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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. 79/25-16928

13 **GUADALUPE SANDOVAL**
14 **DBA SMOG CHECK PLUS**
15 **1003 Berryessa Rd.**
16 **San Jose, CA 95133**

ACCUSATION

17 **Mailing Address:**
18 **2975 Bradbury Drive**
19 **San Jose, CA 95122**

20 **Automotive Repair Dealer Registration No.**
21 **ARD 293282**
22 **Smog Check, Test Only, Station License No.**
23 **TC 293282**

24 **and**

25 **RAMON A. ESPINOZA**
26 **P.O. Box 1301**
27 **Alviso, CA 95002**

28 **Smog Check Inspector License No. EO**
154434
Smog Check Repair Technician License No.
EI 154434

and

JOEL PERALEZ ESPINOZA

P.O. Box 61

Alviso, CA 95002

**Smog Check Inspector License No. EO
632083**

**Smog Check Repair Technician License No.
EI 632083**

and

ARSENIO JACOB ABENOJAR

2975 Bradbury Dr.

San Jose, CA 95122

**Smog Check Inspector License No. EO
639802**

and

ANTHONY JACOB NORIEGA

1003 Berryessa Rd.

San Jose, CA 95133

**Smog Check Inspector License No. EO
643827**

and

RAMON FELIX

4055 Ambler Way

San Jose, CA 95111

**Smog Check Inspector License No. EO
645332**

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.

Guadalupe Sandoval dba Smog Check Plus

Automotive Repair Dealer Registration

1 2. On or about January 29, 2019, the Bureau issued Automotive Repair Dealer
2 Registration Number ARD 293282 to Guadalupe Sandoval, dba Smog Check Plus (Respondent
3 Smog Check Plus). The Automotive Repair Dealer Registration was in full force and effect at all
4 times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.

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

6 3. On or about February 21, 2019, the Bureau issued Smog Check, Test-Only, Station
7 License Number TC 293282 to Respondent Smog Check Plus. The Smog Check, Test-Only,
8 Station License was in full force and effect at all times relevant to the charges brought herein and
9 will expire on January 31, 2027, unless renewed.

10 **STAR Certification**

11 4. On or about April 26, 2019, the Bureau issued STAR Station certification to
12 Respondent Smog Check Plus, and it will remain active unless the ARD registration and/or Smog
13 Check station license is revoked, cancelled, licenses become delinquent, or certification is
14 suspended.

15 **Ramon A. Espinoza**

16 5. In 2007, the Bureau issued Advanced Emission Specialist Technician License
17 Number EA 154434 to Ramon A. Espinoza (Respondent R. Espinoza). The Advanced Emission
18 Specialist Technician License expired on November 30, 2013, and was cancelled on December 9,
19 2013. Said licensed was renewed pursuant to Respondent R. Espinoza's election as Smog Check
20 Inspector License Number EO 154434 and Smog Check Repair Technician License Number EI
21 154434. The Smog Check Repair Technician License EI 154434 expired on November 30, 2017,
22 and has not been renewed. The Smog Check Inspector License, EO 154434, was in full force and
23 effect at all times relevant to the charges brought herein and will expire on November 30, 2027,
24 unless renewed.

25 **Joel Peralez Espinoza**

26 6. On or about May 17, 2010, the Bureau issued Advanced Emission Specialist
27 Technician License Number EA 632083 to Joel Peralez Espinoza (Respondent J. Espinoza). The
28 Advanced Emission Specialist Technician License was due to expire on June 30, 2014, and was

1 cancelled on May 20, 2014. Said licensed was renewed pursuant to Respondent J. Espinoza's
2 election as Smog Check Inspector License Number EO 632083 and Smog Check Repair
3 Technician License Number EI 632083. The Smog Check Repair Technician License EI 632083
4 expired on June 30, 2018, and has not been renewed. The Smog Check Inspector License, EO
5 632083, was in full force and effect at all times relevant to the charges brought herein and will
6 expire on June 30, 2028, unless renewed.

7 **Arsenio Jacob Abenojar**

8 7. On or about October 17, 2016, the Bureau issued Smog Check Inspector License
9 Number EO 639802 to Aresenio Jacob Abenojar (Respondent Abenojar). The Smog Check
10 Inspector License was in full force and effect at all times relevant to the charges brought herein
11 and will expire on July 31, 2026, unless renewed.

12 **Anthony Jacob Noriega**

13 8. On or about August 11, 2022, the Bureau issued Smog Check Inspector License
14 Number EO 643827 to Anthony Jacob Noriega (Respondent Noriega). The Smog Check
15 Inspector License was in full force and effect at all times relevant to the charges brought herein
16 and will expire on January 31, 2027, unless renewed.

