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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. 79/25-15344

13 **ADOLFO PADILLA,**  
14 **DBA CALIFORNIA SMOGS**  
Station & Mailing Address:  
15 640 E. Manchester Ave.  
16 Los Angeles, CA 90001  
**Automotive Repair Dealer Registration No.**  
**ARD 305912**  
**Smog Check Test Only Station License No.**  
**TC 305912,**

**ACCUSATION**

17 **GILDARDO ADOLFO PADILLA**  
18 709 S. Record Ave.  
Los Angeles, CA 90023  
**Smog Check Inspector License No.**  
19 **EO 644126,**

20 **KARINA ANTUNEZ**  
21 11561 Virginia Ave., Apt. 6  
Lynwood, CA 90262  
**Smog Check Inspector License No.**  
22 **EO 643460,**

23 And

24 **DANIEL MACIAS**  
25 1164 E. 60<sup>TH</sup> St.  
Los Angeles, CA 90001  
**Smog Check Inspector License No.**  
26 **EO 644097**

27 Respondents.  
28

**PARTIES**

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

4       2.     On or about May 26, 2023, the bureau issued Automotive Repair Dealer Registration  
5 number ARD 305912 to Adolfo Padilla, doing business as California Smogs (respondent Padilla  
6 or California Smogs). The Automotive Repair Dealer Registration was in full force and effect at  
7 all times relevant to the charges brought herein, was due to expire on May 31, 2024, however,  
8 was canceled on March 11, 2024.

9       3.     On or about July 13, 2023, the bureau issued Smog Check Test Only Station License  
10 number TC 305912 to California Smogs. The Smog Check Test Only Station License was in full  
11 force and effect at all times relevant to the charges brought herein, was due to expire on May 31,  
12 2024, however, was canceled on March 11, 2024.

13       4.     On or about October 13, 2023, the bureau certified California Smogs as a STAR  
14 Station. The STAR Station Certification became inactive when the Automotive Repair Dealer  
15 Registration and Smog Check Test Only Station License were canceled.

16       5.     On or about January 27, 2023, the bureau issued Smog Check Inspector License  
17 number EO 644126 to respondent Gildardo Adolfo Padilla (respondent Padilla). The Smog Check  
18 Inspector License was in full force and effect at all times relevant to the charges brought herein  
19 but it expired on March 31, 2025 and has not been renewed.

20       6.     On or about December 31, 2021, the bureau issued Smog Check Inspector License  
21 number EO 643460 to respondent Karina Antunez (respondent Antunez). The Smog Check  
22 Inspector License was in full force and effect at all times relevant to the charges brought herein  
23 and will expire on January 31, 2026, unless renewed.

24       7.     On or about January 9, 2023, the bureau issued Smog Check Inspector License  
25 number EO 644097 to respondent Daniel Macias (respondent Macias). The Smog Check  
26 Inspector License was in full force and effect at all times relevant to the charges brought herein  
27 and will expire on April 30, 2027, unless renewed.

28       8.     Notwithstanding the cancelation or expiration of certain of the above licenses, the

1 bureau retains jurisdiction to proceed with this action pursuant to Business and Professions Code  
2 section 118, subdivision (b) and 9884.13, and Health and Safety Code section 44072.6.

3 **JURISDICTION**

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

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

10 11. Business and Professions Code section 9884.7 provides that the director may revoke  
11 an automotive repair dealer registration.

12 12. Business and Professions Code section 9884.13 provides, in pertinent part, that the  
13 expiration of a valid registration shall not deprive the director of jurisdiction to proceed with a  
14 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or  
15 permanently invalidating (suspending or revoking) a registration.

16 13. Health and Safety Code section 44002 provides, in pertinent part, that the director has  
17 all the powers and authority granted under the Automotive Repair Act for enforcing the Motor  
18 Vehicle Inspection Program.

19 14. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration  
20 or suspension of a license by operation of law, or by order or decision of the director of Consumer  
21 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the director of  
22 jurisdiction to proceed with disciplinary action.

23 **STATUTORY PROVISIONS**

24 15. Business and Professions Code section 9884.7 states, in pertinent part:

25 (a) The director, if the automotive repair dealer cannot show there was a bona  
26 fide error, may deny, suspend, revoke, or place on probation the registration of an  
27 automotive repair dealer for any of the following acts or omissions related to the  
28 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 (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  
2 by the exercise of reasonable care should be known, to be untrue or misleading.

3 . . . .

4 (4) Any other conduct that constitutes fraud.

5 . . . .

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

7 . . . .

8 (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  
9 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  
10 adopted pursuant to it.

11 . . . .

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

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

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

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

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

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

20 16. Business and Professions Code section 477 provides, in pertinent part, that "board"  
21 includes "bureau," "commission," "committee," "department," "division," "examining  
22 committee," "program," and "agency." "License" includes certificate, registration or other means  
23 to engage in a business or profession regulated by the Business and Professions Code.

24 17. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog  
25 check stations shall be performed in accordance with procedures prescribed by the department.

26 18. Health and Safety Code section 44015, subdivision (b), provides that a certificate of  
27 compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section  
28 40012.

1           19. Health and Safety Code section 44032 provides that qualified technicians shall  
2 perform tests of emissions control devices and systems in accordance with Health and Safety  
3 Code section 40012.

4           20. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

9                 ...

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

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

13           21. Health and Safety Code section 44072.10 states, in pertinent part:

14                (c) The department shall revoke the license of any smog check technician or  
15 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  
16 the following:

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

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

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

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

22           22. Health and Safety Code section 44072.8 states that when a license has been revoked  
23 or suspended following a hearing under this article, any additional license issued under this  
24 chapter in the name of the licensee may be likewise revoked or suspended by the director.

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1 **REGULATORY PROVISIONS**

2 23. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c),  
3 states:

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

7 24. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
8 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section  
9 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
10 3340.42 of this article.”

