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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. 79/25-5437

13 **PATRICK GARCIA-OWNER DBA**  
14 **DOBLE A SMOG CHECK**  
15 **10300 S Western Ave. C**  
16 **Los Angeles, CA 90047**  
17 **MAILING ADDRESS**  
18 **4423 S Vermont Ave.**  
19 **Los Angeles, CA 90037**  
20 **Automotive Repair Dealer Registration No.**  
21 **ARD 308482**  
22 **Smog Check, Test Only, Station License No.**  
23 **TC 308482**

**ACCUSATION**

24 **JOHAN ROBERTS**  
25 **744 N LaBrea Ave.**  
26 **Inglewood, CA 90302**  
27 **MAILING ADDRESS**  
28 **842 N Acacia Street #4**  
Inglewood, CA 90302  
Smog Check Inspector License No. EO  
641390

JESUS OMAR MARTINEZ  
16600 Orange Avenue 115  
Paramount, CA 90723  
Smog Check Station Inspector No. EO  
645367

and

MIREYA MARTINEZ MARMOLEJO  
14417 S White Ave.  
Compton, CA 90221

1 **Smog Check Station Inspector No. EO**  
2 **642056**

3 Respondents.

4 **PARTIES**

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

7 **Patrick Garcia-Owner dba Doble A Smog Check**

8 **Automotive Repair Dealer Registration**

9 2. On or about March 11, 2024, the Bureau issued Automotive Repair Dealer  
10 Registration Number ARD 308482 to Patrick Garcia-Owner dba Doble A Smog Check  
11 (“Respondent Doble A Smog”). The Automotive Repair Dealer Registration was due to expire  
12 on March 31, 2026, however, it was cancelled on July 7, 2025.

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

14 3. On or about September 27, 2024, the Bureau issued Smog Check, Test-Only, Station  
15 License Number TC 308482 to Respondent Doble A Smog. The Smog Check, Test-Only, Station  
16 License was due to expire on March 31, 2026, however, it was cancelled on July 7, 2025.

17 **STAR Station Certification**

18 4. On or about November 8, 2024, the Bureau certified Doble A Smog Check as a  
19 STAR Station. The certification became invalid when the smog check license was cancelled. If  
20 and when reinstated, the certification will remain active unless ARD 308482 and/or TC 308482 is  
21 revoked, canceled, becomes delinquent, or the certification is suspended.

22 **Johan Roberts**

23 **Smog Check Inspector License**

24 5. On or about September 10, 2018, the Bureau issued Smog Check Inspector License  
25 Number EO 641390 to Johan Roberts (“Respondent Roberts”). The Smog Check Inspector  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on October 31, 2026, unless renewed.

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1 **Jesus Omar Martinez**

2 **Smog Check Inspector License**

3 6. On or about December 9, 2024, the Bureau issued Smog Check Inspector License  
4 Number EO 645367 to Jesus Omar Martinez (“Respondent Martinez”). The Smog Check  
5 Inspector License was in full force and effect at all times relevant to the charges brought herein  
6 and expired on August 31, 2026, and has not been renewed.

7 **Mireya Martinez Marmolejo**

8 **Smog Check Inspector License**

9 7. On or about June 21, 2019, the Bureau issued Smog Check Inspector License Number  
10 EO 642056 to Mireya Martinez Marmolejo (“Respondent Marmolejo”). The Smog Check  
11 Inspector License was in full force and effect at all times relevant to the charges brought herein  
12 and will expire on February 28, 2027, unless renewed.

13 **JURISDICTION**

14 8. Business and Professions Code (“Code”) section 9884.7 provides that the Director  
15 may revoke an automotive repair dealer registration.

16 9. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
17 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
18 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
19 temporarily or permanently.

20 10. Health and Safety Code section 44002 provides, in pertinent part, that the Director  
21 has all the powers and authority granted under the Automotive Repair Act for enforcing the  
22 Motor Vehicle Inspection Program.

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

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**STATUTORY PROVISIONS**

12. Section 9884.7 of the Code states:

(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.

....

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

13. Section 44012 of the Health and Safety Code states:

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.

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

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

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

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

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

25 (h) An analysis of pass and fail rates of vehicles subject to an onboard  
26 diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard  
27 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles  
28 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.

14. Section 44015 of the Health and Safety Code states:

....

(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.

15. Section 44032 of the Health and Safety Code states:

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

1 technicians shall perform tests of emission control devices and systems in accordance  
2 with Section 44012.

3 16. Section 44059 of the Health and Safety Code states:

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

9 17. Section 44072.2 of the Health and Safety Code states:

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

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

16 . . . .

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

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

21 18. Section 44072.8 of the Health and Safety Code states:

22 When a license has been revoked or suspended following a hearing under this  
23 article, any additional license issued under this chapter in the name of the licensee  
24 may be likewise revoked or suspended by the director.

25 19. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

26 (c) The department shall revoke the license of any smog check technician or  
27 station licensee who fraudulently certifies vehicles or participates in the fraudulent  
28 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.

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

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1 **REGULATORY PROVISIONS**

2 20. California Code of Regulations, title 16, section 3340.24, states:

3 . . . .

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

7 21. California Code of Regulations, title 16, section 3340.30, states:

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

10 (a) Inspect, test and repair vehicles, as applicable, in accordance with section  
11 44012 of the Health and Safety Code, section 44035 of the Health and  
12 Safety Code, and section 3340.42 of this article..

13 22. California Code of Regulations, title 16, section 3340.35 states:

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

18 23. California Code of Regulations, title 16, section 3340.41 states:

19 . . . .

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

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

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

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

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999  
model-year vehicle, except diesel-powered, registered in the enhanced program areas  
of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,  
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,  
including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this

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

9 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
10 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
11 the state, except in those areas of the state where the enhanced program has been  
12 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
13 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
14 contained in the bureau's specifications referenced in subsection (a) of Section  
15 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
16 shall be measured and compared to the emission standards set forth in this section and  
17 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
18 measured emissions are less than or equal to the applicable emissions standards  
19 specified in Table III.

20 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
21 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
22 model-year and newer. The OBD test failure criteria are specified in section  
23 3340.42.2.

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

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

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

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

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

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

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

(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

1 polluters during an initial inspection will be considered gross polluters and the  
2 provisions pertaining to gross polluting vehicles will apply, including, but not limited  
3 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

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

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

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

12 No automotive repair dealer or individual in charge shall, in filling out an  
13 estimate, invoice, or work order, or record required to be maintained by section  
14 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
15 information which will cause any such document to be false or misleading, or where  
16 the tendency or effect thereby would be to mislead or deceive customers, prospective  
17 customers, or the public.

### 18 **COST RECOVERY**

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

### 25 **FACTUAL ALLEGATIONS**

26 27. On or about March 3, 2025, a Bureau Representative visited another Smog Check  
27 station during the course of the Bureau Representative's regular duties. Upon arrival, the Bureau  
28 Representative observed that the business was closed, signage had been removed from the  
building, and a padlock was in place securing the roll-up type door closed. The Bureau  
Representative spoke in Spanish with an unidentified Hispanic male working in the adjacent  
automotive repair facility. The Bureau Representative asked the unidentified Hispanic male  
about the business that was closed. The unidentified Hispanic male replied that the business had  
moved and asked whether the Bureau Representative needed a Smog Check. The Bureau  
Representative stated yes. The unidentified Hispanic male then provided the Bureau

1 Representative with a two-sided business card with the words "Smog Check" and listed a  
2 telephone number of "310.997-8194". The business card did not contain an address; however, the  
3 Bureau Representative was instructed to call the telephone number on the business card, and the  
4 Bureau Representative would then be told where to go for the Smog Check inspection. The  
5 Bureau Representative later called the telephone number on the business card as instructed by the  
6 unidentified Hispanic male. An individual answered the call, and then both spoke in Spanish with  
7 each other. The Bureau Representative requested help in passing a Smog Check inspection. The  
8 unidentified individual stated that he had moved the business and asked that the Bureau  
9 Representative text him a photograph of the vehicle registration so that he could determine where  
10 to send the Bureau Representative. The Bureau Representative explained that the vehicle  
11 required a STAR inspection and that it was a 1990s Toyota Pickup. The unidentified male  
12 individual told the Bureau Representative to go to the Smog Check Station at 103rd Street and  
13 Western and for the Bureau Representative to then ask for "Hector". The Bureau Representative  
14 photographed the business card. The Bureau Representative reviewed Bureau records and  
15 determined that there was a licensed and active Smog Check Station in that area, which was  
16 named Doble A Smog Check.

