ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
BRENT O. JEX
Deputy Attorney General
State Bar No. 235261
1300 I Street, Suite 125
Sacramento, CA 95814
Telephone: (916) 210-7864
Facsimile: (916) 327-8643
E-mail: Brent.Jex@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **RAUL CASTORENA** **DBA ALL SMOG EXPRESS** 2240 G Street Merced, CA 95340 **Automotive Repair Dealer Registration No. ARD 231921** **Smog Check, Test-Only, Station License No. TC 231921** **RAUL CASTORENA** 2240 G Street Merced, CA 95340 **Smog Check Repair Technician License No. EI 130205** **Smog Check Inspector License No. EO 130205** **and** **VINNY RAUL CASTORENA LOPEZ** 16321 West Gable Court Delhi, CA 95315 **Smog Check Inspector License No. EO 635555** Respondents.	Case No. 79/25-12387 **ACCUSATION**

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.

Raul Castorena dba All Smog Express

2. In and around 2004, the Bureau issued Automotive Repair Dealership Registration (registration) Number ARD 231921 to Raul Castorena (Respondent Castorena) doing business as All Smog Express (Respondent All Smog Express). The registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2026, unless renewed.

3. On or about February 9, 2008, the Bureau issued Smog Check, Test-Only, Station License (station license) Number TC 231921 to Respondent All Smog Express. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2026, unless renewed.

Raul Castorena

4. In and around 2002, the Bureau issued Advanced Emission Specialist Technician (EA) license number 130205 to Respondent Castorena. The license was due to expire on July 31, 2012. Pursuant to California Code of Regulations, title 16, 3340.28, subdivision (e), the license was renewed as Smog Check Repair Technician License (technician license) Number EI 130205 and Smog Check Inspector License (inspector license) Number EO 130205, effective July 24, 2012. The technician license expired on July 31, 2020, and has not been renewed. The inspector license will expire on July 31, 2026, unless renewed.

Vinny Raul Castorena Lopez

5. On or about May 24, 2013, the Bureau issued Smog Check Inspector License Number EO 635555 to Vinny Raul Castorena Lopez (Respondent Lopez). The inspector license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2027, unless renewed.

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LICENSE INFORMATION

Raul Castorena dba All Smog Express #2

6. On or about August 6, 2018, the Bureau issued Automotive Repair Dealership Registration Number ARD 291708 to Respondent Castorena doing business as All Smog Express #2 (All Smog Express #2). The registration expires on August 31, 2026, unless renewed.

7. On or about September 20, 2018, the Bureau issued Smog Check, Test-Only, Station License Number TC 291708 to All Smog Express #2. The station license expires on August 31, 2026, unless renewed.

JURISDICTION

8. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau under the authority of the following laws.

9. Code section 22 states:

> Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

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 9884.7 provides that the Director may revoke an automotive dealer registration.

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

13. 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.

14. Health & Saf. Code section 44072.4, states that "[t]he director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

15. 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.

16. 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 license may be likewise revoked or suspended by the director.

STATUTORY PROVISIONS

17. 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.
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> . . .
>
> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . . .

18. 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.

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, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:
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> (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 department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.
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> . . . .

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

21. Health & Saf, Code section 44024.5, subdivision (a) states:

> The department shall compile and maintain statistical and emissions profiles and data from motor vehicles that are subject to the motor vehicle inspection program. The department may use data from any source, including remote sensing data, in use data, and other motor vehicle inspection program data, to develop and confirm the validity of the profiles, to evaluate the program, and to assess the performance of smog check stations. The department shall undertake these requirements directly or seek a qualified vendor for these services.

22. 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 44012.

23. Health & Saf. Code section 44037 states, in pertinent part:

> The department shall compile and maintain records, using the sampling methodology necessary to ensure their scientific validity and reliability, of tests and repairs performed by qualified smog check technicians at licensed smog check stations pursuant to this chapter on all of the following information:

(1)The motor vehicle identification information and the test data collected at the station.

. . .

(5)Data received and compiled through the use of the centralized computer database and computer network to be established pursuant to Section 44037.1, and any other information determined to be essential by the department for program enhancement to achieve greater efficiency, consumer protection, cost-effectiveness, convenience, or emission reductions.

. . . .