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

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

17 (b) No person shall enter any access or qualification number other than as  
18 authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or  
19 OIS.

20 (c) No person shall enter any vehicle identification information or emission  
21 control system identification data for any vehicle other than the one being tested into  
22 the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information  
23 about the vehicle being tested . . . .

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

26 **COST RECOVERY**

27 28. Business and Professions Code section 125.3 provides, in pertinent part, that the  
28 board may request the administrative law judge to direct a licentiate found to have committed a  
violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the

1 investigation and enforcement of the case.

2 **CALIFORNIA'S SMOG CHECK PROGRAM**

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

5 30. A smog check inspection in certain Enhanced areas of the State is an Acceleration  
6 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known  
7 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),  
8 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO<sup>2</sup>) and Oxygen (O<sup>2</sup>).  
9 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a  
10 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to  
11 simulate driving conditions while the emissions are sampled by the EIS.

12 31. In Basic areas of the State, or depending on a vehicle's configuration, a similar test  
13 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive  
14 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O<sup>2</sup>, and CO<sup>2</sup> at idle as  
15 well as 2500 revolutions per minute (rpm).

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

19 33. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to  
20 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector  
21 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the  
22 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or  
23 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and  
24 engine control systems. A failure of one or more of the OBD II functional criteria, depending on  
25 model year, will result in the vehicle failing its smog check inspection. In addition to reporting  
26 the outcome of the OBD II functional test, the smog check inspection results also show  
27 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

28 34. The inspector enters the results of the visual and functional inspections into the EIS.

1 The EIS unit makes the determination whether or not the vehicle passes the inspection based on  
2 the results of the tailpipe, visual and functional tests.

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

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

20 37. During an OIS inspection, engine operating parameters are retrieved from the  
21 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional  
22 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when  
23 prompted by the OIS analyzer screen prompt.

24 38. Some of the parameters recorded are:

- 25 a. *RPM*: Engine speed in revolutions per minute (RPM);  
26 b. *TPS*: Throttle position as measured by a throttle position sensor (TPS) mounted onto  
27 the throttle shaft, measured in a percentage of opening from 0% at idle and near or up to 100% at  
28 full throttle;

1 c. *MAP*: Manifold absolute pressure as measured by a manifold air pressure sensor  
2 (MAP) connected to an intake manifold source, measured in kilo pascals (kpa), with typical  
3 readings for a normally aspirated vehicle being as follows: 0 kpa being absolute vacuum, 25 to 45  
4 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level;

5 d. *MAF*: Mass air flow as measured by a mass air flow sensor (MAF) mounted in the  
6 engine's air intake tract, measured in grams per second (gps); and

7 e. *BTDC*: Ignition timing, which is set by the vehicle PCM based on engine speed and  
8 load, measured in degrees Before Top Dead Center (BTDC).

9 Not all vehicles include both MAP and MAF parameters. Many vehicles have either MAP  
10 or MAF parameters separately.

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

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

26 41. The bureau has become aware of methods that some Smog Check stations and Smog  
27 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog  
28 check test on their own, or in some instances, are not even present during the time the test is

1 performed. “Clean plugging” is a method by which another vehicle’s OBD II system, or another  
2 source such as defeat devices, are used to generate passing data readings or diagnostic  
3 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in  
4 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine  
5 operation during a smog check inspection by transmitting OBD II data to the VID which has been  
6 modified or replaced entirely for the purportedly inspected vehicle during the functional portion  
7 of the OIS inspection.

### 8 **FACTUAL ALLEGATIONS**

9 42. On or about August 28, 2025, a bureau representative conducted a detailed review of  
10 the VID data for Smog Check inspections performed at California Smogs, which showed a  
11 pattern of vehicles being certified with engine operating parameters that did not correspond to  
12 normal engine operation, confirming the vehicles receiving smog certifications were not tested  
13 during the OBD II functional test, which constitutes clean plugging. The bureau’s review of the  
14 smog check activities at California Smogs confirmed 15 Smog Check Certificates of Compliance  
15 were fraudulently issued by California Smogs to vehicles that were inspected by respondents.

#### 16 **Fraudulent Inspection Number 1 —2000 Toyota Avalon XL (Respondent Padilla)**

17 43. OIS Test Data for California Smogs indicates that on or about October 3, 2023, a  
18 2000 Toyota Avalon XL, Vehicle Identification Number (VIN) ending in 95237 (2000 Toyota  
19 Avalon XL) was tested and Smog Certificate of Compliance number TK688036C was issued  
20 under respondent Padilla’s Smog Check Inspector License.

21 44. The Dynamic PID chart for the 2000 Toyota Avalon XL shows that between time  
22 stamp 859 and 22320, the engine RPM is steady at around 735 RPM. During this time, the data  
23 shows that the throttle is fixed at 10.2% opening and the MAF is fixed at 3.38gps. After time  
24 stamp 22320, the data shows the engine RPM is increased and held steady at around 1995 RPM.  
25 During the elevated engine RPM, the data shows the throttle rises from 7.5% to 9% and the MAF  
26 rises from 4.55gps to 4.82gps.

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

1 operation. The throttle positions and MAF readings are expected to be stable during the steady  
2 idle and subsequently raised and stable during the elevated engine RPM. During the improbable  
3 readings, the throttle had data points during the elevated engine RPM that never increased past  
4 the data points at idle. The discrepancies in the OIS test data show the Data Acquisition Device  
5 (DAD) was not connected as required to the 2000 Toyota Avalon XL being certified, causing the  
6 issuance of a fraudulent Smog Check Certificate of Compliance.

