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

12 In the Matter of the Accusation Against:

Case No. 79/25-20346

13 **AA SMOG OF LA CORP, MARIA G.**  
14 **MENDOZA –**  
15 **PRESIDENT/SECRETARY/TREASURER**  
16 **DBA AA SMOG OF LA CORP**  
17 **2330 S San Pedro Street**  
18 **Los Angeles, CA 90011**

**ACCUSATION**

19 **Automotive Repair Dealer Registration No.**  
20 **ARD 298965**  
21 **Smog Check, Test Only, Station License No.**  
22 **TC 298965**

23 **and**

24 **JESSE FERNANDO ARIAS**  
25 **3362 Los Flores Blvd., Apt D**  
26 **Lynwood, CA 90262**

27 **Smog Check Inspector License No. EO**  
28 **643240**

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  
2 **Maria G. Mendoza dba AA Smog of LA Corp**

3 **Automotive Repair Dealer Registration**

4 2. On or about February 2, 2021, the Bureau issued Automotive Repair Dealer  
5 Registration Number ARD 298965 to Maria G. Mendoza, dba AA Smog of LA Corp  
6 (Respondent AA Smog of LA). The Automotive Repair Dealer Registration was in full force and  
7 effect at all times relevant to the charges brought herein and will expire on February 28, 2026,  
8 unless renewed.

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

10 3. On or about February 24, 2021, the Bureau issued Smog Check, Test-Only, Station  
11 License Number TC 298965 to Respondent AA Smog of LA. The Smog Check, Test-Only,  
12 Station License was in full force and effect at all times relevant to the charges brought herein and  
13 will expire on February 28, 2026, unless renewed.

14 **STAR Certification**

15 4. On or about September 8, 2021, the Bureau issued STAR Station certification to  
16 Respondent AA Smog of LA. The STAR Station certification was suspended on April 10, 2024.

17 **Jesse Fernando Arias**

18 5. On or about August 23, 2021, the Bureau issued Smog Check Inspector License  
19 Number EO 643240 to Jesse Fernando Arias (Respondent Arias). The Smog Check Inspector  
20 License was in full force and effect at all times relevant to the charges brought herein and will  
21 expire on March 31, 2027, unless renewed.

22 **JURISDICTION**

23 6. Business and Professions Code (Code) section 9884.7 provides that the Director may  
24 revoke an automotive repair dealer registration.

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



12. Section 9889.22 of the Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

13. 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, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. 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.

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

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

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

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

14 . . . .

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

18 15. Section 44032 of the Health and Safety Code states:

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

25 16. Section 44059 of the Health and Safety Code states:

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

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

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  
20 thereof, does any of the following:

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

24 . . . .

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

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

2 18. Section 44072.8 of the Health and Safety Code states:

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

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

7 (c) The department shall revoke the license of any smog check technician or  
8 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:

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

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

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

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

16 20. Section 4463 of the Vehicle Code, subdivision (a) states:

17 (a) A person who, with intent to prejudice, damage, or defraud, commits any  
18 of the following acts is guilty of a felony and upon conviction thereof shall be  
punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal  
Code for 16 months, or two or three years, or by imprisonment in a county jail for not  
19 more than one year:

20 (1) Alters, forges, counterfeits, or falsifies a certificate of ownership,  
21 registration card, certificate, license, license plate, temporary license plate, device  
issued pursuant to Sections 4853 and 4854, special plate, or permit provided for by  
22 this code or a comparable certificate of ownership, registration card, certificate,  
license, license plate, temporary license plate, device comparable to that issued  
23 pursuant to Sections 4853 and 4854, special plate, or permit provided for by a foreign  
jurisdiction, or alters, forges, counterfeits, or falsifies the document, device, or plate  
24 with intent to represent it as issued by the department, or alters, forges, counterfeits,  
or falsifies with fraudulent intent an endorsement of transfer on a certificate of  
25 ownership or other document evidencing ownership, or with fraudulent intent  
displays or causes or permits to be displayed or have in their possession a blank,  
26 incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false  
certificate of ownership, registration card, certificate, license, license plate, temporary  
27 license plate, device issued pursuant to Sections 4853 and 4854, special plate, or  
28 permit.

1 (2) Utters, publishes, passes, or attempts to pass, as true and genuine, a false,  
2 altered, forged, or counterfeited matter listed in paragraph (1) knowing it to be false,  
3 altered, forged, or counterfeited.

