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

In the Matter of the Accusation Against**:** **GS SMOG INC.** **STEVEN HAWTHORNE, PRES** **JAIME L. SHERRARD, TRES** **MINDI HAWTHORNE, SEC** 4020 Durock Road #2 Shingle Springs, CA 95682 **Automotive Repair Dealer Registration No. ARD 241785** **Smog Check, Test-And-Repair, Station License No. RC 241785,** **STEVEN ASHLEY HAWTHORNE** 4020 Durock Road #2 Shingle Springs, CA 95682 **Smog Check Inspector License No. EO 149176** **Smog Check Repair Technician License No. EI 149176,** **STEVEN DOUGLAS JOHNSON** 4020 Durock Road #2 Shingle Springs, CA 95682 **Smog Check Inspector License No. EO 643269,** **and**	Case No. 79/26-4991 **ACCUSATION**

PARVAN RADOSTINOV ILIEV
4120 Presley Lane
Shingle Springs, CA 95682

Smog Check Inspector License No. EO 152699
Smog Check Repair Technician License No. EI 152699

Respondents.

PARTIES

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

Automotive Repair Dealer Registration

2. On or about January 1, 2005, the Bureau issued Automotive Repair Dealer Registration Number ARD 241785 to GS Smog Inc. (Respondent GS Smog) with Steven Hawthorne (Respondent Hawthorne) as President, Jaime L. Sherrard as Treasurer, and Mindi Hawthorne as Secretary. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

Smog Check, Test-and-Repair, Station License

3. On or about January 1, 2005, the Bureau issued Smog Check, Test-And-Repair, Station License Number RC 241785 to Respondent GS Smog. The Smog Check, Test-And-Repair, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

Smog Check Inspector License- Respondent Hawthorne

4. On or about August 28, 2012, the Bureau issued Smog Check Inspector License Number EO 149176 to Respondent Hawthorne. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

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Smog Check Repair Technician License- Respondent Hawthorne

5. On or about August 28, 2012, the Bureau issued Smog Check Repair Technician License Number EI 149176 to Respondent Hawthorne. The Smog Check Repair Technician License expired on September 30, 2024, and has not been renewed.

Smog Check Inspector License- Respondent Johnson

6. On or about September 7, 2021, the Bureau issued Smog Check Inspector License Number EO 643269 to Steven Douglas Johnson (Respondent Johnson). The Smog Check Inspector License expired on October 31, 2025, and has not been renewed.

Smog Check Inspector License- Respondent Iliev

7. On or about August 28, 2013, the Bureau issued Smog Check Inspector License Number EO 152699 to Parvan Radostinov Iliev (Respondent Iliev). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2027, unless renewed.

Smog Check Repair Technician License- Respondent Iliev

8. On or about August 28, 2013, the Bureau issued Smog Check Repair Technician License Number EI 152699 to Respondent Iliev. The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2027, unless renewed.

JURISDICTION

9. This Accusation is brought before the Director for the Bureau (Director) under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

10. 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.

11. Code section 9884.13 states, "The expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding

against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently."

12. Health and Safety Code (Health & Saf. 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 & Saf. 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.

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

STATUTORY PROVISIONS

15. Code section 9884.7 states, in pertinent part:

> (a) The director, where 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 which 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….

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16. Code section 9884.11 states:

Each automotive repair dealer shall maintain any records that are required by regulations adopted to carry out this chapter. Those records shall be open for reasonable inspection by the chief or other law enforcement officials. All of those records shall be maintained for at least three years.

17. Code section 9889.22 states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

18. Code section 9889.3 states, in pertinent part:

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

…

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

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

…

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

…

19. Health & Saf. Code section 44012 states, in pertinent part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. 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:

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

…

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the findings of Section 44001. The visual or functional check shall be performed in accordance with the procedures as prescribed by the department….

20. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code section 44012.

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

22. Health & Saf. Code section 44059 states:

The willful making of any false statement or entry with regard to a material 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 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

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

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

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

…

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

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

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

…

(c) The department shall revoke the license of any smog check technician or station license 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:

…

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

REGULATORY PROVISIONS

25. California Code of Regulations, title 16 (CCR), section 3340.30 states, in pertinent part:

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….

26. CCR section 3340.35 states, in pertinent part:

…

(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. The following conditions shall apply….

