

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9431
7 Facsimile: (916) 732-7920
E-mail: Gregory.Salute@doj.ca.gov
8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. **79/25-2567**

15 **ENRIQUE SARDINAS RAYA –**
16 **PARTNER, ISRAEL LOPEZ – PARTNER**
17 **d.b.a. TJ SMOG**
3290 Main St
Chula Vista, CA 91911

ACCUSATION

18 **Automotive Repair Dealer Registration**
19 **Number ARD 290272, Smog Test, Test**
Only, Station License Number TC 290272

20 **Mailing Address**

21 **3200 Highland Ave. Suite 312**
22 **National City, CA 91950**

23 **-and-**

24 **SERGIO PACILLAS**
25 **6051 Business Center Ct #4105**
San Diego, CA 92154

26 **Smog Check Inspector License Number EO**
641070,

27 **-and-**
28

EULISES ASTUDILLO
407 Chestnut Ave
Los Angeles, CA 90042

Smog Check Inspector License Number EO
641584, Smog Check Repair Technician
License Number EI 641584

-and-

SERGIO AMADOR PANTOJA HERRERA
2232 D Ave #104
National City, CA 91950

Smog Check Inspector License Number EO
638926

Respondents.

PARTIES

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

2. On or about April 24, 2018, Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 290272 to TJ Smog; Enrique Sardinas Raya, Partner; Israel Lopez, Partner (Respondent TJ Smog). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

3. On or about May 21, 2018, Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 290272 to TJ Smog; Enrique Sardinas Raya, Partner; Israel Lopez, Partner. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

4. Respondent is also certified as a STAR Station. The certification was issued on December 28, 2018, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is suspended.

5. On or about April 19, 2018, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 641070 to Sergio Pacillas (Respondent Pacillas). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2025, unless renewed.

6. On or about December 10, 2018, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 641584 to Eulises Astudillo (Respondent Astudillo). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2026, unless renewed.

7. On or about June 8, 2020, Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 641584 to Eulises Astudillo. The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2025, unless renewed.

8. On or about January 20, 2016, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 638926 to Sergio Amador Pantoja Herrera¹ (Respondent Herrera). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2026, unless renewed.

JURISDICTION

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

10. Section 9884.7 of the Business and Professions Code² provides that the Director may revoke an ARD registration.

11. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary

¹ At all times alleged herein, Respondent's Pacillas, Astudillo and Herrera were acting as employees of Respondent TJ Smog and committed the acts alleged herein in the course and scope of his employment at Respondent TJ Smog.

² All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

12. Section 44002 of the Health and Safety Code provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

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

STATUTORY PROVISIONS

14. Section 9884.7 of the Code states:

(a) The director, where 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 which constitutes fraud.

...

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

15. 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. . . .

///

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

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

5 16. Section 44072.10 of the Health and Safety Code states, in pertinent part:

6 . . .

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

11 (1) Clean piping, as defined by the department. . . .

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

14 **REGULATORY PROVISIONS**

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

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

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

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

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

25 19. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

26

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

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

31 **COST RECOVERY**

32 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
33 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **VID DATA REVIEW**

6 22. Beginning March 9, 2015, California's Smog Check Program was updated to require
7 the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check
8 equipment required in all areas of the State when inspecting most model-year 2000 and newer
9 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a
10 certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD
11 is an On-Board Diagnostic ("OBD") scan tool that, when requested by the California OIS
12 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it
13 supports is requested by the California OIS software and will be retrieved. The DAD connects
14 between the OIS computer and the vehicle's DLC. The California OIS software requires a
15 continuous Internet connection when performing a Smog Check inspection and the OIS software
16 communicates with BAR's central database through the Internet connection. The bar code
17 scanner is used to input technician information, the vehicle's identification number ("VIN"), and
18 DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing
19 inspection results for motorists and a Smog Check Certificate of Compliance number for passing
20 vehicles.

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

26 24. During an OIS inspection, engine operating parameters are retrieved from the
27 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
28

1 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
2 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 3 • Engine speed in revolutions per minute (RPM)
- 4 • Throttle position as measured by a throttle position sensor (TPS) mounted onto
5 the throttle shaft. Measured in a percentage of opening from 0% at idle and near
6 or up to 100% at full throttle.
- 7 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
8 connected to an intake manifold source, measured in kilo pascals (kpa). Typical
9 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,
10 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at
11 sea level.
- 12 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the
13 engine's air intake tract. Measured in grams per second (gps).³
- 14 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is
15 measured in degrees Before Top Dead Center (BTDC).