4 **REGULATORY PROVISIONS**

5 21. California Code of Regulations, title 16, section 3340.15, states:

6 . . . .

7 (e) The station shall make, keep secure, and have available for inspection on request  
8 of the Bureau, or its representative, legible records showing the station's transactions as a  
9 licensee for a period of not less than three years after completion of any transaction to  
10 which the records refer. All records shall be open for reasonable inspection and/or  
11 reproduction by the Bureau or its representative. Station records required to be maintained  
12 shall include:

13 (1) All certificates of compliance and certificates of noncompliance in stock and/or  
14 issued,

15 (2) Repair orders relating to the inspection and repair activities, and

16 (3) Vehicle inspection reports generated either manually or by the emissions  
17 inspection system.

18 The above listed station records shall be maintained in such a manner that the records  
19 for each transaction are kept together, so as to facilitate access to those records by the  
20 Bureau or its representative. In this regard, the second copy of an issued certificate shall be  
21 attached to the final invoice record.

22 . . . .

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

24 . . . .

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

28 23. 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.

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

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

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

7 . . . .

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

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

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

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

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

24 On and after March 31, 2010, exhaust emissions from a vehicle subject to this  
25 inspection shall be measured and compared to the emissions standards shown in the  
26 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,  
27 dated March 2010, which is hereby incorporated by reference. If the emissions  
28 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.

1 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
2 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
3 model-year and newer. The OBD test failure criteria are specified in section  
4 3340.42.2.

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

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

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

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

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

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

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

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

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

25 (2) Vehicles with emission levels exceeding the emission standards for gross  
26 polluters during an initial inspection will be considered gross polluters and the  
27 provisions pertaining to gross polluting vehicles will apply, including, but not limited  
28 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.

27. 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

1 the tendency or effect thereby would be to mislead or deceive customers, prospective  
2 customers, or the public.

### 3 **COST RECOVERY**

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

### 10 **FACTUAL ALLEGATIONS**

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

- 17 • Engine speed in revolutions per minute (“RPM”).
- 18 • The throttle position is measured by a throttle position sensor (“TPS”) mounted onto  
19 the throttle shaft. It is measured in a percentage of opening from 0% at idle and near  
20 or up to 100% at full throttle.
- 21 • Manifold absolute pressure as measured by a manifold air pressure sensor (“MAP”)  
22 connected to an intake manifold source, measured in kilo pascals (“kpa”). Typical  
23 readings for a normally aspirated engine are as follows: 0 kPa being absolute vacuum,  
24 25kPa to 45kPa at idle, and 101 kpa at full throttle, same as atmospheric pressure at  
25 sea level.
- 26 • Mass airflow is measured by a mass air flow sensor (“MAF”) mounted in the engine’s  
27 air intake tract and measured in grams per second or grams/sec (“gps”).

28 30. During normal engine operation at idle, the engine speed is relatively steady around  
its target idle speed. With the engine idling, the TPS is steady 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. Stated another way, any movement in the throttle

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

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

7 32. The increase in engine speed is performed by the smog check inspector by stepping  
8 on the throttle pedal or manually opening the throttle resulting in a corresponding increase in  
9 engine RPMs by allowing an increase in airflow into the engine.

10 33. The Bureau Representative conducted a detailed review of the VID data for the Smog  
11 Check inspections performed at Respondent AA Smog of LA's facility. The review showed a  
12 pattern of vehicles being certified with improbable engine operating parameters not  
13 corresponding to normal engine operation. The data collected by the DAD during the OBDII  
14 functional test confirmed an OBD defeat device was used instead of the actual vehicle being  
15 tested, which constitutes clean plugging. The Bureau Representative included ten (10) vehicles in  
16 his report as examples of fraudulent inspections using clean plugging<sup>1</sup>.

17 **Fraudulent Inspection No. 1 - 2006 Toyota Sienna XLE**

18 34. A Bureau Representative reviewed the OIS Test Data for AA Smog of LA. The  
19 review indicated that on or about October 17, 2023, a 2006 Toyota Sienna XLE was tested and  
20 Certificate of Compliance Number IX292111C was issued by Respondent AA Smog of LA,  
21 under Respondent Arias' smog check inspector license.