27. CCR section 3340.41 states, in pertinent part:

…

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

28. CCR 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.

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

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

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

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

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

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

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

(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.

(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.

29. CCR section 3373 states:

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or 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.

COST RECOVERY

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

UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM

31. On or about March 9, 2015, California's Smog Check Program was updated to keep pace with ever-advancing technology. The program update requires the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer.

32. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between

the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used to input technician information, the vehicle identification number, and the Department of Motor Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics — Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed into the OBD II computer in earlier model-years. The electronically programmed VIN, referred to as the "eVIN", is captured by the Bureau during a smog check inspection and should match the physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which shows the inspection results and the Smog Check Certificate of Compliance Number for passing vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the communication protocol[1], and the number of Parameter Identifications (PID)[2].

REVIEW OF OIS TEST DATA

33. Bureau representative J.B. reviewed BAR-OIS test data pertaining to smog inspections conducted at Respondent GS Smog's facility. J.B. found that Respondent Hawthorne, Respondent Johnson, and Respondent Iliev had performed smog check inspections on ten vehicles identified below using a method known as "clean plugging,"[3] resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

34. BAR-OIS test data showed that on November 30, 2023, Respondent Johnson performed a smog check inspection on a 2014 Honda CR-V (Vehicle 1), resulting in the issuance of Certificate of Compliance No. IX599716C. The OIS test details for Vehicle 1 showed that the eVIN had not been recorded during the inspection on Vehicle 1. J.B. reviewed the Comparative

[1] The OBD II communication protocol describes the specified communication "language" used by the OBD II computer to communication to scan tools and other devices such as the BAR-OIS. The communication protocol is programmed into the vehicle's on-board computer during manufacture and does not change.

[2] PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number of data points.

[3] Clean plugging is the use of a vehicle's properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

OIS Test Data for other 2014 Honda CR-V vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 1 during the smog check inspection performed by Respondent Johnson, resulting in a fraudulent smog check certificate of compliance for Vehicle 1.

35. J.B. utilized the Bureau's database and found that Vehicle 1 had subsequently been tested at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected.

Vehicle 2

36. BAR-OIS test data showed that on January 15, 2024, Respondent Iliev performed a smog check inspection on a 2012 Mazda 5 (Vehicle 2), resulting in the issuance of Certificate of Compliance No. TQ866917C. The OIS test details for Vehicle 2 showed that the eVIN had not been recorded during the inspection on Vehicle 2. The PID count recorded during the inspection on Vehicle 2 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. J.B. reviewed the Comparative OIS Test Data for other 2012 Mazda 5 vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 2 during the smog check inspection performed by Respondent Iliev, resulting in a fraudulent smog check certificate of compliance for Vehicle 2.

37. J.B. utilized the Bureau's database and found that Vehicle 2 had subsequently been tested at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 2.

Vehicle 3

38. BAR-OIS test data showed that on March 22, 2024, Respondent Hawthorne performed a smog check inspection on a 2005 Ford Excursion (Vehicle 3), resulting in the issuance of Certificate of Compliance No. TU499465C. The OIS test details for Vehicle 3 showed that the eVIN had not been recorded during the inspection on Vehicle 3. J.B. reviewed the Comparative OIS Test Data for other 2005 Ford Excursion vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 3 during the

smog check inspection performed by Respondent Hawthorne, resulting in a fraudulent smog check certificate of compliance for Vehicle 3.

39. J.B. utilized the Bureau's database and found that Vehicle 3 had subsequently been tested at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected.

Vehicle 4

40. BAR-OIS test data showed that on April 2, 2024, Respondent Iliev performed a smog check inspection on a 2012 Chevrolet Sonic (Vehicle 4), resulting in the issuance of Certificate of Compliance No. TU853002C. The OIS test details for Vehicle 4 showed that the eVIN had not been recorded during the inspection on Vehicle 4. J.B. reviewed the Comparative OIS Test Data for other 2012 Chevrolet Sonic vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 4 during the smog check inspection performed by Respondent Iliev, resulting in a fraudulent smog check certificate of compliance for Vehicle 4.

41. J.B. utilized the Bureau's database and found that Vehicle 4 had previously been tested at different facilities. The BAR-OIS test data from those inspections showed the eVIN had been transmitted as expected.

