

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6308  
6 Facsimile: (916) 731-2126  
E-mail: MichaelB.Brown@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. 79/25-2831

13 **EDITH LLAMAS PEREZ-OWNER DBA**  
14 **DESERT SMOG CHECK TEST ONLY**  
15 **114 E 21<sup>ST</sup> Street, Unit B**  
16 **Bakersfield, CA 93305**  
**Automotive Repair Dealer Registration No.**  
**ARD 306707**  
**Smog Check, Test Only, Station License No.**  
**TC 306707**

**ACCUSATION**

17 **JORGE LUIS COLLAZO**  
18 **1316 Venice Blvd. # 1**  
19 **Venice, CA 90291**  
20 **Smog Check Inspector License No. EO**  
21 **634808**  
**Smog Check Repair Technician License**  
**Number EI 634808 (formerly Advanced**  
**Emission Specialist Technician License No.**  
**EA 634808)**

22 **and**

23 **JESUS OMAR MARTINEZ**  
24 **16600 Orange Avenue 115**  
25 **Paramount, CA 90723**  
**Smog Check Inspector License No. EO**  
**645367**

26 Respondents.

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1 **PARTIES**

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

4 **Edith Llamas Perez-Owner dba Desert Smog Test Only**

5 **Automotive Repair Dealer Registration**

6 2. On or about August 16, 2023, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 306707 to Edith Llamas Perez-Owner dba Desert Smog Test Only  
8 (“Respondent Desert Smog”). The Automotive Repair Dealer Registration was in full force and  
9 effect at all times relevant to the charges brought herein and expires on August 31, 2026, unless  
10 renewed.

11 **Smog Check, Test Only, Station License**

12 3. On or about April 17, 2024, the Bureau issued Smog Check, Test Only, Station  
13 License Number TC 306707 to Respondent Desert Smog. The Smog Check, Test Only, Station  
14 License was in full force and effect at all times relevant to the charges brought herein and expires  
15 on August 31, 2026, unless renewed.

16 **STAR Station Certification**

17 4. On or about October 11, 2024, the Bureau certified Desert Smog Test Only as a  
18 STAR Station. The certification was suspended on March 19, 2025.

19 **Jorge Luis Collazo**

20 **Smog Check Inspector License/Smog Check Repair Technician License**

21 **(formerly Advanced Emission Specialist Technician License Number EA 634808)**

22 5. On or about September 27, 2012, the Bureau issued Advanced Emission Specialist  
23 Technician License Number EA 634808 to Jorge Luis Collazo (“Respondent Collazo”).  
24 Respondent Collazo’s Advanced Emission Specialist Technician License was due to expire on  
25 March 31, 2014; however, was cancelled on April 8, 2014. Pursuant to California Code of  
26 Regulations, title 16, section 3340.28, subdivision (e)<sup>1</sup>, the license was renewed, pursuant to

27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced

(continued...)

1 Respondent Collazo’s election, as Smog Check Inspector License Number EO 634808 and Smog  
2 Check Repair Technician License Number EI 634808. On or about April 8, 2014, Respondent  
3 Collazo was issued Smog Check Inspector License and was in full force and effect at all times  
4 relevant to the charges brought herein and will expire on March 31, 2027, unless renewed. On or  
5 about April 8, 2014, Respondent Collazo was issued Smog Check Repair Technician License  
6 Number EI 634808 and expired on March 31, 2016, and has not been renewed.

7 **Jesus Omar Martinez**

8 **Smog Check Inspector License**

9 6. On or about December 9, 2024, the Bureau issued Smog Check Inspector License  
10 Number EO 645367 to Jesus Omar Martinez (“Respondent Martinez”). The Smog Check  
11 Inspector License was in full force and effect at all times relevant to the charges brought herein  
12 and will expire on August 31, 2026, unless renewed.

13 **JURISDICTION**

14 7. Business and Professions Code (“Code”) section 9884.7 provides that the Director  
15 may revoke an automotive repair dealer registration.

16 8. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
17 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
18 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
19 temporarily or permanently.

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

23 **STATUTORY PROVISIONS**

24 10. Section 9884.7 of the Code states:

25 (a) The director, if the automotive repair dealer cannot show there was a bona  
26 fide error, may deny, suspend, revoke, or place on probation the registration of an  
27 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

28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 automotive repair dealer or any automotive technician, employee, partner, officer,  
or member of the automotive repair dealer:

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

5 . . . .

6 (4) Any other conduct that constitutes fraud.

7 . . . .

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

9 . . . .

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

13 11. Section 44012 of the Health and Safety Code states:

14 The test at the smog check stations shall be performed in accordance with  
15 procedures prescribed by the department and may require loaded mode dynamometer  
16 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard  
17 diagnostic system, or other appropriate test procedures as determined by the  
18 department in consultation with the state board. The department shall implement  
19 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or  
20 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no  
earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,  
beginning no earlier than January 1, 2025. However, the department, in consultation  
with the state board, may prescribe alternative test procedures that include loaded  
mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic  
systems that the department and the state board determine exhibit operational  
problems. The department shall ensure, as appropriate to the test method, the  
following:

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

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

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

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

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

7 (f) A visual or functional check is made of emission control devices specified  
8 by the department, including the catalytic converter in those instances in which the  
9 department determines it to be necessary to meet the findings of [Section 44001](#). The  
visual or functional check shall be performed in accordance with procedures  
prescribed by the department.

