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

12
13 In the Matter of the Accusation Against:

Case No. 79/26-9182

14 **CRESCENCIO RAMIREZ, dba DANNYS**
15 **SMOG CHECK**

22029 S. Figueroa, #D
Carson, CA 90745

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
17 **ARD 240045**

18 **Smog Check, Test Only, Station License No.**
19 **TC 240045**

20 **CRESCENCIO RAMIREZ**

1514 E. 99th Street
Los Angeles, CA 90002

21 **Smog Check Inspector No. EO 140130**
22 **Smog Check Repair Technician El 140130**

23 **DANIEL A. ARIAS**

2019 E. San Vincente
Compton, CA 90221

25 **Smog Check Inspector No. EO 644376**
26
27
28

1 **DAVID ANIBEL PAREDES**

2 1204 Dunwich Ave.
3 Torrance, CA 90502

4 *Mailing Address:*

5 4028 W. 137th St. #E
6 Hawthorne, CA 90250

7 **Smog Check Inspector No. EO 632367**

8 **and**

9 **ABRAHAM RAMIREZ**

10 807 E. 95th St.
11 Los Angeles, CA 90002

12 **Smog Check Inspector No. EO 645028**

13 Respondents.

14 **PARTIES**

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

17 2. On or about January 1, 2005, the Bureau of Automotive Repair issued Automotive
18 Repair Dealer Registration Number ARD 240045 to Crescencio Ramirez, dba Danny's Smog
19 Check. The Automotive Repair Dealer Registration was in full force and effect at all times
20 relevant to the charges brought herein and will expire on June 30, 2027, unless renewed.

21 3. On or about February 9, 2008, the Bureau of Automotive Repair issued Smog Check,
22 Test-Only, Station License Number TC 240045 to Crescencio Ramirez, dba Danny's Smog
23 Check. The Smog Check, Test-Only, Station License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on June 30, 2027, unless renewed.

25 4. On or about April 28, 2020, Respondent Crescencio Ramirez's facility was certified
26 by the Bureau of Automotive Repair as a STAR station. The STAR Station Certification
27 suspended on February 19, 2026, and has not been reinstated.

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5. On or about December 20, 2012, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 140130 to Crescencio Ramirez. The Smog Check Inspector License expired on January 31, 2025, and has not been renewed.

6. On or about December 20, 2012, the Bureau of Automotive Repair issued Smog Check Repair Technician EI 140130 to Crescencio Ramirez. The Smog Check Inspector License expired on January 31, 2017, and has not been renewed.

7. On or about June 6, 2023, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 644376 to Daniel A. Arias (Respondent Arias). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2027, unless renewed.

8. On or about June 26, 2014, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 632367 to David Anibel Paredes (Respondent Paredes). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein, expired on June 30, 2026, and has not been renewed.

9. On or about June 4, 2024, the Bureau of Automotive Repair issued Smog Check inspector License Number EO 645028 to Abraham Ramirez. The Smog Check inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

JURISDICTION

10. Business and Professions Code (“BPC”) 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 (“HSC”) 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. Section 44072.6 of the HSC 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 disciplinary action.

STATUTORY PROVISIONS

13. Section 9884.7 of the BPC states, in pertinent part:

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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 which constitutes fraud.

....

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

....

14. Section 9889.3 of the BPC 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:

...

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

15. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

16. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance shall be issued if a vehicle meets the requirements of HSC section 40012.

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1 17. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform
2 tests or repairs of emission control devices or systems of motor vehicles required by the Motor
3 Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified
4 smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e.
5 Motor Vehicle Inspection Program Requirements).

6 18. Section 44059 of the HSC provides:

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

11 19. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

21 20. Section 44072.8 of the HSC states that when a license has been revoked or suspended
22 following a hearing under this article, any additional license issued under this chapter in the name
23 of the licensee may be likewise revoked or suspended by the director.

24 21. Section 44072.10, subdivision (c), of the HSC provides in pertinent part that “[t]he
25 department shall revoke the license of any smog check technician or station licensee who fraudulently
26 certifies vehicles or participates in the fraudulent inspection of vehicles.”

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1 **REGULATORY PROVISIONS**

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

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

7 23. California Code of Regulations (“CCR”), title 16, section 3340.30, subdivision (a),
8 states in pertinent part:

9 “A licensed smog check inspector and/or repair technician shall comply with the following
10 requirements at all times while licensed:

11 “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
12 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
13 article.

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

20 25. CCR, title 16, section 3340.41, subdivision (b), provides: “No person shall enter into
21 the emissions inspection system any access or qualification number other than as authorized by
22 the bureau, nor in any way tamper with the emissions inspection system.”