17 **Ramon Felix**

18 9. On or about November 20, 2024, the Bureau issued Smog Check Inspector License
19 Number EO 645332 to Ramon Felix (Respondent Felix). The Smog Check Inspector License
20 was in full force and effect at all times relevant to the charges brought herein and will expire on
21 May 31, 2028, unless renewed.

22 **JURISDICTION**

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

25 11. Code section 9884.13 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.

12. 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.

13. 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 any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

14. Section 9884.7 of the Code states:

(a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

• • • •

(4) Any other conduct that constitutes fraud.

• • • •

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

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

15. Section 9884.11 of the Code states:

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

16. Section 9889.22 of the 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 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

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

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

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

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

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

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

(e) For diesel-powered vehicles, a visual inspection is made of emission control devices and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the department, that may include, but are not limited to, onboard diagnostic testing. The test may include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.

1 (g) A determination as to whether the motor vehicle complies with the
2 emission standards for that vehicle's class and model-year as prescribed by the
3 department.

4 (h) An analysis of pass and fail rates of vehicles subject to an onboard
5 diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard
6 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles
7 failing their onboard diagnostic test have or would have passed a tailpipe test.

8 (i) The test procedures may authorize smog check stations to refuse the testing
9 of a vehicle that would be unsafe to test, or that cannot physically be inspected, as
10 specified by the department by regulation. The refusal to test a vehicle for those
11 reasons shall not excuse or exempt the vehicle from compliance with all applicable
12 requirements of this chapter.

13 18. Section 44015 of the Health and Safety Code states:

14

15 (b) If a vehicle meets the requirements of Section 44012, a smog check station
16 licensed to issue certificates shall issue a certificate of compliance or a certificate of
17 noncompliance.

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

19 No person shall perform, for compensation, tests or repairs of emission control
20 devices or systems of motor vehicles required by this chapter unless the person
21 performing the test or repair is a qualified smog check technician and the test or
22 repair is performed at a licensed smog check station. Qualified smog check
23 technicians shall perform tests of emission control devices and systems in accordance
24 with Section 44012.

25 20. Section 44059 of the Health and Safety Code states:

26 The willful making of any false statement or entry with regard to a material
27 matter in any oath, affidavit, certificate of compliance or noncompliance, or
28 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.

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

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

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

28

(c) Violates any of the regulations adopted by the director pursuant to this
chapter.

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

2 22. Section 44072.8 of the Health and Safety Code states:

3 When a license has been revoked or suspended following a hearing under this
4 article, any additional license issued under this chapter in the name of the licensee
5 may be likewise revoked or suspended by the director.

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

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

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

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

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

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

16 **REGULATORY PROVISIONS**

17 24. California Code of Regulations, title 16, section 3340.15, states:

18

19 (e) The station shall make, keep secure, and have available for inspection on request
20 of the Bureau, or its representative, legible records showing the station's transactions as a
licensee for a period of not less than three years after completion of any transaction to
21 which the records refer. All records shall be open for reasonable inspection and/or
reproduction by the Bureau or its representative. Station records required to be maintained
22 shall include:

23 (1) All certificates of compliance and certificates of noncompliance in stock and/or
24 issued,

25 (2) Repair orders relating to the inspection and repair activities, and

26 (3) Vehicle inspection reports generated either manually or by the emissions
27 inspection system.
28

1 The above listed station records shall be maintained in such a manner that the records
2 for each transaction are kept together, so as to facilitate access to those records by the
3 Bureau or its representative. In this regard, the second copy of an issued certificate shall be
4 attached to the final invoice record.

5

6 25. California Code of Regulations, title 16, section 3340.24, states:

7

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

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

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

14 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
15 44012 of the Health and Safety Code, section 44035 of the Health and
16 Safety Code, and section 3340.42 of this article.

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

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

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

23

24 (c) No person shall enter any vehicle identification information or emission
25 control system identification data for any vehicle other than the one being tested into
26 the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
27 about the vehicle being tested.

28 29. California Code of Regulations, title 16, section 3340.42, states:

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

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

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999
model-year vehicle, except diesel-powered, registered in the enhanced program areas
of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,

carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 30. California Code of Regulations, title 16, section 3373, states:

16 No automotive repair dealer or individual in charge shall, in filling out an
17 estimate, invoice, or work order, or record required to be maintained by section
18 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
19 information which will cause any such document to be false or misleading, or where
20 the tendency or effect thereby would be to mislead or deceive customers, prospective
21 customers, or the public.

22 **COST RECOVERY**

23 31. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate 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 licentiate 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.