7 **Fraudulent Inspection Number 2 — 2004 Toyota Tacoma Xtracab PreRunner**  
8 **(Respondent Antunez)**

9 46. OIS Test Data for California Smogs indicates that on or about on October 16, 2023, a  
10 2004 Toyota Tacoma Xtracab PreRunner, California license number 8N17788 (2004 Toyota  
11 Tacoma Xtracab PreRunner) was tested and Smog Certificate of Compliance number  
12 TK688040C was issued under respondent Antunez's Smog Check Inspector License.

13 47. The Dynamic PID chart for the 2004 Toyota Tacoma Xtracab PreRunner shows that  
14 between time stamp 833 and 20642, the engine RPM is steady at around 675 RPM. During this  
15 time, the data shows that the throttle is fixed at 11.8% opening and the MAF is fixed at 5.4gps.  
16 After time stamp 20642, the data shows the engine RPM is increased and held steady at around  
17 1715 RPM. During the elevated engine RPM, the data shows the throttle drops from 11% to 8.2%  
18 and the MAF rises from 6.85gps to 7.53gps.

19 48. The steady idle and steady elevated engine RPM data along with the improbable  
20 throttle positions and MAF readings are not characteristic or expected for normal engine  
21 operation. The throttle positions and MAF readings are expected to be stable during the steady  
22 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
23 improbable readings, the throttle had data points during the elevated engine RPM that never  
24 increased past the data points at idle. Additionally, during the elevated engine RPM, the data  
25 shows an improbable inverse correlation between the throttle and MAF. The discrepancies in the  
26 OIS test data show the Data Acquisition Device (DAD) was not connected as required to the 2004  
27 Toyota Tacoma Xtracab PreRunner being certified, causing the issuance of a fraudulent Smog  
28 Check Certificate of Compliance.

1                   **Fraudulent Inspection #3 — 2002 Toyota Celica GT (Respondent Padilla)**

2                   49.    OIS Test Data for California Smogs indicates that on or about November 20, 2023, a  
3 2002 Toyota Celica GT, California license number 8VKM110 (2002 Toyota Celica GT) was  
4 tested and Smog Certificate of Compliance number TO913284C was issued under respondent  
5 Padilla’s Smog Check Inspector License.

6                   50.    The Dynamic PID chart for the 2002 Toyota Celica GT shows that between time  
7 stamp 852 and 22246, the engine RPM is steady at around 690 RPM. During this time, the data  
8 shows that the throttle is fixed at 11.8% opening and the MAF is fixed at 2.5gps. After time stamp  
9 22246, the data shows the engine RPM is increased and held steady at around 2045 RPM. During  
10 the elevated engine RPM, the data shows the throttle rises from 7.1% to 10.2% and the MAF rises  
11 from 0.66gps to 2.51gps.

12                  51.    The steady idle and steady elevated engine RPM data along with the improbable  
13 throttle positions and MAF readings are not characteristic or expected for normal engine  
14 operation. The throttle positions and MAF readings are expected to be stable during the steady  
15 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
16 improbable readings, the throttle and MAF had data points during the elevated engine RPM  
17 which were lower than data points at idle. The throttle data points during the elevated engine  
18 RPM never increased past the data points at idle. The discrepancies in the OIS test data show the  
19 Data Acquisition Device (DAD) was not connected as required to the 2002 Toyota Celica GT  
20 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

21                   **Fraudulent Inspection #4 — 2001 Lexus IS 300 (Respondent Padilla)**

22                  52.    OIS Test Data for California Smogs indicates that on or about November 25, 2023, a  
23 2001 Lexus IS 300, California license number 7KAP327 (2001 Lexus IS 300) was tested and  
24 Smog Certificate of Compliance number IX494955C was issued under respondent Padilla’s Smog  
25 Check Inspector License.

26                  53.    The Dynamic PID chart for the 2001 Lexus IS 300 shows that between time stamp  
27 852 and 23891, the engine RPM is steady at around 680 RPM. During this time, the data shows  
28 that the throttle is fixed at 13.3% opening and the MAF is fixed at 3.07gps. After time stamp

1 23891, the data shows the engine RPM is increased and held steady at around 1915 RPM. During  
2 the elevated engine RPM, the data shows the throttle drops from 13.3% to 12.5% and the MAF  
3 rises from 2.9gps to 4.51 gps.

4 54. 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. During the  
8 improbable readings, the throttle and MAF had data points during the elevated engine RPM  
9 which were lower than data points at idle. The throttle data points during the elevated engine  
10 RPM never increased past the data points at idle. The discrepancies in the OIS test data show the  
11 Data Acquisition Device (DAD) was not connected as required to the 2001 Lexus IS 300 being  
12 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

13 **Fraudulent Inspection #5 — 2002 Chevrolet Tahoe C1500 (Respondent Padilla)**

14 55. OIS Test Data for California Smogs indicates that on or about December 1, 2023, a  
15 2002 Chevrolet Tahoe C1500, California license number 8NQH679 (2002 Chevrolet Tahoe  
16 C1500) was tested and Smog Certificate of Compliance number IX494998C was issued under  
17 respondent Padilla's Smog Check Inspector License.

18 56. The Dynamic PID chart for the 2002 Chevrolet Tahoe C1500 shows that between  
19 time stamp 341 and 19065, the engine RPM is steady at around 545 RPM. During this time, the  
20 data shows that the throttle is fixed at 8.6% opening, the MAF is fixed at 4.95gps, and the MAP is  
21 fixed at 34kPa. After time stamp 19065, the data shows the engine RPM is increased and held  
22 steady at around 1840 RPM. During the elevated engine RPM, the data shows the throttle drops  
23 from 11.8% to 6.7% opening, then ultimately rises to 10.6% opening, the MAF ultimately rises  
24 from 2.98gps to 5.08gps, then drops to 4.04gps, and the MAP is fluctuating between 32kPa and  
25 45kPa.

