

**BEFORE THE DIRECTOR OF THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**TAMMY ANN JACKSON dba E & G SMOG**

15979 Foothill Blvd. Unit #B

Fontana, CA 92335

Automotive Repair Dealer Registration No. ARD 293394

Smog Check Test Only Station License No. TC 293394

and

**BRAYAN ALEJANDRO RAMIREZ VEGA**

597 Silver Star Circle

Colton, CA 92324

Smog Check Inspector License No. EO 643653

Respondents.

Case No. 79/23-15967

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OAH No. 2025010372

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall be effective on September 18, 2025.

IT IS SO ORDERED August 14, 2025.

Original signature on file  
GRACE ARUPO RODRIGUEZ  
Assistant Deputy Director  
Legal Affairs Division  
Department of Consumer Affairs

**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU OF AUTOMOTIVE REPAIR  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**TAMMY ANN JACKSON doing business as E & G Smog and  
BRAYAN ALEJANDRO RAMIREZ VEGA,**

**Respondents**

**Agency Case No. 79/23-15967**

**OAH No. 2025010372**

**PROPOSED DECISION**

Thomas Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on June 11, 2025.

M. Travis Peery, Deputy Attorney General, represented complainant, Patrick Dorais, Chief, Bureau of Automotive Repair (Bureau or BAR), Department of Consumer Affairs (Department). William D. Ferreira, Attorney at Law, represented respondent Brayan Alejandro Ramirez Vega. There was no appearance by or on behalf of respondent Tammy Ann Jackson doing business as E & G Smog, whose default was entered before the hearing. References to "respondent" below are to respondent Ramirez Vega.

Governing this matter are: (i) the Automotive Repair Act (Repair Act), codified in Business and Professions Code sections 9880 through 9889.68; (ii) the Motor Vehicle Inspection Program (Inspection Program or Smog Check Program), codified in Health and Safety Code sections 44000 through 44127; and (iii) implementing regulations. Each regulation cited below is a section of title 16 of the California Code of Regulations.

Documents and testimony were received in evidence. The record closed and the matter was submitted for decision on June 11, 2025.

## **STATEMENT OF THE CASE**

First licensed as a smog inspector in 2022, in 2023 respondent certified compliant with anti-smog laws two of the Bureau's undercover vehicles. He would have found them non-compliant had he performed the low pressure fuel evaporative test (LPFET) as required. Respondent contends he lacked training and adequate equipment but has remedied these problems by quitting his old job and working now at a well-managed smog shop. The Bureau contends respondent knew or should have known he was committing fraud in failing to follow procedures to perform smog tests properly.

## **FINDINGS OF FACT**

1. Complainant caused the Accusation to be served on October 14, 2024. Respondent timely requested a hearing in a Notice of Defense dated October 27, 2024.

## **License**

2. The Bureau issued respondent Smog Check Inspector license number EO 643653 on April 25, 2022. The license is set to expire on May 31, 2026.

## **Anti-Pollution Laws**

3. State law seeks to combat air pollution, including the significant emissions from motor vehicles. Thus Health and Safety Code section 43000, subdivision (a) and (b), declares vehicles' emissions a major cause of air pollution, such that "the control and elimination of those air pollutants is of prime importance for the protection and preservation of the public health and well-being."

4. State and federal laws and regulations set standards for the continuing fight against air pollution. Thus Health and Safety Code section 44000 states the purpose of the state's Smog Check Program is "to meet or exceed the air quality standards established by the amendments enacted to the federal Clean Air Act in 1990 . . . , to enhance and improve the existing vehicle inspection and maintenance network, and to periodically monitor the performance of the network against stated objectives."

## **Smog Check Inspection Procedures**

5. Air quality depends a great deal on smog checks, also called smog tests or inspections. Performed properly, each test that a smog technician performs on a vehicle's engine and functions transmits data via the internet to the Vehicle Information Database (VID). With the information gathered statewide and stored in the VID, the Bureau is able to determine whether vehicle emissions meet prescribed standards. As Regulation 3340.45 states: "All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog

Check Manual, dated January 2021 [(Smog Check Manual)], which is hereby incorporated by reference.”

