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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. 79/24-20966

13 **NICK ANTHONY YNIGUEZ, DBA**  
14 **SUPREMO SMOG CHECK**

15 15334 Valley Blvd.  
16 Fontana, CA 92337

**ACCUSATION**

17 **Automotive Repair Dealer Registration No.**  
18 **ARD 305939**  
19 **Smog Check, Test-Only, Station License No.**  
20 **TC 305939**

21 **BRANDON ALEXANDER SORIANO**  
22 18335 Jakes Way, Apt. 201  
23 Canyon Country, CA 91387

24 **Smog Check Inspector License No. EO**  
25 **643670**

26 **and**

27 **JULIO CESAR ROCHA**  
28 25356 Cole St., Apt. 18  
Loma Linda, CA 92354

**Smog Check Inspector License No. EO**  
**642569,**

Respondents.

1 **PARTIES**

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

4 2. On or about May 31, 2023, Bureau of Automotive Repair issued Automotive Repair  
5 Dealer Registration Number ARD 305939 to Nick Anthony Yniguez, dba Supremo Smog Check  
6 (Respondent Yniguez). The Automotive Repair Dealer Registration was in full force and effect at  
7 all times relevant to the charges brought herein and will expire on May 31, 2026, unless renewed.

8 3. On or about December 20, 2023, Bureau of Automotive Repair issued Smog Check,  
9 Test-Only, Station License Number TC 305939 to Respondent Yniguez. The Smog Check, Test-  
10 Only, Station License was in full force and effect at all times relevant to the charges brought  
11 herein and will expire on May 31, 2026, unless renewed.

12 4. On or about May 11, 2022, Bureau of Automotive Repair issued Smog Check  
13 Inspector License Number EO 643670 to Brandon Alexander Soriano (Respondent Soriano). The  
14 Smog Check Inspector License was in full force and effect at all times relevant to the charges  
15 brought herein and will expire on March 31, 2026, unless renewed.

16 5. On or about June 17, 2020, Bureau of Automotive Repair issued Smog Check  
17 Inspector License Number EO 642569 to Julio Cesar Rocha (Respondent Rocha). The Smog  
18 Check Inspector License was in full force and effect at all times relevant to the charges brought  
19 herein and will expire on July 31, 2026, unless renewed.

20 **JURISDICTION**

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

25 7. Health and Safety Code (“HSC”) section 44002 provides, in pertinent part, that the  
26 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
27 the Motor Vehicle Inspection Program.

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8. Section 44072.6 of the HSC 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

9. Section 9884.7 of the BPC states, in pertinent part:

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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.”

10. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

11. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance shall be issued if a vehicle meets the requirements of HSC section 40012.

12. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform tests or repairs of emission control devices or systems of motor vehicles required by the Motor Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e. Motor Vehicle Inspection Program Requirements).

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1        13. Section 44059 of the HSC provides:

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

6        14. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

16        15. Section 44072.10, subdivision (c), of the HSC states:

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

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

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

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

25            (4) Intentional or willful violation of [the Motor Vehicle Inspection Program] or any  
26 regulation, standard, or procedure of the department implementing [the Motor Vehicle  
27 Inspection Program].  
28

16. Section 44072.8 of the HSC states that 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.

## REGULATORY PROVISIONS

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

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

18. California Code of Regulations (“CCR”), title 16, section 3340.30, subdivision (a), states in pertinent part:

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

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

• • • •

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

20. CCR, title 16, section 3340.41, subdivision (b), provides: “No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system.”

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

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1 **COST RECOVERY**

2 22. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board  
3 “may request the administrative law judge to direct a licentiate found to have committed  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
5 investigation and enforcement of the case.”

6 **SUMMARY OF OIS SMOG CHECK INSPECTION PROGRAM**

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

15 24. The DAD connects between the OIS computer and the vehicle’s Diagnostic Link  
16 Connector (DLC) located in the vehicle’s passenger compartment, which allows for the retrieval  
17 of information from the vehicle’s on-board computer system. The California OIS software  
18 requires a continuous Internet connection when performing a Smog Check inspection and the OIS  
19 software communicates with BAR’s central database through the Internet connection. The bar  
20 code scanner is used to input technician information, the vehicle’s identification number (VIN),  
21 and DMV renewal information. The printer provides a Vehicle Inspection Report (VIR)  
22 containing inspection results for motorists and a Smog Check Certificate of Compliance number  
23 for passing vehicles.

