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

12 In the Matter of the Accusation Against:

Case No. 79/26-5199

13 **JOSE ALBERTO MANZO DBA SMOG**
14 **BROS**
128 E. Valley Boulevard, Unit D
Rialto, CA 92376

ACCUSATION

15 **Mailing Address:**
16 17631 Valley Boulevard, Suite A
Bloomington, CA 92316

17 **Automotive Repair Dealer Registration No.**
18 **ARD 311402**
19 **Smog Check Test Only Station License No.**
TC 311402

20 **CARLOS GONZALES JR.**
21 24380 Country Road
Moreno Valley, CA 92557

22 **Smog Check Inspector License No.**
23 **EO 635581**

24 **ELIAS PARTIDA**
21973 Spring Crest Road
Moreno Valley, CA 92557

25 **Smog Check Inspector License No.**
26 **EO 645770**

27 **BENJAMIN CASTELLANOS ALVAREZ**
26430 Helene Drive
28 **Moreno Valley, CA 92555**

1 **Smog Check Inspector License No.**
2 **EO 645306**

3 Respondents.

4 **PARTIES**

5 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
6 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs (BAR or
7 Bureau).

8 2. On or about January 30, 2025, the Bureau issued Automotive Repair Dealer
9 Registration Number ARD 311402 to Jose Alberto Manzo dba Smog Bros (respondent Smog
10 Bros). The Automotive Repair Dealer Registration was in full force and effect at all times
11 relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.

12 3. On or about May 21, 2025, the Bureau issued Smog Check, Test Only License
13 Number TC 311402 to respondent Smog Bros. The Smog Check, Test Only License was in full
14 force and effect at all times relevant to the charges brought herein and will expire on January 31,
15 2027, unless renewed.

16 4. On or about January 28, 2026, the Bureau issued STAR Station certification to
17 respondent Smog Bros, which the Bureau suspended on May 26, 2026.

18 5. On or about June 3, 2013, the Bureau issued Smog Check Inspector License Number
19 EO 635581 to Carlos Gonzales, Jr. (respondent Gonzales). The Smog Check Inspector License
20 was in full force and effect at all times relevant to the charges brought herein and will expire on
21 August 31, 2027, unless renewed.

22 6. On or about July 3, 2025, the Bureau issued Smog Check Inspector License Number
23 EO 645770 to Elias Partida (respondent Partida). The Smog Check Inspector License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on July 31,
25 2027, unless renewed.

26 7. On or about November 6, 2024, the Bureau issued Smog Check Inspector License
27 Number EO 645306 to Benjamin Castellanos Alvarez (respondent Alvarez). The Smog Check
28

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.

JURISDICTION

8. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

9. Code section 118, subdivision (b), provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Code section 9884.7 provides that the Director may revoke an Automotive Repair Dealer Registration.

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

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

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

STATUTORY PROVISIONS

14. Code section 477 provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or

profession regulated by the Code.

15. Code section 9884.7 states, in pertinent part:

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

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

....

(4) Any other conduct that constitutes fraud.

....

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

....

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

....

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

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

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

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

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

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

16. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

1 17. Health and Safety Code section 44015, subdivision (b), provides that a certificate of
2 compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
3 40012.

4 18. Health and Safety Code section 44032 provides that qualified technicians shall
5 perform tests of emissions control devices and systems in accordance with Health and Safety
6 Code section 40012.

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

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

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

12 ...

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

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

16 ...

17 20. Health and Safety Code section 44072.10 states, in pertinent part:

18 ...

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

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

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

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

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

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

REGULATORY PROVISIONS

22. Title 16 of the California Code of Regulations, section 3340.24, subdivision (c), states:

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

23. Title 16 of the California Code of Regulations, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, 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.”

24. Title 16 of the California Code of Regulations, section 3340.35, subdivision (c), states that a licensed smog check 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.”

25. Title 16 of the California Code of Regulations, section 3340.41 states, in pertinent part:

. . . .

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

(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

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1 26. Title 16 of the California Code of Regulations, section 3340.42, sets forth specific
2 emissions test methods and procedures which apply to all vehicles inspected in the State of
3 California.

4 **COST RECOVERY**

5 27. Code section 125.3 provides, in pertinent part, that the Bureau may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 **CALIFORNIA'S SMOG CHECK PROGRAM**

12 28. California's Smog Check Program requires most vehicles in the State to undergo a
13 smog check inspection every two years or when the vehicle's title is transferred.

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

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

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

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1 32. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
2 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
3 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
4 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
5 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
6 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
7 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
8 the outcome of the OBD II functional test, the smog check inspection results also show
9 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

10 33. The inspector enters the results of the visual and functional inspections into the EIS.
11 The EIS unit determines whether or not the vehicle passes the inspection based on the results of
12 the tailpipe, visual, and functional tests.

13 34. The EIS is connected by internet connection to Bureau's Vehicle Information
14 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
15 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
16 Additionally, all data gathered during a smog check inspection, regardless of the type of
17 inspection, is transmitted to and retained in the VID.

18 35. Beginning March 9, 2015, California's Smog Check Program was updated to require
19 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
20 equipment required in all areas of the State when inspecting most model-year 2000 and newer
21 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (OIS
22 DAD), computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when
23 requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the
24 vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The
25 DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is
26 used to input inspector information, the vehicle identification number (VIN), and Department of
27 Motor Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
28 containing inspection results for motorists and a Smog Check Certificate of Compliance

number for passing vehicles.

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

- 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 zero percent at idle and near or up to 100-percent at full throttle.
- 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: zero kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- 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).
- Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

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

38. During normal engine operation at idle, engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near zero percent. The MAP and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened in order to increase airflow through the engine. The engine's management systems supply fuel and spark timing appropriate to any changes in throttle position and engine speed.

