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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. 79-26-6482

13 **DE'AZSHA DAI JUAN STARKS, DBA**
14 **MIRANDA SMOG CHECK**

ACCUSATION

15 5101 S. Normandie Ave
16 Los Angeles, CA 90037

17 Mailing Address:

18 3205 W 21St
19 Los Angeles, CA 90018

20 Automotive Repair Dealer Registration No.
21 303718
22 Smog Check Test Only Station License No.
23 303718

JORGE LUIS COLLAZO

24 1316 Venice Blvd #1
25 Venice, CA 90291

26 Smog Check Inspector License No. EO 634808
27 Smog Check Repair Technician License No. EI
28 634808

MOISES L LOPEZ

343 W 77TH St
Los Angeles, CA 90003

Smog Check Inspector License No. EO 634966

1 **YERVAND BODURYAN**

2 912 East Maple Street #4
3 Glendale, CA 91205

4 Smog Check Inspector License No. EO 640777

5 **ANDY DAVID CERRITENO TORRES**

6 8131 S Gate Ave
7 South Gate, CA 90280

8 Smog Check Inspector License No. EO 643921

9 Respondents.

10 **PARTIES**

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

13 **De’azsha Dai Juan Starks DBA Miranda Smog Check**

14 2. On or about September 12, 2022, the Bureau issued Automotive Repair Dealer
15 Registration Number ARD 303718 to De’azsha Dai Juan Starks (“Respondent Starks”) doing
16 business as Miranda Smog Check. The Automotive Repair Dealer Registration was due to expire
17 on September 30, 2025, but was cancelled on September 7, 2025.

18 3. On or about March 24, 2023, the Bureau issued Smog Check, Test-Only, Station
19 License Number TC 303718 to Respondent Starks, dba Miranda Smog Check. The Smog Check,
20 Test-Only, Station License was due to expire on September 30, 2025, but was cancelled on
21 September 7, 2025.

22 4. On July 25, 2023, Miranda Smog Check was certified as a STAR station. The STAR
23 station certification terminated on September 7, 2025.

24 **Jorge Luis Collazo**

25 5. On or about April 8, 2014, the Bureau issued Smog Check Inspector License Number
26 EO 634808 to Jorge Luis Collazo (“Respondent Collazo”). The Smog Check Inspector License
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 March 31, 2027, unless renewed. On or about April 8, 2014, the Bureau issued Smog Check

1 Repair Technician License Number EI 634808 to Respondent Collazo. The Smog Check Repair
2 Technician License Number expired on March 31, 2016 and has not been renewed.

3 **Moises L Lopez**

4 6. On or about November 19, 2012, the Bureau issued Smog Check Inspector License
5 Number EO 634966 to Moises L Lopez (“Respondent Lopez”). The Smog Check Inspector
6 License was in full force and effect at all times relevant to the charges brought herein and will
7 expire on August 31, 2026, unless renewed.

8 **Yervand Boduryan**

9 7. On or about December 11, 2017, the Bureau issued Smog Check Inspector License
10 Number EO 640777 to Yervand Boduryan (“Respondent Boduryan”). The Smog Check
11 Technician License was in full force and effect at all times relevant to the charges brought herein
12 and will expire on January 31, 2028, unless renewed.

13 **Andy David Cerriteno Torres**

14 8. 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 **JURISDICTION**

19 9. This Accusation is brought before the Director of the Department of Consumer
20 Affairs (“Director”) for the Bureau under the authority of the following laws.

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

25 11. Business and Professions Code section 477 provides, in pertinent part, that “Board”
26 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
27 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
28 to engage in a business or profession regulated by the Business and Professions Code.

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

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

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 any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

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

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

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

...

(4) Any other conduct that constitutes fraud.

...

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

...

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to

1 subdivision (a) shall only suspend, revoke, or place on probation the registration of
2 the specific place of business which has violated any of the provisions of this chapter.
3 This violation, or action by the director, shall not affect in any manner the right of the
4 automotive repair dealer to operate the automotive repair dealer's other places of
5 business.

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

11 . . .

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

14 (1) Any act or omission that is included within the definition of either
15 "actual fraud" or "constructive fraud," as those terms are defined in Sections
16 1572 and 1573 of the Civil Code.

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

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

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

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

22 17. Health and Safety Code section 44012 provides:

23 The test at the smog check stations shall be performed in accordance with
24 procedures prescribed by the department and may require loaded mode dynamometer
25 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard
26 diagnostic system, or other appropriate test procedures as determined by the
27 department in consultation with the state board. The department shall implement
28 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
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

1 mode or loaded mode are tested in accordance with procedures prescribed by the
2 department. In determining how loaded mode and evaporative emissions testing shall
3 be conducted, the department shall ensure that the emission reduction targets for the
4 enhanced program are met.

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

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

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

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

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

28 (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.

18. 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.

19. 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.

1 20. Health and Safety Code section 44032 provides:

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

8 21. Health and Safety Code section 44035 provides:

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

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

19 22. Health and Safety Code section 44059 provides:

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

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

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

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

 ...

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

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

 ...

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

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

...

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

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

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

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

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

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

...

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

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

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

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

...

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

6 30. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

7 ...

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

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

13 31. California Code of Regulations, title 16, section 3340.42, states:

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

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

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

22 On and after March 31, 2010, exhaust emissions from a vehicle subject to
23 this inspection shall be measured and compared to the emissions standards shown in
the Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints)
24 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
25 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
26 emissions are less than or equal to the applicable emission standards specified in the
applicable table.
27
28

1 (2) A two-speed idle mode test shall be the test method used to inspect
2 1976-1999 model-year vehicles, except diesel-powered, registered in all program
3 areas of the state, except in those areas of the state where the enhanced program has
4 been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
5 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
6 contained in the bureau's specifications referenced in subsection (a) of Section
7 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
8 shall be measured and compared to the emission standards set forth in this section and
9 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
10 measured emissions are less than or equal to the applicable emissions standards
11 specified in Table III.

12 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
13 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
14 model-year and newer. The OBD test failure criteria are specified in section
15 3340.42.2.

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

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

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

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

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

28 (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.

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

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

(2) Vehicles with emission levels exceeding the emission standards for
gross polluters during an initial inspection will be considered gross polluters and the

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.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable 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 Safety Code may apply.

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

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

All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog Check Manual, dated January 2021, which is hereby incorporated by reference.

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

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

34. Business and Professions Code section 125.3 provides, in pertinent part, that a 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.

