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

12 In the Matter of the Accusation Against:

Case No. 79/25-13941

13 **JOHAN D ROBERTS-OWNER DBA**
14 **SOUTHERN CALI SMOG CHECK**
15 **744 N La Brea Avenue**
16 **Inglewood, CA 90302**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 292759**
19 **Smog Check, Test Only, Station License No.**
20 **TC 292759**

ACCUSATION

21 **and**

22 **JOHAN ROBERTS**
23 **744 N LaBrea Ave.**
24 **Inglewood, CA 90302**
25 **Smog Check Station Inspector No.**
26 **EO 641390**
27 **MAILING ADDRESS**
28 **842 N Acacia Street #4**
Inglewood, CA 90302

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 **Johan D Roberts-Owner dba Southern Cali Smog Check**

2 **Automotive Repair Dealer Registration**

3 2. On or about December 4, 2018, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 292759 to Johan D. Roberts-Owner dba Southern Cali Smog Check
5 (“Respondent Cali Smog”). 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 December 31, 2025,
7 unless renewed.

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

9 3. On or about January 29, 2019, the Bureau issued Smog Check, Test-Only, Station
10 License Number TC 292759 to Respondent Cali Smog. The Smog Check, Test-Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on December 31, 2025, unless renewed.

13 **STAR Station Certification**

14 4. Respondent Cali Smog is also certified as a STAR Station. The certification was
15 issued on or about June 25, 2019, and was suspended on September 3, 2025.

16 **Johan Roberts.**

17 **Smog Check Inspector License**

18 5. On or about September 10, 2018, the Bureau issued Smog Check Inspector License
19 Number EO 641390 to Johan Roberts (“Respondent Roberts”). The Smog Check Inspector
20 License was in full force and effect at all times relevant to the charges brought herein and will
21 expire on October 31, 2026, unless renewed.

22 **JURISDICTION**

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

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

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

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

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

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

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

25 (e) For diesel-powered vehicles, a visual inspection is made of emission
26 control devices and the vehicle's exhaust emissions are tested in accordance with
27 procedures prescribed by the department, that may include, but are not limited to,
28 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.

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

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

2 (c) The department shall revoke the license of any smog check technician or
3 station licensee who fraudulently certifies vehicles or participates in the fraudulent
4 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
5 the following:

6 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other
7 fraudulent inspection practice, as defined by the department.

8 (2) Tampering with a vehicle emission control system or test analyzer system.

9 (3) Tampering with a vehicle in a manner that would cause the vehicle to
10 falsely pass or falsely fail an inspection.

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

13 **REGULATORY PROVISIONS**

14 18. California Code of Regulations, title 16, section 3340.24, states:

15

16 (c) The bureau may suspend or revoke the license of or pursue other legal
17 action against a licensee, if the licensee falsely or fraudulently issues or obtains a
18 certificate of compliance or a certificate of noncompliance.

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

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

22 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
23 44012 of the Health and Safety Code, section 44035 of the Health and
24 Safety Code, and section 3340.42 of this article..

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

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

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

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

1 about the vehicle being tested.

2 22. California Code of Regulations, title 16, section 3340.42, states:

3 Smog check inspection methods are prescribed in the Smog Check Manual,
4 referenced by section 3340.45.

5 (a) All vehicles subject to a smog check inspection, shall receive one of the
6 following test methods:

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

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

23 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
24 1999 model-year vehicles, except diesel-powered, registered in all program areas of
25 the state, except in those areas of the state where the enhanced program has been
26 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
27 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
28 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.

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

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

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

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

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

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

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

13 (3) A gross polluting vehicle shall not be passed or issued a certificate of
14 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),
15 as applicable. However, the provisions described in section 44017 of the Health and
Safety Code may apply.

16 (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.

17 23. California Code of Regulations, title 16, section 3373, states:

18 No automotive repair dealer or individual in charge shall, in filling out an
19 estimate, invoice, or work order, or record required to be maintained by section
20 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
21 the tendency or effect thereby would be to mislead or deceive customers, prospective
customers, or the public.

