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

12 In the Matter of the Accusation Against:

Case No. 79/25-18450

13 **CORNEJOS SMOG CHECK**
14 **EZEQUIEL CORNEJO, OWNER**
15 **951 E. Vernon Ave.**
16 **Los Angeles, CA 90011**

OAH No.

ACCUSATION

17 **Automotive Repair Dealer Registration No.**
18 **ARD 277743**
19 **Smog Check, Test Only, Station License No.**
20 **TC 277743**

21 **and**

22 **DAVY ANTONIO CORNEJO**
23 **1218 E. 59th Pl.**
24 **Los Angeles, CA 90001**

25 **Smog Check Inspector License No. EO**
26 **636551**

27 Respondents.

28 **PARTIES**

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

1 2. On or about September 4, 2014, the Bureau of Automotive Repair issued Automotive
2 Repair Dealer Registration Number ARD 277743 to Ezequiel Cornejo, Owner, dba Cornejos
3 Smog Check (Respondent Cornejos Smog Check). The Automotive Repair Dealer Registration
4 was in full force and effect at all times relevant to the charges brought herein and will expire on
5 September 30, 2026, unless renewed.

6 3. On or about October 2, 2014, the Bureau of Automotive Repair issued Smog Check,
7 Test-Only, Station License Number TC 277743 to Ezequiel Cornejo, Owner, dba Cornejos Smog
8 Check (Respondent Cornejo's Smog Check). The Smog Check, Test-Only, Station License was
9 in full force and effect at all times relevant to the charges brought herein and will expire on
10 September 30, 2026, unless renewed.

11 4. On or about February 23, 2025, the Bureau of Automotive Repair issued STAR
12 Station Certification to Ezequiel Cornejo, Owner, dba Cornejos Smog Check (Respondent
13 Cornejos Smog Check). The STAR Station Certification will remain active unless the ARD
14 Registration and/or Smog Check station license is revoked, cancelled, licenses become
15 delinquent, or certification is suspended.

16 5. On or about February 14, 2014, the Bureau of Automotive Repair issued Smog Check
17 Inspector License Number EO 636551 to Davy Antonio Cornejo (Respondent Cornejo). The
18 Smog Check Inspector License was in full force and effect at all times relevant to the charges
19 brought herein and will expire on January 31, 2028, unless renewed.

20 **JURISDICTION**

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

23 7. Section 9884.7 of the Code provides that the Director may revoke an automotive
24 repair dealer registration.

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

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

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

STATUTORY PROVISIONS

11. Section 9884.7 of the Code provides, in pertinent part:

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

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

• • •

(4) Any other conduct that constitutes fraud.

...

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

• • •

12. Section 9889.22 of the Code provides:

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.

13. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement

1 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
2 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
3 earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,
4 beginning no earlier than January 1, 2025. However, the department, in consultation
5 with the state board, may prescribe alternative test procedures that include loaded
6 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
7 systems that the department and the state board determine exhibit operational
8 problems. The department shall ensure, as appropriate to the test method, the
9 following:

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

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

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

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

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

(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.

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

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

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

14. Health and Safety Code section 44015, subdivision (b), provides:

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

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 smog check technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

16. Health and Safety Code section 44059 provides:

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.

17. Health and Safety Code section 44072.2 provides, 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 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.

...

18. Health and Safety Code section 44072.10, subdivision (c), provides:

(c) 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, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, 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.

REGULATORY PROVISIONS

19. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

(c) 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.

20. California Code of Regulations, title 16, section 3340.30 provides, in pertinent part:

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

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

...

21. California Code of Regulations, title 16, section 3340.35 provides, subdivision (c), provides, in pertinent part:

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

22. California Code of Regulations, title 16, section 3340.41 provides, in pertinent part:

...

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

...

(h) No licensed station shall have in the approved testing area at any time any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection.

...

23. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions test methods and procedures which apply to all vehicles inspected in the State of California.

24. California Code of Regulations, title 16, section 3373, provides:

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

COST RECOVERY

25. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

26. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (OIS). 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. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and the vehicle's Data Link Connector (DLC). The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with Bureau's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number (VIN), and Department of Motor Vehicles (DMV) renewal information. The printer provides a Vehicle

1 Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate
2 of Compliance number for passing vehicles.