CALIFORNIA'S SMOG CHECK PROGRAM

35. California's Smog Check Program requires most vehicles in the State to undergo a smog check inspection every two years when renewing their registration and when the vehicle's title is transferred. The Smog Check Program is designed and intended to reduce air pollution by identifying and requiring the repair of polluting motor vehicles.

36. A smog check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known

1 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
2 Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO₂) and Oxygen (O₂). The
3 first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.
4 The vehicle's drive wheels are placed on rollers and the vehicle is driven to simulate driving
5 conditions while the emissions are sampled by the EIS.

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

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

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

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

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

28 ///

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

43. During an OIS inspection, engine operating parameters (PIDs) 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 Data Acquisition Device into the vehicle's diagnostic link connector when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

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

///

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

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

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

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

1 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
2 of the OIS inspection.

3 **PRIOR CONFERENCE HISTORY**

4 47. On or about November 2, 2018, Bureau Representative A.S. held a Proactive
5 Conference with Respondent Boduryan and the owner of a different Smog Check station.
6 Respondent Boduryan was advised of the laws and regulations pertaining to the smog test
7 procedures. The following were among the laws and regulations that were discussed: Health and
8 Section Code section 44012 and California Code of Regulations, title 16, sections 3340.42 and
9 3340.45. Respondent Boduryan was advised that the conference was held in an attempt to obtain
10 voluntary compliance.

11 48. On or about August 30, 2022, Bureau Representatives M.O. and M.C. held an Office
12 Conference with a different Smog Check station and Respondent Collazo. During the conference,
13 Respondent Collazo was informed that the conference was held to discuss issues relating to
14 compliance with the Automotive Repair Act. Specific laws and regulations, including but not
15 limited to Health and Safety Code sections 44012 and 44035, and California Code of Regulations,
16 title 16, section 3340.15, were discussed during the conference.

17 49. On or about March 22, 2023, Bureau Representative C.D. held a Proactive
18 Conference with Respondent Collazo and the owner of a different Smog Check station.
19 Respondent Collazo was informed that Smog Check station inspections must be performed by
20 licensed technicians using their own access code, no false information about the vehicle being
21 tested will be entered in the analyzer, tests and inspections must be conducted in accordance with
22 the Bureau's Smog Check Manual. The following specific laws and regulations were discussed
23 during the conference: California Code of Regulations, title 16, section 3340.41, subdivision (c),
24 and Health and Safety Code section 44012.

25 **PRIOR STATION VISITS**

26 50. On or about March 13, 2023, Bureau Representative O.M. visited Miranda Smog
27 Check and met with Respondent Starks. During the visit, Respondent Starks was advised of the
28 following: Smog Check inspections must be performed by licensed technicians using their own

1 access code; no false information about the vehicle being tested will be entered in the analyzer;
2 tests and inspections must be performed in accordance with the Bureau's Smog Check Manual.
3 Respondent Starks was informed that compliance with the Automotive Repair Act is mandatory.
4 Smog Check Inspector, Respondent Collazo, was also present during the visit.

5 51. On or about March 24, 2023, Bureau Representative O.M. visited Miranda Smog
6 Check again and met with Respondent Starks. Once again, Respondent Starks was advised of the
7 following: Smog Check inspections must be performed by licensed technicians using their own
8 access code; no false information about the vehicle being tested will be entered in the analyzer;
9 tests and inspections must be performed in accordance with the Bureau's Smog Check Manual.
10 Respondent Starks was informed again that compliance with the Automotive Repair Act is
11 mandatory. Respondent Collazo was also present during the visit.

12 52. On or about August 21, 2023, Bureau Representative M.G. visited Miranda Smog
13 Check and met with Respondent Starks. During the visit, Respondent Starks was advised, among
14 other things, that Smog Check station inspection shall be performed in accordance with California
15 Code of Regulations, title 16, section 3340.16 and the Smog Check Manual. Respondent Starks
16 was informed that compliance with the Automotive Repair Act is mandatory. Respondent Collazo
17 was also present during the visit.

18 53. On or about October 4, 2023, Bureau Representative G.R. visited Miranda Smog
19 Check and met with Respondent Starks and Smog Check inspector Respondent Boduryan. The
20 Bureau Representative informed Respondent Starks that Smog Check station inspection shall be
21 performed in accordance with California Code of Regulations, title 16, section 3340.16 and the
22 Smog Check Manual. The Bureau Representative also informed Respondent Starks that
23 compliance with the Automotive Repair Act is mandatory.

24 **APRIL 1, 2026 VID DATA REVIEW**

25 54. On or about April 1, 2026, Bureau Representative H.B. conducted a detailed review
26 of the VID data for smog check inspections performed at Miranda Smog Check, which showed a
27 pattern of vehicles being certified with engine operating parameters that did not correspond to
28 normal engine operation. The Bureau's review of the smog check activities at Miranda Smog

1 Check confirmed 20 smog check Certificates of Compliance were fraudulently issued to vehicles
2 after inspections performed at Miranda Smog Check.

3 **Clean Plug Number 1 – 2005 Infiniti G35 (Respondent Lopez)**

4 55. OIS Test data for Miranda Smog Check indicated that on August 8, 2023, a 2005
5 Infiniti G35, VIN # JNKCV54E65M405313, CA license # 7YOF047 was tested and Smog
6 Certificate of Compliance # IV177570C was issued by Miranda Smog Check under Respondent
7 Lopez's Smog Check Inspector License No. EO 634966.

8 56. The Dynamic PID chart for the 2005 Infiniti G35 shows that between time stamp 254
9 and 5458, the engine RPM is steady at around 590 RPM. Following time stamp 5458, the engine
10 RPM is increased and then held steady at around 810 RPM until time stamp 20682. During this
11 time, the data shows that the throttle is fixed at 3.5% and the MAF is fixed at 3.04gps. After time
12 stamp 20682, the data shows the engine RPM is increased and then held steady at around 1865
13 RPM. During the steady elevated engine RPM, the data shows the throttle is fluctuating
14 erratically between 0% and 4.7% opening and the MAF is fluctuating erratically between 2.86gps
15 and 5.05gps.

16 57. The steady idle and steady elevated engine RPM data along with the improbable
17 throttle positions and MAF readings are not characteristic or expected for normal engine
18 operation. The throttle positions and MAF readings are expected to be stable during the steady
19 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
20 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
21 and MAF had data points during the steady elevated engine RPM which were lower than data
22 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
23 anomalous inverse correlation which is inconsistent with normal and expected engine behavior.
24 The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as
25 required to the 2005 Infiniti G35 being certified, causing the issuance of a fraudulent Smog
26 Check Certificate of Compliance.