16 25. During normal engine operation at idle, engine speed is relatively steady around its
17 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
18 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
19 opened to increase airflow through the engine. The engine's management systems supply fuel and
20 spark timing appropriate to any changes in throttle position and engine speed. An increase in
21 throttle, measured by the TPS, which increases engine RPM, would result in corresponding
22 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle
23 from the idle position will result in an increase of airflow through the engine with corresponding
24 increases RPM and/or MAF along with changes in MAP.

25 26. During an OIS Smog Check inspection, along with other visual and functional
26 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed

27 ³ Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
28 MAP or MAF parameters separately.

1 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
2 engine speed.

3 27. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
4 inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle
5 Information Database (“VID”). These Certificates of Compliance are purchased in blocks of fifty
6 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit
7 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of
8 Compliance has a unique control number so that it can be tracked to determine which Smog
9 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

10 28. The VID contains registration data from Department of Motor Vehicles (“DMV”)
11 plus emission standards, vehicle smog check inspections, smog check stations and technicians,
12 and Certificates of Compliance. The VID receives the passing smog check results immediately
13 following the inspection. During the vehicle registration process, the DMV accesses the VID to
14 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view
15 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,
16 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending
17 on the test type, also prints a Vehicle Inspection Report (“VIR”), which is a physical record of the
18 test results and shows the Certificate of Compliance number that was issued if the vehicle passed
19 the smog inspection.

20 29. The smog check technician must sign the VIR under penalty of perjury to indicate
21 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
22 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
23 consumer’s VIR serves as a receipt and proof that the VID was updated, and a Certificate of
24 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by
25 the Bureau to perform official inspections. They are issued a personal access code and a license,
26 which are used to gain access to the EIS and OIS to perform smog check inspections.
27 Unauthorized use of another technician’s access code or license is prohibited.
28

30. Respondents have engaged in numerous acts or omissions constituting violations of the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice of “clean plugging.”⁴ Respondent’s employees’ OIS Test Data available on the State database indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau representative initiated an investigation based on information transmitted to the VID for smog check inspections performed by Respondent’s employees. The investigation revealed that the data related to certain vehicles certified by Respondent’s employees contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the vehicles at issue. Specifically, the representative compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from at least ten (10) of the certified vehicles were fraudulently tested by Respondent’s employees during the smog inspection using the “clean plugging” method as follows:

Clean Plug #1-Pacillas

31. Bureau Program Representative Hector Barraza (Barraza) reviewed the OIS Test Data for TJ Smog. The review shows that on January 12, 2024, a 2003 Volvo XC90, VIN # YV1CZ59H531005261, CA License # 5ANG690 was tested and smog certificate # TQ721282C was issued under Sergio Pacillas’ Smog Check inspector license #EO 641070.

32. The Dynamic PID Chart for the 2003 Volvo XC90 shows that between time stamp 230 and 21005, the engine RPM is steady at around 650 RPM. During this time, the data shows that the throttle is fluctuating between 7.1% and 11.8% opening and the MAF is fluctuating between 2.8gps and 4.5gps. After time stamp 21005, the engine RPM is increased and stays elevated at no less than 1558 RPM. During this time, the data shows that the throttle is fluctuating between 6.3% and 9.0% opening and the MAF is fluctuating between 2.86gps and 4.8gps.

⁴ “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.

33. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Volvo XC90 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #2-Herrera

34. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on January 17, 2024, a 2005 Nissan Pathfinder LE, VIN # 5N1AR18U65C760443, CA License # 8CIG303 was tested and smog certificate # TQ918710C was issued under Sergio Amador Pantoja Herrera's Smog Check inspector license #EO 638926.

35. The Dynamic PID Chart for the 2005 Nissan Pathfinder LE shows that between time stamp 280 and 18025, the engine RPM is steady at around 570 RPM. During this time, the data shows that the throttle is fluctuating between 0% and 4.7% opening and the MAF is fluctuating between 3.51gps and 4.47gps. After time stamp 18025, the engine RPM is increased and stays elevated at no less than 1836 RPM. During this time, the data shows that the throttle is fluctuating between 2.0% and 5.5% opening and the MAF is fluctuating between 2.72gps and 5.09gps.

36. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Nissan Pathfinder LE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #3-Herrera

37. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on January 20, 2024, a 2004 Toyota Tacoma Double Cab PreRunner VIN # 5TEGN92NX4Z441153, CA License # 53216H2 was tested and smog certificate # TQ918738C was issued under Sergio Amador Pantoja Herrera's Smog Check inspector license #EO 638926.

38. The Dynamic PID Chart for the 2004 Toyota Tacoma Double Cab PreRunner shows that between time stamp 142 and 20616 the engine RPM is steady at around 655 RPM. During this time, the data shows that the throttle is fluctuating between 12.9% and 18.0% opening and the MAF is fluctuating between 4.03gps and 4.78gps. After time stamp 20616, the engine RPM is increased and stays elevated at no less than 1546 RPM. During this time, the data shows that the throttle is fluctuating between 12.5% and 15.7% opening and the MAF is fluctuating between 2.74gps and 4.92gps.

39. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Toyota Tacoma Double Cab PreRunner being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #4-Pacillas

40. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on January 24, 2024, a 2004 Honda CR-V LX VIN # JHLRD68444C016389, CA License # 8HOL557 was tested and smog certificate # TQ918749C was issued under Sergio Pacillas' Smog Check Inspector license #EO 641070.

41. The Dynamic PID Chart for the 2004 Honda CR-V LX shows that between time stamp 107 and 20295, the engine RPM is steady at around 640 RPM. During this time, the data

shows that the throttle is between 6.3% and 10.6% opening and the MAP is fluctuating between 16kPa and 28kPa. After time stamp 20295, the engine RPM is increased and stays elevated at no less than 1890 RPM. During this time, the data shows that the throttle is fluctuating between 6.3% and 10.6% opening and the MAP is fluctuating between 17kPa and 30kPa.

42. The steady idle and elevated engine RPM data along with the improbable throttle positions and fluctuating MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAP readings are expected to be stable during the steady idle. Subsequently, the throttle position is expected to rise during the elevated engine RPM. During the improbable readings, the throttle had data points during the elevated engine RPM which were the same or lower than the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Honda CR-V LX being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #5-Pacillas

43. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on January 26, 2024, a 2000 Lexus RX 300 VIN # JT6GF10U6Y0074080, CA License # 4MCZ737 was tested and smog certificate # TS196268C was issued under Sergio Pacillas' Smog Check Inspector license #EO 641070.

44. The Dynamic PID Chart for the 2000 Lexus RX 300 shows that between time stamp 133 and 17712, the engine RPM is steady at around 685 RPM. During this time, the data shows that the throttle is fluctuating between 6.7% and 11.4% opening and the MAF is fluctuating between 2.95gps and 5.02gps. After time stamp 17712, the engine RPM is increased and stays elevated at no less than 1355 RPM. During this time, the data shows that the throttle is fluctuating between 6.7% and 11.8% opening and the MAF is varying between 3.21gps and 3.89gps.

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

1 and MAF had data points during the elevated engine RPM which were lower than the highest data
2 point at idle. The MAF data points during the elevated engine RPM never increased past the
3 highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition
4 Device (DAD) was not connected as required to the 2000 Lexus RX 300 being certified, causing
5 the issuance of a fraudulent Smog Check Certificate of Compliance.

6 **Clean Plug #6-Herrera**

7 46. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on February
8 9, 2024, a 2004 Jeep Grand Cherokee Laredo VIN # 1J4GX48S94C264307, CA License #
9 5FYU511 was tested and smog certificate # TS478791C was issued under Sergio Amador Pantoja
10 Herrera's Smog Check Inspector license #EO 638926.

11 47. The Dynamic PID Chart for the 2004 Jeep Grand Cherokee Laredo shows that
12 between time stamp 30 and 19825, the engine RPM is steady at around 650 RPM. During this
13 time, the data shows that the throttle is fluctuating between 6.7% and 11.8% opening and the
14 MAP is fluctuating between 33kPa and 46kPa. After time stamp 19825, the engine RPM is
15 increased and stays elevated at no less than 1604 RPM. During this time, the data shows that the
16 throttle is fluctuating between 6.7% and 10.6% opening and the MAP is fluctuating between
17 33kPa and 44kPa.

