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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. 79/24-15585

13 **VICTOR ANTONIO ANGUIANO-OWNER**
14 **DBA SB SMOG CHECK**
15 **565 W. Ninth Street, Unit C**
16 **San Bernardino, CA 92410**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 304094**
19 **Smog Check, Test Only, Station License No.**
20 **TC 304094,**

ACCUSATION

21 **VICTOR ANTONIO BONILLA-**
22 **ANGUIANO**
23 **1190 Villa Street, Apt. 2**
24 **Riverside, CA 92507**
25 **Smog Check Inspector License No. EO**
26 **644341**

27 **and**

28 **EVAN DANIEL HARRELL**
5906 Normandie Place
Riverside, CA 92504
Smog Check Inspector License No. EO
643066

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.

1 **Victor Antonio Anguiano-Owner dba SB Smog Check**

2 **Automotive Repair Dealer Registration**

3 2. On or about October 25, 2022, Bureau issued Automotive Repair Dealer Registration
4 Number ARD 304094 to Victor Antonio Anguiano-Owner dba SB Smog Check ("Respondent SB
5 Smog"). The Automotive Repair Dealer Registration was in full force and effect at all times
6 relevant to the charges brought herein and will expire on October 31, 2025, unless renewed.

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

8 3. On or about February 15, 2023, Bureau issued Smog Check, Test Only, Station
9 License Number TC 304094 to Respondent SB Smog. The Smog Check, Test Only, Station
10 License was in full force and effect at all times relevant to the charges brought herein and will
11 expire on October 31, 2025, unless renewed.

12 **STAR Station Certification**

13 4. On or about April 13, 2023, the Bureau certified SB Smog Check as a STAR Station.
14 The certification will remain active unless ARD 304094 and/or TC 304094 is revoked, canceled,
15 becomes delinquent, or the certification is invalidated.

16 **Victor Antonio Bonilla-Anguiano**

17 **Smog Check Inspector License**

18 5. On or about May 22, 2023, Bureau issued Smog Check Inspector License Number
19 EO 644341 to Victor Antonio Bonilla-Anguiano ("Respondent Bonilla-Anguiano"). The Smog
20 Check Inspector License was in full force and effect at all times relevant to the charges brought
21 herein and will expire on June 30, 2025, unless renewed.

22 **Evan Daniel Harrell**

23 **Smog Check Inspector License**

24 6. On or about May 5, 2021, Bureau issued Smog Check Inspector License Number EO
25 643066 to Evan Daniel Harrell ("Respondent Harrell"). The Smog Check Inspector License was
26 in full force and effect at all times relevant to the charges brought herein and will expire on July
27 31, 2025, unless renewed.

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7. Business and Professions Code (“Code”) section 9884.7 provides that the Director

8. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid

9. Health and Safety Code section 44002 provides, in pertinent part, that the Director

10. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the

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11. 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.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is,

engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

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

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

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

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

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

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

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

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

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

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

1 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles
2 failing their onboard diagnostic test have or would have passed a tailpipe test.

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

8 13. Section 44015 of the Health and Safety Code states:

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

13 14. Section 44032 of the Health and Safety Code states:

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

20 15. Section 44059 of the Health and Safety Code states:

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

26 16. Section 44072.2 of the Health and Safety Code states:

27 The director may suspend, revoke, or take other disciplinary action against a
28 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.

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17. 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.

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

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

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

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

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

REGULATORY PROVISIONS

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

....

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

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

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..

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

....

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

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

....

(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.

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

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

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

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

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

(2) A two-speed idle mode test shall be the test method used to inspect 1976 - 1999 model-year vehicles, except diesel-powered, registered in all program areas of the state, except in those areas of the state where the enhanced program has been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (a) of Section 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) Vehicles that the department randomly selects pursuant to Health and Safety Code section 44014.7 as a means of identifying potential operational problems with vehicle OBD systems.

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

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

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

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

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

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

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

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

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

COST RECOVERY

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

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 **FACTUAL ALLEGATIONS**

6 26. A Bureau Representative conducted an investigation after a review of Smog Check
7 testing data revealed Respondent SB Smog was using an OBDII defeat device to fraudulently test
8 vehicles using the Board Diagnostic Inspection System inspection ("OIS") analyzer.

