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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: **EDUARDO STANLEY LOVO DBA EDUARDO SMOG CHECK** **451 W. Rosecrans Avenue, #C** **Compton, CA 90222** **Automotive Repair Dealer Registration No. ARD 292379** **Smog Check Test Only Station License No. TC 292379** **EZEQUIEL M. VALENCIA-DURAN** **6845 Bothwell Road** **Reseda, CA 91335** **Smog Check Inspector License No. EO 643368** Respondents.	Case No. 79/25-18451 **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 October 19, 2018, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 292379 to Eduardo Stanley Lovo doing business as Eduardo Smog Check (respondent Eduardo Smog Check). The Automotive Repair Dealer

Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2026, unless renewed.

3. On or about November 13, 2018, the Bureau of Automotive Repair issued Smog Check, Test Only, Station License Number TC 292379 to respondent Eduardo Smog Check. 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 October 31, 2026, unless renewed.

4. On or about January 28, 2019, the Bureau of Automotive Repair issued STAR Station certification to respondent Eduardo Smog. On or about February 19, 2025, the Bureau of Automotive Repair suspended respondent Eduardo Smog Check's STAR Station certification.

5. On or about October 28, 2021, the Bureau of Automotive Repair issued Smog Check Inspector Number EO 643368 to Ezequiel M. Valencia-Duran (respondent Valencia-Duran). The Smog Check Inspector was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2026, unless renewed.

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

7. Code section 118, subdivision (b), provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Code section 9884.7 provides that the Director may revoke an Automotive Repair Dealer Registration.

9. Code 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.

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

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

STATUTORY PROVISIONS

12. Code section 477 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.

13. Code section 9884.7 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:
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> (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.
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> . . . .
>
> (4) Any other conduct that constitutes fraud.
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . . .
>
> (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.
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> . . . .

(e) For purposes of this section, "fraud" includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

(1) Any act or omission that is included within the definition of either "actual fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573 of the Civil Code.

(2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.

(3) A promise or representation not made honestly and in good faith.

(4) An intentional failure to disclose a material fact.

(5) Any act in violation of Section 484 of the Penal Code.

14. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

15. Health and Safety Code section 44015, subdivision (b), provides that a certificate of compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section 40012.

16. Health and Safety Code section 44032 provides that qualified technicians shall perform tests of emissions control devices and systems in accordance with Health and Safety Code section 40012.

17. Health and Safety Code section 44072.2 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 § 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

. . .

18. Health and Safety Code section 44072.10 states, in pertinent part:

. . .

(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, 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 . . . .

19. Health and Safety Code section 44072.8 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.

REGULATORY PROVISIONS

20. Title 16 of the California Code of Regulations, 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.

21. Title 16 of the California Code of Regulations, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times "[i]nspect, 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."

22. Title 16 of the California Code of Regulations, 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."

23. Title 16 of the California Code of Regulations, section 3340.41 states, in pertinent part:

. . . .

(b) No person shall enter any access or qualification number other than as authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or OIS.

(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 . . . .

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

COST RECOVERY

25. Code section 125.3 provides, in pertinent part, that the Bureau 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.

CALIFORNIA'S SMOG CHECK PROGRAM

26. California's Smog Check Program requires most vehicles in the State to undergo a smog check inspection every two years or when the vehicle's title is transferred.

27. A smog check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC), Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO^2) and Oxygen (O^2). The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to simulate driving conditions while the emissions are sampled by the EIS.

28. In Basic areas of the State, or depending on a vehicle's configuration, a similar test called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions of HC, CO, O^2, and CO^2 at idle as

well as 2500 revolutions per minute (rpm).

29. In the visual portion of a smog check, the technician inspects the emission control components to verify that the required emission control devices are present and properly connected.

30. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine control systems. A failure of one or more of the OBD II functional criteria, depending on model year, will result in the vehicle failing its smog check inspection. In addition to reporting the outcome of the OBD II functional test, the smog check inspection results also show Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

31. The inspector enters the results of the visual and functional inspections into the EIS. The EIS unit makes the determination whether or not the vehicle passes the inspection based on the results of the tailpipe, visual, and functional tests.