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

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

14 (i) The test procedures may authorize smog check stations to refuse the testing  
15 of a vehicle that would be unsafe to test, or that cannot physically be inspected, as  
16 specified by the department by regulation. The refusal to test a vehicle for those  
reasons shall not excuse or exempt the vehicle from compliance with all applicable  
requirements of this chapter.

17 12. Section 44015 of the Health and Safety Code states:

18 . . . .

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

21 13. Section 44032 of the Health and Safety Code states:

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

26 14. Section 44059 of the Health and Safety Code states:

27 The willful making of any false statement or entry with regard to a material  
28 matter in any oath, affidavit, certificate of compliance or noncompliance, or  
application form which is required by this chapter or Chapter 20.3 (commencing with

1 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury  
and is punishable as provided in the Penal Code.

2 15. Section 44072.2 of the Health and Safety Code states:

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

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

7 . . . .

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

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

11 16. Section 44072.8 of the Health and Safety Code states:

12 When a license has been revoked or suspended following a hearing under this  
13 article, any additional license issued under this chapter in the name of the licensee  
may be likewise revoked or suspended by the director.

14 17. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

15 (c) The department shall revoke the license of any smog check technician or  
16 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  
17 the following:

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

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

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

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

24 **REGULATORY PROVISIONS**

25 18. California Code of Regulations, title 16, section 3340.24, states:

26 . . . .

27 (c) The bureau may suspend or revoke the license of or pursue other legal  
28 action against a licensee, if the licensee falsely or fraudulently issues or obtains a  
certificate of compliance or a certificate of noncompliance.

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19. California Code of Regulations, title 16, section 3340.30, states:

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

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

20. California Code of Regulations, title 16, section 3340.35 states:

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly.

21. California Code of Regulations, title 16, section 3340.41 states:

....

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

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

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

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

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

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

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1 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
2 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
3 the state, except in those areas of the state where the enhanced program has been  
4 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
5 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
6 contained in the bureau's specifications referenced in subsection (a) of Section  
7 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
8 shall be measured and compared to the emission standards set forth in this section and  
9 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
10 measured emissions are less than or equal to the applicable emissions standards  
11 specified in Table III.

12 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
13 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
14 model-year and newer. The OBD test failure criteria are specified in section  
15 3340.42.2.

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

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

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

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

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

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

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

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

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

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

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

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

2 23. California Code of Regulations, title 16, section 3373, states:

3 No automotive repair dealer or individual in charge shall, in filling out an  
4 estimate, invoice, or work order, or record required to be maintained by section  
5 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
6 information which will cause any such document to be false or misleading, or where  
the tendency or effect thereby would be to mislead or deceive customers, prospective  
customers, or the public.

### 7 **COST RECOVERY**

8 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
13 included in a stipulated settlement.

### 14 **FACTUAL ALLEGATIONS**

15 25. During the course of a Bureau Representative's regular duties, the Bureau  
16 Representative accessed the Vehicle Information Database ("VID") and reviewed Smog Check  
17 data transmitted from Respondent Desert Smog from March 1, 2024, through April 30, 2025.  
18 Additionally, the Bureau Representative accessed the VID to produce copies of the BAR OIS  
19 Test Details and Certificate Sales.

20 26. During an OIS inspection, engine operating parameters are retrieved from the  
21 vehicle's On-Board Diagnostics ("OBD II") system and recorded to the VID. This is  
22 accomplished during the functional portion of the OIS Smog Check inspection by plugging the  
23 Data Acquisition Device ("DAD") into the vehicle's Diagnostic Link Connector ("DLC") when  
24 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 25 • Engine speed in revolutions per minute ("RPM").
- 26 • The throttle position is measured by a throttle position sensor ("TPS") mounted onto  
the throttle shaft. It is measured in a percentage of opening from 0% at idle and near  
or up to 100% at full throttle.
- 27 • Manifold absolute pressure as measured by a manifold air pressure sensor ("MAP")  
28 connected to an intake manifold source, measured in kilo pascals ("kpa"). Typical

1 readings for a normally aspirated vehicle undergoing Smog Check inspection are as follows: 25 kPa to 45 kPa at idle, with a subsequent decrease as the RPM is raised.

- 2 • Mass airflow as measured by a mass air flow sensor (“MAF”) mounted in the engine’s air intake tract and measured in grams per second (“grams/sec”).

3 27. During normal engine operation at idle, the engine speed is relatively steady around  
4 its target idle speed. With the engine idling, the TPS is constant and at or near 0%. The MAP  
5 and/or MAF readings are also steady. In order for the engine speed to increase, the throttle would  
6 have to be opened in order to increase airflow through the engine. The engine’s management  
7 systems supply fuel and spark timing appropriate to any changes in throttle position and engine  
8 speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result  
9 in a corresponding increase in MAF as well as a decrease in MAP.