3 27. Data retrieved and recorded during an OIS smog check includes the eVIN, which is
4 the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the
5 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to
6 relay information; and the number of Parameter Identifications (PIDs), which is the number of
7 specific data values each PCM uses related to emissions controls.

8 28. During an OIS inspection, engine operating parameters are retrieved from the
9 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
10 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
11 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are: (1) engine
12 speed in revolutions per minute (RPM); (2) throttle position as measured by a throttle position
13 sensor (TPS) mounted onto the throttle shaft, measured in a percentage of opening from 0% at
14 idle and near or up to 100% at full throttle; (3) manifold absolute pressure as measured by a
15 manifold absolute pressure sensor (MAP) connected to an intake manifold source, measured in
16 kilo pascals (kpa). Typical readings for a normally aspirated vehicle are 0 kpa being absolute
17 vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea
18 level; and (4) mass air flow as measured by a mass air flow sensor (MAF) mounted in the
19 engine's air intake tract, measured in grams per second (gps).

20 29. During normal engine operation at idle, engine speed is relatively steady around its
21 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
22 MAF readings are also steady. In order for the engine speed to increase, the throttle would have
23 to be opened in order to increase airflow through the engine. The engine's management systems
24 supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An
25 increase in throttle, measured by the TPS, which increases engine RPM, would result in
26 corresponding increases in MAF, as well as a change in MAP. Stated another way, any
27 movement in the throttle from the idle position will result in an increase of airflow through the
28 engine with corresponding increases RPM and MAF along with changes in MAP.

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

7 31. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
8 inspection, and a Certificate of Compliance is issued and transmitted electronically to the VID.
9 Each Certificate of Compliance has a unique control number so that it can be tracked to determine
10 which Smog Check Station purchased the Certificate of Compliance and to which vehicle it was
11 issued.

12 32. The VID contains registration data from DMV, plus emission standards, vehicle smog
13 check inspections, smog check stations and technicians, and Certificates of Compliance. The
14 VID receives the passing smog check results immediately following the inspection. During the
15 vehicle registration process, the DMV accesses the VID to verify that the vehicle has been tested
16 and certified. The Bureau can also access the VID to view test data on smog check inspections
17 performed at any Smog Check Station, or search for, retrieve, and print a test record for a
18 particular vehicle which has been tested. The EIS or OIS, depending on the test type, also prints a
19 VIR, which is a physical record of the test results and shows the Certificate of Compliance
20 number that was issued if the vehicle passed the smog inspection.

21 33. The smog check technician must sign the VIR under penalty of perjury to indicate
22 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
23 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
24 consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of
25 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by
26 the Bureau to perform official inspections. They are issued a personal access code and a license,
27 which are used to gain access to the EIS and OIS to perform smog check inspections.
28 Unauthorized use of another technician's access code or license is prohibited.

1 34. The Bureau has become aware of methods some Smog Check stations and Smog
2 Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog
3 Check test on their own, or in some instances, are not even present during the time the test is
4 performed. One method is known as “clean plugging.” “Clean plugging” is a method by which
5 another vehicle’s properly functioning OBD II system, or another source such as defeat devices,
6 are used to generate passing data readings or diagnostic information for the purpose of
7 fraudulently issuing smog certificates to vehicles that are not in smog compliance and or not
8 present for testing. Defeat devices attempt to simulate engine operation during a Smog Check
9 inspection by transmitting OBD II data to the VID which has been modified or replaced entirely
10 for the purportedly inspected vehicle during the functional portion of the OIS inspection. The use
11 of a defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

12 35. A Bureau representative investigated and reviewed OIS test data for the smog check
13 inspections performed at Cornejos Smog Check from January 2025 through October 2025. This
14 also included a station visit on October 16, 2025 where a Bureau representative met with
15 Respondents. The investigation revealed that data related to certain vehicles certified by
16 Respondents contained a pattern of vehicles being certified with improbable engine operating
17 parameters not corresponding to normal engine operation, confirming the vehicles receiving smog
18 certificates were not tested during the OBD II functional test. This constitutes clean plugging, as
19 follows:

20 **Clean Plug # 1**

21 36. On or about January 24, 2025, a 2001 GMC New Sierra C1500, VIN
22 2GTEC19V811395455, No CA License entered, was tested and smog certificate U1785850C was
23 issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551
24 Respondent Cornejo.

