

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

In the Matter of the Accusation Against:

**ANJ SMOG CHECK, MIGUEL ANGEL COLLAZO, OWNER,
Automotive Repair Dealer Registration No. ARD 305009
Smog Check, Test-Only, Station License No. TC 305009**

MIGUEL ANGEL COLLAZO

Smog Check Inspector License No. EO 643973,

Respondents.

Agency Case No. 79/25-6816

OAH No. 2025090285

PROPOSED DECISION

Chrysanthy Kyin, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on June 18, 2026.

Kevin Schettig, Deputy Attorney General, represented complainant Patrick Dorais, Chief of the Bureau of Automotive Repair (BAR or Bureau), Department of Consumer Affairs (Department).

Miguel Angel Collazo (respondent), owner of ANJ Smog Check (respondent shop), represented himself and respondent shop. (Respondent and respondent shop are collectively referred to as respondents.)

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision at the close of the hearing.

SUMMARY

Complainant seeks to discipline the following licenses in connection with the improper issuance of 10 smog certificates of compliance: respondent shop's Automotive Repair Dealer (ARD) license and Smog Check, Test Only station license and respondent's Smog Check Inspector license.

Complainant proved by a preponderance of the evidence that between August 24, 2024, and January 26, 2025, respondent and respondent shop conducted 10 smog check inspections using clean plugging. The denials by respondent, who conducted all 10 unlawful smog check inspections, were not persuasive. Based on the serious nature of respondents' misconduct and the lack of evidence of mitigation or rehabilitation, revocation of respondent shop's ARD registration and Smog Check, Test Only station license, as well as respondent's Smog Check Inspector license, are appropriate to protect the public. Respondent and respondent shop are also ordered to pay costs in connection with the enforcement and investigation of this case.

FACTUAL FINDINGS

Jurisdictional Matters

1. On February 10, 2023, the Bureau issued ARD Registration number 305009 to respondent, doing business as respondent shop. This registration was in effect at all times relevant to the Accusation and was cancelled on May 23, 2025, before its February 28, 2026, expiration date.

2. On April 26, 2023, the Bureau issued Smog Check, Test Only, Station License number TC 305009 to respondent shop. This license was in effect at all times relevant to the Accusation and was cancelled on May 23, 2025, before its February 28, 2026, expiration date.

3. On January 3, 2024, the Bureau issued a STAR certification to respondent shop; however, it was terminated on May 23, 2025, when respondents' licenses were cancelled.

4. On October 17, 2022, the Bureau issued Smog Check Inspector License number EO 643973 to respondent. This license was in effect at all times relevant to the Accusation and expired on April 30, 2026.

5. On July 21, 2025, complainant filed the Accusation against respondent and respondent shop, alleging violations of the Business and Professions Code, the Health and Safety Code, and associated regulations based on respondent and respondent shop's unlawful smog check inspection of 10 vehicles.

6. On July 31, 2025, respondent filed a Notice of Defense on behalf of himself and respondent shop. This hearing followed.

California's Smog Check Program

7. California's smog check program is designed to improve air quality and to protect public health by reducing vehicle emissions. The smog check program requires owners to submit their vehicles to smog inspections and obtain certificates of compliance. A smog check inspection determines whether required emission control devices and systems are installed and functioning properly, and detects and reduces tampering and emission control failures. Licensed smog check technicians at licensed smog check stations conduct these mandated smog check inspections and are the only persons authorized by the Bureau to perform official inspections.

8. A smog-check inspection for model-year 2000 and newer gasoline vehicles is conducted using the Bureau's On-Board Diagnostic Inspection System (OIS), the standardized testing platform required for these inspections. The system consists of a certified Data Acquisition Device (DAD), a computer, a bar code scanner, and a printer. The DAD is a scan tool that retrieves certain emission information from the vehicle when requested by the OIS software. It connects the OIS computer to the vehicle's Diagnostic Link Connector inside the vehicle's passenger compartment, allowing access to the vehicle's on-board computer system. The OIS software requires a continuous internet connection during the smog check inspection to communicate with the Bureau's Vehicle Information Database (VID). The bar code scanner is used to input technician information, the vehicle's identification number, and Department of Motor Vehicles (DMV) renewal data. The printer provides a Vehicle Inspection Report (VIR) for the motorist and a Smog Check Certificate of Compliance for vehicles that pass the smog check inspection.