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Clean Plug Number 2 – 2003 Toyota Corolla CE (Respondent Lopez)

58. OIS Test data for Miranda Smog Check indicated that on August 10, 2023, a 2003 Toyota Corolla CE, VIN#JTDBR32E932010334, CA License # 5CVD181 was tested and Smog Certificate of Compliance # IV177584C was issued by Miranda Smog Check under Respondent Lopez's Smog Check Inspector License No. EO 634966.

59. The Dynamic PID chart for the 2003 Toyota Corolla CE shows that between time stamp 152 and 38258, the engine RPM is steady at around 1005 RPM. During this time, the data shows that the throttle is fixed at 11% and the MAF is fixed at 4.32gps. After time stamp 38258, the data shows the engine RPM is increased and then held steady at around 1865 RPM. During the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between 7.5% and 11.8% opening and the MAF is fluctuating erratically between 2.93gps and 4.9gps.

60. 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, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation which is inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2003 Toyota Corolla CE certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 3 – 2002 Mercedes-Benz E 430 (Respondent Collazo)

61. OIS Test data for Miranda Smog Check indicated that on August 22, 2023, a 2002 Mercedes-Benz E 430, VIN# WDBJF70J22B457998, CA License # 5TDM695 was tested and Smog Certificate of Compliance # IV490450C was issued by Miranda Smog Check under Respondent Collazo's Smog Check Inspector License No. EO 634808.

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62. The Dynamic PID chart for the 2002 Mercedes-Benz E 430 shows that between time stamp 173 and 22708, the engine RPM is steady at around 1015 RPM. During this time, the data shows that the throttle is fixed at 3.1% opening, the MAF is fixed at 5gps, and the MAP is fixed at 33kPa. After time stamp 22708, the data shows the engine RPM is increased and then held steady at around 1835 RPM. During the steady elevated engine RPM, the data shows that the throttle is fluctuating between 1.2% and 4.7% opening, the MAF drops from 4.25gps to 3.24gps, then rises incrementally to 4.89gps before dropping to 2.9gps, and the MAP rises from 34kPa to 43kPa, then ultimately drops back to 34kPa before rising to 35kPa.

63. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF 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, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. The MAF data points during the elevated engine RPM never increased past the highest data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed an observable increase and had data points which never decreased below the data points at idle, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2002 Mercedes-Benz E 430 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance

Clean Plug Number 4 – 2002 Toyota Celica GT (Respondent Collazo)

64. OIS Test data for Miranda Smog Check indicated that on August 24, 2023, a 2002 Toyota Celica GT, VIN# JTDDR32T920138123, CA License # 4YKU287 was tested and Smog Certificate of Compliance # TM522273C was issued by Miranda Smog Check under Respondent Collazo's Smog Check Inspector License No. EO 634808.

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65. The Dynamic PID chart for the 2002 Toyota Celica GT shows that between time stamp 160 and 26198, the engine RPM is steady at around 1040 RPM. During this time, the data shows that the throttle is fixed at 11.4% and the MAF is fixed at 4.62gps. After time stamp 26198, the data shows the engine RPM is increased and then held steady at around 1875 RPM. During the steady elevated engine RPM, the data shows the throttle initially rises from 9.8% to 10.6%, then drops incrementally to 6.7% opening before rising back to 8.6% opening and the MAF is fluctuating erratically between 2.81gps and 4.25gps.

66. 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, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle and which never increased above the highest data points at idle. Additionally, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2002 Toyota Celica GT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 5 – 2003 Ford F150 (Respondent Collazo)

67. OIS Test data for Miranda Smog Check indicated that on August 26, 2023, a 2003 Ford F150, VIN # 2FTRF17253CB06878, CA License # 7G63609 was tested and Smog Certificate of Compliance # TM522294C was issued by Miranda Smog Check under Respondent Collazo's Smog Check Inspector License No. EO 634808.

68. The Dynamic PID chart for the 2003 Ford F150 shows that between time stamp 33 and 35440, the engine RPM is steady at around 985 RPM. During this time, the data shows that the throttle is fixed at 5.1% and the MAF is fixed at 4.43gps. After time stamp 35440, the data shows the engine RPM is increased and then held steady at around 1790 RPM. During the steady

1 elevated engine RPM, the data shows the throttle is fluctuating erratically between 0.4% and
2 5.5% opening and the MAF is fluctuating erratically between 3.24gps and 4.98gps.

3 69. The steady idle and steady elevated engine RPM data along with the improbable
4 throttle positions and MAF readings are not characteristic or expected for normal engine
5 operation. The throttle positions and MAF readings are expected to be stable during the steady
6 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
7 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
8 and MAF had data points during the steady elevated engine RPM which were lower than data
9 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
10 anomalous inverse correlation, all which are inconsistent with normal and expected engine
11 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not
12 connected as required to the 2003 Ford F150 certified, causing the issuance of a fraudulent Smog
13 Check Certificate of Compliance.

14 **Clean Plug Number 6 – 2003 Toyota Camry LE (Respondent Collazo)**

15 70. OIS Test data for Miranda Smog Check indicated that on September 5, 2023, a 2003
16 Toyota Camry LE, VIN# 4T1BE32K83U762141, CA License # 5DTD878 was tested and Smog
17 Certificate of Compliance # TM841926C was issued by Miranda Smog Check under Respondent
18 Collazo's Smog Check Inspector License No. EO 634808.

19 71. The Dynamic PID chart for the 2003 Toyota Camry LE shows that between time
20 stamp 155 and 23741, the engine RPM is steady at around 705 RPM. During this time, the data
21 shows that the throttle is fixed at 14.9% and the MAF is fixed at 3.34gps. After time stamp 23741
22 the data shows the engine RPM is increased and held steady at around 1690 RPM. During the
23 steady elevated engine RPM, the data shows the throttle initially rises incrementally from 12.5%
24 to 16.9%, then drops to 14.5% opening before rising to 16.1% opening and the MAF is
25 fluctuating erratically between 3.15gps and 4.92gps.

26 72. The steady idle and steady elevated engine RPM data along with the improbable
27 throttle positions and MAF readings are not characteristic or expected for normal engine
28 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, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2003 Toyota Camry LE certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 7 – 2001 Mercedes-Benz E 320 (Respondent Collazo)

73. OIS Test data for Miranda Smog Check indicated that on September 10, 2023, a 2001 Mercedes-Benz E 320, VIN # WDBJF65JX1B269909, CA License # 5KMC772 was tested and Smog Certificate of Compliance # TO066568C was issued by Miranda Smog Check under Respondent Collazo's Smog Check Inspector License No. EO 634808.