25 37. The Dynamic PID charts and data for the 2001 GMC New Sierra C1500 shows that
26 between time stamp 347 and 23767, the engine RPM is steady at around 630 RPM. During this
27 time, the data shows that the throttle drops from 2.7% opening to 2.4% opening, then rises to a
28 fixed 5.1% opening, the MAP is fluctuating erratically from 38 kPa to 43kPa, and the MAF drops

1 from 6.27 grams/sec to 6.16 grams/sec, then rises to 7.31 grams/sec, then drops to is 5.52
2 grams/sec. After time stamp 24131, the engine RPM is increased and then held steady at around
3 1750 RPM. During this time, the data shows that the throttle is fluctuating fixed at 0% opening,
4 the MAP is fixed at 38kPa, and the MAF is fixed at 5.15 grams/sec.

5 38. The steady idle and steady elevated engine RPMs along with the improbable throttle
6 positions, MAP and MAF readings are not characteristic or expected for normal engine operation.
7 The throttle positions, MAP and MAF readings are expected to be stable at idle and at the
8 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle
9 position and the MAF readings are expected to rise with the increase in engine RPM, not decrease
10 to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data
11 Acquisition Device (DAD) was not connected as required to the 2001 GMC New Sierra C1500
12 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

13 **Clean Plug # 2**

14 39. On or about February 3, 2025, a 2000 Chevrolet Astro, VIN
15 1GNDM19W5YB139969, CA License 4JTH772, was tested and smog certificate UK211810C
16 was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO
17 636551 Respondent Cornejo.

18 40. The Dynamic PID charts and data for the 2000 Chevrolet Astro shows that between
19 time stamp 347 and 20059, the engine RPM is steady at around 600 RPM. During this time, the
20 data shows that the throttle drops from 3.5% opening to 3.1% opening, then drops again to 2.4%
21 opening, the MAP is fluctuating from 34 kPa to 43kPa, and the MAF rises from 5.5 grams/sec to
22 6.48 grams/sec, then rises again to 7.29 grams/sec. After time stamp 20409, the engine RPM is
23 increased and then held steady at around 1500 RPM. During this time, the data shows that the
24 throttle is fixed at 0.4% opening, the MAP is fixed at 35kPa, and the MAF is fixed at 5.38
25 grams/sec.

26 41. The steady idle and steady elevated engine RPMs along with the improbable throttle
27 positions, MAP and MAF readings are not characteristic or expected for normal engine operation.
28 The throttle positions, MAP and MAF readings are expected to be stable at idle and at the

1 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle
2 position and the MAF readings are expected to rise with the increase in engine RPM, not decrease
3 to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data
4 Acquisition Device (DAD) was not connected as required to the 2000 Chevrolet Astro being
5 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

6 **Clean Plug # 3**

7 42. On or about February 12, 2025, a 2004 Cadillac Deville, VIN
8 1G6KD54Y54U197484, CA License 9DUY540, was tested and smog certificate JD260152C was
9 issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551
10 Respondent Cornejo.

11 43. The Dynamic PID charts and data for the 2004 Cadillac Deville shows that between
12 time stamp 345 and 24618, the engine RPM is steady at around 700 RPM. During this time, the
13 data shows that the throttle rises from 3.1% opening to 5.5% opening, then drops to 1.6%
14 opening, the MAP rises from 37 kPa to 40kPa, rises again to 43kPa, then drops to 39kPa, and the
15 MAF drops from 7.49 grams/sec to 5.29 grams/sec, then rises to 5.99 grams/sec then rises again
16 to 7.04 grams/sec. After time stamp 25348, the engine RPM is increased and then held steady at
17 around 1540 RPM. During this time, the data shows that the throttle is fixed at 0% opening, the
18 MAP is fixed at 33kPa, and the MAF is fixed at 5.73 grams/sec.

19 44. The steady idle and steady elevated engine RPMs along with the improbable throttle
20 positions, MAP and MAF readings are not characteristic or expected for normal engine operation.
21 The throttle positions and MAF readings are expected to be stable at idle and at the elevated
22 engine RPM, not drop and rise unexpectedly. Additionally, the throttle position and the MAF
23 readings are expected to rise with the increase in engine RPM, not decrease to values less than
24 idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device
25 (DAD) was not connected as required to the 2004 Cadillac Deville being certified, causing the
26 issuance of a fraudulent Smog Certificate of Compliance.

