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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. 79/25-19311

13 **VIRIDIANA DIAZ-VALDEZ - OWNER /**
14 **RESPONSIBLE MANAGING EMPLOYEE**
15 **DBA THE KING SMOG CHECK**
16 **9971 San Fernando Road Unit A**
17 **Pacoima, CA 91331**
18 **Automotive Repair Dealer Registration No.**
19 **ARD 312845**
20 **Smog Check, Test-Only, Station License No.**
21 **TC 312845**

ACCUSATION

22 **and**

23 **OSCAR SOTO**
24 **PO Box 9792**
25 **North Hollywood, CA 91609**
26 **Smog Check Inspector License No. EO**
27 **641525**

28 Respondents.

PARTIES

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

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1 **Viridiana Diaz-Valdez – Owner / Responsible Managing Employee dba The King Smog**

2 **Check**

3 **Automotive Repair Dealer Registration**

4 2. On or about May 28, 2025, the Bureau issued Automotive Repair Dealer Registration
5 Number ARD 312845 to Viridiana Diaz-Valdez – Owner / Responsible Managing Employee dba
6 The King Smog Check (“Respondent King Smog”). The Automotive Repair Dealer Registration
7 was in full force and effect at all times relevant to the charges brought herein and will expire on
8 May 31, 2026, unless renewed.

9 **Smog Check, test-only, Station License**

10 3. On or about June 24, 2025, the Bureau issued Smog Check, Test-Only, Station
11 License Number TC 312845 to Respondent King Smog. The Smog Check, Test-Only, Station
12 License was in full force and effect at all times relevant to the charges brought herein and will
13 expire on May 31, 2026, unless renewed.

14 **Oscar Soto**

15 **Smog Check Inspector License**

16 4. On or about November 9, 2018, the Bureau issued Smog Check Inspector License
17 Number EO 641525 to Oscar Soto (“Respondent Soto”). The Smog Check Inspector License was
18 in full force and effect at all times relevant to the charges brought herein and will expire on
19 March 31, 2027, unless renewed.

20 **JURISDICTION**

21 5. Business and Professions Code (“Code”) section 9884.7 provides that the Director
22 may revoke an automotive repair dealer registration.

23 6. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
24 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
25 proceeding against an automotive repair dealer or to render a decision invalidating a registration
26 temporarily or permanently.

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1 earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,
2 beginning no earlier than January 1, 2025. However, the department, in consultation
3 with the state board, may prescribe alternative test procedures that include loaded
4 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
5 systems that the department and the state board determine exhibit operational
6 problems. The department shall ensure, as appropriate to the test method, the
7 following:

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

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

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

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

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

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

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

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

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

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

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(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.

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

13. Section 44059 of the Health and Safety Code states:

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

14. Section 44072.2 of the Health and Safety Code states:

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

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

....

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

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

15. Section 44072.8 of the Health and Safety Code states:

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

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

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

1 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
2 the following:

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

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

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

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

10 **REGULATORY PROVISIONS**

11 17. California Code of Regulations, title 16, section 3340.24, states:

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

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

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

19 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
20 44012 of the Health and Safety Code, section 44035 of the Health and
21 Safety Code, and section 3340.42 of this article..

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

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

27 20. California Code of Regulations, title 16, section 3340.41 states:

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

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

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

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

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

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

22 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
23 1999 model-year vehicles, except diesel-powered, registered in all program areas of
24 the state, except in those areas of the state where the enhanced program has been
25 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
26 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
27 contained in the bureau's specifications referenced in subsection (a) of Section
28 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
shall be measured and compared to the emission standards set forth in this section and
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
measured emissions are less than or equal to the applicable emissions standards
specified in Table III.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 No automotive repair dealer or individual in charge shall, in filling out an
25 estimate, invoice, or work order, or record required to be maintained by section
26 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
27 information which will cause any such document to be false or misleading, or where
28 the tendency or effect thereby would be to mislead or deceive customers, prospective
customers, or the public.

COST RECOVERY

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

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FACTUAL ALLEGATIONS

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2 24. During the course of regular duties, a Bureau Representative accessed the Vehicle
3 Information Database (“VID”) and reviewed Smog Check data transmitted from Respondent
4 King Smog. Additionally, the Bureau Representative accessed the VID and produced copies of
5 the BAR OIS Test Details and Certificate Sales.