22 35. The Dynamic OBDII Parameter Identification<sup>2</sup> ("PID") data for the 2006 Toyota  
23 Sienna XLE showed that between timestamps 851 and 22433, the engine speed was steady at  
24 approximately 700 RPM. During this time, the throttle was fixed at 18% opening and the MAF

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25  
26 <sup>1</sup> Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,  
27 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing  
28 fraudulent smog check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

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

1 was fixed at 2.39gps. After timestamp 22433, the engine RPM increased and held steady around  
2 2265 RPM. During the steady elevated engine RPM, the data shows the throttle drops from  
3 16.9% to 12.9% opening and the MAF drops from 1.88gps to 0.84gps.

4 36. The steady idle and steady elevated engine RPM data along with the improbable  
5 throttle positions and MAF readings are not characteristic or expected for normal engine  
6 operation. The throttle positions and MAF readings are expected to be stable during the steady  
7 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to  
8 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle  
9 and MAF had data points during the elevated engine RPM which were lower than data points at  
10 idle. The throttle and MAF data points during the elevated engine RPM never increased past the  
11 highest data points at idle. The discrepancies in the OIS test data prove the DAD was not  
12 connected as required to the 2006 Toyota Sienna XLE being certified, causing the issuance of a  
13 fraudulent Smog Check Certificate of Compliance.

14 **Fraudulent Inspection No. 2 - 2000 BMW 325**

15 37. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
16 indicated that, on or about October 27, 2023, a 2000 BMW 325 was tested and Certificate of  
17 Compliance Number TO400567C was issued by Respondent AA Smog of LA, under Respondent  
18 Arias' smog check inspector license.

19 38. The PID data for the 2000 BMW 325 showed that between timestamps 845 and  
20 27576, the engine speed was steady at approximately 700 RPM. During this time, the throttle  
21 was fixed at 0% opening and the MAF was fixed at 4.13gps. After timestamp 27576, data shows  
22 the engine RPM increased and held steady around 1735 RPM. During the steady elevated engine  
23 RPM, the data shows the throttle drops from 5.1% to 1.6% opening and the MAF drops from  
24 3.44gps to 3.3gps.

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

1 values less than idle or rise and drop unexpectedly. During the improbable readings, the MAF had  
2 data points during the elevated engine RPM which were lower than data points at idle. The MAF  
3 data points during the elevated engine RPM never increased past the data points at idle. The  
4 discrepancies in the OIS test data prove the DAD was not connected as required to the 2000  
5 BMW 325 I being certified, causing the issuance of a fraudulent Smog Check Certificate of  
6 Compliance.

7 **Fraudulent Inspection No. 3 - 2006 Chevrolet Silverado**

8 40. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
9 indicated that, on or about December 5, 2023, a 2006 Chevrolet Silverado C1500 was tested and  
10 Certificate of Compliance Number IX560582C was issued by Respondent AA Smog of LA,  
11 under Respondent Arias' smog check inspector license.

12 41. The PID data for the 2006 Chevrolet Silverado C1500 showed that between  
13 timestamps 345 and 20301, the engine speed was steady at approximately 555 RPM. During this  
14 time, the throttle was fixed at 5.1% opening and the MAF was fixed at 5gps, and the MAP is  
15 fixed at 35kPa. After timestamp 20301, data shows the engine RPM increased and held elevated  
16 at no less than 1576 RPM. During the elevated engine RPM, the data shows the throttle drops  
17 from 2.4% to 0.8%, then rises to 2.7% opening, the MAF initially rises from 3.69gps to 4.22gps,  
18 then drops to 2.8gps before ultimately rising to 2.93gps, and the MAP is fluctuating erratically  
19 between 32kPa and 46kPa.

20 42. The steady idle and steady elevated engine RPM data along with the improbable  
21 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine  
22 operation. The throttle positions and MAF readings are expected to be stable during the steady  
23 idle and subsequently raised during the elevated engine RPM, not decrease to values less than idle  
24 or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data  
25 points during the elevated engine RPM which were lower than data points at idle. The throttle and  
26 MAF data points during the elevated engine RPM never increased past the data points at idle. The  
27 discrepancies in the OIS test data prove the DAD was not connected as required to the 2006  
28

1 Chevrolet Silverado C1500 being certified, causing the issuance of a fraudulent Smog Check  
2 Certificate of Compliance.

