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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. 79/26-12958

13 **CHRISTOPHER HERNANDEZ, DBA**
14 **JETTS SMOG CHECK**

ACCUSATION

1280 North Fitzgerald Ave., Unit D
14 Rialto, CA 92376

15 Automotive Repair Dealer Registration No.
ARD 311813
16 Smog Check, Test-Only, Station License No.
TC 311813,

17 **MARIO SOTO**
18 15055 El Molino
Fontana, CA 92335

19 Smog Check Inspector License No. EO
20 645184,

21 **and**

22 **ZEFERINO PERALTA, JR.**
23 615 E. Belmont St. Apt. A
Ontario, CA 91761

24 Smog Check Inspector License No. EO 643740

25 Respondents.
26
27
28

1 **PARTIES**

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

4 **Christopher Hernandez dba Jetts Smog Check**

5 2. On or about February 25, 2025, the Bureau issued Automotive Repair Dealer
6 Registration Number ARD 311813 to Christopher Hernandez (“Respondent Hernandez”) doing
7 business as Jetts Smog Check. The Automotive Repair Dealer Registration was in full force and
8 effect at all times relevant to the charges brought herein and will expire on February 28, 2027,
9 unless renewed.

10 3. On or about May 12, 2025, the Bureau issued Smog Check, Test-Only, Station
11 License Number TC 311813 to Respondent Hernandez, doing business as Jetts Smog Check. The
12 Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the
13 charges brought herein and will expire on February 28, 2027, unless renewed.

14 **Mario Soto**

15 4. On or about August 29, 2024, the Bureau issued Smog Check Inspector License
16 Number EO 645184 to Mario Soto (“Respondent Soto”). The Smog Check Inspector License
17 was in full force and effect at all times relevant to the charges brought herein and will expire on
18 October 31, 2026, unless renewed.

19 **Zeferino Peralta, Jr.**

20 5. On or about June 24, 2022, the Bureau of Automotive Repair issued Smog Check
21 Inspector License Number EO 643740 to Zeferino Peralta, Jr. (“Respondent Peralta”). The Smog
22 Check Inspector License was in full force and effect at all times relevant to the charges brought
23 herein and will expire on February 29, 2028, unless renewed.

24 **JURISDICTION**

25 6. This Accusation is brought before the Director of the Department of Consumer
26 Affairs (“Director”) for the Bureau under the authority of the following laws.

27 7. Business and Professions Code section 118, subdivision (b), provides that the
28 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of

jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

9. Business and Professions Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

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

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

12. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

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

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

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

...

(4) Any other conduct that constitutes fraud.

...

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

...

(b) Except as provided in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate the automotive repair dealer's other places of business.

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

...

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

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

(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.

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

14. Health and Safety Code section 44012 provides:

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

1 that the department and the state board determine exhibit operational problems. The
2 department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

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

(i) The test procedures may authorize smog check stations to refuse the
testing of a vehicle that would be unsafe to test, or that cannot physically be
inspected, as specified by the department by regulation. The refusal to test a vehicle

for those reasons shall not excuse or exempt the vehicle from compliance with all applicable requirements of this chapter.

15. Health and Safety Code section 44014, subdivision (a), provides:

Except as otherwise provided in this chapter, the testing and repair portion of the program shall be conducted by smog check stations licensed by the department, and by smog check technicians who have qualified pursuant to this chapter.

16. Health and Safety Code section 44015, subdivision (b), provides:

If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

17. Health and Safety Code section 44032 provides:

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

18. Health and Safety Code section 44035 provides:

(a) A smog check station's license or a qualified smog check technician's qualification may be suspended or revoked by the department, after a hearing, for failure to meet or maintain the standards prescribed for qualification, equipment, performance, or conduct. The department shall adopt rules and regulations governing the suspension, revocation, and reinstatement of licenses and qualifications and the conduct of the hearings.

(b) The department or its representatives, including quality assurance inspectors, shall be provided access to licensed stations for the purpose of examining property, station equipment, repair orders, emissions equipment maintenance records, and any emission inspection items, as defined by the department.

19. Health and Safety Code section 44059 provides:

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

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

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

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

...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

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

...

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

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

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

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

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

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

REGULATORY PROVISIONS

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

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

...