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

1 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
2 improbable readings, the throttle and MAF had data points during the elevated engine RPM  
3 which were lower than data points at idle. The discrepancies in the OIS test data show the Data  
4 Acquisition Device (DAD) was not connected as required to the 2002 Chevrolet Tahoe C1500  
5 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

6 **Fraudulent Inspection #6 — 2000 Toyota Corolla VE (Respondent Padilla)**

7 58. OIS Test Data for California Smogs indicates that on or about on December 12, 2023,  
8 a 2000 Toyota Corolla VE, California license number 4JZZ038 (2000 Toyota Corolla VE) was  
9 tested and Smog Certificate of Compliance number IX917709C was issued under respondent  
10 Padilla's Smog Check Inspector License.

11 59. The Dynamic PID chart for the 2000 Toyota Corolla VE shows that between time  
12 stamp 838 and 22347, the engine RPM is steady at around 700 RPM. During this time, the data  
13 shows that the throttle is fixed at 10.6% opening and the MAF is fixed at 2.32gps. After time  
14 stamp 22347, the data shows the engine RPM is increased and ultimately held steady at around  
15 1720 RPM. During the steady elevated engine RPM, the data shows the throttle drops from 9% to  
16 8.6% opening and the MAF rises from 0.65gps to 1.99gps.

17 60. The steady idle and steady elevated engine RPM data along with the improbable  
18 throttle positions and MAF readings are not characteristic or expected for normal engine  
19 operation. The throttle positions and MAF readings are expected to be stable during the steady  
20 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
21 improbable readings, the throttle and MAF had data points during the elevated engine RPM  
22 which never increased past the data points at idle. The discrepancies in the OIS test data show the  
23 Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Corolla VE  
24 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

25 **Fraudulent Inspection #7 — 2004 Chevrolet Colorado (Respondent Padilla)**

26 61. OIS Test Data for California Smogs indicates that on or about January 4, 2024, a  
27 2004 Chevrolet Colorado, California license number 60223J2 (2004 Chevrolet Colorado) was  
28 tested and Smog Certificate of Compliance number TQ501426C was issued under respondent

1 Padilla's Smog Check Inspector License.

2 62. The Dynamic PID chart for the 2004 Chevrolet Colorado shows that between time  
3 stamp 335 and 21731, the engine RPM is steady at around 565 RPM. During this time, the data  
4 shows that the throttle is fixed at 6.7% opening, the MAF is fixed at 4.64gps, and the MAP is  
5 fixed at 37kPa. After time stamp 21731, the data shows the engine RPM is increased and held  
6 steady at around 1520 RPM. During the elevated engine RPM, the data shows the throttle  
7 ultimately drops from 11.4% to 7.5%, then rises to 9% opening, the MAF is fluctuating between  
8 3.94gps and 4.37gps, and the MAP is fluctuating between 32kPa and 42kPa.

9 63. The steady idle and steady elevated engine RPM data along with the improbable  
10 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine  
11 operation. The throttle positions and MAF readings are expected to be stable during the steady  
12 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
13 improbable readings, the MAF had data points during the elevated engine RPM which never  
14 increased past the highest data points at idle. The discrepancies in the OIS test data show the Data  
15 Acquisition Device (DAD) was not connected as required to the 2004 Chevrolet Colorado being  
16 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

17 **Fraudulent Inspection #8 — 2002 Chevrolet Silverado K1500 (Respondent Antunez)**

18 64. OIS Test Data for California Smogs indicates that on or about January 17, 2024, a  
19 2002 Chevrolet Silverado K1500, VIN ending in 18301 (2002 Chevrolet Silverado K1500) was  
20 tested and Smog Certificate of Compliance number TQ851444C was issued under respondent  
21 Antunez's Smog Check Inspector License.

22 65. The Dynamic PID chart for the 2002 Chevrolet Silverado K1500 shows that between  
23 time stamp 343 and 22411, the engine RPM is steady at around 575 RPM. During this time, the  
24 data shows that the throttle is fixed at 0% opening, the MAF is fixed at 4.49gps, and the MAP is  
25 fixed at 29kPa. After time stamp 22411, the data shows the engine RPM is increased and held  
26 elevated at no less than 1309 RPM. During the elevated engine RPM, the data shows the throttle  
27 rises from 3.5% to 4.7% before ultimately dropping to 0.4% opening, the MAF rises from  
28 4.91gps to 5.1gps, then ultimately drops to 2.94gps, and the MAP drops from 25kPa to 18kPa,

1 before ultimately rising to 30kPa, then dropping again to 25kPa.

2 66. The steady idle and elevated engine RPM data along with the improbable throttle  
3 positions, MAF and MAP readings are not characteristic or expected for normal engine operation.  
4 The throttle positions and MAF readings are expected to be stable during the steady idle and  
5 subsequently raised during the elevated engine RPM. During the improbable readings, the MAF  
6 had data points during the elevated engine RPM which were lower than data points at idle. The  
7 discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as  
8 required to the 2002 Chevrolet Silverado K1500 being certified, causing the issuance of a  
9 fraudulent Smog Check Certificate of Compliance.

10 **Fraudulent Inspection #9 — 2007 Honda Accord SE (Respondent Antunez)**

11 67. OIS Test Data for California Smogs indicates that on or about January 17, 2024, a  
12 2007 Honda Accord SE, California license number 5XUF155 (2007 Honda Accord SE) was  
13 tested and Smog Certificate of Compliance number TQ851445C was issued under respondent  
14 Antunez's Smog Check Inspector License.

15 68. The Dynamic PID chart for the 2007 Honda Accord SE shows that between time  
16 stamp 846 and 24875, the engine RPM is steady at around 705 RPM. During this time, the data  
17 shows that the throttle is at 14.1% opening, the MAF is fixed at 2.27gps, and the MAP is fixed at  
18 26kPa. After time stamp 24875, the data shows the engine RPM is increased and held steady at  
19 around 2080 RPM. During the steady elevated engine RPM, the data shows the throttle is at  
20 16.5% opening, the MAF drops from 1.26gps to 0.65gps, and the MAP drops from 30kPa to  
21 18kPa.

