

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

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

12 In the Matter of the Accusation Against:

Case No. 79/25-8529

13 **CHRISTOPHER STEVEN OCHOA**
14 **DBA OCHOA'S SMOG CHECK**
15 **6177 Santa Monica Blvd**
16 **Los Angeles, CA 90038**

ACCUSATION

17 **Mailing Address:**
18 **13651 Garfield Ave**
19 **South Gate, CA 90280**

20 **Automotive Repair Dealer Registration No.**
21 **ARD 301097**
22 **Smog Check Test Only Station License No.**
23 **TC 301097**

24 **and**

25 **RICARDO DIAZ-ROSAS**
26 **640 W 16th St**
27 **San Bernardino, CA 92405**

28 **Smog Check Inspector License No.**
EO 643923

Respondents.

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1 **PARTIES**

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

4 2. On or about November 16, 2021, the Bureau issued Automotive Repair Dealer
5 Registration Number ARD 301097 to Christopher Steven Ochoa dba Ochoa’s Smog Check
6 (Respondent Ochoa). The Automotive Repair Dealer Registration was in full force and effect at
7 all times relevant to the charges brought herein and was due to expire on November 30, 2025,
8 however was cancelled on May 29, 2025.

9 3. On or about February 22, 2022, the Bureau issued Smog Check Test Only Station
10 License Number TC 301097 to Respondent Ochoa. The Smog Check Test Only Station License
11 was in full force and effect at all times relevant to the charges brought herein and was due to
12 expire on November 30, 2025, however was canceled on May 29, 2025.

13 4. On or about May 5, 2022, the Bureau certified Ochoa’s Smog Check as a STAR
14 Station. The STAR certification was in full force and effect at all times relevant to the charges
15 brought herein and was terminated as of June 4, 2025 due to Respondent Ochoa’s Automotive
16 Repair Dealer Registration and Smog Check Test Only Station License being cancelled on May
17 29, 2025.

18 5. On or about September 22, 2022, the Bureau issued Smog Check Inspector License
19 Number EO 643923 to Ricardo Diaz-Rosas (Respondent Diaz-Rosas). The Smog Check
20 Inspector License was in full force and effect at all times relevant to the charges brought herein
21 and will expire on December 31, 2026, unless renewed.

22 **JURISDICTION**

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

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

1 engaged in a course of repeated and willful violations of this chapter, or regulations
2 adopted pursuant to it.

3

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

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

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

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

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

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

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

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

20 15. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of
21 compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
22 40012.

23 16. Health & Saf. Code section 44032 provides that qualified technicians shall perform
24 tests of emissions control devices and systems in accordance with Health & Saf. Code section
25 40012.

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

27 The director may suspend, revoke, or take other disciplinary action against a
28 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.

. . . .

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

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

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

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

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

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

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

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

14 19. Health & Saf. Code section 44072.8 states that when a license has been revoked or
15 suspended following a hearing under this article, any additional license issued under this chapter
16 in the name of the licensee may be likewise revoked or suspended by the director.

17 **REGULATORY PROVISIONS**

18 20. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c),
19 states:

20 “The bureau may suspend or revoke the license of or pursue other legal action against a
21 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
22 certificate of noncompliance.”

23 21. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
24 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
25 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
26 of this article.”

27 22. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
28 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any

1 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
2 this article and has all the required emission control equipment and devices installed and
3 functioning correctly.”

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

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

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

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

15 **COST RECOVERY**

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

20 **CALIFORNIA’S SMOG CHECK PROGRAM**

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

23 27. A smog check inspection in certain Enhanced areas of the State is an Acceleration
24 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
25 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
26 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
27 The first part of the test is a loaded mode test of the vehicle’s tailpipe emissions on a
28 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.

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

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

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

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

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

25 33. Beginning March 9, 2015, California's Smog Check Program was updated to require
26 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
27 equipment required in all areas of the State when inspecting most model-year 2000 and newer
28 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),

1 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
2 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
3 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
4 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
5 input inspector information, the vehicle identification number (VIN), and Department of Motor
6 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
7 containing inspection results for motorists and a Smog Check Certificate of Compliance number
8 for passing vehicles.