24. Health & Saf. Code section 44037.1 states, in pertinent part:

(a) On or before January 1, 1995, the department shall design and establish the equipment necessary to operate a centralized computer data base and computer network that is readily accessible by all licensed smog check technicians on a real time basis.

(b) The centralized computer data base and network shall be designed with all of the following capabilities:

. . .

(2) To provide smog check technicians and the department with information as to the date and result of prior smog check tests performed on each vehicle to discourage vehicle owners from shopping for certificates of compliance and to permit the department to identify smog check stations for further investigation as potential violators of this chapter.

(3) To provide the department with data on the failure rates and repair effectiveness for vehicles of each make and model year on a statewide basis, and by smog check station and technician, to facilitate identification of smog check stations and technicians as potential violators of this chapter.

. . .

(8) To be compatible with the department's recordkeeping and compilation requirements established by Section 44037.

. . .

(c) After January 1, 1995, each smog check station shall transmit vehicle data emission test results to the department's centralized data base. Each smog check station shall also transmit vehicle data and emission measurements made before and after repair. The department shall establish, by regulation, the form, manner, and frequency of the data transmittals.

. . . .

25. 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.

26. 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 Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.
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> . . .
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.
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> . . . .

REGULATORY PROVISIONS

27. California Code of Regulations, title 16 (CCR), section 3340.17, subdivision (c), states, "Vehicle data and test results from the OBD Inspection System (OIS) shall be transmitted to the bureau's centralized database."

28. CCR, section 3340.30 states, in pertinent part:

> A smog check technician shall comply with the following requirements at all times while licensed.
>
> (a) A licensed technician shall inspect, test and repair vehicles 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. . . .

29. CCR, section 3340.35, subdivision (c) states:

> 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. . .

30. CCR, section 3340.41, subdivision (c) states:

> 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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31. CCR, section 3340.42 states, in pertinent part:

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:

. . .

(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.

. . . .

32. CCR section 3371 states:

No dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. Advertisements and advertising signs shall clearly show the following:

(a) Firm Name and Address. The dealer's firm name and address as they appear on the State registration certificate as an automotive repair dealer; and

(b) Telephone Number. If a telephone number appears in an advertisement or on an advertising sign, this number shall be the same number as that listed for the dealer's firm name and address in the telephone directory, or in the telephone company records if such number is assigned to the dealer subsequent to the publication of such telephone directory.

33. 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(f) 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

34. Code section 125.3 provides, in pertinent part, that a Board 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 the investigation and enforcement of the case.

UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM

35. 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.

36. 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 is 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]

37. Smog Check Inspectors are required to perform visual and functional tests to the vehicle as outlined in the Smog Check Manual. The Smog Check Inspector must conduct a visual inspection of the emission control components/devices to verify they are present and properly connected. The Smog Check Inspector must perform a functional test of the malfunction

[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.

Indicator Lamp (MIL). The BAR-OIS prompts the Smog Check Inspector to start the vehicle's engine and might ask them to raise the engine RPM. The BAR-OIS software makes the determination whether the vehicle passes the inspection based on the results of the visual, functional, and OBD II tests.

38. The EIS or BAR-OIS, dependent upon the test type, prints a VIR, which is a physical record of the test results and shows the Smog Check Certificate of Compliance number that was issued if the vehicle passed the Smog Check Inspection. The Smog Check Inspector must sign the VIR to show that the inspection was performed within BAR guidelines. Licensed Smog Check Inspectors are the only persons authorized by the BAR to perform official Smog Check Inspections. They are issued a license and a personal access code which are used to gain access to the EIS and used to set up a username and password within the BAR-OIS to perform Smog Check Inspections. Beginning May 1, 2023, Smog Check inspectors must use a biometric palm scanner instead of a password login for the BAR-OIS.

39. The Vehicle Identification Database (VID) contains vehicle registration data from DMV, emission standards, vehicle Smog Check Inspection data, smog check station and inspector information, and Smog Check Certificates of Compliance. The VID has an internal clock that is set to Pacific Standard Time and records the time and date for each inspection. Each Smog Check Certificate of Compliance has a unique control number so that it can be tracked to determine which Smog Check Station purchased it and which vehicle it was issued to. The VID receives the Smog Check Inspection results immediately following the inspection. BAR can access the VID to view test data for Smog Check Inspections performed at any Smog Check Station. BAR can search, retrieve, and print test records for all tested vehicles.