#### **UNDERCOVER OPERATION-CLEAN PIPE NO. 1**

17  
18 28. On or about April 9, 2025, the Bureau conducted an undercover vehicle operation at  
19 Respondent Doble A Smog's facility. The Bureau's vehicle, a 1991 Toyota Pickup ("Toyota"),  
20 was documented by a Bureau Representative of the Forensic Documentation Laboratory. The  
21 Bureau Representative determined the required emissions controls for the Toyota. The Bureau  
22 Representative performed the following modifications to the Toyota: removed the Toyota's Three  
23 Way Catalytic ("TWC") assembly and installed an empty TWC housing onto the Toyota, and  
24 installed a modification that caused the Malfunction Indicator Lamp ("MIL") to illuminate and  
25 remain lit.

26 29. The modifications performed by the Bureau Representative caused the Toyota to fail  
27 the functional and tailpipe portions of the California Smog Check inspection with an overall test  
28 result exceeding Gross Polluter limits. Additionally, the Bureau Representative marked the

1 modified parts for identification purposes and installed tamper indicators to detect removal of  
2 components.

3 30. On or about April 9, 2025, the Bureau Representative transported the Toyota by truck  
4 to a prearranged location and released custody to another Bureau Representative.

5 31. The Bureau Representative then met with the Bureau Automotive Program  
6 Representative/Undercover Operator (“operator”) at the pre-arranged location. At or  
7 approximately 1015 hours, the Bureau Representative then released custody of the Toyota to the  
8 operator. The Bureau Representative instructed the operator to drive to Respondent Doble A  
9 Smog’s facility. The Bureau Representative showed the operator three (3) pictures from the  
10 Bureau’s records of Smog Check Inspectors that the operator might meet at Respondent Doble A  
11 Smog’s facility. The Bureau Representative provided the operator with a Department of Motor  
12 Vehicles (“DMV”) registration renewal notice for the Toyota and the business card the Bureau  
13 Representative had received from the prior unidentified Hispanic male. The Bureau  
14 Representative then instructed the operator to request a Smog Check Inspection for the Toyota  
15 upon the operator’s arrival and, if asked who had sent him, to reply with “Hector”.

16 32. At or approximately 1029 hours, the operator arrived at Respondent Doble A Smog’s  
17 facility. The operator approached the entrance to Respondent Doble A Smog’s facility and was  
18 greeted by an unidentified female. The unidentified female asked how she could help the  
19 operator, and the operator stated that he needed a Smog Check. The unidentified female asked  
20 who sent the operator, and the operator stated Hector. The unidentified female asked for the year  
21 of the vehicle, the operator stated 1991, and provided the DMV registration renewal. The  
22 unidentified female placed a cellular phone above the DMV registration renewal and then placed  
23 a telephone call. The unidentified female asked if the operator had been given a price, and the  
24 operator stated \$200.00. The unidentified female stated the price for the Smog Check was  
25 \$300.00. The operator agreed and gave the unidentified female \$300.00 in cash. The  
26 unidentified female then provided the operator with a pen and paper to write down the mileage.  
27 The operator wrote down the mileage on the paper as requested. The unidentified female then  
28 also asked the operator to write down his telephone number. The operator wrote down the

1 telephone number and handed back the pen and paper. The unidentified female stated that she  
2 would call the operator when it's done. The operator told the unidentified female that the Toyota  
3 is here, but the unidentified female stated that they only needed the paperwork and miles. While  
4 speaking with the unidentified female, the operator noticed Respondent Roberts was inside  
5 Respondent Doble A Smog's facility, at a computer. Respondent Roberts matched one of the  
6 Smog Check inspector photographs shown earlier. At no time while at Respondent Doble A  
7 Smog's facility was the operator asked to sign any documents, nor did he receive an invoice or  
8 receipt for the \$300.00 that the operator had paid. The operator then proceeded to the Toyota and  
9 entered it.

10 33. At or approximately 1045 hours, the operator then departed from Respondent Doble  
11 A Smog's facility in the Toyota and returned to a pre-arranged location.

12 34. At or approximately 1048 hours, the operator again met with the Bureau  
13 Representative at a pre-arranged location. The operator released custody of the Toyota to the  
14 Bureau Representative and returned the DMV registration renewal notice and the business card to  
15 the Bureau Representative. The operator informed the Bureau Representative that while at  
16 Respondent Doble A Smog's facility, the operator had seen one of the individuals in the pictures  
17 the Bureau Representative had shown the operator. The operator identified Respondent Roberts  
18 as the individual he saw inside Respondent Doble A Smog's facility. The Bureau Representative  
19 had the operator initial and date the photograph of Respondent Roberts, which the Bureau  
20 Representative also initialed and dated. The Bureau Representative then released custody of the  
21 Toyota to another Bureau Representative. That Bureau Representative then transported the  
22 Toyota by truck to the Bureau's Documentation Laboratory, where it was secured.

23 35. The Bureau Representative later downloaded the BAR97 Test Details from the  
24 Vehicle Information Database ("VID"), which confirmed that the Toyota was certified at  
25 Respondent Doble A Smog's facility. The records also confirmed that the smog check inspector  
26 license of Respondent Roberts was used to fraudulently certify the Toyota on or about April 09,  
27 2025, at or approximately 1111 hours. The Toyota was issued a Certificate of Compliance  
28

1 Number UM395117C. At the time of certification, the Toyota was in the Bureau’s custody and  
2 not present at Respondent Doble A Smog’s facility.

3 36. Upon the Bureau Representative’s re-inspection, the Bureau Representative  
4 confirmed that the Toyota was still not in a condition to pass a properly performed California  
5 Smog Check inspection. The Toyota again failed the functional and tailpipe portions of the  
6 California Smog Check inspection, with the overall test result exceeding the Gross Polluter limits.  
7 Additionally, the Bureau Representative confirmed that his previously installed modifications and  
8 tamper indicators were still in place and intact.

9 37. The Bureau Representative investigation found that Respondents Doble A Smog and  
10 Roberts performed fraudulent certifications via the “clean piping<sup>1</sup>” method for the Toyota, which  
11 was not present at Respondent Doble A Smog Check’s facility during the certification.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 38. Respondent Doble A Smog’s Automotive Repair Dealer Registration is subject to  
15 discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations,  
16 title 16, section 3373, in that on or about April 9, 2025, Respondent Doble A Smog made or  
17 authorized statements which he knew or in the exercise of reasonable care should have known to  
18 be untrue or misleading, as follows: Respondent Doble A Smog certified a Toyota, set forth  
19 above, had passed an inspection and was in compliance with applicable laws and regulations. In  
20 fact, Respondent Doble A Smog used the clean piping method in order to issue a certificate for the  
21 Toyota and did not test or inspect the Toyota as required by Health and Safety section 44012.  
22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 27 through 37, as though fully set forth.

24 ///

25 ///

26 ///

27 <sup>1</sup> “Clean piping” is the act of using the emission sample of a known clean vehicle to substitute for the  
28 emissions of a vehicle that will not pass a smog inspection or is not present at the time of the test.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 39. Respondent Doble A Smog’s Automotive Repair Dealer Registration is subject to  
4 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on or about April 9, 2025,  
5 Respondent Doble A Smog committed an act that constitute fraud by issuing an electronic smog  
6 certificate of compliance for the Toyota, set forth above, without performing bona fide inspection  
7 of the emission control devices and systems on the Toyota, thereby depriving the People of the  
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.  
9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraphs 27 through 37, as though fully set forth.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act)**

13 40. Respondent Doble A Smog’s Automotive Repair Dealer Registration is subject to  
14 disciplinary action under Code section 9884.7, subdivision (a)(6), in that on or about April 9,  
15 2025, regarding the Toyota, set forth above, Respondent Doble A Smog failed in a material  
16 respect to comply with the provisions of this chapter or regulations adopted pursuant to it by  
17 issuing an electronic smog certificate of compliance for the Toyota without performing a bona  
18 fide inspection of the emissions control devices and systems on the Toyota, thereby depriving the  
19 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
20 Program. Complainant refers to, and by this reference incorporates, the allegations set forth  
21 above in paragraphs 27 through 37, as though fully set forth.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Motor Vehicle Inspection Program)**

24 41. Respondent Doble A Smog’s Smog Check, Test Only Station License is subject to  
25 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
26 April 9, 2025, regarding the Toyota, set forth above, Respondent Doble A Smog failed to comply  
27 with the following sections of that Code:

28 ///

1 a. **Section 44012:** Respondent Doble A Smog failed to ensure that the emission control  
2 tests were performed on the Toyota, in accordance with procedures prescribed by the department.