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

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

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

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

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

16 37. The Bureau has become aware of methods that some Smog Check stations and Smog
17 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
18 check test on their own, or in some instances, are not even present during the time the test is
19 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another
20 source such as defeat devices, are used to generate passing data readings or diagnostic
21 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
22 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine
23 operation during a smog check inspection by transmitting OBD II data to the VID which has been
24 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
25 of the OIS inspection.

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FACTUAL ALLEGATIONS

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2 38. On or about May 16, 2025, a Bureau Representative conducted a detailed review of
3 the VID data for Smog Check inspections performed at Ochoa’s Smog Check which showed a
4 pattern of vehicles being certified with engine operating parameters that did not correspond to
5 normal engine operation, confirming the vehicles receiving smog certifications were not tested
6 during the OBD II functional test, which constitutes clean plugging. The Bureau’s review of the
7 smog check activities at Ochoa’s Smog Check confirmed ten (10) Smog Check Certificates of
8 Compliance were fraudulently issued by Chuy Smog Check to vehicles that were inspected by
9 Respondent Diaz-Rosas.

10 **Fraudulent Inspection Number 1 – 2001 Mercedes-Benz S 430**

11 39. OIS Test Data for Ochoa’s Smog Check indicated that on April 24, 2024, a 2001
12 Mercedes-Benz S 430, CA license #6LWT181, VIN #WDBNG70J21A200231 (2002 S430), was
13 tested and Smog Certificate of Compliance #TW145788C was issued by Ochoa’s Smog Check,
14 under Respondent Diaz-Rosas’s Smog Check Inspector License. The OIS Test Data also show
15 that between time stamps 142 and 19691, the engine RPM is steady at around 625 RPM. During
16 this time, the data show that the throttle is fixed at 2.7 % opening, the MAP is fixed at 33 kPa,
17 and the MAF is fixed at 3.55 gps. After time stamp 19691, the data show the engine RPM is
18 increased and then held steady at around 1800 RPM. From the time the engine RPM increases
19 off idle to the higher RPMs, the data show that the throttle continues to stay fixed at the same
20 2.7% opening, the MAP continues to stay fixed at the same 33 kPa, and the MAF continues to
21 stay fixed at the same 3.55 gps. During the entire period the dynamic data was collected, the
22 only parameter that changed was engine RPM. The throttle position, MAP, and MAF readings
23 remained unchanged even though the engine RPM was increased. These readings are not
24 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
25 DAD was not connected to the 2001 S 430 during the certification process as required, thereby
26 confirming this as a fraudulent inspection by way of Clean Plugging.

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1 **Fraudulent Inspection Number 2 – 2002 Chevrolet Silverado C1500**

2 40. OIS Test Data for Ochoa’s Smog Check indicated that on April 26, 2024, a 2002
3 Chevrolet Silverado C1500, CA license #65625R3, VIN #1GCEC14T72Z264337 (2002
4 Silverado C1500), was tested and smog certificate #TW145792C was issued by Ochoa’s Smog
5 Check, under Respondent Diaz-Rosas’s Smog Check Inspector License. The OIS Test Data also
6 show that between time stamps 66 and 21117, the engine RPM is steady at around 700 RPM.
7 During this time, the data show that the throttle is fixed at 0% opening, the MAP is fixed at 35
8 kPa, and the MAF is fixed at 6.46 gps. After time stamp 21117, the data show the engine RPM is
9 increased and then held steady at around 1900 RPM. From the time the engine RPM increases
10 off idle to the higher RPMs, the data show that the throttle continues to stay fixed at the same 0%
11 opening, the MAP continues to stay fixed at the same 35 kPa, and the MAF continues to stay
12 fixed at the same 6.46 gps. During the entire period the dynamic data was collected, the only
13 parameter that changed was engine RPM. The throttle position, MAP, and MAF readings
14 remained unchanged even though the engine RPM was increased. These readings are not
15 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
16 DAD was not connected to the 2002 Silverado C1500 during the certification process as required,
17 thereby confirming this as a fraudulent inspection by way of Clean Plugging.

