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

In the Matter of the Accusation Against: **SMOG MASTER SMOG CHECK, ANTHONY STEVE SICAVISA-LOPEZ, OWNER** **725 W Gardena Blvd.** **Gardena, CA 90247** **Automotive Repair Dealer Registration No. ARD 299937** **Smog Check, Test-Only, Station License No. TC 299937** **ANTHONY STEVE SICAVISA LOPEZ** **16607 S. Vermont Ave.** **Gardena, CA 90247** **Smog Check Inspector License No. EO 643390** **and** **JESUS GUSTAVO ALVAREZ** **1425 W 88th Place** **Los Angeles, CA 90047** **Smog Check Inspector License No. EO 641045** Respondents.	Case No. 79/25-7170 **ACCUSATION**

PARTIES

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

2. On or about May 21, 2021, the Bureau issued Automotive Repair Dealer Registration Number ARD 299937 to Anthony Steve Sicavisa-Lopez, dba Smog Master Smog Check (Respondent Smog Master). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 20, 2025, unless renewed.

3. On or about July 12, 2021, the Bureau issued Smog Check, Test-Only, Station License Number TC 299937 to Respondent Smog Master. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 20, 2025, unless renewed.

4. On or about February 11, 2022, the Bureau issued STAR Station Certification to Respondent Smog Master. The STAR Station Certification was suspended on May 28, 2025.

5. On or about November 12, 2021, the Bureau issued Smog Check Inspector License Number EO 643390 to Anthony Steve Sicavisa Lopez (Respondent Sicavisa Lopez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 20, 2025, unless renewed.

6. On or about April 9, 2018, the Bureau issued Smog Check Inspector License Number EO 641045 to Jesus Gustavo Alvarez (Respondent Alvarez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2026, unless renewed.

JURISDICTION

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

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

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

10. 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.

11. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

12. Section 9884.7 of the Code provides, in pertinent part:

> (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:
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> (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.
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> (4) Any other conduct that constitutes fraud.
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . .

13. Section 9889.22 of the Code provides:

> The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

14. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

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

failing their onboard diagnostic test have or would have passed a tailpipe test.

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

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

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

16. Health and Safety Code section 44032 provides:

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

17. Health and Safety Code section 44059 provides:

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

18. Health and Safety Code section 44072.2 provides, in pertinent part:

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

(a) Violates any section of this chapter and the regulations adopted pursuant to it, which related to the licensed activities.

. . .

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

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

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

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

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

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

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

REGULATORY PROVISIONS

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

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

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

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

. . .

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

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

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

. . .

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

. . .

(h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.

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

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

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

COST RECOVERY

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

FACTUAL ALLEGATIONS

27. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). OIS is the Smog Check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and

the vehicle's Data Link Connector (DLC). The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with Bureau's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number (VIN), and Department of Motor Vehicles (DMV) renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

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

29. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are: (1) engine speed in revolutions per minute (RPM); (2) throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft, measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle; (3) manifold absolute pressure as measured by a manifold absolute pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle are 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level; and (4) mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract, measured in grams per second (gps).

30. During normal engine operation at idle, engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or MAF readings are also steady. In order for the engine speed to increase, the throttle would have to be opened in order to increase airflow through the engine. The engine's management systems

supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result in corresponding increases in MAF, as well as a change in MAP. Stated another way, any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases RPM and MAF along with changes in MAP.

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

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

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

34. The smog check technician must sign the VIR under penalty of perjury to indicate that the inspection was done within Bureau guidelines. Smog Check Stations are required by law to maintain a copy of the VIR along with a copy of the repair invoice for three years. The

consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by the Bureau to perform official inspections. They are issued a personal access code and a license, which are used to gain access to the EIS and OIS to perform smog check inspections. Unauthorized use of another technician's access code or license is prohibited.

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

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

Clean Plug # 1

37. On or about March 1, 2025, a 2004 Isuzu NPR, VIN 4KLB4B1UX4J801271, CA license 8X85912 was tested and smog certificate JD563130C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

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38. The Dynamic PID charts and data for the 2004 Isuzu NPR shows that between time stamp 377 and 18180, the engine RPM is steady at around 550 RPM. During this time, the data shows that the throttle is varying between 15.3% opening and 17.3% opening, the MAP is fluctuating between 32 kPa and 46 kPa, and the MAF is fluctuating between 6.28 grams/sec and 7.51 grams/sec. After time stamp 18565, the engine RPM is increased and then held steady at around 1650 RPM. During this time, the data shows that the throttle drops from 18% to 13.7% opening, the MAP is fluctuating erratically between 35 kPa and 40 kPa, and the MAF is fluctuating between 5.7 grams/sec and 7.23 grams/sec.

39. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly or fluctuate erratically. Additionally, with the elevated engine RPM, the throttle position is expected to increase, not decrease. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2004 Isuzu NPR being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

40. On January 18, 2023, a previous Smog Check inspection was performed on the 2004 Isuzu NPR at a different, unrelated Smog Check station. The Dynamic PID charts and data for the 2004 Isuzu NPR shows that between time stamp 412 and 27146, the engine RPM is steady at around 550 RPM. During this time, the data shows that the throttle is stable between 5.1% opening and 5.5% opening, the MAP is stable between 36 kPa and 38 kPa, and the MAF is stable between 5.63 grams/sec and 6.02 grams/sec. After time stamp 33939, the engine RPM is increased and then held above 1502 RPM. During this time, the data shows that the throttle increases to a fixed 15.3% opening, the MAP ultimately decreases to 26 kPa, and the MAF increases and is stable between 15.26 grams/sec and 15.84 grams/sec.

41. The steady idle and elevated engine RPMs along with the associated throttle positions, MAP and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the

elevated engine RPM, while the MAP is expected to decrease and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 2

42. On or about March 4, 2025, a 2005 Toyota Corolla CE, VIN 1NXBR32E55Z437156, CA License 8PJH810, was tested and smog certificate JD563141C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

43. The Dynamic PID charts and data for the 2005 Toyota Corolla CE shows that between time stamp 882 and 20452, the engine RPM is steady at around 625 RPM. During this time, the data shows that the throttle drops from 18.0% opening to 15.3% opening and the MAF drops from 1.54 grams/sec to 0.95 grams/sec. After time stamp 21332, the engine RPM is increased and then held steady at around 1700 RPM. During this time, the data shows that the throttle drops from 16.9% opening to 16.1% opening and the MAF rises from 1.82 grams/sec to 2.45 grams/sec.

44. 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 at idle and at the elevated engine RPM, not drop unexpectedly. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2005 Toyota Corolla CE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

45. On or about February 26, 2025, Respondent Smog Master, under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez, performed a prior Smog Check Inspection on the same 2005 Toyota Corolla CE. This Smog Check Inspection was performed just six days prior to Clean Plug #2. The vehicle failed the inspection due to "FAIL OBD Bulb Check" "FAIL OBDII" "Service Fault Codes P0420 – Catalyst System Efficiency Below Threshold Bank 1, P0741 - Torque Converter Clutch Circuit Performance/Stuck Off."

46. The Dynamic PID charts and data for the 2005 Toyota Corolla CE shows that between time stamp 898 and 32245, the engine RPM is steady at around 675 RPM. During this time, the data shows that the throttle rises from 16.9% opening to 17.3% opening and the MAF

rises from 1.73 grams/sec to 1.81 grams/sec. After time stamp 33158, the engine RPM is increased and then held above 1703 RPM. During this time, the data shows that the throttle increases to a fixed 19.2% opening and the MAF increases and is stable between 4.62 grams/sec and 4.64 grams/sec.

47. The steady idle and elevated engine RPMs along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the elevated engine RPM, and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 3

48. On or about March 22, 2025, a 2003 Ford F350 SRW Super Duty, VIN 1FDSF30L33ED82403, CA license 05614Y1, was tested and smog certificate JD824159C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

49. The Dynamic PID charts and data for the 2003 Ford F350 SRW Super Duty shows that between time stamp 378 and 17813, the engine RPM is steady at around 675 RPM. During this time, the data shows that the throttle is varying between 20.8% opening and 22.4% opening and the MAF drops from 4.97 grams/sec to 3.57 grams/sec. After time stamp 18214, the engine RPM is increased and then held steady at around 1825 RPM. During this time, the data shows that the throttle rises from 20% opening to 23.5% opening and the MAF is fluctuating between 3.8 grams/sec and 5.05 grams /sec.

50. The steady idle and steady elevated engine RPMs 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 at idle and at the elevated engine RPM, not drop or rise unexpectedly. varying abnormally, or fluctuating. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2003 Ford F350 SRW Super Duty being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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51. On or about December 28, 2024, Respondent Smog Master, under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez, performed a prior Smog Check Inspection on the same 2003 Ford F350 SRW Super Duty. The vehicle failed the inspection due to "FAIL OBD Bulb Check" "FAIL OBDII" "OBDII Monitors Not Ready Catalyst, Evaporative System, Oxygen Sensor, Oxygen Sensor Heater" "Service Fault Codes P0171 - System Too Lean Bank 1 P0460 - Fuel Level Sensor 'A' Circuit."