10 28. 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 BAR-OIS analyzer, an elevated or increased  
13 engine speed.

14 29. The increase in engine speed is performed by the smog inspector by stepping on the  
15 throttle pedal or manually opening the throttle, resulting in a corresponding increase in engine  
16 RPMs by allowing an increase in airflow into the engine.

17 30. The Bureau Representative conducted a detailed review of the VID data for the Smog  
18 Check inspections performed at Respondent Desert Smog’s facility. The review showed a pattern  
19 of vehicles being certified with engine operating parameters not corresponding to normal engine  
20 operation, confirming that the vehicles that received smog certificates were not tested during the  
21 OBD II functional test, which constituted clean plugging<sup>2</sup>. The Bureau Representative’s  
22 comprehensive review confirmed fifty-four (54) Smog Check Certificates of Compliance were  
23 fraudulently issued to vehicles by Respondent Desert Smog. Twelve (12) are listed in the  
24 Bureau’s Investigation Report

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26 \_\_\_\_\_  
27 <sup>2</sup> Clean Plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic,  
28 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing  
fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for  
testing.

1 **Fraudulent Inspection No. 1-2003 Toyota Tacoma Xtracab**

2 31. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
3 The review showed that on or about July 18, 2024, a 2003 Toyota Tacoma Xtracab was tested,  
4 and Certificate of Compliance Number UA298130C was issued by Respondent Collazo.

5 32. The Dynamic PID Charts and data for the 2003 Toyota Tacoma Xtracab showed that  
6 between timestamps 8779 and 35923, the engine RPM was steady at around 950 RPM. During  
7 this time, the data showed that the throttle was fixed at 11.8% opening and the MAF was fixed at  
8 4.64 grams/sec. After timestamp 36803, the engine RPM was then held steady at around 1525  
9 RPM. During this time, the data showed that the throttle was varying between 7.5% and 9%  
10 opening and the MAF was varying between 4.55 grams/sec and 4.82 grams/sec.

11 33. The steady idle and steady elevated engine RPMs with the improbable throttle  
12 positions and the MAF readings were not characteristic or expected for normal engine operation.  
13 The discrepancies in the OIS Test Data proved that the DAD was not connected to the 2003  
14 Toyota Tacoma Xtracab being certified, which caused the issuance of a fraudulent Smog  
15 Certificate of Compliance.

16 34. On or about February 17, 2022, a Smog Check inspection was performed on the same  
17 2003 Toyota Tacoma Xtracab at a different Smog Check station.

18 35. The Dynamic PID charts and data for the 2003 Toyota Tacoma Xtracab showed that  
19 between timestamps 6122 and 28714, the engine RPM was steady at around 820 RPM. During  
20 this time, the data showed that the throttle was fixed at 8.6% opening and the MAF was fixed at  
21 3.2 grams/sec. After time stamp 35720, the engine RPM had increased and showed steady at  
22 around 2050 RPM. During this time, the data showed that the throttle was increased to 10.2%  
23 and the MAF increased to between 4.52 grams/sec and 4.79 grams/sec.

24 36. During this Smog Check Inspection, the MAF and TPS readings increased as the  
25 RPM was raised, which was expected during normal engine operation.

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1 **Fraudulent Inspection No. 2- 2004 Kia Spectra LX**

2 37. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
3 The review showed that on or about September 14, 2024, a 2004 Kia Spectra LX was tested, and  
4 Certificate of Compliance Number JB149564C was issued by Respondent Collazo.

5 38. The Dynamic PID Charts and data for the 2004 Kia Spectra LX showed that between  
6 timestamps 846 and 21664, the engine RPM was steady at around 650 RPM. During this time,  
7 the data showed that the throttle was varying between 5.9% and 2.7% opening, and the MAF was  
8 varying between 3.58 grams/sec and 4.85 grams/sec. After timestamp 24310, the engine RPM  
9 was increased, then held steady at around 1800 RPM. During this time, the data showed that the  
10 throttle was varying between 3.5% and 4.3% opening, and the MAF was varying between 4.25  
11 grams/sec and 4.1 grams/sec.

12 39. The steady idle and steady elevated engine RPMs with the improbable throttle  
13 positions and the MAF readings were not characteristic or expected for normal engine operation.  
14 The throttle position and MAF readings were expected to be stable at idle and at the elevated  
15 engine RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in  
16 the OIS Test Data proved that the DAD was not connected to the 2004 Kia Spectra LX being  
17 certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

18 **Fraudulent Inspection No. 3-2012 Honda Odyssey EX**

19 40. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
20 The review showed that on or about November 8, 2024, a 2012 Honda Odyssey EX was tested,  
21 and Certificate of Compliance Number UG244911C was issued by Respondent Collazo.