39. An increase in throttle, measured by the TPS, which increases engine RPM, would result in a corresponding increase in MAF as well as a change in MAP. Any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases RPM and MAF along with changes in MAP.

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

41. Beginning May 1, 2023, Smog Check Inspectors must use a biometric palm scanner instead of a password login for the BAR On-Board Diagnostics Inspection System (BAR-OIS).

42. The Bureau is aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed. These methods are known as “clean piping”, “clean plugging”, and “clean gassing”. “Clean plugging” is a method by which another vehicle’s properly functioning OBD II system, or another source such as defeat devices, are used to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance and or not present for testing.

FACTUAL ALLEGATIONS

43. On or about May 13, 2025, a Bureau Representative conducted an initial station inspection at respondent Smog Bros' premises. The Bureau Representative met with respondent Smog Bros' owner and advised him that all Smog Check inspections must be performed by licensed technicians using their own access code; that no false information about the vehicle being tested will be entered into the analyzer; that tests and inspections shall be conducted in accordance with the BAR's Smog Check Manual and that compliance with the Automotive Repair Act is mandatory.

44. On or about May 21, 2025, a Bureau Representative again met with respondent Smog Bros' owner to conduct a follow-up inspection to initialize the station for the Smog Check program. During this follow-up visit, although there were BAR97 deficiencies, the station still passed the inspection. Among the topics discussed, the Bureau Representative reminded

1 respondent Smog Bros' owner that that all Smog Check inspections must be performed by
2 licensed technicians using their own access code; that no false information about the vehicle
3 being tested will be entered into the analyzer; that tests and inspections shall be conducted in
4 accordance with the BAR's Smog Check Manual and that compliance with the Automotive
5 Repair Act is mandatory.

6 45. On or about January 7, 2026, a Bureau Representative visited respondent Smog Bros'
7 premises and met with respondent Alvarez to perform a station inspection related to a locked OIS
8 Data Acquisition Device (DAD) due to anomalous data being transmitted during Smog Check
9 inspections. During that inspection, respondent Alvarez performed a self-test on the station's
10 DAD, which passed the self-test. Additionally during the inspection, the Bureau Representative
11 advised respondent Alvarez that Smog Check inspections must be performed by licensed
12 technicians using their own access code; that no false information about the vehicle being tested
13 will be entered into the analyzer; that tests and inspections shall be conducted in accordance with
14 the BAR's Smog Check Manual and that compliance with the Automotive Repair Act is
15 mandatory.

16 **March 13, 2026 Investigation**

17 46. On or about March 13, 2026, a Bureau Representative conducted a detailed review of
18 the VID data for Smog Check inspections performed at respondent Smog Bros, which showed a
19 pattern of vehicles being certified with engine operating parameters that did not correspond to
20 normal engine operation, confirming that the vehicles receiving smog certifications were not
21 tested during the OBD II functional test, which constitutes clean plugging. The Bureau
22 Inspector's review of the smog check activities at Smog Bros confirmed 15 Smog Check
23 Certificates of Compliance were fraudulently issued by respondent Smog Bros to vehicles that
24 were inspected by respondents Gonzales, Partida, and Alvarez.

25 **Fraudulent Inspection Number One: 2001 Toyota Rav4**

26 47. OIS Test Data for Smog Bros indicated that on August 16, 2025, a 2001 Toyota
27 Rav4, VIN number JTEGH20V110009656 (2001 Toyota Rav4), California license plate
28 4PRD014 was tested and issued smog certificate number JF742145C

under respondent Partida's Smog Check Inspector License.

48. The OBD Data (Dynamic) and Dynamic Data Charts for the 2001 Toyota Rav4 showed that between time stamp 596 and 25012, the engine RPM held steady at around 715 RPM. During that time, the data showed that the throttle was fixed at 11.8-percent opening and the MAF was fixed at 0.35 gram/sec. After stamp 25012, the data showed the engine RPM increased and then ultimately held steady at around 2016 RPM. From the time the engine RPM increased off idle to the higher RPMs, the data showed that the throttle continued to stay fixed at the same 11.8-percent opening and the MAF continued to stay fixed at the same 0.35 gram/sec.

49. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM had increased. The readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as required to the 2001 Toyota Rav4 during the certification process, thereby confirming that this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Two: 2005 Toyota Tacoma

50. OIS Test Data for Smog Bros indicated that on October 13, 2025, a 2005 Toyota Tacoma Double Cab Prerunner Long Bed, VIN number 5TEKU72N65Z078983 (2005 Toyota Tacoma), California license plate 7Z67571 was tested and issued smog certificate number JH561605C, under respondent Alvarez's Smog Check Inspector License.

51. The Dynamic and Dynamic Data Charts for the 2005 Toyota Tacoma showed that between time stamp 125 and 19146, the engine RPM remained steady at around 720 RPM. During that time, the data showed that the throttle fluctuated between 12.5-percent opening and 18-percent opening and the MAF varied between 3.54 gram/sec and 3.66 gram/sec. After time stamp 19146, the data showed that the engine RPM increased and then held steady at around 2010 RPM. During that time, the data showed that the throttle fluctuated between 12.9-percent opening and 17.6-percent opening and the MAF varied between 3.55 gram/sec and 3.67 gram/sec.

52. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The

1 throttle position and MAF readings were expected to be stable at idle and at the elevated engine
2 RPM, and should not drop and rise unexpectedly and/or vary abnormally. Additionally, with
3 elevated engine RPM, the throttle position readings were expected to increase, not decrease to
4 values lower than idle readings and the MAF readings were expected to increase, not remain at
5 values equal to those at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD
6 was not connected as required to the 2005 Toyota Tacoma, thereby confirming that this was a
7 fraudulent inspection by way of clean plugging.

8 **Fraudulent Inspection Number Three: 2008 Ford Mustang**

9 53. OIS Test Data for Smog Bros indicated that on October 20, 2025, a 2008 Ford
10 Mustang, VIN number 1ZVHT80N185172098, no license plate, was tested and issued smog
11 certificate number JH561624C under respondent Partida's Smog Check Inspector License.

12 54. The Dynamic and Dynamic Data Charts for the 2008 Ford Mustang showed that
13 between time stamp 145 and 19212, the engine RPM was around 780 RPM. During that time, the
14 data showed that the throttle fluctuated between 12.9-percent opening and 17.3-percent opening,
15 the MAF varied between 4.18 gram/sec and 4.3 gram/sec, and the MAP ultimately rose from 20
16 kPa to 26 kPa, dropped to 24 kPa, then incrementally rose to 27 kPa. After time stamp 19212, the
17 engine RPM increased and then held steady at no less than 1867 RPM. During that time, the data
18 showed that the throttle fluctuated between 13.3-percent opening and 17.3-percent opening, the
19 MAF varied between 4.17 gram/sec and 4.31 gram/sec, and the MAP fluctuated between 18 kPa
20 and 30 kPa.

21 55. The steady idle and steady elevated engine RPMs along with the improbable throttle
22 positions, MAF and MAP readings were not characteristic or expected for normal engine
23 operation. The throttle position, MAF, and MAP readings were expected to be stable at idle and at
24 the elevated engine RPM, and not drop and rise unexpectedly and/or vary abnormally.
25 Additionally, with elevated engine RPM, the throttle position readings were expected to increase,
26 not decrease to values lower than idle readings, the MAF readings were expected to increase, not
27 remain at values equal to those at idle, and the MAP readings were expected to decrease, not
28 increase to above idle readings. The discrepancies in the OIS Test Data confirmed that the OIS

1 DAD was not connected as required to the 2008 Ford Mustang during the certification process,
2 thereby confirming this was a fraudulent inspection by way of clean plugging.

3 **Fraudulent Inspection Number Four: 2017 Subaru WRX**

4 56. OIS Test Data for Smog Bros indicated that on November 9, 2025, a 2017 Subaru
5 WRX Limited, VIN number JF1VA1J60H9809393 (2017 Subaru WRX), California license plate
6 7XSH312 was tested and issued smog certificate number UW295246C under respondent
7 Partida's Smog Check Inspector License.

8 57. The Dynamic and Dynamic Data Charts for the 2017 Subaru WRX Limited showed
9 that between time stamp 138 and 18750, the engine RPM was around 760 RPM. During that time,
10 the data showed that the throttle fluctuated between 12.5-percent opening and 17.6-percent
11 opening, the MAF varied between 1.31 gram/sec and 1.39 gram/sec, and the MAP fluctuated
12 between 96 kPa and 109 kPa. After time stamp 18750, the data showed the engine RPM increased
13 and ultimately held at around 2000 RPM. During that time, the data showed that the throttle
14 fluctuated between 12.5-percent opening and 16.1-percent opening, the MAF varied between 1.29
15 gram/sec and 1.43 gram/sec, and the MAP fluctuated between 98 kPa and 110 kPa.

16 58. The steady idle and steady elevated engine RPMs along with the improbable throttle
17 positions, MAF and MAP readings were not characteristic or expected for normal engine
18 operation. The throttle position, MAF, and MAP readings were expected to be stable at idle and at
19 the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally,
20 with elevated engine RPM, the throttle position readings were expected to increase, not decrease
21 to values lower than idle readings, the MAF readings were expected to increase, not remain at
22 values equal to those at idle, and the MAP readings were expected to decrease, not increase to
23 above idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not
24 connected as required to the 2017 Subaru WRX during the certification process, thereby
25 confirming that this was a fraudulent inspection by way of clean plugging.

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1 **Fraudulent Inspection Number Five: 2008 GMC Envoy**

2 59. OIS Test Data for Smog Bros indicated that on November 9, 2025, a 2008 GMC
3 Envoy, VIN number 1GKDS13S582178702, California license plate 7SNT612 was tested and
4 issued smog certificate number UW295248C, under respondent Partida's Smog Check Inspector
5 License.

6 60. The Dynamic and Dynamic Data Charts for the 2008 GMC Envoy showed that
7 between time stamp 146 and 21822, the engine RPM was around 750 RPM. During that time, the
8 data showed that the throttle varied between 23.1-percent opening and 23.9-percent opening,
9 dropped to 20.4-percent opening then rose back to 23.5-percent opening, the MAF varied
10 between 6.45 gram/sec and 6.52 gram/sec, and the MAP fluctuated between 37 kPa and 45 kPa.
11 After time stamp 21822, the data showed the engine RPM increased and then held steady at
12 around 1950 RPM. During that time, the data showed that the throttle fluctuated between 19.2-
13 percent opening and 23.1-percent opening, the MAF varied between 6.43 gram/sec and 6.52
14 gram/sec, and the MAP fluctuated between 32 kPa and 46 kPa.