18 48. The steady idle and elevated engine RPM data along with the improbable throttle
19 positions and fluctuating MAP readings are not characteristic or expected for normal engine
20 operation. The throttle positions and MAP readings are expected to be stable during the steady
21 idle. Subsequently, the throttle position is expected to rise during the elevated engine RPM.
22 During the improbable readings, the throttle had data points during the elevated engine RPM
23 which were lower than the highest data point at idle. The throttle data points during the elevated
24 engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test
25 data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Jeep
26 Grand Cherokee Laredo being certified, causing the issuance of a fraudulent Smog Check
27 Certificate of Compliance.

28 ///

Clean Plug #7-Astudillo

49. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on February 9, 2024, a 2000 Toyota Camry Solara SE VIN # 2T1CF22P4YC266866, CA License # 4H MJ717 was tested and smog certificate # TS478793C was issued under Eulises Astudillo's Smog Check Inspector license #EO 641584.

50. The Dynamic PID Chart for the 2000 Toyota Camry Solara SE shows that between time stamp 135 and 19952, the engine RPM is steady at around 655 RPM. During this time, the data shows that the throttle is varying between 8.2% and 10.2% opening and the MAF is fluctuating between 3.78gps and 4.77gps. After time stamp 19952, the engine RPM is increased and stays elevated at no less than 1687 RPM. During this time, the data shows that the throttle is fluctuating between 6.7% and 10.6% opening and the MAF is fluctuating between 3.12gps and 4.82gps.

51. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Camry Solara SE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #8-Pacillas

52. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on February 16, 2024, a 2001 Chevrolet Silverado C1500 VIN # 1GCEC19T31E243211, CA License # 6L72340 was tested and smog certificate # TS638666C was issued under Sergio Pacillas' Smog Check Inspector license #EO 641070.

53. The Dynamic PID Chart for the 2001 Chevrolet Silverado C1500 shows that between time stamp 37 and 17418, the engine RPM is steady at around 555 RPM. During this time, the data shows that the throttle is fluctuating varying between 3.9% and 5.5% opening, the MAF is

1 fluctuating between 5.46gps and 7.07gps, and the MAP is fluctuating between 33kPa and 44kPa.
2 After time stamp 17418, the engine RPM is increased and stays elevated at no less than 1650
3 RPM. During this time, the data shows that the throttle is fluctuating between 0% and 5.1%
4 opening, the MAF is fluctuating between 5.4gps and 7.58gps, and the MAP is fluctuating
5 between 34kPa and 46kPa.

6 54. The steady idle and elevated engine RPM data along with the improbable throttle
7 positions, MAF, and MAP readings are not characteristic or expected for normal engine
8 operation. The throttle positions, MAF and MAP readings are expected to be stable during the
9 steady idle. Subsequently, the throttle position and MAF readings are expected to rise during the
10 elevated engine RPM. During the improbable readings, the throttle and MAF had lower data
11 points during the elevated engine RPM than data points at idle. The throttle data points during the
12 elevated engine RPM never increased past the highest data point at idle. The discrepancies in the
13 OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the
14 2001 Chevrolet Silverado C1500 being certified, causing the issuance of a fraudulent Smog
15 Check Certificate of Compliance.

16 **Clean Plug #9-Pacillas**

17 55. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on February
18 23, 2024, a 2002 BMW 330 CI VIN # WBABS53452JU91044, CA License # 8CKL467 was
19 tested and smog certificate # IZ127862C was issued under Sergio Pacillas' Smog Check Inspector
20 license #EO 641070.

21 56. The Dynamic PID Chart for the 2002 BMW 330 CI shows that between time stamp
22 169 and 18855, the engine RPM is steady at around 655 RPM. During this time, the data shows
23 that the throttle is fluctuating between 0.8% and 5.5% opening and the MAF is fluctuating
24 between 2.87gps and 4.94gps. After time stamp 18855, the engine RPM is increased and stays
25 elevated at no less than 1592 RPM. During this time, the data shows that the throttle is fluctuating
26 between 0% and 3.9% opening and the MAF is fluctuating between 2.97gps and 4.56gps.