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

25 **COST RECOVERY**

26 27. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board
27 “may request the administrative law judge to direct a licensee found to have committed

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violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.”

SUMMARY OF ON-BOARD DIAGNOSTIC SYSTEM (OIS) INSPECTIONS

28. Beginning March 9, 2015, California’s Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). OIS is the Smog Check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On Board Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved.

29. The DAD connects between the OIS computer and the vehicle’s Diagnostic Link Connector (DLC) located in the vehicle’s passenger compartment, which allows for the retrieval of information from the vehicle’s on-board computer system. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR’s central database through the Internet connection. The bar code scanner is used to input technician information, the vehicle’s identification number (VIN), and DMV renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

30. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is the digitally stored VIN programmed by the manufacturer into the vehicle’s Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle specific language the PCM uses to Relay or communicate information. The communication protocol is programmed into the vehicle’s on-board computer during manufacture and does not change.

31. Other data retrieved and recorded during an OIS smog check includes the number of Parameter Identifications (PIDs), which refers to the number of specific data values that the vehicle’s PCM uses related to emissions controls. The specific data values associated with a

vehicle's PIDs are also retrieved and recorded during an OIS smog check inspection. That data include things such as the vehicle's engine speed, throttle position, manifold absolute pressure, the engine's mass air flow, and ignition timing advance readings throughout an inspection.

Accordingly, the following types of data are recorded during an OIS smog check inspection:

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

EXPLANATION OF CLEAN PIPING AND CLEAN PLUGGING

32. BAR has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test, or in some instances, are not even present during the time that the test is performed. One such method, which is known as "clean piping", involves using the emission sample of a known clean vehicle or other source to substitute for the emissions of a vehicle that will not pass a BAR 97 tailpipe inspection or is not present at the time of the BAR 97 inspection.

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1 33. Another common method of fraudulent inspection, known as “clean plugging”,
2 involves using another vehicle’s properly functioning OBD II system, or another source such as a
3 defeat device/simulator, to generate passing data readings or diagnostic information for the
4 purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance
5 and/or are not present for testing.

6 34. Defeat devices attempt to simulate engine operation during a Smog Check inspection
7 by transmitting OBD II data to the VID that has been modified or replaced entirely for the
8 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
9 defeat device/simulator during a Smog Check inspection constitutes clean plugging and is strictly
10 prohibited. As described in more detail below, BAR is able to utilize the data retrieved and
11 recorded during an OIS smog check to identify inspections in which a defeat device/simulator
12 was used.

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

22 36. Clean plugging is apparent in cases where the data recorded during an OIS smog
23 check shows that the engine speed as measured in RPM increases during the test but the throttle
24 position remains unchanged, the mass air flow rate is unchanged, the manifold absolute pressure
25 is unchanged, and the ignition timing advance readings are unchanged. Because engine speed as
26 measured in RPM cannot increase without changes in throttle position, MAF, MAP and ignition
27 timing advance readings, test data in such cases demonstrates that a defeat device was used to
28 simulate engine speed (RPM) readings for a vehicle that was not actually tested.

RESPONDENTS' FRAUDULENT SMOG INSPECTIONS

37. A Bureau program representative analyzed specific OIS Test Data for inspections performed at Respondent Crescencio Ramirez's station between September 11, 2024 and September 13, 2025. The investigation revealed that the data related to certain vehicles certified at Respondent Crescencio Ramirez's station by Respondents Arias, Paredes and Abraham Ramirez contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and the recognized and scientifically established characteristics of internal combustion engine operation.

38. Specifically, the Bureau program representative identified 11 instances in which the throttle position, MAP and/or MAF¹ readings all remained unchanged when the vehicle's engine RPM was increased off idle to higher RPMs. Such conditions could not have occurred if the DAD had been connected to the vehicles that were purportedly being tested instead of a defeat device that simulated engine RPM.

39. The Bureau program representative also identified 2 additional instances in which the throttle position, MAF and/or MAP readings fluctuated to unfeasible degrees while the vehicles were held at steady idle and steady elevated engine speeds. The data for the inspections at issue also showed that, impossibly, the throttle position and MAF had lower data points during the elevated engine RPM stage of the inspections than at idle and that MAP had higher data points during the elevated engine RPM stage of the inspections than at idle.

40. These documented discrepancies confirm that, in performing the inspections at issue, Respondents engaged in the illegal activity of clean plugging in order to issue fraudulent certificates of compliance for the vehicles. The following chart ("Table 1") illustrates the documented clean plugging activities by Respondents during the period reviewed.

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¹ Not all vehicle manufacturers include both MAP and MAF parameters. As a result, many vehicles will have either MAP or MAF parameters rather than both.