6. The Smog Check Manual has the force of law, incorporated as it is by reference in Regulation 3340.45. In the manual, Exhibit 25, page A161, test requirements are charted, including the LPFET at the bottom of the chart. The chart shows the various components of a vehicle that must be tested and the computerized systems that must be used to perform tests.

7. Smog test procedures and the equipment needed to implement them differ depending on the year a vehicle was manufactured and whether it is gasoline- or diesel-powered. The Smog Check Manual lays out in detail how a smog inspector, also called a technician, obtains data from a vehicle, using visual and functional tests, many prompted by a computerized inspection system such as the BAR-97 Emissions Inspection System (EIS) for older vehicles.

8. Regulation 3340.17 describes EIS:

(a) [EIS] shall meet the specifications contained in the BAR-97 Emissions Inspection System Specifications dated July 2017, which is hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the bureau's centralized database [the Vehicle Information Database, or VID] in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The EIS shall be maintained and calibrated in accordance with the bureau's BAR-97 Emissions Inspection System Specifications

referenced in this subsection, and in accordance with the manufacturer's specifications. The EIS shall be calibrated only with bureau approved gases that are certified in accordance with section 3340.18 of this article. The EIS shall have the most current software and hardware updates required by the bureau.

## **Investigation**

9. BAR has employed Program Representative I (PR I) Steve Koch, currently assigned to BAR's Riverside field office, for over 25 years. He is a licensed smog check technician and holds a repair technician license as well. He works with licensees and consumers regarding automotive repairs and smog checks, mediates disputes, and conducts inspections and investigation mainly with respect to smog checks. According to his training from the Bureau, he documents his findings, such as with investigative reports. Before his work at the Bureau, PR I Koch worked in the industry for 10 years, in diagnostics and as a general mechanic.

10. PR I Koch wrote a May 16, 2024 Investigative Report on respondent's issuing Certificates of Compliance to two vehicles that the Bureau had modified in ways that made it impossible to certify either one as compliant with anti-smog laws and regulations.

## **2023 Station Inspections**

11. Program representatives such as PR I Koch have access to the VID. PR I Koch examined unusual smog check data in the VID from respondent's use of the EIS. Consequently, on May 30, 2023, PR I Koch conducted an inspection at the smog station, E & G Smog, that employed respondent and where he had performed tests

using the EIS. There he met respondent to test calibration of the EIS and the LPFET tester. They were calibrated and both passed. PR I Koch advised respondent to perform thorough smog inspections according to the Bureau's most current Smog Check Manual, otherwise he could face disciplinary action for failure to test vehicles properly. Respondent told PR I Koch he understood.

12. Based on further examination of unusual data in the VID, on August 10, 2023, PR I Koch again met respondent at his workplace for another inspection. This time the LPFET tester passed a test but the gas calibration on the EIS failed. PR I Koch told respondent he would return for a follow-up inspection after the EIS was repaired and again, after discussion, respondent said he understood he must conduct smog tests properly or face possible license discipline.

13. The follow-up inspection took place on August 29, 2023. This time both the EIS and LPFET tester passed inspection. Again respondent and PR I Koch discussed and respondent said he understood proper testing according to the Smog Check Manual and disciplinary action for improper testing.

### **September 2023 Undercover Operation**

14. BAR is authorized to conduct undercover operations, preparing for them usually, as in this case, by having a laboratory technician modify or remove smog-reducing equipment so that the BAR-owned undercover vehicle cannot pass a properly performed smog check. As set out in his October 13, 2023 declaration, PR II Specialist (PR II S) and Bureau Documentation Lab Representative Jonathan Navarro performed and documented such work on a 1991 Toyota Pickup, California license plate number 50038V1 (Undercover Vehicle 1).