22 41. The Dynamic PID charts and data for the 2012 Honda Odyssey EX showed that  
23 between timestamps 351 and 23145, the engine RPM was steady at around 710 RPM. During  
24 this time, the data showed that the throttle was varying between 7.5% and 5.9% opening, the  
25 MAP was varying between 16 kPa and 14 kPa, and the MAF was steady at around 3.18  
26 grams/sec. After time stamp 23514, the engine RPM was increased, then held steady at around  
27 1740 RPM. During this time, the data showed that the throttle was varying between 7.5% and  
28

1 6.3% opening, the MAP was varying between 16 kPa and 14 kPa, and the MAF was steady at  
2 around 3.19 grams/sec.

3 42. The steady idle and steady elevated engine RPMs with the improbable throttle  
4 positions, MAP, and the MAF readings were not characteristic or expected for normal engine  
5 operation. The throttle position and the MAP readings were expected to be stable at idle and at  
6 the elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The MAF  
7 readings were expected to be stable at idle and change/rise at the elevated engine RPM, not stay  
8 constant and unchanged. The discrepancies in the OIS Test Data proved that the DAD was not  
9 connected to the 2012 Honda Odyssey EX being certified, which caused the issuance of a  
10 fraudulent Smog Certificate of Compliance.

11 **Fraudulent Inspection No. 4-2003 Acura MDX Touring**

12 43. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
13 The review showed that on or about December 1, 2024, a 2003 Acura MDX Touring was tested,  
14 and Certificate of Compliance Number UG807502C was issued by Respondent Collazo.

15 44. The Dynamic PID charts and data for the 2003 Acura MDX Touring showed that  
16 between timestamps 862 and 29327, the engine RPM was steady at around 950 RPM. During  
17 this time, the data showed that the throttle was fixed at 14.1% opening and the MAP was fixed at  
18 35 kPa. After timestamp 31908, the engine RPM was steady at around 1940 RPM. During this  
19 time, the data showed that the throttle was varying between 13.7% and 13.3% opening, and the  
20 MAP was steady between 46 kPa and 45 kPa.

21 45. The steady idle and steady elevated engine RPMs with the improbable throttle  
22 positions and MAP readings were not characteristic or expected for normal engine operation. The  
23 TPS reading should have increased, and the MAP reading should have decreased when the RPM  
24 increased. The discrepancies in the OIS Test Data proved that the DAD was not connected to the  
25 2003 Acura MDX Touring being certified, which caused the issuance of a fraudulent Smog  
26 Certificate of Compliance.

27 46. On or about October 4, 2023, a Smog Check inspection was performed on the same  
28 2003 Acura MDX Touring at a different Smog Check station.

1 47. The Dynamic PID charts and data for the 2003 Acura MDX Touring showed that  
2 between timestamps 111 and 17546, the engine RPM was steady at around 730 RPM. During  
3 this time, the data showed that the throttle was steady between 14.5% and 14.1% opening and the  
4 MAP was steady between 37 kPa and 36 kPa. After timestamp 25859, the engine RPM had  
5 increased and showed steady at around 1950 RPM. During this time, the data showed that the  
6 throttle was increased to 22% and the MAP decreased to between 27 kPa and 26 kPa.

7 48. During this Smog Check Inspection, the MAP reading decreased and the TPS reading  
8 increased as the RPM was raised, which was expected during normal engine operation.

9 **Fraudulent Inspection No. 5-2004 Ford F150 SVT Lightning**

10 49. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
11 The review showed that on or about December 19, 2024, a 2004 Ford F150 SVT Lightning was  
12 tested, and Certificate of Compliance Number JB675764C was issued by Respondent Collazo.

13 50. The Dynamic PID charts and data for the 2004 Ford F150 SVT Lightning showed  
14 that between timestamps 345 and 17107, the engine RPM was steady at around 500 RPM.  
15 During this time, the data showed the throttle was fixed at 18.4% opening and the MAF was fixed  
16 at 4.58 grams/sec. After timestamp 21027, the RPM was increased and held steady at around  
17 1800 RPM. During this time, the data showed that the throttle was varying between 15.7% and  
18 12.5% and the MAF was varying between 4.98 grams/sec and 2.74 grams/sec.

19 51. The steady idle and steady elevated engine RPM with the improbable throttle  
20 positions and MAF readings were not characteristic or expected for normal engine operation. The  
21 throttle position and MAF readings were expected to be stable at idle and at the elevated engine  
22 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS  
23 Test Data proved that the DAD was not connected to the 2004 Ford F150 SVT Lightning being  
24 certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

25 **Fraudulent Inspection No. 6-2007 Honda CR-V EXL**

26 52. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
27 The review showed that on or about December 27, 2024, a 2007 Honda CR-V EXL was tested,  
28 and Certificate of Compliance Number JB675769C was issued by Respondent Collazo.

1           53. The Dynamic PID charts and data for the 2007 Honda CR-V EXL showed that  
2 between timestamps 358 and 66483, the engine RPM was steady at around 650 RPM. During  
3 this time, the data showed that the throttle was varying between 6.3% and 7.5% opening, the  
4 MAP was varying between 14 kPa and 16 kPa, and the MAF was steady between 3.16 grams/sec  
5 and 3.2 grams/sec. After timestamp 68051, the RPM was increased and then held steady at  
6 around 1670 RPM. During this time, the data showed that the throttle was varying between 7.1%  
7 and 5.9% opening, the MAP was varying between 15 kPa and 14 kPa, and the MAF was steady  
8 between 3.19 grams/sec and 3.16 grams/sec.