9 27. During an OIS inspection, engine operating parameters are retrieved from the
10 vehicle's On-Board Diagnostics ("OBD II") system and recorded to the Vehicle Information
11 Database ("VID"). This is accomplished during the functional portion of the OIS Smog Check
12 inspection by plugging the Data Acquisition Device ("DAD") into the vehicle's Diagnostic Link
13 Connector ("DLC") when prompted by the OIS analyzer screen prompt. Some of the parameters
14 recorded are:

- 15 • Engine speed in revolutions per minute ("RPM").
- 16 • The throttle position is measured by a throttle position sensor ("TPS") mounted onto
17 the throttle shaft. It is measured in a percentage of opening from 0% at idle and near
18 or up to 100% at full throttle.
- 19 • Manifold absolute pressure as measured by a manifold air pressure sensor ("MAP")
20 connected to an intake manifold source, measured in kilo pascals ("kpa"). Typical
21 readings for a normally aspirated engine are as follows: 0 kPa being absolute vacuum,
22 25kPa to 45kPa at idle, and 101 kpa at full throttle, same as atmospheric pressure at
23 sea level.
- 24 • Mass airflow is measured by a mass air flow sensor ("MAF") mounted in the engine's
25 air intake tract. Measured in grams per second ("gps").
- 26 • Ignition timing is set by the vehicle Powertrain Control Module ("PCM") based on
27 engine speed and load and is measured in degrees Before Top Dead Center
28 ("BTDC").

28 28. During normal engine operation at idle, the engine speed is relatively steady around
its target idle speed. With the engine idling, the TPS is constant and at or near 0%. The MAP
and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to
be opened to increase airflow through the engine. The engine's management systems supply fuel
and spark timing appropriate to any changes in throttle position and engine speed. An increase in
throttle, measured by the TPS, which increases engine RPM, would result in corresponding
increases in MAF as well as a change in MAP. As stated in another way, any movement in the

throttle from the idle position will result in an increase of airflow through the engine, with corresponding increases in RPM and/or MAF along with changes in MAP.

29. During an OIS Smog Check inspection, along with other visual and functional inspections, there is an OBD II query portion of the inspection. The OBD II query is performed with the engine idling and, when requested by the OIS analyzer, an elevated or increased engine speed.

30. The increase in engine speed is performed by the inspector by stepping on the throttle pedal or manually opening the throttle resulting in a corresponding increase in engine RPMs by allowing an increase in airflow into the engine.

31. The Bureau Representative conducted a detailed review of the VID data for the Smog Check inspections performed at Respondent SB Smog's facility. The review showed a pattern of vehicles being certified with improbable engine operating parameters not corresponding to normal engine operation. The data collected by the OIS DAD during the OBDII functional test confirmed an OBD defeat device was used instead of the actual vehicle being tested, which constitutes clean plugging. The Bureau Representative included ten (10) vehicles in his report as examples of fraudulent inspections using clean plugging¹.

Fraudulent Inspection No. 1-2003 Nissan 350Z Coupe

32. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The review indicated that on or about May 22, 2024, a 2003 Nissan 350Z Coupe ("2003 Nissan") was tested and Smog Certificate Number TW783559C was issued by Respondent Bonilla-Anguiano.

33. The Dynamic Data and Parameter Identification² (PID) Charts for the 2003 Nissan showed that between timestamps 187 and 20053, the engine speed was steady at approximately 675 RPM. During this time the throttle was fixed at .8% opening, the MAF was fixed at 2.21 gps, and the ignition timing advance for the number 1 cylinder was fixed at 16 degrees BTDC. After

¹ "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.

² Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR OIS.

1 timestamp 20053, the engine speed increased to approximately 1800 RPM. From the time the
2 engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same .8%
3 opening, the MAF was fixed at the same 2.21 gps, and the ignition timing advance for the number
4 1 cylinder was also still fixed at the same 16 degrees BTDC.

5 34. During the period the dynamic data was collected, the only parameter that changed
6 was the engine RPM. The throttle position, the MAF, and the ignition timing advance readings
7 remained unchanged even though the engine speed was increased. These readings were not
8 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
9 proved that the DAD was not connected to the 2003 Nissan being certified which caused the
10 issuance of a fraudulent Smog Check Certificate of Compliance.

11 **Previous Failing Test: 2003 Nissan 350Z Coupe**

12 35. On or about March 22, 2024, a previous failing test was performed on the 2003
13 Nissan at another station. The 2003 Nissan failed the test for incomplete OBDII readiness
14 monitors and stored Diagnostic Trouble Code (“DTC”) P0328.

15 36. The Dynamic PID Chart for the data collected during the March 22, 2024, inspection
16 on the 2003 Nissan showed that the vehicle idled at approximately 650 RPMs before engine
17 speed was raised to approximately 1950 RPMs by opening the throttle. There was the expected
18 change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected
19 for normal engine operation.

20 **Fraudulent Inspection No. 2-2001 Toyota Echo**

21 37. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
22 review indicated that on or about May 23, 2024, a 2001 Toyota Echo (“2001 Toyota”) was tested
23 and Smog Certificate Number TW783564C was issued by Respondent Bonilla-Anguiano.