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Clean Plug # 4

45. On or about March 25, 2025, a 2004 Ford Explorer Sport Trac, VIN 1FMZU67K24UA42993, CA License 99183T2, was tested and smog certificate JD769575C was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551 Respondent Cornejo.

46. The Dynamic PID charts and data for the 2004 Ford Explorer Sport Trac shows that between time stamp 343 and 30546, the engine RPM is steady at around 700 RPM. During this time, the data shows that the throttle drops from 20% opening to 19.2% opening, then rises to 22.7% opening, then drops to 21.6% opening, and the MAF is fluctuating between 2.83 grams/sec and 5.04 grams/sec. After time stamp 30899, the engine RPM is increased and then held steady at around 1750 RPM. During this time, the data shows that the throttle is fixed at 20% opening and the MAF is fixed at 4.81 grams/sec.

47. The steady idle and steady elevated engine RPMs along with the improbable throttle position and the MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and at the higher engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position and the MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2004 Ford Explorer Sport Trac being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

48. On December 21, 2023, another licensed Smog Check station performed a prior Smog Check inspection on the same 2004 Ford Explorer Sport Trac, VIN 1FMZU67K24UA42993, CA License 99183T2.

49. The Dynamic PID charts and data for the 2004 Ford Explorer Sport Trac shows that between time stamp 67 and 17679, the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle is fixed at 20% opening and the MAF is stable between 4.59 grams/sec and 4.76 grams/sec. After time stamp 18876, the engine RPM is increased and then held steady at around 1820 RPM. During this time, the data shows that the throttle is fixed at

22.4% opening and the MAF increases and is stable between at 10.79 grams/sec and 11.07 grams/sec.

50. The steady idle and elevated engine RPMs along with the associated throttle positions, and MAF readings are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and increase with the elevated engine RPM. These expected results were all present during this inspection.

Clean Plug # 5

51. On or about April 7, 2025, a 2000 Ford Crown Victoria LX, VIN 2FAFP74W5YX149794, CA License 4MIA101, was tested and smog certificate UM089890C was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551 Respondent Cornejo.

52. The Dynamic PID charts and data for the 2000 Ford Crown Victoria LX shows that between time stamp 346 and 35685, the engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle drops from 23.1% opening to 22.7% opening, drops again 18.8% opening, rises to 20% opening, then rises again to 22.4 % opening and the MAF is fluctuating erratically between 5.59 grams/sec and 7.59 grams/sec. After time stamp 36035, the engine RPM is increased and then held steady at around 2200 RPM. During this time, the data shows that the throttle is fixed at 19.2% opening and the MAF is fixed at 5.64 grams/sec.

53. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and the higher engine RPM not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position and the MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2000 Ford Crown Victoria LX being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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1 **Clean Plug # 6**

2 54. On or about August 2, 2025, a 2004 Ford Econoline E350 Super Duty Cutaway Van,
3 VIN 1FDWE35L94HA01067, CA License 7J88859, was tested and smog certificate JF561504C
4 was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO
5 636551 Respondent Cornejo.

6 55. The Dynamic PID charts and data for the 2004 Ford Econoline E350 Super Duty
7 Cutaway Van shows that between time stamp 335 and 17820, the engine RPM is steady at around
8 780 RPM. During this time, the data shows that the throttle is fluctuating erratically between
9 20% opening and 23.9% opening and the MAF rises from 8.39 grams/sec and 8.9 grams/sec,
10 drops to 8.55 grams/sec, drops again to 8.46 grams/sec, then rises to 9.53 grams/sec. After time
11 stamp 18185, the engine RPM is increased and then held steady at around 2050 RPM. During
12 this time, the data shows that the throttle is fluctuating between 18.8% opening and 23.5%
13 opening, and the MAF drops from 10.13 grams/sec to 8.21 grams/sec, then rises to 9.79
14 grams/sec.

