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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**:** **BRYAN ORELLANA, dba 79ST SMOG CHECK** 7872 S. Western Ave. Los Angeles, CA 90047 **Automotive Repair Dealer Registration No. ARD 291669** **Smog Check, Test Only, Station License No. TC 291669** **and** **RUDY A GUTIERREZ** 5536 Sierra Vista Ave., #314 Los Angeles, CA 90038 **Smog Check Inspector No. EO 642307** Respondents.	Case No. 79/26-4979 **ACCUSATION**

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.

2. On or about July 30, 2018, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 291669 to Bryan Orellana, dba 79St Smog Check

(Respondent Orellana). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless renewed.

3. On or about October 12, 2018, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 291669 to Respondent Orellana. 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 July 31, 2027, unless renewed.

4. On or about June 18, 2019, Respondent Orellana's facility was certified by the Bureau of Automotive Repair as a STAR station. The STAR Station Certification was suspended on July 15, 2025, and has not been reinstated.

5. On or about October 28, 2019, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 642307 to Rudy A. Gutierrez (Respondent Gutierrez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2028, unless renewed.

JURISDICTION

6. Business and Professions Code ("BPC") section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

7. Health and Safety Code ("HSC") 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.

8. Section 44072.6 of the HSC 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.

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STATUTORY PROVISIONS

9. Section 9884.7 of the BPC states, in pertinent part:

"(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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 which constitutes fraud.

. . . .

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

. . . .

10. Section 9889.3 of the BPC states, in pertinent part:

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

. . .

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

11. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

12. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance shall be issued if a vehicle meets the requirements of HSC section 44012.

13. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform tests or repairs of emission control devices or systems of motor vehicles required by the Motor Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified

smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e. Motor Vehicle Inspection Program Requirements).

14. Section 44059 of the HSC 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."

15. Section 44072.2 of the HSC states, in pertinent part:

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

"(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, sec. 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 HSC states that 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.

17. Section 44072.10, subdivision (c), of the HSC provides in pertinent part that "[t]he 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."

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REGULATORY PROVISIONS

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

"The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance."

19. California Code of Regulations ("CCR"), title 16, section 3340.30, subdivision (a), states 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.

. . . .

20. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check 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. CCR, title 16, section 3340.41, subdivision (b), provides: "No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system."

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

COST RECOVERY

23. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board "may request the administrative law judge to direct a licentiate found to have committed

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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."

SUMMARY OF ON-BOARD DIAGNOSTIC SYSTEM (OIS) INSPECTIONS

24. 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.

25. The DAD connects between the OIS computer and the vehicle's Diagnostic Link Connector (DLC) located in the vehicle's passenger compartment, which allows for the retrieval of information from the vehicle's on-board computer system. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicle's identification number (VIN), and DMV renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

26. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is the digitally stored VIN programmed by the manufacturer into the vehicle's Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle specific language the PCM uses to Relay or communicate information. The communication protocol is programmed into the vehicle's on-board computer during manufacture and does not change.

27. Other data retrieved and recorded during an OIS smog check includes the number of Parameter Identifications (PIDs), which refers to the number of specific data values that the vehicle's PCM uses related to emissions controls. The specific data values associated with a

vehicle's PIDs are also retrieved and recorded during an OIS smog check inspection. That data include things such as the vehicle's engine speed, throttle position, manifold absolute pressure, the engine's mass air flow, and ignition timing advance readings throughout an inspection. Accordingly, the following types of data are recorded during an OIS smog check inspection:

- Engine speed in revolutions per minute (RPM)
- Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle. In internal combustion vehicles, TPS increases as RPM increases.
- 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 as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level. In internal combustion vehicles, MAP decreases as RPM increases.
- Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Measured in grams per second (gps). In internal combustion vehicles, MAF increases as RPM increases.
- Ignition timing is set by the vehicle PCM based on engine speed and load and is measured in degrees Before Top Dead Center (BTDC). In internal combustion vehicles, ignition timing will advance as RPM increases.

EXPLANATION OF CLEAN PIPING AND CLEAN PLUGGING

28. BAR has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test, or in some instances, are not even present during the time that the test is performed. One such method, which is known as "clean piping", involves using the emission sample of a known clean vehicle or other source to substitute for the emissions of a vehicle that will not pass a BAR 97 tailpipe inspection or is not present at the time of the BAR 97 inspection.

29. Another common method of fraudulent inspection, known as "clean plugging", involves using another vehicle's properly functioning OBD II system, or another source such as a defeat device/simulator, to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance and/or are not present for testing.