24 38. The Dynamic Data and PID Charts for the 2001 Toyota showed that between
25 timestamps 146 and 20643, the engine speed was steady at approximately 750 RPM. During this
26 time the throttle was fixed at 11.8% opening, the MAF was fixed at 1.5 gps, and the ignition
27 timing advance for the number 1 cylinder was fixed at 10.5 degrees BTDC. After timestamp
28 20643, the engine speed increased to approximately 1775 RPM. From the time the engine RPM

increased off idle to the higher RPMs, the throttle was fixed at the same 11.8% opening, the MAF was fixed at the same 1.5 gps, and the ignition timing advance for the number 1 cylinder was still fixed at the same 10.5 degrees BTDC.

39. During the period the dynamic data was collected, the only parameter that changed was the engine RPM. The throttle position, MAF, and the ignition timing advance readings remained unchanged even though the engine speed was increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the DAD was not connected to the 2001 Toyota being certified which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Previous Failing Test: 2001 Toyota Echo

40. On or about January 5, 2024, a previous failing test was performed on the 2001 Toyota at another station. The 2001 Toyota failed the test for an illuminated Malfunction Indicator Light ("MIL") and stored DTCs P0300, P0301, P0302, P0303, P0304 and P1349. No dynamic data was collected during the inspection.

Fraudulent Inspection No. 3-2004 Honda Accord LX

41. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The review indicated that on or about May 28, 2024, a 2004 Honda Accord LX ("2004 Honda") was tested and Smog Certificate Number TW783569C was issued by Respondent Bonilla-Anguiano.

42. The Dynamic Data and PID Charts for the 2004 Honda showed between timestamps 122 and 21790, the engine speed was steady at approximately 775 RPM. During this time the throttle was fixed at 9.8% opening, the MAF was fixed at 2.17, the MAP was fixed at 23 kPa, gps, and the ignition timing advance for the number 1 cylinder was fixed at 7.5 degrees BTDC. After time stamp 21790, the engine speed increased to approximately 1700 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same 9.8% opening, the MAF was fixed at the same 2.17 gps, the MAP was fixed at the same 23 kPa, and the ignition timing advance for the number 1 cylinder was still fixed at the same 7.5 degrees BTDC.

43. During the period the dynamic data was collected, the only parameter that changed was the engine RPM. The throttle position, MAF, MAP, and the ignition timing advance

1 readings remained unchanged even though the engine speed was increased. These readings were
2 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
3 Data proved that the DAD was not connected to the 2004 Honda being certified which caused the
4 issuance of a fraudulent Smog Check Certificate of Compliance.

5 **Previous Failing Test: 2004 Honda Accord LX**

6 44. Two (2) previous failing tests were performed on the 2004 Honda.

7 45. On or about January 22, 2024, the most recent failing test was performed on the 2004
8 Honda at another station. The 2004 Honda failed the test for incomplete OBDII readiness
9 monitors. No dynamic data was collected during the inspection.

10 46. On or about August 1, 2023, an earlier failing test was performed on the 2004 Honda
11 at another station. The 2004 Honda failed the test for an illuminated MIL and stored OBDII
12 DTCs P0171, P0420, and P1009. No dynamic data was collected during the inspection.

13 **Fraudulent Inspection No. 4-2001 Mitsubishi Eclipse GS**

14 47. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
15 review indicated that on or about June 5, 2024, a 2001 Mitsubishi Eclipse GS (“2001 Mitsubishi”)
16 was tested and Smog Certificate Number TW783594C was issued by Respondent Bonilla-
17 Anguiano.

18 48. The Dynamic Data and PID Charts for the 2001 Mitsubishi showed that between
19 timestamps 110 and 20107, the engine speed was steady at approximately 850 RPM. During this
20 time the throttle was fixed at 0% opening, the MAF was fixed at 3.94 gps, and the ignition timing
21 advance for the number 1 cylinder was fixed at 14 degrees BTDC. After time stamp 20107, the
22 engine speed increased to approximately 1925 RPM. From the time the engine RPM increased
23 off idle to the higher RPMs, the throttle was fixed at the same 0% opening, the MAF was fixed at
24 the same 3.94 gps, and the ignition timing advance for the number 1 cylinder was still fixed at the
25 same 14 degrees BTDC.

26 49. During the entire period the dynamic data was collected, the only parameter that
27 changed was the engine RPM. The throttle position, MAF, and the ignition timing advance
28 readings remained unchanged even though the engine speed was increased. These readings were

1 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
2 Data proved that the DAD was not connected to the 2001 Mitsubishi being certified which caused
3 the issuance of a fraudulent Smog Check Certificate of Compliance.