3 b. **Section 44015, subdivision (b):** Respondent Doble A Smog issued an electronic smog  
4 certificate of compliance for the Toyota, without ensuring that the Toyota was properly tested and  
5 inspected to determine if it was in compliance with Health and Safety Code section 44012.

6 c. **Section 44059:** Respondent Doble A Smog willfully made false entries for the  
7 electronic smog certificate of compliance by certifying that the Toyota had been inspected as  
8 required when, in fact, it had not.

9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraphs 27 through 37, as though fully set forth.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the**  
13 **Motor Vehicle Inspection Program)**

14 42. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
15 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
16 April 9, 2025, regarding the Toyota, set forth above, Respondent Doble A Smog failed to comply  
17 with provisions of California Code of Regulations, title 16, as follows:

18 a. **Section 3340.24, subdivision (c):** Respondent Doble A Smog falsely or fraudulently  
19 issued an electronic smog certificate of compliance for the Toyota without performing bona fide  
20 inspections of the emission control devices and systems on the Toyota as required by Health and  
21 Safety Code section 44012.

22 b. **Section 3340.35, subdivision (c):** Respondent Doble A Smog issued an electronic smog  
23 certificate of compliance even though the Toyota had not been inspected in accordance with  
24 section 3340.42 of that Code.

25 c. **Section 3340.41, subdivision (c):** Respondent Doble A Smog knowingly entered false  
26 information into the emissions inspection system for the Toyota identified above.

27 d. **Section 3340.42:** Respondent Doble A Smog failed to conduct the required smog test  
28 and inspection on the Toyota in accordance with the Bureau's specifications.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraphs 27 through 37, as though fully set forth.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 43. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
6 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
7 with 44072.10, subdivision (c), in that on or about April 9, 2025, regarding the Toyota, set forth  
8 above, Respondent Doble A Smog committed an act involving dishonesty, fraud or deceit  
9 whereby another was injured by issuing an electronic smog certificate of compliance for the  
10 Toyota without performing bona fide inspection of the emission control devices and systems on  
11 the Toyota, thereby depriving the People of the State of California of the protection afforded by  
12 the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates,  
13 the allegations set forth above in paragraphs 27 through 37, as though fully set forth.

14 **SEVENTH CAUSE FOR DISCIPLINE**

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

16 44. Respondent Roberts' Smog Check Inspector License is subject to disciplinary action  
17 under Health and Safety Code section 44072.2, subdivision (a), in that on or about April 9, 2025,  
18 regarding the Toyota, set forth above, Respondent Roberts violated the following Health and  
19 Safety Code sections:

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

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

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

1 d. **Section 44059:** Respondent Roberts willfully made a false entry for the electronic  
2 certificate of compliance by certifying that the Toyota identified above had been inspected as  
3 required when, in fact, it had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
5 paragraphs 27 through 37, as though fully set forth.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the**  
8 **Motor Vehicle Inspection Program – Respondent Roberts)**

9 45. Respondent Roberts' Smog Check Inspector License is subject to discipline pursuant  
10 to Health and Safety Code section 44072.2, subdivision (c), in that on or about April 9, 2025,  
11 regarding the Toyota, set forth above, he failed to comply with provisions of California Code of  
12 Regulations, title 16, as follows:

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

17 b. **Section 3340.30 subdivision (a):** Respondent Roberts failed to inspect and test the  
18 Toyota in accordance with Health and Safety Code sections 44012.

19 c. **Section 3340.41, subdivision (c):** Respondent Roberts knowingly entered false  
20 information into the emissions inspection system for the Toyota identified above.

21 d. **Section 3340.42:** Respondent Roberts failed to conduct the required smog test and  
22 inspection on the Toyota in accordance with the Bureau's specifications.

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
24 paragraphs 27 through 37, as though fully set forth.

25 **NINTH CAUSE FOR DISCIPLINE**

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

27 46. Respondent Roberts' Smog Check Inspector License is subject to disciplinary action  
28 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and

1 Safety Code section 44072.10, subdivision (c), in that on or about April 9, 2025, regarding the  
2 Toyota, set forth above, Respondent Roberts committed an act involving dishonesty, fraud, or  
3 deceit when he issued an electronic smog certificate of compliance for the Toyota without  
4 performing bona fide inspection of the emission control devices and systems on the Toyota,  
5 thereby depriving the People of the State of California of the protection afforded by the Motor  
6 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
7 allegations set forth above in paragraphs 27 through 37, as though fully set forth.

8 **UNDERCOVER OPERATION-CLEAN PIPE NO. 2**

9 47. On or about May 20, 2025, the Bureau conducted a second undercover vehicle  
10 operation at Respondent Doble A Smog’s facility. The Bureau’s vehicle, a 1995 Acura Integra  
11 (“Acura”), was documented by a Bureau Representative of the Forensic Documentation  
12 Laboratory. The Bureau Representative determined the required emissions controls for the  
13 Acura. The Bureau Representative performed the following modifications and add-ons to the  
14 Acura: non-approved aftermarket adjustable camshaft gears, a missing Positive Crankcase  
15 Ventilation (“PCV”) breather tube, a non-approved aftermarket open breather element installed  
16 on the valve cover, a rubber cap installed on the air intake tube, and the TWC was missing.

17 48. The modifications and add-ons performed by the Bureau Representative caused the  
18 Acura to fail the visual and tailpipe portions of the California Smog Check inspection with an  
19 overall test result exceeding Gross Polluter limits. Additionally, the Bureau Representative  
20 photographed the missing and modified emission control components to document his  
21 observations.

22 49. The Acura was secured at the Forensic Documentation Laboratory. The Acura  
23 remained secured in the Forensic Documentation Laboratory between May 19, 2025, and June 26,  
24 2025.

25 50. On or about May 20, 2025, the Bureau Representative met with an Undercover  
26 Operator (“operator”) at a pre-arranged location. The Bureau Representative provided the  
27 operator with a DMV registration renewal notice for the Acura, along with the assumed owner  
28 name information of Daniel Ponce that he would be using during the undercover operation. The

1 Bureau Representative also provided the operator with the business card that the Bureau  
2 Representative had received from the prior unidentified Hispanic male. The Bureau  
3 Representative instructed the operator to walk to Respondent Doble A Smog's facility and to  
4 request a Smog Check Inspection for the Acura upon the operator's arrival, and if asked who had  
5 sent him, to reply with "Hector".

6 51. At or approximately 1313 hours, the operator arrived at Respondent Doble A Smog's  
7 facility and met with an unidentified female individual who later identified herself as Mimi. The  
8 operator stated to Mimi that he needed a Smog Check. Mimi asked for the year and make of the  
9 vehicle, and the operator replied with 1995 Acura. Mimi asked for the DMV paperwork, which  
10 the operator provided. Shortly thereafter, the operator spoke with Hector and was told that he just  
11 needed to bring in the paperwork. Mimi then took a photograph of the DMV paperwork and told  
12 the operator that the cost would be \$300.00. The operator provided \$300.00 in cash, and Mimi  
13 asked for his telephone number and the mileage. The operator provided the information as  
14 requested. Mimi stated to the operator that the Smog Check would be ready by the following day  
15 and that she would call him. The operator stated to Mimi that his name was Daniel. At no time  
16 while at Respondent Doble A Smog's facility was the operator asked to sign any documents, nor  
17 did he receive an invoice or receipt for the \$300.00 he had paid.

18 52. At or approximately 1319 hours, the operator departed Respondent Doble A Smog's  
19 facility and returned to a prearranged location.

20 53. At or approximately 1322 hours, the operator again met with the Bureau  
21 Representative at a pre-arranged location. The operator returned the DMV registration renewal  
22 notice and the business card to the Bureau Representative.