32. The EIS is connected by internet connection to Bureau's Vehicle Information Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall inspection. A Certificate of Compliance is issued and transmitted electronically to the VID. Additionally, all data gathered during a smog check inspection, regardless of the type of inspection, is transmitted to and retained in the VID.

33. Beginning March 9, 2015, California's Smog Check Program was updated to require 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. The system consists of a certified Data Acquisition Device (OIS DAD), computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The

DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles 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.

34. During an OIS inspection, 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 DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 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 zero percent at idle and near or up to 100-percent 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 as follows: zero kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- 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).
- Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

35. Not all vehicles include both MAP and MAF parameters. Many vehicles will have either MAP or MAF parameters separately.

36. 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 zero percent. The MAP and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened in order 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.

37. An increase in throttle, measured by the TPS, which increases engine RPM, would result in a corresponding increase in MAF as well as a change in MAP. Any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases RPM and MAF along with changes in MAP.

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

39. Beginning May 1, 2023, Smog Check Inspectors must use a biometric palm scanner instead of a password login for the BAR On-Board Diagnostics Inspection System (BAR-OIS).

40. The Bureau is aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed. These methods are known as “clean piping”, “clean plugging”, and “clean gassing”. “Clean plugging” is a method by which another vehicle’s properly functioning OBD II system, or another source such as defeat devices, are used 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 not present for testing.

FACTUAL ALLEGATIONS

41. On or about October 16, 2025, a Bureau Representative conducted an initial station inspection at respondent Eduardo Smog Check’s premises. The Bureau Representative met with respondent Valencia-Duran, and he requested Valencia-Duran provide invoices with attached VIRs for the specific vehicles described below.

42. The Bureau Representative returned to respondent Eduard Smog Check’s premises on October 20, 2025, and again met with respondent Valencia-Duran. Respondent Valencia-Duran informed the Bureau Representative that Eduardo Lovo (Lovo), respondent Eduardo Smog

Check's owner, was in poor health and could not meet with the Bureau Representative. He further disclosed that Lovo's spouse was handling the financial controls of the business operation. Respondent Valencia-Duran provided the Bureau Representative with copies of the requested invoices and VIRs for the specific vehicles provided below. Respondent Valencia-Duran confirmed with the Bureau Representative that he performed all smog check inspections under his license, and signed the VIRs. He did not share his access code or biometric with anyone to access the BAR OIS Smog Check Platform.

October 16, 2025 Investigation

43. On or about October 16, 2025, a Bureau Representative conducted a detailed review of the VID data for Smog Check inspections performed at respondent Eduardo Smog Check, which showed a pattern of vehicles being certified with engine operating parameters that did not correspond to normal engine operation, confirming that the vehicles receiving smog certifications were not tested during the OBD II functional test, which constitutes clean plugging. The Bureau Inspector's review of the smog check activities at Eduardo Smog Check conformed ten Smog Check Certificates of Compliance were fraudulently issued by respondent Eduardo Smog Check to vehicles that were inspected by respondent Valencia-Duran.

Fraudulent Inspection Number One: 2002 Chevrolet Avalanche K1500

44. OIS Test Data for Eduardo Smog Check indicated that on February 05, 2025, a 2002 Chevrolet Avalanche K1500, VIN 3GNEK13T22G109786 (2002 Chevrolet Avalanche), California license plate 7L48292 was tested and issued smog certificate # UK089888C, under respondent Valencia-Duran's Smog Check Inspector License.

45. The Dynamic PID charts and data for the 2002 Chevrolet Avalanche showed that between time stamp 28 and 16441, the engine RPM was steady at around 650 RPM. During that time, the data showed that the throttle was fixed at 4.7-percent opening, the MAP was fixed at 35 kPa, and the MAF was fixed at 4.29 grams/sec. After time stamp 16667, the engine RPM increased and then held steady at around 1550 RPM. During that time, the data showed that the throttle was fluctuating erratically between 0.4 and 4.3-percent opening, the MAP was fluctuating

erratically between 32 kPa and 44 kPa, and the MAF was fluctuating erratically between 3.02 grams/sec and 5.1 grams/sec.

46. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, and not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increased engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2002 Chevrolet Avalanche during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Two: 2002 Ford Expedition Eddie Bauer

47. OIS Test Data for Eduardo Smog Check indicated that on February 6, 2025, a 2002 Ford Expedition Eddie Bauer, VIN 1FMRU17W62LA77352 (2002 Ford Expedition), California license plate 6HZT095 was tested and issued smog certificate # JD119109C under Valencia-Duran's Smog Check Inspector License.

48. The Dynamic PID charts and data for the 2002 Ford Expedition showed that between time stamp 4203 and 22095, the engine RPM rose from 665 RPM and then held steady at around 780 RPM. During that time, the data showed that the throttle was fixed at 18.4-percent opening and the MAF was fixed at 4.91 grams/sec. After time stamp 22327, the engine RPM increased and then held steady at around 1580 RPM. During that time, the data showed that the throttle was fluctuating erratically between 12.5 and 17.6-percent opening and the MAF was fluctuating erratically between 3.33 grams/sec and 4.95 grams/sec.

49. 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 positions and MAF readings are expected to be stable at idle and at the elevated engine RPM, not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS DAD was not connected to the 2002 Ford Expedition during

the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Three: 2003 BMW 330 I

50. OIS Test Data for Eduardo Smog Check indicated that on February 7, 2025, a 2003 BMW 330 I, VIN WBAEV53403KM30717 (2003 BMW 330), California license plate 8YTF400 was tested and issued smog certificate # JD119111C under respondent Valencia-Duran's Smog Check Inspector License.

51. The Dynamic PID charts and data for the 2003 BMW 330 showed that between time stamp 169 and 17074, the engine RPM was steady at around 650 RPM. During that time, the data showed that the throttle was fixed at 0-percent opening and the MAF was fixed at 4.69 grams/sec. After time stamp 17366, the engine RPM increased and then held steady at around 1600 RPM. During that time, the data showed that the throttle gradually dropped from 3.5 to 0-percent opening, then rose to 5.5-percent opening and the MAF fluctuated erratically between 2.73 grams/sec and 4.99 grams /sec.

52. 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 positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increase in engine RPM, not decrease to values equal to or less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2003 BMW 330 during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Four: 2000 Honda Odyssey EX

53. OIS Test Data for Eduardo Smog Check indicated that on February 7, 2025, a 2000 Honda Odyssey EX, VIN 2HKRL1865YH558129 (2000 Honda Odyssey), California license plate 6VDV896 was tested and issued smog certificate # JD119119C under respondent Valencia-Duran's Smog Check Inspector License.

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54. The Dynamic PID charts and data for the 2000 Honda Odyssey showed that between time stamp 114 and 17696, the engine RPM was steady at around 820 RPM. During that time, the data showed that the throttle was fixed at 9.8-percent opening and the MAP was fixed at 32 kPa. After time stamp 17927, the engine RPM increased and then held steady at around 1620 RPM. During that time, the data showed that the throttle was fluctuating erratically between 7.1 and 11-percent opening and the MAP was fluctuating erratically between 32 kPa and 46 kPa.

55. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAP readings were not characteristic or expected for normal engine operation. The throttle position and MAP readings were expected to be stable at idle and at the higher engine RPM, and not fluctuate. Additionally, the throttle position readings were expected to rise with the increased engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2000 Honda Odyssey during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Five: 2000 Ford F150

56. OIS Test Data for Eduardo Smog Check indicated that on February 14, 2025, a 2000 Ford F150, VIN 1FTRX17L0YKA83423 (2000 Ford F150), California license plate 8A94530 was tested and smog certificate # JD279573C issued under respondent Valencia-Duran's Smog Check Inspector License.