27 57. The steady idle and elevated engine RPM data along with the improbable throttle
28 positions and MAF readings are not characteristic or expected for normal engine operation. The

throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2002 BMW 330 CI being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #10-Astudillo

58. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on March 1, 2024, a 2004 Nissan Armada SE VIN # 5N1AA08BX4N711278, CA License # KH682DP was tested and smog certificate # IZ127891C was issued under Eulises Astudillo's Smog Check Inspector license #EO 641584.

59. The Dynamic PID Chart for the 2004 Nissan Armada SE shows that between time stamp 186 and 18309, the engine RPM is steady at around 770 RPM. During this time, the data shows that the throttle is fluctuating between 0% and 5.5% opening and the MAF is fluctuating between 5.7gps and 7.59gps. After time stamp 18309, the engine RPM is increased and stays elevated at no less than 1718 RPM. During this time, the data shows that the throttle is fluctuating between 0% and 5.1% opening and the MAF is fluctuating between 5.37gps and 7.24gps.

60. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Nissan Armada SE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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Clean Plug #11-Herrera

61. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on March 9, 2024, a 2005 Nissan Frontier Crew Cab LE VIN # 1N6AD07U95C431733, CA License # ELTATER was tested and smog certificate # TU131455C was issued under Sergio Amador Pantoja Herrera's Smog Check Inspector license #EO 638926.

62. The Dynamic PID Chart for the 2005 Nissan Frontier Crew Cab LE shows that between time stamp 303 and 17422, the engine RPM is steady at around 580 RPM. During this time, the data shows that the throttle is fluctuating between 0.4% and 3.9% opening and the MAF is fluctuating between 2.86gps and 4.97gps. After time stamp 17422, the engine RPM is increased and stays elevated at no less than 1516 RPM. During this time, the data shows that the throttle is varying between 0.8% and 3.5% opening and the MAF is fluctuating between 3.26gps and 5.08gps.

63. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Nissan Frontier Crew Cab LE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #12-Astudillo

64. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on March 22, 2024, a 2000 Toyota 4Runner Limited VIN # JT3GN87R0Y0149379, CA License # 4JSS361 was tested and smog certificate # TU361574C was issued under Eulises Astudillo's Smog Check inspector license #EO 641584.

65. The Dynamic PID Chart for the 2000 Toyota 4Runner Limited shows that between time stamp 129 and 17091 the engine RPM is steady at around 720 RPM. During this time, the

1 data shows that the throttle is fluctuating between 9.4% and 11.8% opening and the MAF is
2 fluctuating between 2.82gps and 4.59gps. After time stamp 17091, the engine RPM is increased
3 and stays elevated at no less than 1552 RPM. During this time, the data shows that the throttle is
4 fluctuating between 9% and 11.8% opening and the MAF is fluctuating between 2.84gps and
5 4.21gps.

6 66. The steady idle and elevated engine RPM data along with the improbable throttle
7 positions and MAF readings are not characteristic or expected for normal engine operation. The
8 throttle positions and MAF readings are expected to be stable during the steady idle and
9 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
10 and MAF had lower data points during the elevated engine RPM than data points at idle. The
11 throttle and MAF data points during the elevated engine RPM never increased past the highest
12 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
13 (DAD) was not connected as required to the 2000 Toyota 4Runner Limited being certified,
14 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

15 **Clean Plug #13-Herrera**

16 67. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on April 26,
17 2024, a 2005 Honda Odyssey EXL VIN # 5FNRL38765B028461, CA License # 8KDC339 was
18 tested and smog certificate # TW400934C was issued under Sergio Amador Pantoja Herrera's
19 Smog Check inspector license #EO 638926.

20 68. The Dynamic PID Chart for the 2005 Honda Odyssey EXL shows that between time
21 stamp 108 and 17538, the engine RPM is steady at around 640 RPM. During this time, the data
22 shows that the throttle is fluctuating between 15.3% and 18.0% opening and the MAP is
23 fluctuating between 16kPa and 27kPa. After time stamp 17538, the engine RPM is increased and
24 stays elevated at no less than 1142 RPM. During this time, the data shows that the throttle is
25 fluctuating between 12.9% and 18.0% opening and the MAP is fluctuating between 16kPa and
26 27kPa.