6 25. During a Board Diagnostic Inspection System inspection (“OIS”), engine operating
7 parameters are retrieved from the vehicle’s OBD II system and recorded to the VID. This is
8 accomplished during the functional portion of the OIS Smog Check Inspection by plugging the
9 Data Acquisition Device (“DAD”) into the vehicle’s Diagnostic Link Connector (“DLC”) when
10 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 11 • Engine speed in revolutions per minute (“RPM”).
- 12 • The throttle position is measured by a throttle position sensor (“TPS”) mounted onto
13 the throttle shaft. It is measured in a percentage of opening from 0% at idle and near
14 or up to 100% at full throttle.
- 15 • 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: 25 kPa to 45 kPa at idle, with a subsequent decrease as the RPM is raised.
- 16 • Mass airflow as measured by a mass air flow sensor (“MAF”) mounted in the engine’s air intake tract and measured in grams per second (“grams/sec”).

17 26. During normal engine operation at idle, the engine speed is relatively steady around
18 its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP
19 and/or MAF readings are also steady. In order for the engine speed to increase, the throttle would
20 have to be opened in order to increase airflow through the engine. The engine’s management
21 systems supply fuel and spark timing appropriate to any changes in throttle position and engine
22 speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result
23 in a corresponding increase in MAF as well as a decrease in MAP.

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

3 28. The Bureau Representative conducted a detailed review of the VID data for the Smog
4 Check inspections performed at Respondent King Smog's facility. The review showed a pattern
5 of vehicles being certified with engine operating parameters not corresponding to normal engine
6 operation, that confirmed the vehicles that received smog check certificates were not tested
7 during the OBD II functional test, which constituted clean plugging¹. The Bureau
8 Representative's comprehensive review confirmed that ten (10) Smog Check Certificates of
9 Compliance were fraudulently issued to vehicles by Respondents King Smog and Soto.

10 **Fraudulent Inspection No. 1-2004 Ford Ranger**

11 29. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
12 The review showed that on or about July 11, 2025, a 2004 Ford Ranger was tested, and
13 Certificate of Compliance Number UQ955758C was issued by Respondents King Smog and
14 Soto.

15 30. The Dynamic PID charts and data for the 2004 Ford Ranger showed that between
16 timestamps 24 and 17239, the engine RPM was steady at around 830 RPM. During this time, the
17 data showed that the throttle was fluctuating between 12.5% opening and 16.5% opening, the
18 MAP was fluctuating between 17 kPa and 30 kPa, and the MAF was fluctuating between 0.25
19 grams/sec and 2.32 grams/sec. After timestamp 17461, the engine RPM was increased and then
20 held steady at around 2150 RPM. During this time, the data showed that the throttle rose from
21 13.3% opening to 18% opening, dropped to 17.3% opening, then rose to 17.6% opening, the
22 MAP rose from 26 kPa to 30 kPa, dropped to 18 kPa, then rose to 24 kPa, and the MAF
23 ultimately dropped from 1.54 grams/sec to 0.25 grams/sec, then rose to 2.3 grams/sec.

24 31. The steady idle and steady elevated engine RPMs, along with the improbable throttle
25 positions, MAP, and MAF readings, were not characteristic or expected for normal engine

27 ¹ Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,
28 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing
fraudulent Smog Check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for
testing.

1 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and
2 at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the
3 throttle positions and MAF readings were expected to rise with the increase in engine RPM, not
4 decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the
5 OIS DAD was not connected to the 2004 Ford Ranger being certified, which caused the issuance
6 of a fraudulent Smog Check Certificate of Compliance.

7 **Fraudulent Inspection No. 2-2006 Toyota Corolla CE**

8 32. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
9 The review showed that on or about July 14, 2025, a 2006 Toyota Corolla CE was tested, and
10 Certificate of Compliance Number UQ955761C was issued by Respondents King Smog and
11 Soto.

12 33. The Dynamic PID charts and data for the 2006 Toyota Corolla CE showed that
13 between timestamps 138 and 18524, the engine RPM was steady at around 710 RPM. During
14 this time, the data showed that the throttle was fluctuating between 14.1% opening and 16.9%
15 opening, and the MAF was fluctuating between 0.17 grams/sec and 1.91 grams/sec. After
16 timestamp 18778, the engine RPM was increased and then held steady at around 1770 RPM.
17 During this time, the data showed that the throttle was fluctuating between 12.9% opening and
18 17.6% opening, and the MAF was fluctuating erratically between 0.54 grams/sec and 2.16
19 grams/sec.