74. The Dynamic PID chart for the 2001 Mercedes-Benz E 320 shows that between time stamp 163 and 22694, the engine RPM is steady at around 820 RPM. During this time, the data shows that the throttle is fixed at 4.7% opening, the MAF is fixed at 5.02gps and the MAP is fixed at 42kPa. After time stamp 22694 the data shows the engine RPM is increased and held steady at around 1770 RPM. During the steady elevated engine RPM, the data shows the throttle initially drops from 4.3% to 2.7% opening, then rises incrementally to 5.5% opening before dropping to 4.7% opening, the MAF drops from 5.07gps to 3.38gps then rises incrementally to 5.05gps, and the MAP rises incrementally from 39kPa to 46kPa, then drops to 44kPa.

75. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF 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, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower

1 than data points at idle. Additionally, during the elevated engine RPM, the throttle and MAF
2 exhibited an anomalous inverse correlation, and the MAP displayed an observable increase, all
3 which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS
4 test data prove the Data Acquisition Device was not connected as required to the 2001 Mercedes-
5 Benz E 320 certified, causing the issuance of a fraudulent Smog Check Certificate of
6 Compliance.

7 **Clean Plug Number 8 – 2007 Nissan Sentra 2.0 (Respondent Boduryan)**

8 76. OIS Test data for Miranda Smog Check indicated that on September 26, 2023, a 2007
9 Nissan Sentra 2.0, VIN # 3N1AB61E37L636987, CA License # N was tested and Smog
10 Certificate of Compliance # TO066597C was issued by Miranda Smog Check under Respondent
11 Boduryan's Smog Check Inspector License No. EO 640777.

12 77. The Dynamic PID chart for the 2007 Nissan Sentra 2.0 shows that between time
13 stamp 209 and 16920, the engine RPM is steady at around 690 RPM. During this time, the data
14 shows that the throttle is initially fixed at 3.9% opening, then rises to 5.5% opening before
15 dropping to 0.8% opening and the MAF is initially fixed at 3.85gps, then rises to 4.54gps before
16 dropping to 4.23gps. After time stamp 16920 the data shows the engine RPM is increased and
17 held steady at around 1565 RPM. During the steady elevated engine RPM, the data shows the
18 throttle rises from 1.6% to 5.5% opening, then drops incrementally to 1.2% opening before rising
19 to 3.1% opening and the MAF drops from 3.24gps to 3.13gps then rises incrementally to 4.6gps
20 before dropping to 3.84gps and ultimately rising to 5.09gps.

21 78. The steady idle and steady elevated engine RPM data along with the improbable
22 throttle positions and MAF readings are not characteristic or expected for normal engine
23 operation. The throttle positions and MAF readings are expected to be stable during the steady
24 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
25 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
26 and MAF had data points during the steady elevated engine RPM which were lower than data
27 points at idle. The throttle data points during the elevated engine RPM never increased above the
28 data points at idle. Additionally, the throttle and MAF exhibited an anomalous inverse correlation

1 during the steady idle and steady elevated engine RPM, all which are inconsistent with normal
2 and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition
3 Device was not connected as required to the 2007 Nissan Sentra 2.0 certified, causing the
4 issuance of a fraudulent Smog Check Certificate of Compliance.

5 **Clean Plug Number 9 – 2004 Toyota Corolla Matrix XR (Respondent Boduryan)**

6 79. OIS Test data for Miranda Smog Check indicated that on September 27, 2023, a 2004
7 Toyota Corolla Matrix XR, VIN # 2T1KR32E24C210944, CA License # 7JII179 was tested and
8 Smog Certificate of Compliance # IV812104C was issued by Miranda Smog Check under
9 Respondent Boduryan's Smog Check Inspector License No. EO 640777.

10 80. The Dynamic PID chart for the 2004 Toyota Corolla Matrix XR shows that between
11 time stamp 148 and 24055, the engine RPM is steady at around 385 RPM. During this time, the
12 data shows that the throttle is fixed at 12.2% and the MAF is fixed at 3.59gps. After time stamp
13 24055 the data shows the engine RPM is increased and held steady at around 1665 RPM. During
14 the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between
15 7.8% and 11.4% opening and the MAF is fluctuating erratically between 2.72gps and 4.85gps.

16 81. The steady idle and steady elevated engine RPM data along with the improbable
17 throttle positions and MAF readings are not characteristic or expected for normal engine
18 operation. The throttle positions and MAF readings are expected to be stable during the steady
19 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
20 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
21 and MAF had data points during the steady elevated engine RPM which were lower than data
22 points at idle. The throttle data points during the elevated engine RPM never increased above the
23 data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
24 anomalous inverse correlation, all which are inconsistent with normal and expected engine
25 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not
26 connected as required to the 2004 Toyota Corolla Matrix XR certified, causing the issuance of a
27 fraudulent Smog Check Certificate of Compliance.

28 ///

Clean Plug Number 10 – 2001 Honda Accord Value (Respondent Boduryan)

82. OIS Test data for Miranda Smog Check indicated that on September 29, 2023, a 2001 Honda Accord Value, VIN # 1HGCF86691A123881, CA License # 7GYE600 was tested and Smog Certificate of Compliance # IV812114C was issued by Miranda Smog Check under Respondent Boduryan's Smog Check Inspector License No. EO 640777.

83. The Dynamic PID chart for the 2001 Honda Accord Value shows that between time stamp 133 and 43256, the engine RPM is steady at around 1055 RPM. During this time, the data shows that the throttle is fixed at 9.4% and the MAP is fixed at 27kPa. After time stamp 43256 the data shows the engine RPM is increased and held steady at around 1750 RPM. During the steady elevated engine RPM, the data shows the throttle initially drops from 11.8% to 10.6% opening, then rises to 11% and subsequently drops to 7.1% before rising to 8.6% opening then falling to 8.2% opening, and the MAP is fluctuating erratically between 24kPa and 30kPa.

84. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle positions are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the throttle had data points during the steady elevated engine RPM which were equal to or lower than data points at idle. Also, during the elevated engine RPM, the MAP displayed an observable increase and repeated fluctuations, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2001 Honda Accord Value being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 11 – 2003 Ford F150 (Respondent Boduryan)

85. OIS Test data for Miranda Smog Check indicated that on October 2, 2023, a 2003 Ford F150, VIN # 1FTRX17273NB10177, CA License # 60056E3 was tested and Smog

1 Certificate of Compliance # IV812124C was issued by Miranda Smog Check under Respondent
2 Boduryan's Smog Check Inspector License No. EO 640777.