27 69. The steady idle and elevated engine RPM data along with the improbable throttle
28 positions and MAP readings are not characteristic or expected for normal engine operation. The

throttle positions and MAP readings are expected to be stable during the steady idle. Subsequently, the throttle is expected to rise during the elevated engine RPM. During the improbable readings, the throttle had lower data points during the elevated engine RPM than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Honda Odyssey EXL being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #14-Astudillo

70. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on May 17, 2024, a 2006 Nissan Titan XE VIN # 1N6AA07B26N568770, License # “N” was tested and smog certificate # TY212105C was issued under Eulises Astudillo’s Smog Check inspector license #EO 641584.

71. The Dynamic PID Chart for the 2006 Nissan Titan XE shows that between time stamp 263 and 19829, the engine RPM is steady at around 710 RPM. During this time, the data shows that the throttle is fluctuating between 2% and 5.5% opening and the MAF is fluctuating between 5.38gps and 7.34gps. After time stamp 19829, the engine RPM is increased and stays elevated at no less than 1264 RPM. During this time, the data shows that the throttle is fluctuating between 0.8% and 5.5% opening, and the MAF is fluctuating between 5.8gps and 7.24gps.

72. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2006 Nissan Titan XE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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1 **Prior Inspection**

2 73. On January 4, 2023, a previous Smog Check inspection was performed on the 2006
3 Nissan Titan XE VIN # 1N6AA07B26N568770, CA License # 7X68300 at a different, unrelated
4 Smog Check station. The Dynamic PID chart for the 2006 Nissan Titan XE shows that between
5 time stamp 967 and 38116, the engine RPM is steady at around 750 rpm. During this time, the
6 data shows that the that the throttle is fixed at 4.7% opening, and the MAF is between 5.98gps
7 and 6.01gps. After time stamp 38116, the engine RPM fluctuates. Between time stamp 59274 and
8 69207, the engine RPM increases to 2500 RPM before decreasing to 1400 RPM. During this
9 time, the data shows that the throttle decreases from 5.5% opening to 4.7% opening. Expectedly,
10 the MAF also decreases from 15.38gps then drops to 10.35gps. The steady idle and elevated
11 engine rpm data along with the associated throttle positions and MAF readings are characteristic
12 and expected for normal engine operation.

13 **Clean Plug #15-Astudillo**

14 74. Barraza reviewed the OIS Test Data for TJ Smog. The review shows that on May 31,
15 2024, a 2001 Nissan Frontier King Cab XE VIN # 1N6ED26T21C354946, CA License #
16 48494X2 was tested and smog certificate # TY577275C was issued under Eulises Astudillo's
17 Smog Check inspector license #EO 641584.

18 75. The Dynamic PID Chart for the 2001 Nissan Frontier King Cab XE shows that
19 between time stamp 185 and 17729, the engine RPM is steady at around 685 RPM. During this
20 time, the data shows that the throttle is fluctuating between 1.6% and 5.5% opening and the MAF
21 is fluctuating between 5.39gps and 7.64gps. After time stamp 17729, the engine RPM is increased
22 and stays elevated at no less than 1296 RPM. During this time, the data shows that the throttle is
23 fluctuating between 2.7% and 5.5% opening and the MAF is fluctuating between 5.43gps and
24 7.07gps.

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

1 and MAF had lower data points during the elevated engine RPM than data points at idle. The
2 throttle and MAF data points during the elevated engine RPM never increased past the highest
3 data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device
4 (DAD) was not connected as required to the 2001 Nissan Frontier King Cab XE being certified,
5 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements - Respondent TJ Smog)**

8 77. Respondent TJ Smog's registration is subject to disciplinary action pursuant to
9 section 9884.7, subdivision (a)(1), in that Respondent's employees made or authorized statements
10 which they knew or in the exercise of reasonable care should have known to be untrue or
11 misleading, as follows: Respondent's employees certified that the vehicles set forth above in
12 paragraphs 31-76, had passed inspection and were in compliance with applicable laws and
13 regulations. In fact, Respondent's employees conducted the inspections on those vehicles using
14 the clean plugging method in order to issue smog certificates of compliance, and did not test or
15 insect the vehicles as required by Health and Safety Code section 44012.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Fraud - Respondent TJ Smog)**