40. BAR has identified several means by which fraudulent Smog Check Certificates of Compliance are issued to vehicles that will not pass a Smog Check Inspection or are not present during the Smog Check Inspection. Some of these methods are known as "clean piping," "clean gassing," and "clean plugging." Electronic defeat devices are used to simulate vehicles during the BAR-OIS Smog Check Inspection. These devices mimic vehicle data for the purpose of generating passing data to issue fraudulent Smog Check Certificates of Compliance. This method

is known as "clean plugging." Clean plugging is when another vehicle, an electronic defeat device, and/or computer programming, is used to generate passing data readings to vehicles that will not pass the inspection or are not present for testing.

REVIEW OF BAR'S VEHICLE INFORMATION DATABASE DATA

41. Bureau representative C.C. reviewed BAR'S VID for smog check inspections performed at Respondent All Smog Express' facility. C.C. found smog check inspector Respondent Lopez had performed smog check inspections on 10 vehicles that were improperly inspected and were issued smog check certificates despite having different eVINs, different communication protocols, and/or different PID counts. This meant that these vehicles were not tested during the OBD II functional test, constituting clean-plugging, and resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

42. The OIS test data showed that on February 4, 2025, Respondent Lopez performed a smog check inspection on a 2006 Ford F-150 Supercrew (Vehicle 1), resulting in the issuance of Smog Check Certificate of Compliance Number JD056003C. The OIS test data for Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count transmitted as 43/4. C.C. reviewed the Comparative OIS Test Data for other 2006 Ford F-150 Supercrew vehicles and found that they transmit the correct eVIN and had the expected PID count of 44. C.C. found that the PID count recorded during the inspection on Vehicle 1 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 1 during the smog check inspection performed by Respondent Lopez.

43. The OIS test data also showed that on September 26, 2020, Vehicle 1 had been tested at another smog facility and passed inspection. C.C. found that the eVIN had been reported correctly during the September 26, 2020, inspection, and that the PID count recorded was consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2006 Ford F-150 Supercrew vehicles.

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44. Further, C.C. researched the eVIN reported during the February 4, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway rental vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the PID count was reported as expected. C.C. found that the eVIN and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the February 4, 2025, inspection on Vehicle 1. C.C. concluded that Respondent had used the 2014 GMC Savana 3500 Cutaway's properly functioning OBD II system during the February 4, 2025, inspection on Vehicle 1, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 2

45. The OIS test data showed that on February 5, 2025, Respondent Lopez performed a smog check inspection on a 2007 Chevrolet Silverado C1500 (Vehicle 2), resulting in the issuance of Smog Check Certificate of Compliance Number JD056004C. The OIS test data for Vehicle 2 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle. C.C. reviewed the Comparative OIS Test Data for other Chevrolet Silverado C1500 vehicles and found that they transmit the correct eVIN. C.C. concluded that the DAD had not been connected to Vehicle 2 during the smog check inspection performed by Respondent Lopez.

46. The OIS test data also showed that on February 3, 2021, Vehicle 2 had been tested at another smog facility and passed inspection. C.C. found that the eVIN had been reported correctly during the February 3, 2021, inspection.

47. Further, C.C. researched the eVIN reported during the February 5, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway rental vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly. C.C. found that the eVIN for the 2014 GMC Savana 3500 Cutaway rental car matched what was reported for the February 5, 2025, inspection on Vehicle 2. C.C. concluded that Respondent used the 2014 GMC Savana 3500 Cutaway's

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properly functioning OBD II system during the February 5, 2025, inspection on Vehicle 2, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 3

48. The OIS test data showed that on February 28, 2025, Respondent Lopez performed a smog check inspection on a 2002 Chevrolet Silverado C1500 (Vehicle 3), resulting in the issuance of Smog Check Certificate of Compliance Number UK448356C. The OIS test data for Vehicle 3 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle, the communication protocol was transmitted as ICAN11bt5 and the PID count was 43/4. C.C. reviewed the Comparative OIS Test Data for other 2002 Chevrolet Silverado C1500 vehicles and found that they transmit the correct eVIN and had the expected communication protocol of JVPW and transmit a PID count of 22. C.C. found that the communication protocol and PID count recorded during the inspection on Vehicle 3 were not consistent with the communication protocol and PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 3 during the smog check inspection performed by Respondent Lopez.