3 86. The Dynamic PID chart for the 2003 Ford F150 shows that between time stamp 39
4 and 27228, the engine RPM is steady at around 685 RPM. During this time, the data shows that
5 the throttle is fixed at 5.1% opening and the MAF is fixed at 4.43gps. After time stamp 27228 the
6 data shows the engine RPM is increased and held steady at around 1465 RPM. During the steady
7 elevated engine RPM, the data shows the throttle is fluctuating erratically between 0.4% and
8 4.7% opening and the MAF is fluctuating erratically between 3.02gps and 5.04gps.

9 87. The steady idle and steady elevated engine RPM data along with the improbable
10 throttle positions and MAF readings are not characteristic or expected for normal engine
11 operation. The throttle positions and MAF readings are expected to be stable during the steady
12 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
13 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
14 and MAF had data points during the steady elevated engine RPM which were lower than data
15 points at idle. The throttle data points during the elevated engine RPM never increased past the
16 highest data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited
17 an anomalous inverse correlation, all which are inconsistent with normal and expected engine
18 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not
19 connected as required to the 2003 Ford F150 certified, causing the issuance of a fraudulent Smog
20 Check Certificate of Compliance.

21 **Clean Plug Number 12 – 2003 Ford Expedition XLT (Respondent Boduryan)**

22 88. OIS Test data for Miranda Smog Check indicated that on October 10, 2023, a 2003
23 Ford Expedition XLT, VIN # 1FMFU15L23LA68659, CA License # 5PNJ728 was tested and
24 Smog Certificate of Compliance # IV812150C was issued by Miranda Smog Check under
25 Respondent Boduryan's Smog Check Inspector License No. EO 640777.

26 89. The Dynamic PID chart for the 2003 Ford Expedition XLT shows that between time
27 stamp 45 and 20404, the engine RPM is steady at around 775 RPM. During this time, the data
28 shows that the throttle is fixed at 18% opening and the MAF is fixed at 4.81gps. After time stamp

1 20404 the data shows the engine RPM is increased and held steady at around 1685 RPM. During
2 the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between
3 12.9% and 18% opening and the MAF is fluctuating erratically between 3.13gps and 4.34gps.

4 90. The steady idle and steady elevated engine RPM data along with the improbable
5 throttle positions and MAF readings are not characteristic or expected for normal engine
6 operation. The throttle positions and MAF readings are expected to be stable during the steady
7 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
8 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
9 and MAF had data points during the steady elevated engine RPM which were lower than data
10 points at idle and which never increased above the data points at idle. Also, during the elevated
11 engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, all which are
12 inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data
13 prove the Data Acquisition Device was not connected as required to the 2003 Ford Expedition
14 XLT certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

15 **Clean Plug Number 13 – 2006 Honda Accord SE (Respondent Lopez)**

16 91. OIS Test data for Miranda Smog Check indicated that on December 27, 2023, a 2006
17 Honda Accord SE, VIN # 1HGCM56356A061915, CA License # 5TCV403 was tested and Smog
18 Certificate of Compliance # TQ321859C was issued by Miranda Smog Check under Respondent
19 Lopez's Smog Check Inspector License No. EO 634966.

20 92. The Dynamic PID chart for the 2006 Honda Accord SE shows that between time
21 stamp 151 and 3884, the engine RPM is steady at around 590 RPM. Following time stamp 3884,
22 the engine RPM is increased and held steady at around 680 RPM until time stamp 39508. During
23 this time, the data shows that the throttle is fixed at 12.9%, the MAF is fixed at 4.93gps and the
24 MAP is fixed at 25kPa. After time stamp 39508 the data shows the engine RPM is increased and
25 held steady at around 1455 RPM. During the steady elevated engine RPM, the data shows the
26 throttle rises incrementally from 12.5% to 18% opening then drops incrementally to 13.3%
27 opening, the MAF is fluctuating erratically between 3.43gps and 5.1gps and the MAP is
28 fluctuating erratically between 18kPa and 30kPa.

93. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF 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, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed an observable increase and repeated fluctuations, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2006 Honda Accord SE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 14 – 2005 Chevrolet Astro (Respondent Lopez)

94. OIS Test data for Miranda Smog Check indicated that on April 11, 2024, a 2005 Chevrolet Astro, VIN # 1GCDM19X55B101431, CA License # 7S83872 was tested and Smog Certificate of Compliance # TU594993C was issued by Miranda Smog Check under Respondent Lopez's Smog Check Inspector License No. EO 634966.

95. The Dynamic PID chart for the 2005 Chevrolet Astro shows that between time stamp 90 and 24035, the engine RPM is steady at around 835 RPM. During this time, the data shows that the throttle is fixed at 12.5%, the MAF is fixed at 4.09gps and the MAP is fixed at 34kPa. After time stamp 24035 the data shows the engine RPM is increased and held steady at around 1710 RPM. During the steady elevated engine RPM, the data shows the throttle initially rises from 14.5% to 17.3%, then drops incrementally to 12.9%, the MAF is fluctuating erratically between 2.79gps and 4.89gps and the MAP drops incrementally from 40kPa to 32kPa then rises incrementally to 42kPa.

96. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF 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, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed an observable increase, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2005 Chevrolet Astro being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 15 – 2006 Toyota Sienna CE (Respondent Lopez)

97. OIS Test data for Miranda Smog Check indicated that on April 11, 2024, a 2006 Toyota Sienna CE, VIN# 5TDZA23C16S504018, CA License # 5VQD582 was tested and Smog Certificate of Compliance # TU594998C was issued by Miranda Smog Check under Respondent Lopez's Smog Check Inspector License No. EO 634996.

98. The Dynamic PID chart for the 2006 Toyota Sienna CE shows that between time stamp 151 and 25511, the engine RPM is steady at around 565 RPM. During this time, the data shows that the throttle is fixed at 16.5% opening and the MAF is fixed at 3.64gps. After time stamp 25511 the data shows the engine RPM is increased and held steady at around 1485 RPM. During the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between 13.7% and 17.3% opening and the MAF is fluctuating erratically between 2.82gps and 4.77gps.

99. 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, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data

1 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
2 anomalous inverse correlation, all which are inconsistent with normal and expected engine
3 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not
4 connected as required to the 2006 Toyota Sienna CE certified, causing the issuance of a
5 fraudulent Smog Check Certificate of Compliance.