18 78. Respondent TJ Smog's registration is subject to disciplinary action pursuant to
19 section 9884.7, subdivision (a)(4), in that Respondent TJ Smog's employees committed acts
20 which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth
21 above in paragraphs 31-76, without performing bona fide inspections of the emission control
22 devices and systems on those vehicles, thereby depriving the People of the State of California of
23 the protection afforded by the Motor Vehicle Inspection Program.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Motor Vehicle Inspection Program –** 26 **Respondent TJ Smog)**

27 79. Respondent TJ Smog's smog station license is subject to disciplinary action pursuant
28 to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety

Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 31-76, Respondent TJ Smog failed to comply with the following sections of the Health and Safety Code:

(a) **Section 44012**: Respondent TJ Smog's employees failed to ensure that the emission control tests were performed on the vehicles, in accordance with procedures prescribed by the department.

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

FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program - Respondent TJ Smog)

80. Respondent TJ Smog's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 31-76, Respondent's employees failed to comply with the following provisions of the California Code of Regulations, Title 16, as follows:

(a) **Section 3340.35, subdivision (c)**: Respondent TJ Smog's employees issued electronic certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42, Title 16, of the California Code of Regulations.

(b) **Section 3340.42**: Respondent TJ Smog's employees failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent TJ Smog)

81. Respondent TJ Smog's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 31-76, Respondent TJ Smog's employee's committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those

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

4 **SIXTH CAUSE FOR DISCIPLINE**

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

6 82. Respondent Pacillas's smog check inspector license is subject to discipline pursuant
7 to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
8 above in paragraphs 31-33, 40-42, 43-45, 52-54, and 55-57, Respondent Pacillas failed to comply
9 with section 44012 of the Health and Safety Code in a material respect, as follows: Respondent
10 Pacillas failed to perform the emission control tests on those vehicles in accordance with
11 procedures prescribed by the department.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
14 **Respondent Pacillas)**

15 83. Respondent Pacillas's smog check inspector license is subject to discipline pursuant
16 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
17 above in paragraphs 31-33, 40-42, 43-45, 52-54, and 55-57, Respondent Pacillas failed to comply
18 with provisions of the California Code of Regulations, title 16, as follows:

19 (a) **Section 3340.30, subdivision (a):** Respondent Pacillas failed to inspect and test
20 those vehicles in accordance with Health and Safety Code section 44012.

21 (b) **Section 3340.41, subdivision (c):** Respondent Pacillas entered false information into
22 the EIS.

23 (c) **Section 3340.42:** Respondent Pacillas failed to conduct the required smog tests and
24 inspections on those vehicles in accordance with the Bureau's specifications.

25 **EIGHTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud or Deceit - Respondent Pacillas)**

27 84. Respondent Pacillas's smog check inspector license is subject to discipline pursuant
28 to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and

1 Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
2 paragraphs 31-33, 40-42, 43-45, 52-54, and 55-57, Respondent Pacillas committed acts involving
3 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
4 compliance for those vehicles without performing bona fide inspections of the emission control
5 devices and systems on the vehicles, thereby depriving the People of the State of California of the
6 protection afforded by the Motor Vehicle Inspection Program.

7 **NINTH CAUSE FOR DISCIPLINE**

8 **(Violations of the Motor Vehicle Inspection Program – Respondent Astudillo)**

9 85. Respondent Astudillo's smog check inspector license and smog check repair
10 technician license are subject to discipline pursuant to Health and Safety Code section 44072.2,
11 subdivision (a), in that regarding the vehicles set forth above in paragraphs 49-51, 58-60, 64-66,
12 70-72, and 74-76, Respondent Astudillo failed to comply with section 44012 of the Health and
13 Safety Code in a material respect, as follows: Respondent Astudillo failed to perform the
14 emission control tests on those vehicles in accordance with procedures prescribed by the
15 department.

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
18 **Respondent Astudillo)**

19 86. Respondent Astudillo's smog check inspector license and smog check repair
20 technician license are subject to discipline pursuant to Health and Safety Code section 44072.2,
21 subdivision (c), in that regarding the vehicles set forth above in paragraphs 49-51, 58-60, 64-66,
22 70-72, and 74-76, Respondent Astudillo failed to comply with provisions of the California Code
23 of Regulations, title 16, as follows:

24 (a) **Section 3340.30, subdivision (a):** Respondent Astudillo failed to inspect and test
25 those vehicles in accordance with Health and Safety Code section 44012.