4 **Previous Failing Test: 2001 Mitsubishi Eclipse GS**

5 50. On or about March 19, 2024, a previous failing test was performed on the 2001
6 Mitsubishi at another station. The 2001 Mitsubishi failed the test for an illuminated MIL and
7 stored DTCs P0421 and P1400. No dynamic data was collected during the inspection.

8 **Fraudulent Inspection No. 5-2003 Honda Element EX**

9 51. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
10 review indicated that on or about June 10, 2024, a 2003 Honda Element EX ("2003 Honda") was
11 tested and Smog Certificate Number TY531312C was issued by Respondent Bonilla-Anguiano.

12 52. The Dynamic Data and PID Charts for the 2003 Honda showed that between
13 timestamps 122 and 33311, the engine speed was steady at approximately 700 RPM. During this
14 time the throttle was fixed at 9.8% opening, the MAP was fixed at 28 kPa, and the ignition timing
15 advance for the number 1 cylinder was fixed at 8.5 degrees BTDC. After timestamp 33311, the
16 engine speed accelerated to approximately 2025 RPM. From the time the engine RPM increased
17 off idle to the higher RPMs, the throttle was fixed at the same 9.8% opening, the MAP was fixed
18 at the same 28 kPa, and the ignition timing advance for the number 1 cylinder was still fixed at
19 the same 8.5 degrees BTDC.

20 53. During the entire period the dynamic data was collected, the only parameter that
21 changed was the engine RPM. The throttle position, the MAP, and the ignition timing advance
22 readings remained unchanged even though the engine speed was increased. These readings were
23 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
24 Data proved that the DAD was not connected to the 2003 Honda being certified which caused the
25 issuance of a fraudulent Smog Check Certificate of Compliance.

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1 **Previous Failing Test: 2003 Element**

2 54. On or about December 15, 2023, a previous failing test was performed on the 2003
3 Honda at another station. The 2003 Honda failed the test for an illuminated MIL and stored DTC
4 P0420. No dynamic data was collected during the inspection.

5 **Fraudulent Inspection No. 6-2005 Toyota RAV4**

6 55. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
7 review indicated that on or about July 19, 2024, a 2005 Toyota RAV4 ("2005 Toyota") was tested
8 and Smog Certificate Number UA581903C was issued by Respondent Harrell.

9 56. The Dynamic Data and PID charts for the 2005 Toyota showed that between
10 timestamps 140 and 23697, the engine speed was steady at approximately 675 RPM. During this
11 time the throttle was fixed at 17.3% opening, the MAF was fixed at 3.62 gps, and the ignition
12 timing advance for the number 1 cylinder was fixed at 8.5 degrees BTDC. After timestamp
13 23697, the engine speed increased to approximately 2000 RPM. From the time the engine RPM
14 increased off idle to the higher RPMs, the throttle was fixed at the same 17.3% opening, the MAF
15 was fixed at the same 3.62 gps, and the ignition timing advance for the number 1 cylinder was
16 also still fixed at the same 8.5 degrees BTDC.

17 57. During the entire period the dynamic data was collected, the only parameter that
18 changed was the engine RPM. The throttle position, the MAF, and the ignition timing advance
19 readings remained unchanged even though the engine speed was increased. These readings were
20 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
21 Data proved that the DAD was not connected to the 2005 Toyota being certified which caused the
22 issuance of a fraudulent Smog Check Certificate of Compliance.

23 **Previous Failing Tests: 2005 Toyota RAV4**

24 58. Two previous failing tests were performed on the 2005 Toyota.

25 59. On or about July 12, 2024, the most recent failing test was performed on the 2005
26 Toyota at SB Smog Check, by Respondent Harrell. The 2005 Toyota failed the test for
27 incomplete OBDII readiness monitors.

28 ///

60. The Dynamic PID Chart for the data collected during the July 12, 2024, inspection on the 2005 Toyota showed that the vehicle idled at approximately 775 RPMs before the engine speed was raised to approximately 1650 RPMs by opening the throttle. There was the expected change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected for normal engine operation.

61. On or about June 7, 2024, an earlier failing test was performed on the 2005 Toyota at another station. The 2005 Toyota failed the test for incomplete OBDII readiness monitors.

62. The Dynamic PID Chart for the data collected during the June 7, 2024, inspection on the 2005 Toyota showed that the vehicle idled at approximately 800 RPMs before the engine speed was raised to approximately 1575 RPMs by opening the throttle. There was the expected change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected for normal engine operation.

Fraudulent Inspection No. 7-2002 Acura RSX Type-S

63. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The review indicated that on or about July 30, 2024, a 2002 Acura RSX Type-S ("2002 Acura") was tested and Smog Certificate Number UA844469C was issued by Respondent Harrell.