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15. On July 21, 2023, PR II S Navarro drove Undercover Vehicle 1 and found that it operated normally. On July 24, 2023, he performed and the vehicle passed both the BAR-97 Acceleration Simulation Mode (ASM) and Two-Speed Idle (TSI) smog checks. The vehicle was also equipped with a digital video system to record any work a smog inspector might perform. PR II S Navarro then installed a defective fuel filler neck by perforating its surface and causing a leak in the vehicle's evaporative emission control (EVAP) system. As a result of this modification the vehicle could pass neither an LPFET test nor a smog check. PS II S Navarro also placed and photographed tamper indicators to detect changes to the undercover vehicle's equipment.

16. On September 6, 2023, PR I Koch I drove Undercover Vehicle 1 to a staging location in Fontana, California, where he activated the vehicle's video recording system and released custody of the vehicle to PR II S Nicholas Stewart. PR II S Stewart drove Undercover Vehicle 1 to E & G Smog and told respondent he needed a smog test. Respondent told PR II S Stewart the cost would be \$60 and had him drive the vehicle into the testing bay. After some testing, respondent advised PR II S Stewart Undercover Vehicle 1 passed the smog test, collected the \$60 charge, and provided him with an invoice and a Smog Check Vehicle Inspection Report (VIR). The VIR indicated Undercover Vehicle 1 passed a Fuel EVAP Test and the smog check inspection, and was therefore issued Certificate of Compliance number TK734748.

17. Although both the VIR and data in the VID showed that Undercover Vehicle 1 passed a functional LPFET test, the video of the test did not record respondent installing the LPFET gas cap adapter, required for a properly performed LPFET functional inspection. Undercover Vehicle 1 also required a functional ignition timing check that, as the video showed, respondent did not perform. Instead he manually entered a passing entry into the EIS.

18. PR I Koch used Undercover Vehicle 1 for another undercover run on September 28, 2023. The vehicle failed the functional LPFET inspection on that date. PR I Koch returned the vehicle to PR II S Navarro. On October 5, 2024, PR II S Navarro performed the BAR-97 ASM and TSI smog tests. Undercover Vehicle 1 failed both tests. It failed because the vehicle did not pass the Fuel EVAP Test. The tamper indicators PR II S Navarro had installed were intact.

### **December 2023 Undercover Operation**

19. In December 2023 Bureau personnel conducted a second undercover operation to E & G Smog, similar to that described above. This time Documentation Lab Representative and PR I John Chronister documented modifications to a 1993 Lexus SC300, California license plate number 6JAC529 (Undercover Vehicle 2) that had first passed the smog test he performed. He applied and photographed a distributor tamper indicator to detect movement or adjustment of the ignition timing, damaged and photographed the fuel tank vent line hose and installed and photographed a tamper indicator to detect removal of the damaged fuel tank vent line hose. The modifications ensured the vehicle would fail a properly performed smog check. It failed an ASM Smog Check inspection that included a LPFET test. It failed an ASM Smog Check inspection. The Smog Check inspection included a LPFET test. Like Undercover Vehicle 1, Undercover Vehicle 2 was equipped with a digital video recording system.

20. On December 6, 2023, PR II S Stewart drove Undercover Vehicle 2 to E & G Smog and as before asked respondent for a smog check, paid \$60 for it, and was advised the vehicle passed. It was issued Certificate of Compliance number IX488044. PR I Koch later saw in the video recording of respondent's smog test of Undercover Vehicle 2 that the LPFET gas cap adapter was never installed, though its installation

was required for a properly performed a LPFET functional inspection. The recording showed respondent did no functional ignition timing check of Undercover Vehicle 2, though that was required for a proper smog check. Back in the lab, PR I Chronister checked and found the vehicle failed a smog test, an ASM Smog Check inspection and a TSI Smog Check inspection. Both tests included a LPFET that the vehicle failed on both inspections. The tamper indicators were intact.