18 **Fraudulent Inspection Number 3 – 2002 Ford Mustang**

19 41. OIS Test Data for Ochoa’s Smog Check indicated that on April 26, 2024, a 2002 Ford
20 Mustang, CA license #LTN130, VIN #1FAFP44472F141924 (2002 Mustang), was tested and
21 smog certificate #TW145794C was issued by Ochoa’s Smog Check, under Respondent Diaz-
22 Rosas’s Smog Check Inspector License. The OIS Test Data also show that between time stamps
23 67 and 21389, the engine RPM is steady at around 800 RPM. During this time, the data show
24 that the throttle is fixed at 16.9% opening and the MAF is fixed at 5.26 gps. After time stamp
25 21389, the data show the engine RPM is increased and then held steady at around 1950 RPM.
26 From the time the engine RPM increases off idle to the higher RPMs, the data show that the
27 throttle continues to stay fixed at the same 16.9% opening and the MAF continues to stay fixed at
28 the same 5.26 gps. During the entire period the dynamic data was collected, the only parameter

1 that changed was engine RPM. The throttle position and MAF readings remained unchanged
2 even though the engine RPM was increased. These readings are not characteristic or expected for
3 normal engine operation. These discrepancies confirm that the OIS DAD was not connected to
4 the 2002 Mustang during the certification process as required, thereby confirming this as a
5 fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Inspection Number 4 – 2003 Ford Ranger**

7 42. OIS Test Data for Ochoa's Smog Check indicated that on April 26, 2024, a 2003 Ford
8 Ranger, CA license #12814C2, VIN #1FTYR10U13PA14891 (2003 Ranger), was tested and
9 smog certificate #TW145797C was issued by Ochoa's Smog Check, under Respondent Diaz-
10 Rosas's Smog Check Inspector License. The OIS Test Data also show that between time stamps
11 41 and 26247, the engine RPM is steady at around 675 RPM. During this time, the data show
12 that the throttle is fixed at 17.3% opening and the MAF is fixed at 3.87 gps. After time stamp
13 26247, the data show the engine RPM is increased and then held steady at around 1900 RPM.
14 From the time the engine RPM increases off idle to the higher RPMs, the data show that the
15 throttle continues to stay fixed at the same 17.3% opening and the MAF continues to stay fixed at
16 the same 3.87 gps. During the entire period the dynamic data was collected, the only parameter
17 that changed was engine RPM. The throttle position and MAF readings remained unchanged
18 even though the engine RPM was increased. These readings are not characteristic or expected for
19 normal engine operation. These discrepancies confirm that the OIS DAD was not connected to
20 the 2003 Ranger during the certification process as required, thereby confirming this as a
21 fraudulent inspection by way of Clean Plugging.

22 **Fraudulent Inspection Number 5 – 2000 Honda Civic Base**

23 43. OIS Test Data for Ochoa's Smog Check indicated that on July 9, 2024, a 2000 Honda
24 Civic Base, CA license #4KBN601, VIN #2HGEJ6614YH527991 (2000 Civic), was tested and
25 smog certificate #TW627358C was issued by Ochoa's Smog Check, under Respondent Diaz-
26 Rosas's Smog Check Inspector License. The OIS Test Data also show that between time stamps
27 242 and 23971, the engine RPM is steady at around 750 RPM. During this time, the data show
28 the throttle is fixed at 9.8% opening and the MAP is fixed at 29 kPa. After time stamp 23971, the

1 data show the engine RPM is increased and then held steady at around 1600 RPM. From the time
2 the engine RPM increases off idle to the higher RPMs, the data show that the throttle continues to
3 stay fixed at the same 9.8% opening and the MAP continues to stay fixed at the same 29 kPa.
4 During the entire period the dynamic data was collected, the only parameter that changed was
5 engine RPM. The throttle position and MAP readings remained unchanged even though the
6 engine RPM was increased. These readings are not characteristic or expected for normal engine
7 operation. These discrepancies confirm that the OIS DAD was not connected to the 2000 Civic
8 during the certification process as required, thereby confirming this as a fraudulent inspection by
9 way of Clean Plugging.