20 34. The steady idle and steady elevated engine RPM data, along with the improbable
21 throttle positions and MAF readings, were not characteristic or expected for normal engine
22 operation. The throttle positions and MAF readings were expected to be stable at idle and at the
23 elevated engine RPM, not fluctuate. Additionally, the throttle position and MAF readings were
24 expected to rise with the increase in engine RPM, not decrease to values less than idle readings.
25 The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2006
26 Toyota Corolla CE certified, which caused the issuance of a fraudulent Smog Check Certificate of
27 Compliance.

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1 **Fraudulent Inspection No. 3-2004 Chevrolet Silverado C1500**

2 35. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
3 The review showed that on or about July 24, 2025, a 2004 Chevrolet Silverado C1500 was tested,
4 and Certificate of Compliance Number UQ955772C was issued by Respondents King Smog and
5 Soto.

6 36. The Dynamic PID charts and data for the 2004 Chevrolet Silverado C1500 showed
7 that between timestamps 24 and 18248, the engine RPM was steady at around 530 RPM. During
8 this time, the data showed that the throttle was fluctuating between 0% opening and 5.1%
9 opening, the MAP was fluctuating between 32 kPa and 43 kPa, and the MAF ultimately rose from
10 5.42 gram/sec to 7.26 grams/sec, dropped to 7.23 grams/sec, then dropped to 5.94 grams/sec.
11 After timestamp 18475, the engine RPM was increased and then held steady at around 1750 RPM.
12 During this time, the data showed that the throttle was fluctuating erratically between 0% opening
13 and 5.5% opening, the MAP was fluctuating erratically between 32 kPa and 46 kPa, and the MAF
14 was fluctuating erratically between 5.83 grams/sec and 7.62 grams/sec.

15 37. The steady idle and steady elevated engine RPMs, along with the improbable throttle
16 positions, MAP, and MAF readings, were not characteristic or expected for normal engine
17 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and
18 at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the
19 throttle positions were expected to rise with the increase in engine RPM, not decrease to values
20 less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not
21 connected to the 2004 Chevrolet Silverado C1500 being certified, which caused the issuance of a
22 fraudulent Smog Check Certificate of Compliance.

23 **Fraudulent Inspection No. 4-2000 Dodge Durango**

24 38. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
25 The review showed that on or about August 15, 2025, a 2000 Dodge Durango was tested, and
26 Certificate of Compliance Number UQ955780C was issued by Respondents King Smog and
27 Soto.

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1 39. The Dynamic PID charts and data for the 2000 Dodge Durango showed that between
2 timestamps 181 and 17802, the engine RPM was steady at around 735 RPM. During this time,
3 the data showed that the throttle was fluctuating between 8.2% opening and 11.4% opening, and
4 the MAP rose from 35 kPa to 43 kPa, then dropped to 38 kPa. After timestamp 18104, the engine
5 RPM was increased and then held at around 2090 RPM. During this time, the data showed that
6 the throttle gradually dropped from 8.2% opening to 6.3% opening, then ultimately rose to 11.4%
7 opening, and the MAP was fluctuating between 36 kPa and 46 kPa.

8 40. The steady idle and steady elevated engine RPMs, along with the improbable throttle
9 positions and MAP readings, were not characteristic or expected for normal engine operation.
10 The throttle position and MAP readings were expected to be stable at idle and at the higher engine
11 RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position was
12 expected to rise with the increase in engine RPM, not decrease to values less than idle readings.
13 The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2000
14 Dodge Durango being certified, which caused the issuance of a fraudulent Smog Check
15 Certificate of Compliance.

16 **Fraudulent Inspection No. 5-2003 Ford Mustang Mach 1**

17 41. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
18 The review showed that on or about August 26, 2025, a 2003 Ford Mustang Mach 1 was tested,
19 and Certificate of Compliance Number UQ955785C was issued by Respondents King Smog and
20 Soto.