9           54. The steady idle and steady elevated engine RPMs with the improbable throttle  
10 positions, MAP, and MAF readings were not characteristic or expected for normal engine  
11 operation. The discrepancies in the OIS Test Data proved that the DAD was not connected to the  
12 2007 Honda CR-V EXL being certified, which caused the issuance of a fraudulent Smog  
13 Certificate of Compliance.

14 **Fraudulent Inspection No. 7-2008 Honda CR-V LX**

15           55. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
16 The review showed that on or about December 30, 2024, a 2008 Honda CR-V LX was tested, and  
17 Certificate of Compliance Number JB675784C was issued by Respondent Collazo.

18           56. The Dynamic PID charts and data for the 2008 Honda CR-V LX showed that between  
19 timestamps 329 and 92091, the engine RPM was steady at around 650 RPM. During this time,  
20 the data showed that the throttle was varying between 7.5% and 5.9% opening, the MAP was  
21 varying between 14 kPa and 16 kPa, and the MAF was steady at around 3.17 grams/sec. After  
22 timestamp 93853, the RPM was increased, then held steady at around 1670 RPM. During this  
23 time, the data showed that the throttle was varying between 5.9% and 7.5% opening, the MAP  
24 was varying between 16 kPa and 14 kPa, and the MAF was steady at around 3.17 grams/sec.

25           57. The steady idle and steady elevated engine RPMs with the improbable throttle  
26 positions, MAP, and MAF readings were not characteristic or expected for normal engine  
27 operation. The throttle position and MAP readings were expected to be stable at idle and at the  
28 elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The MAF

1 readings were expected to be stable at idle and change/rise at the elevated engine RPM, not stay  
2 constant and unchanged. The discrepancies in the OIS Test Data proved that the DAD was not  
3 connected to the 2008 Honda CR-V LX being certified, which caused the issuance of a fraudulent  
4 Smog Certificate of Compliance.

5 **Fraudulent Inspection No. 8-2001 Ford Explorer Sport Trac**

6 58. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
7 The review showed that on or about December 30, 2024, a 2001 Ford Explorer Sport Trac was  
8 tested, and Certificate of Compliance Number JB675788C was issued by Respondent Collazo.

9 59. The Dynamic PID charts and data for the 2001 Ford Explorer Sport Trac showed that  
10 between timestamps 346 and 21484, the engine RPM was steady at around 1050 RPM. During  
11 this time, the data showed the throttle was fixed at 17.3% opening and the MAF was fixed at 4.97  
12 grams/sec. After timestamp 22198, the RPM was increased and held around 1930 RPM. During  
13 this time, the data showed that the throttle was varying between 18% and 12.5% and the MAF  
14 was varying between 2.99 grams/sec and 4.3 grams/sec.

15 60. The steady idle and steady elevated engine RPMs with the improbable throttle  
16 positions and MAF readings were not characteristic or expected for normal engine operation. The  
17 throttle position and MAF readings were expected to be stable at idle and at the elevated engine  
18 RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in the OIS  
19 Test Data prove the DAD was not connected to the 2001 Ford Explorer Sport Trac being  
20 certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

21 **Fraudulent Inspection No. 9-2006 Pontiac Grand Prix**

22 61. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
23 The review showed that on or about January 10, 2025, a 2006 Pontiac Grand Prix was tested, and  
24 Certificate of Compliance Number UI559016C was issued by Respondent Collazo.

25 62. The Dynamic PID charts and data for the 2006 Pontiac Grand Prix showed that  
26 between timestamps 344 and 15157, the engine RPM was steady at around 930 RPM. During  
27 this time, the data showed that the throttle was varying between 9% and 11% opening, the MAP  
28 was fixed at 32 kPa, and the MAF was raised from 3.6 grams/sec to 4.94 grams/sec. After time

1 stamp 15157, the RPM was increased, then held steady at around 1650 RPM. During this time,  
2 the data showed that the throttle was varying between 8.6% and 7.1% opening, the MAP was  
3 varying between 35 kPa and 46 kPa, and the MAF was varying between 4.77 grams/sec and 2.8  
4 grams/sec.

5 63. The steady idle and steady elevated engine RPMs with the improbable throttle  
6 positions, MAP, and MAF readings were not characteristic or expected for normal engine  
7 operation. The throttle position, MAP, and MAF readings were expected to be stable at idle and  
8 at the elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The  
9 discrepancies in the OIS Test Data proved that the DAD was not connected to the 2006 Pontiac  
10 Grand Prix being certified, which caused the issuance of a fraudulent Smog Certificate of  
11 Compliance.