22 **COST RECOVERY**

23 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
28 included in a stipulated settlement.

FACTUAL ALLEGATIONS

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2 25. During the course of regular duties, a Bureau Representative accessed the Vehicle
3 Information Database (“VID”) and reviewed Smog Check data transmitted from Respondent Cali
4 Smog from June 1, 2025, through July 31, 2025. Additionally, the Bureau Representative
5 accessed the VID and produced copies of the Vehicle Inspection Report (“VIR”), BAR OIS Test
6 Details, Second by Second Dynamic Data, Dynamic Parameter Identifications (“PID”) Charts,
7 and Certificate Sales.

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

- 13 • Engine speed in revolutions per minute (“RPM”).
- 14 • The throttle position is measured by a throttle position sensor (“TPS”) mounted onto
15 the throttle shaft. It is measured in a percentage of opening from 0% at idle and near
16 or up to 100% at full throttle.
- 17 • Manifold absolute pressure as measured by a manifold air pressure sensor (“MAP”)
18 connected to an intake manifold source, measured in kilo pascals (“kpa”). Typical
19 readings for a normally aspirated vehicle undergoing Smog Check inspection are as
20 follows: 25 kPa to 45 kPa at idle, with a subsequent decrease as the RPM is raised.
- 21 • Mass airflow as measured by a mass air flow sensor (“MAF”) mounted in the
22 engine’s air intake tract and measured in grams per second (“grams/sec”).

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

29 28. During an OIS Smog Check Inspection, along with other visual and functional
30 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
31 with the engine idling and, when requested by the OIS analyzer, an elevated or increased engine

1 speed. The increase in engine speed is performed by the smog check inspector by stepping on the
2 throttle pedal or manually opening the throttle, resulting in a corresponding increase in engine
3 RPMs by allowing an increase in airflow into the engine.

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

11 **Fraudulent Inspection No. 1-2002 Acura MDX Touring**

12 30. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
13 The review showed that on or about June 9, 2025, a 2002 Acura MDX Touring was tested, and
14 Certificate of Compliance Number UO988935C was issued by Respondent Roberts.

15 31. The Dynamic PID charts and data for the 2002 Acura MDX Touring showed that
16 between timestamps 166 and 25667, the engine RPM was steady at around 610 RPM. During
17 this time, the data showed that the throttle was fluctuating erratically between 7.1% opening and
18 11.8% opening and the MAP was fluctuating erratically between 17 kPa and 28 kPa. After
19 timestamp 25941, the engine RPM was increased and then held steady at around 1980 RPM.
20 During this time, the data showed that the throttle was fluctuating erratically between 6.3%
21 opening and 11.8% opening and the MAP was fluctuating erratically between 17 kPa and 30 kPa.

22 32. The steady idle and steady elevated engine RPMs, along with the improbable throttle
23 positions and MAF readings, were not characteristic or expected for normal engine operation.
24 The throttle positions and MAP readings were expected to be stable at idle and at the elevated
25 engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was

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27 ¹ "Clean plugging" is a method by which another vehicle's properly functioning OBD II system, or
28 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.

1 not connected to the 2002 Acura MDX Touring being certified, which caused the issuance of a
2 fraudulent Smog Check Certificate of Compliance.

3 **Fraudulent Inspection No. 2-2005 Toyota Scion XB**

4 33. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
5 The review showed that on or about June 19, 2025, a 2005 Toyota Scion XB was tested, and
6 Certificate of Compliance Number UO988947C was issued by Respondent Roberts.

