

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTOPHER ELIAS ZEIT, OWNER, dba PIERCE SMOG TEST ONLY

10941 Hole Ave. Unit B

Riverside, CA 92505

Automotive Repair Dealer Registration No. ARD 254092

Smog Check Test Only Station License No. TC 254092

CHRISTOPHER ELIAS ZEIT

4875 Sun Beam Road

Yorba Linda, CA 92887

Smog Check Inspector License No. EO 153605

and

JORGE ROBLES

10941 Hole Ave., Unit B

Riverside, CA 92505

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Mailing Address:

8200 Zinnia Place

Riverside, CA 92503

Smog Check Inspector License No. EO 636196

Respondents.

Case No. 77/24-5108

OAH No. 2025060767

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall be effective on October 2, 2026.

IT IS SO ORDERED August 17, 2026.

Original signature on file
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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In the Matter of the Accusation Against:

CHRISTOPHER ZEIT – OWNER, DBA PIERCE SMOG TEST ONLY

**Automotive Repair Dealer Registration No. ARD 254092,
Smog Check, Test Only, Station License No. TC 254092;**

and

CHRISTOPHER ELIAS ZEIT

Smog Check Inspector License No. EO 153605;

and

JORGE ROBLES

Smog Check Inspector License No. EO 636196,

Respondents.

Agency Case No. 77/24-5108

OAH No. 2025060767

PROPOSED DECISION

Jami A. Teagle-Burgos, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on July 8, 2026.

Stephen A. Aronis, Deputy Attorney General, Department of Justice, State of California, represented complainant Patrick Dorais, Chief, Bureau of Automotive Repair (Bureau or BAR), Department of Consumer Affairs (Department), State of California.

Marvin E. Vallejo, Attorney at Law, represented respondent, Christopher Elias Zeit, owner, doing business as Pierce Smog Test Only. Mr. Zeit was present at the hearing.

Jorge Robles, respondent, represented himself.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 8, 2026.

FACTUAL FINDINGS

Registration and License History

1. On March 17, 2008, the Bureau issued Automotive Repair Dealer (ARD) Registration No. ARD 254092 to Christopher Zeit, owner, doing business as Pierce Smog Test Only (Mr. Zeit, Pierce Smog, or respondent). The registration was in full force and effect at all times relevant herein and will expire on January 31, 2027, unless renewed.

2. On March 28, 2008, the Bureau issued Smog Check, Test Only, Station License No. TC 254092 to Christopher Zeit, owner, doing business as Pierce Smog Test Only, which was in full force and effect at all times relevant herein and will expire on January 31, 2027, unless renewed.

3. On January 31, 2013, the Bureau issued a STAR¹ Station certification to Pierce Smog Test Only. The certification remains active unless the ARD registration and/or Smog Check Test Only Station license is revoked, canceled, licenses become delinquent, or the certification is suspended.

4. On February 27, 2014, the Bureau issued Smog Check Inspector License No. EO 153605 to Christopher Elias Zeit, which was in full force and effect at all times relevant herein and will expire on March 31, 2028, unless renewed.

5. On February 27, 2014, the Bureau issued Smog Check Repair Technician License No. EI 153605 to Christopher Elias Zeit, which expired on March 31, 2016, and has not been renewed.

6. On October 31, 2013, the Bureau issued Smog Check Inspector License No. EO 636196 to Jorge Robles, which was in full force and effect at all times relevant herein and will expire on June 30, 2027, unless renewed.

¹ STAR certification permits a certified licensee to conduct inspections of "directed" and "gross polluting" vehicles; non-STAR-certified licensees cannot perform inspections of these vehicles. (Heath & Saf. Code, § 44014.2, subd. (a); Cal. Code Regs., tit. 16, §§ 3340.41, subd. (f), 3392.5.1, subd. (c).)

Jurisdictional Background

7. On February 13, 2025, complainant signed the Accusation in his official capacity. The Accusation alleged that Pierce Smog's ARD registration, Pierce Smog's smog check test only station license (smog station license), Mr. Zeit's smog check inspector license, Mr. Zeit's smog check repair technician license, and Mr. Robles's smog check inspector license, should be disciplined for conduct that occurred between November 14, 2022, and March 14, 2023, based on the following 11 causes for discipline:

- Pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), Pierce Smog's ARD registration is subject to discipline because its employees made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, when they certified that 10 vehicles passed smog inspection, but the employees used the clean plugging method to issue the smog certificates of compliance and did not test or inspect the vehicles as required by Health and Safety Code section 44012. (First Cause)
- Pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), Pierce Smog's ARD registration is subject to discipline because its employees committed acts which constitute fraud by issuing electronic certificates of compliance for 10 vehicles without performing bona fide inspections of the emission control devices and systems. (Second Cause)
- Pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10, subdivision (c), Pierce Smog's smog check license is subject to discipline because its

- employees failed to comply with the Motor Vehicle Inspection Program and regulations adopted pursuant to it, based on violations of Health and Safety Code sections 44012 (failed to test emission control systems and devices of 10 vehicles) and 44015 (issued electronic certificates of compliance for 10 vehicles, but failed to properly test and inspect the vehicles.) (Third Cause)
- Pursuant to Health and Safety Code section 44072.2, subdivision (c), Pierce Smog's smog check station license is subject to discipline because its employees failed to comply with California Code of Regulations, title 16, sections 3340.35, subdivision (c), (issued electronic certificates of compliance for 10 vehicles, but failed to inspect the vehicles to ensure they had the required emission control equipment and devices installed and were functioning correctly), and 3340.42 (failed to conduct required smog tests on 10 vehicles in accordance with the Bureau's specifications.) (Fourth Cause)
 - Pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), Pierce Smog's smog check station license is subject to discipline because its employees committed acts involving dishonesty, fraud, or deceit by issuing electronic certificates of compliance for 10 vehicles without performing bona fide inspections of the emission control devices and systems. (Fifth Cause)
 - Pursuant to Health and Safety Code section 44072.2, subdivision (a), Mr. Robles's smog check inspector license is subject to discipline because he failed to comply with Health and Safety Code section 44012 when he failed to test emission control systems and devices of eight vehicles. (Sixth Cause)