29 **FACTUAL ALLEGATIONS**

30 32. Smog Check Inspectors are required to perform visual and functional tests to the
31 vehicle as outlined in the Smog Check Manual. The Smog Check Inspector must conduct a visual
32 inspection of the emission control components/devices to verify they are present and properly
33 connected. Functional tests performed can include checking the ignition system timing,
34 Malfunction Indicator Lamp (MIL), Exhaust Gas Recirculation (EGR) system, a Low-Pressure

1 Fuel Evaporative Emission Test (LPFET), a visible smoke test, liquid fuel leak, and a pressure
2 test of the fuel cap.

3 33. On-Board Diagnostics II (OBD II) functional tests are also performed on most 1996
4 to 1999 model year vehicles. Smog Check Inspectors must connect a cable from the EIS to a
5 Diagnostic Link Connector (DLC) located in the vehicle's passenger compartment. Through the
6 DLC, the EIS retrieves information from the vehicle's on-board computer. The EIS determines
7 the ability to communicate, the status of the Inspection Maintenance (I/M) readiness monitors, the
8 MIL status, and any Diagnostic Trouble Codes (DTC) stored in the on-board computer's memory.
9 The I/M readiness monitors demonstrate whether the vehicle's OBD II systems have run all the
10 emissions/engine control systems' self-tests. A failure of one or more of the OBD II functional
11 tests, depending on model year, will result in the vehicle failing its Smog Check inspection.

12 34. The inspector enters the results of the visual and functional inspections into the EIS.
13 The EIS determines if the vehicle passes the inspection based on the results of the tailpipe, visual,
14 and functional tests.

15 35. The EIS is connected by internet to BAR's Vehicle Information Database (VID),
16 which is maintained by a state contractor. If the vehicle passes the visual, functional and tailpipe
17 tests, it passes the overall inspection. A Smog Check Certificate of Compliance is issued and
18 transmitted electronically to the VID and to the Department of Motor Vehicles (DMV) database.
19 Data gathered during a Smog Check Inspection, regardless of the type of inspection, is retained in
20 the VID.

21 36. Beginning March 9, 2015, California's Smog Check Program was updated to keep
22 pace with ever advancing vehicle technology. The program update requires use of an On-Board
23 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the Smog Check equipment required in
24 all areas of the state when inspecting most model-year 2000 and newer gasoline and hybrid
25 vehicles and 1998 and newer diesel vehicles subject to the program. The system consists of a
26 certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is
27 an OBD II scan tool that, when commanded by the BAR-OIS software, retrieves OBD II data
28 from the vehicle. OBD II data the vehicle supports is requested by the California BAR-OIS

1 software and will be retrieved. Sensitive data, such as Global Positioning System (GPS) and
2 accident-related data (air bag deployment) are not retrieved. The DAD connects between the
3 BAR-OIS computer and the vehicle's DLC. The DAD is the only BAR-certified component of the
4 BAR-OIS. The BAR-OIS software requires a continuous internet connection when performing a
5 Smog Check inspection. The BAR-OIS uses its software to communicate with the VID through
6 the internet connection. The bar code scanner is used to input inspector information, the Vehicle
7 Identification Number (VIN), and DMV renewal information. The printer provides a Vehicle
8 Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate
9 of Compliance number for passing vehicles.

10 37. Data retrieved, captured, and recorded to the VID during a BAR-OIS Smog Check
11 inspection includes the following: the Electronic Vehicle Identification Number (eVIN), which is
12 the digitally stored VIN programmed into the vehicle's on-board computer or Powertrain Control
13 Module (PCM), the "communication protocol," which is the "specific language" the PCM uses to
14 relay or communicate information to scan tools and other computers or devices such as the BAR-
15 OIS, and the Parameter Identifications (PID), which is the number of specific data values each
16 PCM reports related to emissions controls.

17 38. eVINs were programmed into vehicle's PCMs beginning in 2005. Some were
18 programmed into the PCMs/on-board computers on earlier year model vehicles.

19 39. The communication protocol is programmed into the vehicle's on-board computer
20 during manufacture and does not change. The protocol can be recorded in its basic characters or
21 in an expanded form that includes additional characters. The basic form is primary and is always
22 contained within the expanded form (e.g. ICAN11bt5 vs. ICAN11bt500, I914 vs. I9140808,
23 JVPW vs. JVPW1850, JPWM vs. JPWM1850, KWPF vs. KWPF8FEF). Additional characters in
24 examples are italicized.

25 40. PIDs are data points reported by the vehicle's on-board computer/PCM to a scan tool
26 or BAR-OIS. Examples of PIDs are engine RPM, vehicle speed, engine temperature, throttle
27 position, and other input and output values utilized by the vehicle's on-board computer. The PID
28

count is the number of data points reported by the vehicle's on-board computer and is programmed during manufacture.

41. As with the EIS, Smog Check Inspectors perform visual and functional tests to the vehicle. The visual inspection verifies the required emission control devices are present and properly connected. The Smog Check Inspector must perform a functional test of the MIL.