## **February 2024 Station Inspection**

21. On February 1, 2024, PR I Koch went back to inspect E & G Smog after reviewing anomalous smog check data in the VID. He met respondent and became suspicious when he saw respondent with another person next to a 2005 Toyota Corolla in the test bay. The vehicle was removed from the bay before any test was completed. Respondent said he had mistakenly started a smog check of the vehicle.

22. The EIS and LPFET tester passed calibration tests. Respondent then said he didn't understand why the EIS was locking out as before, since he was performing all his inspections properly. PR I Koch instructed respondent that, to prevent lockouts, respondent should perform thorough inspections, carrying out procedures mandated in the Smog Check Manual. Again PR I Koch warned that improper smog tests could lead to license discipline.

23. A purchase history shows E & G Smog purchased the Certificates of Compliance that were issued to Undercover Vehicles 1 and 2. The certificates were delivered electronically to the analyzers at E & G Smog via f an Automated Clearing House.

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24. PRI Koch concluded that Undercover Vehicles 1 and 2 were clean tanked. He explains this phrase and LPFET equipment in his Investigation Report, Exhibit 2, page A44 to A45:

“Clean tanking” is a method by which the . . . LPFET is performed using the LPFET equipment calibration tank or another vehicle instead of connecting to the actual vehicle’s fuel inlet to determine if there is a leak in the system.

The LPFET tests the functionality of the vehicle’s . . . EVAP system by introducing inert Nitrogen (N<sub>2</sub>) gas into the system, which includes the fuel tank. The N<sub>2</sub> gas is introduced through a specialized adapter attached to the fuel fill neck. If the EVAP system is properly sealed, the equipment will reach a predetermined pressure and then hold that pressure for a specified period to confirm no leaks are present.

The LPFET equipment measures the calculated “headspace volume” based upon the volume of gas needed to achieve a specified pressure as the Nitrogen (N<sub>2</sub>) gas is introduced into the vehicle’s fuel tank and records that data to the VID. The “headspace volume” is the volume of the vapor space in the fuel tank above the fuel level.

## **Respondent’s Evidence**

25. Respondent did not dispute that Undercover Vehicles 1 and 2 were clean tanked. He acknowledged and was remorseful that he was in the wrong, taking

shortcuts, assuming that because the undercover vehicles passed other parts of a smog test, they would pass the LPFET. No one at E & G Smog had ever provided him training. Respondent was under pressure because he was inexperienced, there was no experienced technician to consult on site, and his employer made clear he should figure out difficulties on his own. He felt he should not disappoint customers by finding that a vehicle in otherwise good condition should fail a smog check because of a LPFET. Respondent stated he did not quite understand the test or how it should be performed. He believed his employer's LPFET equipment was inadequate or at times not functioning correctly. With all this in mind, respondent failed to perform a LPFET on either of the undercover vehicles and he did not check ignition timing.

26. Respondent completed automotive training at a vocational school in Rancho Cucamonga, California, for three months, four days per week. One session of the course mentioned LPFET, but there was no demonstration of or hands-on instruction on how such tests were to be conducted. Before taking the position as a smog technician at E & G Smog, respondent's automotive experience was performing relatively simple work on his own car, such as changing the oil or replacing spark plugs, and working for Walker Evans, a company known for work on off-road vehicles.

27. Respondent quit his job at E & G Smog out of frustration, not because there was any indication from the owner he was not performing well. He worked at E & G Smog for altogether about a year and a half, until about May 2024, performing approximately 50 to 100 smog tests per week. Respondent estimated about 10 percent of these tests required use of the EIS. There was rebuttal evidence from complainant regarding respondent's use of EIS while he was employed by E & G Smog, but the evidence did not render respondent's testimony less credible.