24 25. Data retrieved and recorded during an OIS smog check includes: the eVIN, which is  
25 the digitally stored VIN programmed by the manufacturer into the vehicle’s Powertrain Control  
26 Module (PCM); the communication protocol, which is the manufacturer/vehicle specific language  
27 the PCM uses to Relay or communicate information. The communication protocol is  
28 programmed into the vehicle’s on-board computer during manufacture and does not change.

26. Other data retrieved and recorded during an OIS smog check includes the number of Parameter Identifications (PIDs), which refers to the number of specific data values that the vehicle's PCM uses related to emissions controls. The specific data values associated with a vehicle's PIDs are also retrieved and recorded during an OIS smog check inspection. That data include things such as the vehicle's engine speed, throttle position, manifold absolute pressure and the engine's mass air flow readings throughout an inspection. Accordingly, the following types of data are recorded during an OIS smog check inspection:

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

27. BAR has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test, or in some instances, are not even present during the time that the test is performed. One such method, which is known as "clean plugging", involves using another vehicle's properly functioning OBD II system, or another source such as a defeat device/simulator, to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance and/or are not present for testing.

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28. Defeat devices attempt to simulate engine operation during a Smog Check inspection by transmitting OBD II data to the VID that has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a defeat device/simulator during a Smog Check inspection constitutes clean plugging and is strictly prohibited. As described in more detail below, BAR is able to utilize the data retrieved and recorded during an OIS smog check to identify inspections in which a defeat device/simulator was used.

29. During an OIS Smog Check inspection, the vehicle is monitored and PID data readings are obtained while the engine is idling and also when the smog check inspector is prompted to increase the engine speed to a certain level and then maintain that speed for a period of time. In order for the engine speed to increase, the throttle must be opened to increase airflow through the engine. An increase in the throttle position also increases the engine speed as measured in RPM and results in a corresponding increase in the mass air flow rate (MAF) as well as a change in the manifold absolute pressure (MAP) and changes ignition timing advances.

## FACTUAL BACKGROUND

30. Clean plugging is apparent in cases where the data recorded during an OIS smog check shows that the engine speed as measured in RPM increases during the test but the throttle position remains unchanged, the mass air flow rate is unchanged and manifold absolute pressure are unchanged and ignition timing is unchanged. Because engine speed as measured in RPM cannot increase without corresponding increases in the throttle position and MAF as well as changes in the MAP and ignition timing advances, test data in such cases shows that a defeat device was used to simulate engine speed (RPM) readings for a vehicle that was not actually tested.

31. A Bureau program representative initiated an investigation in which he reviewed specific OIS Test Data for inspections performed at Respondent Yniguez's smog check station from September 15, 2024 to November 23, 2024. The investigation revealed that the data related to certain vehicles certified by Respondent contained a pattern of unmistakable discrepancies



between the PID information transmitted during the inspections and the recognized and scientifically established characteristics of internal combustion engine operation.

32. Specifically, the Bureau program representative identified 10 instances in which the throttle position, ignition timing advance, MAP and/or MAF<sup>1</sup> readings all remained unchanged when the vehicle's engine RPM was increased off idle to the higher RPMs. Such conditions could not have occurred if the DAD had been connected to the vehicles that were purportedly being tested instead of a defeat device that simulated engine RPM.

33. The documented discrepancies in the data related to the tests at issue confirm that Respondents engaged in the illegal activity of clean plugging in order to issue fraudulent certificates of compliance for the vehicles at issue. The following chart ("Table 1") illustrates the documented clean plugging activities by Respondents during the period reviewed.

**Table 1**

Test Date	Vehicle Certified & License No./VIN	Certificate No.	Test Details
September 15, 2024	2006 Chevrolet Silverado C1500 VIN # 2GCEC13T761117063	UC911036C	Inspection performed by Respondent Soriano. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1450.
September 22, 2024	2004 Chevrolet Silverado C1500 VIN # 1GCEC14V04Z114414	UE193727C	Inspection performed by Respondent Soriano. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 2050.

