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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. 79/26-4802

13 **JACQUELINE JAZMINE IBARRA-**
14 **OWNER DBA TORITO TEST ONLY**
15 **15867 E Foothill Blvd. Suite C**
16 **Fontana, CA 92335**
17 **MAILING ADDRESS**

ACCUSATION

18 **15402 Athol Street**
19 **Fontana, CA 92335**
20 **Automotive Repair Dealer Registration No.**
21 **ARD 285360**
22 **Smog Check, Test-Only, Station License No.**
23 **TC 285360**

24 **and**

25 **JACQUELINE JAZMINE IBARRA**
26 **18020 Randall Avenue**
27 **Fontana, CA 92335**
28 **Smog Check Inspector No.**
EO 642058

Respondents.

PARTIES

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

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1 **Jacqueline Jazmine Ibarra-Owner dba Torito Test Only**

2 **Automotive Repair Dealer Registration**

3 2. On or about November 18, 2016, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 285360 to Jacqueline Jazmine Ibarra-Owner dba Torito Test Only
5 (“Respondent Torito Test”). The Automotive Repair Dealer Registration was in full force and
6 effect at all times relevant to the charges brought herein and will expire on November 30, 2026,
7 unless renewed.

8 **Smog Check, Test-Only, Station License**

9 3. On or about December 20, 2016, the Bureau issued Smog Check, Test-Only, Station
10 License Number TC 285360 to Respondent Torito Test. The Smog Check Station License was in
11 full force and effect at all times relevant to the charges brought herein and will expire on
12 November 30, 2026, unless renewed.

13 **STAR Station Certification**

14 4. On or about August 11, 2017, the Bureau certified Torito Test Only as a STAR
15 Station. The certification will remain active unless ARD 285360 and/or TC 285360 is revoked,
16 canceled, becomes delinquent, or the certification is suspended.

17 **Jacqueline Jazmine Ibarra**

18 **Smog Check Inspector License**

19 5. On or about June 24, 2019, the Bureau issued Smog Check Inspector License Number
20 EO 642058 to Jacqueline Jazmine Ibarra (“Respondent Ibarra”). The Smog Check Inspector
21 License was in full force and effect at all times relevant to the charges brought herein and will
22 expire on April 30, 2027, unless renewed.

23 **JURISDICTION**

24 6. Business and Professions Code (“Code”) section 9884.7 provides that the Director
25 may revoke an automotive repair dealer registration.

26 7. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
27 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
28

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

8. 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.

9. 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.

STATUTORY PROVISIONS

10. Section 9884.7 of the Code states:

(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.

....

(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.

11. Section 44012 of the Health and Safety Code states:

The test at the smog check stations shall be performed in accordance with

procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

(e) For diesel-powered vehicles, a visual inspection is made of emission control devices and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the department, that may include, but are not limited to, onboard 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.

12. Section 44015 of the Health and Safety Code states:

....

(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.

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

14. 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.

15. Section 44072.2 of the Health and Safety Code states:

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

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

....

(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.

16. 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.

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17. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

(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.

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

REGULATORY PROVISIONS

18. California Code of Regulations, title 16, section 3340.24, 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.

19. California Code of Regulations, title 16, section 3340.30, states:

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..

20. California Code of Regulations, title 16, section 3340.35 states:

(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.

21. California Code of Regulations, title 16, section 3340.41 states:

....

(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.

22. 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) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby incorporated by reference. If the emissions standards for a specific vehicle are not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

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

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

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

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

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

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

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

(2) Vehicles identified by the bureau as being operationally or physically incompatible with inspection equipment.

(3) Vehicles with OBD systems that have demonstrated operational problems.

(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables described in subsection (a), as applicable.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle included in the tables described in subsection (a), as applicable. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

23. California Code of Regulations, title 16, 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.

FACTUAL ALLEGATIONS

25. During the course of regular duties, a Bureau Representative accessed the Vehicle Information Database (“VID”) and reviewed Smog Check data transmitted from Respondent Torito Test. Additionally, the Bureau Representative accessed the VID to produce copies of Smog Check Vehicle Inspection Reports (“VIR”), OIS Test Details, Inspection Details, OBD Data (“Dynamic”), Dynamic Data Charts, and Certificate Sales relating to the vehicles mentioned in Bureau Representative’s investigation report.