Table 1

Test Date	Vehicle Certified & License No./VIN	Certificate No.	Test Details
September 11, 2024	2003 Chevrolet Tahoe C1500 VIN 1GNEC13VX3R310481	UC698613C	Inspection performed by Respondent Arias. TPS, MAP and MAF fluctuate to unfeasible degrees while engine speed held steady at around 1550 RPM. TPS and MAF had lower data points and MAP had higher data points during elevated engine RPM stage of inspection than at idle.
September 25, 2024	2005 Chevrolet Silverado C1500 VIN 2GCEC13T651356540	UE191523C	Inspection performed by Respondent Paredes. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 725 to 1700.
October 7, 2024	2001 GMC New Sierra C1500 VIN 1GTEC14W71Z170449	JB305936C	Inspection performed by Respondent Paredes. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 775 to 1550.
October 10, 2024	2000 Jeep Grand Cherokee Laredo VIN 1J4GW48S5YC123405	UE528803C	Inspection performed by Respondent Paredes. Throttle position and MAP unchanged when engine RPM was increased from 750 to 1538.
October 11, 2024	2003 Chevrolet Silverado C1500 Heavy Duty VIN 1GCGC13U33F108771	UE528811C	Inspection performed by Respondent Paredes. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 800 to 1550.

October 12, 2024	2002 Ford Escape XLS VIN 1FMYU01132KA29512	UE528816C	Inspection performed by Respondent Paredes. Throttle position and MAF unchanged when engine RPM was increased from 700 to 1530.
November 19, 2024	2001 Ford Excursion XLT VIN 1FMNU40L51EB99607	UG141039C	Inspection performed by Respondent Arias. Throttle position and MAF unchanged when engine RPM was increased from 675 to 1600.
November 23, 2024	2004 GMC Yukon Denali VIN 1GKEK63U24J284575	UG592018C	Inspection performed by Respondent Abraham Ramirez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 725 to 1725.
November 30, 2024	2005 Chevrolet Silverado C1500 VIN 2GCEC13T051195442	UG592047C	Inspection performed by Respondent Abraham Ramirez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 840 to 1901.
December 30, 2024	2000 Chevrolet Silverado C1500 VIN 1GCEC14T7YZ158995	UI269031C	Inspection performed by Respondent Arias. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 775 to 1775.

January 8, 2025	2003 Ford F150 Supercrew VIN 1FTRW07L63KA29257	UI582380C	Inspection performed by Respondent Abraham Ramirez. Throttle position and MAF unchanged when engine RPM was increased from 650 to 1600.
January 8, 2025	2006 Ford Ranger Super Cab VIN 1FTYR14U06PA71680	UI582381C	Inspection performed by Respondent Abraham Ramirez. Throttle position and MAF unchanged when engine RPM was increased from 700 to 1850.
September 13, 2025	2003 Ford F250 Super Duty VIN 1FTNX20LX3EA03454	UU177570C	Inspection performed by Respondent Arias. TPS and MAF fluctuate to unfeasible degrees while engine speed held steady at around 625 RPM and 1490 RPM. TPS and MAF had lower data points and during elevated engine RPM stage of inspection than at idle.

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements – Automotive Repair Dealer Registration)

41. Respondent Crescencio Ramirez has subjected his Automotive Repair Dealer Registration to discipline under BPC section 9884.7, subdivision (a)(1), in that Respondent 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 engaging in clean plugging and issuing the electronic smog certificates of compliance for the vehicles set forth in Table 1, 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 37 through 40, inclusive, as though set forth fully herein.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud - Automotive Repair Dealer Registration)**

3 42. Respondent Crescencio Ramirez has subjected his Automotive Repair Dealer
4 Registration to discipline under BPC section 9884.7, subdivision (a)(4), in that Respondent
5 committed acts which constitute fraud by issuing electronic smog certificates of compliance for
6 the vehicles set forth in Table 1, above, without performing bona fide inspections of the emission
7 control devices and systems on those vehicles, thereby depriving the People of the State of
8 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
9 refers to, and by this reference incorporates, the allegations contained in paragraphs 37 through
10 40, inclusive, as though set forth fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act
- Automotive Repair Dealer Registration)**

13 43. Respondent Crescencio Ramirez has subjected his Automotive Repair Dealer
14 Registration to discipline under BPC section 9884.7, subdivision (a)(6), in that Respondent failed
15 in a “material respect to comply with the provisions of this chapter or regulations adopted
16 pursuant to it” by issuing electronic smog certificates of compliance for the vehicles set forth in
17 Table 1, 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 37 through 40, inclusive, as
21 though set forth fully herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Violation of the Motor Vehicle Inspection Program
- Automotive Repair Dealer Registration)**

24 44. Respondent Crescencio Ramirez has subjected his Smog Check Test Only License to
25 discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set
26 forth in Table 1, above, Respondents violated the following sections of the HSC:
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1 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
2 performed on those vehicles in accordance with procedures prescribed by the department.