64. The Dynamic Data and PID Charts for the 2002 Acura showed that between timestamps 127 and 19196, the engine speed was steady at approximately 900 RPM. During this time the throttle was fixed at 11% opening, the MAP was fixed at 40 kPa, and the ignition timing advance for the number 1 cylinder was fixed at -0.5 degrees BTDC. After timestamp 19196, the engine speed increased to approximately 2025 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same 11% opening, the MAP was fixed at the same 40 kPa, and the ignition timing advance for the number 1 cylinder was still fixed at the same -0.5 degrees BTDC.

65. During the entire period the dynamic data was collected, the only parameter that changed was the engine RPM. The throttle position, the MAP, and the ignition timing advance readings remained unchanged even though the engine speed was increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test

1 Data proved that the DAD was not connected to the 2002 Acura being certified which caused the
2 issuance of a fraudulent Smog Check Certificate of Compliance.

3 **Previous Failing Tests: 2002 Acura RSX Type-S**

4 66. Previous failing tests were performed on the 2002 Acura.

5 67. On or about July 23, 2024, the most recent failing test was performed on the 2002
6 Acura at SB Smog Check by Respondent Harrell. The 2002 Acura failed the test for visual
7 “Other Emission Related Components/Systems” and incomplete OBDII readiness monitors.

8 68. The Dynamic PID Chart for the data collected during the July 23, 2024, inspection on
9 the 2002 Acura showed that the vehicle idled at approximately 1000 RPMs before engine speed
10 was raised to approximately 1900 RPMs by opening the throttle. There was the expected change
11 in the throttle, MAP, and ignition timing advance parameters as characteristic or expected for
12 normal engine operation.

13 69. On or about July 16, 2024, an earlier failing test was performed on the 2002 Acura at
14 SB Smog Check by Respondent Harrell. The 2002 Acura failed the test for visual “Other
15 Emission Related Components/Systems”, an illuminated MIL, and stored DTCs P0420 and
16 P1163.

17 70. On or about December 12, 2023, an earlier failing test was performed on the 2002
18 Acura at another station. The 2002 Acura failed the test for an illuminated MIL and stored DTC
19 P0171.

20 71. The Dynamic PID Chart for the data collected during the December 12, 2023,
21 inspection on the 2002 Acura showed that the vehicle idled at approximately 700 RPMs before
22 engine speed was raised to approximately 2300 RPMs by opening the throttle. There was the
23 expected change in the throttle, MAP, and ignition timing advance parameters as characteristic or
24 expected for normal engine operation.

25 **Fraudulent Inspection No. 8-2003 Ford Mustang**

26 72. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
27 review indicated that on or about July 30, 2024, a 2003 Ford Mustang (“2003 Ford”) was tested
28 and Smog Certificate Number UA844476C was issued by Respondent Harrell.

73. The Dynamic Data and PID Charts for the 2003 Ford showed that between timestamps 22 and 102257, the engine speed was steady at approximately 800 RPM. During this time the throttle was fixed at 16.5% opening, the MAF was fixed at 3.48 gps, and the ignition timing advance for the number 1 cylinder was fixed at 12 degrees BTDC. After timestamp 102257, the engine speed accelerated to approximately 2125 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same 16.5% opening, the MAF was fixed at the same 3.48 gps, and the ignition timing advance for the number 1 cylinder was also still fixed at the same 12 degrees BTDC.

74. During the entire period the dynamic data was collected, the only parameter that changed was the engine RPM. The throttle position, the MAF, and the ignition timing advance readings remained unchanged even though the engine speed was increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the DAD was not connected to the 2003 Ford being certified which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Previous Failing Tests: 2003 Ford Mustang

75. On or about January 26, 2024, a previous failing test was performed on the 2003 Ford at another station. The 2003 Ford failed the test for incomplete OBDII readiness monitors. No dynamic data was collected during the inspection.

Fraudulent Inspection No. 9-2005 BMW 325 XI

76. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The review indicated that on or about August 13, 2024, a 2005 BMW 325 XI ("2005 BMW") was tested and Smog Certificate Number UA986350C was issued by Respondent Harrell.

77. The Dynamic Data and PID Charts for the 2005 BMW showed that between timestamps 171 and 19187, the engine speed was steady at approximately 750 RPM. During this time the throttle was fixed at 9.8% opening, the MAF was fixed at 4.76 gps, and the ignition timing advance for the number 1 cylinder was fixed at 0.5 degrees BTDC. After timestamp 19187, the engine speed accelerated to approximately 2200 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same 9.8% opening, the MAF

1 was fixed at the same 4.76 gps and the ignition timing advance for the number 1 cylinder was also
2 still fixed at the same 0.5 degrees BTDC.