(e) The station shall make, keep secure, and have available for inspection on request of the Bureau, or its representative, legible records showing the station's

1 transactions as a licensee for a period of not less than three years after completion of
2 any transaction to which the records refer. All records shall be open for reasonable
inspection and/or reproduction by the Bureau or its representative. Station records
required to be maintained shall include copies of:

3 (1) All certificates of compliance and certificates of noncompliance in
4 stock and/or issued,

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

6 (3) Vehicle inspection reports generated either manually or by the
7 emissions inspection system.

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

10
11 . . .

12 (h) A licensed smog check station shall not sublet inspections or repairs
13 required as part of the Smog Check Program, except for the following:

14 (1) Repairs of a vehicle's exhaust system which are normally performed
15 by muffler shops, provided that the malfunction has been previously diagnosed by
the specific smog check station originally authorized by the customer to perform
repairs to the vehicle.

16 (2) Repairs of those individual components that have been previously
17 diagnosed as being defective and that have been removed by the specific smog check
station originally authorized by the customer to perform repairs to the vehicle.

18 (3) Repairs of diesel-powered vehicles provided the specific smog check
19 station has obtained authorization from the customer to sublet repairs to the vehicle.

20 (4) Repairs to a vehicle's transmission provided the specific smog check
21 station has obtained authorization from the customer to sublet repairs to the vehicle.

22 (5) Corrections to the vehicle's on-board computer systems' software
23 provided that the malfunction has been previously diagnosed by the specific smog
check station originally authorized by the customer to perform repairs to the vehicle.

24 . . .

25 24. California Code of Regulations, title 16, section 3340.24, subdivision (c), states that
26 the Bureau "may suspend or revoke the license of or pursue other legal action against a licensee,
27 if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate
28 of noncompliance."

1 25. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

2 A smog check technician shall comply with the following requirements at all
3 times while licensed.

4 (a) A licensed technician shall inspect, test and repair vehicles in accordance
5 with section 44012 of the Health and Safety Code, section 44035 of the Health and
6 Safety Code, and section 3340.42 of this article.

7 ...

8 26. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a
9 licensed smog check station "shall issue a certificate of compliance or noncompliance to the
10 owner or operator of any vehicle that has been inspected in accordance with the procedures
11 specified in section 3340.42 of this article and has all the required emission control equipment
12 and devices installed and functioning correctly."

13 27. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

14 ...

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

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

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

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

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

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

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

10 (2) A two-speed idle mode test shall be the test method used to inspect
11 1976-1999 model-year vehicles, except diesel-powered, registered in all program
12 areas of the state, except in those areas of the state where the enhanced program has
13 been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
14 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
15 contained in the bureau's specifications referenced in subsection (a) of Section
16 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
17 shall be measured and compared to the emission standards set forth in this section
18 and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of
19 its measured emissions are less than or equal to the applicable emissions standards
20 specified in Table III.

21 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
22 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
23 model-year and newer. The OBD test failure criteria are specified in section
24 3340.42.2.

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

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

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

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

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

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

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

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

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

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

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

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

13 29. California Code of Regulations, title 16, section 3340.45, states:

14 All Smog Check inspections shall be performed in accordance with
15 requirements and procedures prescribed in the Smog Check Manual, dated January
2021, which is hereby incorporated by reference.

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

18 No automotive repair dealer or individual in charge shall, in filling out an
19 estimate, invoice, or work order, or record required to be maintained by section
20 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or
information which will cause any such document to be false or misleading, or where
21 the tendency or effect thereby would be to mislead or deceive customers, prospective
customers, or the public.

22 **COST RECOVERY**

23 31. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
24 may request the administrative law judge to direct a licentiate found to have committed a
25 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
26 investigation and enforcement of the case.

27 ///

28 ///

CALIFORNIA'S SMOG CHECK PROGRAM

32. California's Smog Check Program requires most vehicles in the State to undergo a smog check inspection every two years when renewing their registration and when the vehicle's title is transferred. The Smog Check Program is designed and intended to reduce air pollution by identifying and requiring the repair of polluting motor vehicles.

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

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

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

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

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

4 38. The EIS is connected by internet connection to Bureau's Vehicle Information
5 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
6 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

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

19 40. During an OIS inspection, engine operating parameters (PIDs) are retrieved from the
20 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
21 portion of the OIS Smog Check inspection by plugging the Data Acquisition Device into the
22 vehicle's diagnostic link connector when prompted by the OIS analyzer screen prompt. Some of
23 the parameters recorded are:

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

28 ///

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

5 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
6 air intake tract. Measured in grams per second (gps).