26. During an On-Board Diagnostic Inspection System inspection (“OIS”), engine operating parameters are retrieved from the vehicle’s OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check Inspection by plugging the Data Acquisition Device (“DAD”) into the vehicle’s Diagnostic Link Connector (“DLC”) when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- Engine speed in revolutions per minute (“RPM”).
- The throttle position is measured by a throttle position sensor (“TPS”) mounted onto the throttle shaft. It is measured in a percentage of opening from at or near 0% at idle and near or up to 100% at full throttle.
- Manifold absolute pressure as measured by a manifold air pressure sensor (“MAP”) connected to an intake manifold source, measured in kilo pascals (“kpa”). Typical readings for a normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- Mass airflow as measured by a mass air flow sensor (“MAF”) mounted in the engine’s air intake tract and measured in grams per second (“gps”).

27. During normal engine operation at idle, the engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened to increase airflow through the engine. The engine's management systems supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result in corresponding increases in MAF as well as a change in MAP. Stated another way, 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/or MAF along with changes in MAP.

1 28. 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, at an elevated or increased
4 engine speed. The increase in engine speed is performed by the smog check inspector by
5 stepping on the throttle pedal or manually opening the throttle, resulting in a corresponding
6 increase in engine RPMs by allowing an increase in airflow into the engine.

7 29. The Bureau Representative conducted a detailed review of the VID data for the Smog
8 Check inspections performed at Respondent Torito Test's facility. The review showed a pattern
9 of vehicles being certified with improbable engine operating parameters not corresponding to
10 normal engine operation. The review showed a pattern of vehicles being certified with engine
11 operating parameters not corresponding to normal engine operation, that confirmed the vehicles
12 that received smog certificates were not tested during the OBD II functional test, which
13 constituted clean plugging¹. The Bureau Representative's comprehensive review confirmed that
14 ten (10) Smog Check Certificates of Compliance were fraudulently issued to vehicles by
15 Respondents Torito Test and Ibarra.

16 **Fraudulent Inspection No. 1-2003 GMC Yukon**

17 30. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test.
18 The review showed that on or about May 17, 2024, a 2003 GMC Yukon was tested, and
19 Certificate of Compliance Number TW760982C was issued by Respondent Ibarra.

20 31. The Dynamic Data Charts for the 2003 GMC Yukon showed that between
21 timestamps 336 and 23331, the engine RPM was steady at around 619 RPM. During this time,
22 the data showed that the throttle was fixed at 6.3% opening, the MAF was fixed at 4.69 gps, and
23 the MAP was fixed at 32 kPa. After timestamp 23331, the engine RPM was increased and then
24 held steady above 1627 RPM. From the time the engine RPM rose to the higher RPMs, the data
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27 ¹ Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,
28 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing
fraudulent Smog Check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for
testing.

showed that the throttle fluctuated between 9.8% to 11.8% opening, the MAF ultimately rose from 3.84 gps to 4.88 gps, and the MAP fluctuated between 35 kPa and 40 kPa.

32. The steady idle and elevated engine RPMs, along with the improbable MAF and MAP readings, were not characteristic or expected for normal engine operation. The MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The MAF readings should not drop and rise unexpectedly or decrease below idle values at the elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not drop and rise unexpectedly or increase to higher than idle values at the elevated engine RPM. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2003 GMC Yukon being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 2-2006 Toyota Corolla Matrix XR

33. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test. The review showed that on or about August 10, 2024, a 2006 Toyota Corolla Matrix XR was tested, and Certificate of Compliance Number UC075575C was issued by Respondent Ibarra.

34. The Dynamic Data Charts for the 2006 Toyota Corolla Matrix XR showed that between timestamps 837 and 27520, the engine RPM was steady at around 699 RPM. During this time, the data showed that the throttle was fixed at 18.4% opening and the MAF was fixed at 3.79 gps. After timestamp 27520, the engine RPM was increased and then held steady above 1741 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle rose from 16.1 % to 17 .6% opening and the MAF dropped from 4.65 gps to 3.51 gps.

35. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly or decrease to lower than idle values at the elevated engine RPM. The MAF readings should not drop unexpectedly or decrease to lower than idle values at the elevated engine RPM. These readings

1 were not characteristic or expected for normal engine operation. The discrepancies in the OIS
2 Test Data proved that the OIS DAD was not connected to the 2006 Toyota Corolla Matrix XR
3 being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

4 **Fraudulent Inspection No. 3-2001 GMC Yukon**

5 36. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test.
6 The review showed that on or about October 14, 2024, a 2001 GMC Yukon was tested, and
7 Certificate of Compliance Number UE441864C was issued by Respondent Ibarra.

8 37. The Dynamic Data Charts for the 2001 GMC Yukon showed that between
9 timestamps 354 and 52179, the engine RPM was steady at around 612 RPM. During this time,
10 the data showed that the throttle was fixed at 6.3% opening, the MAF was fixed at 5.02 gps, and
11 the MAP was fixed at 32 kPa. After timestamp 52179, the engine RPM increased and then held
12 steady above 1758 RPM. From the time the engine RPM rose to the higher RPMs, the data
13 showed that the throttle fluctuated between 7.8% to 11.4% opening, the MAF dropped from 4.94
14 gps to 2.80 gps then ultimately rose to 4.96 gps, and the MAP dropped from 42 kPa to 32 kPa,
15 returned to 42 kPa, then ultimately dropped to 40 kPa.

16 38. The steady idle and steady elevated engine RPMs, along with the improbable MAF
17 and MAP readings, were not characteristic or expected for normal engine operation. The MAF
18 readings were expected to be stable at idle and increase with the elevated engine RPM. The MAF
19 readings should not drop and rise unexpectedly or decrease to lower than idle values, at the
20 elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with
21 the elevated engine RPM. The MAP readings should not drop and rise unexpectedly or increase
22 to higher than idle values at the elevated engine RPM. These readings were not characteristic or
23 expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS
24 DAD was not connected to the 2001 GMC Yukon being certified, which caused the issuance of a
25 fraudulent Smog Check Certificate of Compliance.

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Fraudulent Inspection No. 4-2000 GMC Safari XT

39. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test. The review showed that on or about October 21, 2024, a 2000 GMC Safari XT was tested, and Certificate of Compliance Number UE441878C was issued by Respondent Ibarra.

40. The Dynamic Data Charts for the 2000 GMC Safari XT showed that between timestamps 351 and 19859, the engine RPM was steady at around 545 RPM. During this time, the data showed that the throttle was fixed at 0.0% opening, the MAF was fixed at 4.63 gps, and the MAP was fixed at 34 kPa. After timestamp 19859, the engine RPM was increased and then held above 1871 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle dropped from 5.5% to 3.1%, then ultimately rose to 5.5 % opening, the MAF ultimately dropped from 4.50 gps to 3.12 gps, then rose to 4.14 gps, and the MAP fluctuated between 35 kPa and 43 kPa.

41. The steady idle and elevated engine RPMs, along with the improbable MAF and MAP readings, were not characteristic or expected for normal engine operation. The MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The MAF readings should not drop and rise unexpectedly or decrease to lower than idle values at the elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not drop and rise unexpectedly or increase to higher than idle values at the elevated engine RPM. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2000 GMC Safari XT being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 5-2003 Toyota Corolla CE

42. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test. The review showed that on or about November 25, 2024, a 2003 Toyota Corolla CE was tested, and Certificate of Compliance Number UG236437C was issued by Respondent Ibarra.

43. The Dynamic Data Charts for the 2003 Toyota Corolla CE showed that between timestamps 843 and 21416, the engine RPM was steady at around 730 RPM. During this time,

1 the data showed that the throttle was fixed at 11.0 % opening and the MAF was fixed at 2.06 gps.
2 After timestamp 21416, the engine RPM was increased and then held above 1822 RPM. From
3 the time the engine RPM rose to the higher RPMs, the data showed that the throttle dropped from
4 10.2% to 6.7% opening, and the MAF dropped from 1.45 gps to 1.01 gps.