- Pursuant to Health and Safety Code section 44072.2, subdivision (c), Mr. Robles's smog check inspector license is subject to discipline because he failed to comply with California Code of Regulations, title 16, sections 3340.30, subdivision (a), (failed to inspect and test eight vehicles in accordance with Health and Safety Code section 44012), 3340.41, subdivision (c), (entered false information into the emissions system for eight vehicles), and 3340.42 (failed to conduct required smog tests on eight vehicles in accordance with the Bureau's specifications.) (Seventh Cause)
- Pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), Mr. Robles's smog check inspector license is subject to discipline because he committed acts involving dishonesty, fraud, or deceit by issuing electronic certificates of compliance for eight vehicles without performing bona fide inspections of the emission control devices and systems. (Eighth Cause)
- Pursuant to Health and Safety Code section 44072.2, subdivision (a), Mr. Zeit's smog check inspector license and smog check repair technician license are subject to discipline because he failed to comply with Health and Safety Code section 44012 when he failed to test emission control systems and devices of two vehicles. (Ninth Cause)
- Pursuant to Health and Safety Code section 44072.2, subdivision (c), Mr. Zeit's smog check inspector license and smog check repair technician license is subject to discipline because he failed to comply with California Code of Regulations, title 16, sections 3340.30, subdivision (a), (failed to inspect and test two vehicles in accordance with Health and Safety Code section 44012), 3340.41, subdivision (c), (entered false information into the emissions system

for two vehicles), and 3340.42 (failed to conduct required smog tests on two vehicles in accordance with the Bureau's specifications.) (10th Cause)

- Pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), Mr. Zeit's smog check inspector license is subject to discipline because he committed acts involving dishonesty, fraud, or deceit by issuing electronic certificates of compliance for two vehicles without performing bona fide inspections of the emission control devices and systems. (11th Cause)

Complainant's Evidence

8. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). The program ensures vehicles do not emit excessive and toxic pollutants that are harmful to individuals and the environment. It requires vehicles to be tested by licensed inspectors at licensed smog stations biannually and/or when re-registered in order to detect noncompliant vehicles, so they are repaired or taken off the road. The OIS is required for inspections of most gasoline vehicles that are model-year 2000 and newer. Inspectors are given a personal access code to access the emissions inspection system (EIS). The OIS system consists of a data acquisition device (DAD), computer, bar code scanner, and printer. The DAD is an on-board diagnostic (OBD) scan tool that retrieves OBD data from the vehicle being tested. The OIS software communicates with the Bureau's Vehicle Information Database (VID).

9. The inspector accesses the OIS platform with a personal code and scans the barcode on the vehicle for the vehicle identification number (VIN), scans any documents, verifies the vehicle being tested reflects the vehicle in the VID, and verifies

the odometer reading. The inspector connects the DAD to the vehicle to be certified. The On-Board Diagnostic, generation II, system (OBD II), test function occurs when the DAD is connected to the vehicle. The inspector is prompted to start the inspection by linking the DAD to the vehicle, and after the data is collected, the inspector is prompted to disconnect the DAD and turn off the vehicle's engine. The DAD transmits the vehicle's data to the OIS platform, which is sent to the VID. The inspector then conducts a visual and functional test of the vehicle.

10. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. Some of the parameters recorded are engine speed in revolutions per minute (RPM), throttle position as measured by a throttle position sensor (TPS), manifold absolute pressure as measured by a manifold air pressure sensor (MAP), mass air flow as measured by a mass air flow sensor (MAF), and ignition timing. Any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases in RPM and changes in MAF and/or MAP.

11. "Clean plugging" refers to the use of another vehicle's properly functioning OBD II or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog certificates of compliance to vehicles that are not in smog compliance and/or not present for testing.

ALLEGATION OF CLEAN PLUGGING OF 10 VEHICLES

12. A Bureau representative, Raul Garcia, conducted a review of the VID data for the smog inspections of 10 vehicles performed by Mr. Zeit and Mr. Robles and compared it to data from vehicles of the same year, make, and model. The Bureau alleges that Mr. Zeit and Mr. Robles engaged in fraudulent smog check inspections

when they issued certificates of compliance by using the clean plugging method, as shown by the readings below, which are not characteristic for normal engine operation and are discrepancies that demonstrate the DAD was not connected to the vehicles being certified:

- Vehicle 1 – 2007 Xterra: On November 14, 2022, a smog test was done on a 2007 Nissan Xterra Off Road, VIN 5N1AN08U57C637593, CA License 6BJA473, and smog certificate number TA099954C was issued by Mr. Robles. Despite an increase from 500 RPM to 1800 RPM, the TPS remained fixed at a 3.9 percent opening; the MAF remained fixed at the same 3.59 gps; and the spark timing for #1 cylinder remained fixed at 12 degrees before top dead center (BTDC).
- Vehicle 2 – 2001 Camry: On December 2, 2022, a smog test was done on a 2001 Toyota Camry CE, VIN T1BG22K21U034171, CA License 4XGH531, and smog certificate number TA454384C was issued by Mr. Robles. Despite an increase from 770 RPM to 1600 RPM, the TPS remained fixed at a 10.2 percent opening; the MAP remained fixed at the same 30 kPa; and the spark timing for #1 cylinder remained fixed at 7 degrees BTDC.
- Vehicle 3 – 2004 Tacoma: On January 13, 2023, a smog test was done on a 2004 Toyota Tacoma, VIN 5TENL42N34Z336129, CA License 8V22301, and smog certificate number TC481831C was issued by Mr. Robles. Despite an increase from 650 RPM to 1550 RPM, the TPS remained fixed at a 9 percent opening; the MAF remained fixed at the same 3.17 gps; and the spark timing for #1 cylinder remained fixed at 10 degrees BTDC.