7 • Ignition timing is when the spark plug is ignited in relation to the position of the
8 engine's moving pistons. It is measured in degrees before top dead center (BTDC). The ignition
9 timing will constantly change based on engine operating conditions such as RPM, engine load,
10 and throttle position.

11 41. 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
15 supply 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 increases 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 42. 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 43. 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 **STATION INSPECTIONS**

9 44. On or around April 14, 2025, Bureau Representative M.A. visited Jetts Smog Check
10 and met with Respondent Hernandez and Respondent Soto for an initial inspection of the smog
11 check station. Jetts Smog Check failed the inspection. Bureau Representative M.A informed
12 Respondent Hernandez and Respondent Soto of the following: all Smog Check inspections must
13 be performed by licensed inspector technicians; no false information about the vehicle being
14 tested shall be entered in the analyzer; tests and inspections shall be conducted in accordance with
15 the Bureau's Smog Check Manual; and compliance with the Automotive Repair Act is mandatory.

16 45. On or around May 09, 2025, Bureau Representative M.A. returned to Jetts Smog
17 Check and met with Respondent Hernandez and Respondent Soto for another inspection of the
18 smog check station. Jetts Smog Check passed the inspection. Bureau Representative M.A
19 informed Respondent Hernandez and Respondent Soto of the following: all Smog Check
20 inspections must be performed by licensed technicians; no false information about the vehicle
21 being tested shall be entered in the analyzer; tests and inspections shall be conducted in
22 accordance with the Bureau's Smog Check Manual; and compliance with the Automotive Repair
23 Act is mandatory. During the visit, Bureau Representative M.A. also delivered an Education First
24 Program (EFP) presentation to Respondent Hernandez, during which applicable laws and
25 regulations were reviewed. Bureau Representative M.A. also offered additional training.

26 46. On or around October 7, 2025, Bureau Representative S.K. visited Jetts Smog Check
27 and met with Respondent Soto due to anomalous data being transmitted to the VID. Bureau
28 Representative S.K. informed Respondent Soto of the following: smog station inspections shall

1 be performed according to CCR § 3340.16 and the Smog Check Manual; a licensed inspector
2 shall be present during all hours the station is open for the business; Test Only stations shall not
3 engage in any automotive repair work; and compliance with the Automotive Repair Act is
4 mandatory. Additionally, Program Representative S.K. also found that Jetts Smog Check failed to
5 maintain records, had the incorrect ARD number listed on invoices, had unsigned VIRs, and
6 failed to comply with estimate requirements. Bureau Representative S.K. reviewed estimate and
7 invoice requirements with Respondent Soto and offered training resources.

8 **JUNE 24, 2026 VID DATA REVIEW**

9 47. On or about June 24, 2026, Bureau Representative D.M. conducted a detailed review
10 of the VID data for smog check inspections performed at Jetts Smog Check, which showed a
11 pattern of vehicles being certified with engine operating parameters that did not correspond to
12 normal engine operation. The Bureau's review of the smog check activities at Jetts Smog Check
13 confirmed eight (8) smog check Certificates of Compliance were fraudulently issued to vehicles
14 after inspections performed at Jetts Smog Check.

15 **Clean Plug Number 1 – 2014 Mitsubishi Lancer Evolution GSR (Respondent Peralta)**

16 48. OIS Test data for Jetts Smog Check indicated that on August 20, 2025, a 2014
17 Mitsubishi Lancer Evolution GSR, CA license 7JZR775, VIN JA32W8FV9EU017435, was
18 tested and Smog Certificate of Compliance # JF889963C was issued by Jetts Smog Check under
19 Respondent Peralta's Smog Check Inspector License No. EO 643740.

20 49. The Dynamic Data Charts for the 2014 Mitsubishi Lancer Evolution GSR shows that
21 between time stamp 4906 and 33847, the engine RPM is held steady around 800 RPM at idle.
22 During this time, the data shows that the throttle is fixed at 11.0% opening, the MAF varies
23 between 5.32 gps and 5.34 gps, and the MAP is fixed at 33 kPa. After time stamp 33847, the
24 engine RPM ultimately increases and held above 1757 RPM. From the time the engine RPM rises
25 to the higher RPMs, the data shows that the throttle is fixed at 11.0% opening, the MAF varies
26 between 12.18 gps and 12.51 gps, and the MAP is fixed at 33 kPa.

