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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **LA SMOG CHECK, CESAR AUGUSTO LARIOS, OWNER** **2307 Whittier Blvd Unit C** **Los Angeles, CA 90023** **Automotive Repair Dealer Registration No. ARD 306077** **Smog Check, Test-Only, Station License No. TC 306077** **and** **HERNAN MOLINA LOPEZ** **5134 Ithaca Ave** **Los Angeles, CA 90032** **Mailing Address:** **6046 Romaine St Apt 3** **Los Angeles, CA 90038** **Smog Check Inspector License No. EO 640564** Respondents.	Case No. 79/25-13743 **ACCUSATION**

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PARTIES

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

2. On or about June 14, 2023, the Bureau issued Automotive Repair Dealer Registration Number ARD 306077 to Cesar Augusto Larios, dba LA Smog Check (Respondent LA Smog Check). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2026, unless renewed.

3. On or about August 17, 2023, the Bureau issued Smog Check, Test-Only, Station License Number TC 306077 to Respondent LA Smog Check. The Smog Check, Test-Only, Station License expired on June 30, 2025, and has not been renewed.

4. On or about December 27, 2023, the Bureau issued STAR Station Certification to Respondent LA Smog Check. The STAR Station Certification was suspended on April 1, 2025 and became inactive when the Smog Check, Test-Only, Station License expired on June 30, 2025.

5. On or about September 8, 2017, the Bureau issued Smog Check Inspector License Number EO 640564 to Hernan Molina Lopez (Respondent Lopez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein but expired on April 30, 2025, and has not been renewed.

OTHER LICENSES

6. On or about April 14, 2015, the Bureau issued Smog Check Inspector License Number EO 634964 to Respondent Cesar Augusto Larios (Respondent Larios). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2027, unless renewed.

7. On or about April 14, 2015, the Bureau issued Smog Check Repair Technician (EI) License Number 634964 to Respondent Larios. The Smog Check Repair Technician License expired on March 31, 2019, and has not been renewed.

8. On or about July 20, 2018, the Bureau issued Automotive Repair Dealer Registration Number ARD 291592 to Respondent Larios, dba Cesar Smog Check. The Automotive Repair

Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

9. On or about August 7, 2018, the Bureau issued Smog Check, Test-Only, Station License Number to Respondent Larios, dba Cesar Smog Check. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

10. On or about December 31, 2018, the Bureau issued STAR Station Certification to Respondent Larios, dba Cesar Smog Check. The STAR Station Certification will remain active unless the Automotive Repair Dealer Registration and/or Smog Check, Test-Only, Station License is revoked, cancelled, becomes delinquent, or certification is suspended.

JURISDICTION

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

12. Section 9884.7 of the Code provides that the Director may revoke an automotive repair dealer registration.

13. Section 9884.13 of the Code 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.

14. Health and Safety 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.

15. Health and Safety 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.

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STATUTORY PROVISIONS

16. Section 9884.7 of the Code provides, 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.

. . .

17. Section 9889.22 of the Code 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 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

18. 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, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. 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 that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

(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.

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

(b) 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.

20. 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 smog check technicians shall perform tests of emission control devices and systems in accordance

with Section 44012.

21. 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.

22. Health and Safety Code section 44072.2 provides, 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 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.

. . .

23. Health and Safety Code section 44072.10, subdivision (c), provides:

(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, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, 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.

REGULATORY PROVISIONS

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

(c) 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.

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

> A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:
>
> (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.
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> . . .

26. California Code of Regulations, title 16, section 3340.35 provides, subdivision (c), provides, in pertinent part:

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

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

> . . .
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> (c) No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.
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> . . .
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> (h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.
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> . . .

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

29. California Code of Regulations, title 16, section 3373, provides:

> No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 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 the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

COST RECOVERY

30. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

31. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). 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 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and the vehicle's Data Link Connector (DLC). The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with Bureau's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number (VIN), and Department of Motor Vehicles (DMV) 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.