Vehicle 5

42. BAR-OIS test data showed that on April 10, 2024, Respondent Johnson performed a smog check inspection on a 2016 Ford F150 (Vehicle 5), resulting in the issuance of Certificate of Compliance No. TW026385C. The OIS test details for Vehicle 5 showed that the eVIN had not been recorded during the inspection on Vehicle 5. The PID count recorded during the inspection on Vehicle 5 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. J.B. reviewed the Comparative OIS Test Data for other 2016 Ford F150 vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 5 during the smog check inspection performed by Respondent Johnson, resulting in a fraudulent smog check certificate of compliance for Vehicle 5.

Vehicle 6

43. BAR-OIS test data showed that on April 17, 2024, Respondent Hawthorne performed

a smog check inspection on a 2014 Nissan Versa (Vehicle 6), resulting in the issuance of Certificate of Compliance No. TW247933C. The OIS test details for Vehicle 6 showed that the eVIN had not been recorded during the inspection on Vehicle 6. The PID count recorded during the inspection on Vehicle 6 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. J.B. reviewed the Comparative OIS Test Data for other 2014 Nissan Versa vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 6 during the smog check inspection performed by Respondent Hawthorne, resulting in a fraudulent smog check certificate of compliance for Vehicle 6.

44. J.B. utilized the Bureau's database and found that Vehicle 6 had subsequently been tested at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 6.

Vehicle 7

45. BAR-OIS test data showed that on December 18, 2024, Respondent Iliev performed a smog check inspection on a 2017 Hyundai Sonata (Vehicle 7), resulting in the issuance of Certificate of Compliance No. JB653561C. The OIS test details for Vehicle 7 showed that the eVIN had not been recorded during the inspection on Vehicle 7. J.B. reviewed the Comparative OIS Test Data for other 2017 Hyundai Sonata vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 7 during the smog check inspection performed by Respondent Iliev, resulting in a fraudulent smog check certificate of compliance for Vehicle 7.

Vehicle 8

46. BAR-OIS test data showed that on March 11, 2025, Respondent Iliev performed a smog check inspection on a 2023 Ram Laramie (Vehicle 8), resulting in the issuance of Certificate of Compliance No. UK848406C. The OIS test details for Vehicle 8 showed that the eVIN had not been recorded during the inspection on Vehicle 8. J.B. reviewed the Comparative OIS Test Data for other 2023 Ram Laramie vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 8 during the smog check inspection

performed by Respondent Iliev, resulting in a fraudulent smog check certificate of compliance for Vehicle 8.

Vehicle 9

47. BAR-OIS test data showed that on August 29, 2025, Respondent Hawthorne performed a smog check inspection on a 2019 Mercedes-Benz S 560 (Vehicle 9), resulting in the issuance of Certificate of Compliance No. US777973C. The OIS test details for Vehicle 9 showed that the eVIN had not been recorded during the inspection on Vehicle 9. J.B. reviewed the Comparative OIS Test Data for other 2019 Mercedes-Benz S 560 vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 9 during the smog check inspection performed by Respondent Hawthorne, resulting in a fraudulent smog check certificate of compliance for Vehicle 9.

Vehicle 10

48. BAR-OIS test data showed that on December 30, 2025, Respondent Iliev performed a smog check inspection on a 2014 Ram 2500 (Vehicle 10), resulting in the issuance of Certificate of Compliance No. UY448637C. The OIS test details for Vehicle 10 showed that the eVIN had not been recorded during the inspection on Vehicle 10. J.B. reviewed the Comparative OIS Test Data for other 2014 Ram 2500 vehicles and found that they transmit an eVIN. J.B. concluded that the DAD had not been connected to Vehicle 10 during the smog check inspection performed by Respondent Iliev, resulting in a fraudulent smog check certificate of compliance for Vehicle 10.