6 **Clean Plug Number 16 – 2006 Nissan Murano SL (Respondent Torres)**

7 100. OIS Test data for Miranda Smog Check indicated that on March 24, 2025, a 2006
8 Nissan Murano SL, VIN# JN8AZ08T96W410878, CA License # 5TPD851 was tested and Smog
9 Certificate of Compliance # JD537524C was issued by Miranda Smog Check under Respondent
10 Torres' Smog Check Inspector License No. EO 643921.

11 101. The Dynamic PID chart for the 2006 Nissan Murano SL shows that between time
12 stamp 201 and 22745, the engine RPM is steady at around 880 RPM. During this time, the data
13 shows that the throttle is fixed at 3.5% opening and the MAF is fixed at 4.83gps. After time stamp
14 22745 the data shows the engine RPM is increased and held steady at around 1895 RPM. During
15 the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between 2%
16 and 5.1% opening and the MAF is fluctuating erratically between 2.93gps and 5.08gps.

17 102. The steady idle and steady elevated engine RPM data along with the improbable
18 throttle positions and MAF readings are not characteristic or expected for normal engine
19 operation. The throttle positions and MAF readings are expected to be stable during the steady
20 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
21 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
22 and MAF had data points during the steady elevated engine RPM which were lower than data
23 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
24 anomalous inverse correlation, all which are inconsistent with normal and expected engine
25 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not
26 connected as required to the 2006 Nissan Murano SL certified, causing the issuance of a
27 fraudulent Smog Check Certificate of Compliance.

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Clean Plug Number 17 – 2006 Honda Accord LX (Respondent Torres)

103. OIS Test data for Miranda Smog Check indicated that on May 25, 2025, a 2006 Honda Accord LX, VIN# 1HGCM56466A149882, CA License # 8HCH806 was tested and Smog Certificate of Compliance # UO249027C was issued by Miranda Smog Check under Respondent Torres' Smog Check Inspector License No. EO 643921.

104. The Dynamic PID chart for the 2006 Honda Accord LX shows that between time stamp 123 and 18991, the engine RPM is steady at around 1036 RPM. During this time, the data shows that the throttle is fixed at 14.9% opening, the MAF is fixed at 3.47gps and the MAP is fixed at 31kPa. After time stamp 18991 the data shows the engine RPM is increased and held steady at around 1520 RPM. During the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between 12.9% and 16.5% opening, the MAF is fluctuating erratically between 3.03gps and 4.86gps and the MAP is fluctuating erratically between 17kPa and 29kPa.

105. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF 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, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to remain steady not rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Additionally, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed repeated fluctuations all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2006 Honda Accord LX certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 18 – 2003 Ford Crown Victoria (Respondent Torres)

106. OIS Test data for Miranda Smog Check indicated that on May 28, 2025, a 2003 Ford Crown Victoria, VIN# 2FAFP73W23X175828, CA License # 9FVS495 was tested and Smog

1 Certificate of Compliance # UO249036C was issued by Miranda Smog Check under Respondent
2 Torres' Smog Check Inspector License No. EO 643921.

3 107. The Dynamic PID chart for the 2003 Ford Crown Victoria shows that between time
4 stamp 31 and 19550, the engine RPM is steady at around 815 RPM. During this time, the data
5 shows that the throttle is fixed at 17.3% opening, the MAF is fixed at 5.03gps and the MAP is
6 fixed at 32kPa. After time stamp 19550 the data shows the engine RPM is increased and held
7 steady at around 1615 RPM. During the steady elevated engine RPM, the data shows the throttle
8 is fluctuating erratically between 13.7% and 17.6% opening, the MAF is fluctuating erratically
9 between 2.85gps and 4.91gps and the MAP is fluctuating erratically between 33kPa and 44kPa.

10 108. The steady idle and steady elevated engine RPM data along with the improbable
11 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
12 operation. The throttle positions and MAF readings are expected to be stable during the steady
13 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
14 values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated
15 engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings,
16 the throttle and MAF had data points during the steady elevated engine RPM which were lower
17 than data points at idle. The MAF data points during the elevated engine RPM never increased
18 above the data points at idle. Additionally, during the elevated engine RPM, the throttle and MAF
19 exhibited an anomalous inverse correlation, and the MAP displayed an observable increase and
20 had data points which never decreased below the data points at idle, all which are inconsistent
21 with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data
22 Acquisition Device was not connected as required to the 2003 Ford Crown Victoria being
23 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

24 **Clean Plug Number 19 – 2004 Toyota Rav4 (Respondent Torres)**

25 109. OIS Test data for Miranda Smog Check indicated that on June 9, 2025, a 2004 Toyota
26 Rav4, VIN# JTEGD20V340034915, CA License # 7KWA901 was tested and Smog Certificate of
27 Compliance # UO249046C was issued by Miranda Smog Check under Respondent Torres' Smog
28 Check Inspector License No. EO 643921.

110. The Dynamic PID chart for the 2004 Toyota Rav4 shows that between time stamp 123 and 22340, the engine RPM is steady at around 765 RPM. During this time, the data shows that the throttle is fixed at 18.4% opening and the MAF is fixed at 3.54gps. After time stamp 22340 the data shows the engine RPM is increased and held steady at around 1405 RPM. During the steady elevated engine RPM, the data shows the throttle is fluctuating erratically between 13.3% and 17.6% opening and the MAF is fluctuating erratically between 3.15gps and 4.54gps.

111. 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, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased above the data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device was not connected as required to the 2004 Toyota Rav4 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 20 – 2000 Chevrolet Astro (Respondent Torres)

112. OIS Test data for Miranda Smog Check indicated that on June 19, 2025, a 2000 Chevrolet Astro, VIN# 1GNEL19W0YB160526, CA License # 6AHR060 was tested and Smog Certificate of Compliance # UQ703353C was issued by Miranda Smog Check under Respondent Torres' Smog Check Inspector License No. EO 643921.

113. The Dynamic PID chart for the 2000 Chevrolet Astro shows that between time stamp 32 and 24679, the engine RPM is steady at around 925 RPM. During this time, the data shows that the throttle is fixed at 0% opening, the MAF is fixed at 3.93gps and the MAP is fixed at 34kPa. After time stamp 24679 the data shows the engine RPM is increased and held steady at around 1435 RPM. During the steady elevated engine RPM, the data shows the throttle is

1 fluctuating erratically between 0.4% and 5.5% opening, the MAF is fluctuating erratically
2 between 3.27gps and 5.09gps and the MAP is fluctuating erratically between 35kPa and 45kPa.