- Vehicle 4 – 2004 CR-V: On January 20, 2023, a smog test was done on a 2004 Honda CR-V LX, VIN JHLRD68494C002178, CA License 5EWB421, and smog certificate number TC587448C was issued by Mr. Robles. Despite an increase from 750 RPM to 1800 RPM, the TPS remained fixed at a 9.4 percent opening; the MAP remained fixed at the same 37 kPa; and the spark timing for #1 cylinder remained fixed at 8.5 degrees BTDC.
- Vehicle 5 – 2001 Ram: On January 28, 2023, a smog test was done on a 2001 Dodge Ram 1500, VIN 3B7HC13Y31G731603, CA License 6L77053, and smog certificate number IR843668C was issued by Mr. Zeit. Despite an increase from 700 RPM to 1550 RPM, the TPS remained fixed at an 8.6 percent opening; the MAP remained fixed at the same 36 kPa; and the spark timing for #1 cylinder remained fixed at 13 degrees BTDC.
- Vehicle 6 – 2000 Civic: On February 1, 2023, a smog test was done on a 2000 Honda Civic Base, VIN 2HGEJ6612YH553117, CA License 7FLC117, and smog certificate number IR843700C was issued by Mr. Zeit. Despite an increase from 650 RPM to 1550 RPM, the TPS remained fixed at a 9.8 percent opening; the MAP remained fixed at the same 27 kPa; and the spark timing for #1 cylinder remained fixed at 11.5 degrees BTDC.
- Vehicle 7 – 2001 Tundra: On February 27, 2023, a smog test was done on a 2001 Toyota Tundra, VIN 5TBJN32151S149802, CA License 6N84986, and smog certificate number IT206689C was issued by Mr. Robles. Despite an increase from 850 RPM to 1650 RPM, the TPS remained fixed at a 9 percent opening; the MAF remained fixed at the same 4.1 gps; and the spark timing for #1 cylinder remained fixed at 11.5 degrees BTDC.

- Vehicle 8 – 2007 Frontier: On March 3, 2023, a smog test was done on a 2007 Nissan Frontier Crew Cab LE, VIN 1N6AD09W47C432435, CA License 8H41686, and smog certificate number IT405212C was issued by Mr. Robles. Despite an increase from 650 RPM to 2150 RPM, the TPS remained fixed at a 2 percent opening; the MAF remained fixed at the same 3.27 gps; and the spark timing for #1 cylinder remained fixed at 15 degrees BTDC.
- Vehicle 9 – 2001 Avalon: On March 4, 2023, a smog test was done on a 2001 Toyota Avalon XL, VIN 4T1BF28B51U164374, CA License 7YAZ369, and smog certificate number IT405229C was issued by Mr. Robles. Despite an increase from 760 RPM to 1900 RPM, the TPS remained fixed at a 10.6 percent opening; the MAF remained fixed at the same 4.76 gps; and the spark timing for #1 cylinder remained fixed at 12 degrees BTDC.
- Vehicle 10 – 2004 Matrix: On March 14, 2023, a smog test was done on a 2004 Toyota Corolla Matric XR VIN T1KR32E24C232832, CA License 6JYK803, and smog certificate number TE515154C was issued by Mr. Robles. Despite an increase from 735 RPM to 1650 RPM, the TPS remained fixed at a 11.4 percent opening; the MAF remained fixed at the same 4.5 gps; and the spark timing for #1 cylinder remained fixed at 15 degrees BTDC.

TESTIMONY AND INVESTIGATIVE REPORT OF RAUL GARCIA

13. The following is a summary of the testimony of Raul Garcia, which is consistent with his investigative report that he prepared on December 18, 2024, and which discusses the 10 vehicles above. Mr. Garcia is employed as an Automotive Program Representative with the Bureau. His duties include investigating matters for the Bureau including conducting smog check investigations. Mr. Garcia completed his

Automotive Service Certificate from Fullerton College; he attended trainings at General Motors and completed other industry trainings; he worked at Chevrolet and a specialty automotive shop; and he owned his own shop for 20 years where he conducted smog check inspections and smog repairs. He is currently a licensed smog check inspector.

14. Mr. Garcia testified that licensed smog check inspectors are expected to secure their passwords and this expectation is explained in a manual for smog check inspectors. An inspector must notify the Bureau immediately if the inspector suspects their password has been compromised.

15. Mr. Garcia explained that "dynamic data" is live data collected during a functional test of an inspection. When the throttle of a vehicle is increased during smog testing, the RPMs will increase and changes are expected in TPS, MAF, MAP, and ignition timing. The inspector is prompted to increase the throttle to "make sure that a real car is being tested." The DAD is plugged into the vehicle's computer and the other end of the DAD is plugged into the smog check station's computer that has software connected to the Bureau. An OBD II simulator is an electronic device that mimics a vehicle's diagnostic data. Clean plugging occurs when a simulator is used to pass a smog check inspection by the DAD being plugged into the simulator instead of the vehicle's computer receptacle under the steering wheel. Simulators are a problem because they "defeat the whole point of smog check inspections and issuing certificates for vehicles that won't pass an inspection on [their] own."