10 **Fraudulent Inspections Number 6 – 2006 Honda Accord LX**

11 44. OIS Test Data for Ochoa's Smog Check indicated that on July 22, 2024, a 2006
12 Honda Accord LX, CA license #7BJK248, VIN #1HGCM56496A057018 (2006 Accord LX),
13 was tested and smog certificate #TW627389C was issued by Ochoa's Smog Check, under
14 Respondent Diaz-Rosas's Smog Check Inspector License. The OIS Test Data also show that
15 between time stamps 176 and 21979, the engine RPM is steady at around 825 RPM. During this
16 time, the data show that the throttle is fixed at 13.7% opening, the MAP is fixed at 26 kPa, and
17 the MAF is fixed at 2.68 gps. After time stamp 21979, the data show the engine RPM is
18 increased and then held steady at around 1700 RPM. From the time the engine RPM increases
19 off idle to the higher RPMs, the data show that the throttle continues to stay fixed at the same
20 13.7% opening, the MAP continues to stay fixed at the same 26 kPa, and the MAF continues to
21 stay fixed at the same 2.68 gps. During the entire period the dynamic data was collected, the only
22 parameter that changed was engine RPM. The throttle position, MAP, and MAF readings
23 remained unchanged even though the engine RPM was increased. These readings are not
24 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
25 DAD was not connected to the 2006 Accord LX during the certification process as required,
26 thereby confirming this as a fraudulent inspection by way of Clean Plugging.

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1 **Fraudulent Inspection Number 7 – 2001 Dodge Ram 1500**

2 45. OIS Test Data for Ochoa’s Smog Check indicated that on July 31, 2024, a 2001
3 Dodge Ram 1500, VIN #1B7HF16Y31S285738 (2001 Ram 1500), was tested and smog
4 certificate #UA839711C was issued by Ochoa’s Smog Check, under Respondent Diaz-Rosas’s
5 Smog Check Inspector License. The OIS Test Data also show that between time stamps 165 and
6 21177, the engine RPM is steady at around 700 RPM. During this time, the data show that the
7 throttle is fixed at 12.5% opening and the MAP is fixed at 38 kPa. After time stamp 21177, the
8 data show the engine RPM briefly dropped to 0 RPM and was then increased and held above
9 1660 RPM. From the time the engine RPM increases off idle to the higher RPMs, the data show
10 that the throttle continues to stay fixed at the same 12.5% opening and the MAP continues to stay
11 fixed at the same 38 kPa. During the entire period the dynamic data was collected, the only
12 parameter that changed was engine RPM. The throttle position and MAP readings remained
13 unchanged even though the engine RPM was increased. These readings are not characteristic or
14 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
15 connected to the 2001 Ram 1500 during the certification process as required, thereby confirming
16 this as a fraudulent inspection by way of Clean Plugging.

17 **Clean Plug Number 8 – 2002 Chevrolet Express G2500**

18 46. OIS Test Data for Ochoa’s Smog Check indicated that on July 31, 2024, a 2002
19 Chevrolet Express G2500, CA license #7B36065, VIN #1GCGG25R321178348 (2002 Express
20 G2500), was tested and smog certificate #UA839710C was issued by Ochoa’s Smog Check,
21 under Respondent Diaz-Rosas’s Smog Check Inspector License. The OIS Test Data also show
22 that between time stamps 58 and 31161, the engine RPM is steady at around 750 RPM. During
23 this time, the data show that the throttle is fixed at 0% opening, the MAP is fixed at 32 kPa, and
24 the MAF is fixed at 6.58 gps. After time stamp 31161, the data show the engine RPM is
25 increased and then held steady at around 1950 RPM. From the time the engine RPM increases
26 off idle to the higher RPMs, the data show that the throttle continues to stay fixed at the same 0%
27 opening, the MAP continues to stay fixed at the same 32 kPa, and the MAF continues to stay
28 fixed at the same 6.58 gps. During the entire period the dynamic data was collected, the only