3 78. During the entire period the dynamic data was collected, the only parameter that
4 changed was the engine RPM. The throttle position, the MAF, and the ignition timing advance
5 readings remained unchanged even though the engine speed was increased. These readings were
6 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
7 Data proved that the DAD was not connected to the 2005 BMW being certified which caused the
8 issuance of a fraudulent Smog Check Certificate of Compliance.

9 **Previous Failing Tests: 2005 BMW 325 XI**

10 79. On or about August 10, 2024, a previous failing test was performed on the 2005 BMW
11 at another station. The 2005 BMW failed the test for incomplete OBDII readiness monitors and
12 stored OBDII DTC P0598. No dynamic data was collected during the inspection.

13 **Station Audit Inspection August 22, 2024**

14 80. On or about August 22, 2024, Bureau Representatives from the Bureau's Audits and
15 Inspections Branch, visited Respondent SB Smog's facility to perform a station audit inspection.
16 At approximately 1404 hours, prior to arriving at the station, the Bureau Representatives verified
17 an inspection was in progress on a 2003 Toyota Camry ("2003 Toyota"), using the Bureau's
18 database.

19 81. The Bureau Representatives arrived at Respondent SB Smog's facility at
20 approximately 1406 hours, where they had a view of the parking area and testing bay. The
21 Bureau Representatives exited their vehicle at approximately 1410 hours and entered the station
22 testing bay. The 2003 Toyota was not present at the station. A Bureau Representative knocked
23 on the station office door and was greeted by Respondent Harrell. The Bureau Representatives
24 identified themselves and informed Respondent Harrell they were there to perform an audit
25 inspection. The Bureau Representatives asked Respondent Harrell about the whereabouts of the
26 2003 Toyota. Respondent Harrell stated the 2003 Toyota had just left. The Bureau
27 Representatives requested access to the office area and Respondent Harrell replied several times
28 to, "Give him time.", referring to Respondent Bonilla-Anguiano.

1 82. The Bureau Representatives were given access to the office approximately two
2 minutes later, where they met with Respondent Bonilla-Anguiano. The Bureau Representatives
3 observed a black backpack and unsigned VIRs on the desk area. A Bureau Representative
4 requested the documents for the 2003 Toyota recently tested as well as documents for other
5 vehicles tested that day. Respondent Bonilla-Anguiano stated he didn't have the documents.
6 Respondent Harrell then retrieved the backpack from the desk and walked out of the office. A
7 Bureau Representative followed Respondent Harrell out of the office and questioned Respondent
8 Harrell about the contents of the backpack. Respondent Harrell showed the Bureau
9 Representative the inside of the backpack, which contained a silver laptop computer and a red-
10 colored cable with an OBDII data link connector on one end of the cable. A Bureau
11 Representative identified the equipment as a possible OBDII defeat device. A Bureau
12 Representative questioned Respondent Harrell what the laptop was used for. Respondent Harrell
13 stated it didn't work.

14 83. A Bureau Representative exited the office area where he requested the testing
15 documents from Respondent Harrell. Respondent Harrell told the Bureau Representative to "talk
16 to the owner." Respondent Harrell then put the backpack and contents into a Honda Accord
17 parked on the premises. The Bureau Representatives questioned Respondent Bonilla-Anguiano
18 about the 2003 Toyota and its whereabouts, to which Respondent Bonilla-Anguiano stated he did
19 not know the 2003 Toyota was being tested. Respondent Bonilla-Anguiano then stated he did not
20 want to answer any questions without his lawyer present.

21 84. A Bureau Representatives performed the audit inspection, which the station failed. A
22 Bureau Representative completed a station inspection report and took photographs of Respondent
23 SB Smog's facility.

24 **Fraudulent Inspection No. 10-2003 Toyota Camry LE**

25 85. A Bureau Representative reviewed the OIS Test Data for Respondent SB Smog. The
26 review indicated that on or about August 22, 2024, a 2003 Toyota Camry LE ("2003 Toyota")
27 was tested and Smog Certificate Number UC326748C was issued by Respondent Harrell.

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86. The Dynamic Data and PID Charts for the 2003 Toyota showed that between timestamps 139 and 25724, the engine speed was steady at approximately 700 RPM. During this time the throttle was fixed at 14.5% opening, the MAF was fixed at 2.67 gps, and the ignition timing advance for the number 1 cylinder was fixed at 12 degrees BTDC. After timestamp 25724, the engine speed accelerated to approximately 2000 RPM. From the time the engine RPM increased off idle to the higher RPMs, the throttle was fixed at the same 14.5% opening, the MAF was fixed at the same 2.67 gps, and the ignition timing advance for the number 1 cylinder was also still fixed at the same 12 degrees BTDC.