23 54. On or about June 25, 2025, the operator met with the Bureau Representative at a pre-  
24 arranged location. The Bureau Representative provided a DMV registration renewal notice for  
25 the Acura and instructed the operator to walk to Respondent Doble A Smog's facility and ask for  
26 the status of the Smog Check Inspection for the Acura. The operator then departed the location at  
27 approximately 1148 hours, and the following transpired:

28 ///

1           55. At or approximately 1150 hours, the operator arrived at Respondent Doble A Smog's  
2 facility and met with Mimi. The operator spoke with Mimi and reminded her that he was Daniel.  
3 The operator reminded Mimi that he had brought his DMV registration renewal notice for an  
4 Acura a few weeks prior, and personally spoke with her and paid \$300.00 for a Smog Check.  
5 Mimi then placed a telephone call and also checked her phone. Mimi ultimately found the  
6 photograph of the DMV registration renewal notice for the Acura that she had taken from a few  
7 weeks prior. Mimi placed another telephone call and then asked for the Acura's DMV  
8 registration renewal notice. Mimi stated to the operator that the person who does the work would  
9 be in later that day and that she would hold on to the Acura's DMV registration renewal notice  
10 and call when the Smog Check was ready. At no time while at Respondent Doble A Smog's  
11 facility was the operator asked to sign any documents, nor did he receive an invoice or receipt for  
12 the \$300.00 he paid.

13           56. At or approximately 1158 hours, the operator departed from Respondent Doble A  
14 Smog's facility and returned to a pre-arranged location. At or approximately 1201 hours, the  
15 operator again met with the Bureau Representative at a pre-arranged location.

16           57. At or approximately 1510 hours, the operator received a text from telephone number  
17 "(310) 997-8194" with a message that read "Acura ready" along with a photograph of a  
18 document. The Bureau Representative later photographed the text message with the portion of a  
19 VIR for the Acura. The text message listed the telephone number that was printed on the  
20 business card received from the prior unidentified Hispanic male, which the Bureau  
21 Representative also called for information on the location to get the fraudulent Smog Check  
22 Inspections. A short time later, the operator then received a call from Mimi regarding the same  
23 information related to the text message.

24           58. At or approximately 1600 hours, the operator again met with the Bureau  
25 Representative at a pre-arranged location. The Bureau Representative instructed the operator to  
26 walk to Respondent Doble A Smog's facility and to ask for the DMV registration renewal  
27 notice and the Smog Check document for the Acura. The operator then departed the location at  
28 approximately 1602 hours.

1           59. At or approximately 1605 hours, the operator arrived at Respondent Doble A Smog's  
2 facility and met with an unidentified male individual. The operator told the unidentified male  
3 individual that his name was Daniel and that Mimi had called, stating he could pick up the smog  
4 certificate. The unidentified male asked the operator whether he was there for the 95 Acura, and  
5 the operator stated yes. The unidentified male stated, "okay, hold on, let me get the paperwork".  
6 The unidentified male then gave the operator the original DMV registration renewal notice for the  
7 Acura and a single-page document with the heading "Smog Check Vehicle Inspection Report".  
8 At no time while at Respondent Doble A Smog's facility was the operator asked to sign any  
9 documents, nor did he receive an invoice or receipt for the \$300.00 he paid.

10           60. At or approximately 1610 hours, the operator departed Respondent Doble A Smog's  
11 facility and returned to a prearranged location.

12           61. At or approximately 1613 hours, the operator again met with the Bureau  
13 Representative at a pre-arranged location. The operator provided the DMV registration renewal  
14 notice for the Acura and a single-page document with the heading "Smog Check Vehicle  
15 Inspection Report" to the Bureau Representative, which they both initialed and dated. The  
16 Bureau Representative showed the operator three pictures from the Bureau's records of Smog  
17 Check Inspectors that the operator might have met with at Respondent Doble A Smog's facility.  
18 The operator recognized one of the photographs to be the individual at Respondent Doble A  
19 Smog's facility that had given the operator the DMV registration renewal notice for the Acura  
20 and the single-page document with the heading "Smog Check Vehicle Inspection Report", as  
21 Respondent Martinez, which they both initialed and dated.

22           62. The Bureau Representative later downloaded the BAR97 Test Details from the VID,  
23 which confirmed that the Acura was certified at Respondent Doble A Smog's facility. The  
24 records also confirmed that the license of Respondent Martinez was used to fraudulently certify  
25 the Acura on or about June 25, 2025, at or approximately 1447 hours. The Acura was issued a  
26 Certificate of Compliance Number UQ865827C. At the time of certification, the Acura had been  
27 in the Bureau's custody and secured in the Forensic Documentation Laboratory; it was  
28 never present at Respondent Doble A Smog's facility.



1 **TWELVE CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act)**

3 66. Respondent Doble A Smog’s Automotive Repair Dealer Registration is subject to  
4 disciplinary action under Code section 9884.7, subdivision (a)(6), in that on or about June 25,  
5 2025, regarding the Acura, set forth above, Respondent Doble A Smog failed in a material respect  
6 to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing an  
7 electronic smog certificate of compliance for the Acura without performing a bona fide inspection  
8 of the emissions control devices and systems on the Acura, thereby depriving the People of the  
9 State of California of the protection afforded by the Motor Vehicle Inspection Program.  
10 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
11 paragraphs 27 and 47 through 63, as though fully set forth.

12 **THIRTEENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Motor Vehicle Inspection Program)**

14 67. Respondent Doble A Smog’s Smog Check, Test Only Station License is subject to  
15 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
16 June 25, 2025, regarding the Acura, set forth above, Respondent Doble A Smog failed to comply  
17 with the following sections of that Code:

18 a. **Section 44012:** Respondent Doble A Smog failed to ensure that the emission control  
19 tests were performed on the Acura, in accordance with procedures prescribed by the department.

20 b. **Section 44015, subdivision (b):** Respondent Doble A Smog issued an electronic smog  
21 certificate of compliance for the Acura, without ensuring that the Acura was properly tested and  
22 inspected to determine if it was in compliance with Health and Safety Code section 44012.

23 c. **Section 44059:** Respondent Doble A Smog willfully made false entries for the  
24 electronic smog certificate of compliance by certifying that the Acura had been inspected as  
25 required when, in fact, it had not.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraphs 27 and 47 through 63, as though fully set forth.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**  
3 **Motor Vehicle Inspection Program)**

4 68. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
5 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
6 June 25, 2025, regarding the Acura, set forth above, Respondent Doble A Smog failed to comply  
7 with provisions of California Code of Regulations, title 16, as follows:

8 a. **Section 3340.24, subdivision (c)**: Respondent Doble A Smog falsely or fraudulently  
9 issued an electronic smog certificate of compliance for the Acura without performing bona fide  
10 inspections of the emission control devices and systems on the Acura as required by Health and  
11 Safety Code section 44012.

12 b. **Section 3340.35, subdivision (c)**: Respondent Doble A Smog issued an electronic smog  
13 certificate of compliance even though the Acura had not been inspected in accordance with  
14 section 3340.42 of that Code.

15 c. **Section 3340.41, subdivision (c)**: Respondent Doble A Smog knowingly entered false  
16 information into the emissions inspection system for the Acura identified above.

17 d. **Section 3340.42**: Respondent Doble A Smog failed to conduct the required smog test  
18 and inspection on the Acura in accordance with the Bureau's specifications.

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraphs 27 and 47 through 63, as though fully set forth.

21 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

23 69. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
24 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
25 with 44072.10, subdivision (c), in that on or about June 25, 2025, regarding the Acura, set forth  
26 above, Respondent Doble A Smog committed an act involving dishonesty, fraud or deceit  
27 whereby another was injured by issuing an electronic smog certificate of compliance for the  
28 Acura without performing bona fide inspection of the emission control devices and systems on

1 the Acura, thereby depriving the People of the State of California of the protection afforded by  
2 the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates,  
3 the allegations set forth above in paragraphs 27 and 47 through 63, as though fully set forth.

4 **SIXTEENTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez)**

6 70. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
7 action under Health and Safety Code section 44072.2, subdivision (a), in that on or about June 25,  
8 2025, regarding the Acura, set forth above, Respondent Martinez violated the following Health  
9 and Safety Code sections:

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

13 b. **Section 44012, subdivision (f):** Respondent Martinez failed to perform emission  
14 control tests on the Acura identified above in accordance with procedures prescribed by the  
15 Bureau.

16 c. **Section 44032:** Respondent Martinez failed to perform tests of the emission control  
17 devices and systems on the Acura identified above in accordance with section 44012 of the  
18 Health and Safety Code, in that the Acura had been clean piped.

19 d. **Section 44059:** Respondent Martinez willfully made a false entry for the electronic  
20 certificate of compliance by certifying that the Acura identified above had been inspected as  
21 required when, in fact, it had not.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 27 and 47 through 63, as though fully set forth.

