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

In the Matter of the Accusation Against**:** **DINUBA SMOG** **SERGIO ROJAS, OWNER** 160 N. M. Street Dinuba, CA 93618 **Automotive Repair Dealer Registration No. ARD 284618** **Smog Check, Test Only, Station License No. TC 284618** **STAR Certification** **SERGIO ROJAS-GONZALEZ** 38668 Monson Drive Dinuba, CA 93618 **Smog Check Inspector License No. EO 637101** Respondents.	Case No. 79/26-5131 **ACCUSATION**

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PARTIES

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

Automotive Repair Dealer Registration

2. On or about August 19, 2016, the Bureau issued Automotive Repair Dealer Registration Number ARD 284618 to Dinuba Smog with Sergio Rojas as owner (Respondent Dinuba Smog). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2027, unless renewed.

Smog Check, Test-Only, Station License

3. On or about September 14, 2016, the Bureau issued Smog Check, Test Only, Station License Number TC 284618 to Respondent Dinuba Smog. The Smog Check, Test Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2027, unless renewed.

STAR Certification

4. On or about November 1, 2016, the Bureau issued STAR Certification to Respondent Dinuba Smog. The STAR Certification was in full force and effect at all times relevant to the charges brought herein and will remain active unless the ARD registration and/or Smog Check station license is revoked or cancelled, becomes delinquent, or certification is suspended.

Smog Check Inspector License- Respondent Gonzalez

5. On or about July 14, 2014, the Bureau issued Smog Check Inspector License Number EO 637101 to Sergio Rojas-Gonzalez (Respondent Gonzalez). The Smog Check Inspector License will expire on March 31, 2028 unless renewed.

JURISDICTION

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

7. Section 477 of the Business and Professions Code provides, in pertinent part, that Board includes bureau, commission, committee, department, division, examining committee,

program, and agency. License includes certificate, registration or other means to engage in a business or profession regulated by the code.

8. Code section 9884.7 provides that the Director may revoke any automotive repair dealer registration.

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

10. Section 44002 of the Health and Safety Code 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.

11. Section 44072.6 of the Health and Safety Code 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 any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

12. Section 44072.8 of the Health and Safety Code states:

> 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.

STATUTORY PROVISIONS

13. Section 9884.7 of the Code states, in pertinent part:

> (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> ….
>
> (4) Any other conduct that constitutes fraud.

….

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

….

14. Code section 9884.11 states:

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

15. Code section 9889.22 states:

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

16. Section 44012 of the Health and Safety Code states, in pertinent part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:

….

(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.

17. Section 44015 of the Health and Safety Code states, in pertinent part:

….

(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.

….

18. Section 44032 of the Health and Safety Code states:

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.

19. Section 44059 of the Health and Safety Code 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.

REGULATORY PROVISIONS

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

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

….

21. CCR section 3340.35, states, in pertinent part:

….

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

….

22. CCR section 3340.41, states, 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.

23. CCR section 3373, states:

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

COST RECOVERY

24. 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.

UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM

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

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

communication protocol[1], and the number of Parameter Identifications (PID)[2].

REVIEW OF OIS TEST DATA

27. Bureau representative D.W. reviewed BAR-OIS test data pertaining to smog inspections conducted at Respondent Dinuba Smog's facility. D.W. found that Respondent Gonzalez, while working at Respondent Dinuba Smog's facility, had performed smog check inspections on ten vehicles identified below using a method known as "clean plugging,"[3] resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Vehicle 1

28. BAR-OIS test data showed that on February 28, 2025, Respondent Gonzalez performed a smog check inspection on a 2006 GMC Sierra C1500 (Vehicle 1), resulting in the issuance of Certificate of Compliance No. UK482816C. The OIS test details for Vehicle 1 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 1.

29. D.W. utilized the Bureau's database and found that Vehicle 1 had been previously tested and failed inspection on February 17, 2025, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 1.

30. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 1 on February 28, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 1 were consistent with the communication protocol and PID count for the

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

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

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

2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 1, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 1.

Vehicle 2

31. BAR-OIS test data showed that on March 6, 2025, Respondent Gonzalez performed a smog check inspection on a 2006 GMC Sierra K1500 (Vehicle 2), resulting in the issuance of Certificate of Compliance No. UK656511C. The OIS test details for Vehicle 2 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 2.

32. D.W. utilized the Bureau's database and found that Vehicle 2 had been previously tested and passed inspection on November 17, 2024, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 2.

33. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 2 on March 6, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 2 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 2, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 2.

Vehicle 3

34. BAR-OIS test data showed that on March 22, 2025, Respondent Gonzalez performed a smog check inspection on a 2006 Chevrolet Tahoe C1500 (Vehicle 3), resulting in the issuance of Certificate of Compliance No. JD870874C. The OIS test details for Vehicle 3 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 3.