22 69. The steady idle and steady elevated engine RPM data along with the improbable  
23 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine  
24 operation. The throttle positions and MAF readings are expected to be stable during the steady  
25 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
26 improbable readings, the MAF had data points during the elevated engine RPM which never  
27 increased past the data points at idle. The discrepancies in the OIS test data show the Data  
28 Acquisition Device (DAD) was not connected as required to the 2007 Honda Accord SE being

1 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

2 **Fraudulent Inspection #10 — 2003 Lexus ES 300 (Respondent Antunez)**

3 70. OIS Test Data for California Smogs indicates that on or about January 17, 2024, a  
4 2003 Lexus ES 300, California license number 6ESZ987 (2003 Lexus ES 300) was tested and  
5 Smog Certificate of Compliance number TQ851447C was issued under respondent Antunez's  
6 Smog Check Inspector License.

7 71. The Dynamic PID chart for the 2003 Lexus ES 300 shows that between time stamp  
8 861 and 22381, the engine RPM is steady at around 625 RPM. During this time, the data shows  
9 that the throttle is fixed at 12.5% opening and the MAF is fixed at 2.28gps. After time stamp  
10 22381, the data shows the engine RPM is increased and held steady at around 1455 RPM. During  
11 the elevated engine RPM, the data shows the throttle drops from 14.9% to 14.1% opening, and  
12 the MAF rises from 1.07gps to 1.12gps.

13 72. The steady idle and steady elevated engine RPM data along with the improbable  
14 throttle positions and MAF readings are not characteristic or expected for normal engine  
15 operation. The throttle positions and MAF readings are expected to be stable during the steady  
16 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
17 improbable readings, the MAF had data points during the steady the elevated engine RPM which  
18 never increased past the data points at idle. Additionally, during the elevated engine RPM, the  
19 data shows an improbable inverse correlation between the throttle and MAF. The discrepancies in  
20 the OIS test data show the Data Acquisition Device (DAD) was not connected as required to the  
21 2003 Lexus ES 300 being certified, causing the issuance of a fraudulent Smog Check Certificate  
22 of Compliance.

23 **Fraudulent Inspection #11 — 2001 Chevrolet Silverado C1500 (Respondent Antunez)**

24 73. OIS Test Data for California Smogs indicates that on or about January 17, 2024, a  
25 2001 Chevrolet Silverado C1500, California license number 39404L1 (2001 Chevrolet Silverado  
26 C1500) was tested and Smog Certificate of Compliance number TQ851448C was issued under  
27 respondent Antunez's Smog Check Inspector License.

28 74. The Dynamic PID chart for the 2001 Chevrolet Silverado C1500 shows that between

1 time stamp 342 and 21671, the engine RPM is steady at around 540 RPM. During this time, the  
2 data shows that the throttle is fixed at 0% opening, the MAF is fixed at 4.68gps, and the MAP is  
3 fixed at 30kPa. After time stamp 21671, the data shows the engine RPM is increased and held  
4 steady at around 1775 RPM. During the steady elevated engine RPM, the data shows the throttle  
5 ultimately rises from 2.7% to 4.3% opening, the MAF rises from 4.15gps to 4.58gps, then  
6 ultimately drops to 2.98gps, and the MAP is fluctuating between 16kPa and 27kPa.

7 75. 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 and stable during the elevated engine RPM. During the improbable  
11 readings, the MAF had data points during the steady elevated engine RPM which never increased  
12 past the data points at idle. Additionally, during the elevated engine RPM, the data shows an  
13 improbable inverse correlation between the throttle and MAF. The discrepancies in the OIS test  
14 data show the Data Acquisition Device (DAD) was not connected as required to the 2001  
15 Chevrolet Silverado C1500 being certified, causing the issuance of a fraudulent Smog Check  
16 Certificate of Compliance.

17 **Fraudulent Inspection #12 — 2002 Ford Ranger Super Cab (Respondent Macias)**

18 76. OIS Test Data for California Smogs indicates that on or about January 27, 2024, a  
19 2002 Ford Ranger Super Cab, California license number 63361X2 (2002 Ford Ranger Super Cab)  
20 was tested and Smog Certificate of Compliance number TS258252C was issued under respondent  
21 Macias' Smog Check Inspector License.

22 77. The Dynamic PID chart for the 2002 Ford Ranger Super Cab shows that between  
23 time stamp 337 and 20406, the engine RPM is steady at around 745 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 20406, the data shows the engine RPM is increased and held steady at around 1440 RPM.  
26 During the elevated engine RPM, the data shows the throttle is fluctuating between 20% and  
27 24.3% and the MAF ultimately rises from 2.94gps to 4.47gps before dropping to 3.29gps.

28 78. The steady idle and steady elevated engine RPM data along with the improbable

1 throttle positions and MAF readings are not characteristic or expected for normal engine  
2 operation. The throttle positions and MAF readings are expected to be stable during the steady  
3 idle and subsequently raised and stable during the steady elevated engine RPM. During the  
4 improbable readings, the MAF had data points during the elevated engine RPM which were lower  
5 than data points at idle. The discrepancies in the OIS test data show the Data Acquisition Device  
6 (DAD) was not connected as required to the 2002 Ford Ranger Super Cab being certified, causing  
7 the issuance of a fraudulent Smog Check Certificate of Compliance.

8 **Fraudulent Inspection #13 —2002 Chevrolet Silverado C1500 (Respondent Macias)**

9 79. OIS Test Data for California Smogs indicates that on or about February 17, 2024, a  
10 2002 Chevrolet Silverado C1500, California license number 6Y91142 (2002 Chevrolet Silverado  
11 C1500) was tested and Smog Certificate of Compliance number TS672748C was issued under  
12 respondent Macias' Smog Check Inspector License.