49. The OIS test data also showed that on February 1, 2021, Vehicle 3 had been tested at another smog facility and passed inspection. C.C. found that the eVIN had been reported correctly during the February 1, 2020, inspection, and that the communication protocol and PID count recorded were consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2002 Chevrolet Silverado C1500 vehicles.

50. Further, C.C. researched the eVIN reported during the February 28, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the communication protocol and PID count were reported as expected. C.C. found that the eVIN, communication protocol and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the February 4, 2025, inspection on Vehicle 1. C.C. concluded that Respondent had used the 2014 GMC Savana 3500

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Cutaway's properly functioning OBD II system during the February 28, 2025, inspection on Vehicle 3, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 4

51. The OIS test data showed that on March 19, 2025, Respondent Lopez performed a smog check inspection on a 2005 Honda Accord EX (Vehicle 4), resulting in the issuance of Smog Check Certificate of Compliance Number JD699269C. The OIS test data for Vehicle 4 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle, the communication protocol transmitted as ICAN11bt5 and the PID count was 43/4. C.C. reviewed the Comparative OIS Test Data for other 2005 Honda Accord EX vehicles and found that they transmit the correct eVIN and had the expected communication protocol of I914 and transmit a PID count of 24. C.C. found that the communication protocol and PID count recorded during the inspection on Vehicle 4 were not consistent with the communication protocol and PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 4 during the smog check inspection performed by Respondent Lopez.

52. The OIS test data also showed that on April 6, 2020, Vehicle 4 had been tested at another smog facility and passed inspection. C.C. found that the eVIN had been reported correctly during the April 6, 2020, inspection, and that the communication protocol and PID count recorded were consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2005 Honda Accord EX vehicles.

53. Further, C.C. researched the eVIN reported during the February 28, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the communication protocol and PID count were reported as expected. C.C. found that the eVIN, communication protocol and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the March 19, 2025, inspection on Vehicle 4. C.C. concluded that Respondent had used the 2014 GMC Savana 3500

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Cutaway's properly functioning OBD II system during the March 19, 2025, inspection on Vehicle 4, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 5

54. The OIS test data showed that on April 7, 2025, Respondent Lopez performed a smog check inspection on a 2004 Chevrolet Silverado K2500 Heavy Duty (Vehicle 5), resulting in the issuance of Smog Check Certificate of Compliance Number UM108984C. The OIS test data for Vehicle 5 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle, the communication protocol transmitted as ICAN11bt5, and the PID count was 43/4. C.C. reviewed the Comparative OIS Test Data for other 2004 Chevrolet Silverado K2500 Heavy Duty vehicles and found that they transmit the correct eVIN and had the expected communication protocol of JVPW and transmit a PID count of 22. C.C. found that the communication protocol and PID count recorded during the inspection on Vehicle 5 were not consistent with the communication protocol and PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 5 during the smog check inspection performed by Respondent Lopez.

55. The OIS test data also showed that on September 27, 2024, Vehicle 5 had been tested at another smog facility and did not pass inspection. C.C. found that the eVIN had been reported correctly during the September 27, 2024, inspection, and that the communication protocol and PID count recorded were consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2004 Chevrolet Silverado K2500 Heavy Duty vehicles.

56. Further, C.C. researched the eVIN reported during the April 7, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the communication protocol and PID count were reported as expected. C.C. found that the eVIN, communication protocol and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the April 7, 2025, inspection on Vehicle 5. C.C. concluded that Respondent had used the 2014 GMC Savana 3500 Cutaway's

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properly functioning OBD II system during the April 7, 2025, inspection on Vehicle 5, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 6

57. The OIS test data showed that on April 8, 2025, Respondent Lopez performed a smog check inspection on a 2006 Hummer H3 (Vehicle 6), resulting in the issuance of Smog Check Certificate of Compliance Number UM108995C. The OIS test data for Vehicle 6 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle, the communication protocol transmitted as ICAN11bt5 and the PID count was 43/4. C.C. reviewed the Comparative OIS Test Data for other 2006 Hummer H3 vehicles and found that they transmit the correct eVIN and had the expected communication protocol of JVPW and transmit a PID count of 19. C.C. found that the communication protocol and PID count recorded during the inspection on Vehicle 6 were not consistent with the communication protocol and PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 6 during the smog check inspection performed by Respondent Lopez.