21 42. The Dynamic PID charts and data for the 2003 Ford Mustang showed that between
22 timestamps 25 and 20484, the engine RPM was steady at around 650 RPM. During this time, the
23 data showed that the throttle was fixed at 18% opening and then eventually dropped to 13.3%
24 opening, then rose to 14.5% opening and the MAF was fixed at 2.6 grams/sec, rose to 5.06
25 grams/sec, dropped to 3.34 grams/sec, then rose to 3.56 grams/sec, before dropping to 3.42
26 grams/sec. After timestamp 20721, the engine RPM was increased and held steady at around
27 1875 RPM. During this time, the data showed that the throttle was fluctuating erratically between
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1 12.5% opening and 18% opening, and the MAF was fluctuating between 3.99 grams/sec and 5.05
2 grams/sec.

3 43. The steady idle and steady elevated engine RPMs, along with the improbable throttle
4 positions and MAF readings, were not characteristic or expected for normal engine operation.
5 The throttle position and MAF readings were expected to be stable at idle and at the higher engine
6 RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle positions and
7 MAF readings were expected to rise with the increase in engine RPM, not decrease to values less
8 than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not
9 connected to the 2003 Ford Mustang Mach 1 being certified, which caused the issuance of a
10 fraudulent Smog Check Certificate of Compliance.

11 **Fraudulent Inspection No. 6-2000 Toyota Camry CE**

12 44. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
13 The review showed that on or about September 8, 2025, a 2000 Toyota Camry CE was tested, and
14 Certificate of Compliance Number UQ955791C was issued by Respondents King Smog and
15 Soto.

16 45. The Dynamic PID charts and data for the 2000 Toyota Camry CE showed that
17 between timestamps 130 and 22581, the engine RPM was steady at around 800 RPM. During
18 this time, the data showed that the throttle was fixed at 13.7% opening and the MAP was fixed at
19 98 kPa. After timestamp 22825, the engine RPM was increased and then held steady at around
20 2200 RPM. During this time, the data showed that the throttle continued to remain fixed at
21 13.7% opening, and the MAP continued to remain fixed at 98 kPa.

22 46. The steady idle and steady elevated engine RPMs, along with the improbable throttle
23 positions and MAP readings, were not characteristic or expected for normal engine operation.
24 The throttle positions and MAP readings were expected to change with the elevated engine RPM,
25 not remain fixed at values equal to idle readings. The discrepancies in the OIS Test Data proved
26 that the OIS DAD was not connected to the 2000 Toyota Camry CE being certified, which caused
27 the issuance of a fraudulent Smog Check Certificate of Compliance.

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1 **Fraudulent Inspection No. 7-2006 Lexus RX 330**

2 47. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
3 The review showed that on or about September 21, 2025, a 2006 Lexus RX 330 was tested, and
4 Certificate of Compliance Number UQ955796C was issued by Respondents King Smog and
5 Soto.

6 48. The Dynamic PID charts and data for the 2006 Lexus RX 330 showed that between
7 timestamps 139 and 24978, the engine RPM was steady at around 610 RPM. During this time,
8 the data showed that the throttle was fixed at 17.3% opening and the MAF was fixed at 2.39
9 grams/sec. After timestamp 25238, the engine RPM was increased and then held steady at around
10 1940 RPM. During this time, the data showed that the throttle was fluctuating between 12.9%
11 opening and 18% opening, and the MAF was fluctuating erratically between 0.74 grams/sec and
12 2.32 grams/sec.

13 49. The steady idle and steady elevated engine RPMs, along with the improbable throttle
14 positions and MAF readings, were not characteristic or expected for normal engine operation.
15 The throttle positions and MAF readings were expected to be stable at idle and at the elevated
16 engine RPM, not fluctuate. Additionally, the throttle positions and MAF readings were expected
17 to rise with the increase in engine RPM, not decrease to values less than idle readings. The
18 discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2006
19 Lexus RX 330 being certified, which caused the issuance of a fraudulent Smog Check Certificate
20 of Compliance.

21 **Fraudulent Inspection No. 8-2001 Nissan Frontier XE**

22 50. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
23 The review showed that on or about September 21, 2025, a 2001 Nissan Frontier XE was tested,
24 and Certificate of Compliance Number UQ955797C was issued by Respondents King Smog and
25 Soto.