7 34. The Dynamic PID charts and data for the 2005 Toyota Scion XB showed that
8 between timestamps 152 and 19390, the engine RPM was steady at around 700 RPM. During
9 this time, the data showed that the throttle was fluctuating from 12.5% opening to 17.3% opening,
10 and the MAF was fluctuating erratically between 0.82 grams/sec to 2.21 grams/sec. After
11 timestamp 19660, the engine RPM was increased and then held steady at around 1770 RPM.
12 During this time, the data showed that the throttle fluctuated erratically between 14.9% opening
13 and 17.6% opening and the MAF dropped from 1.99 grams/sec to 1.38 grams/sec, rose to 2.15
14 grams/sec, then dropped to 0.81 grams/sec.

15 35. The steady idle and steady elevated engine RPM data, along with the improbable
16 throttle positions and MAF readings, were not characteristic or expected for normal engine
17 operation. The throttle positions and MAF readings were expected to be stable at idle and at the
18 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. The discrepancies in the
19 OIS Test Data proved that the OIS DAD was not connected to the 2005 Toyota Scion XB
20 certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

21 **Fraudulent Inspection No. 3-2005 Honda Civic LX**

22 36. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
23 The review showed that on or about June 27, 2025, a 2005 Honda Civic LX was tested, and
24 Certificate of Compliance Number UQ816881C was issued by Respondent Roberts.

25 37. The Dynamic PID charts and data for the 2005 Honda Civic LX showed that between
26 timestamps 126 and 19230, the engine RPM was steady at around 740 RPM. During this time,
27 the data showed that the throttle was fluctuating erratically between 6.3% opening and 11.4%
28 opening, and the MAP rose from 32 kPa to 42 kPa, dropped to 37 kPa, rose to 38 kPa, then

1 dropped to 35 kPa. After timestamp 19470, the engine RPM was increased and then held steady
2 at around 1675 RPM. During this time, the data showed that the throttle dropped from 6.7%
3 opening to 6.3% opening, rose to 11.4% opening, dropped to 8.6% opening, then rose to 9.4%
4 opening, and the MAP was fluctuating between 33 kPa and 43 kPa.

5 38. The steady idle and steady elevated engine RPMs, along with the improbable throttle
6 positions and MAP readings, were not characteristic or expected for normal engine operation.
7 The throttle positions and MAP readings were expected to be stable at idle and at the elevated
8 engine RPM, not drop and rise unexpectedly and/or fluctuate. The discrepancies in the OIS Test
9 Data proved that the OIS DAD was not connected to the 2005 Honda Civic LX being certified,
10 which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

11 **Fraudulent Inspection No. 4-2000 Lexus RX 300**

12 39. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
13 The review showed that on or about July 2, 2025, a 2000 Lexus RX 300 was tested, and
14 Certificate of Compliance Number JF102809C was issued by Respondent Roberts.

15 40. The Dynamic PID charts and data for the 2000 Lexus RX 300 showed that between
16 timestamps 150 and 43249, the engine RPM was steady at around 770 RPM. During this time,
17 the data showed that the throttle was fluctuating erratically between 7.8% opening and 11%
18 opening, and the MAF was fluctuating between 2.84 grams /sec and 4.92 grams/sec. After
19 timestamp 43549, the engine RPM was increased and then held steady at around 1920 RPM.
20 During this time, the data showed that the throttle was fluctuating between 6.7% opening and
21 11.8% opening, and the MAF was fluctuating between 2.76 grams /sec and 4.84 grams /sec.

22 41. The steady idle and steady elevated engine RPMs, along with the improbable throttle
23 positions and MAF readings, were not characteristic or expected for normal engine operation.
24 The throttle position and MAF readings were expected to be stable at idle and at the higher engine
25 RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was not
26 connected to the 2000 Lexus RX 300 being certified, which caused the issuance of a fraudulent
27 Smog Check Certificate of Compliance.

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1 **Fraudulent Inspection No. 5-2003 Toyota Tacoma Double Cab Prerunner**

2 42. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
3 The review showed that on or about July 8, 2025, a 2003 Toyota Tacoma Double Cab Prerunner
4 was tested, and Certificate of Compliance Number JF102836C was issued by Respondent
5 Roberts.