87. During the entire period the dynamic data was collected, the only parameter that changed was the engine RPM. The throttle position, the MAF, and the ignition timing advance readings remained unchanged even though the engine speed was increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the DAD was not connected to the 2003 Toyota being certified which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

88. Respondent SB Smog's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16, section 3373, in that between May 22, 2024, through August 22, 2024, Respondent SB Smog made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent SB Smog certified that vehicles 1 through 10, set forth above, had passed inspection and were in compliance with applicable laws and regulations. Respondent SB Smog conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests to issue smog certificates of compliance for the ten (10) vehicles and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 87, as though fully set forth.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 89. Respondent SB Smog's Automotive Repair Registration is subject to discipline
4 pursuant to Code section 9884.7, subdivision (a)(4), in that between May 22, 2024, through
5 August 22, 2024, Respondent SB Smog committed acts that constitute fraud by issuing electronic
6 smog certificates of compliance for vehicles 1 through 10, set forth above, without performing
7 bona fide inspections of the emission control devices and systems on those vehicles, thereby
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set
10 forth above in paragraphs 26 through 87, as though fully set forth.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 90. Respondent SB Smog's Automotive Repair Registration is subject to disciplinary
14 action under Code section 9884.7, subdivision (a)(6), in that between May 22, 2024, through
15 August 22, 2024, regarding vehicles 1 through 10, set forth above, Respondent SB Smog failed in
16 a material respect to comply with the provisions of this chapter or regulations adopted pursuant to
17 it by issuing electronic smog certificates of compliance for the ten (10) vehicles without
18 performing bona fide inspections of the emissions control devices and systems on those vehicles,
19 thereby depriving the People of the State of California of the protection afforded by the Motor
20 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraphs 26 through 87, as though fully set forth.

22 **FOURTH CAUSE FOR DISCIPLINE**

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

24 91. Respondent SB Smog's Smog Check, Test Only Station License is subject to
25 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
26 May 22, 2024, through August 22, 2024, regarding vehicles 1 through 10, set forth above,
27 Respondent SB Smog failed to comply with the following sections of that Code:

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

4 b. **Section 44015, subdivision (b):** Respondent SB Smog issued electronic smog
5 certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were
6 properly tested and inspected to determine if they were in compliance with Health and Safety
7 Code section 44012.

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

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraphs 26 through 87, as though fully set forth.

13 **FIFTH CAUSE FOR DISCIPLINE**

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

16 92. Respondent SB Smog's Smog Check, Test Only Station License is subject to
17 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
18 May 22, 2024, through August 22, 2024, regarding vehicles 1 through 10, set forth above,
19 Respondent SB Smog failed to comply with provisions of California Code of Regulations, title
20 16, as follows:

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

25 b. **Section 3340.35, subdivision (c):** Respondent SB Smog issued electronic smog
26 certificates of compliance even though those vehicles had not been inspected in accordance with
27 section 3340.42 of that Code.

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1 c. **Section 3340.41, subdivision (c):** Respondent SB Smog knowingly entered false
2 information into the emissions inspection system for the ten (10) vehicles identified above.

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

5 Complainant refers to, and by this reference incorporates, the allegations set forth above in
6 paragraphs 26 through 87, as though fully set forth.

7 **SIXTH CAUSE FOR DISCIPLINE**

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

9 93. Respondent SB Smog's Smog Check, Test Only Station License is subject to
10 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
11 with 44072.10, subdivision (c), in that between May 22, 2024, through August 22, 2024,
12 regarding vehicles 1 through 10, set forth above, Respondent SB Smog committed acts involving
13 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog 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 the
16 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
17 reference incorporates, the allegations set forth above in paragraphs 26 through 87, as though
18 fully set forth.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Violations of the Motor Vehicle Inspection Program – Respondent Bonilla-Anguiano)**

21 94. Respondent Bonilla-Anguiano's Smog Check Inspector License is subject to
22 disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that
23 between May 22, 2024, through June 10, 2024, regarding vehicles 1 through 5, set forth above,
24 Respondent Bonilla-Anguiano violated the following Health and Safety Code sections:

25 a. **Section 44012, subdivision (a):** Respondent Bonilla-Anguiano failed to determine
26 that all emission control devices and systems required by law were installed and functioning
27 correctly on the vehicles identified above in accordance with test procedures prescribed by the
28 Bureau.

1 b. **Section 44012, subdivision (f):** Respondent Bonilla-Anguiano failed to perform
2 emission control tests on the vehicles identified above in accordance with procedures prescribed
3 by the Bureau.

