

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6309
6 Facsimile: (916) 731-2126
E-mail: Travis.Peery@doj.ca.gov
7 *Attorneys for Complainant*

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. 79/26-4326

13 **MARIA DE LOS ANGELES LUCERO**
14 **PEREZ DBA AVALON SMOG CHECK**
8442 S Broadway Unit B
Los Angeles, CA 90003

ACCUSATION

15 **Mailing Address:**
16 **5502 Avalon Blvd Unit B**
Los Angeles, CA 90011

17 **Automotive Repair Dealer Registration No.**
ARD 295585
18 **Smog Check Test Only Station License No.**
TC 295585

19
20 **GABRIELA PEREZ-CASAS**
1834 E 107th Street
21 **Los Angeles, CA 90002**

22 **Smog Check Inspector License No.**
EO 643217

23 Respondents.
24

25
26 **PARTIES**

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

2. On or about October 4, 2019, the Bureau issued Automotive Repair Dealer Registration Number ARD 295585 to Maria De Los Angeles Lucero Perez dba Avalon Smog Check (Respondent Perez). The Automotive Repair Dealer Registration was due to expire on October 31, 2025, however it was cancelled on May 20, 2025.

3. On or about November 18, 2019, the Bureau issued Smog Check Test Only Station License Number TC 295585 to Respondent Perez. The Smog Check Test Only Station License was due to expire on October 31, 2025, however it was cancelled on May 20, 2025.

4. On or about January 22, 2020, the Bureau of Automotive Repair certified Avalon Smog Check as a STAR station. The certification was terminated on May 20, 2025 when Respondent's Automotive Repair Dealer Registration and Smog Check Test Only Station License were cancelled.

5. On or about August 9, 2021, the Bureau issued Smog Check Inspector License Number EO 643217 to Gabriela Perez-Casas (Respondent Perez-Casas). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2028, unless renewed.

JURISDICTION

6. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

7. Business and Professions Code (Bus. & Prof. Code) section 118, subdivision (b), provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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

11. Health & Saf. Code section 44072.6 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

12. Bus. & Prof. Code section 9884.7 states, in pertinent part:

(a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

• • • •

(4) Any other conduct that constitutes fraud.

• • • •

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

• • • •

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

• • • •

(e) For purposes of this section, “fraud” includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

(1) Any act or omission that is included within the definition of either “actual fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573 of the Civil Code.

1 (2) A misrepresentation in any manner, whether intentionally false or due to
gross negligence, of a material fact.

2 (3) A promise or representation not made honestly and in good faith.

3 (4) An intentional failure to disclose a material fact.

4 (5) Any act in violation of Section 484 of the Penal Code.

5 13. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes
6 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
7 “program,” and “agency.” “License” includes certificate, registration or other means to engage in
8 a business or profession regulated by the Bus. & Prof. Code.

9 14. Health & Saf. Code section 44012 provides, in pertinent part, that tests at smog check
10 stations shall be performed in accordance with procedures prescribed by the department.

11 15. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of
12 compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
13 44012.

14 16. Health & Saf. Code section 44032 provides that qualified technicians shall perform
15 tests of emissions control devices and systems in accordance with Health & Saf. Code section
16 44012.

17 17. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

22

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

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

26 18. Health & Saf. Code section 44072.10 states, in pertinent part:

27

28 (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

19. Health & Saf. Code section 44072.8 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

20. 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.”

21. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42 of this article.”

22. 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.”

23. CCR, title 16, section 3340.41 states, in pertinent part:

. . . .

(b) No person shall enter any access or qualification number other than as

1 authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or
2 OIS.

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

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

9 **COST RECOVERY**

10 25. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
11 the administrative law judge to direct a licentiate found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
13 and enforcement of the case.

14 **CALIFORNIA'S SMOG CHECK PROGRAM**

15 26. California's Smog Check Program requires most vehicles in the State to undergo a
16 smog check inspection every two years or when the vehicle's title is transferred.

17 27. A smog check inspection in certain Enhanced areas of the State is an Acceleration
18 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
19 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
20 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
21 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
22 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to
23 simulate driving conditions while the emissions are sampled by the EIS.

24 28. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
25 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
26 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
27 well as 2500 revolutions per minute (rpm).

28 29. In the visual portion of a smog check, the technician inspects the emission control
components to verify that the required emission control devices are present and properly
connected.

1 30. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
2 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
3 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
4 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
5 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
6 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
7 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
8 the outcome of the OBD II functional test, the smog check inspection results also show
9 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

10 31. The inspector enters the results of the visual and functional inspections into the EIS.
11 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
12 the results of the tailpipe, visual and functional tests.