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28. Respondent stated the EIS often failed, and might work one day only to break down the next. He was frustrated and unwilling to fail a vehicle he smog tested because of such equipment failures. Respondent reported some problems of this kind to the manager at E & G Smog, but the manager dealt with many other problems and seemed to have insufficient time to solve those respondent reported.

29. For about half a year after leaving E & G Smog respondent did no smog testing, working instead with his father, a diesel mechanic. Respondent returned to work as a smog inspector and is now employed by Smog Depot, where he has received a good deal of training. Smog Depot's General Manager, Robert Perez, gave testimony corroborating respondent's testimony concerning his training at E & G Smog. His testimony was consistent with a character reference letter he wrote that was also signed by the shop's owner, Mac Morales Copas. They describe respondent as an honest and responsible employee, whom they encourage to take at least 10 minutes in smog checking a vehicle so that his inspections are thorough and catch any damage, tampering, or anything that might prevent the vehicle from passing a smog test. They wrote that respondent does not "cut corners," understands the Inspection Program, and is careful to inform customers when and why a vehicle fails a smog test.

## **Costs**

30. The Bureau incurred \$15,976.35 in reasonable costs. Its investigative costs related to PR I Koch's investigative efforts amount to \$4,691.08, those for another Program Representative, PR II Raymond Gottenbos, \$702.52. The Bureau incurred \$10,582.75 in prosecution costs.

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## LEGAL CONCLUSIONS

1. Complainant bears the burden of proof. The evidentiary standard the Bureau must meet is proof by a preponderance of the evidence. (*Imports Performance v. Dept. of Consumer Affairs, Bur. of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-917.)

2. Under Business and Professions Code section 9884.7, the Director of the Department may impose license discipline based on:

Under subdivision (a)(1), "[m]aking or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading."

Under subdivision (a)(4), "any . . . conduct that constitutes fraud."

Under subdivision (a)(6), "failure in any material respect to comply with the provisions of this chapter [20.3, the Repair Act]] or regulations adopted pursuant to it."

3. Subdivision (e) of section 9884.7 of the Business and Professions Code states in part:

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

(1) Any act or omission that is included within the definition of either "actual fraud" or "constructive fraud," as those

terms are defined in Sections 1572 and 1573 of the Civil Code.

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

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

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

4. Health and Safety Code section 44072.2, subdivision (a), states that license discipline is appropriate for various statutory violations, including:

Under Health and Safety Code section 44012, if a smog test is not performed in accordance with procedures prescribed by the Department.

Under Health and Safety Code section 44015, subdivision (b), if a certificate of compliance is issued to a vehicle that does not meet the testing requirements of Health and Safety Code section 44012.

Under Health and Safety Code section 44032, if a smog test is performed by a person other than a qualified smog check technician at a licensed smog check station and if the test is not performed in accordance with Section 44012.

Under Health and Safety Code section 44059, "[t]he 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 [the Inspection

Program] or [the Repair Act].....” This Code section also provides that its violation constitutes perjury, punishable under the Penal Code.

5. Health and Safety Code section 44015, subdivision (b), provides that a Certificate of Compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section 40012.

## **ANALYSIS**

6. Respondent broke the law and acted dishonestly by clean tanking Undercover Vehicles 1 and 2. In testing each vehicle, respondent failed to perform mandated tasks, such as checking ignition timing, required as part of a proper smog test for these vehicles. PR I Koch’s suspicion of respondent, such as when a vehicle was in the test bay at the beginning of the station inspection in February 2024, was not supported by evidence sufficient to impugn respondent’s honesty or to provide grounds for license discipline.

7. Cause exists to discipline respondent’s EO license as stated in the Seventh Cause for Discipline. Note that the First through Sixth Causes for Discipline are alleged against others, not respondent. Respondent violated Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply with these sections of that Code:

Section 44012: Respondent did not test Undercover Vehicles 1 and 2 according to procedures prescribed by the Bureau and the Department and specifically those set out in the Smog Check Manual; and

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Section 44015: Respondent caused Certificates of Compliance to be issued to Undercover Vehicles 1 and 2 despite not conducting tests and inspecting them to determine if they complied with Health and Safety Code section 44012.