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

7 d. **Section 44059:** Respondent Bonilla-Anguiano willfully made false entries for the
8 electronic certificates of compliance by certifying that the vehicles identified above had been
9 inspected as required when, in fact, they had not.

10 Complainant refers to, and by this reference incorporates, the allegations set forth above in
11 paragraphs 32 through 53, as though fully set forth.

12 **EIGHTH CAUSE FOR DISCIPLINE**

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

15 95. Respondent Bonilla-Anguiano's Smog Check Inspector License is subject to
16 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that May 22,
17 2024, through June 10, 2024, regarding vehicles 1 through 5, set forth above, he failed to comply
18 with provisions of California Code of Regulations, title 16, as follows:

19 a. **Section 3340.24, subdivision (c):** Respondent Bonilla-Anguiano falsely or fraudulently
20 issued electronic smog certificates of compliance without performing bona fide inspections of the
21 emission control devices and systems on those vehicles as required by Health and Safety Code
22 section 44012.

23 b. **Section 3340.30 subdivision (a):** Respondent Bonilla-Anguiano failed to inspect and
24 test those vehicles in accordance with Health and Safety Code sections 44012.

25 c. **Section 3340.41, subdivision (c):** Respondent Bonilla-Anguiano knowingly entered
26 false information into the emissions inspection system for the five (5) vehicles identified above.

27 d. **Section 3340.42:** Respondent Bonilla-Anguiano failed to conduct the required smog
28 tests and inspections on those vehicles in accordance with the Bureau's specifications.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 32 through 53, as though fully set forth.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit – Respondent Bonilla-Anguiano)**

5 96. Respondent Bonilla-Anguiano's Smog Check Inspector License is subject to
6 disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction
7 with Health and Safety Code section 44072.10, subdivision (c), in that May 22, 2024, through
8 June 10, 2024, regarding vehicles 1 through 5, set forth above, Respondent Bonilla-Anguiano
9 committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates
10 of compliance for the vehicles without performing bona fide inspections of the emission control
11 devices and systems on those vehicles, thereby depriving the People of the State of California of
12 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
13 this reference incorporates, the allegations set forth above in paragraphs 32 through 53, as though
14 fully set forth.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program – Respondent Harrell)**

17 97. Respondent Harrell's Smog Check Inspector License is subject to disciplinary action
18 under Health and Safety Code section 44072.2, subdivision (a), in that between July 19, 2024,
19 through August 22, 2024, regarding vehicles 6 through 10, set forth above, Respondent Harrell
20 violated the following Health and Safety Code sections:

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

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

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

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

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraphs 55 through 87, as though fully set forth.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the**
11 **Motor Vehicle Inspection Program – Respondent Harrell)**

12 98. Respondent Harrell's Smog Check Inspector License is subject to discipline pursuant
13 to Health and Safety Code section 44072.2, subdivision (c), in that July 19, 2024, through August
14 22, 2024, regarding vehicles 6 through 10, set forth above, he failed to comply with provisions of
15 California Code of Regulations, title 16, as follows:

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

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

22 c. **Section 3340.41, subdivision (c):** Respondent Harrell knowingly entered false
23 information into the emissions inspection system for the five (5) vehicles identified above.

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

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 55 through 87, as though fully set forth.

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TWELVE CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Harrell))

99. Respondent Harrell's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that July 19, 2024, through August 22, 2024, regarding vehicles 6 through 10, set forth above, Respondent Harrell committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 55 through 87, as though fully set forth.

OTHER MATTERS

100. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke, or place on probation the registrations for all places of business operated in this state by Victor Antonio Anguiano, upon a finding that said Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

101. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only Station License No. TC 304094, issued to Victor Antonio Anguiano-Owner dba SB Smog Check, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

102. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 644341, issued to Victor Antonio Bonilla-Anguiano, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

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103. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 643066, issued to Evan Daniel Harrell, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 304094, issued to Victor Antonio Anguiano-Owner dba SB Smog Check;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Victor Antonio Anguiano;
3. Revoking or suspending Smog Check, Test Only, Station License Number TC 304094, issued to Victor Antonio Anguiano-Owner dba SB Smog Check;
4. Revoking or suspending Smog Check Inspector License Number EO 644341, issued to Victor Antonio Bonilla-Anguiano;
5. 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 Victor Antonio Bonilla-Anguiano;
6. Revoking or suspending Smog Check Inspector License Number EO 643066, issued to Evan Daniel Harrell;
7. 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 Evan Daniel Harrell;
8. Ordering Victor Antonio Bonilla-Anguiano and Evan Daniel Harrell 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,

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9. 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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