. **Section 44015, subdivision (b):** Respondent Talbot caused electronic smog
2 certificates of compliance to be issued for the subject vehicles identified above without ensuring
3 that they were properly tested and inspected to determine if they were in compliance with Health
4 & Safety Code section 44012.

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

8 Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 45 through 46, 49 through 67, and 80, above, as though set forth fully herein.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
12 **Respondent Talbot)**

13 91. Respondent Talbot's Smog Check Inspector License is subject to disciplinary action
14 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
15 with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Talbot falsely or fraudulently
17 issued electronic smog certificates of compliance for the vehicles identified above.

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

21 c. **Section 3340.41, subdivision (c):** Respondent Talbot knowingly entered false
22 information into the BAR-OIS for the vehicles identified above.

23 d. **Section 3340.42:** Respondent Talbot failed to ensure that the smog inspections
24 conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

25 Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 45 through 46, 49 through 67, and 80, above, as though set forth fully herein.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit – Respondent Talbot)**

3 92. Respondent Talbot's Smog Check Inspector License is subject to disciplinary action
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
5 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
6 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
7 for the vehicles identified above without performing bona fide inspections of the emission control
8 devices and systems on those vehicles, thereby depriving the People of the State of California of
9 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
10 this reference incorporates, the allegations contained in paragraphs 45 through 46, 49 through 67,
11 and 80, above, as though set forth fully herein.

12 **OTHER MATTERS**

13 93. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
14 Director may suspend, revoke, or place on probation the registration for all places of business
15 operated in this state by Respondent Montion, upon a finding that he has, or is, engaged in a
16 course of repeated and willful violations of the laws and regulations pertaining to an automotive
17 repair dealer.

18 94. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
19 Station License No. TC 295018, issued to Respondent Montion, is revoked or suspended, any
20 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in
21 the name of said licensee may be likewise revoked or suspended by the director.

22 95. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
23 No. EO 643921, issued to Respondent Torres, is revoked or suspended, any additional license
24 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
25 licensee may be likewise revoked or suspended by the director.

26 96. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
27 No. EO 639922, issued to Respondent Talbot, is revoked or suspended, any additional license
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1 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
2 licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 295018, issued to Oscar Javier Montion, doing business as J&G Smog Check;

9 2. Revoking or suspending any other automotive repair dealer registration issued to
10 Oscar Javier Montion;

11 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
12 295018, issued to Oscar Javier Montion, doing business as J&G Smog Check;

13 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
14 Division 26 of the Health & Safety Code in the name of Oscar Javier Montion;

15 5. Revoking or suspending Smog Check Inspector License Number EO 643921, issued
16 to Andy David Cerriteno Torres;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health & Safety Code in the name of Andy David Cerriteno Torres;

19 7. Revoking or suspending Smog Check Inspector License Number EO 639922, issued
20 to Stephen Lee Talbot;

21 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
22 Division 26 of the Health & Safety Code in the name of Stephen Lee Talbot;

23 9. Ordering Oscar Javier Montion, Andy David Cerriteno Torres, and Stephen Lee
24 Talbot to pay the Bureau of Automotive Repair the reasonable costs of the investigation and
25 enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed
26 on probation, the costs of probation monitoring; and,

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

DATED: As of digital signature date _____

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.10.01 20:39:01
-07'00'

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

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