27 50. The steady idle and elevated engine RPMs along with the improbable throttle
28 positions and MAP readings are not characteristic or expected for normal engine operation. The

throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The throttle readings should stay fixed at idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not stay fixed at idle values at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2014 Mitsubishi Lancer Evolution GSR being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 2 – 2007 Ford Econoline E250 Van (Respondent Peralta)

51. OIS Test data for Jetts Smog Check indicated that on August 20, 2025, a 2007 Ford Econoline E250 Van, CA license 68859D1, VIN 1 FTNE24W87DA57163, was tested and Smog Certificate of Compliance # JF889964C was issued by Jetts Smog Check under Respondent Peralta's Smog Check Inspector License No. EO 643740.

52. The Dynamic Data Charts for the 2007 Ford Econoline E250 Van shows that between time stamp 4826 and 38942, the engine RPM is held steady around 800 RPM at idle. During this time, the data shows that the throttle is fixed at 15.7% opening, the MAF is fixed at 5.32 gps, and the MAP is fixed at 31 kPa. After time stamp 38942, the engine RPM is increased and then held above 1520 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle is fixed at 15.7% opening, the MAF varies between 9.40 gps and 10.64 gps, and the MAP is fixed at 31 kPa.

53. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The throttle readings should not stay fixed at idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not stay fixed at idle values at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2007 Ford

1 Econoline E250 Van being certified, causing the issuance of a fraudulent Smog Certificate of
2 Compliance.

3 **Clean Plug Number 3 – 2017 Subaru WRX STI Limited (Respondent Peralta)**

4 54. OIS Test data for Jetts Smog Check indicated that on August 20, 2025, a 2017 Subaru
5 WRX STI Limited, CA license 8P0C456, VIN JF1VA2Z62H9841689, was tested and Smog
6 Certificate of Compliance # JF889965C was issued by Jetts Smog Check under Respondent
7 Peralta's Smog Check Inspector License No. EO 643740.

8 55. The Dynamic Data Charts for the 2017 Subaru WRX STI Limited shows that
9 between time stamp 4855 and 37272, the engine RPM is held steady around 800 RPM at idle.
10 During this time, the data shows that the throttle is fixed at 12.2% opening, the MAF is fixed at
11 5.32 gps, and the MAP is fixed at 39 kPa. After time stamp 37272, the engine RPM fluctuates
12 while increasing and then ultimately held above 1343 RPM. From the time the engine RPM rises
13 to the higher RPMs, the data shows that the throttle is fixed at 12.2% opening, the MAF rises
14 from 8.75 gps to 9.14 gps, and the MAP is fixed at 39 kPa.

15 56. The steady idle and elevated engine RPMs along with the improbable throttle
16 positions and MAP readings are not characteristic or expected for normal engine operation. The
17 throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The
18 throttle readings should not stay fixed at idle values at the elevated engine RPM. The MAP
19 readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP
20 readings should not stay fixed at idle values at the elevated engine RPM. These readings are not
21 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
22 prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2017 Subaru
23 WRX STI Limited being certified, causing the issuance of a fraudulent Smog Certificate of
24 Compliance.

25 **Clean Plug Number 4 – 2009 Jeep Wrangler X (Respondent Peralta)**

26 57. OIS Test data for Jetts Smog Check indicated that on August 20, 2025, a 2009 Jeep
27 Wrangler X, CA license 7CBR409, VIN 1J4FA24109L729028, was tested and Smog Certificate
28

of Compliance # JF889966C was issued by Jetts Smog Check under Respondent Peralta's Smog Check Inspector License No. EO 643740.

58. The Dynamic Data Charts for the 2009 Jeep Wrangler X shows that between time stamp 4820 and 40448, the engine RPM is held steady around 800 RPM at idle. During this time, the data shows that the throttle is fixed at 12.9% opening, and the MAP is fixed at 32 kPa. After time stamp 40448, the engine RPM is increased and then held above 1704 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle fixed at 12.9% opening, and the MAP is fixed at 32 kPa.

59. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The throttle readings should not stay fixed at idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not stay fixed at idle values at the elevated engine RPM. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2009 Jeep Wrangler X being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 5 – 2019 Chevrolet Corvette Grand Sport 2LT (Respondent Soto)

60. OIS Test data for Jetts Smog Check indicated that on August 22, 2025, a 2019 Chevrolet Corvette Grand Sport 2LT, CA license N (none), VIN 1G1YY2D73K5100316, was tested and Smog Certificate of Compliance # JF889981C was issued by Jetts Smog Check under Respondent Soto's Smog Check Inspector License No. EO 645184.