5 44. The steady idle and elevated engine RPMs, along with the improbable throttle
6 positions and MAF readings, were not characteristic or expected for normal engine operation.
7 The throttle position and MAF readings were expected to be stable at idle and increase with the
8 elevated engine RPM. The throttle positions should not decrease to lower than idle values at the
9 elevated engine RPM. The MAF readings should not decrease to lower than idle values at the
10 elevated engine RPM. These readings were not characteristic or expected for normal engine
11 operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected
12 to the 2003 Toyota Corolla CE being certified, which caused the issuance of a fraudulent Smog
13 Check Certificate of Compliance.

14 **Fraudulent Inspection No. 6-2005 Chevrolet Silverado C2500 Heavy Duty**

15 45. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test.
16 The review showed that on or about December 27, 2024, a 2005 Chevrolet Silverado C2500
17 Heavy Duty was tested, and Certificate of Compliance Number UG899888C was issued by
18 Respondent Ibarra.

19 46. The Dynamic Data Charts for the 2005 Chevrolet Silverado C2500 Heavy Duty
20 showed that between timestamps 354 and 22912, the engine RPM was steady at around 551
21 RPM. During this time, the data showed that the throttle was fixed at 6.3% opening, the MAF
22 was fixed at 6.85 gps, and the MAP was fixed at 35 kPa. After timestamp 22912, the engine
23 RPM was increased and then held above 1577 RPM. From the time the engine RPM rose to the
24 higher RPMs, the data showed that the throttle rose from 7.8% to 11.4%, dropped to 8.6%, then
25 rose to 9.0% opening, the MAF fluctuated between 5.51 gps and 7.52 gps, and the MAP rose
26 from 38 kPa to 39 kPa, dropped to 35 kPa, and then rose to a fixed 43 kPa.

27 47. The steady idle and elevated engine RPMs, along with the improbable MAF and
28 MAP readings, were not characteristic or expected for normal engine operation. The MAF

1 readings were expected to be stable at idle and increase with the elevated engine RPM. The MAF
2 readings should not drop and rise unexpectedly or decrease to lower than idle values at the
3 elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with
4 the elevated engine RPM. The MAP reading should not drop and rise unexpectedly or increase to
5 higher than idle values at the elevated engine RPM. These readings were not characteristic or
6 expected for normal engine operation. The discrepancies in the OIS Test Data proved that the
7 OIS DAD was not connected to the 2005 Chevrolet Silverado C2500 Heavy Duty being certified,
8 which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

9 **Fraudulent Inspection No. 7-2001 Ford Ranger Super Cab**

10 48. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test.
11 The review showed that on or about March 8, 2025, a 2001 Ford Ranger Super Cab was tested,
12 and Certificate of Compliance Number UK559024C was issued by Respondent Ibarra.

13 49. The Dynamic Data Charts for the 2001 Ford Ranger Super Cab showed that between
14 timestamps 354 and 19111, the engine RPM was steady at around 664 RPM. During this time,
15 the data showed that the throttle was fixed at 20.0% opening and the MAF was fixed at 4.37 gps.
16 After timestamp 19111, the engine RPM was increased and then held steady above 1838 RPM.
17 From the time the engine RPM rose to the higher RPMs, the data showed that the throttle rose
18 from 23.1 % to 23.9%, then dropped to 18.8% ultimately rose to 20.0% opening, and the MAF
19 ultimately dropped from 4.63 gps to 2.74 gps, then ultimately rose to 4.58 gps.