49. J.B. utilized the Bureau's database and found that Vehicle 10 had previously been tested at different facilities. The BAR-OIS test data from those inspections showed the eVIN had been transmitted as expected.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

50. Respondent GS Smog's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that Respondent GS Smog made or authorized statements which Respondent GS Smog knew or in the exercise of reasonable care should have known to be untrue or misleading. Specifically, Respondent GS

Smog certified that Vehicles 1 through 10, identified in paragraphs 34 through 49, above, passed inspection and were in compliance with applicable laws and regulations when, in fact, those vehicles had not been properly inspected.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

51. Respondent GS Smog's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent GS Smog committed acts that constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 34 through 49, above, without ensuring that bona fide inspections had been performed of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

52. Respondent GS Smog's registration is subject to disciplinary action pursuant Code section 9884.7, subdivision (a)(6), in that Respondent GS Smog failed in a material respect to comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent GS Smog issued electronic certificates of compliance for Vehicles 1 through 10, identified in paragraphs 34 through 49, 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.

FOURTH CAUSE FOR DISCIPLINE

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)

53. Respondent GS Smog's smog check, test-and-repair, station license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent GS Smog failed to comply with the following sections of the CCR's:

a. **Section 3340.35, subdivision (c)**: Respondent GS Smog failed to inspect and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.42 of the

CCR and failed to ensure that the vehicles had all the required emission control equipment and devices installed and functioning correctly.

b. **Section 3373:** Respondent GS Smog made or authorized documents which it knew or which by exercise of reasonable care should have known to be untrue or misleading, when Respondent issued fraudulent smog certificates of compliance for Vehicles 1 through 10.

FIFTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

54. Respondent GS Smog's smog check, test-and-repair, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to Vehicles 1 through 10, identified in paragraphs 34 through 49, above, Respondent GS Smog failed to comply with the Health & Saf. Code, as follows:

a. **Health & Saf. Code, section 44012**: Respondent GS Smog failed to ensure that the emission control tests were performed on the vehicles in accordance with procedures prescribed by the department.

b. **Health & Saf. Code, section 44015**: Respondent GS Smog issued electronic smog certificates of compliance for the vehicles without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health & Saf. Code section 44012.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

55. Respondent GS Smog's smog check, test-and-repair, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent GS Smog committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 34 through 49, above, without ensuring that a bona fide inspection had been performed of the emission control devices and systems on the vehicles, thereby depriving the people of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

56. Respondent Hawthorne's smog check inspector license and smog check repair technician license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Hawthorne violated section 44032 of that Code. Specifically, Respondent Hawthorne failed to perform the emission control tests on Vehicles 3, 6, and 9, identified in paragraphs 38 through 39, 43 through 44, and 47, above, in accordance with procedures prescribed by the department.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

57. Respondent Hawthorne's smog check inspector license and smog check repair technician license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 3, 6, and 9, identified in paragraphs 38 through 39, 43 through 44, and 47, above, Respondent Hawthorne failed to comply with provisions of the CCR, as follows:

a. **CCR, section 3340.30, subdivision (a)**: Respondent Hawthorne failed to inspect and test Vehicles 3, 6, and 9, in accordance with Health & Saf. Code section 44012 and CCR section 3340.42.

b. **CCR, section 3340.41, subdivision (c):** Respondent Hawthorne entered false information into the OIS by entering vehicle identification information for a vehicle other than the one being tested.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

58. Respondent Hawthorne's smog check inspector license and smog check repair technician license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Hawthorne committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 3,

6, and 9, identified in paragraphs 38 through 39, 43 through 44, and 47, 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.

TENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

59. Respondent Johnson's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Johnson violated section 44032 of that Code. Specifically, Respondent Johnson failed to perform the emission control tests on Vehicles 1 and 5, identified in paragraphs 34, 35, and 42, above, in accordance with procedures prescribed by the department.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

60. Respondent Johnson's smog check inspector license is subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1 and 5, identified in paragraphs 34, 35, and 42, above, Respondent Johnson failed to comply with provisions of the CCR, as follows:

a. **CCR, section 3340.30, subdivision (a)**: Respondent Johnson failed to inspect and test Vehicles 1 and 5, in accordance with Health & Saf. Code section 44012 and CCR section 3340.42.

b. **CCR, section 3340.41, subdivision (c):** Respondent Johnson entered false information into the OIS by entering vehicle identification information for a vehicle other than the one being tested.

TWELFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

61. Respondent Johnson's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Johnson committed dishonest,

fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for on Vehicles 1 and 5, identified in paragraphs 34, 35, and 42, 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.

THIRTEENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

62. Respondent Iliev's smog check inspector license and smog check repair technician license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Iliev violated section 44032 of that Code. Specifically, Respondent Iliev failed to perform the emission control tests on Vehicles 2, 4, 7, 8, and 10, identified in paragraphs 36 through 37, 40 through 41, 45 through 46, and 48 through 49, above, in accordance with procedures prescribed by the department.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

63. Respondent Iliev's smog check inspector license and smog check repair technician license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 2, 4, 7, 8, and 10, identified in paragraphs 36 through 37, 40 through 41, 45 through 46, and 48 through 49, above, Respondent Iliev failed to comply with provisions of the CCR, as follows:

a. **CCR, section 3340.30, subdivision (a)**: Respondent Iliev failed to inspect and test Vehicles 2, 4, 7, 8, and 10 in accordance with Health & Saf. Code section 44012 and CCR section 3340.42.

b. **CCR, section 3340.41, subdivision (c):** Respondent Iliev entered false information into the OIS by entering vehicle identification information for a vehicle other than the one being tested.

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FIFTEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

64. Respondent Iliev's smog check inspector license and smog check repair technician license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Iliev committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 2, 4, 7, 8, and 10, identified in paragraphs 36 through 37, 40 through 41, 45 through 46, and 48 through 49, 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.

DISCIPLINARY CONSIDERATIONS

65. To determine the degree of discipline, if any, to be imposed, Complainant alleges as follows:

Respondent GS Smog

66. On or about May 19, 2006, the Bureau issued Citation No. C06-0750 against Respondent GS Smog for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Air Injection System. The Bureau directed Respondent GS Smog to pay a fine of $500.00. Respondent GS Smog complied with the Citation on or about June 22, 2006.

67. On or about April 5, 2007, the Bureau issued Citation No. C07-0708 against Respondent GS Smog for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Positive Crankcase Ventilation system. The Bureau directed Respondent GS Smog to pay a fine of $500.00. Respondent GS Smog complied with the Citation on or about May 18, 2007.

68. On or about February 25, 2010, the Bureau issued Citation No. C2010-0865 against Respondent GS Smog for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Positive Crankcase Ventilation system. The Bureau directed Respondent GS Smog to pay a fine of $500.00. Respondent GS Smog complied with the Citation on or about April 13,

2010.

69. On or about April 16, 2018, the Bureau issued Citation No. C2018-1059 against Respondent GS Smog for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Positive Crankcase Ventilation system. The Bureau directed Respondent GS Smog to pay a fine of $1000.00. Respondent GS Smog complied with the Citation on or about May 22, 2018.

Respondent Hawthorne

70. On or about May 19, 2006, the Bureau issued Citation No. M06-0751 against Respondent Hawthorne for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Air Injection System. The Bureau directed Respondent Hawthorne to complete an 8-hour training course. Respondent Hawthorne complied with the Citation on or about June 28, 2006.

71. On or about July 9, 2020, the Bureau met with Respondent Hawthorne and conducted a Proactive Conference. Respondent Hawthorne was advised that compliance with all laws and regulations under the Automotive Repair Act is mandatory. Respondent Hawthorne was advised this conference was held in an attempt to obtain future voluntary compliance and that he should be aware of the seriousness of the Bureau's warnings in their efforts to obtain compliance. Respondent Hawthorne was further advised that all Smog Check inspections must be performed in accordance with the Bureau's Smog Check Manual.

Respondent Iliev

72. On or about April 16, 2018, the Bureau issued Citation No. M2018-1060 against Respondent Iliev for issuing a Certificate of Compliance to a Bureau undercover vehicle with a missing Positive Crankcase Ventilation system. The Bureau directed Respondent Iliev to complete an 8-hour training course. The Citation became effective on or about May 17, 2018.

73. On or about July 9, 2020, the Bureau met with Respondent Iliev and conducted a Proactive Conference. Respondent Iliev was advised that compliance with all laws and regulations under the Automotive Repair Act is mandatory. Respondent Iliev was advised this conference was held in an attempt to obtain future voluntary compliance and that he should be

aware of the seriousness of the Bureau's warnings in their efforts to obtain compliance. Respondent Iliev was further advised that all Smog Check inspections must be performed in accordance with the Bureau's Smog Check Manual.