3 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
4 compliance without properly testing and inspecting the vehicles set forth in Table 1 to determine
5 if they were in compliance with section 44012 of the HSC.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program**
8 **- Smog Check Station License)**

9 45. Respondent Crescencio Ramirez has subjected his Smog Check Test Only License to
10 discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set
11 forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

12 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
13 electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing
14 bona fide inspections of the emission control devices and systems on those vehicles as required
15 by HSC section 44012.

16 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
17 compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected
18 in accordance with section 3340.42 of the HSC.

19 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
20 inspections on the vehicles set forth in Table 1 in accordance with the Bureau's specifications.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud and/or Deceit - Smog Check Station License)**

23 46. Respondent Crescencio Ramirez has subjected his Smog Check Test Only License to
24 discipline under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision
25 (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts
26 involving dishonesty, fraud, or deceit whereby another was injured by issuing electronic smog
27 certificates of compliance for those vehicles without performing bona fide inspections and
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functional testing of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 37 through 40, inclusive, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

**(Violation of the Motor Vehicle Inspection Program –
Smog Check Inspector License)**

47. Respondent Arias has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of the HSC:

a. **Section 44012:** Respondent failed to ensure that the onboard diagnostic system tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the HSC.

c. **Section 44032:** Respondent failed to perform tests of the onboard diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

d. **Section 44059:** Respondent willfully made false entries for the electronic smog certificates of compliance by certifying that the vehicles set forth in Table 1 had been inspected as required when, in fact, they had not.

EIGHTH CAUSE FOR DISCIPLINE

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program
- Smog Check Inspector License)**

48. Respondent Arias has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing

1 bona fide inspections and functional testing of the emission control devices and systems on those
2 vehicles as required by HSC section 44012.

3 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those
4 vehicles in accordance with HSC section 44012.

5 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
6 compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected
7 in accordance with section 3340.42 of the HSC.

8 d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
9 into the OIS about the vehicles being tested.

10 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
11 inspections on those vehicles in accordance with the Bureau's specifications.

12 **NINTH CAUSE FOR DISCIPLINE**

13 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License)**

14 49. Respondent Arias has subjected his Smog Check Inspector License to discipline
15 under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision (c), in that,
16 with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving
17 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of
18 compliance for those vehicles without performing bona fide inspections and functional testing of
19 the emission control devices and systems on those vehicles, thereby depriving the People of the
20 State of California of the protection afforded by the Motor Vehicle Inspection Program.
21 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
22 37 through 40, inclusive, as though set forth fully herein.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Violation of the Motor Vehicle Inspection Program – 25 Smog Check Inspector License)**

26 50. Respondent Paredes has subjected his Smog Check Inspector License to discipline
27 under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table
28 1, above, Respondent violated the following sections of the HSC:

a. **Section 44012:** Respondent failed to ensure that the onboard diagnostic system tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the HSC.

c. **Section 44032:** Respondent failed to perform tests of the onboard diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

d. **Section 44059:** Respondent willfully made false entries for the electronic smog certificates of compliance by certifying that the vehicles set forth in Table 1 had been inspected as required when, in fact, they had not.

ELEVENTH CAUSE FOR DISCIPLINE

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program
- Smog Check Inspector License)**

51. Respondent Paredes has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing bona fide inspections and functional testing of the emission control devices and systems on those vehicles as required by HSC section 44012.

b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those vehicles in accordance with HSC section 44012.

c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected in accordance with section 3340.42 of the HSC.

d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information into the OIS about the vehicles being tested.

1 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
2 inspections on those vehicles in accordance with the Bureau's specifications.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License)**

5 52. Respondent Paredes has subjected his Smog Check Inspector License to discipline
6 under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision (c), in that,
7 with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving
8 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of
9 compliance for those vehicles without performing bona fide inspections and functional testing of
10 the emission control devices and systems on those vehicles, thereby depriving the People of the
11 State of California of the protection afforded by the Motor Vehicle Inspection Program.
12 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
13 37 through 40, inclusive, as though set forth fully herein.