42. During the functional test, the BAR-OIS prompts the Smog Check Inspector to start and idle the engine (static) and to raise the engine RPM (dynamic). The DAD collects static OBDII data while the engine is at idle; determines what OBDII data it supports and collects that data which includes the eVIN.

43. At the completion of the static OBDII data collection, the BAR-OIS performs a dynamic OBDII test. The dynamic OBDII test starts with the engine at idle. The technician is prompted by BAROIS to increase the engine RPM and to hold it steady. During the dynamic OBDII test, the DAD collects a smaller subset of OBDII data which includes PIDs and the dynamic eVIN. The BAROIS software makes the determination whether the vehicle passes the inspection based on the results of the visual, functional, and OBD II tests.

44. The EIS or BAR-OIS, dependent upon the test type, prints a VIR, which is a physical record of the test results and shows the Smog Check Certificate of Compliance number that was issued if the vehicle passed the Smog Check Inspection. The Smog Check Inspector must sign the VIR to show that the inspection was performed within BAR guidelines. Licensed Smog Check Inspectors are the only persons authorized by the BAR to perform official Smog Check Inspections. They are issued a license and a personal access code which are used to gain access to the EIS and used to set up a username and password within the BAR-OIS to perform Smog Check Inspections. Unauthorized use of another inspector's license, access code, or username and password is prohibited.

45. Beginning May 1, 2023, Smog Check inspectors must use a biometric palm scanner instead of a password login for the BAR-OIS.

46. The VID contains vehicle registration data from the DMV, emission standards, vehicle Smog Check Inspection data, smog check station and inspector information, and Smog

1 Check Certificates of Compliance. The VID has an internal clock that is set to Pacific Standard
2 Time and records the time and date for each inspection. Each Smog Check Certificate of
3 Compliance has a unique control number so that it can be tracked to determine which Smog
4 Check Station purchased it and which vehicle it was issued to. The VID receives the Smog Check
5 Inspection results immediately following the inspection. BAR can access the VID to view test
6 data for Smog Check Inspections performed at any Smog Check Station. BAR can search,
7 retrieve, and print test records for all tested vehicles. If a vehicle passes the Smog Inspection, the
8 vehicle information and test results are electronically transmitted to DMV.

9 47. BAR has identified several means by which fraudulent Smog Check Certificates of
10 Compliance are issued to vehicles that will not pass a Smog Check Inspection or are not present
11 during the Smog Check Inspection. Some of these methods are known as “clean piping,” “clean
12 gassing,” and “clean plugging.”

13 48. Electronic defeat devices are used to simulate vehicles during the BAR-OIS Smog
14 Check Inspection. These devices mimic vehicle data for the purpose of generating passing data to
15 issue fraudulent Smog Check Certificates of Compliance. This method is known as “clean
16 plugging.” Clean plugging is when another vehicle, or an electronic defeat device is used to
17 generate passing data readings to vehicles that will not pass the inspection or are not present for
18 testing.

19 49. On or about September 17, 2025, a Bureau Representative began a detailed review of
20 VID data for inspections performed at Smog Check Plus. The OIS test data shows 15 fraudulent
21 Smog Check Certificates of Compliance were issued to vehicles using Clean-Plugging methods.
22 Six were issued by Respondent R Espinoza, five by Respondent J. Espinoza, two by Respondent
23 Abenojar, one by Respondent Noriega, and one by Respondent Felix.

24 **Fraudulent Inspection No. 1 – 2012 Ford Fusion SE**

25 50. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
26 review indicated that on or about April 24, 2024, a 2012 Ford Fusion SE was tested and
27 Certificate of Compliance Number TW512004C was issued by Respondent Smog Check Plus,
28 under Respondent Noreiga’s smog check inspector license. The OIS test data for the 2012 Ford

1 Fusion SE shows the eVIN was not reported, the communication protocol was ICAN11bt5, and
2 the PID count was 18.

3 51. Similar Vehicle OIS Test Data for 2012 Ford Fusion SE, shows 99.8% of 1000
4 vehicles sampled reported the eVIN, they had the expected communication protocol of
5 ICAN11bt5, and a PID count of 39.

6 52. Before the fraudulent test, the 2012 Ford Fusion received four OIS Smog Check
7 Inspections at three different Smog Check Stations and one at Smog Check Plus on May 13,
8 2022, performed by Samuel Noriega. During these inspections the eVIN, was reported and the
9 expected protocol and PIDs were reported.

10 53. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
11 2012 Ford Fusion SE being certified, causing the issuance of a fraudulent Smog Check Certificate
12 of Compliance.