58. The OIS test data also showed that on May 11, 2024, Vehicle 6 had been tested at another smog facility and did not pass inspection. C.C. found that the eVIN had been reported correctly during the May 11, 2024, inspection, and that the communication protocol and PID count recorded were consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2006 Hummer H3 vehicles.

59. Further, C.C. researched the eVIN reported during the April 8, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the communication protocol and PID count were reported as expected. C.C. found that the eVIN, communication protocol and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the April 8, 2025, inspection on Vehicle 6. C.C. concluded that Respondent had used the 2014 GMC Savana 3500 Cutaway's

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properly functioning OBD II system during the April 8, 2025, inspection on Vehicle 6, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 7

60. The OIS test data showed that on April 22, 2025, Respondent Lopez performed a smog check inspection on a 2014 Chevrolet Silverado C1500 LT (Vehicle 7), resulting in the issuance of Smog Check Certificate of Compliance Number UM788899C. The OIS test data for Vehicle 7 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count transmitted as 43/4. C.C. reviewed the Comparative OIS Test Data for other 2014 Chevrolet Silverado C1500 LT vehicles and found that they transmit the correct eVIN and had the expected PID count of 49/4. C.C. found that the PID count recorded during the inspection on Vehicle 7 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 7 during the smog check inspection performed by Respondent Lopez.

61. The OIS test data also showed that on February 17, 2023, Vehicle 7 had been tested at another smog facility and did not pass inspection. C.C. found that the eVIN had been reported correctly during the February 17, 2023, inspection, and that the PID count recorded was consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2014 Chevrolet Silverado C1500 LT vehicles.

62. Further, C.C. researched the eVIN reported during the April 22, 2025, inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway rental vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the PID count was reported as expected. C.C. found that the eVIN and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported for the April 22, 2025, inspection on Vehicle 7. C.C. concluded that Respondent had used the 2014 GMC Savana 3500 Cutaway's properly functioning OBD II system during the April 22, 2025, inspection on Vehicle 7, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

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Vehicle 8

63. The OIS test data showed that on June 18, 2025, Respondent Lopez performed a smog check inspection on a 2017 Chevrolet Corvette Stingray (Vehicle 8), resulting in the issuance of Smog Check Certificate of Compliance Number UQ698215C. The OIS test data for Vehicle 8 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count transmitted as 43/4. C.C. reviewed the Comparative OIS Test Data for other 2017 Chevrolet Corvette Stingray vehicles and found that they transmit the correct eVIN and had the expected PID count of 50/4/4. C.C. found that the PID count recorded during the inspection on Vehicle 8 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 8 during the smog check inspection performed by Respondent Lopez.

64. Further, C.C. researched the eVIN reported during the inspection and found that it belonged to a 2014 GMC Savana 3500 Cutaway vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2014 GMC Savana 3500 Cutaway vehicles showed that the eVIN is reported correctly and the PID count was reported as expected. C.C. found that the eVIN and PID count for the 2014 GMC Savana 3500 Cutaway vehicle matched what had been reported during the inspection on Vehicle 8. C.C. concluded that Respondent had used the 2014 GMC Savana 3500 Cutaway's properly functioning OBD II system during the inspection on Vehicle 8, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 9

65. The OIS test data showed that on June 17, 2025, Respondent Lopez performed a smog check inspection on a 2012 Ford Mustang GT (Vehicle 9), resulting in the issuance of Smog Check Certificate of Compliance Number UQ698205C. The OIS test data for Vehicle 9 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count transmitted as 43. C.C. reviewed the Comparative OIS Test Data for other 2012 Ford Mustang GT vehicles and found that they transmit the correct eVIN and had the expected PID count of 42. C.C. found that the PID count recorded during the inspection on Vehicle 9 was not consistent with the PID count for the make and model of this vehicle by other

smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 9 during the smog check inspection performed by Respondent Lopez.

66. The OIS test data also showed that on April 4, 2023, Vehicle 9 had been tested at another smog facility and passed inspection. C.C. found that the eVIN had been reported correctly during the April 4, 2023, inspection, and that the eVIN, the communication protocol and PID count recorded were consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2012 Ford Mustang GT vehicles.