3 **Fraudulent Inspection No. 4 - 2004 Lincoln Navigator**

4 43. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
5 indicated that, on or about December 5, 2023, a 2004 Lincoln Navigator was tested and  
6 Certificate of Compliance Number IX560583C was issued by Respondent AA Smog of LA,  
7 under Respondent Arias' smog check inspector license.

8 44. The Dynamic PID chart for the 2004 Lincoln Navigator shows that between time  
9 stamp 342 and 24776, the engine RPM is steady at around 670 RPM. During this time, the data  
10 shows that the throttle is fixed at 19.2% opening and the MAF is fixed at 7.25gps. After time  
11 stamp 24776, the data shows the engine RPM is increased and held steady at around 1660 RPM.  
12 During the steady elevated engine RPM, the data shows the throttle drops from 23.9% to 20%  
13 opening, then rises to 24.3% opening before dropping to 23.9% opening, and the MAF initially  
14 drops from 6.21gps to 6.03gps before dropping to 5.44gps, then ultimately rises to 7.34gps.

15 45. The steady idle and steady elevated engine RPM data along with the improbable  
16 throttle positions and MAF readings are not characteristic or expected for normal engine  
17 operation. The throttle positions and MAF readings are expected to be stable during the steady  
18 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to  
19 values less than idle or rise and drop unexpectedly. During the improbable readings, the MAF had  
20 data points during the elevated engine RPM which were lower than data points at idle. During the  
21 elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, contrary  
22 to expected behavior. The discrepancies in the OIS test data prove the DAD was not connected as  
23 required to the 2004 Lincoln Navigator being certified, causing the issuance of a fraudulent Smog  
24 Check Certificate of Compliance.

25 **Fraudulent Inspection No. 5 - 2004 Ford Ranger Super Cab**

26 46. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
27 indicated that, on or about March 12, 2024, a 2004 Ford Ranger Super Cab was tested and  
28

1 Certificate of Compliance Number TU141863C was issued by Respondent AA Smog of LA,  
2 under Respondent Arias' smog check inspector license.

3 47. The Dynamic PID chart for the 2004 Ford Ranger Super Cab shows that between  
4 time stamp 334 and 21463, the engine RPM is steady at around 730 RPM. During this time, the  
5 data shows that the throttle is fixed at 17.6% opening and the MAF is fixed at 3.76gps. After time  
6 stamp 21463, the data shows the engine RPM is increased and held steady at around 1735 RPM.  
7 During the steady elevated engine RPM, the data shows the throttle rises from 12.9% to 16.9%  
8 opening, then drops to 14.5% opening and the MAF initially rises from 3.14gps to 3.44gps, then  
9 rises to 4.28gps.

10 48. The steady idle and steady elevated engine RPM data along with the improbable  
11 throttle positions and MAF readings are not characteristic or expected for normal engine  
12 operation. The throttle positions and MAF readings are expected to be stable during the steady  
13 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to  
14 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle  
15 and MAF had data points during the elevated engine RPM which were lower than data points at  
16 idle. The throttle data points during the elevated engine RPM never increased past the data points  
17 at idle. During the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse  
18 correlation, contrary to expected behavior. The discrepancies in the OIS test data prove the DAD  
19 was not connected as required to the 2004 Ford Ranger Super Cab being certified, causing the  
20 issuance of a fraudulent Smog Check Certificate of Compliance.

21 **Fraudulent Inspection No. 6 - 2001 Chevrolet Silverado K1500**

22 49. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
23 indicated that, that on or about March 16, 2024, a 2001 Chevrolet Silverado K1500 was tested  
24 and Certificate of Compliance Number TU141895C was issued by Respondent AA Smog of LA,  
25 under Respondent Arias' smog check inspector license.

26 50. The Dynamic PID chart for the 2001 Chevrolet Silverado K1500 shows that between  
27 time stamp 349 and 19929, the engine RPM is steady at around 640 RPM. During this time, the  
28 data shows that the throttle is fixed at 0.4% opening, the MAF is fixed at 4.99gps, and the MAP is

1 fixed at 31kPa. After time stamp 19929, the data shows the engine RPM is increased and held  
2 steady at around 1795 RPM. During the steady elevated engine RPM, the data shows the throttle  
3 initially drops from 3.1% to 2.4% opening, then continues to drop to 0.4% opening, before  
4 ultimately rising to 3.5% opening, the MAF initially drops from 4.89gps to 4.83gps, then drops to  
5 3.42gps before ultimately rising to 3.89gps, and the MAP incrementally rises from 18kPa to  
6 30kPa.