61. The Dynamic Data Charts for the 2019 Chevrolet Corvette Grand Sport 2L T shows that between time stamp 4882 and 47868, the engine RPM is held steady around 700 RPM at idle. During this time, the data shows that the throttle is fixed at 15.3% opening, the MAF varies between 9.24 gps and 9.29 gps, and the MAP is fixed at 33 kPa. After time stamp 47868, the engine RPM fluctuates, ultimately increasing and held above 1790 RPM. From the time the

1 engine RPM fluctuates and rises to the higher RPMs, the data shows that the throttle is fixed at
2 15.3% opening, the MAF rises from 16.44 gps to 16.61 gps, and the MAP is fixed at 33 kPa.

3 62. The steady idle and elevated engine RPMs along with the improbable throttle
4 positions and MAP readings are not characteristic or expected for normal engine operation. The
5 throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The
6 throttle readings should not stay fixed at idle values at the elevated engine RPM. The MAP
7 readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP
8 readings should not remain fixed at idle values at the elevated engine RPM. These readings are
9 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
10 Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2019
11 Chevrolet Corvette Grand Sport 2L T being certified, causing the issuance of a fraudulent Smog
12 Certificate of Compliance.

13 **Clean Plug Number 6 – 2015 Nissan 370Z Base (Respondent Peralta)**

14 63. OIS Test data for Jetts Smog Check indicated that on December 10, 2025, a 2015
15 Nissan 370Z Base, CA license 1BROKEZ, VIN JN1AZ4EH4FM441179, was tested and Smog
16 Certificate of Compliance # UY241077C was issued by Jetts Smog Check under Respondent
17 Peralta's Smog Check Inspector License No. EO 643740.

18 64. The Dynamic Data Charts for the 2015 Nissan 370Z Base shows that between time
19 stamp 4922 and 22022, the engine RPM is held steady around 600 RPM at idle. During this time,
20 the data shows that the throttle varies between 3.1% and 3.9% opening, and the MAP is
21 fluctuating between 21 kPa and 30 kPa. After time stamp 22022, the engine RPM is increased and
22 then held steady around 1730 RPM. From the time the engine RPM rises to the higher RPMs, the
23 data shows that the throttle rises from 1.6% to 2.7%, then drops to 0.8% opening, and the MAP is
24 fluctuating between 17 kPa to 28 kPa.

25 65. The steady idle and steady elevated engine RPMs along with the improbable throttle
26 positions and MAP readings are not characteristic or expected for normal engine operation. The
27 throttle readings are expected to be stable at idle and increase with the elevated engine RPM. The
28 throttle readings should not decrease and remain below idle values at the elevated engine RPM.

1 The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM.
2 The MAP readings should not unexpectedly fluctuate at idle and at the elevated engine RPM, and
3 remain at idle values at the elevated engine RPM. These readings are not characteristic or
4 expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data
5 Acquisition Device (DAD) was not connected as required to the 2015 Nissan 370Z Base being
6 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

7 **Clean Plug Number 7 – 2017 Honda Civic SI (Respondent Peralta)**

8 66. OIS Test data for Jetts Smog Check indicated that on December 10, 2025, a 2017
9 Honda Civic SI, CA license YAJXSI, VIN 2HGFC1E56HH705969, was tested and Smog
10 Certificate of Compliance # UY241078C was issued by Jetts Smog Check under Respondent
11 Peralta's Smog Check Inspector License No. EO 643740.

12 67. The Dynamic Data Charts for the 2017 Honda Civic SI shows that between time
13 stamp 6842 and 24478, the engine RPM is held steady around 580 RPM at idle. During this time,
14 the data shows that the throttle is fixed at 14.1% opening, and the MAP is fixed at 19 kPa. After
15 time stamp 24478, the engine RPM is increased and then held steady around 1750 RPM. From
16 the time the engine RPM rises to the higher RPMs, the data shows that the throttle is fixed at
17 14.1% opening, and the MAP is fixed at 19 kPa.

18 68. The steady idle and steady elevated engine RPMs along with the improbable throttle
19 positions and MAP readings are not characteristic or expected for normal engine operation. The
20 throttle position readings are expected to be stable at idle and increase with the elevated engine
21 RPM. The throttle positions should not remain at idle values at the elevated engine RPM. The
22 MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The
23 MAP readings should not remain at idle values at the elevated engine RPM. These readings are
24 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
25 Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2017
26 Honda Civic SI being certified, causing the issuance of a fraudulent Smog Certificate of
27 Compliance.