67. Further, C.C. researched the eVIN reported during the inspection and found that it belonged to a 2011 Ford Econoline Super Duty Van Cutaway commercial vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2011 Ford Econoline Super Duty Van Cutaway vehicles showed that the eVIN is reported correctly and the PID count was reported as expected. C.C. found that the eVIN and PID count for the 2011 Ford Econoline Super Duty Van Cutaway commercial vehicle matched what had been reported during the inspection on Vehicle 9. C.C. concluded that Respondent had used the 2011 Econoline Super Duty Van Cutaway's properly functioning OBD II system during the inspection on Vehicle 9, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

Vehicle 10

68. The OIS test data showed that on June 20, 2025, Respondent Lopez performed a smog check inspection on a 2007 Chevrolet Tahoe K1500 (Vehicle 10), resulting in the issuance of Smog Check Certificate of Compliance Number UQ698230C. The OIS test data for Vehicle 10 showed that the eVIN recorded during the inspection did not match the physical VIN on the vehicle and the PID count transmitted as 43. C.C. reviewed the Comparative OIS Test Data for other 2007 Chevrolet Tahoe K1500 vehicles and found that they transmit the correct eVIN and had the expected PID count of 43/7 or 44/7. C.C. found that the PID count recorded during the inspection on Vehicle 10 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. C.C. concluded that the DAD had not been connected to Vehicle 10 during the smog check inspection performed by Respondent Lopez.

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69. The OIS test data also showed that on May 28, 2025, Vehicle 10 was tested at another smog facility and did not pass inspection. C.C. found that the eVIN had been reported correctly during the May 28, 2025, inspection, and that the PID count recorded was consistent with the expected OIS Test Data and Similar Vehicle OIS Test Data for 2007 Chevrolet Tahoe K1500 vehicles.

70. Further, C.C. researched the eVIN reported during the June 20, 2025, inspection and found that it belonged to a 2011 Ford Econoline Super Duty Van Cutaway commercial vehicle pursuant to a CARFAX report. Similar vehicle OIS test data for 2011 Ford Econoline Super Duty Van Cutaway vehicles showed that the eVIN is reported correctly and the PID count was reported as expected. C.C. found that the eVIN and PID count for the 2011 Ford Econoline Super Duty Van Cutaway commercial vehicle matched what had been reported for the June 20, 2025, inspection on Vehicle 10. C.C. concluded that Respondent had used the 2011 Econoline Super Duty Van Cutaway's properly functioning OBD II system during the June 20, 2025, inspection on Vehicle 10, resulting in the issuance of a fraudulent smog certificate of compliance for the vehicle.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Automotive Repair Dealer Registration)

71. Respondent All Smog Express' registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that it made or authorized statements which Respondent All Smog Express knew, or in the exercise of reasonable care should have known to be true or misleading. Specifically, Respondent All Smog Express certified that Vehicles 1 through 10, identified above in paragraphs 42 through 70, passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent All Smog Express conducted smog check inspections on vehicles using clean-plugging methods, in that it substituted different vehicles during the inspection in order to issue smog certificates of compliance for the vehicles and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

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SECOND CAUSE FOR DISCIPLINE

(Fraud - Automotive Repair Dealer Registration)

72. Respondent All Smog Express' registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that Respondent All Smog Express committed acts which constitute fraud by using smog check certificates of compliance for Vehicles 1 through 10 identified in paragraphs 42 through 70, without ensuring that bona fide inspections were 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

(Unfair Business Practice - Automotive Repair Dealer Registration)

73. Respondent All Smog Express' registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that it utilized unfair business practices when Respondent Lopez issued electronic smog check certificates of compliance for Vehicles 1 through 10, identified in paragraphs 42 through 70, above.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program - Smog Check Station License)

74. Respondent All Smog Express' station license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (a), in that regarding Vehicles 1 through 10, identified in paragraphs 42 through 70, Respondent All Smog Express failed to comply with provisions of the Health & Saf. Code, as follows:

a. **Section 44012:** Respondent All Smog Express' failed to ensure that the emission control tests were performed on the vehicles in accordance with procedures prescribed by the department.

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

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FIFTH CAUSE FOR DISCIPLINE

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

75. Respondent All Smog Express' station license is subject to disciplinary action under Code section 44072.2, subdivision (c), in that regarding Vehicles 1 through 10, identified in paragraphs 42 through 70, it failed to comply with provisions of the CCR, as follow:

a. **Section 3340.35, subdivision (c):** Respondent All Smog Express failed to inspect and test the vehicles in accordance with the procedures specified in CCR, section 3340.42, and failed to ensure that the vehicles had all the required emission control equipment and devices installed and functioning properly.