7 51. The steady idle and steady elevated engine RPM data along with the improbable  
8 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine  
9 operation. The throttle positions and MAF readings are expected to be stable during the steady  
10 idle and subsequently raised during the elevated engine RPM, not decrease to values less than idle  
11 or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data  
12 points during the elevated engine RPM which were equal to or lower than data points at idle. The  
13 MAF data points during the elevated engine RPM never increased past the data points at idle. The  
14 discrepancies in the OIS test data prove the DAD was not connected as required to the 2001  
15 Chevrolet Silverado K1500 being certified, causing the issuance of a fraudulent Smog Check  
16 Certificate of Compliance.

17 **Fraudulent Inspection No. 7 - 2006 Ford Ranger Super Cab**

18 52. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
19 indicated that, on or about March 18, 2024, a 2006 Ford Ranger Super Cab was tested and  
20 Certificate of Compliance Number TU359754C was issued by Respondent AA Smog of LA,  
21 under Respondent Arias' smog check inspector license.

22 53. The Dynamic PID chart for the 2006 Ford Ranger Super Cab shows that between  
23 time stamp 333 and 20030, the engine RPM is steady at around 670 RPM. During this time, the  
24 data shows that the throttle is fixed at 18.8% opening and the MAF is fixed at 3.98gps. After time  
25 stamp 20030, the data shows the engine RPM is increased and held elevated at no less than 1388  
26 RPM. During the elevated engine RPM, the data shows the throttle incrementally rises from 20%  
27 to 22% opening before dropping to 21.2% opening and the MAF is fluctuating erratically between  
28 2.8gps and 4.89gps.

1           54. The steady idle and elevated engine RPM data along with the improbable throttle  
2 positions and MAF readings are not characteristic or expected for normal engine operation. The  
3 throttle positions and MAF readings are expected to be stable during the steady idle and  
4 subsequently raised during the elevated engine RPM, not decrease to values less than idle or rise  
5 and drop unexpectedly. During the improbable readings, the MAF had data points during the  
6 elevated engine RPM which were lower than data points at idle. During the elevated engine RPM,  
7 the throttle and MAF exhibited an anomalous inverse correlation, contrary to expected behavior.  
8 The discrepancies in the OIS test data prove the DAD was not connected as required to the 2006  
9 Ford Ranger Super Cab being certified, causing the issuance of a fraudulent Smog Check  
10 Certificate of Compliance.

11 **Prior Inspection of 2006 Ford Ranger Super Cab**

12           55. On May 28, 2022, a previous smog check inspection was performed on this 2006  
13 Ford Ranger Super Cab at a different, unrelated Smog Check station.

14           56. The Dynamic PID chart for the 2006 Ford Ranger Super Cab shows that between  
15 time stamp 478 and 20664, the engine RPM stabilizes and is held steady at around 1000 RPM.  
16 During this time, the data shows that the throttle is fixed at 20.0% opening and the MAF is stable  
17 between 4.04gps and 4.09gps. After time stamp 20664, the data shows the engine RPM is  
18 increased and ultimately held elevated at no less than 1396 RPM. During the elevated engine  
19 RPM, the data shows that the throttle is between 22.4% and 23.1% opening and the MAF is  
20 between 6.2gps and 6.64gps.

21           57. The steady idle and elevated engine RPM data along with the associated throttle  
22 positions and MAF readings are characteristic and expected for normal engine operation.

23 **Fraudulent Inspection No. 8 - 2004 Lexus SC 430**

24           58. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
25 indicated that, on or about March 19, 2024, a 2004 Lexus SC 430 was tested and Certificate of  
26 Compliance Number TU359760C was issued by Respondent AA Smog of LA, under Respondent  
27 Arias' smog check inspector license.

1           59. The Dynamic PID chart for the 2004 Lexus SC 430 shows that between time stamp  
2 849 and 27548, the engine RPM is steady at around 680 RPM. During this time, the data shows  
3 that the throttle is fixed at 14.1% opening and the MAF is fixed at 4.62gps. After time stamp  
4 27548, the data shows the engine RPM is increased and held steady at around 1875 RPM. During  
5 the elevated engine RPM, the data shows the throttle rises from 15.7% to 18% opening and the  
6 MAF rises from 3.25gps to 3.42gps.