35. D.W. utilized the Bureau's database and found that Vehicle 3 had been previously tested and passed inspection on December 29, 2023, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the

communication protocol and PID count had been consistent with the make and model of Vehicle 3.

36. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 3 on March 22, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 3 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 3, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 3.

Vehicle 4

37. BAR-OIS test data showed that on June 4, 2025, Respondent Gonzalez performed a smog check inspection on a 2012 Nissan Frontier S (Vehicle 4), resulting in the issuance of Certificate of Compliance No. UQ172392C. The OIS test details for Vehicle 4 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 4. The PID count recorded during the inspection on Vehicle 4 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

38. D.W. utilized the Bureau's database and found that Vehicle 4 had been previously tested and passed inspection on December 17, 2022, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 4.

39. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 4 on June 4, 2025, matched a 2007 Nissan Frontier King Cab LE. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 4 were consistent with the communication protocol and PID count for the 2007 Nissan Frontier King Cab LE. D.W. concluded that Respondent Gonzalez had used the 2007 Nissan Frontier King Cab LE's properly functioning OBD II system during the smog inspection of Vehicle 4, resulting in the issuance of a fraudulent smog certificate of compliance

for Vehicle 4.

Vehicle 5

40. BAR-OIS test data showed that on July 19, 2025, Respondent Gonzalez performed a smog check inspection on a 2005 GMC Yukon XL C1500 (Vehicle 5), resulting in the issuance of Certificate of Compliance No. US332374C. The OIS test details for Vehicle 5 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 5.

41. D.W. utilized the Bureau's database and found that Vehicle 5 had been previously tested and passed inspection on July 25, 2023, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 5.

42. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 5 on July 19, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 5 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 5, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 5.

Vehicle 6

43. BAR-OIS test data showed that on November 3, 2025, Respondent Gonzalez performed a smog check inspection on a 2006 GMC Sierra C1500 (Vehicle 6), resulting in the issuance of Certificate of Compliance No. UW290030C. The OIS test details for Vehicle 6 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 6.

44. D.W. utilized the Bureau's database and found that Vehicle 6 had been previously tested and passed inspection on May 18, 2024, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 6.

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45. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 6 on November 3, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 6 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 6, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 6.

Vehicle 7

46. BAR-OIS test data showed that on December 18, 2025, Respondent Gonzalez performed a smog check inspection on a 2006 Chevrolet Silverado C1500 (Vehicle 7), resulting in the issuance of Certificate of Compliance No. JH733508C. The OIS test details for Vehicle 7 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 7.

47. D.W. utilized the Bureau's database and found that Vehicle 7 had been previously tested and passed inspection on June 20, 2022, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 7.

48. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 7 on December 18, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 7 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 7, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 7.

Vehicle 8

49. BAR-OIS test data showed that on December 31, 2025, Respondent Gonzalez performed a smog check inspection on a 2005 GMC Yukon Denali (Vehicle 8), resulting in the issuance of Certificate of Compliance No. UY481247C. The OIS test details for Vehicle 8

showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 8.

50. D.W. utilized the Bureau's database and found that Vehicle 8 had been previously tested and failed inspection on December 29, 2025, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 8.

51. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 8 on December 31, 2025, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 8 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 8, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 8.

Vehicle 9

52. BAR-OIS test data showed that on January 3, 2026, Respondent Gonzalez performed a smog check inspection on a 2006 GMC Sierra C1500 (Vehicle 9), resulting in the issuance of Certificate of Compliance No. UY661262C. The OIS test details for Vehicle 9 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 9.

53. D.W. utilized the Bureau's database and found that Vehicle 9 had been previously tested and passed inspection on December 1, 2020, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 9.

54. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 9 on January 3, 2026, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 9 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of

Vehicle 9, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 9.

Vehicle 10

55. BAR-OIS test data showed that on January 26, 2026, Respondent Gonzalez performed a smog check inspection on a 2006 GMC Sierra C1500 (Vehicle 10), resulting in the issuance of Certificate of Compliance No. VA343584C. The OIS test details for Vehicle 10 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 10.

56. D.W. utilized the Bureau's database and found that Vehicle 10 had been previously tested and passed inspection on January 9, 2024, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 10.