12 **Fraudulent Inspection No. 10-2007 Acura TL Type S**

13 64. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
14 The review showed that on or about March 9, 2025, a 2007 Acura TL Type S was tested, and  
15 Certificate of Compliance Number UK531342C was issued by Respondent Collazo.

16 65. The Dynamic PID charts and data for the 2007 Acura TL Type S showed that  
17 between timestamps 338 and 22511, the engine RPM was steady at around 710 RPM. During  
18 this time, the data showed that the throttle was varying between 6.3% and 7.5% opening and the  
19 MAP was varying between 16 kPa and 14 kPa. After timestamp 23922, the RPM was increased,  
20 then held steady at around 1740 RPM. During this time, the data showed that the throttle was  
21 varying between 7.5% and 5.9% opening and the MAP was varying between 16 kPa and 14 kPa.

22 66. The steady idle and steady elevated engine RPMs with the improbable throttle  
23 positions and MAP readings were not characteristic or expected for normal engine operation. The  
24 throttle position and MAP readings were expected to be stable at idle and at the elevated  
25 engine RPM, not erratic and fluctuating along with a steady engine RPM. The discrepancies in  
26 the OIS Test Data proved that the DAD was not connected to the 2007 Acura TL Type S being  
27 certified, which caused the issuance of a fraudulent Smog Certificate of Compliance.

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1 **Fraudulent Inspection No. 11-2008 Honda CR-V EXL**

2 67. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
3 The review showed that on or about March 18, 2025, a 2008 Honda CR-V EXL was tested, and  
4 Certificate of Compliance Number UK889598C was issued by Respondent Martinez.

5 68. The Dynamic PID charts and data for the 2008 Honda CR-V EXL showed that  
6 between timestamps 345 and 78826, the engine RPM was steady at around 650 RPM. During  
7 this time, the data showed that the throttle was varying between 5.9% and 7.5% opening, the  
8 MAP was varying between 14 kPa and 16 kPa, and the MAF was steady around 3.19 grams/sec.  
9 After timestamp 85572, the RPM was increased, then held steady at around 1675 RPM. During  
10 this time, the data showed that the throttle was varying between 7.5% and 5.9% opening, the  
11 MAP was varying between 16 kPa and 14 kPa, and the MAF was between 3.17 grams/sec and 3.2  
12 grams/sec.

13 69. The steady idle and steady elevated engine RPMs with the improbable throttle  
14 positions, MAP, and MAF readings were not characteristic or expected for normal engine  
15 operation. The throttle position and MAP readings were expected to be stable at idle and at the  
16 elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The MAF  
17 readings were expected to be stable at idle and change/rise at the elevated engine RPM, not stay  
18 constant and unchanged. The discrepancies in the OIS Test Data proved that the DAD was not  
19 connected to the 2008 Honda CR-V EXL being certified, which caused the issuance of a  
20 fraudulent Smog Certificate of Compliance.

21 **Fraudulent Inspection No. 12-2008 Land Rover Range Rover Sport HSE**

22 70. A Bureau Representative reviewed the OIS Test Data for Respondent Desert Smog.  
23 The review showed that on or about March 18, 2025, a 2008 Land Rover Range Rover Sport HSE  
24 was tested, and Certificate of Compliance Number JD771355C was issued by Respondent  
25 Martinez.

26 71. The Dynamic PID charts and data for the 2008 Land Rover Range Rover Sport HSE  
27 showed that between timestamps 352 and 61035, the engine RPM was steady around 450 RPM.  
28 During this time, the data showed that the throttle was varying between 6.3% and 7.5% opening,

1 the MAP was varying between 16 kPa and 14 kPa, and the MAF was steady around 3.18  
2 grams/sec. After timestamp 62127, the RPM was increased, then held steady at around 1480  
3 RPM. During this time, the data showed that the throttle was varying between 7.5% and 6.3%  
4 opening, the MAP was varying between 16 kPa and 14 kPa, and the MAF was fixed around 3.19  
5 grams/sec.

6 72. The steady idle and steady elevated engine RPMs with the improbable throttle  
7 positions, MAP, and MAF readings were not characteristic or expected for normal engine  
8 operation. The throttle position and MAP readings were expected to be stable at idle and at the  
9 elevated engine RPM, not erratic and fluctuating along with a steady engine RPM. The MAF  
10 readings were expected to be stable at idle and change/rise at the elevated engine RPM, not stay  
11 constant and unchanged. The discrepancies in the OIS Test Data proved that the DAD was not  
12 connected to the 2008 Land Rover Range Rover Sport HSE being certified, which caused the  
13 issuance of a fraudulent Smog Certificate of Compliance.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 73. Respondent Desert Smog's Automotive Repair Registration is subject to discipline  
17 pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16,  
18 section 3373, in that between July 18, 2024, through March 18, 2025, Respondent Desert Smog  
19 made or authorized statements which he knew or in the exercise of reasonable care should have  
20 known to be untrue or misleading, as follows: Respondent Desert Smog certified that vehicles 1  
21 through 12, set forth above, had passed inspection and were in compliance with applicable laws  
22 and regulations. Respondent Desert Smog conducted the inspections on the vehicles using the  
23 clean plugging method by substituting or using different vehicles or another source during the  
24 OBD II functional tests to issue smog certificates of compliance for the twelve (12) vehicles and  
25 did not test or inspect the twelve (12) vehicles as required by Health and Safety Code section  
26 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above  
27 in paragraphs 25 through 72, as though fully set forth.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 74. Respondent Desert Smog’s Automotive Repair Registration is subject to discipline  
4 pursuant to Code section 9884.7, subdivision (a)(4), in that between July 18, 2024, through March  
5 18, 2025, Respondent Desert Smog committed acts that constitute fraud by issuing electronic  
6 smog certificates of compliance for vehicles 1 through 12, set forth above, without performing  
7 bona fide inspections of the emission control devices and systems on those vehicles, thereby  
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
9 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set  
10 forth above in paragraphs 25 through 72, as though fully set forth.