15 56. The steady idle and steady elevated engine RPMs along with the improbable throttle
16 positions and the MAF readings are not characteristic or expected for normal engine operation.
17 The throttle positions and MAF readings are expected to be stable at idle and at the elevated
18 engine RPM not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position
19 and the MAF readings are expected to rise with the increase in engine RPM, not decrease to
20 values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data
21 Acquisition Device (DAD) was not connected as required to the 2004 Ford Econoline E350 Super
22 Duty Cutaway Van being certified, causing the issuance of a fraudulent Smog Certificate of
23 Compliance.

24 **Clean Plug # 7**

25 57. On or about September 12, 2025, a 2001 Ford Explorer Sport, VIN
26 1FMYU60E61UC94550, CA License 9HKZ647, was tested and smog certificate UU048467C
27 was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO
28 636551 Respondent Cornejo.

1 58. The Dynamic PID charts and data for the 2001 Ford Explorer Sport shows that
2 between time stamp 340 and 18850, the engine RPM is steady at around 800 RPM. During this
3 time, the data shows that the throttle drops from 16.9% opening to 14.5% opening, then
4 eventually rises to 17.3% opening, and the MAF rises from 3 grams/sec and 5.05 grams/sec,
5 drops to 3.21 grams/sec, then rises to 3.43 grams/sec. After time stamp 19202, the engine RPM is
6 increased and then held steady at around 1950 RPM. During this time, the data shows that the
7 throttle is fluctuating erratically between 12.9% opening and 17.3.% opening, and the MAF is
8 fluctuating between 3.37 grams/sec to 4.47 grams/sec.

9 59. The steady idle and steady elevated engine RPMs along with the improbable throttle
10 positions and the MAF readings are not characteristic or expected for normal engine operation.
11 The throttle positions and MAF readings are expected to be stable at idle and at the elevated
12 engine RPM not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position
13 and the MAF readings are expected to rise with the increase in engine RPM, not decrease to
14 values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data
15 Acquisition Device (DAD) was not connected as required to the 2001 Ford Explorer Sport being
16 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

17 **Clean Plug # 8**

18 60. On or about October 4, 2025, a 2002 Ford Escape XLS, VIN
19 1FMYU01152KA16728, CA License 5BVV622, was tested and smog certificate JH443732C was
20 issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551
21 Respondent Cornejo.

22 61. The Dynamic PID charts and data for the 2002 Ford Escape XLS shows that between
23 time stamp 364 and 21690, the engine RPM is steady at around 700 RPM. During this time, the
24 data shows that the throttle is fluctuating erratically between 12.5% opening and 16.9% opening,
25 and the MAF drops from 5 grams/sec and 3.78 grams/sec, rises to 3.93 grams/sec, then eventually
26 drops to 3 grams/sec. After time stamp 22063, the engine RPM is increased and then held steady
27 at around 1580 RPM. During this time, the data shows that the throttle is fluctuating erratically
28

1 between 14.5% opening and 17.3.% opening, and the MAF is fluctuating between 3.04 grams/sec
2 to 4.65 grams/sec, then eventually drops to 2.94 grams/sec.

3 62. The steady idle and steady elevated engine RPMs along with the improbable throttle
4 positions and the MAF readings are not characteristic or expected for normal engine operation.
5 The throttle positions and MAF readings are expected to be stable at idle and at the elevated
6 engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position
7 and the MAF readings are expected to rise with the increase in engine RPM, not decrease to
8 values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data
9 Acquisition Device (DAD) was not connected as required to the 2002 Ford Escape XLS being
10 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

11 **Clean Plug # 9**

12 63. On or about October 7, 2025, a 2002 Ford Mustang, VIN 1FAFP40472F115992, CA
13 License 4VAU809, was tested and smog certificate JH443750C was issued by Respondent
14 Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551 Respondent Cornejo.

15 64. The Dynamic PID charts and data for the 2002 Ford Mustang shows that between
16 time stamp 342 and 22414, the engine RPM is steady at around 780 RPM. During this time, the
17 data shows that the throttle rises from 21.2% opening to 23.9% opening, then drops to 22.7%
18 opening and the MAF drops from 5.05 grams/sec to 4.37 grams/sec, then slightly rises to 4.65
19 grams/sec before dropping to 2.92 grams/sec. After time stamp 22771, the engine RPM is
20 increased and then held steady at around 1600 RPM. During this time, the data shows that the
21 throttle drops from 21.6% opening to 19.2% opening, then rises to 23.9% opening, and the MAF
22 is fluctuating between 2.81 grams/sec to 4.93 grams/sec.