9. Data retrieved, captured, and recorded during a BAR smog check inspection includes the electronic vehicle identification number; the communication

protocol, which is the specific "language" the vehicle's powertrain control module uses to relay or communicate information; and the number of Parameter Identifications (PIDs), which is the number of specific values related to emissions control data. Examples of PIDs include engine speed, throttle position, manifold absolute pressure, and the engine's mass air flow readings throughout the inspection.

10. During certain inspections, the OIS software instructs the technician to raise the engine speed of the vehicle above idle so that the system may collect dynamic emissions control data (dynamic data). Dynamic data is recorded and transmitted to the VID but is not used to determine whether the vehicle passes or fails. A technician cannot bypass the collection of dynamic data, and data collection must be complete for the inspection to proceed.

11. After the technician completes all required checks, the OIS software displays whether the vehicle passed the inspection. If the vehicle passes the inspection, the technician may issue a Certificate of Compliance. To finalize the inspection, the technician authorizes the certificate and signs the VIR under penalty of perjury, certifying that the inspection was performed on the vehicle presented and in accordance with Smog Check Program requirements.

12. BAR has become aware of methods some smog check stations and smog check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a smog check test on their own, or in some instances, are not even present when the test is performed. One method is "clean plugging," which involves using another vehicle's properly functioning emissions system, or a defeat device/simulator, to generate false passing data and fraudulently issue smog certificates to vehicles that are non-compliant or not actually tested. Defeat devices simulate engine operation during a smog check inspection by transmitting emissions data to the VID that has

been modified or entirely substituted for the data of the vehicle purportedly being inspected.

Respondents' 10 Smog Check Inspections at Issue

13. Respondent performed smog check inspections on 10 vehicles at respondent shop. These inspections were conducted on the following vehicles and dates: a 2007 Chevrolet Express G1500 on August 24, 2024; a 2006 Chevrolet Trailblazer LS on August 29, 2024; a 2003 Dodge Ram on December 7, 2024; a 2003 Chevrolet Suburban C1500 on December 7, 2024; a 2005 GMC New Sierra K1500 on December 12, 2024; a 2001 Ford F150 Super Crew on December 12, 2024; a 2001 GMC Yukon XL C1500 on December 18, 2024; a 2002 Chevrolet Silverado C1500 on January 3, 2025; a 2016 Honda Accord Sport, on January 7, 2025; and a 2013 Honda Civic EX on January 26, 2025. For each of the 10 inspections, the OIS software prompted respondent to collect dynamic emissions data, and he completed that step as part of his inspection.

14. For all 10 inspections, the OIS software reported passing results. Based on those results, respondent authorized the issuance of a Certificate of Compliance and signed each corresponding VIR under penalty of perjury. By signing the reports, respondent certified that he had performed proper inspection and that the certificates issued were valid.

Bureau's Investigation

15. Bureau Automotive Program Specialist (APS) Nicholas Magana testified at the hearing. Mr. Magana has worked for the Bureau for over 18 years and has worked as an APS for 18 months. As an APS, Mr. Magana has been handling the Bureau's most complex investigations and consumer complaint cases. Prior to his APS

role, Mr. Magana was a Bureau Program Representative II where he conducted investigations and reviewed investigative reports for accuracy and content. He is licensed as a Smog Check technician and has investigated approximately 300 smog check cases for the Bureau. Mr. Magana has worked in the automotive repair and service industry since 1982. Before joining the Bureau, he worked as a diagnostic repair technician, smog check inspector, repair technician, and dealership shop foreman.

16. As part of his regular duties, Mr. Magana reviews smog check data sent by stations to the VID. In 2025, he reviewed data from inspections performed at respondent shop. The data showed unusual dynamic data patterns, i.e., engine speed increased while other essential sensor readings fluctuated in a manner inappropriate for normal vehicle operation. As such, he opened a formal investigation.

17. At hearing, Mr. Magana explained that during an OIS smog check inspection, the vehicle is monitored and PID data readings are obtained while the engine is idling and also when the smog check inspector is prompted to increase the engine speed to a certain level and then maintain that speed for a period of time. For the engine speed to increase, the throttle must be opened to increase air flow through the engine. An increase in the throttle position also increases the engine speed as measured in revolutions per minute (RPM) and results in a corresponding increase in the mass air flow rate, as well as changes in manifold absolute pressure.