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 75. Respondent Desert Smog’s Automotive Repair Registration is subject to disciplinary  
14 action under Code section 9884.7, subdivision (a)(6), in that between July 18, 2024, through  
15 March 18, 2025, regarding vehicles 1 through 12, set forth above, Respondent Desert Smog failed  
16 in a material respect to comply with the provisions of this chapter or regulations adopted pursuant  
17 to it by issuing electronic smog certificates of compliance for the twelve (12) vehicles without  
18 performing bona fide inspections of the emissions control devices and systems on those vehicles,  
19 thereby depriving the People of the State of California of the protection afforded by the Motor  
20 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
21 allegations set forth above in paragraphs 25 through 72, as though fully set forth.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Motor Vehicle Inspection Program)**

24 76. Respondent Desert Smog’s Smog Check, Test Only Station License is subject to  
25 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
26 July 18, 2024, through March 18, 2025, regarding vehicles 1 through 12, set forth above,  
27 Respondent Desert Smog failed to comply with the following sections of that Code:

28 ///

1 a. **Section 44012:** Respondent Desert Smog failed to ensure that the emission control tests  
2 were performed on vehicles 1 through 12, in accordance with procedures prescribed by the  
3 department.

4 b. **Section 44015, subdivision (b):** Respondent Desert Smog issued electronic smog  
5 certificates of compliance for vehicles 1 through 12, without ensuring that the vehicles were  
6 properly tested and inspected to determine if they were in compliance with Health and Safety  
7 Code section 44012.

8 c. **Section 44059:** Respondent Desert Smog willfully made false entries for the electronic  
9 smog certificates of compliance by certifying that those vehicles had been inspected as required  
10 when, in fact, they had not.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
12 paragraphs 25 through 72, as though fully set forth.

13 **FIFTH CAUSE FOR DISCIPLINE**

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

16 77. Respondent Desert Smog's Smog Check, Test Only Station License is subject to  
17 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
18 July 18, 2024, through March 18, 2025, regarding vehicles 1 through 12, set forth above,  
19 Respondent Desert Smog failed to comply with provisions of California Code of Regulations,  
20 title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Desert Smog falsely or fraudulently  
22 issued electronic smog certificates of compliance for those vehicles without performing bona fide  
23 inspections of the emission control devices and systems on the vehicles as required by Health and  
24 Safety Code section 44012.

25 b. **Section 3340.35, subdivision (c):** Respondent Desert Smog issued electronic smog  
26 certificates of compliance even though those vehicles had not been inspected in accordance with  
27 section 3340.42 of that Code.

28 ///

1 c. **Section 3340.41, subdivision (c):** Respondent Desert Smog knowingly entered false  
2 information into the emissions inspection system for the twelve (12) vehicles identified above.

3 d. **Section 3340.42:** Respondent Desert Smog failed to conduct the required smog tests  
4 and inspections on those vehicles in accordance with the Bureau's specifications.

5 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
6 paragraphs 25 through 72, as though fully set forth.

7 **SIXTH CAUSE FOR DISCIPLINE**

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

9 78. Respondent Desert Smog's Smog Check, Test Only Station License is subject to  
10 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
11 with 44072.10, subdivision (c), in that between July 18, 2024, through March 18, 2025, regarding  
12 vehicles 1 through 12, set forth above, Respondent Desert Smog committed acts involving  
13 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of  
14 compliance for those vehicles without performing bona fide inspections of the emission control  
15 devices and systems on the vehicles, thereby depriving the People of the State of California of the  
16 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
17 reference incorporates, the allegations set forth above in paragraphs 25 through 72, as though  
18 fully set forth.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Violations of the Motor Vehicle Inspection Program – Respondent Collazo)**

21 79. Respondent Collazo's Smog Check Inspector License and Smog Check Repair  
22 Technician License are subject to disciplinary action under Health and Safety Code section  
23 44072.2, subdivision (a), in that between July 18, 2024, through March 9, 2025, regarding  
24 vehicles 1 through 10, set forth above, Respondent Collazo violated the following Health and  
25 Safety Code sections:

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



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

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
4 paragraphs 25 through 66, as though fully set forth.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud, or Deceit – Respondent Collazo)**

7 81. Respondent Collazo's Smog Check Inspector License and Smog Check Repair  
8 Technician License are subject to disciplinary action under Health and Safety Code section  
9 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10,  
10 subdivision (c), in that July 18, 2024, through March 9, 2025, regarding vehicles 1 through 10, set  
11 forth above, Respondent Collazo committed acts involving dishonesty, fraud, or deceit when he  
12 issued electronic smog certificates of compliance for the vehicles without performing bona fide  
13 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
14 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
15 Program. Complainant refers to, and by this reference incorporates, the allegations set forth  
16 above in paragraphs 25 through 66, as though fully set forth.