6 43. The Dynamic PID charts and data for the 2003 Toyota Tacoma Double Cab
7 Prerunner showed that between timestamps 149 and 20620, the engine RPM was steady at around
8 675 RPM. During this time, the data showed that the throttle \was fluctuating erratically between
9 12.5% opening and 17.3% opening, and the MAF was fluctuating erratically between 3.07
10 grams/sec and 4.85 grams/sec. After timestamp 20927, the engine RPM was increased and held
11 steady at around 1850 RPM. During this time, the data showed that the throttle was fluctuating
12 between 14.1% opening and 18% opening, and the MAF was fluctuating erratically between 3.79
13 grams/sec and 5.04 grams/sec.

14 44. The steady idle and steady elevated engine RPMs, along with the improbable throttle
15 positions and MAF readings, were not characteristic or expected for normal engine operation.
16 The throttle position and MAF readings were expected to be stable at idle and at the higher engine
17 RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was not
18 connected to the 2003 Toyota Tacoma Double Cab Prerunner being certified, which caused the
19 issuance of a fraudulent Smog Check Certificate of Compliance.

20 **Fraudulent Inspection No. 6-2002 Honda Civic SI**

21 45. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
22 The review showed that on or about July 15, 2025, a 2002 Honda Civic SI was tested, and
23 Certificate of Compliance Number US181967C was issued by Respondent Roberts.

24 46. The Dynamic PID charts and data for the 2002 Honda Civic SI showed that between
25 timestamps 140 and 19405, the engine RPM was steady at around 775 RPM. During this time,
26 the data showed that the throttle was varying between 7.1% opening and 11% opening, and the
27 MAP was fluctuating erratically between 18 kPa and 30 kPa. After timestamp 19741, the engine
28 RPM was increased and then ultimately held steady at around 1840 RPM. During this time, the

1 data showed that the throttle was fluctuating erratically between 6.3% opening and 11.4%
2 opening, and the MAP was fluctuating erratically between 18 kPa and 30 kPa.

3 47. The steady idle and steady elevated engine RPMs, along with the improbable throttle
4 positions and MAP readings, were not characteristic or expected for normal engine operation.
5 The throttle positions and MAP readings were expected to be stable at idle and at the elevated
6 engine RPM, not vary and/or fluctuate. The discrepancies in the OIS Test Data proved that the
7 OIS DAD was not connected to the 2002 Honda Civic SI being certified, which caused the
8 issuance of a fraudulent Smog Check Certificate of Compliance.

9 **Fraudulent Inspection No. 7-2002 Honda Odyssey EX**

10 48. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
11 The review showed that on or about July 17, 2025, a 2002 Honda Odyssey EX was tested, and
12 Certificate of Compliance Number US181991C was issued by Respondent Roberts.

13 49. The Dynamic PID charts and data for the 2002 Honda Odyssey EX showed that
14 between timestamps 126 and 18270, the engine RPM was steady at around 750 RPM. During
15 this time, the data showed that the throttle was varying between 6.3% and 10.2% opening, and the
16 MAP was fluctuating erratically between 33 kPa and 46 kPa. After timestamp 18514, the engine
17 RPM was increased and then held steady at around 1700 RPM. During this time, the data showed
18 that the throttle was fluctuating erratically between 6.7% opening and 11% opening, and the MAP
19 was fluctuating erratically between 35 kPa and 46 kPa.

20 50. The steady idle and steady elevated engine RPMs, along with the improbable throttle
21 positions and MAP readings, were not characteristic or expected for normal engine operation.
22 The throttle positions and MAP are expected to be stable at idle and at the elevated engine RPM,
23 not vary and/or fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was
24 not connected to the 2002 Honda Odyssey EX being certified, which caused the issuance of a
25 fraudulent Smog Check Certificate of Compliance.