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

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Smog Check Station License)

76. Respondent All Smog Express' station license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false information for electronic smog check certificates of compliance issued for Vehicles 1 through 10, identified in paragraphs 42 through 70, thereby failing to perform bona fide inspections of the emission control device and systems on the vehicles and depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Castorena's Smog Check Repair Technician License)

77. Respondent Castorena's technician license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health and Saf. Code

section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog check certificates of compliance for Vehicles 1 through 10, identified in paragraphs 42 through 70, without ensuring a bona fide inspection was 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.

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit –Castorena's Smog Check Inspector License)

78. Respondent Castorena's inspector license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health and Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog check certificates of compliance for Vehicles 1 through 10, identified in paragraphs 42 through 70, without ensuring a bona fide inspection was 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.

NINTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Lopez' Smog Check Inspector License)

79. Respondent Lopez' smog check inspector license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (a), in that he violated section 44032 of that Code. Specifically, Respondent Lopez failed to perform the emission control tests on Vehicles 1 through 10, identified in paragraphs 42 through 70, in accordance with procedures prescribed by the department.

TENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations – Lopez' Smog Check Inspector License)

80. Respondent Lopez' smog check inspector license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1 through

10, identified in paragraphs 42 through 70, he failed to comply with provisions of the CCR, as follow:

a. **Section 3340.30, subdivision (a):** Respondent Lopez failed to inspect and test the vehicles in accordance with Health & Saf. Code sections 44012 and 4035, and CCR section 3340.42.

b. **Section 3340.42:** Respondent Lopez failed to conduct the required smog check tests on vehicles in accordance with the Bureau's specifications.

ELEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Lopez' Smog Check Inspector License)

81. Respondent Lopez' smog check inspector's license is subject to disciplinary action under Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false information for electronic smog check certificates of compliance issued for Vehicles 1 through 10, identified in paragraphs 42 through 70, thereby failing to perform bona fide inspections of the emission control device and systems on the vehicles and depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

OTHER MATTERS

82. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Castorena upon a finding that Respondent Castorena has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

83. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License Number TC 231921, issued to Respondent All Smog Express, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

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84. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Repair Technician License Number EI 130205 and Smog Check Inspector License Number EO 130205, issued to Respondent Castorena, 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.

85. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 635555, issued to Respondent Lopez, 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.

MATTERS IN AGGRAVATION

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

All Smog Express

a. On or about May 30, 2008, the Bureau issued Citation Number C08-1052 to Respondent All Smog Express against registration number ARD 231921 and station license number TC 231921 for violations of Health & Saf. Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and CCR section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent All Smog Express issued a certificate of compliance to a Bureau vehicle with a missing PCV. The Bureau issued a civil penalty of $500.00. Respondent All Smog Express complied with the citation on July 7, 2008.

b. On or about October 27, 2008, the Bureau issued Citation Number C09-0460 to Respondent All Smog Express against registration number ARD 231921 and station license number TC 231921 for violations of Health & Saf. Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and CCR section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent All Smog Express issued a certificate of compliance to a Bureau vehicle with a missing Pulse Air Reed Valve assembly, failed to perform the required timing check, and misidentified the Air

Injection as a pump system. The Bureau issued a civil penalty of $1,000.00. Respondent All Smog Express complied with the citation on November 24, 2008.

c. On or about August 2, 2010, a Bureau representative held a Proactive Conference with Respondent All Smog Express. The conference was held due to a station inspection and review of records that found aborted smog tests, ASM bypasses, not performing required fuel evaporative and ignition timing tests and failure to record additional authorization. Respondent All Smog Express was informed that the conference was held in an attempt to obtain future compliance and to make Respondent All Smog Express aware of the seriousness of the Bureau's warnings in their efforts to obtain compliance. Respondent All Smog Express was advised to follow all laws and regulations of the Automotive Repair Act. Respondent All Smog Express was also advised that future violations of the Automotive Repair Act could result in disciplinary action, which could jeopardize registration number ARD 231921 and station license number TC 231921.