18. In reviewing the 10 inspections conducted by respondent and respondent's shop. Mr. Magana noted that when the vehicle's engine speed increased, as reflected in the increased RPM, in response to the directions from the OIS software, the vehicle's throttle position increased, decreased, and then increased again, the air flow (mass-air flow sensor) decreased, and the manifold absolute pressure increased. Mr. Magana explained that when the vehicle's engine speed increases, you would

expect the vehicle's throttle position to increase, and not fluctuate, and in turn expect the air flow to increase, not decrease. With increased air flow, the manifold absolute pressure would be expected to decrease, not increase. Mr. Magana's review of the 10 VIRs showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation, confirming the vehicles receiving smog certificates were clean plugged. (Ex. 4, p. A60.) Mr. Magana confirmed respondent fraudulently issued 10 Certificates of Compliance based on clean plugging. (*Ibid.*)

19. The VIRs for each of the 10 inspections in question reflect this pattern: inappropriate fluctuations in each vehicle's throttle position, air flow, and manifold pressure throughout the test, despite an acceleration of engine speed and corresponding increase in RPMs. (Exs. 8, pp. A84-A86; 9, pp. A96-A98; 10, pp. A107-A109; 11, pp. A120-A122; 12, pp. A131-A133; 13, pp. A143-A145; 14, pp. A154-A156; 15, pp. A165-167; 16, pp. A177-A180; 17, pp. A198-A201.)

20. Based on the inconsistent data pattern and his experience, particularly his familiarity with defeat devices, Mr. Magana concluded that respondents did not perform BAR-approved smog check inspections on the 10 vehicles. He opined that respondent engaged in clean plugging to obtain a passing score for each vehicle and that all 10 vehicles were clean plugged using a defeat device that generated data that the DAD would accept but was uncharacteristic and improbable for normal engine operation. Mr. Magana further asserted that such readings are consistent with signals generated by a defeat device rather than signals produced by a real engine. Mr. Magana noted that directly observing clean plugging and recovering a defeat device is rare and the Bureau's most common practice in investigating clean plugging cases is interpreting data from VIRs.

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Prior Bureau Visits

21. Mr. Magana included three prior Station Inspection Reports (SIR) in his investigative report to demonstrate that the Bureau's had repeatedly admonished respondent and respondent shop to follow Bureau regulations in performing proper smog inspections. Respondent received and signed all three SIRs. According to the first SIR, the Bureau performed a field visit on a date not established by the record, which revealed smog inspection deficiencies. The Bureau later performed a follow-up visit on April 25, 2023, whereby the Bureau "passed" respondent shop but cautioned respondents about performing proper inspections by using their own access codes and following the Bureau's rules, including using the Smog Check Manual. (Ex. 5.)

22. According to the second SIR, the Bureau conducted an initial inspection July 19, 2023, because of a change of respondent shop's address. The Bureau "passed" respondent shop but advised respondent shop to maintain the security and integrity of equipment and not to deviate from proper smog testing procedures. (Ex. 6.)

23. According to the third SIR, on October 29, 2024, the Bureau performed a smog check station inspection. On October 30, 2024, the Bureau conducted a follow-up visit whereby the Bureau "passed" respondent shop but cautioned respondent shop about conducting proper smog check inspections in accordance with the Bureau's Smog Check Manual. (Ex. 7.)

24. On April 24, 2025, Mr. Magana conducted a field visit to respondent shop where he found the station door open and a man standing at the BAR97 analyzer. (Ex. 4, p. A67.) Mr. Magana asked for the owner, however, the man responded he did not know and that the shop next door let him in. (*Ibid.*) Mr. Magana prepared a SIR with his request for records by April 29, 2025, and left it by the OIS analyzer. (*Ibid.*) After

leaving respondent shop, Mr. Magana called the station's phone number and spoke with respondent. Mr. Magana told respondent he visited respondent shop and left a request for records. Respondent stated he was not at the station because he was unwell. (*Ibid.*) Mr. Magana emailed respondent the SIR and respondent stated he would let Mr. Magana know when he was feeling better and when he would provide the requested records. (*Ibid.*)

25. After a series of delays caused by respondent, on May 21, 2025, Mr. Magana returned to respondent shop and respondent provided him with nine of the 10 invoices and VIRs previously requested. (Ex. 4, p. A67.) Respondent did not provide the invoice and VIR for the 2007 Chevrolet Express G1500, as requested by the Bureau. (*Ibid.*) Respondent stated he performed all smog checks inspections himself and inspects each vehicle one at a time as they come to his station. (*Ibid.*)