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1 **Fraudulent Inspection No. 8-2001 Dodge Ram 1500**

2 51. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
3 The review showed that on or about July 17, 2025, a 2001 Dodge Ram 1500 was tested, and
4 Certificate of Compliance Number US181992C was issued by Respondent Roberts.

5 52. The Dynamic PID charts and data for the 2001 Dodge Ram 1500 showed that
6 between timestamps 201 and 21197, the engine RPM was steady at around 700 RPM. During
7 this time, the data showed that the throttle was fluctuating erratically between 7.1% opening and
8 11.4% opening, and the MAP was fluctuating erratically between 16 kPa and 30 kPa. After
9 timestamp 21717, the data showed the engine RPM was increased and then held steady at around
10 1750 RPM. During this time, the data showed that the throttle was fluctuating erratically between
11 6.7% opening and 11.8% opening, and the MAP was fluctuating erratically between 16 kPa and
12 30 kPa.

13 53. The steady idle and steady elevated engine RPMs, along with the improbable throttle
14 positions and MAP readings, were not characteristic or expected for normal engine operation.
15 The throttle positions and MAP readings were expected to be stable at idle and at the elevated
16 engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was
17 not connected to the 2001 Dodge Ram 1500 being certified, which caused the issuance of a
18 fraudulent Smog Check Certificate of Compliance.

19 **Fraudulent Inspection No. 9-2005 Honda Accord EX**

20 54. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
21 The review showed that on or about July 19, 2025, a 2005 Honda Accord EX was tested, and
22 Certificate of Compliance Number US390907C was issued by Respondent Roberts.

23 55. The Dynamic PID charts and data for the 2005 Honda Accord EX showed that
24 between timestamps 132 and 17863, the engine RPM was steady at around 775 RPM. During
25 this time, the data showed that the throttle was fluctuating between 6.7% opening and 10.6%
26 opening, the MAP was fluctuating between 17 kPa and 25 kPa, and the MAF was fluctuating
27 erratically between 2.96 grams/sec and 4.24 grams/sec. After timestamp 18110, the engine RPM
28 was increased and held at around 1720 RPM. During this time, the data showed that the throttle

1 was fluctuating between 7.1% opening and 10.6% opening, the MAP was fluctuating erratically
2 between 17 kPa and 30 kPa, and the MAF was fluctuating erratically between 2.76 grams/sec and
3 4.83 grams/sec.

4 56. The steady idle and elevated engine RPMs, along with the improbable throttle
5 positions, MAP, and MAF readings, were not characteristic or expected for normal engine
6 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and
7 at the elevated engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the
8 OIS DAD was not connected to the 2005 Honda Accord EX being certified, which caused the
9 issuance of a fraudulent Smog Check Certificate of Compliance.

10 **Fraudulent Inspection No. 10-2003 Nissan Frontier Crew Cab XE**

11 57. A Bureau Representative reviewed the OIS Test Data for Respondent Cali Smog.
12 The review showed that on or about July 20, 2025, a 2003 Nissan Frontier Crew Cab XE was
13 tested, and Certificate of Compliance Number US390908C was issued by Respondent Roberts.

14 58. The Dynamic PID charts and data for the 2003 Nissan Frontier Crew Cab XE showed
15 that between timestamps 343 and 23207, the engine RPM was steady at around 720 RPM.
16 During this time, the data showed that the throttle was fluctuating between 0.4% opening and
17 5.1% opening, and the MAF was fluctuating between 5.7 grams/sec and 7.34 grams/sec. After
18 timestamp 23750, the engine RPM was increased and then held steady at around 1550 RPM.
19 During this time, the data showed that the throttle was fluctuating between 0.4% opening and
20 5.5% opening, and the MAF was fluctuating erratically between 5.36 grams/sec and 7.3
21 grams/sec.