24 **SEVENTEENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations Pursuant to the**  
26 **Motor Vehicle Inspection Program – Respondent Martinez)**

27 71. Respondent Martinez’s Smog Check Inspector License is subject to discipline  
28 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about June 25,

1 2025, regarding the Acura, set forth above, he failed to comply with provisions of California  
2 Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c)**: Respondent Martinez falsely or fraudulently issued  
4 an electronic smog certificate of compliance without performing bona fide inspections of the  
5 emission control devices and systems on the Acura as required by Health and Safety Code section  
6 44012.

7 b. **Section 3340.30 subdivision (a)**: Respondent Martinez failed to inspect and test the  
8 Acura in accordance with Health and Safety Code sections 44012.

9 c. **Section 3340.41, subdivision (c)**: Respondent Martinez knowingly entered false  
10 information into the emissions inspection system for the Acura identified above.

11 d. **Section 3340.42**: Respondent Martinez failed to conduct the required smog test and  
12 inspection on the Acura in accordance with the Bureau's specifications.

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
14 paragraphs 27 and 47 through 63, as though fully set forth.

15 **EIGHTEENTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit – Respondent Martinez)**

17 72. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
18 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
19 and Safety Code section 44072.10, subdivision (c), in that on or about June 25, 2025, regarding  
20 the Acura, set forth above, Respondent Martinez committed an act involving dishonesty, fraud, or  
21 deceit when he issued an electronic smog certificate of compliance for the Acura without  
22 performing bona fide inspection of the emission control devices and systems on the Acura,  
23 thereby depriving the People of the State of California of the protection afforded by the Motor  
24 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
25 allegations set forth above in paragraphs 27 and 47 through 63, as though fully set forth.

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1 **Station Visit**

2 73. On or about June 26, 2025, at or approximately 1640 hours, the Bureau  
3 Representative arrived at Respondent Doble A Smog’s facility for the purpose of requesting  
4 station records. Upon arrival, the Bureau Representative observed Respondent Marmolejo inside  
5 Respondent Doble A Smog’s testing bay at the BAR97 and an unidentified Hispanic male sitting  
6 in the driver’s seat of a newer 1990s Toyota Camry that was present with the engine running.  
7 The Bureau Representative observed Respondent Doble A Smog’s BAR97 EIS OBDII interface  
8 connected to this Toyota’s Diagnostic Link Connector (“DLC”). While in the area in front of the  
9 Smog Check testing bay of Respondent Doble A Smog’s facility, using a digital camera, the  
10 Bureau Representative began to photograph the vehicles and items in the vehicles. The Bureau  
11 Representative asked Respondent Marmolejo whether Respondent Martinez was present at  
12 Respondent Doble A Smog’s facility. Respondent Marmolejo did not reply and began to gather  
13 items, including what appeared to be an RPM Simulator. Utilizing the Bureau’s records, the  
14 Bureau Representative was able to confirm that a BAR97 Smog Check Inspection was in progress  
15 for a 1996 Acura NSX that was nowhere to be found near Respondent Doble A Smog’s testing  
16 bay. At this time, an unidentified female turned off the power to the BAR97 and the BAR OIS,  
17 and she began to gather items in the Smog Check testing bay. Shortly afterwards, Respondent  
18 Martinez entered the Smog Check testing bay of Respondent Doble A Smog. The Bureau  
19 Representative greeted Respondent Martinez, placed the digital camera on the trunk of a vehicle  
20 parked in the testing bay of Respondent Doble A Smog’s facility, and reached for the Bureau  
21 Representative’s folder to discuss the reason for the visit. The Bureau Representative turned to  
22 reach for the digital camera, and it was no longer on the trunk of the vehicle. The Bureau  
23 Representative asked Respondent Martinez to return the digital camera and to discuss the  
24 observed activity. Respondent Martinez denied any knowledge of the whereabouts of the digital  
25 camera and quickly disconnected the BAR97 EIS OBDII interface from the 1990s Toyota Camry.  
26 Using the Bureau Representative state issued cellphone, the Bureau Representative photographed  
27 Respondent Doble A Smog’s Low Pressure Fuel Evaporative Testing (“LPFET”) tester with a  
28 green light illuminated that indicated “Pass” and the tester hose connected to the fuel filler neck

1 of an entirely different Toyota Camry parked inside the Smog Check testing bay of Respondent  
2 Doble A Smog, and a Toyota Corolla with California License Number 3VCA159 parked on the  
3 dynamometer of Respondent Doble A Smog. The Bureau Representative again asked  
4 Respondent Martinez to return the digital camera and to discuss the observed activity.  
5 Respondent Martinez did not reply and then abruptly left Respondent Doble A Smog's facility,  
6 leaving the facility open and unsecured. The Bureau Representative collected his folder and  
7 discovered that his prepared Station Inspection Report for the records request, along with a  
8 manila folder containing two sheets of carbon paper, were missing from his folder. The Bureau  
9 Representative then left Respondent Doble A Smog's facility at or approximately 1712 hours.

10 74. Later, the Bureau Representative reviewed the BAR97 Test Data for Respondent  
11 Doble A Smog. The review again confirmed that on or about June 26, 2025, starting at or  
12 approximately 1614 hours, Respondent Doble A Smog was in the process of performing  
13 a fraudulent Smog Check Inspection on a 1996 Acura NSX, VIN Number  
14 JH4NA118XTT000246, California License Number U232BO. The Smog Check Inspector  
15 license being used for this fraudulent inspection belonged to Respondent Martinez.

#### 16 **Data Review**

17 75. During the course of a Bureau Representative's regular duties, the Bureau  
18 Representative accessed the VID and reviewed Smog Check data transmitted from Respondent  
19 Doble A Smog from January 2025 through June 2025. Additionally, the Bureau Representative  
20 accessed the VID to produce copies of the BAR OIS Test Details and Certificate Sales.

21 76. During a Board Diagnostic Inspection System inspection ("OIS"), engine operating  
22 parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is  
23 accomplished during the functional portion of the OIS Smog Check Inspection by plugging the  
24 Data Acquisition Device ("DAD") into the vehicle's DLC when prompted by the OIS analyzer  
25 screen prompt. Some of the parameters recorded are:

- 26 • Engine speed in revolutions per minute ("RPM").
- 27 • The throttle position is measured by a throttle position sensor ("TPS") mounted onto  
28 the throttle shaft. It is 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 undergoing Smog Check inspection are as follows: 25kPa to 45kPa at idle, with a subsequent decrease as the RPM is raised.
- Mass air flow as measure by a mass air flow sensor (“MAF”) mounted in the engine’s air intake tract, measured in grams per second (“gams/sec)

77. During normal engine operation at idle, the 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 a corresponding increase in MAF as well as a decrease in MAP.

78. 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.

79. The Bureau Representative conducted a detailed review of the VID data for the Smog Check inspections performed at Respondent Doble A Smog’s facility. The review showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation, that confirmed the vehicles receiving smog certificates were not tested during the OBD II functional test, which constituted “clean plugging<sup>2</sup>”. The Bureau Representative comprehensive review confirmed ten (10) Smog Check Certificates of Compliance were fraudulently issued to vehicles by Respondents Doble A Smog, Roberts, Marmolejo and Martinez.

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<sup>2</sup> Clean Plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

1 **Fraudulent Inspection No. 1-2000 Mitsubishi Montero Sport ES**

2 80. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
3 The review showed that on or about January 17, 2025, a 2000 Mitsubishi Montero Sport ES was  
4 tested, and Certificate of Compliance Number UG097632C was issued by Respondent Roberts.

5 81. The Dynamic Parameter Identification<sup>3</sup> (“PID”) Charts and data for the 2000  
6 Mitsubishi Montero Sport ES showed that between timestamps 855 and 22224, the engine RPM  
7 was steady at around 725 RPM. During this time, the data showed that the throttle dropped from  
8 5.5% opening to 0.0% opening and the MAF rose from 3.18 grams/sec to 3.99 grams/sec. After  
9 timestamp 23085, the engine RPM was increased and then held steady at around 1425 RPM.  
10 During this time, the data showed that the throttle rose from 0.4% opening to 5.5% opening and  
11 the MAF rose from 3.09 grams/sec to 3.47 grams/sec.

12 82. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
13 positions and MAF readings, were not characteristic or expected for normal engine operation.  
14 The throttle positions and MAF readings were expected to be stable at idle and at the elevated  
15 engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the  
16 throttle position and MAF readings were expected to increase to readings above idle readings, not  
17 go below or stay at around idle readings. The discrepancies in the OIS Test Data proved that the  
18 DAD was not connected to the 2000 Mitsubishi Montero Sport ES being certified, which caused  
19 the issuance of a fraudulent Smog Certificate of Compliance.