8. Cause exists to discipline respondent's EO license as stated in the Eighth Cause for Discipline. Respondent violated Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply with these regulations:

Regulation 3340.24, subdivision (c): By means that were improper because respondent did not perform tests as required by the Smog Check Manual, respondent improperly caused Certificates of Compliance to be issued to Undercover Vehicles 1 and 2;

Regulation 3340.30, subdivision (a): Respondent did not inspect and test Undercover Vehicles 1 and 2 in accordance with Health and Safety Code sections 44012 and 44035, and Regulation 3340.42;

Regulation 3340.41, subdivision (c): Respondent entered false information into the EIS regarding his testing of Undercover Vehicles 1 and 2;

Regulation 3340.42: Respondent failed to conduct the required smog tests on Undercover Vehicles 1 and 2, including as specified in the Smog Check Manual; and

Regulation 3373: Respondent caused issuance of VIR's stating that smog tests were passed, so that Certificates of Compliance were issued to Undercover Vehicles 1 and 2. He thus improperly represented the vehicles to be in compliance with applicable laws and regulations although the vehicles had not been properly inspected.

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9. Cause exists to discipline respondent's EO license as stated in the Ninth Cause for Discipline. Respondent violated Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), by committing dishonest acts that resulted in harm to others. His causing Certificates of Compliance to issue to Undercover Vehicles 1 and 2, despite that he had not performed proper inspections of the emission control devices and systems on those vehicles, harmed the public, depriving the public of the protection afforded by the Inspection Program.

### **Mitigation, Aggravation, and Rehabilitation**

10. It is a mitigating factor that respondent voluntarily left his position at E & G Smog based on his feeling he was inadequately trained and equipped to continue. This mitigating factor is relatively slight, given that respondent stayed at E & G Smog for over a year. Another slight mitigating factor is respondent's youth and inexperience while working at E & G Smog, leading him to yield to pressure to continue with smog tests though he doubted he was testing correctly while he stayed in his position there.

11. An aggravating factor is that at times respondent acted knowingly, knowing for instance he had not performed the LPFET on Undercover Vehicles 1 and 2. It is nevertheless not clear that respondent acted fraudulently. He knew he had not performed the LPFET on the undercover vehicles, but he believed that because they passed other parts of a smog test and were in generally good condition, the test was not necessary and the vehicles were likely in compliance with laws and regulations. It appears respondent was more neglectful than intent on fraudulent representations.

12. Respondent has no prior disciplinary record. As part of his rehabilitation efforts, on June 10, 2025, respondent completed an online, eight-hour Workplace Ethics Training Class. With help from his current employer, Smog Depot, respondent

has gone far to rehabilitate himself from the wrongdoing at his former employer's smog station. He no longer skips tests like the LPFET. He takes time, with the encouragement of management, to perform tests carefully, checking components required for smog suppression and control.

13. On the other hand, respondent's misconduct is relatively recent. There has been relatively little time to show that he has lastingly corrected his ways and is committed to avoiding wrongdoing in the future. Respondent is partially, not wholly rehabilitated from his wrongdoing.

14. Weighing the evidence and considering all factors relating to rehabilitation as set out in the Bureau's Guidelines for Disciplinary Orders and Terms of Probation (Rev. March 2016), it appears that the public will be adequately protected if respondent's license is revoked, the revocation is stayed, and he is placed on probation.

## **Costs**

15. It is appropriate in the circumstances that respondent reimburse a large portion of the Bureau's costs. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, costs may be reduced or not awarded in certain circumstances, such as if a respondent, as respondent did here, uses the hearing to present grounds to reduce costs sought by the Bureau.