23 65. The steady idle and steady elevated engine RPMs along with the improbable throttle
24 positions and the MAF readings are not characteristic or expected for normal engine operation.
25 The throttle positions and MAF readings are expected to be stable at idle and at the elevated
26 engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position
27 and the MAF readings are expected to rise with the increase in engine RPM, not decrease to
28 values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data

Acquisition Device (DAD) was not connected as required to the 2002 Ford Mustang being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 10

66. On or about October 7, 2025, a 2004 Chevrolet Tahoe C1500, VIN 1GNEC13V34R161381, CA License 7PUP361, was tested and smog certificate UU626401C was issued by Respondent Cornejos Smog Check, under licensed Smog Check Inspector #EO 636551 Respondent Cornejo.

67. The Dynamic PID charts and data for the 2004 Chevrolet Tahoe C1500 shows that between time stamp 352 and 20943, the engine RPM is steady at around 520 RPM. During this time, the data shows that the throttle rises from 6.7% opening to 11% opening, then drops to 9% opening, the MAP is fluctuating between 38 kPa to 46 kPa, and the MAF is varying from between 6.87 grams/sec and to 7.24 grams/sec. After time stamp 21289, the engine RPM is increased and then held steady at around 1800 RPM. During this time, the data shows that the throttle drops from 7.1% opening to 6.3 % opening, then rises to 10.2% opening, the MAP is fluctuating between 36 kPa and 45 kPa, and the MAF drops from 6.89 grams/sec to 5.39 grams/sec, then rises to 6.13 grams/sec.

68. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly, varying abnormally, and/or fluctuate. Additionally, the throttle position and the MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2004 Chevrolet Tahoe C1500 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements – Respondent Cornejos Smog Check)**

3 69. Respondent Cornejos Smog Check's Automotive Repair Dealer Registration is
4 subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that, with respect
5 to the vehicles identified above, Respondent Cornejos Smog Check made or authorized
6 statements which they knew, or in the exercise of reasonable care should have known to be untrue
7 or misleading, as follows: Respondent Cornejos Smog Check certified that these vehicles had
8 passed inspection and were in compliance with applicable laws and regulations, when in fact,
9 Respondent Cornejos Smog Check conducted the inspections on the vehicles using the clean
10 plugging method in order to issue smog certificates of compliance for the vehicles. Complainant
11 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-68,
12 as though fully set forth herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud – Respondent Cornejos Smog Check)**

15 70. Respondent Cornejos Smog Check's Automotive Repair Dealer Registration is
16 subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that, with respect
17 to the vehicles identified above, Respondent Cornejos Smog Check committed acts which
18 constitute fraud by issuing electronic smog certificates of compliance for these vehicles without
19 performing bona fide inspections of the emissions control devices and systems on those vehicles,
20 thereby depriving the People of the State of California of the protection afforded by the Motor
21 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
22 allegations set forth above in paragraphs 26-68, as though fully set forth herein.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Material Violation of Automotive Repair Act – Respondent Cornejos Smog Check)**

25 71. Respondent Cornejos Smog Check's Automotive Repair Dealer Registration is
26 subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that, with respect
27 to the vehicles identified above, Respondent Cornejos Smog Check failed in a material respect to
28 comply with the provisions of this chapter or regulations adopted pursuant to it by issuing

1 electronic smog certificates of compliance for these vehicles without performing bona fide
2 inspections of the emissions control devices and systems on those vehicles, thereby depriving the
3 People of the State of California of the protection afforded by the Motor Vehicle Inspection
4 Program. Complainant refers to, and by this reference incorporates, the allegations set forth
5 above in paragraphs 26-68, as though fully set forth herein.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Violations of the Motor Vehicle Inspection Program – Respondent Cornejos Smog Check)**

8 72. Respondent Cornejos Smog Check's Test Only, Station License is subject to
9 disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that, with
10 respect to the vehicles identified above, Respondent Cornejo's Smog Check failed to comply with
11 the following sections of the Health and Safety Code:

12 a. **Section 44012:** Respondent Cornejos Smog Check failed to ensure that the emission
13 control tests were performed on the vehicles in accordance with procedures prescribed by the
14 Bureau.