16. Concerning the readings for the 10 vehicles, Mr. Garcia concluded this dynamic data showed a simulator was used during the inspections and the inspections were fraudulent. He stated it was not possible for the RPMs to increase at these levels and there be no changes in other data points; and if Mr. Zeit and Mr. Robles had plugged the DAD into the vehicles' computer then it would not have been possible to

obtain these readings. He contended that during his investigation, he found other suspicious readings but selected the 10 most recent suspect inspections for his report.

17. Mr. Garcia stated the Bureau did not send an investigator to the shop as part of its investigation because it "stands by its data." The record also does not reflect that the Bureau conducted an onsite or undercover investigation at Pierce Smog.

18. Mr. Garcia was asked if he knew whether a simulator was used during the inspections of the 10 vehicles, he replied the data could have only come from using a simulator. When asked about a malfunctioning DAD, he stated if a DAD malfunctioned then an inspection could not be conducted. However, he did acknowledge problems with DADs, and he stated that when he "had problems in the past, it turned out to be a cable issue."

19. On cross-examination, Mr. Garcia was asked about the computers of the 10 vehicles, and he conceded that he had no knowledge of the health of the vehicles' computers and he did not know if the 10 vehicles still had their original on-board computers. When asked if "legitimate after-market modifications" of a vehicle could yield false readings, he replied, "Not sure what legitimate modifications you're talking about." These answers were concerning, as they opened the possibility that modifications to a vehicle, legitimate or not, which were done by the owner of the vehicle or someone other than the smog check inspector, might alter the readings during a smog inspection.

Respondents' Evidence

TESTIMONY OF CHRISTOPHER ZEIT

20. The following is a summary of the testimony of Mr. Zeit, who was initially called to testify by complainant's attorney. He did not deny that he issued the passing smog check certifications for the two vehicles that he inspected. He did not deny that the ignition timing, throttle positions, and MAP did not change, as shown by the data at the hearing. He did not know why the Bureau's data showed the increase in RPMs but no change in throttle position, and he replied, "I don't know." When asked for an explanation about the Bureau's data, he replied, "Customers manipulate the computers all the time and dealerships manipulate computers. We have no control over that and that's not all my fault." When asked if he had evidence that the vehicles he inspected had been manipulated by anyone, he answered, "Like I said, we just test them, the way they come in." He suggested that the Bureau can have a Bureau referee inspect the vehicles. When asked how the Bureau could be confident such incidents will not continue at his shop, he replied, "They can put cameras. Come do inspections."

21. Upon examination by his attorney, Mr. Zeit stated he has been licensed with the Bureau for 19 years and has managed Pierce Smog for 19 years. Pierce Smog has been at the same location since he has owned it. The licensed smog inspectors at his shop, at all times relevant to this case, and currently, are Mr. Zeit, Mr. Robles, and Mr. Zeit's father who has been a licensed smog inspector for 42 years. Mr. Robles continues to work at Pierce Smog to present.

22. Pierce Smog only perform smog checks and does not do smog repairs. Pierce Smog conducts approximately 600 smog inspections each month, and approximately 7,000 to 7,200 smog inspections each year. In the 19 years he has

owned Pierce Smog, he has had no disciplinary action against him or the shop by the Bureau.

23. Mr. Zeit testified that he does not have a simulator at his shop and he has never used a simulator at his shop. When asked if he has never used a simulator to pass a vehicle that should have failed a smog check, he responded firmly, "Never, no." When he was asked if he did anything fraudulent to pass the smog checks for the two vehicles that he tested, he replied firmly, "No, sir."

24. Mr. Zeit's income derives from Pierce Smog. He is the sole provider for his two minor sons and wife who does not work. His monthly income is approximately \$3,500; his monthly rent for his home is \$1,500; and his monthly expenses for groceries is about \$600 to \$800 and for utilities is about \$400.

25. Mr. Zeit presented as very sincere and forthright, and he gave clear, concise, and firm answers.

TESTIMONY OF JORGE ROBLES

26. The following is a summary of the testimony of Mr. Robles. He has been a licensed smog check inspector for 13 years. He has no history of discipline with the Bureau. He has only worked at Pierce Smog during his licensure. He recalled taking a course that he passed to become licensed. He learned "the basics" as far as inspecting catalytic converters and O2 sensors. He was knowledgeable of the definition of an on-board diagnostic computer for a vehicle and that during smog testing an inspector connects a DAD to the vehicle. He was adamant that he has never plugged a DAD into something other than the vehicle that he was inspecting for a smog check.

27. Concerning the eight vehicles for which Mr. Robles is being investigated for clean plugging, when he looked at the Bureau's charts of "dynamic data" for the vehicles, he stated, "I have no understanding of this graph they are showing. I'm not even sure what I'm looking at other than the RPM goes up." When asked about clean plugging, he replied that he did not know how someone bypasses the system and he did not know about OBD or OBD II simulators.

28. Mr. Robles is the primary provider for his two children, ages nine and five, and his fiancé, and they all reside together.

29. On cross-examination, Mr. Robles acknowledged that he issued the smog certificates for the eight vehicles for which he is being investigated. When asked about how the RPMs increased but the other data did not change, Mr. Robles stated, "We plug the computer into the vehicles, and follow the prompt on the screen, and that's what we do." When asked if he was not taught about how the RPMs effect the other "dynamic data," he replied, "That's not what we were taught . . . we don't do any repairs." When asked why the Bureau seeks to issue accurate smog certifications, he replied, "Don't want bad cars to pass . . . air quality."