26 (b) **Section 3340.41, subdivision (c):** Respondent Astudillo entered false information
27 into the EIS.

1 (c) **Section 3340.42**: Respondent Astudillo failed to conduct the required smog tests and
2 inspections on those vehicles in accordance with the Bureau's specifications.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit - Respondent Astudillo)**

5 87. Respondent Astudillo's smog check inspector license and smog check repair
6 technician license are subject to discipline pursuant to Health and Safety Code section 44072.2,
7 subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in
8 that regarding the vehicles set forth above in paragraphs 49-51, 58-60, 64-66, 70-72, and 74-76,
9 Respondent Astudillo committed acts involving dishonesty, fraud or deceit whereby another was
10 injured by issuing electronic certificates of compliance for those vehicles without performing bona
11 fide inspections of the emission control devices and systems on the vehicles, thereby depriving the
12 People of the State of California of the protection afforded by the Motor Vehicle Inspection
13 Program.

14 **TWELFTH CAUSE FOR DISCIPLINE**

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

16 88. Respondent Herrera's smog check inspector license is subject to discipline pursuant
17 to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
18 above in paragraphs 34-36, 37-39, 46-48, 61-63, and 67-69, Respondent Herrera failed to comply
19 with section 44012 of the Health and Safety Code in a material respect, as follows: Respondent
20 Herrera failed to perform the emission control tests on those vehicles in accordance with
21 procedures prescribed by the department.

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

25 89. Respondent Herrera's smog check inspector license is subject to discipline pursuant
26 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
27 above in paragraphs 34-36, 37-39, 46-48, 61-63, and 67-69, Respondent Herrera failed to comply
28 with provisions of the California Code of Regulations, title 16, as follows:

1 (a) **Section 3340.30, subdivision (a)**: Respondent Herrera failed to inspect and test those
2 vehicles in accordance with Health and Safety Code section 44012.

3 (b) **Section 3340.41, subdivision (c)**: Respondent Herrera entered false information into
4 the EIS.

5 (c) **Section 3340.42**: Respondent Herrera failed to conduct the required smog tests and
6 inspections on those vehicles in accordance with the Bureau's specifications.

7 **FOURTEENTH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud or Deceit - Respondent Herrera)**

9 90. Respondent Herrera's smog check inspector license is subject to discipline pursuant
10 to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
11 Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
12 paragraphs 34-36, 37-39, 46-48, 61-63, and 67-69, Respondent Herrera committed acts involving
13 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
14 compliance for those vehicles without performing bona fide inspections of the emission control
15 devices and systems on the vehicles., thereby depriving the People of the State of California of
16 the protection afforded by the Motor Vehicle Inspection Program.

17 **OTHER MATTERS**

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

23 92. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
24 License Number TC 290272 issued to Respondent TJ Smog is revoked or suspended following a
25 hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the
26 name of said licensee may be likewise revoked or suspended by the Director.

27 93. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
28 Number EO 641584, and Smog Check Repair Technician License Number EI 641584 issued to

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

94. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 641070, issued to Respondent Pacillas, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

95. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 638926, issued to Respondent Herrera, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 290272, issued to TJ Smog; Enrique Sardinas Raya, Partner; Israel Lopez, Partner;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Enrique Sardinas Raya or Israel Lopez;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 290272, issued to TJ Smog; Enrique Sardinas Raya, Partner; Israel Lopez, Partner;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Enrique Sardinas Raya or Israel Lopez;

5. Revoking or suspending Smog Check Inspector License Number EO 641070, issued to Sergio Pacillas;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Sergio Pacillas;

7. Revoking or suspending Smog Check Inspector License Number EO 641584, issued to Eulises Astudillo;

8. Revoking or suspending Smog Check Repair Technician License Number EI 641584,
issued to Eulises Astudillo;

9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Eulises Astudillo;

10. Revoking or suspending Smog Check Inspector License Number EO 638926, issued to Sergio Amador Pantoja Herrera;

11. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Sergio Amador Pantoja Herrera;

12. Ordering, Enrique Sardinas Raya, Israel Lopez, Sergio Pacillas, Eulises Astudillo and Sergio Amador Pantoja Herrera to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

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

DATED: As of Digital Signature Date

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

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