13 80. The Dynamic PID chart for the 2002 Chevrolet Silverado C1500 shows that between  
14 time stamp 351 and 22067, the engine RPM is steady at around 625 RPM. During this time, the  
15 data shows that the throttle is fixed at 0% opening, the MAF is fixed at 4.76gps, and the MAP is  
16 fixed at 35kPa. After time stamp 22067, the data shows the engine RPM is increased and held  
17 steady at around 1575 RPM. During the elevated engine RPM, the data shows the throttle is  
18 fluctuating between 1.6% and 3.9% opening, the MAF ultimately drops from 4.71gps to 2.99gps,  
19 and the MAP rises from 40kPa to 45kPa, then ultimately drops to 33kPa.

20 81. 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 and stable during the elevated engine RPM. During the improbable  
24 readings, the MAF had data points during the elevated engine RPM which never increased past  
25 the highest data points at idle. The discrepancies in the OIS test data show the Data Acquisition  
26 Device (DAD) was not connected as required to the 2002 Chevrolet Silverado C1500 being  
27 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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1                   **Fraudulent Inspection #14 — 2000 Toyota Avalon XL (Respondent Macias)**

2                   82.    OIS Test Data for California Smogs indicates that on or about February 17, 2024, a  
3 2000 Toyota Avalon XL, California license number 9BAA731 (2000 Toyota Avalon XL) was  
4 tested and Smog Certificate of Compliance number TS836105C was issued under respondent  
5 Macias’ Smog Check Inspector License.

6                   83.    The Dynamic PID chart for the 2000 Toyota Avalon XL shows that between time  
7 stamp 846 and 22304, the engine RPM is steady at around 745 RPM. During this time, the data  
8 shows that the throttle is fixed at 10.2% opening and the MAF is fixed at 2.9gps. After time stamp  
9 22304, the data shows the engine RPM is increased and held steady at around 1370 RPM. During  
10 the elevated engine RPM, the data shows the throttle drops from 7.5% to 7.1% opening and the  
11 MAF rises from 4.88gps to 5.05gps.

12                  84.    The steady idle and elevated engine RPM data along with the improbable throttle  
13 positions and MAF readings are not characteristic or expected for normal engine operation. The  
14 throttle positions and MAF readings are expected to be stable during the steady idle and  
15 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle  
16 had data points during the elevated engine RPM which never increased past the data points at  
17 idle. Additionally, during the elevated engine RPM, the data shows an improbable inverse  
18 correlation between the throttle and MAF. The discrepancies in the OIS test data show the Data  
19 Acquisition Device (DAD) was not connected as required to the 2000 Toyota Avalon XL being  
20 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

21                   **Fraudulent Inspection #15 — 2004 Toyota Sienna CE (Respondent Macias)**

22                  85.    OIS Test Data for California Smogs indicates that on or about March 7, 2024, a 2004  
23 Toyota Sienna CE, VIN ending in 10734 (2004 Toyota Sienna CE) was tested and Smog  
24 Certificate of Compliance number TS971962C was issued under respondent Macias’ Smog  
25 Check Inspector License.

26                  86.    The Dynamic PID chart for the 2004 Toyota Sienna CE shows that between time  
27 stamp 849 and 21428, the engine RPM is steady at around 700 RPM. During this time, the data  
28 shows that the throttle is fixed at 18.4% opening and the MAF is fixed at 4.53gps. After time

1 stamp 21428, the data shows the engine RPM is increased and held steady at around 2015 RPM.  
2 During the steady elevated engine RPM, the data shows the throttle drops from 14.5% to 13.3%  
3 opening and the MAF rises from 3.43gps to 3.66gps.

4 87. The steady idle and elevated engine RPM data along with the improbable throttle  
5 positions and MAF readings are not characteristic or expected for normal engine operation. The  
6 throttle positions and MAF readings are expected to be stable during the steady idle and  
7 subsequently raised and stable during the steady elevated engine RPM. During the improbable  
8 readings, the throttle and MAF had data points during the elevated engine RPM which never  
9 increased past the data points at idle. The discrepancies in the OIS test data prove the Data  
10 Acquisition Device (DAD) was not connected as required to the 2004 Toyota Sienna CE being  
11 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 12 **FIRST CAUSE FOR DISCIPLINE**

##### 13 **(Untrue of Misleading Statements — Respondent Padilla)**

14 88. Respondent Padilla's Automotive Repair Dealer Registration is subject to disciplinary  
15 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that he  
16 made statements which were known to be untrue or misleading or, which by exercise of  
17 reasonable care should have been known to be untrue or misleading, by issuing electronic smog  
18 certificates of compliance for the 15 vehicles set forth in paragraphs 42–87, certifying that those  
19 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles  
20 had not been so inspected. Complainant realleges paragraphs 42–87.

#### 21 **SECOND CAUSE FOR DISCIPLINE**

##### 22 **(Fraud — Respondent Padilla)**

23 89. Respondent Padilla's Automotive Repair Dealer Registration is subject to disciplinary  
24 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that he  
25 committed acts that constitute fraud by issuing electronic certificates of compliance to the 15  
26 vehicles set forth in paragraphs 42–87 without performing bone fide inspections of the emission  
27 control devices and systems on those vehicles, thereby depriving the People of the State of  
28 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant

1 realleges paragraphs 42–87.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Material Violation of Automotive Repair Act — Respondent Padilla)**

4 90. Respondent Padilla’s Automotive Repair Dealer Registration is subject to disciplinary  
5 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that he  
6 failed in a material respect to comply with the provisions of this chapter or regulations adopted  
7 pursuant to it when he issued electronic certificates of compliance for the 15 vehicles set forth in  
8 paragraphs 42–87 without performing bona fide inspections of the emission control devices and  
9 systems on those vehicles, thereby depriving the People of the State of California of the  
10 protection afforded by the Motor Vehicle Inspection Program. Complainant realleges paragraphs  
11 42–87.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program — Respondent Padilla)**

14 91. Respondent Padilla’s Smog Check Test Only Station License is subject to  
15 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he  
16 failed to comply with the following sections of that Code:

17 a. **Section 44012:** Respondent Padilla failed to ensure that the emission control tests  
18 were performed on the 15 vehicles set forth in paragraphs 42–87 in accordance with procedures  
19 prescribed by the department.