20 50. The steady idle and steady elevated engine RPMs, along with the improbable throttle
21 positions and MAF readings, were not characteristic or expected for normal engine operation.
22 The throttle position and MAF readings were expected to be stable at idle and increase with the
23 elevated engine RPM. The throttle positions should not drop and rise unexpectedly or decrease to
24 lower than idle values at the elevated engine RPM. The MAF readings should not drop and rise
25 unexpectedly or decrease to lower than idle values at the elevated engine RPM. These readings
26 were not characteristic or expected for normal engine operation. The discrepancies in the OIS
27 Test Data proved that the OIS DAD was not connected to the 2001 Ford Ranger Super Cab being
28 certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 8-2005 Toyota Tacoma Prerunner Access Cab

51. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test. The review showed that on or about April 12, 2025, a 2005 Toyota Tacoma Prerunner Access Cab was tested, and Certificate of Compliance Number UM358723C was issued by Respondent Ibarra.

52. The Dynamic Data Charts for the 2005 Toyota Tacoma Prerunner Access Cab showed that between timestamps 353 and 22191, the engine RPM was steady at around 734 RPM. During this time, the data showed that the throttle fluctuated between 53.3% and 56.9% opening and the MAF was between 3.60 gps and 3.64 gps. After timestamp 22191, the engine RPM was increased and then held steady above 1838 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle fluctuated between 54.1 % and 56.9% opening and the MAF was between 3.56 gps and 3.62 gps.

53. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly or decrease to lower than idle values at the elevated engine RPM. The MAF readings should not remain at values equivalent to idle at the elevated engine RPM. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2005 Toyota Tacoma Prerunner Access Cab being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 9-2005 Chevrolet Express G2500

54. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test. The review showed that on or about May 19, 2025, a 2005 Chevrolet Express G2500 was tested, and Certificate of Compliance Number UO467084C was issued by Respondent Ibarra.

55. The Dynamic Data Charts for the 2005 Chevrolet Express G2500 showed that between timestamps 352 and 23433, the engine RPM was steady at around 570 RPM. During

1 this time, the data showed that the throttle was fixed at 0.0% opening, the MAF was fixed at 4.17
2 gps, and the MAP was fixed at 35 kPa. After timestamp 23433, the engine RPM was increased
3 and then held steady above 1748 RPM. From the time the engine RPM rose to the higher RPMs,
4 the data showed that the throttle fluctuated between 2.7% and 5.5% opening, the MAF fluctuated
5 between 2.84 gps and 4.93 gps, and the MAP fluctuated between 32 kPa and 46 kPa.

6 56. The steady idle and steady elevated engine RPMs, along with the improbable MAF
7 and MAP readings, were not characteristic or expected for normal engine operation. The MAF
8 readings were expected to be stable at idle and increase with the elevated engine RPM. The MAF
9 readings should not drop and rise unexpectedly or decrease to lower than idle values at the
10 elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with
11 the elevated engine RPM. The MAP reading should not drop and rise unexpectedly or increase to
12 higher than idle values at the elevated engine RPM. These readings were not characteristic or
13 expected for normal engine operation. The discrepancies in the OIS Test Data proved that the
14 OIS DAD was not connected to the 2005 Chevrolet Express G2500 being certified, which caused
15 the issuance of a fraudulent Smog Check Certificate of Compliance.

16 **Fraudulent Inspection No. 10-2006 Chevrolet Suburban C1500**

17 57. A Bureau Representative reviewed the OIS Test Data for Respondent Torito Test.
18 The review showed that on or about June 28, 2025, a 2006 Chevrolet Suburban C1500 was tested,
19 and Certificate of Compliance Number UQ983617C was issued by Respondent Ibarra.

20 58. The Dynamic Data Charts for the 2006 Chevrolet Suburban C1500 showed that
21 between timestamps 339 and 38409, the engine RPM was steady at around 544 RPM. During
22 this time, the data showed that the throttle was fixed at 16.5% opening, the MAF was fixed at
23 4.51 gps, and the MAP was fixed at 34 kPa. After timestamp 38409, the engine RPM was
24 increased and then held steady above 1661 RPM. From the time the engine RPM rose to the
25 higher RPMs, the data showed that the throttle ultimately rose from 12.9% to 18.0%, then
26 dropped to 13.7% opening, the MAF fluctuated between 3.36 gps and 4.53 gps, and the MAP
27 dropped from 40 kPa to a fixed 36 kPa, then rose to 43 kPa.