Respondent's Evidence

26. Respondent is 41 years old, married, and has children whom he supports.

27. During the period in question between August 2024 and 2025, respondent admitted he performed all smog checks at respondent shop. In response to the Bureau's charges, respondent asserted that electronic systems, such as those used in smog check inspections, are subject to errors and may contain occasional anomalies and inconsistencies. However, he did not explain how these anomalies or inconsistencies occurred. Respondent did not dispute that electronic data was collected from respondent shop, however, he questioned the reliability of the conclusions drawn by the Bureau from the data. He pointed out that the Bureau did not directly observe or digitally record the alleged clean plugging or recover any

defeat device from respondent shop in connection with its investigation. Respondent denied clean plugging the 10 vehicles.

28. Respondent admitted he failed to supply the Bureau with the invoice and VIR for the 2007 Chevrolet Express G1500, as requested by the Bureau. Respondent explained that those records were lost in his home during the Eaton Fire in January 2025.

29. Respondent described both the personal and financial challenges he experienced during the relevant period and provided context regarding the circumstances of his life at that time. In October 2024, respondent was involved in a motor vehicle accident that resulted in injuries and required ongoing medical treatment. In January 2025, respondent lost his property in the Eaton fire resulting in financial loss and disruption of daily life, including his ability to operate respondent shop. These challenges contributed to respondent's decision to voluntarily close respondent shop and to leave the smog check industry. On May 23, 2025, respondent contacted the Bureau to cancel respondent shop's ARD registration and Smog Check, Test Only, Station License.

Analysis

30. Mr. Magana's testimony is credible and entitled to substantial weight. He has over 18 years of experience with the Bureau, including over 16 years of experience investigating smog-check violations. He therefore has extensive familiarity with OIS data patterns and the operation of defeat devices. He also explained, in clear and straightforward mechanical terms, how an engine and its sensors normally respond when engine speed increases and explained that the data drawn from the ten vehicles

were inconsistent with normal vehicle operation. Mr. Magana's testimony was technically supported, internally consistent, and unrebutted.

31. Respondent denied engaging in clean plugging. However, the evidence supporting that denial was not persuasive. Respondent admitted performing the smog inspection on all 10 vehicles. In response to the Bureau's evidence, respondent asserted that the interpretation of the data was unreliable but did not provide a technical or factual basis for his assertion. He further asserted that Bureau investigators did not directly observe the alleged clean plugging or recover a defeat device during their investigation. However, Mr. Magana credibly testified that direct physical observation of a vehicle during a smog inspection is not required to determine whether clean plugging has occurred. He explained that the Bureau's analysis and interpretation of the data are sufficient to identify instances of clean plugging, and it is the most common Bureau practice in these cases. Respondent did not present evidence that refuted Mr. Magana's interpretation of the data.

32. The data from all 10 inspections reports show the same pattern of data. While the RPM increased, the throttle position, mass air flow, manifold pressure fluctuated and reacted contrary to what is expected for a gasoline-burning engine. The uncharacteristic data pattern combined with Mr. Magana's credible testimony, supports the conclusion that a defeat device was used during each of the 10 smog check inspections performed by respondent. By relying on simulator-generated values to complete the smog check inspection and issue Certificates of Compliance, respondent and respondent shop engaged in clean plugging.

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Prosecution and Investigative Costs

33. The Bureau seeks reimbursement of \$14,174.25 in enforcement costs and \$4,285.71 in investigation costs. Of the enforcement costs, the Department of Justice billed \$13,908 for attorney time and \$266.25 for paralegal time. The investigation costs total \$4,285.71, incurred by Mr. Magana. The total amount of costs requested is \$18,459.96.

34. Respondent supports himself and his family. Since closing respondent shop, respondent stated he periodically works in landscaping and no longer has a steady source of income. Respondent stated that he has not worked in the automotive field since cancelling respondent shop's ARD registration and Smog Check license and has no plans to engage in the field in the future. Currently, respondent is undergoing medical treatment and living with family members while navigating the rebuilding of his home.

LEGAL CONCLUSIONS

1. The Bureau administers and enforces California's Smog Check Program on behalf of the Department. (Health & Saf. Code, §§ 44000–44002.) The Bureau is responsible for licensing automotive repair dealers, smog-check stations, and smog-check inspectors (Bus. & Prof. Code, § 9884 et seq.; Health & Saf. Code, § 44030 et seq.), and for ensuring that vehicles are inspected in accordance with statutory and regulatory testing procedures. (Health & Saf. Code, §§ 44012, 44015; Cal. Code Regs., tit. 16 (CCR), §§ 3340.30–3340.42.)