30. Mr. Robles presented himself as forthcoming, sincere, and well-spoken, and he was very presentable and cordial.

LEGAL CONCLUSIONS

Public Protection

1. "Protection of the public shall be the highest priority for the Bureau of Automotive Repair in exercising its licensing, regulatory, and disciplinary functions.

Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.” (Bus. & Prof. Code, § 9880.3.)

2. Health and Safety Code section 43000 states that air pollutants from automobiles are “the primary cause of air pollution”; elimination of such air pollutants is necessary to protect and preserve “the public health and well-being” and to prevent “irritation to the senses, interference with visibility, and damage to vegetation and property”; and “the state has a responsibility to establish uniform procedures for compliance with standards which control or eliminate those air pollutants.” California’s Motor Vehicle Inspection Program was enacted to ensure that California meets or exceeds emission reduction targets. (Health & Saf. Code, § 44000, et seq.) Smog testing and related repairs are conducted by Bureau-licensed smog check stations and smog check technicians. (Health & Saf. Code, § 44014.)

Burden and Standard of Proof

3. Complainant bears the burden of proof of establishing that the charges in the Accusation are true. (*Martin v. State Personnel Board* (1972) 26 Cal.App.3d 573, 582.)

4. The standard of proof in proceedings to discipline automotive repair dealers, smog check stations, and/or smog check technicians is the preponderance of the evidence. (*Imports Performance v. Department of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-918.)

5. “‘Preponderance of the evidence means evidence that has more convincing force than that opposed to it.’ [Citations.]” (*Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, 324-325.) “The sole focus of the legal definition

of 'preponderance' in the phrase 'preponderance of the evidence' is on the quality of the evidence. The quantity of the evidence presented by each side is irrelevant." (*Ibid.*) "If the evidence is so evenly balanced that you are unable to say that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it [citation]." (*People v. Mabini* (2001) 92 Cal.App.4th 654, 663.)

6. In disciplinary proceedings, the burden is on the respondent to produce positive evidence of rehabilitation. (*Epstein v. California Horse Racing Board* (1963) 222 Cal.App.2d 831, 842-843.)

Statutory and Regulatory Authority

7. Business and Professions Code section 9884.7 provides:

(a) The director, where the automotive repair dealer² 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

² An "automotive repair dealer" is a "person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles." (Bus. & Prof. Code, § 9880.1, subd. (a).) Automotive repair dealers are governed by the Automotive Repair Act. (Bus. & Prof. Code, § 9880, et seq.)

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.

[11] . . . [11]

(4) Any other conduct that constitutes fraud.

[11] . . . [11]

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

[11] . . . [11]

(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.

8. Business and Professions Code section 9884.13 states, 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.

9. Health and Safety Code section 44072.2 provides:

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 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. . . .

10. Health and Safety Code section 44072.8 provides:

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

11. Health and Safety Code section 44072.10, subdivision (c), states the Department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

- (1) Clean piping, as defined by the department.
- (2) Tampering with a vehicle emission control system or test analyzer system.
- (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.
- (4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

12. Health and Safety Code section 44012 provides that tests at smog check stations "shall be performed in accordance with procedures prescribed by the department and may require . . . 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"

13. Health and Safety Code section 44015, subdivisions (a) and (b), requires that a "licensed smog check station shall not issue a certificate of compliance, except as authorized by this chapter, to a vehicle that has been tampered with," and "a

smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.”

14. Health and Safety 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.

15. Health and Safety Code section 44032 provides:

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

16. California Code of Regulations title 16, section 3340.24, subdivision (c), states, “The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.”

17. California Code of Regulations title 16, section 3340.30, states, "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.

18. California Code of Regulations, title 16, section 3340.35, subdivision (c), requires a licensed smog check station to "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."

19. California Code of Regulations, title 16, section 3340.41, subdivision (c), mandates that:

No person shall enter into . . . the OBD 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 OBD Inspection System any false information about the vehicle being tested.

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

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

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

[1] . . . [1]

(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.

Case Law Regarding Fraud

21. Fraud has been discussed by the appellate court as follows:

[F]raud embraces multifarious means whereby one person gains an advantage over another and means in effect bad faith, dishonesty or overreaching 'It is a generic term which embraces all the multifarious means which human ingenuity can devise and are resorted to by one individual to get an advantage over another. No definite and invariable rule can be laid down as a general proposition defining fraud, as it includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated.'

(Wayne v. Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards (1962) 201 Cal.App.2d 427, 437-438 [citations omitted].)

Indeed, "[T]here is no absolute or fixed rule for determining what facts will constitute fraud; whether or not it is found depends upon the particular facts of the case under inquiry." *(Ach v. Finkelstein (1968) 264 Cal.App.2d 667, 674-675.)* And continuing,

"Fraud may be proved by direct evidence or it may be inferred from all of the circumstances in the case." (*Ibid.*)

Cause Exists, In Part, To Discipline

22. Cause does not exist to discipline Pierce Smog's ARD registration, pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), as complainant did not demonstrate by a preponderance of evidence that its employees made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, when they certified the 10 vehicles that passed smog inspection.

23. Cause does not exist to discipline Pierce Smog's ARD registration, pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), as complainant did not demonstrate by a preponderance of evidence that its employees committed acts which constitute fraud by issuing electronic certificates of compliance for 10 vehicles without performing bona fide inspections of the emission control devices and systems.