7           60. The steady idle and elevated engine RPM data along with the improbable throttle  
8 positions and MAF readings are not characteristic or expected for normal engine operation. The  
9 throttle positions and MAF readings are expected to be stable during the steady idle and  
10 subsequently raised and stable during the steady elevated engine RPM, not decrease to values less  
11 than idle or rise and drop unexpectedly. During the improbable readings, the MAF had data points  
12 during the elevated engine RPM which were lower than data points at idle. The MAF data points  
13 during the elevated engine RPM never increased past the data points at idle. The discrepancies in  
14 the OIS test data prove the DAD was not connected as required to the 2004 Lexus SC 430 being  
15 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

16 **Fraudulent Inspection No. 9 - 2003 Toyota Corolla CE**

17           61. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
18 indicated that, on or about March 21, 2024, a 2003 Toyota Corolla CE was tested and Certificate  
19 of Compliance Number TU359777C was issued by Respondent AA Smog of LA, under  
20 Respondent Arias' smog check inspector license.

21           62. The Dynamic PID chart for the 2003 Toyota Corolla CE shows that between time  
22 stamp 850 and 44901, the engine RPM is steady at around 680 RPM. During this time, the data  
23 shows that the throttle is fixed at 11.8% opening and the MAF is fixed at 2.2gps. After time stamp  
24 44901, the data shows the engine RPM is increased and held steady at around 1625 RPM. During  
25 the elevated engine RPM, the data shows the throttle rises from 8.6% to 9.4% opening and the  
26 MAF drops from 2.23gps to 2.19gps.

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

1 throttle positions and MAF readings are expected to be stable during the steady idle and  
2 subsequently raised and stable during the steady elevated engine RPM, not decrease to values less  
3 than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF  
4 had data points during the elevated engine RPM which were lower than data points at idle. The  
5 throttle data points during the elevated engine RPM never increased past the data points at idle.  
6 The discrepancies in the OIS test data prove the DAD was not connected as required to the 2003  
7 Toyota Corolla CE being certified, causing the issuance of a fraudulent Smog Check Certificate  
8 of Compliance.

9 **Fraudulent Inspection No. 10 - 2001 Ford Econoline E250**

10 64. The Bureau Representative's review of the OIS Test Data for AA Smog of LA  
11 indicated that, on or about March 25, 2024, a 2001 Ford Econoline E250 was tested and  
12 Certificate of Compliance Number TU359796C was issued by Respondent AA Smog of LA,  
13 under Respondent Arias' smog check inspector license.

14 65. The Dynamic PID chart for the 2001 Ford Econoline E250 Van shows that between  
15 time stamp 333 and 20070, the engine RPM is steady at around 770 RPM. During this time, the  
16 data shows that the throttle is fixed at 16.5% opening and the MAF is fixed at 4.85gps. After time  
17 stamp 20070, the data shows the engine RPM is increased and held steady at around 1660 RPM.  
18 During the elevated engine RPM, the data shows the throttle is fluctuating erratically between  
19 14.1% and 18% opening and the MAF is fluctuating erratically between 3gps and 4.89gps.

20 66. The steady idle and elevated engine RPM data along with the improbable throttle  
21 positions and MAF readings are not characteristic or expected for normal engine operation. The  
22 throttle positions and MAF readings are expected to be stable during the steady idle and  
23 subsequently raised and stable during the steady elevated engine RPM, not decrease to values less  
24 than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF  
25 had data points during the elevated engine RPM which were lower than data points at idle. The  
26 discrepancies in the OIS test data prove the DAD was not connected as required to the 2001 Ford  
27 Econoline E250 Van being certified, causing the issuance of a fraudulent Smog Check Certificate  
28 of Compliance.

1 **Station Visits**

2 67. On or about November 14, 2025, a Bureau Representative visited Respondent AA  
3 Smog of LA and requested to review the facility's records, including but not limited to estimates,  
4 invoices, and vehicle inspection reports (VIRs) for the above-mentioned Smog Check inspections  
5 performed by AA Smog of LA. The Bureau Representative requested the facility have the records  
6 ready for inspection by November 18, 2025.