13 32. The EIS is connected by internet connection to Bureau's Vehicle Information
14 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
15 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
16 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
17 inspection, is transmitted to and retained in the VID.

18 33. Beginning March 9, 2015, California's Smog Check Program was updated to require
19 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
20 equipment required in all areas of the State when inspecting most model-year 2000 and newer
21 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),
22 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
23 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
24 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
25 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
26 input inspector information, the vehicle identification number (VIN), and Department of Motor
27 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
28 containing inspection results for motorists and a Smog Check Certificate of Compliance number

1 for passing vehicles.

2 34. During an OIS inspection, engine operating parameters are retrieved from the
3 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
4 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
5 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

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

18 Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
19 MAP or MAF parameters separately.

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

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

37. The Bureau has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog check test on their own, or in some instances, are not even present during the time the test is performed. “Clean plugging” is a method by which another vehicle’s OBD II system, or another source such as defeat devices, are used 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 not present for testing. Defeat devices attempt to simulate engine operation during a smog check inspection by transmitting OBD II data to the VID which has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection.

FACTUAL ALLEGATIONS

Station Inspections

38. On or about July 10, 2020, August 14, 2020, and September 9, 2021, Bureau representatives conducted station inspections at Avalon Smog Check during which they warned Respondent Perez to follow the Bureau's Smog Check Manual and Reference Guide, as well as all applicable laws and regulations. During the inspections of July 10, 2020 and August 14, 2020, a Bureau representative also informed Respondent Perez that any fraudulent inspection practices may result in financial penalties, administrative action, and/or criminal prosecution.

Investigation

39. On or about March 2, 2026, the Bureau began a detailed review of the VID data for Smog Check inspections performed at Avalon Smog Check which showed a pattern of vehicles being certified with engine operating parameters that did not correspond to normal engine

operation, confirming the vehicles receiving smog certifications were not tested during the OBD II functional test, which constitutes clean plugging. The Bureau's review of the Smog Check activities at Avalon Smog Check confirmed six (6) Smog Check Certificates of Compliance were fraudulently issued by Avalon Smog Check to six (6) vehicles that were inspected by Respondent Perez-Casas.

Fraudulent Inspection Number 1 – 2000 Ford Expedition XLT

40. OIS Test Data for Avalon Smog Check indicated that on April 10, 2025, a 2000 Ford Expedition XLT, CA license #5MGU633, VIN #1FMRU1569YLB38642, (2000 Expedition XLT), was tested and Smog Certificate of Compliance #UM349644C was issued by Avalon Smog Check, under Respondent Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that between time stamps 26 and 20275, the engine RPM is held steady at around 715 RPM. During this time, the data show that the throttle is fluctuating between 19.2 % opening and 24.3 % opening and the MAF is fluctuating between 2.8 gram/sec and 4.84 gram/sec. After stamp 20275, the data show that the engine RPM is increased and is then held steady at around 1650 RPM. During this time, the data show that the throttle is fluctuating between 19.2 % opening and 24.3 % opening and the MAF is fluctuating between 2.74 gram/sec and 5.1 gram/sec.

41. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings. These discrepancies confirm that the OIS DAD was not connected to the 2000 Expedition XLT during the certification process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

Fraudulent Inspection Number 2 – 2001 Honda Accord EX

42. OIS Test Data for Avalon Smog Check indicated that on April 11, 2025, a 2001 Honda Accord EX, CA license #4VCV406, VIN #1HGCG22511A036466 (2001 Accord EX), was tested and smog certificate #UM538418C was issued by Avalon Smog Check, under

Respondent Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that between time stamps 116 and 21120, the engine RPM is steady at around 720 RPM. During this time, the data show that the throttle is fluctuating between 7.1 % opening and 11.8 % opening and the MAP incrementally drops from a fixed 28 kPa to a fixed 18 kPa, ultimately rises back to 28 kPa, then drops to 25 kPa. After time stamp 21120, the data show that the engine RPM is increased and then is held steady at around 1580 RPM. During this time, the data show that the throttle is fluctuating between 6.3 % opening and 11.8 % opening and the MAP is fluctuating between 17 kPa and 30 kPa.

43. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle position and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with elevated engine RPM, the throttle position readings are expected to increase, not decrease to values lower than idle readings and the MAP readings are expected to decrease, not increase to above idle readings. These discrepancies confirm that the OIS DAD was not connected to the 2001 Accord EX during the certification process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

Fraudulent Inspection Number 3 – 2004 Honda Accord EX

44. OIS Test Data for Avalon Smog Check indicated that on April 14, 2025, a 2004 Honda Accord EX, CA license #6RHN712, VIN #JHMCM56824C012679, (2004 Accord EX), was tested and smog certificate #UM538420C was issued by Avalon Smog Check, under Respondent Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that between time stamps 118 and 17695, the engine RPM is steady at around 730 RPM. During this time, the data show that the throttle is fluctuating between 6.3 % opening and 10.2 % opening, the MAF is fluctuating between 3.27 gram/sec and 4.83 gram/sec, and the MAP is fluctuating between 16 kPa and 29 kPa. After time stamp 17695, the engine RPM was increased and then held steady at around 1715 RPM. During this time, the data show that the throttle is fluctuating between 7.1 % opening and 11.8 % opening, the MAF is fluctuating between 2.73 gram/sec and 4.6 gram/sec, and the MAP is fluctuating between 16 kPa and 29 kPa.

45. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAF, and MAP readings are not characteristic or expected for normal engine operation. The throttle position, MAF, and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings and the MAP readings are expected to decrease and not increase to above idle readings. These discrepancies confirm that the OIS DAD was not connected to the 2004 Accord EX during the certification process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

Fraudulent Inspection Number 4 – 2003 Honda Accord EX

46. OIS Test Data for Avalon Smog Check indicated that on April 18, 2025, a 2003 Honda Accord EX, CA license #7XZB000, VIN #JHMC56783C043831 (2003 Accord EX), was tested and smog certificate #UM754258C was issued by Avalon Smog Check, under Respondent Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that between time stamps 110 and 19638, the engine RPM is steady at around 810 RPM. During this time, the data show that the throttle is fluctuating between 7.1 % opening and 11.4 % opening, the MAF drops from 3.3 gram/sec to 2.73 gram/sec, incrementally rises to 4.83 gram/sec, then ultimately drops to 3.12 gram/sec, and the MAP is fluctuating between 16 kPa and 27 kPa. After time stamp 19638, the data show the engine RPM is increased and then is held steady at around 1540 RPM. During this time, the data show that the throttle is fluctuating between 8.2 % opening and 11.8 % opening, the MAF is fluctuating between 2.73 gram/sec and 4.55 gram/sec, and the MAP is fluctuating between 16 kPa and 30 kPa.

47. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAF, and MAP readings are not characteristic or expected for normal engine operation. The throttle position, MAF, and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, with elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings, and the MAP readings are expected to decrease and not increase to

1 above idle readings. These discrepancies confirm that the OIS DAD was not connected to the
2 2003 Accord EX during the certification process as required, thereby confirming this as a
3 fraudulent inspection by way of Clean Plugging.

4 **Fraudulent Inspection Number 5 – 2007 Honda Accord EX**

5 48. OIS Test Data for Avalon Smog Check indicated that on April 22, 2025, a 2007
6 Honda Accord EX, CA license #5ZXK245, VIN #1HGCM56757A167575 (2007 Accord EX),
7 was tested and smog certificate #UM754283C was issued by Avalon Smog Check, under
8 Respondent Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that
9 between time stamps stamp 116 and 18087, the engine RPM is around 840 RPM. During this
10 time, the data show that the throttle is fluctuating between 12.5 % opening and 18 % opening, the
11 MAF is fluctuating between 0.85 gram/sec and 2.24 gram/sec, and the MAP is fluctuating
12 between 20 kPa and 30 kPa. After time stamp 18087, the data show that the engine RPM is
13 increased and is ultimately held at no less than 1352 RPM. During this time, the data show that
14 the throttle is fluctuating between 13.7 % opening and 16.5 % opening, the MAF is fluctuating
15 between 0.52 gram/sec and 2.49 gram/sec, and the MAP is fluctuating between 19 kPa and 29
16 kPa.

17 49. The steady idle and steady elevated engine RPMs along with the improbable throttle
18 positions, MAF, and MAP readings are not characteristic or expected for normal engine
19 operation. The throttle position, MAF, and MAP readings are expected to be stable at idle and at
20 the elevated engine RPM, not drop and rise unexpectedly. Additionally, with elevated engine
21 RPM, the throttle position and MAF readings are expected to increase, not decrease to values
22 lower than idle readings, and the MAP readings are expected to decrease and not increase to
23 above idle readings. These discrepancies confirm that the OIS DAD was not connected to the
24 2007 Accord EX during the certification process as required, thereby confirming this as a
25 fraudulent inspection by way of Clean Plugging.