1 parameter that changed was engine RPM. The throttle position, MAP, and MAF readings
2 remained unchanged even though the engine RPM was increased. These readings are not
3 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
4 DAD was not connected to the 2002 Express G2500 during the certification process as required,
5 thereby confirming this as a fraudulent inspection by way of Clean Plugging.

6 **Clean Plug Number 9 – 2005 GMC Savana G2500**

7 47. OIS Test Data for Ochoa’s Smog Check indicated that on August 20, 2024, a 2005
8 GMC Savana G2500, CA license #7X24635, VIN #1GTGG29V851153733 (2005 Savana
9 G2500), was tested and smog certificate #UA839746C was issued by Ochoa’s Smog Check,
10 under Respondent Diaz-Rosas’s Smog Check Inspector License. The OIS Test Data also show
11 that between time stamps 63 and 30084, the engine RPM is steady at around 600 RPM. During
12 this time, the data show that the throttle is fixed at 16.9% opening, the MAP is fixed at 32 kPa,
13 and the MAF is fixed at 6.66 gps. After time stamp 30084, the data show the engine RPM is
14 increased and then held steady at around 1600 RPM. From the time the engine RPM increases
15 off idle to the higher RPMs, the data show that the throttle continues to stay fixed at the same
16 16.9% opening, the MAP continues to stay fixed at the same 32 kPa, and the MAF continues to
17 stay fixed at the same 6.66 gps. During the entire period the dynamic data was collected, the only
18 parameter that changed was engine RPM. The throttle position, MAP, and MAF readings
19 remained unchanged even though the engine RPM was increased. These readings are not
20 characteristic or expected for normal engine operation. These discrepancies confirm that the OIS
21 DAD was not connected to the 2005 Savana G2500 during the certification process as required,
22 thereby confirming this as a fraudulent inspection by way of Clean Plugging.

23 **Clean Plug Number 10 – 2000 Ford Crown Victoria Police Interceptor**

24 48. OIS Test Data for Ochoa’s Smog Check indicated that on October 8, 2024, a 2000
25 Ford Crown Victoria Police Interceptor, VIN #2FAFP71W2YX161826 (2000 Crown Victoria),
26 was tested and smog certificate #UE449801C was issued by Ochoa’s Smog Check, under
27 Respondent Diaz-Rosas’s Smog Check Inspector License. The OIS Test Data also show that
28 between time stamps 57 and 31835, the engine RPM is steady at around 675 RPM. During this

1 time, the data show that the throttle is fixed at 17.6% opening and the MAF is fixed at 5.26 gps.
2 After time stamp 31835, the engine RPM is increased and then held steady at around 1550 RPM.
3 From the time the engine RPM increases off idle to the higher RPMs, the data show that the
4 throttle continues to stay fixed at the same 17.6%, and the MAF continues to stay fixed at the
5 same 5.26 gps. During the entire period the dynamic data was collected, the only parameter that
6 changed was engine RPM. The throttle position and MAF readings remained unchanged even
7 though the engine RPM was increased. These readings are not characteristic or expected for
8 normal engine operation. These discrepancies confirm that the OIS DAD was not connected to
9 the 2000 Crown Victoria during the certification process as required, thereby confirming this as a
10 fraudulent inspection by way of Clean Plugging.