15 61. The steady idle and steady elevated engine RPMs along with the improbable throttle
16 positions, MAF and MAP readings were not characteristic or expected for normal engine
17 operation. The throttle position, MAF, and MAP readings were expected to be stable at idle and at
18 the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally,
19 with elevated engine RPM, the throttle position readings were expected to increase, not decrease
20 to values lower than idle readings, the MAF readings were expected to increase, not remain at
21 values equal to those at idle, and the MAP readings were expected to decrease, not increase to
22 above idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not
23 connected as required to the 2008 GMC Envoy during the certification process, thereby
24 confirming this was fraudulent inspection by way of clean plugging.

25 **Fraudulent Inspection Number Six: 2010 Cadillac CTS-V**

26 62. OIS Test Data for Smog Bros indicated that on November 10, 2025, a 2010 Cadillac
27 CTS-V, VIN number 1G6DV5EP8A0133955, California license plate number 6XIY110 was
28 tested and issued smog certificate number UW295250C under respondent Partida's

1 Smog Check Inspector License.

2 63. The Dynamic and Dynamic Data Charts for the 2010 Cadillac CTS-V showed that
3 between time stamp 122 and 19665, the engine RPM was around 785 RPM. During that time, the
4 data showed that the throttle fluctuated between 18.8-percent opening and 24.3-percent opening,
5 the MAF varied between 8.84 gram/sec and 8.93 gram/sec, and the MAP fluctuated between 36
6 kPa and 44 kPa. After time stamp 19665, the data showed the engine RPM increased and then
7 ultimately held steady at around 1852 RPM. During that time, the data showed that the throttle
8 fluctuated between 20-percent opening and 24.3-percent opening, the MAF varied between 8.84
9 gram/sec and 8.95 gram/sec, and the MAP fluctuated between 32 kPa and 43 kPa.

10 64. The steady idle and steady elevated engine RPMs along with the improbable throttle
11 positions, MAF and MAP readings were not characteristic or expected for normal engine
12 operation. The throttle position, MAF, and MAP readings were expected to be stable at idle and at
13 the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally,
14 with elevated engine RPM, the throttle position readings were expected to increase, not decrease
15 to values lower than idle readings, the MAF readings were expected to increase, not remain at
16 values equal to those at idle, and the MAP readings were expected to decrease, not increase to
17 above idle readings. The discrepancies in the OIS Test Data prove the OIS DAD was not
18 connected as required to the 2010 Cadillac CTS-V during the certification process, thereby
19 confirming this was fraudulent inspection by way of clean plugging.

20 **Fraudulent Inspection Number Seven: 2007 Ford F150**

21 65. OIS Test Data for Smog Bros indicated that on November 11, 2025, a 2007 Ford
22 F150, VIN number 1FTRX14W87NA04785, California license plate R359095 was tested and
23 issued smog certificate number UW561860C under respondent Alvarez's Smog Check Inspector
24 License.

25 66. The Dynamic and Dynamic Data Charts for the 2007 Ford F150 showed that between
26 time stamp 147 and 24451, the engine RPM was held steady at around 580 RPM. During that
27 time, the data showed that the throttle fluctuated between 13.3-percent opening and 17.6-percent
28 opening, the MAF varied between 5.13 gram/sec and 5.25 gram/sec, and the MAP fluctuated

1 between 32 kPa and 44 kPa. After time stamp 24451, the data showed the engine RPM increased
2 and then held steady at around 2025 RPM. During that time, the data showed that the throttle
3 fluctuated between 14.5-percent opening and 16.9-percent opening, the MAF varied between 5.15
4 gram/sec and 5.23 gram/sec, and the MAP fluctuated between 32 kPa and 45 kPa.

5 67. The steady idle and steady elevated engine RPMs along with the improbable throttle
6 positions, MAF and MAP readings were not characteristic or expected for normal engine
7 operation. The throttle position, MAF, and MAP readings were expected to be stable at idle and at
8 the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally,
9 with elevated engine RPM, the throttle position readings were expected to increase, not decrease
10 to values lower than idle readings, the MAF readings were expected to increase, not remain at
11 values equal to those at idle and the MAP readings were expected to decrease, not increase to
12 above idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not
13 connected as required to the 2007 Ford F150 during the certification process, thereby confirming
14 this was a fraudulent inspection by way of clean plugging.

15 **Fraudulent Inspection Number Eight: 2006 Chrysler 300C**

16 68. OIS Test Data for Smog Bros indicated that on November 25, 2025, a 2006 Chrysler
17 300C SRT-8, VIN number 2C3LA73WX6H370609 (2006 Chrysler 300C), no license plate, was
18 tested and issued smog certificate number UW863706C under respondent Alvarez's Smog Check
19 Inspector License.

20 69. The Dynamic and Dynamic Data Charts for the 2006 Chrysler 300C showed that
21 between time stamp 145 and 19437, the engine RPM was around 810 RPM. During that time, the
22 data showed that the throttle fluctuated between 13.3-percent opening and 18-percent opening and
23 the MAP fluctuated between 35 kPa and 45 kPa. After time stamp 19437, the data showed the
24 engine RPM had increased and then held steady at around 1990 RPM. During that time, the data
25 showed that the throttle fluctuated between 12.5-percent opening and 16.9-percent opening and
26 the MAP fluctuated between 35 kPa and 45 kPa.

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

1 throttle position and MAP readings were expected to be stable at idle and at the elevated engine
2 RPM, not drop and rise unexpectedly. Additionally, with elevated engine RPM, the throttle
3 position readings were expected to increase, not decrease to values lower than idle readings and
4 the MAP readings were expected to decrease, not increase to above idle readings. The
5 discrepancies in the OIS Test Data prove OIS DAD was not connected as required to the 2006
6 Chrysler 300C during the certification process, thereby confirming this was a fraudulent
7 inspection by way of clean plugging.