26 ///

27 ///

28 ///

1 **Fraudulent Inspection Number 6 – 2002 Acura 3.2TL Type-S**

2 50. OIS Test Data for Avalon Smog Check indicated that on May 9, 2025, a 2002 Acura
3 3.2TL Type-S, CA license #7TTC362, VIN #19UUA56892A020657 (2002 3.2TL Type-S), was
4 tested and smog certificate #UO425572C was issued by Avalon Smog Check, under Respondent
5 Perez-Casas's Smog Check Inspector License. The OIS Test Data also show that between time
6 stamps 118 and 28858, the engine RPM is around 785 RPM. During this time, the data show that
7 the throttle is fluctuating between 12.5 % opening and 17.3 % opening and the MAP is
8 fluctuating between 16 kPa and 31 kPa. After time stamp 28858, the data show that the engine
9 RPM is increased and then is held at around 1530 RPM. During this time, the data show that the
10 throttle is fluctuating between 12.9 % opening and 17.6 % opening and the MAP is fluctuating
11 between 18 kPa and 26 kPa.

12 51. The idle and elevated engine RPMs along with the improbable throttle positions and
13 MAP readings are not characteristic or expected for normal engine operation. The throttle
14 position and MAP readings are expected to be stable at idle and at the elevated engine RPM, not
15 drop and rise unexpectedly. Additionally, with elevated engine RPM, the throttle position
16 readings are expected to increase, not decrease to values lower than idle readings and the MAP
17 readings are expected to decrease and not increase to above idle readings. These discrepancies
18 confirm that the OIS DAD was not connected to the 2002 3.2TL Type-S during the certification
19 process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

20 ***Respondent Perez***

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue of Misleading Statements)**

23 52. Respondent Perez's Automotive Repair Dealer Registration is subject to disciplinary
24 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that she made
25 statements which were known to be untrue or misleading or, which by exercise of reasonable care
26 should have been known to be untrue or misleading, by issuing electronic smog certificates of
27 compliance for the six (6) vehicles set forth in paragraphs 40-51 above, certifying that those
28 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles

1 had not been so inspected. Complainant refers to, and by this reference incorporates, the
2 allegations contained in paragraphs 39-51, above, as though set forth fully herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 53. Respondent Perez's Automotive Repair Dealer Registration is subject to disciplinary
6 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that she committed
7 acts that constitute fraud by issuing electronic certificates of compliance to the six (6) vehicles set
8 forth in paragraphs 40-51, above, without performing bone fide inspections of the emission
9 control devices and systems on those vehicles, thereby depriving the People of the State of
10 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
11 refers to, and by this reference incorporates, the allegations contained in paragraphs 39-51, above,
12 as though set forth fully herein.

13 **THIRD CAUSE FOR DISCIPLINE**

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

15 54. Respondent Perez's Automotive Repair Dealer Registration is subject to disciplinary
16 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that she failed in a
17 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it
18 when she issued electronic certificates of compliance for the six (6) vehicles set forth in
19 paragraphs 40-51, above, without performing bona fide inspections of the emission control
20 devices and systems on those vehicles, thereby depriving the People of the State of California of
21 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
22 this reference incorporates, the allegations contained in paragraphs 39-51, above, as though set
23 forth fully herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program)**

26 55. Respondent Perez's Smog Check Test Only Station License is subject to disciplinary
27 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that she failed to
28 comply with the following sections of that Code:

1 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
2 performed on the six (6) vehicles identified in paragraphs 40-51, above, in accordance with
3 procedures prescribed by the department.

4 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
5 compliance to the six (6) vehicles identified in paragraphs 40-51, above, without properly testing
6 and inspecting those vehicles to determine if they were in compliance with Health & Saf. Code
7 section 44012.

8 Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 39-51, above, as though set forth fully herein.

10 **FIFTH CAUSE FOR DISCIPLINE**
11 **(Failure to Comply with Regulations Pursuant**
12 **to the Motor Vehicle Inspection Program)**

13 56. Respondent Perez's Smog Check Test Only Station License is subject to disciplinary
14 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that she failed to
15 comply with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
17 electronic smog certificates of compliance for the six (6) vehicles identified in paragraphs 40-51,
18 above.

19 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the six (6)
20 vehicles identified in paragraphs 40-51, above, in accordance with Health & Saf. Code sections
21 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
23 compliance for the six (6) vehicles identified in paragraphs 40-51, above, even though those
24 vehicles had not been inspected in accordance with section 3340.42.