20 **Fraudulent Inspection No. 2- 2001 Chevrolet Silverado C3500**

21 83. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
22 The review showed that on or about January 21, 2025, a 2001 Chevrolet Silverado C3500 was  
23 tested, and Certificate of Compliance Number UG097643C was issued by Respondent Roberts.

24 84. The Dynamic PID Charts and data for the 2001 Chevrolet Silverado C3500 showed  
25 that between timestamps 454 and 22703, the engine RPM was steady at around 725 RPM.  
26 During this time, the data showed that the throttle was varying between 0.0% opening and 4.7%

27 \_\_\_\_\_  
28 <sup>3</sup> Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR  
OIS.

1 opening, the MAF rose from 6.19 grams/sec to 6.41 grams/sec, and the MAP was fluctuating  
2 between 20 kPa and 28 kPa. After timestamp 23252, the engine RPM was increased and then  
3 held steady at around 1425 RPM. During this time, the data showed that the throttle was  
4 fluctuating between 1.6% opening and 5.5% opening, the MAF rose from 6.97 grams/sec to 7.54  
5 grams/sec, and the MAP was fluctuating erratically between 24 kPa and 30 kPa.

6 85. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
7 positions, MAP and MAF readings, were not characteristic or expected for normal engine  
8 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and  
9 at the elevated engine RPM, not rise unexpectedly, vary, or fluctuate. Additionally, with the  
10 elevated engine RPM, the throttle position and MAF readings were expected to increase to  
11 readings above idle readings, not go below or stay at around idle readings. The discrepancies in  
12 the OIS Test Data proved that the DAD was not connected to the 2001 Chevrolet Silverado  
13 C3500 being certified, which caused the issuance of a fraudulent Smog Certificate of  
14 Compliance.

15 **Fraudulent Inspection No. 3-2001 Dodge Ram 2500**

16 86. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
17 The review showed that on or about January 29, 2025, a 2001 Dodge Ram 2500 was tested, and  
18 Certificate of Compliance Number JB979404C was issued by Respondent Marmolejo.

19 87. The Dynamic PID charts and data for the 2001 Dodge Ram 2500 showed that  
20 between timestamps 959 and 23223, the engine RPM was steady at around 775 RPM. During  
21 this time, the data showed that the throttle rose from 7.1% opening to 7.8% opening and the MAP  
22 rose from 33 kPa to 40 kPa. After timestamp 24186, the engine RPM was increased and then  
23 ultimately held steady at around 1450 RPM. During this time, the data showed that the throttle  
24 dropped from 9.4% opening to 7.8% opening and the MAP rose from 35 kPa to 41 kPa.

25 88. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
26 positions and MAP readings, were not characteristic or expected for normal engine operation.  
27 The throttle positions and MAP readings were expected to be stable at idle and at the elevated  
28 engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the

1 throttle position readings were expected to increase to readings above idle readings, not go below  
2 or stay at around idle readings. The discrepancies in the OIS Test Data proved that the DAD was  
3 not connected to the 2001 Dodge Ram 2500 being certified, which caused the issuance of a  
4 fraudulent Smog Certificate of Compliance.

5 **Fraudulent Inspection No. 4-2003 Ford Ranger**

6 89. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
7 The review showed that on or about February 14, 2025, a 2003 Ford Ranger was tested, and  
8 Certificate of Compliance Number JB979434C was issued by Respondent Marmolejo.

9 90. The Dynamic PID charts and data for the 2003 Ford Ranger showed that between  
10 timestamps 346 and 21173, the engine RPM was steady at around 980 RPM. During this time,  
11 the data showed that the throttle was fluctuating erratically between 12.5% opening and 18.0%  
12 opening, and the MAF was fluctuating erratically between 2.83 grams/sec and 4.99 grams/sec.  
13 After timestamp 21561, the engine RPM was increased and then held steady at around 1900  
14 RPM. During this time, the data showed that the throttle was fluctuating erratically between  
15 12.9% opening and 18.0% opening, and the MAF was fluctuating between 3.07 grams/sec and  
16 3.97 grams/sec.

17 91. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
18 positions and MAF readings, were not characteristic or expected for normal engine operation.  
19 The throttle positions and MAF readings were expected to be stable at idle and at the elevated  
20 engine RPM, not fluctuate. Additionally, with the elevated engine RPM, the throttle position and  
21 MAF readings were expected to increase to readings above idle speed readings, not go below or  
22 stay at around idle readings. The discrepancies in the OIS Test Data proved that the DAD was  
23 not connected to the 2003 Ford Ranger being certified, which caused the issuance of a fraudulent  
24 Smog Certificate of Compliance.

25 92. Additionally, this 2003 Ford Ranger was expected to transmit the eVIN and to have a  
26 PID count of 16, not 19. The Bureau Representative reviewed and included Like Vehicle  
27 expected data. The Bureau Representative summarized the expected data included in the  
28 following chart and declaration.

Certificate No. JB979434C	eVIN Number	Protocol	PID Count
Fraudulent Passing Inspection (February 14, 2025)	Not Reported	JPWM	16
Expected OBD II Value	1FTYR10D43PA23424	JPWM	19

**Fraudulent Inspection No. 5-2004 BMW X5 3.0I**

93. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog. The review showed that on or about February 20, 2025, a 2004 BMW X5 3.0I was tested, and Certificate of Compliance Number JD507505C was issued by Respondent Marmolejo.

94. The Dynamic PID charts and data for the 2004 BMW X5 3.0I showed that between timestamps 960 and 23558, the engine RPM was steady at around 700 RPM. During this time, the data showed that the throttle was fixed at 0.0% opening, and the MAF dropped from 3.99 grams/sec to 3.85 grams/sec. After timestamp 24537, the engine RPM was increased and then held steady at around 1925 RPM. During this time, the data showed that the throttle was fixed at 0.0% opening and the MAF rose from 7.35 grams/sec to 7.49 grams/sec.

95. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions, were not characteristic or expected for normal engine operation. The throttle position readings were expected to change with an increase in engine RPM, not remain fixed. The discrepancies in the OIS Test Data proved that the DAD was not connected to the 2004 BMW X5 3.0I being certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

**Fraudulent Inspection No. 6-2001 Chevrolet Tahoe C1500**

96. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog. The review showed that on or about March 11, 2025, a 2001 Chevrolet Tahoe C1500 was tested, and Certificate of Compliance Number UK767733C was issued by Respondent Marmolejo.

97. The Dynamic PID charts and data for the 2001 Chevrolet Tahoe C1500 showed that between timestamps 356 and 22648, the engine RPM was steady at around 550 RPM. During this time, the data showed that the throttle was fixed at 0.4% opening, the MAP was fixed at 34

1 kPa, and the MAF dropped from 97.21 grams/sec to 96.22 grams/sec. After timestamp 23021,  
2 the engine RPM was increased and then ultimately held above 1414 RPM. During this time, the  
3 data showed that the throttle was fixed at 11.4% opening, the MAP dropped from 29 kPa to 26  
4 kPa, and the MAF was fluctuating erratically between 93.43 grams/sec and 98.01 grams/sec.

5 98. The steady idle and steady engine RPMs, along with the improbable MAF readings,  
6 were not characteristic or expected for normal engine operation. The MAF readings were  
7 expected to be stable at idle and at the elevated engine RPM, not fluctuate. The discrepancies in  
8 the OIS Test Data proved that the DAD was not connected to the 2001 Chevrolet Tahoe C1500  
9 being certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

10 **Fraudulent Inspection No. 7-2001 Chevrolet Express G1500**

11 99. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
12 The review showed that on or about March 20, 2025, a 2001 Chevrolet Express G1500 was  
13 tested, and Certificate of Compliance Number JD613337C was issued by Respondent Marmolejo.

14 100. The Dynamic PID charts and data for the 2001 Chevrolet Express G1500 showed that  
15 between timestamps 343 and 19083, the engine RPM was steady at around 700 RPM. During  
16 this time, the data showed that the throttle was fixed at 0.4% opening, the MAP was fluctuating  
17 between 33 kPa and 37 kPa, and the MAF was varying between 4.92 grams/sec and 6.03  
18 grams/sec. After timestamp 19433, the engine RPM was increased and then held above 1747  
19 RPM. During this time, the data showed that the throttle was fixed at 7.8% opening, the MAP  
20 was fluctuating erratically between 25 kPa and 33 kPa, and the MAF was fluctuating between  
21 13.91 grams/sec and 19.4 grams/sec.