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Clean Plug Number 8 – 2014 Chevrolet Silverado K1500 LT (Respondent Peralta)

69. OIS Test data for Jetts Smog Check indicated that on December 16, 2025, a 2014 Chevrolet Silverado K1500 LT, CA license 31152T3, VIN 3GCUKREC4EG350916, was tested and Smog Certificate of Compliance # JH652664C was issued by Jetts Smog Check under Respondent Peralta's Smog Check Inspector License No. EO 643740.

70. The Dynamic Data Charts for the 2014 Chevrolet Silverado K1500 LT shows that between time stamp 4743 and 21742, the engine RPM is held steady above 674 RPM at idle. During this time, the data shows that the throttle is fixed at 15.7% opening, the MAF is fixed at 4.58 gps, and the MAP is fixed at 30 kPa. After time stamp 21742, the engine RPM is increased and then held steady above 1753 RPM. From the time the engine RPM rises to the higher RPMs, the data shows that the throttle rises from 14.1% to 15.3%, then drops to 14.5% opening, the MAF varies between 4.53 gps and 4.61 gps, and the MAP unexpectedly rises from 19 kPa to 27 kPa, then drops to 17 kPa.

71. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAF and MAP readings are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not unexpectedly drop and remain below idle values at the elevated engine RPM. The MAF readings should not remain at or near idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not unexpectedly rise at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2014 Chevrolet Silverado K1500 LT being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

72. The Certificates of Compliance for each vehicle fraudulently issued by Jetts Smog Check were purchased through and delivered to the OIS platform at Jetts Smog Check via the Automated Clearing House (ACH) payment method. The certificates were delivered between

1 August 11, 2025, and December 13, 2025, and as such, were under the exclusive control of Jetts
2 Smog Check for issuance by OIS platform CV024111.

3 **RECORDS REQUEST, INTERVIEWS, AND STATION INSPECTION**

4 73. On June 25, 2026, at approximately 1020 hours, Bureau Representative D.M. arrived
5 at Jetts Smog Check. The bay door was open with a pickup truck inside and four men were
6 present. The men stated they did not work there, that no business personnel were present, and left
7 the location. Because Bureau Representative D.M. was unable to reach the owner, the facility was
8 open and unattended, and no personnel was present, he placed the station's DAD equipment into
9 "locked status." Bureau Representative D.M. observed that the DAD, the biometric palm scanner,
10 and the Smog Check Inspectors, were not present. Later that day, Bureau Representative D.M.
11 emailed Jetts Smog Check's owner, Respondent Hernandez, notifying him of the site visit and
12 requesting records corresponding to the eight subject clean plugged vehicles.

13 74. On or around June 29, 2026, Bureau Representative D.M. reviewed additional VID
14 for Jetts Smog Check and found that on June 25, 2026, Smog Check Inspector Marquis Freeman
15 (EO 646026) performed two smog check inspections using Jetts Smog Check's smog check
16 testing equipment. The first smog check inspection was performed at 933 hours for a 2108 Toyota
17 Camry L. A second smog check inspection was performed at 1021 hours, when Bureau
18 Representative D.M. was present at the station, for a 2017 Chevrolet Sonic. The smog check
19 inspection of the 2017 Chevrolet Sonic was ultimately aborted.

20 75. On June 30, 2026, Bureau Representative D.M. met with Freeman at Jetts Smog
21 Check. Freeman claimed that on June 25, 2026, he performed only the smog inspection of the
22 2018 Toyota Camry before leaving for lunch and denied performing the inspection or knowledge
23 of the 2017 Chevrolet Sonic. Freeman stated that he secured the DAD and biometric scanner in
24 the office prior to leaving. He stated that unknown individuals from a neighboring business
25 frequently access the testing bay area for unknown reasons. Freeman affirmed that he is the only
26 person with access to his BAR credentials and biometrics, performs all inspections himself,
27 follows vehicle verification procedures, and has never engaged in fraudulent smog inspection
28 practices.