24. Cause exists to discipline Pierce Smog's smog check station license, pursuant to Health and Safety Code sections 44072.2, subdivision (a), and 44072.10, subdivision (c), as complainant demonstrated by a preponderance of evidence that its employees failed to comply with the Motor Vehicle Inspection Program and regulations adopted pursuant to it, based on violations of Health and Safety Code sections 44012 and 44015, when they issued certificates of compliance for 10 vehicles that should not have been issued.

25. Cause exists to discipline Pierce Smog's smog check station license, pursuant to Health and Safety Code section 44072.2, subdivision (c), as complainant

demonstrated by a preponderance of evidence that Pierce Smog's employees failed to comply with California Code of Regulations, title 16, sections 3340.35, subdivision (c), and 3340.42, when they issued certificates of compliance for 10 vehicles that should not have been issued.

26. Cause does not exist to discipline Pierce Smog's smog check station license, pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), as complainant did not demonstrate by a preponderance of evidence that its employees committed acts involving dishonesty, fraud, or deceit by issuing electronic certificates of compliance for 10 vehicles without performing bona fide inspections of the emission control devices and systems.

27. Cause exists to discipline Mr. Robles's smog check inspector license, pursuant to Health and Safety Code section 44072.2, subdivision (a), because he failed to comply with Health and Safety Code section 44012 when he issued certificates of compliance for eight vehicles that should not have been issued.

28. Cause exists, in part, to discipline Mr. Robles's smog check inspector license, pursuant to Health and Safety Code section 44072.2, subdivision (c), when he failed to comply with California Code of Regulations, title 16, sections 3340.30, subdivision (a), and 3340.42, when he issued certificates of compliance for eight vehicles that should not have been issued; although cause does not exist to discipline Mr. Robles, pursuant to 3340.41, subdivision (c), because he did not commit acts involving dishonesty, fraud, or deceit when he issued certificates of compliance for eight vehicles.

29. Cause does not exist to discipline Mr. Robles's smog check inspector license, pursuant to Health and Safety Code section 44072.2, subdivision (d), in

conjunction with Health and Safety Code section 44072.10, subdivision (c), because he did not commit acts involving dishonesty, fraud, or deceit when he issued certificates of compliance for eight vehicles.

30. Cause exists to discipline Mr. Zeit's smog check inspector license and smog check repair technician license, pursuant to Health and Safety Code section 44072.2, subdivision (a), because he failed to comply with Health and Safety Code section 44012 when he issued certificates of compliance for two vehicles that should not have been issued.

31. Cause exists, in part, to discipline Mr. Zeit's smog check inspector license and smog check repair technician license, pursuant to Health and Safety Code section 44072.2, subdivision (c), when he failed to comply with California Code of Regulations, title 16, sections 3340.30, subdivision (a), and 3340.42, when he issued certificates of compliance for two vehicles that should not have been issued; although cause does not exist to discipline Mr. Zeit, pursuant to 3340.41, subdivision (c), because he did not commit acts involving dishonesty, fraud, or deceit when he issued certificates of compliance for two vehicles.

32. Cause does not exist to discipline Mr. Zeit's smog check inspector license and smog check repair technician license, pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), because he did not commit acts involving dishonesty, fraud, or deceit when he issued certificates of compliance for two vehicles.

Appropriate Level of Discipline and Evaluation

33. Motor vehicle engine exhaust pollution has been shown to create health hazards for human beings, with the hazards increasing with the level of pollution. The

issuance of 10 certificates for vehicles that should not have passed smog inspections will inevitably cause more air pollution in California thereby injuring the public.

34. California Code of Regulations, title 16, section 3395.4, provides that in reaching a decision on a disciplinary action, the Bureau shall consider the disciplinary guidelines entitled "Guidelines for Disciplinary Orders and Terms of Probation" (Rev. March 2016). These guidelines provide the recommended discipline for various violations. As discussed above, the violations found do not include untrue or misleading statements, or dishonesty, fraud or deceit. The recommended discipline for the sustained violations includes revocation, probation, suspension from 3 to 30 days, and other terms and conditions. Factors in aggravation and mitigation may be considered when fashioning the appropriate measure of discipline.

35. Business and Professions Code section 9889.9 and Health and Safety Code section 44072.8 provide that when a license has been revoked or suspended following a hearing, any additional license issued under the Automotive Repair Act and Motor Vehicle Inspection Program in the name of the licensee may be likewise revoked or suspended by the Department's Director. Revocation or suspension of the additional licenses, registrations, or certifications is not mandatory.

36. The owner of a license is obligated to see that the license is not used in violation of the law. If a licensee elects to operate their business through employees, the licensee must be responsible to the licensing authority for their conduct and is responsible for the acts of their agents or employees done in the course of their business. A licensee may not insulate themselves from regulation by electing to function through employees or independent contractors. (*Rob-Mac, Inc. v. Dept. of Motor Vehicles* (1983) 148 Cal.App.3d 793, 797.)

37. In this case, it appears that simulators or some other manipulation was done to the 10 vehicles to cause them to fraudulently pass the smog inspections, as shown by the dynamic data. However, complainant did not prove by a preponderance of the evidence that Mr. Zeit or Mr. Robles were the individuals who fraudulently used a simulator to cause the 10 vehicles to fraudulently pass the inspections. Complainant also did not prove by a preponderance of the evidence that Mr. Zeit or Mr. Robles knew or should have known that a simulator was used by someone else, such as the owners of the vehicles or other individuals, in order for the vehicles to fraudulently pass the inspections. Complainant also did not prove by a preponderance of the evidence that Mr. Zeit or Mr. Robles knew or should have known that someone else such as the owners of the vehicles or other individuals had manipulated the vehicles in a different way, in order for the vehicles to fraudulently pass the inspections.