8 **Fraudulent Inspection Number Nine: 2006 Ford Mustang GT**

9 71. OIS Test Data for Smog Bros indicated that on January 9, 2026, a 2006 Ford Mustang
10 GT, VIN number 1ZVFT82H365213875, California license plate 8NZG800 was tested and issued
11 smog certificate number UY338835C under respondent Alvarez's Smog Check Inspector
12 License.

13 72. The Dynamic and Dynamic Data Charts for the 2006 Ford Mustang GT showed that
14 between time stamp 136 and 20786, the engine RPM was around 685 RPM. During that time, the
15 data showed that the throttle fluctuated between 7.1-percent opening and 11.8-percent opening
16 and the MAF varied between 4.84 gram/sec and 4.95 gram/sec. After time stamp 20786, the data
17 showed the engine RPM had increased and then held at around 1590 RPM. During that time, the
18 data showed that the throttle fluctuated between 6.7-percent opening and 11.4-percent opening
19 and the MAF varied between 4.82 gram/sec and 4.93 gram/sec.

20 73. The steady idle and elevated engine RPMs along with the improbable throttle
21 positions and MAF readings were not characteristic or expected for normal engine operation. The
22 throttle position and MAF readings were expected to be stable at idle and at the elevated engine
23 RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine
24 RPM, the throttle position readings were expected to increase, not decrease to values lower than
25 idle readings and the MAF readings were expected to increase, not remain at values equal to those
26 at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as
27 required to the 2006 Ford Mustang GT during the certification process, thereby confirming this
28 was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Ten: 2006 Toyota Avalon

74. OIS Test Data for Smog Bros indicated that on January 18, 2026, a 2006 Toyota Avalon XL, VIN number 4T1BK36B26U062574 (2006 Toyota Avalon), California license plate 6HYX49 was tested and issued smog certificate number VA081667C, under respondent Alvarez's Smog Check Inspector License.

75. The Dynamic and Dynamic Data Charts for the 2006 Toyota Avalon showed that between time stamp 132 and 19817, the engine RPM was around 650 RPM. During that time, the data showed that the throttle fluctuated between 12.5-percent opening and 18-percent opening and the MAF varied between 3.37 gram/sec and 3.51 gram/sec. After time stamp 19817, the data showed the engine RPM had increased and then held steady at around 1760 RPM. During that time, the data showed that the throttle fluctuated between 13.7-percent opening and 18-percent opening and the MAF varied between 3.37 gram/sec and 3.48 gram/sec.

76. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine RPM, the throttle position readings were expected to increase, not decrease to values lower than idle readings and the MAF readings were expected to increase, not remain at values equal to those at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as required to the 2006 Toyota Avalon during the certification process, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number 11: 2006 Ford Mustang

77. OIS Test Data for Smog Bros indicated that on February 10, 2026, a 2006 Ford Mustang, VIN number 1ZVFT80N165261495, no license plate, was tested and issued smog certificate number VA728221C, under respondent Gonzales' Smog Check Inspector License.

78. The Dynamic and Dynamic Data Charts for the 2006 Ford Mustang showed that between time stamp 150 and 20512, the engine RPM was around 705 RPM. During that time, the data showed that the throttle fluctuated between 12.9-percent opening and 17.3-percent opening,

1 the MAF varied between 4.2 gram/sec and 4.28 gram/sec, and the MAP fluctuated between 16
2 kPa and 29 kPa. After time stamp 20512, the data showed the engine RPM increased and then
3 ultimately held steady at no less than 1484 RPM . During that time, the data showed that the
4 throttle fluctuated between 12.5-percent opening and 18-percent opening, the MAF varied
5 between 4.2 gram/sec and 4.31 gram/sec, and the MAP fluctuated between 16 kPa and 30 kPa.

6 79. The steady idle and elevated engine RPMs along with the improbable throttle
7 positions, MAF and MAP readings were not characteristic or expected for normal engine
8 operation. The throttle positions, MAF and MAP readings were expected to be stable at idle and
9 at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally.
10 Additionally, with elevated engine RPM, the throttle position readings were expected to increase,
11 not decrease to values lower than idle readings, the MAF readings were expected to increase, not
12 remain at values equal to those at idle, and the MAP readings were expected to decrease, not
13 increase to above idle readings. The discrepancies in the OIS Test Data confirmed that the OIS
14 DAD was not connected as required to the 2006 Ford Mustang during the certification process,
15 thereby confirming this was a fraudulent inspection by way of clean plugging.

16 **Fraudulent Inspection Number 12: 2006 Toyota Tacoma**

17 80. OIS Test Data for Smog Bros indicated that on February 12, 2026, a 2006 Toyota
18 Tacoma Access Cab, VIN number 5TETX22N96Z207587 (2006 Toyota Tacoma), California
19 license plate 40584V3 was tested and issued smog certificate number VA728237C under licensed
20 respondent Gonzales's Smog Check Inspector License.

21 81. The Dynamic and Dynamic Data Charts for the 2006 Toyota Tacoma showed that
22 between time stamp 113 and 27179, the engine RPM was around 840 RPM. During that time, the
23 data showed that the throttle fluctuated between 12.9-percent opening and 18-percent opening and
24 the MAF varied between 0.82 gram/sec and 0.93 gram/sec. After time stamp 27179, the data
25 showed the engine RPM had increased and then held at no less than 1438 RPM. During that time,
26 the data showed that the throttle fluctuated between 14.9-percent opening and 18-percent opening
27 and the MAF varied between 0.81 gram/sec and 0.95 gram/sec.