11 ***Respondent Ochoa***

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue of Misleading Statements)**

14 49. Respondent Ochoa's Automotive Repair Dealer Registration is subject to disciplinary
15 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he made
16 statements which were known to be untrue or misleading or, which by exercise of reasonable care
17 should have been known to be untrue or misleading, by issuing electronic smog certificates of
18 compliance for the ten (10) vehicles set forth in paragraphs 39-48 above, certifying that those
19 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles
20 had not been so inspected. Complainant refers to, and by this reference incorporates, the
21 allegations contained in paragraphs 38-48, above, as though set forth fully herein.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 50. Respondent Ochoa's Automotive Repair Dealer Registration is subject to disciplinary
25 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he committed acts
26 that constitute fraud by issuing electronic certificates of compliance to the ten (10) vehicles set
27 forth in paragraphs 39-48, above, without performing bone fide inspections of the emission
28 control devices and systems on those vehicles, thereby depriving the People of the State of

1 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
2 refers to, and by this reference incorporates, the allegations contained in paragraphs 38-48, above,
3 as though set forth fully herein.

4 **THIRD CAUSE FOR DISCIPLINE**

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

6 51. Respondent Ochoa's Automotive Repair Dealer Registration is subject to disciplinary
7 action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he failed in a
8 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it
9 when he issued electronic certificates of compliance for the ten (10) vehicles set forth in
10 paragraphs 39-48, above, without performing bona fide inspections of the emission control
11 devices and systems on those vehicles, thereby depriving the People of the State of California of
12 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
13 this reference incorporates, the allegations contained in paragraphs 38-48, above, as though set
14 forth fully herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

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

17 52. Respondent Ochoa's Smog Check Test Only Station License is subject to disciplinary
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to
19 comply with the following sections of that Code:

20 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
21 performed on the ten (10) vehicles identified in paragraphs 39-48, above, in accordance with
22 procedures prescribed by the department.

23 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
24 compliance to the ten (10) vehicles identified in paragraphs 39-48, above, without properly
25 testing and inspecting those vehicles to determine if they were in compliance with Health & Saf.
26 Code section 44012.

27 Complainant refers to, and by this reference incorporates, the allegations contained in
28 paragraphs 38-48, above, as though set forth fully herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 39-
9 48, above.

10 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the ten (10)
11 vehicles identified in paragraphs 39-48, above, in accordance with Health & Saf. Code sections
12 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

13 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
14 compliance for the ten (10) vehicles identified in paragraphs 39-48, above, even though those
15 vehicles had not been inspected in accordance with section 3340.42.

16 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted
17 on the ten (10) vehicles identified in paragraphs 39-48 above, were done in accordance with the
18 Bureau’s specifications.

19 Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 38-48, above, as though set forth fully herein.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 54. Respondent Ochoa’s Smog Check Test Only Station License is subject to disciplinary
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
25 Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent,
26 or deceitful acts whereby another was injured by issuing electronic smog certificates of
27 compliance for the ten (10) vehicles described in paragraphs 39-48, above, without performing
28 bona fide inspections of the emission control devices and systems on those vehicles, thereby

1 depriving the People of the State of California of the protection afforded by the Motor Vehicle
2 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
3 contained in paragraphs 38-48, above, as though set forth fully herein.

4 ***Respondent Diaz-Rosas***

5 **SEVENTH CAUSE FOR DISCIPLINE**

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

7 55. Respondent Diaz-Rosas's Smog Check Inspector License is subject to disciplinary
8 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to
9 comply with the following sections of that code:

10 a. **Section 44032:** Respondent failed to perform tests of emission control devices and
11 systems of the ten (10) vehicles identified in paragraphs 39-48, above, in accordance with Health
12 & Saf. Code section 44012.

13 b. **Section 44015, subdivision (b):** Respondent caused electronic smog certificates of
14 compliance to be issued for the ten (10) vehicles identified in paragraphs 39-48, above, without
15 ensuring that they were properly tested and inspected to determine if they were in compliance
16 with Health & Saf. Code section 44012.

17 Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraphs 38-48, above, as though set forth fully herein.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant**
21 **to the Motor Vehicle Inspection Program)**

22 56. Respondent Diaz-Rosas's Smog Check Inspector License is subject to disciplinary
23 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to
24 comply with provisions of California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
26 electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 39-
27 48, above.

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

DATED: As of Digital Signature Date

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

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