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59. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions, MAF, and MAP readings, were not characteristic or expected for a normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly or decrease to lower than idle values at the elevated engine RPM. The MAF readings should not drop and rise unexpectedly or decrease to lower than idle values at the elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with the elevated engine RPM. The MAP readings should not drop and rise unexpectedly or increase to higher than idle values at the elevated engine RPM. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2006 Chevrolet Suburban C1500 being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

60. Respondent Torito Test's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16, section 3373, in that between May 17, 2024, through June 28, 2025, Respondent Torito Test made or authorized statements which were known or it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Torito Test certified that vehicles 1 through 10, set forth above, had passed inspection and were in compliance with applicable laws and regulations. Respondent Torito Test conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests to issue smog check certificates of compliance for the ten (10) vehicles, and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 61. Respondent Torito Test's Automotive Repair Registration is subject to discipline
4 pursuant to Code section 9884.7, subdivision (a)(4), in that between May 17, 2024, through June
5 28, 2025, Respondent Torito Test committed acts that constitute fraud by issuing electronic smog
6 check certificates of compliance for vehicles 1 through 10, set forth above, without performing
7 bona fide inspections of the emission control devices and systems on those vehicles, thereby
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set
10 forth above in paragraphs 25 through 59, as though fully set forth.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act)**

13 62. Respondent Torito Test's Automotive Repair Registration is subject to disciplinary
14 action under Code section 9884.7, subdivision (a)(6), in that between May 17, 2024, through June
15 28, 2025, regarding vehicles 1 through 10, set forth above, Respondent Torito Test failed in a
16 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it
17 by issuing electronic smog check certificates of compliance for the ten (10) vehicles without
18 performing bona fide inspections of the emissions control devices and systems on those vehicles,
19 thereby depriving the People of the State of California of the protection afforded by the Motor
20 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraphs 25 through 59, as though fully set forth.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Motor Vehicle Inspection Program)**

24 63. Respondent Torito Test's Smog Check, Test-Only Station License is subject to
25 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
26 May 17, 2024, through June 28, 2025, regarding vehicles 1 through 10, set forth above,
27 Respondent Torito Test failed to comply with the following sections of that Code:

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1 a. **Section 44012:** Respondent Torito Test failed to ensure that the emission control tests
2 were performed on vehicles 1 through 10, in accordance with procedures prescribed by the
3 department.

4 b. **Section 44015, subdivision (b):** Respondent Torito Test issued electronic smog check
5 certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were
6 properly tested and inspected to determine if they were in compliance with Health and Safety
7 Code section 44012.

8 c. **Section 44059:** Respondent Torito Test willfully made false entries for the electronic
9 smog check certificates of compliance by certifying that those vehicles had been inspected as
10 required when, in fact, they had not.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraphs 25 through 59, as though fully set forth.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant to the**
15 **Motor Vehicle Inspection Program)**

16 64. Respondent Torito Test's Smog Check, Test-Only Station License is subject to
17 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
18 May 17, 2024, through June 28, 2025, regarding vehicles 1 through 10, set forth above,
19 Respondent Torito Test failed to comply with provisions of California Code of Regulations, title
20 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Torito Test falsely or fraudulently issued
22 electronic smog check certificates of compliance for those vehicles without performing bona fide
23 inspections of the emission control devices and systems on the vehicles as required by Health and
24 Safety Code section 44012.

25 b. **Section 3340.35, subdivision (c):** Respondent Torito Test issued electronic smog check
26 certificates of compliance even though those vehicles had not been inspected in accordance with
27 section 3340.42 of that Code.

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1 c. **Section 3340.41, subdivision (c):** Respondent Torito Test knowingly entered false
2 information into the On-Board Diagnostic inspection system for the ten (10) vehicles identified
3 above.

4 d. **Section 3340.42:** Respondent Torito Test failed to conduct the required smog check
5 tests and inspections on those vehicles in accordance with the Bureau's specifications.