28 ///

82. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine RPM, the throttle position readings were expected to increase, not decrease to values lower than idle readings and the MAF readings were expected to increase, not remain at values equal to those at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as required to the 2006 Toyota Tacoma during the certification process, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number 13: 2006 Ford Econoline

83. OIS Test Data for Smog Bros indicated that on February 20, 2026, a 2006 Ford Econoline E350 Super Duty Cutaway Van, VIN number 1FDSE35L96HA51470 (2006 Ford Econoline), California license plate 87671K3 was tested and issued smog certificate number VC006045C, under respondent Gonzales's Smog Check Inspector License.

84. The Dynamic and Dynamic Data Charts for the 2006 Ford Econoline showed that between time stamp 112 and 23108, the engine RPM was around 585 RPM. During that time, the data showed that the throttle fluctuated between 12.9-percent opening and 18-percent opening and the MAF varied between 6.89 gram/sec and 7.0 gram/sec. After time stamp 23108, the data showed the engine RPM had increased and then held at no less than 1552 RPM. During that time, the data showed that the throttle fluctuated between 12.5-percent opening and 18-percent opening and the MAF varied between 6.89 gram/sec and 7.03 gram/sec.

85. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine RPM, the throttle position readings were expected to increase, not decrease to values lower than idle readings and the MAF readings were expected to increase, not remain at values equal to those at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as

1 required to the 2006 Ford Econoline during the certification process, thereby confirming this was
2 a fraudulent inspection by way of clean plugging.

3 **Fraudulent Inspection Number 14: 2005 Ford F150**

4 86. OIS Test Data for Smog Bros indicated that on March 9, 2026, a 2005 Ford F150,
5 VIN number 1FTPX12525NB37332, California license plate 27059K3 was tested and issued
6 smog certificate number JH977504C, under respondent Gonzales' Smog Check Inspector
7 License.

8 87. The Dynamic and Dynamic Data Charts for the 2005 Ford F150 showed that between
9 time stamp 121 and 22147, the engine RPM was around 735 RPM. During that time, the data
10 showed that the throttle fluctuated between 12.9-percent opening and 17.3-percent opening and
11 the MAF varied between 0.01 gram/sec and 0.12 gram/sec. After time stamp 22147, the data
12 showed the engine RPM had increased and then held at no less than 1750 RPM. During that time,
13 the data showed that the throttle fluctuated between 12.9-percent opening and 16.1-percent
14 opening and the MAF varied between 0.02 gram/sec and 0.14 gram/sec.

15 88. The steady idle and elevated engine RPMs along 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 drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine
19 RPM, the throttle position readings were expected to increase, not decrease to values lower than
20 idle readings and the MAF readings were expected to increase, not remain at values equal to those
21 at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as
22 required to the 2005 Ford F150 during the certification process as required, thereby confirming
23 this was a fraudulent inspection by way of clean plugging.

24 **Fraudulent Inspection Number 15: 2005 Lincoln LS**

25 89. OIS Test Data for Smog Bros indicated that on March 10, 2026, a 2005 Lincoln LS,
26 VIN number 1LNHM86S05Y620107, California license plate 5SJE184 was tested and issued
27 smog certificate number JH977516C, under respondent Gonzales' Smog Check Inspector
28 License.

90. The Dynamic and Dynamic Data Charts for the 2005 Lincoln LS showed that between time stamp 110 and 21569, the engine RPM was around 725 RPM. During that time, the data showed that the throttle fluctuated between 12.9-percent opening and 16.5-percent opening and the MAF varied between 6.41 gram/sec and 6.55 gram/sec. After time stamp 21569, the data showed the engine RPM had increased and then held at around 1920 RPM. During that time, the data showed that the throttle fluctuated between 12.5-percent opening and 16.1-percent opening and the MAF varied between 6.42 gram/sec and 6.54 gram/sec.

91. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, with elevated engine RPM, the throttle position readings were expected to increase, not decrease to values lower than idle readings and the MAF readings were expected to increase, not remain at values equal to those at idle. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected as required to the 2005 Lincoln LS during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

92. Respondent Smog Bros' Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that respondent Smog Bros made statements which were known to be untrue or misleading or, which by exercise of reasonable care should have been known to be untrue or misleading, by issuing electronic smog certificates of compliance for the 15 vehicles set forth in paragraphs 46 through 91, 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 43 through 91, above, as though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 93. Respondent Smog Bros' Automotive Repair Dealer Registration is subject to
4 disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that respondent Smog
5 Bros committed acts that constitute fraud by issuing electronic certificates of compliance to the
6 15 vehicles set forth in paragraphs 46 through 91, above, without performing bone fide
7 inspections of the emission control devices and systems on those vehicles, thereby depriving the
8 People of the State of California of the protection afforded by the Motor Vehicle Inspection
9 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
10 paragraphs 43 through 91, above, as though set forth fully herein.,

11 **THIRD CAUSE FOR DISCIPLINE**

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

13 94. Respondent Smog Bros' Automotive Repair Dealer Registration is subject to
14 disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that respondent Smog
15 Broas failed in a material respect to comply with the provisions of this chapter or regulations
16 adopted pursuant to it when he issued electronic certificates of compliance for the 15 vehicles set
17 forth in paragraphs 46 through 91, above, without performing bona fide inspections of the
18 emission control devices and systems on those vehicles, thereby depriving the People of the State
19 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
20 refers to, and by this reference incorporates, the allegations contained in paragraphs 43 through
21 91, above, as though set forth fully herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

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

24 95. Respondent Smog Bros' Smog Check Test Only Station License is subject to
25 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
26 respondent Smog Bros failed to comply with the following sections of that Code:

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a. Section 44012: Respondent Smog Bros failed to ensure that the emission control tests were performed on the 15 vehicles identified in paragraphs 46 through 91, above, in accordance with procedures prescribed by the department.

b. Section 44015, subdivision (b): Respondent Smog Bros issued electronic smog certificates of compliance to the 15 vehicles identified in paragraphs 46 through 91, above, without properly testing and inspecting those vehicles to determine if they were in compliance with Health and Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 43 through 91, above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)

96. Respondent Smog Bros' Smog Check Test Only Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that respondent Smog Bros failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. Section 3340.24, subdivision (c): Respondent Smog Bros falsely or fraudulently issued electronic smog certificates of compliance for the 15 vehicles identified in paragraphs 46 through 91, above.

b. Section 3340.30, subdivision (a): Respondent Smog Bros failed to inspect and test the 15 vehicles identified in paragraphs 46 through 91, above, in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. Section 3340.35, subdivision (c): Respondent Smog Bros issued electronic smog certificates of compliance for the 15 vehicles identified in paragraphs 46 through 91, above, even though those vehicles had not been inspected in accordance with section 3340.42.

d. Section 3340.42: Respondent Smog Bros failed to ensure that the smog inspections conducted on the 15 vehicles identified in paragraphs 46 through 91, above, were done in accordance with the Bureau's specifications.

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 43 through 91, above, as though set forth fully herein

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 97. Respondent Smog Bros' Smog Check Test Only Station License is subject to
6 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
7 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that respondent
8 Smog Bros committed dishonest, fraudulent, or deceitful acts whereby another was injured by
9 issuing electronic smog certificates of compliance for the 15 vehicles described in paragraphs 46
10 through 91, above, without performing bona fide inspections of the emission control devices and
11 systems on those vehicles, thereby depriving the People of the State of California of the
12 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
13 reference incorporates, the allegations contained in paragraphs 43 through 91, above, as though
14 set forth fully herein.

15 **Respondent Gonzales**

16 **SEVENTH CAUSE FOR DISCIPLINE**

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

18 98. Respondent Gonzales' Smog Check Inspector License is subject to disciplinary action
19 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply
20 with the following sections of that code:

21 a. Section 44032: Respondent Gonzales failed to perform tests of emission
22 control devices and systems of the five vehicles identified in paragraphs 46, and 77 through 91,
23 above, in accordance with Health and Safety Code section 44012.

24 b. Section 44015, subdivision (b): Respondent Gonzales caused electronic smog
25 certificates of compliance to be issued for the five vehicles identified in paragraphs 46, and 77
26 through 91, above, without ensuring that they were properly tested and inspected to determine if
27 they were in compliance with Health and Safety Code section 44012.

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1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 46, and 77 through 91, above, as though set forth fully herein.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)**

5 99. Respondent Gonzales' Smog Check Inspector License is subject to disciplinary action
6 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply
7 with provisions of California Code of Regulations, title 16, as follows:

8 a. Section 3340.24, subdivision (c): Respondent Gonzales falsely or fraudulently
9 issued electronic smog certificates of compliance for the five vehicles identified in paragraphs 46,
10 and 77 through 91, above.

11 b. Section 3340.30, subdivision (a): Respondent Gonzales failed to inspect and
12 test the five vehicles identified in paragraphs 46, and 77 through 91, above, in accordance with
13 Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16,
14 section 3340.42.

15 c. Section 3340.41, subdivision (c): Respondent Gonzales knowingly entered
16 false information into the on-board diagnostic inspection system for the five vehicles identified in
17 paragraphs 46, and 77 through 91, above.

18 d. Section 3340.42: Respondent Gonzales failed to ensure that the smog
19 inspections conducted on the five vehicles identified in paragraphs 46, and 77 through 91, above,
20 were done in accordance with the Bureau's specifications.

21 Complainant refers to, and by this reference incorporates, the allegations contained in
22 paragraphs 46, and 77 through 91, above, as though set forth fully herein.

23 **NINTH CAUSE FOR DISCIPLINE**

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

25 100. Respondent Gonzales' Smog Check Inspector License is subject to disciplinary action
26 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
27 and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
28 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance

1 for the five vehicles identified in paragraphs 46, and 77 through 91, above, without performing
2 bona fide inspections 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 46, and 77 through 91, above, as though set forth fully herein.

6 **Respondent Partida**

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Violations of Motor Vehicle Inspection Program)**

9 101. Respondent Partida's Smog Check Inspector License is subject to disciplinary action
10 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply
11 with the following sections of that code:

12 a. Section 44032: Respondent Partida failed to perform tests of emission control
13 devices and systems of the five vehicles identified in paragraphs 46 through 49, and 53 through
14 64, above, in accordance with Health and Safety Code section 44012.

15 b. Section 44015, subdivision (b): Respondent Partida caused electronic smog
16 certificates of compliance to be issued for the five vehicles identified in paragraphs 46 through
17 49, and 53 through 64, above, without ensuring that they were properly tested and inspected to
18 determine if they were in compliance with Health and Safety Code section 44012.

19 Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 46 through 49, and 53 through 64, above, as though set forth fully herein.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)**

23 102. Respondent Partida's Smog Check Inspector License is subject to disciplinary action
24 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply
25 with provisions of California Code of Regulations, title 16, as follows:

26 a. Section 3340.24, subdivision (c): Respondent Partida falsely or fraudulently
27 issued electronic smog certificates of compliance for the five vehicles identified in paragraphs 46
28 through 49, and 53 through 64, above.

b. Section 3340.30, subdivision (a): Respondent Partida failed to inspect and test the five vehicles identified in paragraphs 46 through 49, and 53 through 64, above, in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. Section 3340.41, subdivision (c): Respondent Partida knowingly entered false information into the on-board diagnostic inspection system for the five vehicles identified in paragraphs 46 through 49, and 53 through 64, above.

d. Section 3340.42: Respondent Partida failed to ensure that the smog inspections conducted on the five vehicles identified in paragraphs 46 through 49, and 53 through 64, above, were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 46 through 49, and 53 through 64, above, as though set forth fully herein.

TWELFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

103. Respondent Partida's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the five vehicles identified in paragraphs 46 through 49, and 53 through 64, above, without performing bona fide inspections 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 46 through 49, and 53 through 64, above, as though set forth fully herein.

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1 **Respondent Alvarez**

2 **THIRTEENTH CAUSE FOR DISCIPLINE**

3 **(Violations of the Motor Vehicle Program)**

4 104. Respondent Alvarez's Smog Check Inspector License is subject to disciplinary action
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply
6 with the following sections of that code:

7 a. Section 44032: Respondent Alvarez failed to perform tests of emission control
8 devices and systems of the five vehicles identified in paragraphs 46, 50 through 52, and 65
9 through 76, above, in accordance with Health and Safety Code section 44012.

10 b. Section 44015, subdivision (b): Respondent Alvarez caused electronic smog
11 certificates of compliance to be issued for the five vehicles identified in paragraphs 46, 50
12 through 52, and 65 through 76, above, without ensuring that they were properly tested and
13 inspected to determine if they were in compliance with Health and Safety Code section 44012.

14 Complainant refers to, and by this reference incorporates, the allegations contained in
15 paragraphs 46, 50 through 52, and 65 through 76, above, as though set forth fully herein.

16 **FOURTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)**

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

21 a. Section 3340.24, subdivision (c): Respondent Alvarez falsely or fraudulently
22 issued electronic smog certificates of compliance for the five vehicles identified in paragraphs 46,
23 50 through 52, and 65 through 76, above.

24 b. Section 3340.30, subdivision (a): Respondent Alvarez failed to inspect and test
25 the five vehicles identified in paragraphs 46, 50 through 52, and 65 through 76, above, in
26 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
27 Regulations, title 16, section 3340.42.

28 ///

1 c. Section 3340.41, subdivision (c): Respondent Alvarez knowingly entered false
2 information into the on-board diagnostic inspection system for the five vehicles identified in
3 paragraphs 46, 50 through 52, and 65 through 76, above.

4 d. Section 3340.42: Respondent Alvarez failed to ensure that the smog
5 inspections conducted on the five vehicles identified in paragraphs 46, 50 through 52, and 65
6 through 76, above, were done in accordance with the Bureau's specifications.

7 Complainant refers to, and by this reference incorporates, the allegations contained in
8 paragraphs 46, 50 through 52, and 65 through 76, above, as though set forth fully herein

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

11 106. Respondent Alvarez's Smog Check Inspector License is subject to disciplinary action
12 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
13 and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
14 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
15 for the five vehicles identified in paragraphs 46, 50 through 52, and 65 through 76, above,
16 without performing bona fide inspections of the emission control devices and systems on those
17 vehicles, thereby depriving the People of the State of California of the protection afforded by the
18 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
19 allegations contained in paragraphs 46, 50 through 52, and 65 through 76, above, as though set
20 forth fully herein.

21 **DISCIPLINE CONSIDERATIONS**

22 107. On or about June 12, 2014, complainant issued respondent Gonzales Citation number
23 M2014-0947 and an Order of Abatement for violation of Health and Safety Code 44032. The
24 facts and circumstances of the citation were that respondent Gonzales issued a Certificate of
25 Compliance to the Bureau's undercover vehicle that had its engine ignition timing adjusted
26 beyond the manufacturer's specifications. Respondent Gonzales appealed. Effective April 16,
27 2016, an Administrative Law Judge affirmed both the citation and order of abatement.

108. Respondent Gonzales was ordered to complete an 8-hour BAR-certified training course within 60 days of the decision, and was further ordered to cease-and-desist from violating Health and Safety Code section 44032.

OTHER MATTERS

109. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the Director of the Department of Consumer Affairs (Director) may suspend, revoke, or place on probation the registration for all places of business operated in this State by Jose Alberto Manzo upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations related to an Automotive Repair Dealer.

110. Pursuant to Health and Safety Code section 44072.8, if Smog Test Only Station License Number TC 311402, issued to respondent Smog Bros is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

111. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 635581, issued to respondent Gonzales, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

112. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 645770, issued to respondent Partida, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

113. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 645306, issued to respondent Alvarez, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or 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 311402, issued to Jose Alberto Manzo doing business as Smog Bros;
2. Revoking or suspending any other automotive repair dealer registration issued to Jose Alberto Manzo doing business as Smog Bros;
3. Revoking or suspending Smog Check, Test Only License Number TC 311402, issued to Jose Alberto Manzo doing business as Smog Bros;
4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Jose Alberto Manzo;
5. Revoking or suspending Smog Check Inspector License Number EO 635581, issued to Carlos Gonzales, Jr.;
6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Carlos Gonzales, Jr.;
7. Revoking or suspending Smog Check Inspector License Number EO 645770, issued to Elias Partida ;
8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Elias Partida;
9. Revoking or suspending Smog Check Inspector License Number EO 645306, issued to Benjamin Castellanos Alvarez;
10. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Benjamin Castellanos Alvarez;
11. Ordering Jose Alberto Manzo, Carlos Gonzales, Jr., Elias Partida, and Benjamin Castellanos Alvarez 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;

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and,

12. 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: 2026.07.07 12:01:54
-07'00'

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

LA2026601527