3 114. The steady idle and steady elevated engine RPM data along with the improbable
4 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
5 operation. The throttle positions and MAF readings are expected to be stable during the steady
6 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
7 values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated
8 engine RPM, the MAP readings are expected to decrease relative to idle and remain stable.
9 During the improbable readings, the MAF had data points during the steady elevated engine RPM
10 which were lower than data points at idle. Additionally, during the elevated engine RPM, the
11 throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed an
12 observable increase and repeated fluctuations, all which are inconsistent with normal and
13 expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition
14 Device was not connected as required to the 2000 Chevrolet Astro certified, causing the issuance
15 of a fraudulent Smog Check Certificate of Compliance.

16 115. The Smog Check Certificates of Compliance for each vehicle fraudulently issued by
17 Miranda Smog Check were purchased through and delivered to the BAR-OIS platform at
18 Miranda Smog Check. The certificates were delivered between August 2, 2023, and June 17,
19 2025, and as such, were under the exclusive control of Miranda Smog Check for issuance by OIS
20 platform CV021407.

21 **POST-VID REVIEW STATION VISIT/TECHNICIAN INTERVIEWS**

22 116. On April 7, 2026, Bureau Representative H.B. visited Miranda Smog Check, located
23 at 5101 S. Normandie Ave., Los Angeles, CA 90037. Upon arrival, he observed signage which
24 read "Miranda Smog Check." The garage door was closed and restricted by a stacks of tires.
25 There were no Miranda Smog Check employees on site, and the inside of the garage was filled
26 with tires.

27 117. On April 7, 2026, Bureau Representative H.B. met with Respondent Boduryan at
28 2720 Artesia Blvd #A, Redondo Beach, CA 90278. Bureau Representative H.B. provided

1 Respondent Boduryan with copies of the Vehicle Inspection Reports for the five (5) Smog Check
2 inspections performed under his Smog Check inspector license at Miranda Smog Check. Among
3 other things, Respondent Boduryan stated that he has been working at his current place of
4 employment for approximately three years and does not remember ever working at Miranda
5 Smog Check. Respondent Boduryan also denied sharing his license, BAR access code, or
6 password(s) with anyone. He claimed he is familiar with the Smog Check Manual and Smog
7 Check Reference Guide, has a printed copy of the Smog Check Manual, which he is also able to
8 access online, and is familiar with the Smog Check laws and regulations.

9 118. On April 8, 2026, Bureau Representative H.B. met with Respondent Torres at 5651
10 Imperial Hwy. Unit C, South Gate, CA 90280. Bureau Representative H.B. provided Respondent
11 Torres with copies of the Vehicle Inspection Reports for the five (5) Smog Check inspections
12 performed under his Smog Check inspector license at Miranda Smog Check. Among other things,
13 Respondent Torres stated that he previously worked at Miranda Smog Check as a Smog Check
14 inspector, but does not recall performing the five Smog Check inspections at issue. He denied
15 sharing his license, BAR access code, or password(s) with anyone, and is not aware of his license
16 being lost or stolen. He also claimed he is familiar with the Smog Check Manual and Smog
17 Check Reference Guide, has a printed copy of the Smog Check Manual, which he is also able to
18 access online, and is familiar with the Smog Check laws and regulations.

19 **FIRST CAUSE FOR DISCIPLINE**

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

21 119. Respondent Starks' Automotive Repair Dealer Registration is subject to disciplinary
22 action under Business and Professions Code section 9884.7, subdivision (a)(1), in that he made
23 statements which were known to be untrue or misleading or, which by exercise of reasonable
24 care, should have been known to be untrue or misleading, by issuing electronic smog certificates
25 of compliance for the vehicles identified above certifying that those vehicles were in compliance
26 with applicable laws and regulations when, in fact, those vehicles had not been so inspected.
27 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
28 50 through 118, as though fully set forth here.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud – Respondent Starks)**

3 120. Respondent Starks' Automotive Repair Dealer Registration is subject to disciplinary
4 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that he
5 committed acts that constitute fraud by issuing electronic certificates of compliance to the
6 vehicles identified above without performing bone 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 50 through 118, above, as
10 though set forth fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 121. Respondent Starks' Automotive Repair Dealer Registration is subject to disciplinary
14 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that he
15 failed in a material respect to comply with the provisions of this chapter or regulations adopted
16 pursuant to it when he issued electronic certificates of compliance for the vehicles identified
17 above without performing bona fide inspections of the emission control devices and systems on
18 those vehicles, thereby depriving the People of the State of California of the protection afforded
19 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
20 incorporates, the allegations contained in paragraphs 50 through 118, above, as though set forth
21 fully herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

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

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

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a. **Section 44012:** Respondent 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 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 50 through 118, above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

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

123. Respondent Starks' 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 Starks falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent Starks 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 Starks 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 Starks knowingly entered false information into the on-board diagnostic inspection system for the vehicles identified above.

e. **Section 3340.42:** Respondent Starks 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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f. **Section 3373:** Respondent Starks 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 identified above.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 50 through 118, above, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent Starks)

124. Respondent Starks' Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified above 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 contained in paragraphs 50 through 118, above, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

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

125. Respondent Collazo's Smog Check Inspector License and Smog Check Repair Technician License are subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

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

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

1 c. **Section 44032:** Respondent Collazo 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 Collazo 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 Collazo willfully made false entries for the electronic
9 certificates of compliance by certifying that the vehicles identified above had been inspected as
10 required when, in fact, they had not.

11 Complainant refers to, and by this reference incorporates, the allegations contained in
12 paragraphs 50 through 52, 54, 61 through 75, and 115, 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 Collazo)**

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

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

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

25 c. **Section 3340.41, subdivision (c):** Respondent Collazo knowingly entered false
26 information into the on-board diagnostic inspection system for the vehicles identified above.

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

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 50 through 52, 54, 61 through 75, and 115, above, as though set forth fully herein.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 127. Respondent Collazo's Smog Check Inspector License and Smog Check Repair
6 Technician License are subject to disciplinary action pursuant to Health & Safety Code section
7 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10,
8 subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was
9 injured by issuing electronic smog certificates of compliance for the vehicles identified above
10 without performing bona fide inspections of the emission control devices and systems on those
11 vehicles, thereby depriving the People of the State of California of the protection afforded by the
12 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
13 allegations contained in paragraphs 50 through 52, 54, 61 through 75, and 115, above, as though
14 set forth fully herein.