26 51. The Dynamic PID charts and data for the 2001 Nissan Frontier XE showed that
27 between timestamps 263 and 17450, the engine RPM was steady at around 760 RPM. During
28 this time, the data showed that the throttle was varying abnormally between 0% opening and

1 1.6% opening, and the MAF was fluctuating between 3.41 grams/sec and 4.8 grams/sec. After
2 timestamp 17750, the data showed the engine RPM was increased and then held at around 2300
3 RPM. During this time, the data showed that the throttle was fluctuating between 1.2% opening
4 and 5.5% opening, and the MAF was fluctuating erratically between 3.02 grams/sec and 4.79
5 grams/sec.

6 52. The steady idle and steady elevated engine RPMs, along with the improbable throttle
7 positions and MAF readings, were not characteristic or expected for normal engine operation.
8 The throttle positions and MAF readings were expected to be stable at idle and at the elevated
9 engine RPM, not varying abnormally and/or fluctuate. Additionally, the throttle position readings
10 and MAF readings were expected to rise with the increase in engine RPM, not decrease to values
11 less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not
12 connected to the 2001 Nissan Frontier XE being certified, which caused the issuance of a
13 fraudulent Smog Check Certificate of Compliance.

14 **Fraudulent Inspection No. 9-2005 Infiniti G35**

15 53. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
16 The review showed that on or about October 23, 2025, a 2005 Infiniti G35 was tested, and
17 Certificate of Compliance Number UU618911C was issued by Respondents King Smog and
18 Soto.

19 54. The Dynamic PID charts and data for the 2005 Infiniti G35 showed that between
20 timestamps 303 and 16435, the engine RPM was steady at around 650 RPM. During this time,
21 the data showed that the throttle rose from a fixed 2% opening, rose to 5.1% opening, then
22 dropped to 0.4% opening, and the MAF varied abnormally between fixed 2.92 grams/sec and 3.4
23 grams/sec. After timestamp 17200, the engine RPM was increased and then held at around 1840
24 RPM. During this time, the data showed that the throttle was fluctuating between 1.2% opening
25 and 5.5% opening, and the MAF was fluctuating between 3.53 grams/sec and 5.06 grams/sec.

26 55. The steady idle and elevated engine RPMs, along with the improbable throttle
27 positions and MAF readings, were not characteristic or expected for normal engine operation.
28 The throttle positions and MAF readings were expected to be stable at idle and at the elevated

1 engine RPM, not varying abnormally and/or fluctuate. Additionally, the throttle positions were
2 expected to rise with the increase in engine RPM, not decrease to values less than idle readings.
3 The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2005
4 Infiniti G35 being certified, which caused the issuance of a fraudulent Smog Check Certificate of
5 Compliance.

6 **Fraudulent Inspection No. 10-2005 Hummer H2**

7 56. A Bureau Representative reviewed the OIS Test Data for Respondent King Smog.
8 The review showed that on or about October 24, 2025, a 2005 Hummer H2 was tested, and
9 Certificate of Compliance Number UU618912C was issued by Respondents King Smog and Soto.

10 57. The Dynamic PID charts and data for the 2005 Hummer H2 showed that between
11 timestamps 34 and 17478, the engine RPM was steady at around 560 RPM. During this time, the
12 data showed that the throttle was initially fixed at 11% opening before fluctuating between 6.7%
13 opening and 11% opening, the MAP was initially fixed at 36 kPa before dropping to 34 kPa, then
14 rose to 39 kPa, and the MAF was initially fixed at 7.95 grams/sec before fluctuating between 8.28
15 grams/sec and 9.95 gams/sec. After timestamp 17698, the engine RPM was increased and then
16 held at around 2035 RPM. During this time, the data showed that the throttle ultimately rose
17 from 7.5% opening to 10.2% opening, eventually dropped to 6.3% opening, before rising to 9%
18 opening, the MAP was fluctuating erratically between 32 kPa and 45 kPa, and the MAF was
19 fluctuating between 7.89 grams/sec and 10.04 grams/sec.