52. The Dynamic PID charts and data for the 2003 Ford F350 SRW Super Duty shows that between time stamp 431 and 26679, the engine RPM is steady at around 720 RPM. During this time, the data shows that the throttle is fixed at 20.4% opening and the MAF is varying from 6.69 grams/sec to 6.81 grams/sec. After time stamp 27113, the engine RPM is increased and then held above 1224 RPM. During this time, the data shows that the throttle increases from 21.6% opening to 24.7% opening and the MAF increases to between 11.79 grams/sec and 25.13 grams/sec.

53. The steady idle and elevated engine RPMs along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the elevated engine RPM, and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 4

54. On or about March 28, 2025, a 2006 Mitsubishi Lancer Evolution, VIN JA3AH86CX6U013691, no license plate entered, was tested and smog certificate JD824180C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

55. The Dynamic PID charts and data for the 2006 Mitsubishi Lancer Evolution shows that between time stamp 869 and 20640, the engine RPM is steady at around 875 RPM. During this time, the data shows that the throttle is at 3.9% opening, the MAP drops from 62 kPa to 52 kPa, and the MAF drops from 4.44 grams/sec to 2.83 grams/sec. After time stamp 21561, the engine RPM is increased and then held steady at around 1675 RPM. During this time, the data

shows that the throttle is at 2.4% opening, the MAP rises from 53 kPa to 56 kPa, and the MAF drops from 4.83 grams/sec to 3.42 grams/sec.

56. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not dropping unexpectedly. Additionally, with the elevated engine RPM, the MAP is expected to slightly decrease, not increase, while the throttle and MAF are expected to increase, not decrease. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2006 Mitsubishi Lancer Evolution being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 5

57. On or about April 3, 2025, a 2000 Ford Expedition XLT, VIN 1FMRU1663YLA38874, CA license 5DEJ091, was tested and smog certificate JD824200C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

58. The Dynamic PID charts and data for the 2000 Ford Expedition XLT shows that between time stamp 354 and 19074, the engine RPM is steady at around 720 RPM. During this time, the data shows that the throttle is fluctuating between 16.1% opening and 18% opening and the MAF is fluctuating between 3.09 grams/sec and 5 grams/sec. After time stamp 19493, the engine RPM is increased and held steady at around above 1425 RPM. During this time, the data shows that the throttle is fluctuating erratically between 12.9% opening and 16.9% opening and the MAF is fluctuating erratically from 2.79 grams/sec to 4.67 grams/sec.

59. The steady idle and steady elevated engine RPMs 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 at idle and at the elevated engine RPM, not fluctuating erratically. Additionally, with the elevated engine RPM, the throttle position and MAF are expected to increase, not decrease. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2000 Ford Expedition XLT being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

60. On March 26, 2023, a previous Smog Check inspection was performed on the same 2000 Ford Expedition XLT at a different, unrelated Smog Check station. The Dynamic PID charts and data for the 2000 Ford Expedition XLT shows that between time stamp 33 and 18090, the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle is fixed at 18.4% opening and the MAF is varying between 4.85 grams/sec and 4.96 grams/sec. After time stamp 18485, the engine RPM is increased and then held steady at around 2250 RPM. During this time, the data shows that the throttle increases and is stable between 21.2% opening and 21.6% opening and the MAF increases and is stable between 16.0 grams/sec and 16.47 grams/sec.

61. The steady idle and elevated engine RPMs along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the elevated engine RPM, and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 6

62. On or about April 8, 2025, a 2001 Lincoln Town Car Signature, VIN 1LNHM82W61Y629431, CA license 8HET017, was tested and smog certificate UM299011C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

63. The Dynamic PID charts and data for the 2001 Lincoln Town Car Signature shows that between time stamp 5023 and 22695, the engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle is fluctuating between 12.9% opening and 18% opening and the MAF is fluctuating erratically between 5.45 grams/sec and 7.18 grams/sec. After time stamp 23091, the engine RPM is increased then held steady at around 1940 RPM. During this time, the data shows that the throttle is varying between 15.3% opening and 16.5% opening and the MAF is fluctuating erratically between 5.31 grams/sec and 7.46 grams/sec.

64. The steady idle and steady elevated engine RPMs 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 at idle and at the elevated engine

RPM, not varying abnormally or fluctuating erratically. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2001 Lincoln Town Car Signature being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

65. On or about March 20, 2025, Respondent Smog Master, under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez, performed a prior Smog Check Inspection on the same 2001 Lincoln Town Car Signature. The vehicle failed the inspection due to "FAIL OBD Bulb Check" "FAIL OBDII" "OBDII Monitors Not Ready Catalyst, Evaporative System, Oxygen Sensor, Oxygen Sensor Heater" "Service Fault Codes U1039."