7 68. On or about November 18, 2025, the Bureau Representative returned to Respondent  
8 AA Smog of LA to review and discuss the requested records. An individual provided the Bureau  
9 Representative records regarding Vehicles 5, 7, 8, 9, and 10 mentioned above. The individual  
10 stated he was unable to locate the other requested records and did not make them available for  
11 inspection.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 69. Respondent AA Smog of LA's Automotive Repair Registration is subject to  
15 discipline pursuant to Code section 9884.7, subdivision (a)(1), and California Code of  
16 Regulations, title 16, section 3373, in that between October 17, 2023, through March 25, 2024,  
17 Respondent AA Smog of LA made or authorized statements which it knew or in the exercise of  
18 reasonable care should have known to be untrue or misleading, as follows: Respondent AA Smog  
19 of LA certified that vehicles 1 through 10, set forth above, had passed inspection and were in  
20 compliance with applicable laws and regulations. Respondent AA Smog of LA conducted the  
21 inspections on the vehicles using the clean plugging method by substituting or using different  
22 vehicles or another source during the OBD II functional tests to issue smog check certificates of  
23 compliance for the ten (10) vehicles and did not test or inspect the ten (10) vehicles as required by  
24 Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates,  
25 the allegations set forth above in paragraphs 29 through 68, as though fully set forth.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 70. Respondent AA Smog of LA’s Automotive Repair Registration is subject to  
4 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between October 17, 2023,  
5 through March 25, 2024, Respondent AA Smog of LA committed acts that constitute fraud by  
6 issuing electronic smog certificates of compliance for vehicles 1 through 10, set forth above,  
7 without performing bona fide inspections of the emission control devices and systems on those  
8 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
9 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
10 allegations set forth above in paragraphs 29 through 68, as though fully set forth.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 71. Respondent AA Smog of LA’s Automotive Repair Registration is subject to  
14 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between October 17,  
15 2023, through March 25, 2024, regarding vehicles 1 through 10, set forth above, Respondent AA  
16 Smog of LA failed in a material respect to comply with the provisions of this chapter or  
17 regulations adopted pursuant to it by issuing electronic smog certificates of compliance for the ten  
18 (10) vehicles set forth above without performing bona fide inspections of the emissions control  
19 devices and systems on those vehicles, thereby depriving the People of the State of California of  
20 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
21 this reference incorporates, the allegations set forth above in paragraphs 29 through 68, as though  
22 fully set forth.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Failure to Maintain Records)**

25 72. Respondent AA Smog of LA’s Automotive Repair Registration is subject to  
26 disciplinary action under Code section 9884.11, in that between October 17, 2023, through March  
27 25, 2024, Respondent AA Smog of LA failed to maintain business records and provide them for  
28 inspection as it relates to Vehicles 1, 2, 3, 4, and 6, set for above. Complainant refers to, and by

1 this reference incorporates, the allegations set forth above in paragraphs 29 through 68, as though  
2 fully set forth.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the**  
5 **Motor Vehicle Inspection Program)**

6 73. Respondent AA Smog of LA's Smog Check, Test Only Station License is subject to  
7 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
8 October 17, 2023, through March 25, 2024, regarding vehicles 1 through 10, set forth above,  
9 Respondent AA Smog of LA failed to comply with provisions of California Code of Regulations,  
10 title 16, as follows:

11 a. **Section 3340.35, subdivision (c)**: Respondent AA Smog of LA issued electronic smog  
12 certificates of compliance for Vehicles 1 through 10, identified in paragraphs 34 through 66  
13 above, even though those vehicles had not been properly inspected in accordance with section  
14 3340.42 of that Code.

15 b. **Section 3340.15, subdivision (e)(2)**: Respondent AA Smog of LA failed to maintain  
16 repair orders relating to Vehicles 1, 2, 3, 4, and 6 identified above.

17 c. **Section 3340.15, subdivision (e)(3)**: Respondent AA Smog of LA failed to maintain  
18 vehicle inspection reports relating to Vehicles 1, 2, 3, 4, and 6 identified above.

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraphs 29 through 68, as though fully set forth.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 74. Respondent AA Smog of LA's Smog Check, Test Only Station License is subject to  
24 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
25 October 17, 2023, through March 25, 2024, regarding vehicles 1 through 10, set forth above,  
26 Respondent AA Smog of LA failed to comply with the following sections of that Code:

27 ///

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

4 b. **Section 44012, subdivision (f):** Respondent AA Smog of LA issued electronic smog  
5 certificates of compliance for vehicles 1 through 10, without a proper visual and/or functional  
6 check of required emission control devices.