22 101. The steady idle and steady elevated engine RPMs, along with the improbable MAP  
23 and MAF readings, were not characteristic or expected for normal engine operation. The MAP  
24 and MAF readings were expected to be stable at idle and at the elevated engine RPM, not  
25 fluctuate. The discrepancies in the OIS Test Data proved that the DAD was not connected to the  
26 2001 Chevrolet Express G1500 being certified, which caused the issuance of a fraudulent Smog  
27 Certificate of Compliance.

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1 **Fraudulent Inspection No. 8-2005 Honda Accord EX**

2 102. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
3 The review showed that on or about March 26, 2025, a 2005 Honda Accord EX was tested, and  
4 Certificate of Compliance Number JD878626C was issued by Respondent Marmolejo.

5 103. The Dynamic PID charts and data for the 2005 Honda Accord EX showed that  
6 between timestamps 851 and 22314, the engine RPM was steady at around 785 RPM. During  
7 this time, the data showed that the throttle was at 9.4% opening, the MAP rose from 27 kPa to 29  
8 kPa, and the MAF dropped from 4.91 grams/sec to 4.21 grams/sec. After timestamp 23177, the  
9 engine RPM was increased and then held steady at around 1750 RPM. During this time, the data  
10 showed that the throttle dropped to 7.1% opening, the MAP dropped from 22 kPa to 18 kPa, and  
11 the MAF rose from 4.05 grams/sec to 4.92 grams/sec.

12 104. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
13 positions, MAP, and MAF readings, were not characteristic or expected for normal engine  
14 operation. The throttle positions and MAF readings were expected to be stable at idle and at the  
15 elevated engine RPM, not drop or rise unexpectedly. Additionally, with the elevated engine  
16 RPM, the throttle position and MAF readings were expected to increase to readings above idle  
17 readings, not go below or stay at around idle reading. The discrepancies in the OIS Test Data  
18 proved the OIS Data Acquisition Device (“DAD”) was not connected as required to the 2005  
19 Honda Accord EX being certified, causing the issuance of a fraudulent Smog Certificate of  
20 Compliance.

21 **Fraudulent Inspection No. 9-2001 Ford Econoline E250**

22 105. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
23 The review showed that on or about June 1, 2025, a 2001 Ford Econoline E250 was tested, and  
24 Certificate of Compliance Number UQ185208C was issued by Respondent Martinez.

25 106. The Dynamic PID charts and data for the 2001 Ford Econoline E250 showed that  
26 between timestamps 349 and 19986, the engine RPM was steady at around 850 RPM. During  
27 this time, the data showed that the throttle was fluctuating between 18.8% opening and 21.6%  
28 opening, and the MAF was fluctuating erratically between 3.58 grams/sec and 4.26 grams/sec.

1 After timestamp 20355, the engine RPM was increased and then held steady at around 1800  
2 RPM. During this time, the data showed that the throttle was fluctuating between 18.8% opening,  
3 and 24.3% opening and the MAF was fluctuating erratically between 2.98 grams/sec and 4.69  
4 grams/sec.

5 107. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
6 positions and MAF readings, were not characteristic or expected for normal engine operation.  
7 The throttle positions and MAF readings were expected to be stable at idle and at the elevated  
8 engine RPM, not fluctuate. Additionally, with the elevated engine RPM, the throttle position and  
9 MAF readings were expected to increase to readings above idle readings, not go below or stay at  
10 around idle readings. The discrepancies in the OIS Test Data proved that the DAD was not  
11 connected to the 2001 Ford Econoline E250 being certified, which caused the issuance of a  
12 fraudulent Smog Certificate of Compliance.

13 **Fraudulent Inspection No. 10-2003 Honda Accord EX**

14 108. A Bureau Representative reviewed the OIS Test Data for Respondent Doble A Smog.  
15 The review showed that on or about June 18, 2025, a 2003 Honda Accord EX was tested, and  
16 Certificate of Compliance Number UQ745260C was issued by Respondent Martinez.

17 109. The Dynamic PID charts and data for the 2003 Honda Accord EX showed that  
18 between timestamps 828 and 21674, the engine RPM was steady at around 750 RPM. During  
19 this time, the data showed that the throttle was at 7.1% opening, the MAP rose from 20 kPa to 28  
20 kPa, and the MAF rose from 3.74 grams/sec to 4.99 grams/sec. After timestamp 22554, the  
21 engine RPM was increased and then held steady at around 1475 RPM. During this time, the data  
22 showed that the throttle was at 7.8% opening, the MAP rose from 21 kPa to 24 kPa, and the MAF  
23 rose from 3.62 grams/sec to 4.3 grams/sec.

24 110. The steady idle and steady elevated engine RPMs, along with the improbable MAP  
25 and MAF readings, were not characteristic or expected for normal engine operation. The MAP  
26 and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop or  
27 rise unexpectedly. Additionally, with the elevated engine RPM, the MAF readings were expected  
28 to increase to readings above idle readings, not go below or stay at around idle readings, while the

1 MAP was expected to decrease and remain stable at the higher engine RPM. The discrepancies in  
2 the OIS Test Data proved that the DAD was not connected to the 2003 Honda Accord EX being  
3 certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

4 **NINETIETH CAUSE FOR DISCIPLINE**

5 **(Untrue or Misleading Statements)**

6 111. Respondent Doble A Smog's Automotive Repair Dealer Registration is subject to  
7 discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations,  
8 title 16, section 3373, in that between January 17, 2025, through June 18, 2025, Respondent Doble  
9 A Smog made or authorized statements which he knew or in the exercise of reasonable care should  
10 have known to be untrue or misleading, as follows: Respondent Doble A Smog certified that  
11 vehicles 1 through 10, set forth above, had passed inspection and were in compliance with  
12 applicable laws and regulations. Respondent Doble A Smog conducted the inspections on the  
13 vehicles using the clean plugging method by substituting or using different vehicles or another  
14 source during the OBD II functional tests to issue smog certificates of compliance for the ten (10)  
15 vehicles and did not test or inspect the ten (10) vehicles as required by Health and Safety Code  
16 section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth  
17 above in paragraphs 75 through 110, as though fully set forth.

18 **TWENTIETH CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 112. Respondent Doble A Smog's Automotive Repair Dealer Registration is subject to  
21 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between January 17, 2025,  
22 through June 18, 2025, Respondent Doble A Smog committed acts that constitute fraud by issuing  
23 electronic smog certificates of compliance for vehicles 1 through 10, set forth above, without  
24 performing bona fide inspections of the emission control devices and systems on those vehicles,  
25 thereby depriving the People of the State of California of the protection afforded by the Motor  
26 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
27 allegations set forth above in paragraphs 75 through 110, as though fully set forth.

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1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act)**

3 113. Respondent Doble A Smog’s Automotive Repair Dealer Registration is subject to  
4 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between January 17,  
5 2025, through June 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Doble  
6 A Smog failed in a material respect to comply with the provisions of this chapter or regulations  
7 adopted pursuant to it by issuing electronic smog certificates of compliance for the ten (10)  
8 vehicles without performing bona fide inspections of the emissions control devices and systems  
9 on those vehicles, thereby depriving the People of the State of California of the protection  
10 afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
11 incorporates, the allegations set forth above in paragraphs 75 through 110, as though fully set  
12 forth.

13 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with the Motor Vehicle Inspection Program)**

15 114. Respondent Doble A Smog’s Smog Check, Test Only Station License is subject to  
16 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
17 January 17, 2025, through June 18, 2025, regarding vehicles 1 through 10, set forth above,  
18 Respondent Doble A Smog failed to comply with the following sections of that Code:

19 a. **Section 44012:** Respondent Doble A Smog failed to ensure that the emission control  
20 tests were performed on vehicles 1 through 10, in accordance with procedures prescribed by the  
21 department.

22 b. **Section 44015, subdivision (b):** Respondent Doble A Smog issued electronic smog  
23 certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were  
24 properly tested and inspected to determine if they were in compliance with Health and Safety  
25 Code section 44012.

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

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraphs 75 through 110, as though fully set forth.

3 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

6 115. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
7 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
8 January 17, 2025, through June 18, 2025, regarding vehicles 1 through 10, set forth above,  
9 Respondent Doble A Smog failed to comply with provisions of California Code of Regulations,  
10 title 16, as follows:

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

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

18 c. **Section 3340.41, subdivision (c)**: Respondent Doble A Smog knowingly entered false  
19 information into the emissions inspection system for the ten (10) vehicles identified above.