57. The Dynamic PID charts and data for the 2000 Ford F150 showed that between time stamp 17 and 16894, the engine RPM was steady at around 680 RPM. During that time, the data showed that the throttle was fixed at 18.8-percent opening and the MAF was fixed at 4.54 grams/sec. After time stamp 17127, the engine RPM increased and held steady at around 1530 RPM. During that time, the data showed the throttle was fluctuating between 19.6 and 24.3-percent opening and the MAF was fluctuating erratically between 2.72 grams/sec and 4.76 grams/sec.

58. 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 at the higher engine RPM, and not fluctuate. Additionally, the MAF readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2000 Ford F150 during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Six: 2003 Chevrolet Tahoe K1500

59. OIS Test Data for Eduardo Smog Check indicated that on February 18, 2025, a 2003 Chevrolet Tahoe K1500, VIN 1GNEK13T73R250709 (2003 Chevrolet Tahoe), California license plate 6MZU564, was tested and issued smog certificate # JD451753C under respondent Valencia-Duran's Smog Check Inspector License.

60. The Dynamic PID charts and data for the 2003 Chevrolet Tahoe showed that between time stamp 26 and 16960, the engine RPM was steady at around 680 RPM. During that time, the data showed that the throttle was fixed at 12.2-percent opening, the MAP was fixed at 33 kPa, and the MAF was fixed at 4.72 grams/sec. After time stamp 17192, the engine RPM increased and then held steady at around 1530 RPM. During that time, the data showed that the throttle was fluctuating erratically between 6.3 and 10.2-percent opening, the MAP was fluctuating erratically between 32 kPa and 44 kPa, and the MAF was fluctuating erratically between 2.76 grams/sec and 4.62 grams/sec.

61. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings were expected to be stable at idle and at the elevated engine RPM, and not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increased engine RPM, and not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2003 Chevrolet Tahoe during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

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Fraudulent Inspection Number Seven: 2001 Suzuki Grand Vitara JX

62. OIS Test Data for Eduardo Smog Check indicated that on February 21, 2025, a 2001 Suzuki Grand Vitara JX, VIN JS3TD62V914169068 (2001 Suzuki Grand Vitara), California license plate 7EEJ847 was tested and issued smog certificate # JD451772C under respondent Valencia-Duran's Smog Check Inspector License.

63. The Dynamic PID charts and data for the 2001 Suzuki Grand Vitara showed that between time stamp 114 and 18428, the engine RPM was steady at around 775 RPM. During that time, the data showed that the throttle was fixed at 1.6-percent opening, the MAP was fixed at 28 kPa, and the MAF was fixed at 4.14 grams/sec. After time stamp 18663, the engine RPM increased and then held steady at around 1575 RPM. During that time, the data showed that the throttle was fluctuating erratically between 0 and 5.5-percent opening, the MAP was fluctuating erratically between 19 kPa and 30 kPa, and the MAF was fluctuating erratically between 2.72 grams/sec and 4.76 grams/sec. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings were not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings were expected to be stable at idle and at the elevated engine RPM, and not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increased engine RPM, and not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2001 Suzuki Grand Vitara during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Eight: 2001 Ford F150

64. OIS Test Data for Eduardo Smog Check indicated that on March 5, 2025, a 2001 Ford F150, VIN 1FTRX17W61NA13861, California license plate 82925H3 was tested and issued smog certificate # UK489523C under respondent Valencia-Duran's Smog Check Inspector License.

65. The Dynamic PID charts and data for the 2001 Ford F150 showed that between time stamp 22 and 16331, the engine RPM was steady at around 670 RPM. During that time, the data showed that the throttle was fixed at 17.6-percent opening and the MAF was fixed at 6.65

grams/sec. After time stamp 16561, the data showed the engine RPM increased and then held steady at around 1590 RPM. During that time, the data showed that the throttle was fluctuating erratically between 12.9 and 18-percent opening, the MAF was fluctuating erratically between 5.46 grams/sec and 7.39 grams/sec.