20 b. **Section 44015, subdivision (b):** Respondent Padilla issued electronic smog  
21 certificates of compliance to the 15 vehicles set forth in paragraphs 42–87 without properly  
22 testing and inspecting those vehicles to determine if they were in compliance with Health and  
23 Safety Code section 44012.

24 Complainant realleges paragraphs 42–87.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**

3 **to the Motor Vehicle Inspection Program — Respondent Padilla)**

4 92. Respondent Padilla’s Smog Check Test Only Station License is subject to  
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he  
6 failed to comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Padilla falsely or fraudulently issued  
8 electronic smog certificates of compliance for the 15 vehicles identified in paragraphs 42–87.

9 b. **Section 3340.30, subdivision (a):** Respondent Padilla failed to inspect and test the 15  
10 vehicles identified in paragraphs 42–87 in accordance with Health and Safety Code sections  
11 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

12 c. **Section 3340.35, subdivision (c):** Respondent Padilla issued electronic smog  
13 certificates of compliance 15 vehicles identified in paragraphs 42–87 even though those vehicles  
14 had not been inspected in accordance with section 3340.42.

15 d. **Section 3340.42:** Respondent Padilla failed to ensure that the smog inspections  
16 conducted on the 15 vehicles identified in paragraphs 42–87 were done in accordance with the  
17 Bureau’s specifications.

18 Complainant realleges paragraphs 42–87.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit — Respondent Padilla)**

21 93. Respondent Padilla’s Smog Check Test Only Station License is subject to  
22 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in  
23 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that he committed  
24 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
25 certificates of compliance for the 15 vehicles described in paragraphs 42–87 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. Complainant realleges paragraphs 42–87.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program — Respondent Padilla)**

3 94. Respondent Padilla’s Smog Check Inspector License is subject to disciplinary action  
4 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply  
5 with the following sections of that code:

6 a. **Section 44032:** Respondent Padilla failed to perform tests of emission control devices  
7 and systems of the six vehicles identified in paragraphs 43–45, 49–51, 52–54, 55–57, 58–60, and  
8 61–63 in accordance with Health and Safety Code section 44012.

9 b. **Section 44015, subdivision (b):** Respondent Padilla caused electronic smog  
10 certificates of compliance to be issued for the six vehicles identified in paragraphs 43–45, 49–51,  
11 52–54, 55–57, 58–60, and 61–63 without ensuring that they were properly tested and inspected to  
12 determine if they were in compliance with Health and Safety Code section 44012.

13 Complainant realleges paragraphs 42–45 and 49–63.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant**

16 **to the Motor Vehicle Inspection Program — Respondent Padilla)**

17 95. Respondent Padilla’s Smog Check Inspector License is subject to disciplinary action  
18 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply  
19 with provisions of California Code of Regulations, title 16, as follows:

20 a. **Section 3340.24, subdivision (c):** Respondent Padilla falsely or fraudulently issued  
21 electronic smog certificates of compliance for the six vehicles identified in paragraphs 43–45, 49–  
22 51, 52–54, 55–57, 58–60, and 61–63.

23 b. **Section 3340.30, subdivision (a):** Respondent Padilla failed to inspect and test the  
24 six vehicles identified in paragraphs 43–45, 49–51, 52–54, 55–57, 58–60, and 61–63 in  
25 accordance with Health and Safety Code sections 44012 and 44035, and California Code of  
26 Regulations, title 16, section 3340.42.

27 c. **Section 3340.41, subdivision (c):** Respondent Padilla knowingly entered false information  
28 into the on-board diagnostic inspection system for the six vehicles identified in paragraphs

1 43–45, 49–51, 52–54, 55–57, 58–60, and 61–63.

2 d. **Section 3340.42**: Respondent Padilla failed to ensure that the smog inspections  
3 conducted on the six vehicles identified in paragraphs 43–45, 49–51, 52–54, 55–57, 58–60, and  
4 61–63 were done in accordance with the bureau’s specifications.

5 Complainant realleges paragraphs 42–45 and 49–63.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit — Respondent Padilla)**

8 96. Respondent Padilla’s Smog Check Inspector License is subject to disciplinary action  
9 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
10 and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or  
11 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance  
12 for the six vehicles identified in paragraphs 43–45, 49–51, 52–54, 55–57, 58–60, and 61–63  
13 without performing bona fide inspections of the emission control devices and systems on those  
14 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
15 Motor Vehicle Inspection Program. Complainant realleges paragraphs 42–45 and 49–63.

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Violations of the Motor Vehicle Inspection Program — Respondent Antunez)**

18 97. Respondent Antunez’s Smog Check Inspector License is subject to disciplinary action  
19 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that she failed to comply  
20 with the following sections of that code:

21 a. **Section 44032**: Respondent Antunez failed to perform tests of emission control  
22 devices and systems of the five vehicles identified in paragraphs 46–48, 64–66, 67–69, 70–72,  
23 and 73–75 in accordance with Health and Safety Code section 44012.

24 b. **Section 44015, subdivision (b)**: Respondent Antunez caused electronic smog  
25 certificates of compliance to be issued for the five vehicles identified in paragraphs 46–48, 64–66,  
26 67–69, 70–72, and 73–75 without ensuring that they were properly tested and inspected to  
27 determine if they were in compliance with Health and Safety Code section 44012.