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

33. 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: (1) engine speed in revolutions per minute (RPM); (2) 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; (3) manifold absolute pressure as measured by a manifold absolute pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle are 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level; and (4) 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).

34. 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. In order 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 corresponding increases in MAF, as well as a change in MAP. Stated another way, 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.

35. 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.

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

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

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

39. The Bureau has become aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed. One method is known as "clean plugging." "Clean plugging" is a method by which another vehicle's properly functioning 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. The use of a defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

40. A Bureau representative investigated and reviewed OIS test data for the smog check inspection performed at LA Smog Check from December 2024 through March 2025. The investigation revealed that data related to certain vehicles certified by Respondents contained a pattern of vehicles being certified with improbable engine operating parameters not corresponding to normal engine operation, confirming the vehicles receiving smog certificates were not tested during the OBD II functional test. This constitutes clean plugging, as follows:

Clean Plug # 1

41. On or about December 3, 2024, a 2000 Toyota Celica GT VIN JTDDR32T3Y0038754, CA License 8XLA146, was tested and smog certificate UG440266C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

42. The Dynamic PID chart for the 2000 Toyota Celica GT shows that between time stamp 834 and 24925, the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle is fixed at 12.2% and the MAF is fixed at 0.39gps. After time stamp 24925, the data shows the engine RPM is increased and held steady at around 2035 RPM. During the elevated engine RPM, the data shows the throttle drops and remains fixed at 10.6% while the MAF rises and is between 1.12gps and 1.61gps.

43. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle had data points during the elevated engine RPM which never increased past the highest data point at idle. Additionally, during the elevated engine RPM, the data shows an improbable inverse correlation between the throttle and MAF. The discrepancies in the OIS test

data prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Celica GT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 2

44. On or about December 21, 2024, a 2003 Ford F150 VIN 1FTRX17243NA92544, CA License 96241V1, was tested and smog certificate UI223166C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

45. The Dynamic PID chart for the 2003 Ford F150 shows that between time stamp 345 and 20415, the engine RPM is steady at around 735 RPM. During this time, the data shows that the throttle is fixed at 18% and the MAF is fixed at 6.65gps. After time stamp 20415, the data shows the engine RPM is increased and stays elevated at no less than 1644 RPM. During the elevated engine RPM, the data shows the throttle drops from 17.6% to 14.1%, then rises to 18%, and the MAF rises from 5.68gps to 7.49gps and ultimately drops to 5.52gps.

46. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Ford F150 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 3

47. On or about February 14, 2025, a 2003 Ford Focus SE Comfort VIN 1FAFP34383W181559, CA License 6KYC250, was tested and smog certificate UI223187C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

48. The Dynamic PID chart for the 2003 Ford Focus SE Comfort shows that between time stamp 341 and 24908, the engine RPM is steady at around 750 RPM. During this time, the

data shows that the throttle is fixed at 16.1% and the MAF is fixed at 5.64gps. After time stamp 24908, the data shows the engine RPM is increased and held steady at around 2000 RPM. During the elevated engine RPM, the data shows the throttle gradually drops from 15.3% to 12.5%, then rises to 13.7% and the MAF is fluctuating between 6.53gps and 7.58gps.

49. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the throttle had data points during the elevated engine RPM which never increased past the highest data point at idle. Additionally, during the elevated engine RPM, the data shows an improbable inverse correlation between the throttle and MAF. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Ford Focus SE Comfort being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 4

50. On or about March 11, 2025, a 2001 Ford F150 VIN 1FTRX17L61NA63312, CA License 7D55636, was tested and smog certificate UK656314C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

51. The Dynamic PID chart for the 2001 Ford F150 shows that between time stamp 340 and 21266, the engine RPM is steady at around 755 RPM. During this time, the data shows that the throttle is fixed at 17.6% and the MAF is fixed at 6.6gps. After time stamp 21266, the data shows the engine RPM is increased and stays elevated at no less than 1441 RPM. During the elevated engine RPM, the data shows the throttle rises from 12.5% to 17.6%, then drops to 16.5% and the MAF rises from 6.38gps to 7.46gps, then ultimately drops to 5.76gps.

52. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings,

the throttle and MAF had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Ford F150 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

53. On or about September 19, 2024, a previous Smog Check inspection was performed on the 2001 Ford F150 at a different, unrelated Smog Check station. The Dynamic PID chart for the 2001 Ford F150 shows that between time stamp 63 and 23754, the engine RPM is steady at around 710 RPM. During this time, the data shows that the throttle is fixed at 17.6% opening and the MAF is stable between 5.59gps and 5.91gps. After time stamp 23754, the data shows the engine RPM is increased and held steady at around 1930 RPM. During the steady elevated engine RPM, the data shows that the throttle is fixed at 20.8% opening and the MAF is stable between 15.68gps and 16.26gps. The steady idle and steady elevated engine RPM data along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation.

Clean Plug # 5

54. On or about March 14, 2025, a 2005 Chevrolet Silverado C3500 VIN 1GBJC34U05E324056, CA License 26524V2, was tested and smog certificate UK656324C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

55. The Dynamic PID chart for the 2005 Chevrolet Silverado C3500 shows that between time stamp 347 and 22893, the engine RPM is steady at around 575 RPM. During this time, the data shows that the throttle is fixed at 5.1%, the MAF is fixed at 4.67gps, and the MAP is fixed at 32kPa. After time stamp 22893, the data shows the engine RPM is increased and held steady at around 1900 RPM. During this time, the data shows that the throttle is varying between 0.4% and 3.5%, the MAF drops from 4.62gps to 3.25gps, then ultimately rises to 4.53gps, and the MAP is fluctuating between 33kPa and 43kPa.

56. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF readings, and MAP readings are not characteristic or expected for normal

engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Chevrolet Silverado C3500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 6

57. On or about March 20, 2025, a 2000 Ford Mustang GT VIN 1FAFP42XXYF109961, CA License 5PZS574, was tested and smog certificate UK656348C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

58. The Dynamic PID chart for the 2000 Ford Mustang GT shows that between time stamp 329 and 20627, the engine RPM is steady at around 700 RPM. During this time, the data shows that the throttle is fixed at 15.7% and the MAF is fixed at 5.01gps. After time stamp 20627, the data shows the engine RPM is increased and held steady at around 1915 RPM. During the elevated engine RPM, the data shows the throttle is fluctuating between 12.5% and 15.7% and the MAF is fluctuating between 2.92gps and 5.01gps.

59. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Ford Mustang GT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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Clean Plug # 7

60. On or about March 29, 2025, a 2001 Chevrolet Suburban K1500 VIN 3GNFK16T91G132531, CA License 9KVU188, was tested and smog certificate JD771137C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

61. The Dynamic PID chart for the 2001 Chevrolet Suburban K1500 shows that between time stamp 349 and 21269, the engine RPM is steady at around 540 RPM. During this time, the data shows that the throttle is fixed at 0%, the MAF is fixed at 4.49gps, and the MAP is fixed at 33kPa. After time stamp 21269, the data shows the engine RPM is increased and held steady at around 1820 RPM. During this time, the data shows that the throttle is varying between 0% and 5.1%, the MAF is varying between 2.9gps and 5.06gps, and the MAP drops from 44kPa to ultimately 35kPa, then rises to 39kPa.

62. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF readings, and MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which were the same as or lower than data points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Chevrolet Suburban K1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 8

63. On or about March 30, 2025, a 2001 Ford Explorer Sport VIN 1FMYU60E91UA60743, CA License 4VFS562, was tested and smog certificate JD771140C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

64. The Dynamic PID chart for the 2001 Ford Explorer Sport shows that between time stamp 342 and 19652, the engine RPM is steady at around 680 RPM. During this time, the data shows that the throttle is fixed at 20.4% and the MAF is fixed at 4.8gps. After time stamp 19652, the data shows the engine RPM is increased and held steady at around 1900 RPM. During the

elevated engine RPM, the data shows the throttle is fluctuating between 20.8% and 23.5% and the MAF is fluctuating between 3.31gps and 4.82gps.

65. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the MAF had data points during the elevated engine RPM which were lower than data points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Ford Explorer Sport being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

66. On or about May 11, 2023, a previous Smog Check inspection was performed on the 2001 Ford Explorer Sport at a different, unrelated Smog Check station. The Dynamic PID chart for 2001 Explorer Sport shows that between time stamp 40 and 17160, the engine RPM is steady at around 840 RPM. During this time, the data shows that the throttle is fixed at 20.4% opening and the MAF is stable between 5.49gps and 5.8gps. After time stamp 17160, the data shows the engine RPM is raised and increases at a steady rate ultimately reaching 2118 RPM. During the rising engine RPM, the data shows that the throttle also increases from 23.1% opening to 24.3% opening, and the MAF increases from 8.76gps to 13.99gps. Both the throttle and the MAF show a direct correlation, as expected, with the engine RPM. The steady idle and elevated, rising engine RPM data along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation.

Clean Plug # 9

67. On or about on March 31, 2025, a 2003 Ford Expedition XLT VIN 1FMEU15W43LA78535, CA License 6EML541, was tested and smog certificate JD771145C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

68. The Dynamic PID chart for the 2003 Ford Expedition XLT shows that between time stamp 353 and 21065, the engine RPM is steady at around 705 RPM. During this time, the data shows that the throttle is fixed at 19.6% and the MAF is fixed at 7.64gps. After time stamp

21065, the data shows the engine RPM is increased and held steady at around 1870 RPM. During the elevated engine RPM, the data shows the throttle drops from 23.5% to 20%, then ultimately rises 22.4% and the MAF drops from 7.49gps to ultimately 5.28gps, then increases to ultimately 7.32gps.

69. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the MAF had data points during the elevated engine RPM which never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Ford Expedition XLT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 10

70. On or about March 31, 2025, a 2004 GMC Savana Cutaway G3500, VIN 1GDGG31V841913798, CA License 82573P3, was tested and smog certificate JD771146C was issued under the license of Smog Check Inspector EO 640564, Respondent Lopez.

71. The Dynamic PID chart for the 2004 GMC Savana Cutaway G3500 shows that between time stamp 347 and 28076, the engine RPM is steady at around 625 RPM. During this time, the data shows that the throttle is fixed at 0%, the MAF is fixed at 3.79gps, and the MAP is fixed at 34kPa. After time stamp 28076, the data shows the engine RPM is increased and stays elevated at no less than 1398 RPM. During this time, the data shows that the throttle is drops from 3.9% and 0.4%, the MAF rises from 2.99gps to 4.3%gps and ultimately drops to 3.52gps, and the MAP rises from 34kPa to ultimately 45kPa, then drops to 35kPa.

72. The steady idle and elevated engine RPM data along with the improbable throttle positions, MAF readings, and MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the data shows the throttle and RPM had an inverse correlation, also the MAF had a data point

during the elevated engine RPM which was lower than data points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 GMC Cutaway G3500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

73. On or about March 1, 2023, a previous Smog Check inspection was performed on the 2004 GMC Savana Cutaway G3500 at a different, unrelated Smog Check station. The Dynamic PID chart for the 2004 GMC Savana Cutaway G3500 shows that between time stamp 48 and 19730, the engine RPM is steady at around 550 RPM. During this time, the data shows that the throttle is fixed at 0% opening, the MAF is stable between 3.28gps and 3.35gps and the MAP is fixed at 34kPa. After time stamp 19730, the data shows the engine RPM is increased and held steady at around 1580 RPM. During the elevated engine RPM, the data shows that the throttle is fixed at 8.6% opening, the MAF is stable between 10.92gps and 11.01gps, and the MAP is between 25kPa and 26kPa. The steady idle and elevated engine RPM data along with the associated throttle positions, MAF, and MAP readings are characteristic and expected for normal engine operation.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements – Respondent LA Smog Check)