66. The Dynamic PID charts and data for the 2001 Lincoln Town Car Signature shows that between time stamp 376 and 32181, the engine RPM is steady at around 800 RPM. During this time, the data shows that the throttle is fixed at 17.3% opening and the MAF is stable between 4.54 grams/sec to 5.09 grams/sec. After time stamp 32567, the engine RPM is increased and then held above 1974 RPM. During this time, the data shows that the throttle increases and is varying between 20.4% opening and 21.6% opening and the MAF is varying between 11.9 grams/sec and 14.23 grams/sec.

67. The steady idle and elevated engine RPMs along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the elevated engine RPM, and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 7

68. On or about April 9, 2025, a 2005 Chevrolet Astro, VIN 1GNDM19X95B116361, CA license 5MXA794, was tested and smog certificate UM299029C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

69. The Dynamic PID charts and data for the 2005 Chevrolet Astro shows that between time stamp 395 and 17244, the engine RPM is steady at around 575 RPM. During this time, the data shows that the throttle is varying between 3.5% and 5.5% opening, the MAP is fluctuating between 102 kPa and 105 kPa, and the MAF is fluctuating from 0.16 grams/sec to 2.39

grams/sec. After time stamp 17645, the engine RPM is increased then held steady at around 2050 RPM. During this time, the data shows that the throttle gradually drops from 5.1% to 1.6% opening, the MAP ultimately rises to 110 kPa before dropping to 96 kPa, and the MAF is fluctuating from 0.71 grams/sec to 2.44 grams/sec.

70. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not varying abnormally, dropping unexpectedly, or fluctuating. Additionally, with the elevated engine RPM, the throttle position is expected to increase, not decrease. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2005 Chevrolet Astro being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 8

71. On or about April 12, 2025, a 2003 Ford F150 SVT Lightning, VIN 2FTRF07353CA57328, CA license KGO3SVT, was tested and smog certificate UM606251C was issued under the license of Smog Check Inspector EO 641045, Respondent Alvarez.

72. The Dynamic PID charts and data for the 2003 Ford F150 SVT Lightning shows that between time stamp 383 and 18809, the engine RPM is steady at around 800 RPM. During this time, the data shows that the throttle gradually rises from 22% opening to 23.9% opening and the MAF is fluctuating erratically from 5.31 grams/sec to 7.63 grams/sec. After time stamp 19185, the data shows the engine RPM is increased and then held steady at around 1600 RPM. During this time, the data shows that the throttle is fluctuating erratically from 20.4% opening to 24.3% opening and the MAF is fluctuating erratically from 5.65 grams/sec to 7.63 grams/sec.

73. The steady idle and steady elevated engine RPMs 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 at idle and at the elevated engine RPM, not fluctuating erratically. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2003 Ford F150 SVT Lightning being certified, causing the

issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 9

74. On or about April 12, 2025, a 2001 Chevrolet Suburban K2500, VIN 3GNGK26G11G238727, CA license 9HGY287 was tested and smog certificate UM606261C was issued under the license of Smog Check Inspector EO 641045, Respondent Alvarez.

75. The Dynamic PID charts and data for the 2001 Chevrolet Suburban K2500 shows that between time stamp 387 and 17583, the engine RPM is steady at around 720 RPM. During this time, the data shows that the throttle is varying between 1.6% opening and 5.1% opening, the MAP is fluctuating erratically between 19 kPa and 26 kPa, and the MAF is fluctuating from 5.31 grams/sec to 7.54 grams/sec. After time stamp 17980, the engine RPM is increased and held steady at around 1690 RPM. During this time, the data shows that the throttle increases from 0.0% opening to 2.7% opening, the MAP is fluctuating erratically from 22 kPa to 27 kPa, and the MAF is fluctuating erratically from 6.17 grams/sec to 7.46 grams/sec.

76. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not fluctuating erratically. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2001 Chevrolet Suburban K2500 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

77. On or about July 24, 2023, a previous Smog Check inspection was performed on the same 2001 Chevrolet Suburban K2500 at a different, unrelated Smog Check station. The Dynamic PID charts and data for the 2001 Chevrolet Suburban K2500 shows that between time stamp 1998 and 18563, the engine RPM is steady at around 600 RPM. During this time, the data shows that the throttle is fixed at 6.7% opening, the MAP is stable between 35 kPa to 36 kPa, and the MAF is stable between 9.28 grams/sec and 9.42 grams/sec. After time stamp 18919, the engine RPM is gradually increased and then held above 1358 RPM. During this time, the data shows that the throttle increases and is stable between 16.9% opening and 18% opening, the MAP decreases to between 30 kPa and 32 kPa, and the MAF rises to between 22.5 grams/sec and 25.48

grams/sec.