13 **Fraudulent Inspection No. 2 – 2007 Honda Civic EX**

14 54. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
15 review indicated that on or about May 15, 2024, a 2007 Honda Civic EX was tested and
16 Certificate of Compliance Number TY140502C was issued by Respondent Smog Check Plus,
17 under Respondent Abenojar's smog check inspector license. The OIS test data for the 2007
18 Honda Civic EX shows eVIN 2HNYD2H6XAH523397 was reported, the communication
19 protocol was ICAN29bt5, and the PID count was 44|20.

20 55. Similar Vehicle OIS Test Data for 2007 Honda Civic EX, shows 98.8% of 1000
21 vehicles sampled reported the eVIN, they had the expected communication protocol of
22 ICAN29bt500, and a PID count of 39|19.

23 56. The same 2007 Honda Civic EX received and failed a Smog Check Inspection at
24 Smog Check Plus on April 18, 2024. OIS Test Detail shows Joel Espinoza performed this Smog
25 Check Inspection. During this inspection the eVIN, was reported and the expected protocol and
26 PIDs were reported.

27 57. A 2010 Acura MDX Technology, VIN 2HNYD2H6XAH523397 received an OIS
28 inspection on May 30, 2024, at Smog Check Plus performed by Anthony Noriega. The OIS test

1 data for the 2010 Acura MDX Technology shows eVIN 2HNYD2H6XAH523397 was reported,
2 the communication protocol was ICAN29bt5 and the PID count was 44|20.

3 58. The OIS test data for the 2010 Acura MDX Technology matches the OIS test data for
4 the inspection performed to the 2007 Honda Civic EX on May 15, 2024. This proves the 2010
5 Acura MDX Technology existed and its OBDII system was used to generate a fraudulent Smog
6 Check Certificate of Compliance for the 2007 Honda Civic EX.

7 **Fraudulent Inspection No. 3 – 2014 Honda Civic EX**

8 59. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
9 review indicated that on or about May 24, 2024, a 2014 Honda Civic EX was tested and
10 Certificate of Compliance Number TY390773C was issued by Respondent Smog Check Plus,
11 under Respondent Abenojar's smog check inspector license. The OIS test data for the 2014
12 Honda Civic EX shows the eVIN was not reported, the communication protocol was ICAN29bt5,
13 and the PID count was 18.

14 60. Similar Vehicle OIS Test Data for 2014 Honda Civic EX, shows 99.9% of 1000
15 vehicles sampled reported the eVIN, they had the expected communication protocol of
16 ICAN29bt5, and a PID count of 40.

17 61. The same 2014 Honda Civic EX received an OIS Smog Check Inspection on May 31,
18 2022, at Smog Check Plus performed by Joel Espinoza. During this inspection the eVIN was
19 reported and the expected protocol and PIDs were reported.

20 62. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
21 2014 Honda Civic EX being certified, causing the issuance of a fraudulent Smog Check
22 Certificate of Compliance.

23 **Fraudulent Inspection No. 4 – 2007 Honda Civic Hybrid**

24 63. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
25 review indicated that on or about December 6, 2024, a 2007 Honda Civic Hybrid was tested and
26 Certificate of Compliance Number UG894293C was issued by Respondent Smog Check Plus,
27 under Respondent J. Espinoza's smog check inspector license. The OIS test data for the 2007
28

1 Honda Civic Hybrid shows eVIN 5FNYP5H30GB021181 was reported, the communication
2 protocol was ICAN29bt5, and the PID count was 46.

3 64. Similar Vehicle OIS Test Data for 2007 Honda Civic Hybrids shows 98.7% of 1000
4 vehicles sampled reported the eVIN, they had the expected communication protocol of
5 ICAN29bt5, and a PID count of 12|12|39|19.

6 65. A Bureau Representative researched the eVIN reported during the fraudulent Smog
7 Check Inspection, and determined it belonged to a 2016 Honda Pilot EX. The representative
8 obtained a Carfax report for the 2016 Honda Pilot EX. The report shows it was sold new in San
9 Jose in 2015.

10 66. Similar Vehicle OIS Test Data for 2016 Honda Pilots shows 99.9% of 843 vehicles
11 sampled reported the eVIN, they had the expected communication protocol of ICAN29bt5, and a
12 PID count of 46.

13 67. The 2016 Honda Pilot EX eVIN, protocol, and PID count matches the OIS test data
14 for the inspection of the 2007 Honda Civic Hybrid. This proves the 2016 Honda Pilot existed and
15 its OBDII system was used to generate a fraudulent Smog Check Certificate of Compliance for
16 the 2007 Honda Civic EX.

17 **Fraudulent Inspection No. 5 – 2006 Chevrolet Suburban C1500**

18 68. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
19 review indicated that on or about January 9, 2025, a 2006 Chevrolet Suburban C1500 was tested
20 and Certificate of Compliance Number UI635479C was issued by Respondent Smog Check Plus,
21 under Respondent R. Espinoza's smog check inspector license. The OIS test data for the 2006
22 Chevrolet Suburban C1500 shows the eVIN was not reported, the communication protocol was
23 JVPW and the PID count was 22.