76. On July 02, 2026, Bureau Representative D.M. met with Respondent Hernandez at Jetts Smog Check and discussed its operations. Respondent Hernandez stated that he was unable to locate the records for the vehicles that were previously requested by the Bureau. Respondent Hernandez stated that Respondent Soto and Respondent Peralta are no longer employed by him and he was unable to contact them. Respondent Hernandez further explained that he is not present at Jetts Smog Check on a regular basis and it has been a month since he has been at the station. He was not aware of any clean plugging activity taking place at the station. He further stated that there should be no one other than his Smog Check Inspector in or at the station and he does not know who the individuals were at the station during Bureau Representative D.M.'s June 25, 2026 visit.

77. At Respondent's Hernandez's request, Bureau Representative D.M. performed an inspection of the Smog Check Station to remove the "locked" status. Jetts Smog Check failed the inspection due to various missing items. Respondent Hernandez acknowledged that in order to unlock Jetts Smog Check's DAD, the station needed to correct its deficiencies and contact Bureau Representative D.M. for another inspection. To date, the Bureau has not received any further contact from Respondent Hernandez.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements – Respondent Hernandez)

78. Respondent Hernandez's Automotive Repair Dealer Registration is subject to disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(1), in that he made statements which were known to be untrue or misleading or, which by exercise of reasonable care, should have been known to be untrue or misleading, by issuing electronic smog certificates of compliance for the vehicles identified above certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 44 through 77, as though fully set forth here.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud – Respondent Hernandez)**

3 79. Respondent Hernandez’s Automotive Repair Dealer Registration is subject to
4 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
5 in that he committed acts that constitute fraud by issuing electronic certificates of compliance to
6 the vehicles identified above without performing bona fide inspections of the emission control
7 devices and systems on those vehicles, thereby depriving the People of the State of California of
8 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
9 this reference incorporates, the allegations contained in paragraphs 44 through 77, above, as
10 though set forth fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act – Respondent Hernandez)**

13 80. Respondent Hernandez’s Automotive Repair Dealer Registration is subject to
14 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
15 in that he failed in a material respect to comply with the provisions of this chapter or regulations
16 adopted pursuant to it when he issued electronic certificates of compliance for the vehicles
17 identified above without performing bona fide inspections of the emission control devices and
18 systems on those vehicles, thereby depriving the People of the State of California of the
19 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
20 reference incorporates, the allegations contained in paragraphs 44 through 77, above, as though
21 set forth fully herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Violations of the Motor Vehicle Inspection Program – Respondent Hernandez)**

24 81. Respondent Hernandez’s Smog Check, Test Only, Station License is subject to
25 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he
26 failed to comply with the following sections of that Code:

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1 f. **Section 3373:** Respondent Hernandez withheld or inserted statements or
2 information in an estimate, invoice, work order, or record required to be maintained by California
3 Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be
4 false or misleading for the vehicles identified above.

5 Complainant refers to, and by this reference incorporates, the allegations contained in
6 paragraphs 44 through 77, above, as though set forth fully herein.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud or Deceit – Respondent Hernandez)**

9 83. Respondent Hernandez's Smog Check, Test Only, Station License is subject to
10 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in
11 conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed
12 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
13 certificates of compliance for the vehicles identified above without performing bona fide
14 inspections of the emission control devices and systems on those vehicles, thereby depriving the
15 People of the State of California of the protection afforded by the Motor Vehicle Inspection
16 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
17 paragraphs 44 through 77, above, as though set forth fully herein.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program – Respondent Soto)**

20 84. Respondent Soto's Smog Check Inspector License is subject to disciplinary action
21 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
22 with the following sections of that code:

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

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

1 c. **Section 44032:** Respondent Soto failed to perform tests of emission control
2 devices and systems of the vehicles identified above in accordance with Health & Safety Code
3 section 44012.

4 d. **Section 44015, subdivision (b):** Respondent Soto caused electronic smog
5 certificates of compliance to be issued for the subject vehicles identified above without ensuring
6 that they were properly tested and inspected to determine if they were in compliance with Health
7 & Safety Code section 44012.

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

11 Complainant refers to, and by this reference incorporates, the allegations contained in
12 paragraphs 44 through 47, 60 through 62, and 72, above, as though set forth fully herein.

13 **EIGHTH CAUSE FOR DISCIPLINE**

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

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

19 a. **Section 3340.24, subdivision (c):** Respondent Soto falsely or fraudulently
20 issued electronic smog certificates of compliance for the vehicles identified above.

21 b. **Section 3340.30, subdivision (a):** Respondent Soto failed to inspect and test
22 the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035,
23 and California Code of Regulations, title 16, section 3340.42.

24 c. **Section 3340.41, subdivision (c):** Respondent Soto knowingly entered false
25 information into the BAR-OIS for the vehicles identified above.