d. On or about May 19, 2011, a Bureau representative held a Proactive Conference with Respondent All Smog Express. The conference was held to discuss the facility not performing complete smog inspections as required by the Health & Saf. Code, Business and Professions Code and the California Code of Regulations. Respondent All Smog Express was informed that the conference was held in an attempt to obtain future compliance and to make Respondent All Smog Express aware of the seriousness of the Bureau's warnings in their efforts to obtain compliance. Respondent All Smog Express was advised to follow all laws and regulations of the Automotive Repair Act. Respondent All Smog Express was also advised that future violations of the Automotive Repair Act could result in disciplinary action, which could jeopardize registration number ARD 231921, station license number TC 231921 and Advanced Emission Specialist License Number EA 130205.

e. On or about December 16, 2014, a Bureau representative held a Proactive Conference with Respondent All Smog Express. The conference was held to discuss the allowance of an unlicensed technician to perform smog inspection test at its facility in violation of Health & Saf. Code sections 44014, subdivision (a) (testing and repair) and 44032 (test and

repairs to be performed by a licensed technician at a licensed station). Respondent All Smog Express was informed that the conference was held in an attempt to obtain future compliance and to make Respondent All Smog Express aware of the seriousness of the Bureau's warnings in their efforts to obtain compliance. Respondent All Smog Express was advised to follow all laws and regulations of the Automotive Repair Act. Respondent All Smog Express was also advised that future violations of the Automotive Repair Act could result in disciplinary action, which could jeopardize registration number ARD 231921, station license number TC 231921.

All Smog Express #2

f. On or about July 21, 2023, the Bureau issued Citation Number C2023-875 to All Express Smog #2 against registration number ARD 291708 and station license number TC 291708 for violating Health & Saf. Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and issued an Order of Abatement. All Smog Express #2 issued a certificate of compliance to a vehicle using the BAR-97 when an OIS test was required. The Bureau issued a civil penalty of $1,000.00. All Smog Express #2 complied with the citation on August 4, 2023.

Raul Castorena

g. On or about May 30, 2008, the Bureau issued Citation Number M08-1053 to Respondent Castorena against former Advanced Emission Specialist License Number EA 130205 for violating Health & Saf. Code section 44032 (qualified technicians shall perform tests of emission control systems and devices in accordance with section 44012 of that Code and CCR, section 3340.30, subdivision (a) (qualified technicians shall inspect, test and repair vehicles in accordance with sections 44012 and 44035 of Health & Saf. Code and CCR, section 3340.42) and issued an Order of Abatement. Respondent Castorena issued a certificate of compliance to a Bureau vehicle with a missing PCV. Respondent Castorena was required to attend an 8-hour BAR Certified Smog Check Citation training course. Respondent Castorena complied with the citation on July 3, 2008.

h. On or about July 21, 2023, the Bureau issued Citation Number M2023-876 to Respondent Castorena against Smog Check Inspector License Number EO 130205 for violating

Health & Saf. Code section 44032 (qualified technicians shall perform tests of emission control systems and devices in accordance with section 44012 of that Code). Respondent Castorena issued a certificate of compliance to a vehicle using the BAR-97 when an OIS test was required. Respondent Castorena was required to attend an 8-hour BAR Certified Smog Check Citation training course. Respondent Castorena complied with the citation on August 5, 2003.

Vinny Castorena Lopez

i. On or August 14, 2019, a Bureau representative held a Proactive Conference with Respondent Lopez. The conference was held to educate Respondent Lopez regarding the Automotive Repair Act and discussed a violation of Health & Saf. Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices). Respondent Lopez was provided a presentation request to educate employees, a Write it Right brochure, and the Bureau's website where he could download a copy of laws and regulations.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealers Registration Number ARD 231921, issued to Raul Castorena doing business as All Smog Express;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 231921, issued to Raul Castorena doing business as All Smog Express;

3. Revoking or suspending Smog Check Repair Technician License Number EI 130205, issued to Raul Castorena;

4. Revoking or suspending Smog Check Inspector License Number EO 130205, issued to Raul Castorena;

5. Revoking or suspending any other automotive repair dealer registrations issued to Raul Castorena;

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 Raul Castorena;

7. Revoking or suspending Smog Check Inspector License Number EO 635555, issued to Vinny Raul Castorena Lopez;

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 Vinny Raul Castorena Lopez;

9. Ordering Respondent All Smog Express, Respondent Castorena and Respondent Lopez to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

10. 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: 2026.01.26 10:00:05 -08'00'

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