24 69. Similar Vehicle OIS Test Data for 2006 Chevrolet Suburban C1500, shows 99.6% of
25 484 vehicles sampled report the eVIN, they had the expected communication protocol of JVPW,
26 and a PID count of 22.

70. Before the fraudulent test, the 2006 Chevrolet Suburban C1500 received six OIS Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

71. The discrepancies in the OIS test data showed that the OIS DAD was not connected to the 2006 Chevrolet Suburban C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 6 – 2005 Hummer H2

72. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The review indicated that on or about January 28, 2025, a 2005 Hummer H2 was tested and Certificate of Compliance Number JB972738C was issued by Respondent Smog Check Plus, under Respondent J. Espinoza's smog check inspector license. The OIS test data for the 2005 Hummer H2 shows the eVIN was not reported, the communication protocol was JVPW and the PID count was 22.

73. Similar Vehicle OIS Test Data for 2005 Hummer H2, shows 98.8% of 990 vehicles sampled report the eVIN, they had the expected communication protocol of JVPW, and a PID count of 22.

74. Before the fraudulent test, the 2005 Hummer H2 received six OIS Smog Check Inspections at five (5) different Smog Check Stations and one at Smog Check Plus on January 28, 2023, performed by Joel Espinoza. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

75. The discrepancies in the OIS test data showed the OIS DAD was not connected to the 2005 Hummer H2 Sport being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 7 – 2015 Chevrolet Volt

76. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The review indicated that on or about February 10, 2025, a 2015 Chevrolet Volt was tested and Certificate of Compliance Number UK193540C was issued by Respondent Smog Check Plus, under Respondent R. Espinoza's smog check inspector license. The OIS test data for the 2015

1 Chevrolet Volt shows the eVIN was not reported, the communication protocol was ICAN11bt5
2 and the PID count was 42|4|4|5|5|3|3.

3 77. Similar Vehicle OIS Test Data for 2015 Chevrolet Volt, shows 99.9% of 762 vehicles
4 sampled reported the eVIN, they had the expected communication protocol of ICAN11bt5, and a
5 PID count of 42|4|4|3 or 42|4|4|5|5|3|3 or 42|4|5|3.

6 78. Before the fraudulent test, the 2015 Chevrolet Volt received an OIS Smog Check
7 Inspection at Smog Check Plus on January 17, 2023, performed by Joel Espinoza. During this
8 inspection the eVIN was reported and the expected protocol and PIDs were reported.

9 79. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
10 2015 Chevrolet Volt being certified, causing the issuance of a fraudulent Smog Check Certificate
11 of Compliance.

12 **Fraudulent Inspection No. 8 – 2007 Chevrolet Express G2500**

13 80. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
14 review indicated that on or about February 18, 2025, a 2007 Chevrolet Express G2500 was tested
15 and Certificate of Compliance Number JD409470C was issued by Respondent Smog Check Plus,
16 under Respondent J. Espinoza's smog check inspector license. The OIS test data for the 2007
17 Chevrolet Express G2500 shows the eVIN was not reported, the communication protocol was
18 JVPW and the PID count was 22.

19 81. Similar Vehicle OIS Test Data for a 2007 Chevrolet Express G2500, shows 98.3% of
20 59 vehicles sampled reported the eVIN, they had the expected communication protocol of JVPW,
21 and a PID count of 22.

22 82. Before the fraudulent test, the 2007 Chevrolet Express G2500 received five OIS
23 Smog Check Inspections at different Smog Check Stations and one at Smog Check Plus on May
24 16, 2023, performed by Joel Espinoza. During these inspections the eVIN was reported and the
25 expected protocol and PIDs were reported.

26 83. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
27 2007 Chevrolet Express G2500 being certified, causing the issuance of a fraudulent Smog Check
28 Certificate of Compliance.

1 **Fraudulent Inspection No. 9 – 2005 Ford Econoline E250**

2 84. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
3 review indicated that on or about February 24, 2025, a 2005 Ford Econoline E250 was tested and
4 Certificate of Compliance Number UK268339C was issued by Respondent Smog Check Plus,
5 under Respondent Felix's smog check inspector license. The OIS test data for the 2005 Ford
6 Econoline E250 shows the eVIN was not reported, the communication protocol was ICAN11bt5
7 and the PID count was 47.

8 85. Similar Vehicle OIS Test Data for a 2005 Ford Econoline E250, shows 97.9% of 242
9 vehicles sampled reported the eVIN, they had the expected communication protocol of
10 ICAN11bt5, and a PID count of 47.