2. The Bureau's mandate includes protecting the public by preventing the improper certification of vehicles that do not meet emissions requirements and by

disciplining registrants and licensees who violate the Automotive Repair Act or the Motor Vehicle Inspection Program. (Bus. & Prof. Code, § 9880.3; Health & Saf. Code, § 44072.2.)

Burden of Proof and Evidence

3. Complainant bears the burden of proving the allegations by a preponderance of the evidence. (*Imports Performance v. Dept. of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916–917.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Applicable Law

4. If an ARD cannot show a bona fide error, the Bureau may suspend, revoke, or place on probation its registration if the dealer or one of its employees or technicians commits any of the following acts or omissions: (1) making any written or oral statement which it knew or should have known was untrue or misleading, (2) any conduct constituting fraud, or (3) failure in any material respect to comply with the provisions of the Automotive Repair Act or the regulations adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subds. (a)(1), (a)(4), (a)(6).) Fraud includes a misrepresentation in any manner of a material fact, whether intentionally false or due to gross negligence. (Bus. & Prof. Code, § 9884.7, subd. (e)(2).)

5. Each ARD shall maintain any records that are required by regulations. Those records shall be open for reasonable inspection and maintained for at least three years. (Bus. & Prof. Code, § 9884.11.)

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6. The Bureau may suspend, revoke, or take other disciplinary action against a Smog Check, Test Only Station license or a Smog Check Inspector license if the licensee violates any law under the Motor Vehicle Inspection Program or the regulations adopted pursuant to it. (Health & Saf. Code, § 44072.2, subds. (a), (c).)

7. The Bureau may suspend, revoke, or take other disciplinary action against a Smog Check Inspector if the licensee commits any act involving dishonesty, fraud, or deceit whereby another is injured. (Health & Saf. Code, § 44072.2, subd. (d).)

8. The Bureau must revoke the license of any Smog Check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. (Health & Saf. Code, § 44072.10, subd. (c).)

9. The expiration of a valid registration shall not deprive the Director of the Department of Consumer Affairs (Director) of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating, by suspending or revoking, a registration. (Bus. & Prof. Code, § 9884.13.) Relatedly, the expiration or suspension of a license, by operation of law, 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. (Health & Saf. Code, § 44072.6.)

Discipline Against ANJ Smog Check's ARD Registration

FIRST CAUSE FOR DISCIPLINE (UNTRUE OR MISLEADING STATEMENTS)

10. Complainant seeks to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), for

making or authorizing statements it knew or should have known were untrue or misleading.

11. Respondent shop's ARD registration is subject to discipline under Business and Professions Code section 9884.7, subdivision (a)(1), because respondent shop made statements which it knew, or in the exercise of reasonable care, should have known were untrue or misleading. Between August 24, 2024, and January 26, 2025, respondent shop, through its owner and only smog check technician, respondent, issued smog certificates of compliance for 10 vehicles that were not tested or inspected in compliance with applicable laws and regulations. Cause therefore exists to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(1).

SECOND CAUSE FOR DISCIPLINE (FRAUD)

12. Complainant seeks to discipline Respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), for acts constituting fraud.

13. Respondent shop ARD registration is subject to discipline under Business and Professions Code section 9884.7, subdivision (a)(4). Between August 24, 2024, and January 26 2025, respondent shop, through its owner and only smog check technician, respondent, committed fraud by issuing smog certificates of compliance for 10 vehicles without performing bona fide inspections of the vehicles' emission control devices and systems, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Cause therefore exists to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(4).

THIRD CAUSE FOR DISCIPLINE (RECORDKEEPING REQUIREMENTS)

14. Complainant seeks to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.11, and California Code of Regulations, title 16 (Reg. or Regulations), section 3340.15, subdivisions (e)(2) and (e)(3), and section 3358, subdivisions (a) and (d), for failing to maintain and provide records, as requested by the Bureau.

15. Respondent shop's ARD registration is subject to discipline under Business and Professions Code section 9884.11, in conjunction with Regulations, section 3340.15, subdivisions (e)(2) and (e)(3), and section 3358, subdivisions (a) and (d). Respondent shop, through its owner, respondent, failed to maintain and provide the invoice and VIR related to the 2007 Chevrolet Express G1500, as requested by the Bureau. Respondent admitted these records were lost in his home because of the Eaton Fire. Cause therefore exists to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.11, and Regulations, section 3340.15, subdivisions (e)(2) and (e)(3), and section 3358, subdivisions (a) and (d).