38. Hence, without a finding of untrue or misleading statements, or dishonesty, fraud or deceit, Pierce Smog's ARD registration and smog check station license, Mr. Zeit's smog check inspector and repair licenses, and Mr. Robles's smog check inspector license, are not subject to disciplinary action under those causes for discipline.

39. Mr. Zeit and Mr. Robles credibly testified they did not use simulators to conduct the smog checks of the 10 vehicles in question, or with any other vehicles. They also credibly testified they did not have knowledge as to whether the owners of the vehicles or other individuals had manipulated the vehicles by installing a simulator or by manipulating the vehicles in some other way, which unbeknownst to them would have caused the vehicles to fraudulently pass the inspections.

40. Moreover, the Bureau's representative, Mr. Garcia, testified that for all 10 of the vehicles, he had no knowledge of the health of the vehicles' computers and he

did not know if the vehicles had their original on-board computers, and when asked if after-market modifications of a vehicle could yield false readings, he answered that he was not sure what modifications were being referenced. His answers opened the door to the possibility of modifications made by the owners of the vehicles or individuals other than respondents, which could have caused the results of the dynamic data and the fraudulent issuance of the certifications. In addition, to rely solely on dynamic data and not corroborate it with other evidence such as documentation that the 10 vehicles had failed recent smog inspections, does not meet the preponderance of the evidence standard to show that respondents knew or should have known they were making untrue or misleading statements, or to show that respondents committed acts of dishonesty, fraud, or deceit. Furthermore, respondents raised reasonable questions regarding there being no inspections by the Bureau of the 10 vehicles in question and no undercover operation conducted by the Bureau of the facility in regard to this case, and Pierce Smog, Mr. Zeit, and Mr. Robles have no history of discipline.

41. Mr. Zeit credibly testified that Pierce Smog conducts approximately 600 smog checks each month and 7,000 to 7,200 smog checks each year, and in the shop's 19-year history of licensure and his 19-year history of licensure, they have never been disciplined by the Bureau. In addition, Mr. Robles has been licensed for 13 years and worked during this time at Mr. Zeit's shop, and he also has no history of discipline.

42. Mr. Zeit and Mr. Robles provided sincere and forthright testimony that did not violate any laws and regulations and they had no reason to risk losing their licenses and disparage their careers and reputations by committing fraudulent smog checks. They presented as concerned, honest, and credible.

43. What did occur in this matter is that smog certificates were issued by Mr. Zeit and Mr. Robles, who unknowingly should not have passed the 10 vehicles and

their conduct amounts to violations of the Motor Vehicle Inspection Program for which their smog check inspector and smog check repair licenses can be disciplined, and for which the licensee Pierce Smog's ARD registration and smog check station license can be disciplined, as set forth in *Rob-Mac, Inc. v. Dept. of Motor Vehicles*, *supra*, 148 Cal.App.3d 793.

44. The next step is to determine whether the violations warrant revocation, probation, suspension, or dismissal. Outright revocation and suspension would be too harsh considering there was no fraud, dishonesty or deceit, or untrue or misleading statements made by Mr. Zeit or Mr. Robles. Dismissal is not appropriate considering the dynamic data demonstrated that Mr. Zeit and Mr. Robles in fact issued smog certifications that, unbeknownst to them, should not have been issued.

45. As such, a stayed revocation with a brief period of probation is the appropriate disposition in this matter. By placing respondents on probation, it will discipline respondents for the remaining violations and provide the Bureau with an opportunity to monitor respondents. Probation will also provide respondents with an opportunity to reflect on what has occurred and find ways to ensure they are not again affiliated with suspicious dynamic data. Respondents might consider taking precautionary measures such as installing surveillance cameras and taking video footage of each of their smog checks to show they are installing the DAD into the vehicle being inspected and they are not installing the DAD into a simulator, and they are otherwise properly inspecting the vehicles and have no knowledge of the vehicles having been modified by the vehicle owners or someone other than respondents.

46. Based on all the above, the appropriate discipline against Pierce Smog's ARD registration and smog check station license, Mr. Zeit's smog check inspector license and smog check repair technician license, and Mr. Robles's smog check

inspector license, is a one-year probation with terms and conditions, and payment of costs, which will ensure protection of the public.

Cost Recovery

47. Complainant sought recovery of investigation costs of \$1,733.66 and \$810.60, and enforcement costs of \$6,137.25, for a total of \$8,681.51.

48. Mr. Garcia signed a declaration with attached documents that listed the time he spent performing a document audit, evidence review, and report writing. The total time he spent was 17 hours, which amounted to a cost of \$1,733.66. The evidence of investigative costs complied with California Code of Regulations, title 1, section 1042, subdivision (b)(1), and the \$1,733.66 costs requested were reasonable.

49. Raymond Gottenbos signed a declaration with attached documents that listed the time he spent performing a case review. The total time he spent was 7.5 hours, which amounted to a cost of \$810.60. The evidence of investigative costs complied with California Code of Regulations, title 1, section 1042, subdivision (b)(1), and the \$810.60 costs requested were reasonable.

50. The Deputy Attorney General who prosecuted the case executed a declaration requesting enforcement costs of \$6,137.25, for tasks performed through February 5, 2026. Attached to his declaration was a document entitled "Matter Time Activity by Professional Type," that identified the tasks performed, the persons who performed the tasks (Stephen A. Aronis, Gregory J. Salute, and Celine A. Liban), the time spent on each task, and the hourly rate of the persons performing the tasks for the costs. The declaration and the attachment seeking enforcement costs of \$6,137.25 complied with the requirements of California Code of Regulations, title 1, section 1042, subdivision (b)(2), and those costs were reasonable.