16. Respondent's grounds for reducing a cost award include that the Bureau was investigating others and incurred costs unrelated to his activity alone. On the other hand, respondent's conduct was a primary reason that the Bureau investigated. Respondent also presented evidence that his means are modest, so that a large award of costs would cause him undue hardship, whereas administrative proceedings should

not penalize, and are rather to protect the public. In the circumstances, reducing an award of costs by approximately one half, to \$7,500 is warranted.

## **ORDER**

IT IS HEREBY ORDERED that Smog Check Inspector license number EO 643653 issued to respondent Brayan Alejandro Ramirez Vega is revoked, provided, however, that the revocation is stayed and respondent is placed on probation for three years on the terms and conditions set out below.

### 1. Obey All Laws

During the period of probation, respondent shall comply with all federal and state statutes, regulations and rules governing all Bureau of Automotive Repair registrations and licenses held by respondent.

### 2. Quarterly Reporting

During the period of probation, respondent shall report either by personal appearance or in writing, as determined by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

### 3. Report Financial Interests

Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by the Bureau of Automotive Repair during the period of probation, report any financial interest that respondent may have in any

other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

#### 4. Access to Examine Vehicles and Records

Respondent shall provide representatives of the Bureau of Automotive Repair unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide Bureau representatives unrestricted access to all records pursuant to laws and regulations applicable to the Bureau.

#### 5. Tolling of Probation

If, during probation, respondent leaves the jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction of California, respondent shall notify the Bureau of Automotive Repair in writing within 10 days of the dates of departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost reimbursement requirements, restitution requirements, training requirements, and that respondent obey all laws, shall be held in abeyance during any period of time of 30 days or more in which respondent is not residing or engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of 30 days or more in which respondent is not residing or engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the

probationary license or registration is conducted or performed during the tolling period.

7. Violation of Probation

If respondent violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard, may set aside the stay order and carry out the disciplinary order provided in the decision. Once the respondent is served notice of the Bureau of Automotive Repair's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

8. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active registration and licenses with the Bureau of Automotive Repair, including any period during which suspension or probation is tolled. If respondent's license is expired at the time the decision becomes effective, the license must be renewed by respondent within 30 days of that date. If respondent's license expires during a term of probation, by operation of law or otherwise, then upon renewal respondent's license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration or license during the period of probation shall also constitute a violation of probation.

9. Cost Recovery

Respondent shall pay the Bureau of Automotive Repair \$7,500 to reimburse the Bureau for reasonable costs in the investigation and enforcement of case no. 79/23-15967. Respondent shall make payment or installment payments as directed by the

Bureau. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six months before probation terminates. Respondent shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 79/22-14337. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. The Bureau reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

#### 10. Completion of Probation

Upon successful completion of probation, respondent's license shall be fully restored or issued without restriction, if respondent meets all current requirements for licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to the Bureau of Automotive Repair.

#### 11. License Surrender

Following the effective date of a decision that orders a stay of invalidation or revocation, if respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, respondent may request that the stay be vacated. Such request shall be made in writing to the Bureau of Automotive Repair. The Director and the Chief of the Bureau of Automotive Repair reserve the right to evaluate respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision.

Respondent may petition the Director for reinstatement of the surrendered registration or license, or apply for a new license under the jurisdiction of the Bureau of Automotive Repair at any time before the date of the originally scheduled completion of probation. If respondent applies to the Bureau for a license at any time after that date, respondent must meet all current requirements for licensure and pay all outstanding fees or cost recovery owed to the Bureau of Automotive Repair and left outstanding at the time of surrender.

12. Training Course

Within 180 days of the effective date of a decision, respondent shall complete ordered coursework or training that is acceptable to the Bureau of Automotive Repair and relevant to the adjudicated violation. Respondent shall submit to the Bureau satisfactory evidence of completion of coursework or training within the timeline specified for completion of the ordered coursework or training.

DATE:07/10/2025

*Thomas Lucero*

THOMAS LUCERO

Administrative Law Judge

Office of Administrative Hearings