25 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted
26 on the six (6) vehicles identified in paragraphs 40-51 above, were done in accordance with the
27 Bureau's specifications.

28 ///

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 39-51, above, as though set forth fully herein.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 57. Respondent Perez's Smog Check Test Only Station License is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
7 Health & Saf. Code section 44072.10, subdivision (c), in that she committed dishonest,
8 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
9 of compliance for the six (6) vehicles described in paragraphs 40-51, above, without performing
10 bona fide inspections of the emission control devices and systems on those vehicles, thereby
11 depriving the People of the State of California of the protection afforded by the Motor Vehicle
12 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
13 contained in paragraphs 39-51, above, as though set forth fully herein.

14 ***Respondent Perez-Casas***

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 58. Respondent Perez-Casas's Smog Check Inspector License is subject to disciplinary
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that she failed to
19 comply with the following sections of that code:

20 a. **Section 44032:** Respondent failed to perform tests of emission control devices and
21 systems of the six (6) vehicles identified in paragraphs 40-51, above, in accordance with Health &
22 Saf. Code section 44012.

23 b. **Section 44015, subdivision (b):** Respondent caused electronic smog certificates of
24 compliance to be issued for the six (6) vehicles identified in paragraphs 40-51, above, without
25 ensuring that they were properly tested and inspected to determine if they were in compliance
26 with Health & Saf. Code section 44012.

27 ///

28 ///

1 **EIGHTH CAUSE FOR DISCIPLINE**

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

4 59. Respondent Perez-Casas's Smog Check Inspector License is subject to disciplinary
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that she failed to
6 comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the six (6) vehicles identified in paragraphs 40-51,
9 above.

10 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the six (6)
11 vehicles identified in paragraphs 40-51, above, in accordance with Health & Saf. Code sections
12 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

13 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
14 into the on-board diagnostic inspection system for the six (6) vehicles identified in paragraphs 40-
15 51, above.

16 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted
17 on the six (6) vehicles identified in paragraphs 40-51, above, were done in accordance with the
18 Bureau's specifications.

19 **NINTH CAUSE FOR DISCIPLINE**

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

21 60. Respondent Perez-Casas's Smog Check Inspector License is subject to disciplinary
22 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
23 Health & Saf. Code section 44072.10, subdivision (c), in that she committed dishonest,
24 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
25 of compliance for the six (6) vehicles identified in paragraphs 40-51, above, without performing
26 bona fide inspections of the emission control devices and systems on those vehicles, thereby
27 depriving the People of the State of California of the protection afforded by the Motor Vehicle
28 Inspection Program.

1 **DISCIPLINE CONSIDERATIONS**

2 61. To determine the degree of discipline, if any, to be imposed on Respondent Perez,
3 Complainant alleges that on or about July 10, 2020, August 14, 2020, and September 9, 2021,
4 Respondent Perez was warned by Bureau representatives to perform complete and accurate Smog
5 Check inspections in accordance with laws and regulations. Complainant refers to, and by this
6 reference incorporates, the allegations contained in paragraph 38, above, as though set forth fully
7 herein.

8 **OTHER MATTERS**

9 62. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
10 suspend, revoke, or place on probation the registration for all places of business operated in this
11 state by Respondent Perez, upon a finding that she has, or is, engaged in a course of repeated and
12 willful violations of the laws and regulations pertaining to an automotive repair dealer.

13 63. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
14 License No. TC 295585, issued to Respondent Perez, is revoked or suspended, any additional
15 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of
16 said licensee may be likewise revoked or suspended by the director.

17 64. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
18 No. EO 643217, issued to Respondent Perez-Casas, is revoked or suspended, any additional
19 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of
20 said licensee may be likewise revoked or suspended by the director.

21 **PRAYER**

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

25 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
26 295585, issued to Maria De Los Angeles Lucero Perez dba Avalon Smog Check;

27 2. Revoking or suspending any other automotive repair dealer registration issued to
28 Maria De Los Angeles Lucero Perez;

3. Revoking or suspending Smog Check Test Only Station License Number TC 295585,
issued to Maria De Los Angeles Lucero Perez dba Avalon Smog Check;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Maria De Los Angeles Lucero Perez;

5. Revoking or suspending Smog Check Inspector License Number EO 643217, issued to Gabriela Perez-Casas;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Gabriel Perez-Casas;

7. Ordering Maria De Los Angeles Lucero Perez and Gabriela Perez-Casas 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

LA2026601334
68488201.docx