FOURTH CAUSE FOR DISCIPLINE (MATERIAL VIOLATION OF AUTOMOTIVE REPAIR ACT)

16. Complainant seeks to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), for committing material violations of the Automotive Repair Act.

17. Respondent shop's ARD registration is subject to discipline under Business and Professions Code section 9884.7, subdivision (a)(6). Between August 24, 2024, and January 26, 2025, respondent shop, through its owner, respondent, materially violated the Automotive Repair Act by issuing electronic smog certificates of

compliance for 10 vehicles without performing bona fide inspections of the vehicles' emission control devices and systems, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Cause therefore exists to discipline respondent shop's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(6).

Discipline Against Respondent Shop's Smog Check, Test Only, Station License

FIFTH CAUSE FOR DISCIPLINE (VIOLATIONS OF MOTOR VEHICLE INSPECTION PROGRAM)

18. Complainant seeks to discipline respondent shop's Smog Check, Test Only, Station License, pursuant to Health and Safety Code section 44072.2, subdivision (a), for violating certain provisions of the Motor Vehicle Inspection Program.

19. Respondent shop's Smog Check, Test Only, Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), for the following statutory violations: (a) section 44012, by failing to ensure that the emission control tests were performed on 10 vehicles in accordance with procedures prescribed by the Department; (b) section 44015, subdivision (b), by issuing electronic smog certificates of compliance for 10 vehicles without ensuring that the vehicles were properly tested and inspected to determine if they complied with Health and Safety Code section 44012; and (c) section 44059, by willfully making false entries for the electronic smog certificates of compliance for 10 vehicles by certifying that the vehicles had been inspected as required when they were not. Cause therefore exists to discipline respondent shop's Smog Check, Test Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (a).

**SIXTH CAUSE FOR DISCIPLINE (FAILURE TO COMPLY WITH REGULATIONS
PURSUANT TO THE MOTOR VEHICLE INSPECTION PROGRAM)**

20. Complainant seeks to discipline respondent shop's Smog Check, Test Only, Station License, pursuant to Health and Safety Code section 44072.2, subdivision (c), for violating certain regulations of the Motor Vehicle Inspection Program.

21. Respondent shop's Smog Check, Test Only, Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), based on the following regulatory violations: (a) Regulations, section 3340.24, subdivision (c), by falsely or fraudulently issued electronic smog certificates of compliance for 10 vehicles; (b) Regulations, section 3340.35, subdivision (c), by issuing electronic smog certificates of compliance for 10 vehicles even though the vehicles had not been inspected in accordance with Regulation section 3340.42; (c) Regulations, section 3340.41, subdivision (c), by knowingly entering false information into the emissions inspection system for 10 vehicles; (d) Regulations, section 3340.42, by failing to ensure that the required smog tests were conducted on 10 vehicles in accordance with the Bureau's specification; (e) Regulations, section 3373, by withholding an estimate, invoice, work order, or record required to be maintained by Regulations, section 3340.15, subdivision (e), which caused the document to be false or misleading for the vehicle. Cause therefore exists to discipline respondent shop's Smog Check, Test Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (c).

SEVENTH CAUSE FOR DISCIPLINE (DISHONESTY, FRAUD, AND/OR DECEIT):

22. Complainant seeks to discipline respondent shop's Smog Check, Test Only, Station License, pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), because respondent shop committed

dishonest, fraudulent, or deceitful acts in connection with issuing fraudulent smog certificates of compliance.

23. Respondent shop's Smog Check, Test Only, Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction 44072.10, subdivision (c), because respondent shop clean plugged 10 vehicles and therefore committed dishonest, fraudulent, or deceitful acts by issuing electronic smog certificates of compliance for the ten vehicles without performing bona fide inspections of the vehicles' emission control devices and systems. Respondent shop's actions deprived the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Cause therefore exists to discipline respondent shop's Smog Check, Test Only, Station License pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c).

Discipline Against Respondent's Smog Check Inspector License

EIGHTH CAUSE FOR DISCIPLINE (VIOLATIONS OF MOTOR VEHICLE INSPECTION PROGRAM)

24. Complainant seeks to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code section 44072.2, subdivision (a), for violating certain provisions of the Motor Vehicle Inspection Program.