14 **THIRTEENTH CAUSE FOR DISCIPLINE**

15 **(Violation of the Motor Vehicle Inspection Program –**
16 **Smog Check Inspector License)**

17 53. Respondent Abraham Ramirez has subjected his Smog Check Inspector License to
18 discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set
19 forth in Table 1, above, Respondent violated the following sections of the HSC:

20 a. **Section 44012:** Respondent failed to ensure that the onboard diagnostic system tests
21 were performed on those vehicles in accordance with procedures prescribed by the department.

22 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
23 compliance to the vehicles set forth in Table 1 without properly testing and inspecting the
24 vehicles to determine if they were in compliance with section 44012 of the HSC.

25 c. **Section 44032:** Respondent failed to perform tests of the onboard diagnostic systems
26 on those vehicles in accordance with section 44012 of the HSC.

1 d. **Section 44059:** Respondent willfully made false entries for the electronic smog
2 certificates of compliance by certifying that the vehicles set forth in Table 1 had been inspected as
3 required when, in fact, they had not.

4 **FOURTEENTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program**
6 **- Smog Check Inspector License)**

7 54. Respondent Abraham Ramirez has subjected his Smog Check Inspector License to
8 discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set
9 forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

10 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
11 electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing
12 bona fide inspections and functional testing of the emission control devices and systems on those
13 vehicles as required by HSC section 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those
15 vehicles in accordance with HSC section 44012.

16 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
17 compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected
18 in accordance with section 3340.42 of the HSC.

19 d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
20 into the OIS about the vehicles being tested.

21 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
22 inspections on those vehicles in accordance with the Bureau's specifications.

23 **FIFTEENTH CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License)**

25 55. Respondent Abraham Ramirez has subjected his Smog Check Inspector License to
26 discipline under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision
27 (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts
28 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog

1 certificates of compliance for those vehicles without performing bona fide inspections and
2 functional testing of the emission control devices and systems on those vehicles, thereby
3 depriving the People of the State of California of the protection afforded by the Motor Vehicle
4 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
5 contained in paragraphs 37 through 40, inclusive, as though set forth fully herein.

6 **SIXTEENTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License)**

8 56. Respondent Crescencio Ramirez has subjected his Smog Check Inspector License and
9 Smog Check Repair Technician License to discipline under HSC section 44072.2, subdivision
10 (d), and HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in
11 Table 1, above, Respondent committed acts involving dishonesty, fraud or deceit whereby
12 another was injured by issuing electronic smog certificates of compliance for those vehicles
13 without performing bona fide inspections and functional testing of the emission control devices
14 and systems on those vehicles, thereby depriving the People of the State of California of the
15 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
16 reference incorporates, the allegations contained in paragraphs 37 through 40, inclusive, as
17 though set forth fully herein.

18 **OTHER MATTERS**

19 57. Section 9884.7, subdivision (c), of the BPC states that “the director may suspend,
20 revoke, or place on probation the registration for all places of business operated in this state by an
21 automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a
22 course of repeated and willful violations of this chapter, or regulations adopted pursuant to.”

23 58. Section 44072.8 of the HSC states that when a license has been revoked or suspended
24 following a hearing, any additional license issued under the Motor Vehicle Inspection Program
25 (Health & Saf. Code Sec. 44000, et seq.) in the name of the licensee may be likewise revoked or
26 suspended by the director.

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PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 240045, issued to Crescencio Ramirez, dba Dannys Smog Check;

2. Revoking or suspending any and all additional Automotive Repair Dealer Registrations issued in the name of Crescencio Ramirez, pursuant to section 9884.7, subdivision (c), of the Business and Professions Code;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 240045, issued to Crescencio Ramirez, dba Dannys Smog Check;

4. Revoking or suspending Smog Check Inspector License Number EO 140130, issued to Crescencio Ramirez;

5. Revoking or suspending Smog Check Repair Technician License Number EI 140130, issued to Crescencio Ramirez;

6. Revoking or suspending Smog Check Inspector License Number EO 644376, issued to Daniel A. Arias;

7. Revoking or suspending Smog Check Inspector License Number EO 632367, issued to David Anibel Paredes;

8. Revoking or suspending Smog Check inspector License Number EO 645028, issued to Abraham Ramirez;

9. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Crescencio Ramirez pursuant to section 44072.8 of the Health and Safety Code;

10. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Daniel A. Arias pursuant to section 44072.8 of the Health and Safety Code;

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11. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of David Anibel Paredes pursuant to section 44072.8 of the Health and Safety Code;

12. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Abraham Ramirez pursuant to section 44072.8 of the Health and Safety Code;

13. Ordering Crescencio Ramirez, Daniel A. Arias, David Anibel Paredes and Abraham Ramirez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and

14. 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: 2026.09.10 15:06:53
-07'00'

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

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Accusation.docx