78. The steady idle and elevated engine RPMs along with the associated throttle positions, MAP and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle, increase with the elevated engine RPM, while the MAP is expected to decrease and remain stable at the higher engine RPM. These expected results were all present during this inspection.

Clean Plug # 10

79. On or about April 19, 2025, a 2002 Chevrolet Camaro Z28, VIN 2G1FP22G922169844, CA license plate 8DOW450, was tested and smog certificate UM723491C was issued under the license of Smog Check Inspector EO 643390, Respondent Sicavisa Lopez.

80. The Dynamic PID charts and data for the 2002 Chevrolet Camaro Z28 shows that between time stamp 378 and 17631, the engine RPM is steady at around 900 RPM. During this time, the data shows that the throttle is fluctuating from 0% throttle opening to 4.7% opening, the MAP is fluctuating erratically from 35 kPa to 44 kPa, and the MAF rises from 19.22 grams/sec to 19.66 grams/sec before dropping to 18.33 gram/sec. After time stamp 18048, the engine RPM is increased and then held steady at around 1650 RPM. During this time, the data shows that the throttle is fluctuating erratically between 0% opening and 4.3% opening, the MAP rises from 37 kPa to 45 kPa where it remains fixed, and the MAF is fluctuating erratically between 18.9 grams/sec and 19.73 grams/sec.

81. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly or fluctuate erratically. Additionally, with the elevated engine RPM, the MAP is expected to slightly decrease, not increase. The discrepancies in the OIS Test Data prove the DAD was not connected as required to the 2002 Chevrolet Camaro Z28 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements – Respondent Smog Master)

82. Respondent Smog Master's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that, with respect to the vehicles identified above, Respondent Smog Master made or authorized statements which they knew, or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Smog Master certified that these vehicles had passed inspection and were in compliance with applicable laws and regulations, when in fact, Respondent Smog Master conducted the inspections on the vehicles using the clean plugging method in order to issue smog certificates of compliance for the vehicles. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81 as though fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud – Respondent Smog Master)

83. Respondent Smog Master's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that, with respect to the vehicles identified above, Respondent Smog Master committed acts which constitute fraud by issuing electronic smog certificates of compliance for these vehicles without performing bona fide inspections of the emissions control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act – Respondent Smog Master)

84. Respondent Smog Master's Automotive Repair Dealer Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that, with respect to the vehicles identified above, Respondent Smog Master failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing electronic smog certificates of compliance for these vehicles without performing bona fide inspections of the

emissions control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Smog Master)

87. Respondent Smog Master's Smog Check, Test-Only, Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Smog Master committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

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SEVENTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

EIGHTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Sicavisa Lopez)

90. Respondent Sicavisa Lopez's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Sicavisa Lopez committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

TENTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

ELEVENTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

TWELFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Alvarez)

93. Respondent Alvarez's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Alvarez committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 27-81, as though fully set forth herein.

OTHER MATTERS

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

95. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only, Station License Number TC 299937, issued to Respondent Anthony Steve Sicavisa-Lopez, dba Smog Master Smog Check, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

96. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 643390, issued to Respondent Anthony Steve Sicavisa Lopez is revoked or

suspended following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

97. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 641045, issued to Respondent Jesus Gustavo Alvarez is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

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 299937, issued to Anthony Steve Sicavisa-Lopez, dba Smog Master Smog Check;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 299937, issued to Anthony Steve Sicavisa-Lopez, dba Smog Master Smog Check;

3. Revoking or suspending Smog Check Inspector License Number EO 643390, issued to Anthony Steve Sicavisa Lopez;

4. Revoking or suspending Smog Check Inspector License Number EO 641045, issued to Jesus Gustavo Alvarez;

5. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Anthony Steve Sicavisa-Lopez;

6. Revoking or suspending any other automotive repair dealer registration issued to Anthony Steve Sicavisa-Lopez;

7. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Jesus Gustavo Alvarez;

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8. Ordering Anthony Steve Sicavisa-Lopez and Jesus Gustavo Alvarez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

and,

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

DATED: As of Digital Signature Date

Dorais, Patrick@DCA
Digitally signed by Dorais, Patrick@DCA
Date: 2025.07.30 19:04:10 -07'00'

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

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