25. Respondent Smog Check Inspector license is subject to discipline under Health and Safety Code section 44072.2, subdivision (a), because respondent, in performing smog inspection of 10 vehicles, violated the following Health and Safety Code sections: (a) section 44012, subdivision (a), by failing to determine that all emission control devices and systems required by law were installed and functioning

correctly on the 10 vehicles in accordance with Bureau procedures; (b) section 44012, subdivision (f), by failing to perform emission control tests on the 10 vehicles in accordance with Bureau procedures; (c) section 44032, by failing to perform tests of the emission control devices and systems on the 10 vehicles in accordance with Health and Safety Code section 44012; and (d) section 44059, by willfully making false entries for electronic smog certificates of compliance by certifying that the 10 vehicles had been inspected as required when, in fact they had not. Cause therefore exists to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code sections 44072.2, subdivision (a).

**NINTH CAUSE FOR DISCIPLINE (FAILURE TO COMPLY WITH REGULATIONS
PURSUANT TO THE MOTOR VEHICLE INSPECTION PROGRAM)**

26. Complainant seeks to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code section 44072.2, subdivision (c), for failing to comply with regulations pursuant to the Motor Vehicle Inspection Program.

27. Respondent's Smog Check Inspector license is subject to discipline under Health and Safety Code section 44072.2, subdivision (c), based on the following regulatory violations: (a) Regulations, section 3340.24, subdivision (c), by issuing false or fraudulent electronic smog certificates of compliance for 10 vehicles; (b) Regulations, section 3340.30, subdivision (a), by failing to inspect and test the ten vehicles in accordance with Health and Safety Code sections 44012 and 44035 and Regulations, section 3340.42; (c) Regulations, section 3340.41, subdivision (c), by knowingly entering false information into the emissions inspection system for 10 vehicles; and (d) Regulations, section 3340.42, by failing to ensure that the required smog tests were conducted on 10 vehicles in accordance with the Bureau's

specification. Cause therefore exists to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code sections 44072.2, subdivision (c).

TENTH CAUSE FOR DISCIPLINE (DISHONESTY, FRAUD, OR DECEIT)

28. Complainant seeks to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), because respondent committed dishonest, fraudulent, or deceitful acts in connection with issuing fraudulent smog certificates of compliance.

29. Respondent's Smog Check Inspector license is subject to discipline under Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c). Respondent clean plugged 10 vehicles, and by doing so, committed acts involving dishonesty, fraud, or deceit by issuing electronic smog certificates of compliance for the 10 vehicles without performing bona fide inspections of the vehicles' emission control devices and systems. Respondent's conduct deprived the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Cause therefore exists to discipline respondent's Smog Check Inspector license pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c).

Level of Discipline

30. The Bureau's Guidelines for Disciplinary Orders and Terms of Probation, revised June 2021 (Guidelines) recommend the level of discipline for violations of the Business and Professions Code and Health and Safety Code, including Business and Professions Code section 9884.7, subdivisions (a)(1), (a)(4), and (a)(6); Business and Professions Code section 9989.3, subdivision (b); Business and Professions Code section 9884.11; and Health and Safety Code section 44072.2, subdivisions (a), (c), and

(d). The recommended minimum discipline for violations of these statutes is two, three, or five years of probation. The recommended maximum penalty for the violations is revocation. For violations of Health and Safety Code section 44072.10, subdivision (c), revocation is required by statute.

31. The Guidelines set forth aggravating factors to consider in determining the level of discipline imposed on licensees. The aggravating factors pertinent here are prior warnings from BAR and evidence that the unlawful act was a pattern of practice. (Guidelines, pp. 1-2.) Here, respondent acknowledged his receipt of three prior SIRs, all of which admonished respondent shop to follow Bureau regulations in performing smog inspections. Despite these warnings, respondent and respondent shop committed 10 acts of clean plugging between August 24, 2024, and January 26, 2025, constituting a pattern of practice. Respondent's refusal to acknowledge wrongdoing heightens the severity of his misconduct.

32. The Guidelines also set forth mitigating factors to consider in determining the level of discipline imposed on licensees. Mitigating factors include the absence of prior disciplinary action, which applies to both respondent and respondent shop in this case. The other listed mitigating factors are inapplicable.