20 58. The steady idle and steady elevated engine RPMs, along with the improbable throttle
21 positions, MAP, and MAF readings, were not characteristic or expected for normal engine
22 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and
23 at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the
24 throttle position and MAF readings were expected to rise with the increase in engine RPM, not
25 decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the
26 OIS DAD was not connected to the 2005 Hummer H2 being certified, which caused the issuance
27 of a fraudulent Smog Check Certificate of Compliance.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 59. Respondent King Smog’s Automotive Repair Registration is subject to discipline
4 pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16,
5 section 3373, in that between July 11, 2025, through October 24, 2025, Respondent King Smog
6 made or authorized statements which he knew or in the exercise of reasonable care should have
7 known to be untrue or misleading, as follows: Respondent King Smog certified that vehicles 1
8 through 10, set forth above, had passed inspection and were in compliance with applicable laws
9 and regulations. Respondent King Smog conducted the inspections on the vehicles using the
10 clean plugging method by substituting or using different vehicles or another source during the
11 OBD II functional tests to issue smog check certificates of compliance for the ten (10) vehicles,
12 and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section
13 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above
14 in paragraphs 24 through 58, as though fully set forth.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 60. Respondent King Smog’s Automotive Repair Registration is subject to discipline
18 pursuant to Code section 9884.7, subdivision (a)(4), in that between July 11, 2025, through
19 October 24, 2025, Respondent King Smog committed acts that constitute fraud by issuing
20 electronic smog check certificates of compliance for vehicles 1 through 10, set forth above,
21 without performing bona fide inspections of the emission control devices and systems on those
22 vehicles, thereby depriving the People of the State of California of the protection afforded by the
23 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
24 allegations set forth above in paragraphs 24 through 58, as though fully set forth.

25 **THIRD CAUSE FOR DISCIPLINE**

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

27 61. Respondent King Smog’s Automotive Repair Registration is subject to discipline
28 pursuant to Code section 9884.7, subdivision (a)(6), in that between July 11, 2025, through

1 October 24, 2025, regarding vehicles 1 through 10, set forth above, Respondent King Smog failed
2 in a material respect to comply with the provisions of this chapter or regulations adopted pursuant
3 to it by issuing electronic smog check certificates of compliance for the ten (10) vehicles without
4 performing bona fide inspections of the emissions control devices and systems on those vehicles,
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 24 through 58, as though fully set forth.

8 **FOURTH CAUSE FOR DISCIPLINE**

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

10 62. Respondent King Smog’s Smog Check, Test-Only, Station License is subject to
11 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
12 July 11, 2025, through October 24, 2025, regarding vehicles 1 through 10, set forth above,
13 Respondent King Smog failed to comply with the following sections of that Code:

14 a. **Section 44012:** Respondent King Smog failed to ensure that the emission control tests
15 were performed on vehicles 1 through 10, in accordance with procedures prescribed by the
16 department.

17 b. **Section 44015, subdivision (b):** Respondent King Smog issued electronic smog check
18 certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were
19 properly tested and inspected to determine if they were in compliance with Health and Safety
20 Code section 44012.

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

24 Complainant refers to, and by this reference incorporates, the allegations set forth above in
25 paragraphs 24 through 58, as though fully set forth.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

4 63. Respondent King 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 between
6 July 11, 2025, through October 24, 2025, regarding vehicles 1 through 10, set forth above,
7 Respondent King Smog failed to comply with provisions of California Code of Regulations, title
8 16, as follows:

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

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

16 c. **Section 3340.41, subdivision (c)**: Respondent King Smog knowingly entered false
17 information into the OIS for the ten (10) vehicles identified above.

18 d. **Section 3340.42**: Respondent King Smog failed to conduct the required smog tests and
19 inspections on those vehicles in accordance with the Bureau's specifications.

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in
21 paragraphs 24 through 58, as though fully set forth.

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 64. Respondent King Smog’s Smog Check, Test-Only, Station License is subject to
25 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
26 with 44072.10, subdivision (c), in that between July 11, 2025, through October 24, 2025,
27 regarding vehicles 1 through 10, set forth above, Respondent King Smog committed acts
28 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog

1 check certificates of compliance for those vehicles without performing bona fide inspections of
2 the emission control devices and systems on the vehicles, thereby depriving the People of the
3 State California of the protection afforded by the Motor Vehicle Inspection Program.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 24 through 58, as though fully set forth.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 **(Violations of the Motor Vehicle Inspection Program – Respondent Soto)**

8 65. Respondent Soto’s Smog Check Inspector License is subject to disciplinary pursuant
9 to Health and Safety Code section 44072.2, subdivision (a), in that between July 11, 2025,
10 through October 24, 2025, regarding vehicles 1 through 10, set forth above, Respondent Soto
11 violated the following Health and Safety Code sections:

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

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

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

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

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in
24 paragraphs 24 through 58, as though fully set forth.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

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

4 66. Respondent Soto’s Smog Check Inspector License is subject to disciplinary pursuant
5 to Health and Safety Code section 44072.2, subdivision (c), in that between July 11, 2025,
6 through October 24, 2025, regarding vehicles 1 through 10, set forth above, Respondent Soto
7 failed to comply with provisions of California Code of Regulations, title 16, as follows:

8 a. **Section 3340.24, subdivision (c)**: Respondent Soto falsely or fraudulently issued
9 electronic smog check 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 Soto 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 Soto knowingly entered false
15 information into the OIS for the ten (10) vehicles identified above.

16 d. **Section 3340.42**: Respondent Soto 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 24 through 58, as though fully set forth.

20 **NINTH CAUSE FOR DISCIPLINE**

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

22 67. Respondent Soto’s Smog Check Inspector License is subject to disciplinary pursuant
23 to 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 July 11, 2025, through October
25 24, 2025, regarding vehicles 1 through 10, set forth above, Respondent Soto committed acts
26 involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
27 compliance for the vehicles without performing bona fide inspections of the emission control
28 devices and systems on those vehicles, thereby depriving the People of the State of California of

1 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
2 this reference incorporates, the allegations set forth above in paragraphs 24 through 58, as though
3 fully set forth.

4 **DISCIPLINE CONSIDERATIONS**

5 68. To determine the degree of discipline, if any, to be imposed on Respondent Soto,
6 Complainant alleges that on or about September 23, 2019, in a prior disciplinary action titled *In*
7 *the Matter of the Accusation Against; Tusos Smog Test Only Oscar Soto, Owner* before the
8 Bureau, in Case Number 79/18-10227, issued a Decision and Order effective September 23, 2019,
9 in which Respondent Tusos Smog Test Only, Oscar Soto, Owner's Automotive Registration
10 Dealer Registration Number ARD 288792 and Smog Check, Test Only Station License Number
11 TC 288792 were revoked.

12 69. To determine the degree of discipline, if any, to be imposed on Respondent Soto,
13 Complainant alleges that on or about July 3, 2019, in a prior action, the Bureau issued Citation
14 Number C2019-1659 and ordered Respondent Tusos Smog Test Only, Oscar Soto, Owner, to pay
15 a citation penalty of \$1,000.00. That Citation is now final.

16 **OTHER MATTERS**

17 70. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
18 or place on probation the registrations for all places of business operated in this state by Viridiana
19 Diaz-Valdez, upon a finding that said Respondent King Smog has, or is, engaged in a course of
20 repeated and willful violations of the laws and regulations pertaining to an automotive repair
21 dealer.

22 71. Pursuant to Health and Safety Code section 44072.8, if Smog Check, test-only
23 Station License No. TC 312845, issued to Viridiana Diaz-Valdez – Owner / Responsible
24 Managing Employee dba The King Smog Check, is revoked or suspended, any additional license
25 issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said
26 licensee may be likewise revoked or suspended by the director.

27 72. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
28 License No. EO 641525, issued to Oscar Soto, is revoked or suspended, any additional license

1 issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said
2 licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 312845, issued to Viridiana Diaz-Valdez – Owner / Responsible Managing Employee dba The
9 King Smog Check;

10 2. Revoking, suspending, or placing on probation any other automotive repair dealer
11 registration issued in the name of Viridiana Diaz-Valdez;

12 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
13 312845, issued to Viridiana Diaz-Valdez – Owner / Responsible Managing Employee dba The
14 King Smog Check;

15 4. 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 Viridiana Diaz-Valdez;

17 5. Revoking or suspending Smog Check Inspector License Number EO 641525, issued
18 to Oscar Soto;

19 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
20 Division 26 of the Health and Safety Code in the name of Oscar Soto;

21 7. Ordering Viridiana Diaz-Valdez and Oscar Soto to pay the Bureau of Automotive
22 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
23 Business and Professions Code section 125.3 and if placed on probation, the costs of probation
24 monitoring;

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

DATED: As of Digital Signature Date

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

LA2025605252
Accusation.docx