28 Complainant realleges paragraphs 42, 46–48, and 64–75.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**

3 **to the Motor Vehicle Inspection Program — Respondent Antunez)**

4 98. Respondent Antunez’s Smog Check Inspector License is subject to disciplinary action  
5 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that she failed to comply  
6 with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c)**: Respondent Antunez falsely or fraudulently issued  
8 electronic smog certificates of compliance for the five vehicles identified in paragraphs 46–48,  
9 64–66, 67–69, 70–72, and 73–75.

10 b. **Section 3340.30, subdivision (a)**: Respondent Antunez failed to inspect and test the  
11 five vehicles identified in paragraphs 46–48, 64–66, 67–69, 70–72, and 73–75 in accordance  
12 with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title  
13 16, section 3340.42.

14 c. **Section 3340.41, subdivision (c)**: Respondent Antunez knowingly entered false  
15 information into the on-board diagnostic inspection system for the five vehicles identified in  
16 paragraphs 46–48, 64–66, 67–69, 70–72, and 73–75.

17 d. **Section 3340.42**: Respondent Antunez failed to ensure that the smog inspections  
18 conducted on the five vehicles identified in paragraphs 46–48, 64–66, 67–69, 70–72, and 73–75  
19 were done in accordance with the bureau’s specifications.

20 Complainant realleges paragraphs 42, 46–48, 64–75.

21 **TWELFTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit — Respondent Antunez)**

23 99. Respondent Antunez’s Smog Check Inspector License is subject to disciplinary action  
24 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
25 and Safety Code section 44072.10, subdivision (c), in that she committed dishonest, fraudulent, or  
26 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance  
27 for the five vehicles identified in paragraphs 46–48, 64–66, 67–69, 70–72, and 73–75 without  
28 performing bona fide inspections of the emission control devices and systems on those vehicles,

1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program. Complainant realleges paragraphs 42, 46–48, and 64–75.

3 **THIRTEENTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program — Respondent Macias)**

5 100. Respondent Macias’ Smog Check Inspector License is subject to disciplinary action  
6 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply  
7 with the following sections of that code:

8 a. **Section 44032:** Respondent Macias failed to perform tests of emission control  
9 devices and systems of the four vehicles identified in paragraphs 76–78, 79–81, 82–84, and 85–87  
10 in accordance with Health and Safety Code section 44012.

11 b. **Section 44015, subdivision (b):** Respondent Antunez caused electronic smog  
12 certificates of compliance to be issued for the four vehicles identified in 76–78, 79–81, 82–84,  
13 and 85–87 without ensuring that they were properly tested and inspected to determine if they  
14 were in compliance with Health and Safety Code section 44012.

15 Complainant realleges paragraphs 42 and 76–87.

16 **FOURTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant**

18 **to the Motor Vehicle Inspection Program — Respondent Macias)**

19 101. Respondent Macias’ Smog Check Inspector License is subject to disciplinary action  
20 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply  
21 with provisions of California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Macias falsely or fraudulently issued  
23 electronic smog certificates of compliance for the four vehicles identified in paragraphs 76–78,  
24 79–81, 82–84, and 85–87.

25 b. **Section 3340.30, subdivision (a):** Respondent Macias failed to inspect and test the  
26 four vehicles identified in paragraphs 76–78, 79–81, 82–84, and 85–87 in accordance with  
27 Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16,  
28 section 3340.42.

1 c. **Section 3340.41, subdivision (c)**: Respondent Macias knowingly entered false  
2 information into the on-board diagnostic inspection system for the four vehicles identified in  
3 paragraphs 76–78, 79–81, 82–84, and 85–87.

4 d. **Section 3340.42**: Respondent Macias failed to ensure that the smog inspections  
5 conducted on the four vehicles identified in paragraphs 76–78, 79–81, 82–84, and 85–87 were  
6 done in accordance with the bureau’s specifications.

7 Complainant realleges paragraphs 42 and 76–87.

8 **FIFTEENTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit — Respondent Macias)**

10 102. Respondent Macias’ Smog Check Inspector License is subject to disciplinary action  
11 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
12 and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or  
13 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance  
14 for the four vehicles identified in paragraphs 76–78, 79–81, 82–84, and 85–87 without  
15 performing bona fide inspections of the emission control devices and systems on those vehicles,  
16 thereby depriving the People of the State of California of the protection afforded by the Motor  
17 Vehicle Inspection Program. Complainant realleges paragraphs 42 and 76–87.

18 **OTHER MATTERS**

19 103. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
20 director of the Department of Consumer Affairs (director) may suspend, revoke, or place on  
21 probation the registration for all places of business operated in this state by respondent Padilla  
22 upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws  
23 and regulations pertaining to an automotive repair dealer.

24 104. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only  
25 Station License No. TC 305912, issued to respondent Padilla, is revoked or suspended, any  
26 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code  
27 in the name of said licensee may be likewise revoked or suspended by the director.

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1           7.     Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
2 Division 26 of the Health and Safety Code in the name Karina Antunez;

3           8.     Revoking or suspending Smog Check Inspector License Number EO 644097, issued  
4 to Daniel Macias;

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

7           10.    Ordering Adolfo Padilla, doing business as California Smogs; Gildardo Adolfo  
8 Padilla; Karina Antunez; and Daniel Macias to pay the Bureau of Automotive Repair the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;  
11 and,

12           11.    Taking such other and further action as deemed necessary and proper.

13  
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15  
16 DATED: As of Digital Signature Date

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17 PATRICK DORAIS  
18 Chief  
19 Bureau of Automotive Repair  
20 Department of Consumer Affairs  
21 State of California  
22 *Complainant*

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