<sup>1</sup> Not all vehicle manufacturers include both MAP and MAF parameters. As a result, many vehicles will have either MAP or MAF parameters rather than both.

October 5, 2024	2005 Mercedes-Benz C 230K Sport Coupe VIN # WDBRN40J25A735748	JB455812C	Inspection performed by Respondent Soriano. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1475.
October 5, 2024	2004 Chevrolet Silverado C1500 VIN # 1GCEC14T44Z168894	JB455813C	Inspection performed by Respondent Soriano. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1750.
October 6, 2024	2004 Nissan 350Z Coupe VIN # JN1AZ34E04T050065	JB455821C	Inspection performed by Respondent Soriano. Throttle position, MAF and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1900.
October 6, 2024	2003 Ford Mustang Mach 1 VIN # 1FAFP42R63F449084	JB455828C	Inspection performed by Respondent Soriano. Throttle position, MAF and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1575.
October 8, 2024	2005 GMC New Sierra C1500 VIN # 2GTEC13T651302199	JB455849C	Inspection performed by Respondent Soriano. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1450.

October 13, 2024	2002 Toyota Tundra VIN # 5TBJN32122S317512	UE495442C	Inspection performed by Respondent Soriano. Throttle position, MAF and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 2100.
October 13, 2024	2007 BMW 335 I VIN # WBAWB73537P023131	UE495445C	Inspection performed by Respondent Soriano. Throttle position, MAF and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1675.
November 23, 2024	2004 Chevrolet Silverado C1500 VIN # 2GCEC19T441201944	UG635122C	Inspection performed by Respondent Rocha. Throttle position, MAF, MAP and ignition timing advance readings unchanged when engine RPM was increased off idle to approximately 1575.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Misleading Statements: Automotive Repair Dealer Registration)**

34. Respondent Yniguez has subjected his registration to discipline under BPC section 9884.7, subdivision (a)(1), in that Respondent made statements which were known to be untrue or misleading or, which by exercise of reasonable care should have been known to be untrue or misleading, when issuing electronic smog certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 30 through 33, inclusive, as though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud: Automotive Repair Dealer Registration)**

3 35. Respondent Yniguez has subjected his registration to discipline under BPC section  
4 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud by issuing  
5 electronic smog certificates of compliance for the vehicles set forth in Table 1, above, without  
6 performing bona fide inspections of the emission control devices and systems on those vehicles,  
7 thereby depriving the People of the State of California of the protection afforded by the Motor  
8 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
9 allegations contained in paragraphs 30 through 33, inclusive, as though set forth fully herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Material Violation of Automotive Repair Act: Automotive Repair Dealer Registration)**

12 36. Respondent Yniguez has subjected his registration to discipline under BPC section  
13 9884.7, subdivision (a)(6), in that Respondent failed in a “material respect to comply with the  
14 provisions of this chapter or regulations adopted pursuant to it” when issuing electronic smog  
15 certificates of compliance for the vehicles set forth in Table 1, above, without performing bona  
16 fide inspections of the emission control devices and systems on those vehicles, thereby depriving  
17 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
18 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
19 paragraphs 30 through 33, inclusive, as though set forth fully herein.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Violation of the Motor Vehicle Inspection Program: Station License)**

22 37. Respondent Yniguez has subjected his station license to discipline under HSC section  
23 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table 1, above,  
24 Respondent violated the following sections of the HSC:

25 a. **Section 44012:** Respondent failed to ensure that the emission control tests were  
26 performed on those vehicles in accordance with procedures prescribed by the department.

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b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the HSC.

### **FIFTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program:  
Station License)**

38. Respondent Yniguez has subjected his station license to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

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

b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42 of the HSC.

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

## **SIXTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud and/or Deceit: Station License)**

39. Respondent Yniguez has subjected his station license to discipline under HSC section 44072.2, subdivision (d), in conjunction with HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing electronic smog certificates of compliance for those vehicles without performing bona fide inspections and functional testing of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 30 through 33, inclusive, as though set forth fully herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program: Inspector Licenses)**

3 40. Respondent Soriano and Respondent Rocha have subjected their smog check  
4 inspector licenses to discipline under HSC section 44072.2, subdivision (a), in that, with respect  
5 to the vehicles set forth in Table 1, above, Respondents violated the following sections of the  
6 HSC:

7 a. **Section 44012:** Respondents failed to ensure that the onboard diagnostic system tests  
8 were performed on those vehicles in accordance with procedures prescribed by the department.