51. Business and Professions Code section 125.3, subdivision (a), authorizes an administrative law judge to direct a licensee who has violated the applicable licensing act to pay a sum not to exceed the reasonable costs of investigation and prosecution. The certification of costs in all respects satisfied the requirements of California Code of Regulations, title 1, section 1042, subdivision (b), and the certification supports a finding that costs in the amount of \$8,681.51 are reasonable in both the nature and extent of the work performed.

52. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court set forth five factors to be considered in determining whether a particular licensee should be ordered to pay the reasonable costs of investigation and prosecution under statutes like Business and professions Code section 125.3. Those factors are: whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct. (*Ibid.*)

53. Applying the *Zuckerman* factors to this case leads to the following conclusions: respondents were successful in getting several of the charges dismissed or reduced; respondents asserted a good faith belief in the merits of their position; respondents raised a colorable challenge to the proposed discipline; respondents expressed financial difficulty to pay costs; and the scope of the investigation was appropriate in light of the alleged misconduct.

54. In consideration of all the factors of this case, the costs to be paid by respondents to the Bureau shall be reduced from \$8,681.51 to \$2,000.

ORDER

1. Automotive Repair Dealer Registration No. ARD 254092 to respondent Christopher Zeit, owner, doing business as Pierce Smog Test Only, is revoked.

However, the revocation is stayed, and respondent Christopher Zeit, owner, doing business as Pierce Smog Test Only is placed on probation for one (1) year on the following terms and conditions:

2. Smog Check, Test Only, Station License No. TC 254092, issued to respondent Christopher Zeit, owner, doing business as Pierce Smog Test Only, is revoked. However, the revocation is stayed, and respondent Christopher Zeit, owner, doing business as Pierce Smog Test Only is placed on probation for one (1) year on the following terms and conditions:

3. Smog Check Inspector License No. EO 153605, issued to respondent Christopher Elias Zeit, is revoked. However, the revocation is stayed, and respondent Christopher Elias Zeit is placed on probation for one (1) year on the following terms and conditions:

4. Smog Check Repair Technician License No. EI 153605, issued to respondent Christopher Elias Zeit, is revoked. However, the revocation is stayed, and respondent Christopher Elias Zeit is placed on probation for one (1) year on the following terms and conditions:

5. Smog Check Inspector License No. EO 636196, issued to respondent Jorge Robles, is revoked. However, the revocation is stayed, and respondent Jorge Robles is placed on probation for one (1) year on the following terms and conditions:

A. OBEY ALL LAWS

During the period of probation, respondents shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by respondents.

B. QUARTERLY REPORTING

During the period of probation, respondents shall report either by personal appearance of its partners, owners, or officers or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

C. REPORT FINANCIAL INTERESTS

Respondents shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which respondent or any partners, officers, or owners of any respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

D. ACCESS TO EXAMINE VEHICLES AND RECORDS

Respondents shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondents shall also provide BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

E. TOLLING OF PROBATION

If, during probation, respondents do business elsewhere or otherwise cease to do business in the jurisdiction of California, respondents shall notify BAR in writing within 10 days of the dates of departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost reimbursement requirements, restitution requirements, training requirements, and that respondents obey all laws, shall be held in abeyance during any period of time of 30 days or more in which respondent is not engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of 30 days or more in which respondents are not engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

F. VIOLATION OF PROBATION

If respondents violate or fail to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard, may set aside the stay order and carry out the disciplinary order provided in the decision. Once respondents are served notice of BAR's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

G. MAINTAIN VALID LICENSE

Respondents shall, at all times while on probation, maintain a current and active registration with BAR, including any period during which suspension or probation is tolled. If respondents' registration is expired at the time the decision becomes effective, the registration must be renewed by respondents within 30 days of that date. If respondents' registration expires during a term of probation, by operation of law or otherwise, then upon renewal of respondent's registration, respondents shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration during the period of probation shall also constitute a violation of probation.

H. COST RECOVERY

Respondents, jointly and severally, shall pay \$2,000 to the Bureau for the reasonable costs of the investigation and enforcement of Case No. 77/24-5108 (OAH Case No. 2025060767). Respondents shall make such payment as follows: Respondents may pay the costs in a lump sum or according to a payment plan acceptable to the Bureau during the term of probation. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six (6) months before probation terminates. Respondents shall make payment by check or money order payable to the "Bureau of Automotive Repair" and shall indicate on the check or money order that it is for cost recovery payment for Case No. 77/24-5108 (OAH Case No. 2025060767). Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. The Bureau reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

I. COMPLETION OF PROBATION

Upon successful completion of probation, respondents' affected registration and/or licenses will be fully restored or issued without restriction, if respondents meet all current requirements for registration and have paid all outstanding fees, monetary penalties, or cost recovery owed to BAR.

J. LICENSE SURRENDER

Following the effective date of a decision that orders a stay of invalidation or revocation, if respondents cease business operations or is otherwise unable to satisfy the terms and conditions of probation, respondents may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate the respondents' request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision.

Respondents may not petition the Director for reinstatement of the surrendered registration or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If respondents apply to BAR for a registration or license at any time after that date, respondents must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

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6. Respondent Christopher Zeit, owner, doing business as Pierce Smog Test Only, respondent Christopher Elias Zeit, and respondent Jorge Robles, shall, jointly and severally, pay to the Bureau its costs of investigation and enforcement in the amount of \$2,000, which may be paid on such terms as may be determined by the Bureau.

DATE: July 29, 2026



JAMI A. TEAGLE-BURGOS

Administrative Law Judge

Office of Administrative Hearings