7 c. **Section 44059:** Respondent AA Smog of LA willfully made false entries for the  
8 electronic smog certificates of compliance by certifying that Vehicles 1 through 10, set forth  
9 above had been 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 29 through 68, as though fully set forth.

12 **SEVENTH CAUSE FOR DISCIPLINE**

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

14 75. Respondent AA Smog's Smog Check, Test-Only Station License is subject to  
15 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
16 with 44072.10, subdivision (c), in that between October 17, 2023, through March 25, 2024,  
17 regarding vehicles 1 through 10, set forth above, Respondent AA Smog committed acts involving  
18 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog check  
19 certificates of compliance for those vehicles without performing bona fide inspections of the  
20 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
21 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
22 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 29  
23 through 68, as though fully set forth.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Arias)**

3 76. Respondent Arias’ Smog Check Inspector License is subject to disciplinary action  
4 under Health and Safety Code section 44072.2, subdivision (a), in that between October 17, 2023,  
5 through March 25, 2024, regarding vehicles 1 through 10, set forth above, Respondent Arias  
6 violated the following Health and Safety Code sections:

7 a. **Section 44032:** Respondent Arias failed to perform tests of the emission control  
8 devices and systems on the vehicles identified above in accordance with section 44012 of the  
9 Health and Safety Code, in that the vehicles had been clean plugged.

10 b. **Section 44059:** Respondent Arias willfully made false entries for the electronic smog  
11 check certificates of compliance by certifying that the vehicles identified above had been  
12 inspected as required when, in fact, they had not.

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
14 paragraphs 29 through 68, as though fully set forth.

15 **NINTH CAUSE FOR DISCIPLINE**

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

18 77. Respondent Arias’s Smog Check Inspector License is subject to discipline pursuant to  
19 Health and Safety Code section 44072.2, subdivision (c), in that between October 17, 2023,  
20 through March 25, 2024, regarding vehicles 1 through 10, set forth above, Respondent Arias  
21 failed to comply with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.30, subdivision (a):** Respondent Arias failed to inspect and test Vehicles  
23 1 through 10, identified in paragraphs 29 through 68, above, in accordance with Health & Saf.  
24 Code sections 44012 and 44035, and Cal Code Regs., title 16, section 3340.42.

25 b. **Section 3340.41, subdivision (c):** Respondent Arias knowingly entered false  
26 information into the onboard diagnostic inspection system for Vehicles 1 through 10, identified in  
27 paragraphs 29 through 68, above.  
28

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraphs 29 through 68, as though fully set forth.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit – Respondent Arias)**

5 78. Respondent Arias' Smog Check Inspector License is subject to disciplinary action  
6 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and  
7 Safety Code section 44072.10, subdivision (c), in that between October 17, 2023, through March  
8 25, 2024, regarding vehicles 1 through 10, set forth above, Respondent Arias committed acts  
9 involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of  
10 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 29 through 68, as though  
14 fully set forth.

15 **OTHER MATTERS**

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

21 80. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only  
22 Station License No. TC 298965, issued to Maria G. Mendoza, dba AA Smog of LA Corp, is  
23 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the  
24 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the  
25 director.

26 81. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
27 License No. EO 643240, issued to Jesse Fernando Arias, is revoked or suspended, any additional  
28

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

3 **PRAYER**

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

- 7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
8 298965, issued to AA Smog of LA Corp;
- 9 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
10 registration issued in the name of AA Smog of LA Corp;
- 11 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC  
12 298965, issued to AA Smog of LA Corp;
- 13 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
14 Division 26 of the Health and Safety Code in the name of AA Smog of LA Corp;
- 15 5. Revoking or suspending Smog Check Inspector License Number EO 643240, issued  
16 to Jesse Fernando Arias;
- 17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
18 Division 26 of the Health and Safety Code in the name of Jesse Fernando Arias;
- 19 7. Ordering AA Smog of LA Corp and Jesse Fernando Arias to pay the Bureau of  
20 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
21 pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of  
22 probation monitoring;

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

DATED: As of Digital Signature Date

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

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