9 b. **Section 44015, subdivision (b):** Respondents issued electronic smog certificates of  
10 compliance without properly testing and inspecting the vehicles to determine if they were in  
11 compliance with section 44012 of the HSC.

12 c. **Section 44032:** Respondents failed to perform tests of the onboard diagnostic  
13 systems on those vehicles in accordance with section 44012 of the HSC.

14 d. **Section 44059:** Respondents willfully made false entries for the electronic smog  
15 certificates of compliance by certifying that those vehicles had been inspected as required when,  
16 in fact, they had not.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program:**  
19 **Inspector Licenses)**

20 41. Respondent Soriano and Respondent Rocha have subjected their smog check  
21 inspector licenses to discipline under HSC section 44072.2, subdivision (c), in that, with respect  
22 to the vehicles set forth in Table 1, above, Respondents violated the following sections of title 16  
23 of the CCR:

24 a. **Section 3340.24, subdivision (c):** Respondents falsely or fraudulently issued  
25 electronic smog certificates of compliance without performing bona fide inspections and  
26 functional testing of the emission control devices and systems on those vehicles as required by  
27 HSC section 44012.

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1           b.     **Section 3340.30, subdivision (a):** Respondents failed to inspect and test those  
2 vehicles in accordance with HSC section 44012.

3           c.     **Section 3340.35, subdivision (c):** Respondents issued electronic smog certificates of  
4 compliance even though those vehicles had not been inspected in accordance with section  
5 3340.42 of the HSC.

6           d.     **Section 3340.41, subdivision (c):** Respondents knowingly entered false information  
7 into the EIS about the vehicles being tested.

8           e.     **Section 3340.42:** Respondents failed to conduct the required smog tests and  
9 inspections on those vehicles in accordance with the Bureau's specifications

#### 10                                   **NINTH CAUSE FOR DISCIPLINE**

#### 11                                   **(Dishonesty, Fraud or Deceit: Inspector Licenses)**

12           42.    Respondent Soriano and Respondent Rocha have subjected their smog check  
13 inspector licenses to discipline under HSC section 44072.2, subdivision (d), in conjunction with  
14 HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in Table 1,  
15 above, Respondents committed acts involving dishonesty, fraud or deceit whereby another was  
16 injured by issuing electronic smog certificates of compliance for those vehicles without  
17 performing bona fide inspections and functional testing of the emission control devices and  
18 systems on those vehicles, thereby depriving the People of the State of California of the  
19 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
20 reference incorporates, the allegations contained in paragraphs 30 through 33, inclusive, as  
21 though set forth fully herein.

#### 22                                   **OTHER MATTERS**

23           43.    Section 9884.7, subdivision (c), of the BPC states that "the director may suspend,  
24 revoke, or place on probation the registration for all places of business operated in this state by an  
25 automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a  
26 course of repeated and willful violations of this chapter, or regulations adopted pursuant to."

27           44.    Section 44072.8 of the HSC states that when a license has been revoked or suspended  
28 following a hearing, any additional license issued under the Motor Vehicle Inspection Program

(Health & Saf. Code Sec. 44000, et seq.) in the name of the 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 305939, issued to Nick Anthony Yniguez, dba Supremo Smog Check;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 305939, issued to Nick Anthony Yniguez, dba Supremo Smog Check;

3. Revoking or suspending Smog Check Inspector License Number EO 643670, issued to Brandon Alexander Soriano;

4. Revoking or suspending Smog Check Inspector License Number EO 642569, issued to Julio Cesar Rocha;

5. Revoking or suspending any and all additional Automotive Repair Dealer Registrations issued in the name of Nick Anthony Yniguez pursuant to section 9884.7, subdivision (c), of the Business and Professions Code;

6. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the names of Nick Anthony Yniguez, Brandon Alexander Soriano and Julio Cesar Rocha pursuant to section 44072.8 of the Health and Safety Code;

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7. Ordering Nick Anthony Yniguez, Brandon Alexander Soriano and Julio Cesar Rocha 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,

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*

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