15 b. **Section 44015, subdivision (b):** Respondent Cornejos Smog Check issued electronic
16 smog certificates of compliance for the vehicles without ensuring that the vehicles were properly
17 tested and inspected to determine if they were in compliance with Health and Safety Code section
18 44012.

19 c. **Section 44059:** Respondent Cornejos Smog Check willfully made false entries for
20 the electronic smog certificates of compliance for the vehicles by certifying that the vehicles had
21 been inspected as required when, in fact, they had not.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in
23 paragraphs 26-68, as though fully set forth herein.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection**
26 **Program – Respondent Cornejos Smog Check)**

27 73. Respondent Cornejos Smog Check's, Test Only, Station License is subject to
28 disciplinary action under Health and Safety Code section 44072.2, subdivision (c), in that, with

respect to the vehicles identified above, Respondent Cornejos Smog Check failed to comply with provisions of the California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Cornejos Smog Check issued false or fraudulent certificates of compliance for the vehicles.

b. **Section 3340.35, subdivision (c):** Respondent Cornejos Smog Check issued electronic smog certificates of compliance for the vehicles even though the vehicles had not been inspected in accordance with section 3340.42 of the California Code of Regulations, title 16.

c. **Section 3340.41, subdivision (c):** Respondent Cornejos Smog Check knowingly entered false information into the on-board diagnostic inspection system for the vehicles.

d. **Section 3340.42:** Respondent Cornejos Smog Check failed to ensure that the required smog tests were conducted on the vehicles in accordance with the Bureau's specifications.

e. **Section 3373:** Respondent Cornejos Smog Check withheld or inserted statements or information in an estimate, invoice, work order, or record required to be maintained by California Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be false or misleading for the vehicles.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-68, as though fully set forth herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Cornejo's Smog Check)

74. Respondent Cornejos Smog Check's, Test Only, Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Cornejos Smog Check committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this

reference incorporates, the allegations set forth above in paragraphs 26-68, as though fully set forth herein.

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Cornejo)

75. Respondent Cornejo’s Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that, with respect to the vehicles identified above, Respondent Cornejo violated the following Health and Safety Code sections:

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

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

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

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-68, as though fully set forth herein.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program – Respondent Cornejo)

76. Respondent Cornejo’s Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (c), in that, with respect to the vehicles identified above, Respondent Cornejo failed to comply with provisions of the California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent Cornejo issued false or fraudulent electronic smog certificates of compliance for the vehicles.

b. **Section 3340.30, subdivision (a):** Respondent Cornejo failed to inspect and test the vehicles in accordance with Health and Safety Code sections 44012 and 44035 and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent Cornejo knowingly entered false information into the on-board diagnostic inspection system for the vehicles.

d. **Section 3340.42:** Respondent Cornejo failed to ensure that the required smog tests were conducted on the vehicles identified above in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-68, as though fully set forth herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Cornejo)

77. Respondent Cornejo's Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that, with respect to the vehicles identified above, Respondent Cornejo committed acts involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance for the vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26-68, as though fully set forth herein.

OTHER MATTERS

78. Pursuant to Business and Professions 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 Cornejos Smog Check, Ezequiel Cornejo, Owner, upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

79. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only, Station License Number TC277743, issued to Respondent Cornejos Smog Check, Ezequiel Cornejo, Owner is revoked or suspended following a hearing under this article, 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.

80. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License EO 636551 issued to Respondent Davy Antonio Cornejo is revoked or suspended following a hearing under this article, 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.

PRAAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 277743, issued to Ezequiel Cornejo;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 277743, issued to Ezequiel Cornejo;

3. Revoking or suspending any other automotive repair dealer registration issued to Ezequiel Cornejo;

4. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Ezequiel Cornejo;

5. Revoking or suspending Smog Check Inspector License Number EO 636551, issued to Davy Antonio Cornejo;

6. Revoking or suspending any additional license issued under Chapter 5, Part 5 of Division 26 of the Health and Safety Code in the name of Davy Antonio Cornejo;

7. Ordering Ezequiel Cornejo and Davy Antonio Cornejo to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case,

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

3 and,

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

5
6 DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2026.03.05
11:28:16 -08'00'

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

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