66. 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 positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, and not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increase in engine RPM, and not decrease to values less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2001 Ford F150 during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Nine: 2004 Ford Expedition XLS

67. OIS Test Data for Eduardo Smog Check indicated that on May 17, 2025, a 2004 Ford Expedition XLS, VIN 1FMRU13W54LA58705, (2004 Ford Expedition) California license plate 9FSU794 was tested and issued smog certificate # UO579259C under respondent Valencia-Duran's Smog Check Inspector License.

68. The Dynamic PID charts and data for the 2004 Ford Expedition showed that between time stamp 18 and 16892, the engine RPM was steady at around 860 RPM. During that time, the data showed that the throttle was fixed at 19.6-percent opening and the MAF was fixed at 4.2 grams/sec. After time stamp 17118, the engine RPM increased and then held at around 1540 RPM. During that time, the data showed that the throttle was fluctuating erratically between 19.6 and 23.9-percent opening and the MAF was fluctuating erratically between 3.24 grams/sec and 5.07 grams/sec.

69. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, and not fluctuate. Additionally, the throttle positions and MAF readings were expected to

rise with the increase in engine RPM, not decrease to values equal to or less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2004 Ford Expedition during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

Fraudulent Inspection Number Ten: 2004 Jaguar X-Type 3.0

70. OIS Test Data for Eduardo Smog Check indicated that on May 24, 2025, a 2004 Jaguar X-Type 3.0, VIN SAJEA51C04WD85706 (2004 Jaguar X-Type), California license plate 6CFB955, was tested and issued smog certificate # UO579279C under licensed respondent Valencia-Duran's Smog Check Inspector License.

71. The Dynamic PID charts and data for the 2004 Jaguar X-Type showed that between time stamp 97 and 17440, the engine RPM was steady at around 710 RPM. During that time, the data showed that the throttle was fixed at 3.5-percent throttle opening, the MAP was fixed at 36 kPa, and the MAF was fixed at 4.08 grams/sec. After time stamp 17664, the engine RPM increased and then held steady at around 1650 RPM. During that time, the data showed that the throttle dropped from 5.1 to 2.4-percent opening, rose to 3.5-percent opening, dropped to 0.8-percent opening, then rose to 3.5-percent opening, the MAP was fluctuating erratically between 32 kPa and 36 kPa, and the MAF was fluctuating erratically between 2.75 grams/sec and 5.05 grams/sec.

72. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings were not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increased engine RPM, and not decrease to values equal to or less than idle readings. The discrepancies in the OIS Test Data confirmed that the OIS DAD was not connected to the 2004 Jaguar X-Type during the certification process as required, thereby confirming this was a fraudulent inspection by way of clean plugging.

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Respondent Eduardo Smog Check

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

73. Respondent Eduardo Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that respondent Eduardo Smog Check 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 issuing electronic smog certificates of compliance for the ten vehicles set forth in paragraphs 44 through 72, 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 41 through 72, above, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

74. Respondent Eduardo Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that respondent Eduardo Smog Check committed acts that constitute fraud by issuing electronic certificates of compliance to the ten vehicles set forth in paragraphs 44 through 72, above, without performing bone 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 41 through 72, above, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of the Automotive Repair Act)

75. Respondent Eduardo Smog Check's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that respondent Eduardo Smog Check failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it when he issued electronic certificates of compliance for the ten

vehicles set forth in paragraphs 44 through 72, 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 41 through 72, above, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

76. Respondent Eduardo Smog Check's Smog Check Test Only Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent failed to comply with the following sections of that Code:

a. Section 44012: Respondent Eduardo Smog Check failed to ensure that the emission control tests were performed on the ten vehicles identified in paragraphs 44 through 72, above, in accordance with procedures prescribed by the department.

b. Section 44015, subdivision (b): Respondent Eduardo Smog Check issued electronic smog certificates of compliance to the ten vehicles identified in paragraphs 44 through 72, above, without properly testing and inspecting those vehicles to determine if they were in compliance with Health and Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 72, above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)

77. Respondent Eduardo Smog Check's Smog Check Test Only Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that respondent Eduardo Smog Check failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. Section 3340.24, subdivision (c): Respondent Eduardo Smog Check falsely or fraudulently issued electronic smog certificates of compliance for the ten vehicles identified in paragraphs 44 through 72, above.