57. D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 10 on January 26, 2026, matched a 2005 Chevrolet Tahoe K1500. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 10 were consistent with the communication protocol and PID count for the 2005 Chevrolet Tahoe K1500. D.W. concluded that Respondent Gonzalez had used the 2005 Chevrolet Tahoe K1500's properly functioning OBD II system during the smog inspection of Vehicle 10, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 10.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Respondent Dinuba Smog)

58. Respondent Dinuba Smog's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that Respondent Dinuba Smog's made or authorized statements which Respondent Dinuba Smog knew or in the exercise of reasonable care should have known to be untrue or misleading. Specifically, Respondent Dinuba Smog certified that Vehicles 1 through 10, identified in paragraphs 28 through 57, above, passed inspection and were in compliance with applicable laws and regulations when, in fact, those vehicles had not been properly inspected.

SECOND CAUSE FOR DISCIPLINE

(Fraud- Respondent Dinuba Smog)

59. Respondent Dinuba Smog's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent Dinuba Smog committed acts that constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 28 through 57, above, without ensuring that bona fide inspections had been performed of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act- Respondent Dinuba Smog)

60. Respondent Dinuba Smog's registration is subject to disciplinary action pursuant Code section 9884.7, subdivision (a)(6), in that Respondent Dinuba Smog failed in a material respect to comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent Dinuba Smog issued electronic certificates of compliance for Vehicles 1 through 10, identified in paragraphs 28 through 57, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

FOURTH CAUSE FOR DISCIPLINE

(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program- Respondent Dinuba Smog)

61. Respondent Dinuba Smog's smog check, test only, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Dinuba Smog failed to comply with the following sections of the CCR's:

a. **Section 3340.35, subdivision (c)**: Respondent Dinuba Smog failed to inspect and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.42 of the CCR and failed to ensure that the vehicles had all the required emission control equipment and devices installed and functioning correctly.

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

FIFTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program- Respondent Dinuba Smog)

62. Respondent Dinuba Smog's smog check, test only, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to Vehicles 1 through 10 identified in paragraphs 28 through 57, above, Respondent Dinuba Smog failed to comply with the Health & Saf. Code, as follows:

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

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

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit- Respondent Dinuba Smog)

63. Respondent Dinuba Smog's smog check, test only, station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Dinuba Smog committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 28 through 57, above, without ensuring that a bona fide inspection had been performed of the emission control devices and systems on the vehicles, thereby depriving the people of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program- Respondent Gonzalez)

64. Respondent Gonzalez's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Gonzalez violated section 44032 of that Code. Specifically, Respondent Gonzalez failed to perform the emission control tests on Vehicles 1 through 10, identified in paragraphs 28 through 57, above, in accordance with procedures prescribed by the department.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations- Respondent Gonzalez)

65. Respondent Gonzalez's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1 through 10, identified in paragraphs 28 through 57, above, Respondent Gonzalez failed to comply with provisions of the CCR, as follows:

a. **CCR, section 3340.30, subdivision (a)**: Respondent Gonzalez failed to inspect and test Vehicles 1 through 10, in accordance with Health & Saf. Code sections 44012 and 44032 and CCR section 3340.42.

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

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit- Respondent Gonzalez)

66. Respondent Gonzalez's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Gonzalez committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 28 through 57, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor

Vehicle Inspection Program.

DISCIPLINARY CONSIDERATIONS

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

a. On January 31, 2017, Respondent Dinuba Smog was issued citation C2017-359 for certifying a vehicle using a BAR97 EIS when a BAR OIS test was required. The citation became effective on March 28, 2017.

b. On July 15, 2019, Respondent Dinuba Smog was issued citation C2019-1678 for certifying a Bureau undercover vehicle with a missing or modified positive crankcase ventilation system. The citation became effective on August 24, 2019.

c. On January 31, 2017, Respondent Gonzalez was issued citation M2017-360 for certifying a certifying a vehicle using a BAR97 EIS when a BAR OIS test was required. The citation became effective on March 28, 2017.

d. On July 15, 2019, Rojas-Gonzalez was issued citation M2019-1679 for certifying a Bureau undercover vehicle with a missing or modified positive crankcase ventilation system. The citation became effective on August 24, 2019.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 284618, issued to Dinuba Smog with Sergio Rojas as owner;

2. Revoking or suspending Smog Check Test Only Station License Number TC 284618, issued to Dinuba Smog with Sergio Rojas as owner;

3. Revoking or suspending any other automotive repair dealer registration issued to Sergio Rojas;

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

5. Revoking or suspending Smog Check Inspector License Number EO 637101, issued to Sergio Rojas-Gonzalez;

6. Revoking or suspending any additional license issued under the Motor Vehicle Inspection Program in the name of Sergio Rojas-Gonzalez;

7. Ordering Dinuba Smog, Sergio Rojas, and Sergio Rojas-Gonzalez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

and,

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

DATED: As of Digital Signature Date_

Dorais, Patrick@DCA Digitally signed by Dorais, Patrick@DCA Date: 2026.10.14 12:19:54 -07'00'

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

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