30. Defeat devices attempt to simulate engine operation during a Smog Check inspection by transmitting OBD II data to the VID that has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a defeat device/simulator during a Smog Check inspection constitutes clean plugging and is strictly prohibited. As described in more detail below, BAR is able to utilize the data retrieved and recorded during an OIS smog check to identify inspections in which a defeat device/simulator was used.

31. During normal engine operation at idle, 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 RPM and/or MAF along with changes in MAP.

32. Clean plugging is apparent in cases where the data recorded during an OIS smog check shows that the engine speed as measured in RPM increases during the test but the throttle position remains unchanged, the mass air flow rate is unchanged, the manifold absolute pressure is unchanged, and the ignition timing advance readings are unchanged. Because engine speed as measured in RPM cannot increase without changes in throttle position, MAF, MAP and ignition timing advance readings, test data in such cases demonstrates that a defeat device was used to simulate engine speed (RPM) readings for a vehicle that was not actually tested.

RESPONDENTS' FRAUDULENT SMOG INSPECTIONS

33. A Bureau program representative analyzed specific OIS Test Data for inspections performed at Respondent Orellana's station between January 27, 2024 and October 14, 2024. The investigation revealed that the data related to certain vehicles certified at Respondent Orellana's station by Respondent Gutierrez contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and the recognized and scientifically established characteristics of internal combustion engine operation.

34. Specifically, the Bureau program representative identified 6 instances in which the throttle position, MAP and/or MAF[1] readings all remained unchanged when the vehicle's engine RPM was increased off idle to higher RPMs. Such conditions could not have occurred if the DAD had been connected to the vehicles that were purportedly being tested instead of a defeat device that simulated engine RPM.

35. The Bureau program representative also identified 4 additional instances in which the throttle position, MAF and/or MAP readings fluctuated to unfeasible degrees while the vehicles were held at steady idle and steady elevated engine speeds. The data for the inspections at issue also showed that, impossibly, the throttle position and MAF had lower data points during the elevated engine RPM stage of the inspections than at idle and that MAP had higher data points during the elevated engine RPM stage of the inspections than at idle.

36. These documented discrepancies confirm that, in performing the inspections at issue, Respondents engaged in the illegal activity of clean plugging in order to issue fraudulent certificates of compliance for the vehicles. The following chart ("Table 1") illustrates the documented clean plugging activities by Respondents during the period reviewed.

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[1] Not all vehicle manufacturers include both MAP and MAF parameters. As a result, many vehicles will have either MAP or MAF parameters rather than both.

Table 1

Test Date	Vehicle Certified & License No./VIN	Certificate No.	Test Details
January 27, 2024	2001 Chevrolet Silverado C1500 VIN # 2GCEC19V411113442	TS151399C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 580 to 1532.
January 29, 2024	2003 Chevrolet Tahoe C1500 VIN # 1GNEC13V23R290856	TS301517C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 750 to 1466.
January 30, 2024	2003 Chevrolet Impala VIN 2G1WF52E339290204	TS301521C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 650 to 1232.
April 29, 2024	2002 Honda Accord EX VIN # 1HGCG16552A040865	TW278024C	Inspection performed by Respondent Gutierrez. TPS and MAP fluctuate to unfeasible degrees while engine speed held steady at around 725 RPM and 1350 RPM. TPS had lower data points and MAP had higher data points during elevated engine RPM stage of inspection than at idle.
May 31, 2024	2004 Chevrolet Silverado C1500 VIN # 1GCEC14T34Z129388	TY631260C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 575 to 1485.

June 29, 2024	2005 Acura TL VIN # 19UUA66265A059941	IZ830817C	Inspection performed by Respondent Gutierrez. TPS and MAP fluctuate to unfeasible degrees while engine speed held steady at around 700 RPM and 1696 RPM. TPS had lower data points and MAP had higher data points during elevated engine RPM stage of inspection than at idle.
July 5, 2024	2002 Toyota Sienna LE VIN # 4T3ZF13C72U472955	IZ830831C	Inspection performed by Respondent Gutierrez. TPS and MAF fluctuate to unfeasible degrees while engine speed held steady at around 750 RPM and 1628 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle.
July 27, 2024	2002 Toyota Tundra Access Cab SR5 VIN # 5TBRN34192S255123	UA470700C	Inspection performed by Respondent Gutierrez. TPS and MAF fluctuate to unfeasible degrees while engine speed held steady at around 720 RPM and 1412 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle.
October 9, 2024	2003 Honda Accord EX VIN # JHMCM56633C015443	JB418886C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 725 to 1326.