15 **TENTH CAUSE FOR DISCIPLINE**

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

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

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

23 b. **Section 44012, subdivision (a):** Respondent Lopez 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 c. **Section 44032:** Respondent Lopez failed to perform tests of emission control
27 devices and systems of the vehicles identified above in accordance with Health & Safety Code
28 section 44012.

1 d. **Section 44015, subdivision (b):** Respondent Lopez 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 Lopez 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 54 through 60, 91 through 99, and 115, 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 Lopez)**

13 129. Respondent Lopez'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 Lopez falsely or fraudulently
17 issued electronic smog certificates of compliance for the vehicles identified above.

18 b. **Section 3340.30, subdivision (a):** Respondent Lopez 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 Lopez knowingly entered false
22 information into the on-board diagnostic inspection system for the vehicles identified above.

23 d. **Section 3340.42:** Respondent Lopez 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 54 through 60, 91 through 99, and 115, above, as though set forth fully herein.

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1 **TWELVTH CAUSE FOR DISCIPLINE**

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

3 130. Respondent Lopez’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 54 through 60, 91 through 99,
11 and 115, above, as though set forth fully herein.

12 **THIRTEENTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program – Respondent Boduryan)**

14 131. Respondent Boduryan’s Smog Check Inspector License is subject to disciplinary
15 action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to
16 comply with the following sections of that code:

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

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

23 c. **Section 44032:** Respondent Boduryan failed to perform tests of emission
24 control devices and systems of the vehicles identified above in accordance with Health & Safety
25 Code section 44012.

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

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

6 Complainant refers to, and by this reference incorporates, the allegations contained in
7 paragraphs 53 through 54, 76 through 90, 115, and 117, above, as though set forth fully herein.

8 **FOURTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
10 **Respondent Boduryan)**

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

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

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

19 c. **Section 3340.41, subdivision (c):** Respondent Boduryan knowingly entered
20 false information into the on-board diagnostic inspection system for the vehicles identified above.

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

23 Complainant refers to, and by this reference incorporates, the allegations contained in
24 paragraphs 53 through 54, 76 through 90, 115, and 117, above, as though set forth fully herein.

25 **FIFTEENTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud or Deceit – Respondent Boduryan)**

27 133. Respondent Boduryan's Smog Check Inspector License is subject to disciplinary
28 action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with

1 Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest,
2 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
3 of compliance for the vehicles identified above without performing bona fide inspections of the
4 emission control devices and systems on those vehicles, thereby depriving the People of the State
5 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
6 refers to, and by this reference incorporates, the allegations contained in paragraphs 53 through
7 54, 76 through 90, 115, and 117, above, as though set forth fully herein.

8 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

10 134. Respondent Torres' Smog Check Inspector License is subject to disciplinary action
11 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
12 with the following sections of that code:

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

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

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

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

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

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 54, 100 through 115, and 118, above, as though set forth fully herein.

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

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

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

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

14 c. **Section 3340.41, subdivision (c):** Respondent Torres knowingly entered false
15 information into the on-board diagnostic inspection system for the vehicles identified above.

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

18 Complainant refers to, and by this reference incorporates, the allegations contained in
19 paragraphs 54, 100 through 115, and 118, above, as though set forth fully herein.

20 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

22 136. Respondent Torres' Smog Check Inspector License is subject to disciplinary action
23 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
24 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
25 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
26 for the vehicles identified above without performing bona fide inspections of the emission control
27 devices and systems on those vehicles, thereby depriving the People of the State of California of
28 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by

1 this reference incorporates, the allegations contained in paragraphs 54, 100 through 115, and 118,
2 above, as though set forth fully herein.

3 **DISCIPLINARY CONSIDERATIONS**

4 137. To determine the degree of discipline, if any, to be imposed on Respondent
5 Boduryan, Complainant alleges that on or about November 2, 2018, Respondent Boduryan was
6 warned by Bureau Representatives to perform complete and accurate Smog Check inspections in
7 accordance with laws and regulations. Complainant refers to, and by this reference incorporates,
8 the allegations contained in paragraph 47, above, as though set forth fully herein.

9 138. To determine the degree of discipline, if any, to be imposed on Respondent Collazo,
10 Complainant alleges that on or about August 30, 2022 and March 22, 2023, Respondent Collazo
11 was warned by Bureau Representatives to perform complete and accurate Smog Check
12 inspections in accordance with laws and regulations. Complainant refers to, and by this reference
13 incorporates, the allegations contained in paragraphs 48 and 49, above, as though set forth fully
14 herein.

15 **OTHER MATTERS**

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

21 140. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
22 Station License No. TC 303718, issued to Respondent Starks, is revoked or suspended, any
23 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in
24 the name of said licensee may be likewise revoked or suspended by the director.

25 141. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
26 No. EO 634808, issued to Respondent Collazo, is revoked or suspended, any additional license
27 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
28 licensee may be likewise revoked or suspended by the director.

142. Pursuant to Health & Safety Code section 44072.8, if Smog Check Technician License No. EI 634808, issued to Respondent Collazo, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

143. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License No. EO 634966, issued to Respondent Lopez, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

144. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License No. EO 640777, issued to Respondent Boduryan, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

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

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 303718, issued to De'azsha Dai Juan Starks;

2. Revoking or suspending any other automotive repair dealer registration issued to De'azsha Dai Juan Starks;

3. Revoking or suspending Smog Check, Test Only, Station License Number TC 303718, issued to De'azsha Dai Juan Starks;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of De'azsha Dai Juan Starks;

1 5. Revoking or suspending Smog Check Inspector License Number EO 634808, issued
2 to Jorge Luis Collazo;

3 6. Revoking or suspending Smog Check Repair Technician License Number EI 634808,
4 issued to Jorge Luis Collazo;

5 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health & Safety Code in the name of Jorge Luis Collazo;

7 8. Revoking or suspending Smog Check Inspector License Number EO 640777, issued
8 to Yervand Boduryan;

9 9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health & Safety Code in the name of Yervand Boduryan;

11 10. Revoking or suspending Smog Check Inspector License Number EO 634966, issued
12 to Moises L. Lopez;

13 11. 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 Moises L. Lopez;

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

17 13. 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 14. Ordering De'azsha Dai Juan Starks, Jorge Luis Collazo, Yervand Boduryan, Moises
20 L. Lopez, and Andy David Cerriteno Torres to pay the Bureau of Automotive Repair the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;
23 and,

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

DATED: As of Digital Signature Date

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

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