22 59. The steady idle and steady elevated engine RPMs, along with the improbable throttle
23 positions and MAF readings, were not characteristic or expected for normal engine operation.
24 The throttle positions and MAF readings were expected to be stable at idle and at the elevated
25 engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the OIS DAD was
26 not connected to the 2003 Nissan Frontier Crew Cab XE being certified, which caused the
27 issuance of a fraudulent Smog Check Certificate of Compliance.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 60. Respondent Cali Smog’s Automotive Repair Registration is subject to discipline
4 pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16,
5 section 3373, in that between June 9, 2025, through July 20, 2025, Respondent Cali Smog made
6 or authorized statements which he knew or in the exercise of reasonable care should have known
7 to be untrue or misleading, as follows: Respondent Cali Smog certified that vehicles 1 through 10,
8 set forth above, had passed inspection and were in compliance with applicable laws and
9 regulations. Respondent Cali Smog conducted the inspections on the vehicles using the clean
10 plugging method by substituting or using different vehicles or another source during the OBD II
11 functional tests to issue smog certificates of compliance for the ten (10) vehicles and did not test
12 or inspect the ten (10) vehicles as required by Health and Safety Code section 44012.
13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraphs 25 through 59, as though fully set forth.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 61. Respondent Cali Smog’s Automotive Repair Registration is subject to discipline
18 pursuant to Code section 9884.7, subdivision (a)(4), in that between June 9, 2025, through July
19 20, 2025, Respondent Cali Smog committed acts that constitute fraud by issuing electronic smog
20 certificates of compliance for vehicles 1 through 10, set forth above, without performing bona
21 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
22 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
23 Program. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in paragraphs 25 through 59, as though fully set forth.

25 **THIRD CAUSE FOR DISCIPLINE**

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

27 62. Respondent Cali Smog’s Automotive Repair Registration is subject to disciplinary
28 action under Code section 9884.7, subdivision (a)(6), in that between June 9, 2025, through July

1 20, 2025, regarding vehicles 1 through 10, set forth above, Respondent Cali Smog failed in a
2 material respect to comply with the provisions of this chapter or regulations adopted pursuant to it
3 by issuing electronic smog certificates of compliance for the ten (10) vehicles without performing
4 bona fide inspections of the emissions control devices and systems on those vehicles, thereby
5 depriving the People of the State of California of the protection afforded by the Motor Vehicle
6 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set
7 forth above in paragraphs 25 through 59, as though fully set forth.

8 **FOURTH CAUSE FOR DISCIPLINE**

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

10 63. Respondent Cali Smog's Smog Check, Test Only Station License is subject to
11 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
12 June 9, 2025, through July 20, 2025, regarding vehicles 1 through 10, set forth above, Respondent
13 Cali Smog failed to comply with the following sections of that Code:

14 a. **Section 44012:** Respondent Cali Smog failed to ensure that the emission control tests
15 were performed on vehicles 1 through 10, in accordance with procedures prescribed by the
16 department.

17 b. **Section 44015, subdivision (b):** Respondent Cali Smog issued electronic smog
18 certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were
19 properly tested and inspected to determine if they were in compliance with Health and Safety
20 Code section 44012.

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

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

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**
3 **Motor Vehicle Inspection Program)**

4 64. Respondent Cali Smog’s Smog Check, Test Only Station License is subject to
5 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
6 June 9, 2025, through July 20, 2025, regarding vehicles 1 through 10, set forth above, Respondent
7 Cali Smog failed to comply with provisions of California Code of Regulations, title 16, as
8 follows:

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

13 b. **Section 3340.35, subdivision (c)**: Respondent Cali Smog issued electronic smog
14 certificates of compliance even though those vehicles had not been inspected in accordance with
15 section 3340.42 of that Code.

16 c. **Section 3340.41, subdivision (c)**: Respondent Cali Smog knowingly entered false
17 information into the emissions inspection system for the ten (10) vehicles identified above.