OTHER MATTERS

74. To determine the degree of discipline, if any, to be imposed on Respondent GS Smog, Complainant alleges that on or about May 19, 2006, in a prior action, the Bureau of Automotive Repair issued Citation Number C06-0750 and ordered Respondent to pay a fine of $500 for failure to properly perform a smog check inspection and issuing a Certificate of Compliance for a vehicle that was improperly tested. That Citation is now final.

75. To determine the degree of discipline, if any, to be imposed on Respondent GS Smog, Complainant alleges that on or about April 5, 2007 in a prior action, the Bureau of Automotive Repair issued Citation Number C07-0708 and ordered Respondent to pay a fine of $500 for failure to properly perform a smog check inspection and issuing a Certificate of Compliance for a vehicle that was improperly tested. That Citation is now final.

76. To determine the degree of discipline, if any, to be imposed on Respondent GS Smog, Complainant alleges that on or about February 25, 2010, in a prior action, the Bureau of Automotive Repair issued Citation Number C2010-0865 and ordered Respondent to pay a fine of $500 for failure to properly perform a smog check inspection and issuing a Certificate of Compliance for a vehicle that was improperly tested. That Citation is now final.

77. To determine the degree of discipline, if any, to be imposed on Respondent GS Smog, Complainant alleges that on or about June 7, 2018, in a prior action, the Bureau of Automotive Repair issued Citation Number C2018-1059 and ordered Respondent to pay a fine of $1,000 for issuant a Certificate of Compliance to a Bureau Undercover Vehicle that was not in compliance. That Citation is now final.

78. To determine the degree of discipline, if any, to be imposed on Respondent Hawthorne, Complainant alleges that on or about May 19, 2006, in a prior action, the Bureau of Automotive Repair issued Citation Number M06-0751 and ordered Respondent to complete an 8-

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hour training course for not failing to properly perform smog check inspections. That Citation is now final.

79. To determine the degree of discipline, if any, to be imposed on Respondent Iliev, Complainant alleges that on or about April 16, 2018, in a prior action, the Bureau of Automotive Repair issued Citation Number M2018-1060 and ordered Respondent to complete an 8-hour training course for issuing a Certificate of Compliance to a Bureau Undercover Vehicle that was not in compliance. That Citation is now final.

80. To determine the degree of discipline, if any, to be imposed on Respondents GS Smog, Hawthorn, and Iliev, on or about July 2020, Bureau Representative K.M. conducted a Proactive Conference with Respondents GS Smog, Hawthorn, and Iliev. The purpose of the Proactive Conference was to make Respondent aware of violations and compliance issues regarding smog check inspections and attempt to obtain future compliance with the laws and regulations of the Automotive Repair Act. Respondents Hawthorn and Iliev were advised to perform all smog check inspections in accordance with the requirements and procedures in the Smog Check Manual. Respondents Hawthorn and Iliev were advised that failure to adhere to the requirements may jeopardize GS Smog's registration and license, and their technician licenses.

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 241785, issued to GS Smog Inc. with Steven Hawthorne as President, Jaime L. Sherrard as Treasurer, and Mindi Hawthorne as Secretary;

2. Revoking or suspending any other automotive repair dealer registration issued to GS Smog Inc.;

3. Revoking or suspending Smog Check, Test-And-Repair, Station License Number RC 241785, issued to GS Smog Inc. with Steven Hawthorne as President, Jaime L. Sherrard as Treasurer, and Mindi Hawthorne as Secretary;

4. Revoking or suspending Smog Check Inspector License Number EO 149176, issued to Steven Ashley Hawthorne;

5. Revoking or suspending Smog Check Repair Technician License Number EI 149176, issued to Steven Ashley Hawthorne;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Steven Ashley Hawthorne;

7. Revoking or suspending Smog Check Inspector License Number EO 643269, issued to Steven Douglas Johnson;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Steven Douglas Johnson;

9. Revoking or suspending Smog Check Inspector License Number EO 152699, issued to Parvan Radostinov Iliev;

10. Revoking or suspending Smog Check Repair Technician License Number EI 152699, issued to Parvan Radostinov Iliev;

11. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Parvan Radostinov Iliev;

12. Ordering GS Smog Inc., Steven Hawthorne, Steven Douglas Johnson, and Parvan Radostinov Iliev to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

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

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais, Patrick@DCA
Date: 2026.09.02 10:54:15 -07'00'

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

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