11 86. Before the fraudulent test, the 2005 Ford Econoline E250 received five OIS Smog
12 Check Inspections at different Smog Check Stations. During these inspections the eVIN was
13 reported and the expected protocol and PIDs were reported.

14 87. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
15 2005 Ford Econoline E250 being certified, causing the issuance of a fraudulent Smog Check
16 Certificate of Compliance.

17 **Fraudulent Inspection No. 10 – 2005 Chrysler Town & Country Touring**

18 88. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
19 review indicated that on or about February 24, 2025, a 2005 Chrysler Town & Country Touring
20 was tested and Certificate of Compliance Number UK346161C was issued by Respondent Smog
21 Check Plus, under Respondent R. Espinoza's smog check inspector license. The OIS test data for
22 the 2005 Chrysler Town & Country Touring shows the eVIN was not reported, the
23 communication protocol was JVPW and the PID count was 18|3.

24 89. Similar Vehicle OIS Test Data for 2005 Chrysler Town & Country Touring, shows
25 99.0% of the 517 vehicles sampled reported the eVIN, they had the expected communication
26 protocol of JVPW, and a PID count of 17|3 or 18|3 or 22|3.

1 90. Before the fraudulent test, the 2005 Chrysler Town & Country Touring received an
2 OIS Smog Check Inspection at a different Smog Check Station on September 17, 2024. During
3 this inspection the eVIN was reported and the expected protocol and PIDs were reported.

4 91. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
5 2005 Chrysler Town & Country Touring being certified, causing the issuance of a fraudulent
6 Smog Check Certificate of Compliance.

7 **Fraudulent Inspection No. 11 – 2005 GMC New Sierra C1500**

8 92. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
9 review indicated that on or about March 24, 2025, a 2005 GMC New Sierra C1500 was tested and
10 Certificate of Compliance Number JD918672C was issued by Respondent Smog Check Plus,
11 under Respondent R. Espinoza’s smog check inspector license. The OIS test data for the 2005
12 GMC New Sierra C1500 shows the eVIN was not reported, the communication protocol was
13 JVPW and the PID count was 22.

14 93. Similar Vehicle OIS Test Data for 2005 GMC New Sierra C1500, shows 99.2% of
15 the 1000 vehicles sampled reported the eVIN, they had the expected communication protocol of
16 JVPW, and a PID count of 22.

17 94. Before the fraudulent test the 2005 GMC New Sierra C1500, received seven OIS
18 Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN
19 was reported and the expected protocol and PIDs were reported.

20 95. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
21 2005 GMC New Sierra C1500 being certified, causing the issuance of a fraudulent Smog Check
22 Certificate of Compliance.

23 **Fraudulent Inspection No. 12 – 2005 Chevrolet Silverado K1500**

24 96. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
25 review indicated that on or about June 23, 2025, a 2005 Chevrolet Silverado K1500 was tested
26 and Certificate of Compliance Number UQ821990C was issued by Respondent Smog Check
27 Plus, under Respondent J. Espinoza’s smog check inspector license. The OIS test data for the
28

1 2005 Chevrolet Silverado K1500 shows the eVIN was not reported, the communication protocol
2 was JVPW and the PID count was 22.

3 97. Similar Vehicle OIS Test Data for 2005 Chevrolet Silverado K1500, shows 98.5% of
4 200 vehicles sampled reported the eVIN, and the expected communication of protocol JVPW and
5 a PID count of 22.

6 98. Before the fraudulent test, the 2005 Chevrolet Silverado K1500 received five OIS
7 Smog Check Inspections, four at different Smog Check Stations and one at Smog Check Plus on
8 July 13, 2023, performed by Joel Espinoza. During these inspections the eVIN was reported and
9 the expected protocol and PIDs were reported.

10 99. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
11 2005 Chevrolet Silverado K1500 being certified, causing the issuance of a fraudulent Smog
12 Check Certificate of Compliance.

13 **Fraudulent Inspection No. 13 – 2017 BMW X6 XDrive 35I**

14 100. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The
15 review indicated that on or about September 4, 2025, a 2017 BMW X6 XDrive 35I was tested and
16 Certificate of Compliance Number UU001752C was issued by Respondent Smog Check Plus,
17 under Respondent R. Espinoza's smog check inspector license. The OIS test data for the 2017
18 BMW X6 XDrive35I shows the static eVIN was not reported, the communication protocol was
19 ICAN11bt5 and the PID count was 43|13|11.

20 101. Similar Vehicle OIS Test Data for 2017 BMW X6 XDrive35I, shows 100% of 118
21 vehicles sampled reported the eVIN, they had the expected communication protocol of
22 ICAN11bt5, and a PID count of 43|13|11.

23 102. Before the fraudulent test, the 2017 BMW X6 XDrive35I received an OIS Smog
24 Check Inspection at a different Smog Check Station on January 25, 2021. During this inspection
25 the eVIN was reported and the expected protocol and PIDs were reported.