33. Considering the Guidelines, revocation of respondent shop's ARD registration is warranted. The evidence demonstrated that respondent shop engaged in a consistent pattern of unlawful practices for a period of five months. Although respondent experienced significant personal challenges, those circumstances do not excuse or justify engaging in unlawful conduct, especially given that the Bureau had admonished him on three prior occasions regarding his obligations in performing proper smog inspections. Under these circumstances, revocation of respondent shop's ARD registration is appropriate to protect the public.

34. Health and Safety Code section 44072.10, subdivision (c), requires the Bureau to revoke respondent shop's Smog Check, Test Only, Station license and respondent's Smog Check Inspector license. Because revocation is mandated by statute, the mitigation factors identified above are not pertinent to respondent shop's Smog Check, Test Only, Station license. Regarding respondent's Smog Check Inspector license, the evidence demonstrated that respondent clean plugged 10 vehicles for a period of five months; he did not offer any credible explanation for the unusual results of his inspections or evidence of rehabilitation. Accordingly, revocation of respondent's Smog Check Inspector license is warranted, considering the seriousness of his violations and to ensure public safety.

Other Matters

35. The Bureau may suspend, revoke, or place on probation the registration for all places of business operated in California by an ARD upon a finding that the ARD has, or is, engaged in a course of repeated and willful violations of the Automotive Repair Act and its accompanying regulations. (Bus. & Prof. Code, § 9884.7, subd. (c).) Complainant proved respondent, doing business as respondent shop, engaged in a course of repeated and willful violations of the Automotive Repair Act and its accompanying regulations because respondent clean plugged 10 vehicles. Cause therefore exists to discipline the registration for all places of business operated in California by respondent pursuant to Business and Professions Code section 9884.7, subdivision (c).

36. Health and Safety Code section 44072.8 allows the Bureau, when revoking or suspending a license issued under the Smog Check statutes, to likewise revoke or suspend any additional Smog Check license held by the same respondent. Accordingly, any other licenses issued to respondents under the Smog Check statutes

may be revoked or disciplined because of the revocation of licenses that are the subject of this proceeding.

Costs

37. Complainant is entitled to recover the reasonable costs of prosecution and investigation of this matter. (Bus. & Prof. Code, § 125.3.) *In Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*), the Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought. These factors include: 1) the licentiate's success in getting the charges dismissed or the severity of the discipline imposed reduced; 2) the licentiate's subjective good faith belief in the merits of his or her position; 3) whether the licentiate raised a colorable challenge to the proposed discipline; 4) the licentiate's financial ability to pay; and 5) whether the scope of the investigation was appropriate in light of the alleged misconduct. (*Zuckerman, supra*, 29 Cal.4th at p. 45.)

38. Complainant seeks \$14,174.25 in enforcement costs and \$4,285.71 in investigation costs, for a total of \$18,459.96 against respondent and respondent shop. The costs are not reasonable under the *Zuckerman* factors. Respondent and respondent shop were unsuccessful in getting charges dismissed and did not present evidence of a good faith belief in the merits of his position. The Bureau's investigation was reasonable considering the alleged misconduct.

39. However, respondent presented evidence of his inability to pay the requested costs. Considering respondent's voluntary closure of respondent shop and unsteady income combined with his personal financial difficulties as well as the severity of the order below, it is appropriate to reduce the requested costs and find

respondent as the owner of respondent shop separately liable for \$4,000 and respondent liable for \$1,000.

ORDER

1. Automotive Repair Dealer Registration Number ARD 305009 issued to respondent ANJ Smog Check, Miguel Angel Collazo, Owner, is revoked.

2. Smog Check, Test Only Station License Number TC 305009 issued to respondent ANJ Smog Check, Miguel Angel Collazo, Owner, is revoked.

3. Smog Check Inspector License Number EO 643973 issued to respondent Miguel Angel Collazo is revoked.

4. Any additional license used under Chapter 5 of Part 5 of the Health and Safety Code issued to respondent ANJ Smog Check, Miguel Angel Collazo, owner, or respondent Miguel Angel Collazo is revoked.

As a condition precedent to reinstatement of the license or issuance of any new license, respondent shop, ANJ Smog Check, and respondent, Miguel Angel Collazo, shall reimburse the Bureau for its costs of prosecution and investigation in the amounts of \$4,000 and \$1,000, respectively. Said amount shall be paid in full prior to the reinstatement of their license or issuance of any new license unless otherwise ordered by the Bureau.

DATE: 07/17/2026

Signed Copy on File

CHRYSANTHY KYIN

Administrative Law Judge

Office of Administrative Hearings