17 **TENTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez)**

19 82. Respondent Martinez's Smog Check Inspector License is subject to disciplinary  
20 action under Health and Safety Code section 44072.2, subdivision (a), in that on or about March  
21 18, 2025, regarding vehicles 11 through 12, set forth above, Respondent Martinez violated the  
22 following Health and Safety Code sections:

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

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

1 c. **Section 44032:** Respondent Martinez failed to perform tests of the emission control  
2 devices and systems on the vehicles identified above in accordance with section 44012 of the  
3 Health and Safety Code, in that the vehicles had been clean plugged.

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

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
8 paragraphs 25 through 30 and 67 through 72, as though fully set forth.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

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

12 83. Respondent Martinez’s Smog Check Inspector License is subject to discipline  
13 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about March  
14 18, 2025, regarding vehicles 11 through 12, set forth above, he failed to comply with provisions  
15 of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Martinez falsely or fraudulently issued  
17 electronic smog certificates of compliance without performing bona fide inspections of the  
18 emission control devices and systems on those vehicles as required by Health and Safety Code  
19 section 44012.

20 b. **Section 3340.30 subdivision (a):** Respondent Martinez failed to inspect and test those  
21 vehicles in accordance with Health and Safety Code sections 44012.

22 c. **Section 3340.41, subdivision (c):** Respondent Martinez knowingly entered false  
23 information into the emissions inspection system for the two (2) vehicles identified above.

24 d. **Section 3340.42:** Respondent Martinez failed to conduct the required smog tests and  
25 inspections on those vehicles in accordance with the Bureau's specifications.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraphs 25 through 30 and 67 through 72, as though fully set forth.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

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

3 84. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
4 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health  
5 and Safety Code section 44072.10, subdivision (c), in that on or about March 18, 2024, regarding  
6 vehicles 11 through 12, set forth above, Respondent Martinez committed acts involving  
7 dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the  
8 vehicles without performing bona fide inspections of the emission control devices and systems on  
9 those vehicles, thereby depriving the People of the State of California of the protection afforded  
10 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
11 incorporates, the allegations set forth above in paragraphs 25 through 30 and 67 through 72, as  
12 though fully set forth.

13 **OTHER MATTERS**

14 85. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,  
15 or place on probation the registrations for all places of business operated in this state by Edith  
16 Llamas Perez upon a finding that said Respondent has, or is, engaged in a course of repeated and  
17 willful violations of the laws and regulations pertaining to an automotive repair dealer.

18 86. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only  
19 Station License No. TC 306707, issued to Edith Llamas Perez-Owner dba Desert Smog Test  
20 Only, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26  
21 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended  
22 by the director.

23 87. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
24 License Number EO 634808 and Smog Check Repair Technician License Number EI 634808  
25 (formerly Advanced Emission Specialist Technician License Number EA 634808), issued to  
26 Jorge Luis Collazo, is revoked or suspended, any additional license issued under this Chapter 5 of  
27 Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise  
28 revoked or suspended by the director.

1 . 88. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
2 License No. EO 645367, issued to Jesus Omar Martinez, is revoked or suspended, any additional  
3 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of  
4 said licensee may be likewise revoked or suspended by the director.

5 **PRAYER**

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

- 9 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
10 306707, issued to Edith Llamas Perez-Owner dba Desert Smog Test Only;
- 11 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
12 registration issued to Edith Llamas Perez;
- 13 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
14 306707, issued to Edith Llamas Perez-Owner dba Desert Smog Test Only;
- 15 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
16 Division 26 of the Health and Safety Code in the name of Edith Llamas Perez;
- 17 5. Revoking or suspending Smog Check Inspector License Number EI 634808, issued to  
18 Jorge Luis Collazo;
- 19 6. Revoking or suspending Smog Check Repair Technician License Number 634808,  
20 issued to Jorge Luis Collazo;
- 21 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
22 Division 26 of the Health and Safety Code in the name of Jorge Luis Collazo;
- 23 8. Revoking or suspending Smog Check Inspector License Number EO 645367, issued  
24 to Jesus Omar Martinez;
- 25 9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
26 Division 26 of the Health and Safety Code in the name of Jesus Omar Martinez;
- 27 10. Ordering Edith Llamas Perez, Jorge Luis Collazo and Jesus Omar Martinez to pay the  
28 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this

1 case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the  
2 costs of probation monitoring;

3 and,

4 11. Taking such other and further action as deemed necessary and proper.

5

6 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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