20 d. **Section 3340.42**: Respondent Doble A Smog failed to conduct the required smog tests  
21 and inspections on those vehicles in accordance with the Bureau's specifications.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 75 through 110, as though fully set forth.

24 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

26 116. Respondent Doble A Smog's Smog Check, Test Only Station License is subject to  
27 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
28 with 44072.10, subdivision (c), in that between January 17, 2025, through June 18, 2025,

1 regarding vehicles 1 through 10, set forth above, Respondent Doble A Smog committed acts  
2 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog  
3 certificates of compliance for those vehicles without performing bona fide inspections of the  
4 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
5 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
6 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 75  
7 through 110, as though fully set forth.

8 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

10 117. Respondent Roberts’ Smog Check Inspector License is subject to disciplinary action  
11 under Health and Safety Code section 44072.2, subdivision (a), in that between January 17, 2025,  
12 through January 21, 2025, regarding vehicles 1 and 2, set forth above, Respondent Roberts  
13 violated the following Health and Safety Code sections:

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

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

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

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

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraphs 75 through 85, as though fully set forth.

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1 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**  
3 **Motor Vehicle Inspection Program – Respondent Roberts)**

4 118. Respondent Roberts’ Smog Check Inspector License is subject to discipline pursuant  
5 to Health and Safety Code section 44072.2, subdivision (c), in that between January 17, 2025,  
6 through January 21, 2025, regarding vehicles 1 and 2, set forth above, he failed to comply with  
7 provisions of California Code of Regulations, title 16, as follows:

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

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

14 c. **Section 3340.41, subdivision (c)**: Respondent Roberts knowingly entered false  
15 information into the emissions inspection system for the two (2) vehicles identified above.

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

18 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
19 paragraphs 75 through 85, as though fully set forth.

20 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

22 119. Respondent Roberts’ Smog Check Inspector License is subject to disciplinary action  
23 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and  
24 Safety Code section 44072.10, subdivision (c), in that between January 17, 2025, through January  
25 21, 2025, regarding vehicles 1 and 2, set forth above, Respondent Roberts committed acts  
26 involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance  
27 for the vehicles without performing bona fide inspections of the emission control devices and  
28 systems on those vehicles, thereby depriving the People of the State of California of the

1 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
2 reference incorporates, the allegations set forth above in paragraphs 75 through 85, as though  
3 fully set forth.

4 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program – Respondent Marmolejo)**

6 120. Respondent Marmolejo’s Smog Check Inspector License is subject to disciplinary  
7 action under Health and Safety Code section 44072.2, subdivision (a), in that between January 29,  
8 2025, through March 26, 2025, regarding vehicles 3 through 8, set forth above, Respondent  
9 Marmolejo violated the following Health and Safety Code sections:

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

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

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

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

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 75 through 79 and 86 through 104, as though fully set forth.

24 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations Pursuant to the**  
26 **Motor Vehicle Inspection Program – Respondent Marmolejo)**

27 121. Respondent Marmolejo’s Smog Check Inspector License is subject to discipline  
28 pursuant to Health and Safety Code section 44072.2, subdivision (c), January 29, 2025, through

1 March 26, 2025, regarding vehicles 3 through 8, set forth above, he failed to comply with  
2 provisions of California Code of Regulations, title 16, as follows:

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

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

9 c. **Section 3340.41, subdivision (c)**: Respondent Marmolejo knowingly entered false  
10 information into the emissions inspection system for the six (6) vehicles identified above.

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

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
14 paragraphs 75 through 79 and 86 through 104, as though fully set forth.

15 **THIRTIETH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit – Respondent Marmolejo)**

17 122. Respondent Marmolejo’s Smog Check Inspector License is subject to disciplinary  
18 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
19 and Safety Code section 44072.10, subdivision (c), January 29, 2025, through March 26, 2025,  
20 regarding vehicles 3 through 8, set forth above, Respondent Marmolejo committed acts involving  
21 dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the  
22 vehicles without performing bona fide inspections of the emission control devices and systems on  
23 those vehicles, thereby depriving the People of the State of California of the protection afforded  
24 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
25 incorporates, the allegations set forth above in paragraphs 75 through 79 and 86 through 104, as  
26 though fully set forth.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez)**

3 123. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
4 action under Health and Safety Code section 44072.2, subdivision (a), in that between June 1,  
5 2025, through June 18, 2025, regarding vehicles 9 and 10, set forth above, Respondent Martinez  
6 violated the following Health and Safety Code sections:

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

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

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

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

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraphs 75 through 79 and 105 through 110, as though fully set forth.

21 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations Pursuant to the**  
23 **Motor Vehicle Inspection Program – Respondent Martinez)**

24 124. Respondent Martinez’s Smog Check Inspector License is subject to discipline  
25 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that June 1, 2025, through  
26 June 18, 2025, regarding vehicles 9 and 10, set forth above, he failed to comply with provisions of  
27 California Code of Regulations, title 16, as follows:

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

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

7 c. **Section 3340.41, subdivision (c)**: Respondent Martinez knowingly entered false  
8 information into the emissions inspection system for the two (2) vehicles identified above.

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

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
12 paragraphs 75 through 79 and 105 through 110, as though fully set forth.

### 13 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

#### 14 **(Dishonesty, Fraud, or Deceit – Respondent Martinez)**

15 125. Respondent Martinez's Smog Check Inspector License is subject to disciplinary  
16 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
17 and Safety Code section 44072.10, subdivision (c), in that June 1, 2025, through June 18, 2025,  
18 regarding vehicles 9 and 10, set forth above, Respondent Martinez committed acts involving  
19 dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the  
20 vehicles without performing bona fide inspections of the emission control devices and systems on  
21 those vehicles, thereby depriving the People of the State of California of the protection afforded  
22 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
23 incorporates, the allegations set forth above in paragraphs 75 through 79 and 105 through 110, as  
24 though fully set forth.

### 25 **OTHER MATTERS**

26 126. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,  
27 or place on probation the registrations for all places of business operated in this state by Patrick  
28 Garcia upon a finding that said Respondent Doble A Smog has, or is, engaged in a course of

1 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
2 dealer.

3 127. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only  
4 Station License No. TC 303482, issued to Patrick Garcia-Owner dba Doble A Smog Check, is  
5 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the  
6 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the  
7 director.

8 128. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
9 License No. EO 641390, issued to Johan Roberts, is revoked or suspended, any additional license  
10 issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said  
11 licensee may be likewise revoked or suspended by the director.

12 129. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
13 License No. EO 645367, issued to Jesus Omar Martinez, is revoked or suspended, any additional  
14 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of  
15 said licensee may be likewise revoked or suspended by the director.

16 130. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
17 License No. EO 642056, issued to Mireya Martinez Marmolejo, is revoked or suspended, any  
18 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the  
19 name of said licensee may be likewise revoked or suspended by the director.

20 **PRAYER**

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

24 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
25 308482, issued to Patrick Garcia-Owner dba Doble A Smog Check;

26 2. Revoking, suspending or placing on probation any other automotive repair dealer  
27 registration issues in the name of Patrick Garcia;

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- 1           3.     Revoking or suspending Smog Check, Test-Only, Station License Number TC  
2 308482, issued to Patrick Garcia-Owner dba Doble A Smog Check;
- 3           4.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
4 Division 26 of the Health and Safety Code in the name of Patrick Garcia;
- 5           5.     Revoking or suspending Smog Check Inspector License Number EO 641390, issued  
6 to Johan Roberts;
- 7           6.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
8 Division 26 of the Health and Safety Code in the name of Johan Roberts;
- 9           7.     Revoking or suspending Smog Check Inspector License Number EO 645367, issued  
10 to Jesus Omar Martinez;
- 11          8.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
12 Division 26 of the Health and Safety Code in the name of Jesus Omar Martinez;
- 13          9.     Revoking or suspending Smog Check Inspector License Number EO 642056, issued  
14 to Mireya Martinez Marmolejo;
- 15          10.    Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
16 Division 26 of the Health and Safety Code in the name of Mireya Martinez Marmolejo;
- 17          11.    Ordering Patrick Garcia, Johan Roberts, Jesus Omar Martinez, and Mireya Martinez  
18 Marmolejo to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
19 enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed  
20 on probation, the costs of probation monitoring;
- 21           and,
- 22          12.    Taking such other and further action as deemed necessary and proper.

23  
24 DATED: As of Digital Signature Date

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26 PATRICK DORAIS  
27 Chief  
28 Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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