6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraphs 25 through 59, as though fully set forth.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit)**

10 65. Respondent Torito Test's Smog Check, Test-Only Station License is subject to
11 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
12 with 44072.10, subdivision (c), in that between May 17, 2024, through June 28, 2025 regarding
13 vehicles 1 through 10, set forth above, Respondent Torito Test committed acts involving
14 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog check
15 certificates of compliance for those vehicles without performing bona fide inspections of the
16 emission control devices and systems on the vehicles, thereby depriving the People of the State of
17 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
18 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25
19 through 59, as though fully set forth.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Violations of the Motor Vehicle Inspection Program – Respondent Ibarra)**

22 66. Respondent Ibarra's Smog Check Inspector License is subject to disciplinary action
23 under Health and Safety Code section 44072.2, subdivision (a), in that between May 17, 2024,
24 through June 28, 2025, regarding vehicles 1 through 10, set forth above, Respondent Ibarra
25 violated the following Health and Safety Code sections:

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

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

c. **Section 44032:** Respondent Ibarra 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 Ibarra willfully made false entries for the electronic smog check certificates of compliance by certifying that the vehicles identified above 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 25 through 59, as though fully set forth.

EIGHTH CAUSE FOR DISCIPLINE

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

67. Respondent Ibarra's Smog Check Inspector License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between May 17, 2024, through June 28, 2025, regarding vehicles 1 through 10, set forth above, Respondent Ibarra failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c)**: Respondent Ibarra falsely or fraudulently issued electronic smog check certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

b. **Section 3340.30 subdivision (a)**: Respondent Ibarra failed to inspect and test those vehicles in accordance with Health and Safety Code sections 44012.

c. **Section 3340.41, subdivision (c):** Respondent Ibarra knowingly entered false information into the On-board Diagnostic inspection system for the ten (10) vehicles identified.

d. **Section 3340.42**: Respondent Ibarra failed to conduct the required smog check tests and inspections on those vehicles in accordance with the Bureau's specifications.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 25 through 59, as though fully set forth.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit – Respondent Ibarra)**

5 68. Respondent Ibarra's Smog Check Inspector License is subject to disciplinary action
6 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
7 Safety Code section 44072.10, subdivision (c), in that between May 17, 2024, through June 28,
8 2025, regarding vehicles 1 through 10, set forth above, Respondent Ibarra committed acts
9 involving dishonesty, fraud, or deceit when she issued electronic smog check certificates of
10 compliance for the vehicles without performing bona fide inspections of the emission control
11 devices and systems on those vehicles, thereby depriving the People of the State of California of
12 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
13 this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though
14 fully set forth.

15 **OTHER MATTERS**

16 69. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,
17 or place on probation the registrations for all places of business operated in this state by
18 Jacqueline Jazmine Ibarra, upon a finding that said Respondent Torito Test has, or is, engaged in
19 a course of repeated and willful violations of the laws and regulations pertaining to an automotive
20 repair dealer.

21 70. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only
22 Station License No. TC 285360, issued to Jacqueline Jazmine Ibarra-Owner dba Torito Test
23 Only, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26
24 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended
25 by the director.

26 71. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
27 License No. EO 642058, issued to Jacqueline Jazmine Ibarra, is revoked or suspended, any
28

1 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
2 name of said licensee may be likewise revoked or suspended by the director.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 285360, issued to Jacqueline Jazmine Ibarra-Owner dba Torito Test Only;

9 2. Revoking, suspending, or placing on probation any other automotive repair dealer
10 registration issued to Jacqueline Jazmine Ibarra;

11 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
12 285360, issued to Jacqueline Jazmine Ibarra-Owner dba Torito Test Only;

13 4. Revoking or suspending Smog Check Inspector License Number EO 642058, issued
14 to Jacqueline Jazmine Ibarra;

15 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
16 Division 26 of the Health and Safety Code in the name of Jacqueline Jazmine Ibarra;

17 6. Ordering Jacqueline Jazmine Ibarra to pay the Bureau of Automotive Repair the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;

20 and,

21 7. Taking such other and further action as deemed necessary and proper.

22
23 DATED: As of digital signature date

Dorais,

Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA

Date: 2026.08.12 16:07:00
-07'00'

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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