74. Respondent LA Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that, with respect to the vehicles identified above, Respondent LA Smog Check made or authorized statements which they knew, or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent LA Smog Check certified that these vehicles had passed inspection and were in compliance with applicable laws and regulations, when in fact, Respondent LA Smog Check conducted the inspections on the vehicles using the clean plugging method in order to issue smog certificates of compliance for the vehicles. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

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SECOND CAUSE FOR DISCIPLINE

(Fraud – Respondent LA Smog Check)

75. Respondent LA Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that, with respect to the vehicles identified above, Respondent LA Smog Check committed acts which constitute fraud by issuing electronic smog certificates of compliance for these vehicles without performing bona fide inspections of the emissions control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act – Respondent LA Smog Check)

76. Respondent LA Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that, with respect to the vehicles identified above, Respondent LA Smog Check failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing electronic smog certificates of compliance for these vehicles without performing bona fide inspections of the emissions control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent LA Smog Check)

77. Respondent LA Smog Check's Smog Check, Test-Only, Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to the vehicles identified above, Respondent LA Smog Check failed to comply with the following sections of the Health and Safety Code:

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a. **Section 44012:** Respondent LA Smog Check failed to ensure that the emission control tests were performed on the vehicles in accordance with procedures prescribed by the Bureau.

b. **Section 44015, subdivision (b):** Respondent LA Smog Check issued electronic smog certificates of compliance for the vehicles without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

c. **Section 44059:** Respondent LA Smog Check willfully made false entries for the electronic smog certificates of compliance for the vehicles by certifying that the vehicles 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 41-73, as though fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program – Respondent LA Smog Check)

78. Respondent LA Smog Check's Smog Check, Test-Only, Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to the vehicles identified above, Respondent LA Smog Check failed to comply with provisions of the California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent LA Smog Check issued false or fraudulent certificates of compliance for the vehicles.

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

c. **Section 3340.41, subdivision (c):** Respondent LA Smog Check knowingly entered false information into the emissions inspection system for the vehicles.

d. **Section 3340.42:** Respondent LA Smog Check failed to ensure that the required smog tests were conducted on the vehicles in accordance with the Bureau's specifications.

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent LA Smog Check)

79. Respondent LA Smog Check's Smog Check, Test-Only, Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent LA Smog Check committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Lopez)

80. Respondent Lopez's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to the vehicles identified above, Respondent Lopez violated the following Health and Safety Code sections:

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

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

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

d. **Section 44059:** Respondent Lopez willfully made false entries for the electronic certificates of compliance by certifying that the vehicles 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 41-73, as though fully set forth herein.

EIGHTH CAUSE FOR DISCIPLINE

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

81. Respondent Lopez's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to the vehicles identified above, Respondent Lopez failed to comply with provisions of the California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Lopez issued false or fraudulent electronic smog certificates of compliance for the vehicles.

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

c. **Section 3340.41, subdivision (c):** Respondent Lopez knowingly entered false information into the emissions inspection system for the vehicles.

d. **Section 3340.42:** Respondent Lopez failed to ensure that the required smog tests were conducted on the vehicles identified above in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Lopez)

82. Respondent Lopez'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 Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Lopez committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41-73, as though fully set forth herein.

OTHER MATTERS

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

84. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only, Station License Number TC 306077, issued to Respondent Cesar Augusto Larios, dba LA Smog Check, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

85. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 640564, issued to Respondent Hernan Molina Lopez is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

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PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 306077, issued to Cesar Augusto Larios, dba LA Smog Check;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 306077, issued to Cesar Augusto Larios, dba LA Smog Check;

3. Revoking or suspending Smog Check Inspector License Number EO 640564, issued to Hernan Molina Lopez;

4. Revoking or suspending any other automotive repair dealer registration issued to Cesar Augusto Larios;

5. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Cesar Augusto Larios;

6. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Hernan Molina Lopez;

7. Ordering Cesar Augusto Larios and Hernan Molina Lopez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

and,

8. 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: 2025.10.29 10:55:36 -07'00'

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

LA2025604109/68008194