October 14, 2024	2005 Ford Ranger VIN # 1FTYR10U95PA54431	UE616452C	Inspection performed by Respondent Gutierrez. Throttle position, MAP, and MAF unchanged when engine RPM was increased from 725 to 1314.

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements – Automotive Repair Dealer Registration)

37. Respondent Orellana has subjected his Automotive Repair Dealer Registration to discipline under BPC section 9884.7, subdivision (a)(1), in that Respondent made statements which were known to be untrue or misleading or, which by exercise of reasonable care should have been known to be untrue or misleading, by engaging in clean plugging and issuing the electronic smog certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Automotive Repair Dealer Registration)

38. Respondent Orellana has subjected his Automotive Repair Dealer Registration to discipline under BPC section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud by issuing electronic smog certificates of compliance for the vehicles set forth in Table 1, 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. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act - Automotive Repair Dealer Registration)

39. Respondent Orellana has subjected his Automotive Repair Dealer Registration to discipline under BPC section 9884.7, subdivision (a)(6), in that Respondent failed in a "material respect to comply with the provisions of this chapter or regulations adopted pursuant to it" by issuing electronic smog certificates of compliance for the vehicles set forth in Table 1, 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. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program - Automotive Repair Dealer Registration)

40. Respondent Orellana has subjected his Smog Check Test Only License to discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table 1, above, Respondents violated the following sections of the HSC:

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

b. **Section 44015, subdivision (b)**: Respondent issued electronic smog certificates of compliance without properly testing and inspecting the vehicles set forth in Table 1 to determine if they were in compliance with section 44012 of the HSC.

FIFTH CAUSE FOR DISCIPLINE

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

41. Respondent Orellana has subjected his Smog Check Test Only License to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing bona fide inspections of the emission control devices and systems on those vehicles as required by HSC section 44012.

b. **Section 3340.35, subdivision (c)**: Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected in accordance with section 3340.42 of the HSC.

c. **Section 3340.42**: Respondent failed to conduct the required smog tests and inspections on the vehicles set forth in Table 1 in accordance with the Bureau's specifications.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud and/or Deceit - Smog Check Station License)

42. Respondent Orellana has subjected his Smog Check Test Only License to discipline under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing electronic smog certificates of compliance for those vehicles without performing bona fide inspections and functional testing 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 contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program – Smog Check Inspector License)

43. Respondent Gutierrez has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of the HSC:

a. **Section 44012**: Respondent failed to ensure that the onboard diagnostic system tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b)**: Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the HSC.

c. **Section 44032**: Respondent failed to perform tests of the onboard diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

d. **Section 44059**: Respondent willfully made false entries for the electronic smog certificates of compliance by certifying that the vehicles set forth in Table 1 had been inspected as required when, in fact, they had not.

EIGHTH CAUSE FOR DISCIPLINE

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

44. Respondent Gutierrez has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing bona fide inspections and functional testing of the emission control devices and systems on those vehicles as required by HSC section 44012.

b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test those vehicles in accordance with HSC section 44012.

c. **Section 3340.35, subdivision (c)**: Respondent issued electronic smog certificates of compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected in accordance with section 3340.42 of the HSC.

d. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information into the OIS about the vehicles being tested.

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

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NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Smog Check Inspector License)

45. Respondent Gutierrez has subjected his Smog Check Inspector License to discipline under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of compliance for those vehicles without performing bona fide inspections and functional testing 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 contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

OTHER MATTERS

46. Section 9884.7, subdivision (c), of the BPC states that "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."

47. Section 44072.8 of the HSC states that when a license has been revoked or suspended following a hearing, any additional license issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of the licensee may be likewise revoked or suspended by the director.

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 291669, issued to Bryan Orellana, dba 79St Smog Check;

2. Revoking or suspending Smog Check, Test-Only, Station License Number TC 291669, issued to Bryan Orellana, dba 79St Smog Check;

3. Revoking or suspending any and all additional Automotive Repair Dealer Registrations issued in the name of Bryan Orellana, pursuant to section 9884.7, subdivision (c), of the Business and Professions Code;

4. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Bryan Orellana pursuant to section 44072.8 of the Health and Safety Code;

5. Revoking or suspending Smog Check Inspector License Number EO 642307, issued to Rudy A. Gutierrez;

6. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of Rudy A. Gutierrez pursuant to section 44072.8 of the Health and Safety Code;

7. Ordering Bryan Orellana and Rudy A. Gutierrez 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: 2026.08.03 13:13:23 -07'00'

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

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