b. Section 3340.30, subdivision (a): Respondent Eduardo Smog Check failed to inspect and test the ten vehicles identified in paragraphs 44 through 72, above, in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. Section 3340.35, subdivision (c): Respondent Eduardo Smog Check issued electronic smog certificates of compliance for the ten vehicles identified in paragraphs 44 through 72, above, even though those vehicles had not been inspected in accordance with section 3340.42.

d. Section 3340.42: Respondent Eduardo Smog Check failed to ensure that the smog inspections conducted on the ten vehicles identified in paragraphs 44 through 72, above, were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 72, above, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

78. Respondent Eduardo Smog Check's Smog Check Test Only Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that Respondent Eduardo Smog Check committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the ten vehicles described in paragraphs 44 through 72, 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 41 through 72, above, as though set forth fully herein.

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Respondent Valencia-Duran

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

79. Respondent Valencia-Duran's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

a. Section 44032: Respondent Valencia-Duran failed to perform tests of emission control devices and systems of the ten vehicles identified in paragraphs 44 through 72, above, in accordance with Health and Safety Code section 44012.

b. Section 44015, subdivision (b): Respondent Valencia-Duran caused electronic smog certificates of compliance to be issued for the ten vehicles identified in paragraphs 44 through 72, above, without ensuring that they were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 72, above, as though set forth fully herein.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)

80. Respondent Valencia-Duran's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. Section 3340.24, subdivision (c): Respondent Valencia-Duran's falsely or fraudulently issued electronic smog certificates of compliance for the ten vehicles identified in paragraphs 44 through 72, above.

b. Section 3340.30, subdivision (a): Respondent Valencia-Duran failed to inspect and test the ten vehicles identified in paragraphs 44 through 72, above, in accordance with Health and Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

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c. Section 3340.41, subdivision (c): Respondent Valencia-Duran knowingly entered false information into the on-board diagnostic inspection system for the ten vehicles identified in paragraphs 44 through 72, above.

d. Section 3340.42: Respondent Valencia-Duran failed to ensure that the smog inspections conducted on the ten vehicles identified in paragraphs 44 through 72, above, were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 72, above, as though set forth fully herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

81. Respondent Valencia-Duran's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the ten vehicles identified in paragraphs 44 through 72, 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 41 through 72, above, as though set forth fully herein.

DISCIPLINE CONSIDERATIONS

82. To determine the degree of discipline, if any, to be imposed on respondent Valencia-Duran, complainant alleges that on or about June 9, 2025, respondent Valencia-Duran was named as a respondent in another disciplinary action titled *In the Matter of the Accusation Against Norma Cruz, dba El Capulin Smog, et al.*, before the Bureau of Automotive Repair, in Case Number 79/25-5032. Respondent Valencia-Duran filed his notice of defense on July 2, 2025, and the parties' hearing was scheduled for January 20, 2026.

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OTHER MATTERS

83. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the Director of the Department of Consumer Affairs (Director) may suspend, revoke, or place on probation the registration for all places of business operated in this State by Eduardo Stanley Lovo upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations related to an Automotive Repair Dealer.

84. Pursuant to Health and Safety Code section 44072.8, if Smog Test Only Station License Number TC 292379, issued to respondent Eduardo Smog Check is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

85. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License Number EO 643368, issued to respondent Valencia-Duran, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

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 292379, issued to Eduardo Stanley Lovo doing business as Eduardo Smog Check;

2. Revoking or suspending Smog Check, Test Only, Station License Number TC 292379, issued to Eduardo Stanley Lovo doing business as Eduardo Smog Check;

3. 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 Eduardo Stanley Lovo;

4. Revoking or suspending Smog Check Inspector Number EO 643368, issued to Ezequiel M. Valencia-Duran;

5. 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 Ezequiel M. Valencia-Duran;

6. Ordering Eduardo Stanley Lovo and Ezequiel M. Valencia-Duran 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,

7. 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: 2026.01.26 10:46:43 -08'00'

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

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