26 d. **Section 3340.42:** Respondent Soto failed to ensure that the smog inspections
27 conducted on the vehicles identified above were done in accordance with the Bureau's
28 specifications.

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 44 through 47, 60 through 62, and 72, above, as though set forth fully herein.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 86. Respondent Soto's Smog Check Inspector License is subject to disciplinary action
6 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
7 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
8 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
9 for the vehicles identified above without performing bona fide inspections of the emission control
10 devices and systems on those vehicles, thereby depriving the People of the State of California of
11 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
12 this reference incorporates, the allegations contained in paragraphs 44 through 47, 60 through 62,
13 and 72, above, as though set forth fully herein.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Violations of the Motor Vehicle Inspection Program – Respondent Peralta)**

16 87. Respondent Peralta's Smog Check Inspector License is subject to disciplinary action
17 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
18 with the following sections of that code:

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

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

25 c. **Section 44032:** Respondent Peralta failed to perform tests of emission control
26 devices and systems of the vehicles identified above in accordance with Health & Safety Code
27 section 44012.

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1 d. **Section 44015, subdivision (b):** Respondent Peralta caused electronic smog
2 certificates of compliance to be issued for the subject vehicles identified above without ensuring
3 that they were properly tested and inspected to determine if they were in compliance with Health
4 & Safety Code section 44012.

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

8 Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 44 through 59, and 63 through 72, above, as though set forth fully herein.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

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

13 88. Respondent Peralta's Smog Check Inspector License is subject to disciplinary action
14 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
15 with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Peralta falsely or fraudulently
17 issued electronic smog certificates of compliance for the vehicles identified above.

18 b. **Section 3340.30, subdivision (a):** Respondent Peralta failed to inspect and test
19 the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035,
20 and California Code of Regulations, title 16, section 3340.42.

21 c. **Section 3340.41, subdivision (c):** Respondent Peralta knowingly entered false
22 information into the BAR-OIS for the vehicles identified above.

23 d. **Section 3340.42:** Respondent Peralta failed to ensure that the smog inspections
24 conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

25 Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 44 through 59, and 63 through 72, above, as though set forth fully herein.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit – Respondent Peralta)**

3 89. Respondent Peralta's Smog Check Inspector License is subject to disciplinary action
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
5 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
6 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
7 for the vehicles identified above without performing bona fide inspections of the emission control
8 devices and systems on those vehicles, thereby depriving the People of the State of California of
9 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
10 this reference incorporates, the allegations contained in paragraphs 44 through 59, and 63 through
11 72, above, as though set forth fully herein.

12 **OTHER MATTERS**

13 90. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
14 Director may suspend, revoke, or place on probation the registration for all places of business
15 operated in this state by Respondent Hernandez, upon a finding that he has, or is, engaged in a
16 course of repeated and willful violations of the laws and regulations pertaining to an automotive
17 repair dealer.

18 91. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
19 Station License No. TC 311813, issued to Respondent Hernandez, is revoked or suspended, any
20 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in
21 the name of said licensee may be likewise revoked or suspended by the director.

22 92. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
23 No. EO 645184, issued to Respondent Soto, is revoked or suspended, any additional license
24 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
25 licensee may be likewise revoked or suspended by the director.

26 93. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
27 No. EO 643740, issued to Respondent Peralta, is revoked or suspended, any additional license
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1 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
2 licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 311813, issued to Christopher Hernandez, doing business as Jetts Smog Check;

9 2. Revoking or suspending any other automotive repair dealer registration issued to
10 Christopher Hernandez;

11 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
12 311813, issued to Christopher Hernandez, doing business as Jetts Smog Check;

13 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
14 Division 26 of the Health & Safety Code in the name of Christopher Hernandez.

15 5. Revoking or suspending Smog Check Inspector License Number EO 645184, issued
16 to Mario Soto;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health & Safety Code in the name of Mario Soto;

19 7. Revoking or suspending Smog Check Inspector License Number EO 643740, issued
20 to Zeferino Peralta, Jr.;

21 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
22 Division 26 of the Health & Safety Code in the name of Zeferino Peralta, Jr.;

23 9. Ordering Christopher Hernandez, Mario Soto, and Zeferino Peralta Jr. to pay the
24 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
25 case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the
26 costs of probation monitoring; and,

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

DATED: _____
As of digital signature date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.09.29 10:08:37
-07'00'

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

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