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

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

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 65. Respondent Cali Smog’s Smog Check, Test Only Station License is subject to
25 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
26 with 44072.10, subdivision (c), in that between June 9, 2025, through July 20, 2025, regarding
27 vehicles 1 through 10, set forth above, Respondent Cali Smog committed acts involving
28 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of

1 compliance for those vehicles without performing bona fide inspections of the emission control
2 devices and systems on the vehicles, thereby depriving the People of the State of California of the
3 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
4 reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though
5 fully set forth.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 **(Violations of the Motor Vehicle Inspection Program – Respondent Roberts)**

8 66. Respondent Roberts’ Smog Check Inspector License is subject to disciplinary action
9 under Health and Safety Code section 44072.2, subdivision (a), in that between June 9, 2025,
10 through July 20, 2025, regarding vehicles 1 through 10, set forth above, Respondent Roberts
11 violated the following Health and Safety Code sections:

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

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

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

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

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

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**
3 **Motor Vehicle Inspection Program – Respondent Roberts)**

4 67. Respondent Roberts’ Smog Check Inspector License is subject to discipline pursuant
5 to Health and Safety Code section 44072.2, subdivision (c), in that between June 9, 2025, through
6 July 20, 2025, regarding vehicles 1 through 10, set forth above, Respondent Roberts failed to
7 comply with provisions of California Code of Regulations, title 16, as follows:

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

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

14 c. **Section 3340.41, subdivision (c)**: Respondent Roberts knowingly entered false
15 information into the emissions inspection system for the ten (10) vehicles identified above.

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

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

20 **NINTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud, or Deceit – Respondent Roberts)**

22 68. Respondent Roberts’ Smog Check Inspector License is subject to disciplinary action
23 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
24 Safety Code section 44072.10, subdivision (c), in that between June 9, 2025, through July 20,
25 2025, regarding vehicles 1 through 10, set forth above, Respondent Roberts committed acts
26 involving dishonesty, fraud, or deceit when he issued electronic smog certificates of compliance
27 for the vehicles without performing bona fide inspections of the emission control devices and
28 systems on those vehicles, thereby depriving the People of the State of California of the

1 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
2 reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though
3 fully set forth.

4 **DISCIPLINE CONSIDERATIONS**

5 69. To determine the degree of discipline, if any, to be imposed on Respondent Cali
6 Smog, Complainant alleges that on or about February 24, 2020, in a prior action, the Bureau
7 issued Citation Number C2020-521 and ordered Respondent Cali Smog to pay a citation penalty
8 of \$1,000.00. That Citation is now final.

9 70. To determine the degree of discipline, if any, to be imposed on Respondent Roberts,
10 Complainant alleges that on or about February 24, 2020, in a prior action, the Bureau issued
11 Citation Number M2020-522 and ordered Respondent Roberts to complete an 8-hour training
12 requirement. That Citation is now final.

13 **OTHER MATTERS**

14 71. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
15 or place on probation the registrations for all places of business operated in this state by Johan D.
16 Roberts, upon a finding that said Respondent Cali Smog has, or is, engaged in a course of
17 repeated and willful violations of the laws and regulations pertaining to an automotive repair
18 dealer.

19 72. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only
20 Station License No. TC 292759, issued to Johan D. Roberts-Owner dba Southern Cali Smog
21 Check, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26
22 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended
23 by the director.

24 73. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
25 License No. EO 641390, issued to Johan Roberts, is revoked or suspended, any additional license
26 issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said
27 licensee may be likewise revoked or suspended by the director.

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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 292759, issued to Johan D. Roberts-Owner dba Southern Cali Smog Check;
 - 2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued in the name of Johan D. Roberts;
 - 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 292759, issued to Johan D. Roberts-Owner dba Southern Cali Smog Check;
 - 4. Revoking or suspending Smog Check Inspector License Number EO 641390, issued to Johan Roberts;
 - 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 Johan D. Roberts;
 - 6. Ordering Johan D. Roberts 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

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

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