26 103. The discrepancies in the OIS test data showed the OIS DAD was not connected to the
27 2017 BMW X6 XDrive35I being certified, causing the issuance of a fraudulent Smog Check
28 Certificate of Compliance.

Fraudulent Inspection No. 14 – 2001 GMC New Sierra C1500

104. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The review indicated that on or about September 9, 2025, a 2001 GMC New Sierra C1500 was tested and Certificate of Compliance Number UU137751C was issued by Respondent Smog Check Plus, under Respondent J. Espinoza's smog check inspector license. The OIS test data for the 2001 GMC New Sierra C1500 shows the eVIN was not reported, the communication protocol was JVPW and the PID count was 23.

105. Similar Vehicle OIS Test Data for a 2001 GMC New Sierra C1500 shows 97.4% of 267 vehicles sampled reported the eVIN, they had the expected communication protocol of JVPW, and a PID count of 22 or 23.

106. Before the fraudulent test, the 2001 GMC New Sierra C1500 received four OIS Smog Check Inspections at different Smog Check Stations, one failed Smog Check Inspection on September 8, 2025, performed by Ramon Felix at Smog Check Plus #3 (ARD301101), and one on August 31, 2023, by Arsenio Abenojar/Owner of Smog Check Plus #3. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

107. The discrepancies in the OIS test data showed the OIS DAD was not connected to the 2001 GMC New Sierra C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 15 – 2007 Chevrolet Trailblazer LS

108. A Bureau Representative reviewed the OIS Test Data for Smog Check Plus. The review indicated that on or about September 22, 2025, a 2007 Chevrolet Trailblazer LS was tested and Certificate of Compliance Number JH302306C was issued by Respondent Smog Check Plus, under Respondent R. Espinoza's smog check inspector license. The OIS test data for the 2007 Chevrolet Trailblazer LS shows the static eVIN was not reported, the communication protocol was JVPW, and the PID count was 20.

109. Similar Vehicle OIS Test Data for 2007 Chevrolet Trailblazer LS, shows 99.3% of 676 vehicles sampled reported the eVIN, they had the expected communication protocol of JVPW, and a PID count of 19 or 20.

110. Before the fraudulent test the 2007 Chevrolet Trailblazer LS, received seven (7) OIS Smog Check Inspections at different Smog Check Stations. During these inspections the eVIN was reported and the expected protocol and PIDs were reported.

111. The discrepancies in the OIS test data showed the OIS DAD was not connected to the 2007 Chevrolet Trailblazer LS being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

September 30, 2025, Visit to 1003 Berryessa Road, San Jose

112. On or about September 30, 2025, a Bureau Representative made a visit to 1003 Berryessa Road, San Jose, and met with Smog Check Plus Manager, Samuel Noriega. The representative provided Mr. Noriega with a written request for records for the 15 Smog Check Inspections referenced in this report, and he agreed to provide the records via email by October 3, 2025.

113. The Bureau Representative also met with Respondent J. Espinoza and provided him with copies of five VIRs with Smog Check Certificate of Compliance Numbers UG894293C, JB972738C, JD409470C, UQ821990C, and UU137751C. The Bureau Representative asked Respondent J. Espinoza to review the date, time, vehicle make, model, year, certificate numbers, and the inspector name/ I.D. for each of the VIRs, and then asked him to initial and date each the ones for which he had performed the smog check inspection. Respondent J. Espinoza reviewed, confirmed, initialed, and dated each of the five VIRs.

114. The Bureau Representative asked Respondent J. Espinoza if his Smog Check Inspector badge, biometric access or any other associated passwords had been compromised. He said they had not. Respondent J. Espinoza said, due to Smog Check Plus being a high production station when the OIS takes too long, he'll disconnect the vehicle and perform the inspection/test on the other OIS. I asked him if there was an electronic simulator or defeat device located on site or if he brought one to use when performing smog check inspections. He said, "No." The Bureau Representative documented the conversation on a Station Inspection Report, which Respondent J. Espinoza signed.

115. The Bureau Representative also met with Respondent R. Espinoza and provided him with copies of six VIRs with Smog Check Certificate of Compliance Numbers UI635479C, UK193540C, UK346161C, JD918672C, UU001752C, and JH302306C. The Bureau Representative asked Respondent R. Espinoza to review the date, time, vehicle make, model, year, certificate numbers, and the inspector name/ I.D. for each of the VIRs, and then asked him to initial and date each the ones for which he had performed the smog check inspection. Respondent R. Espinoza reviewed, confirmed, initialed, and dated each of the six VIRs.

116. The Bureau Representative asked Respondent R. Espinoza if his Smog Check Inspector badge, biometric access or any other associated passwords had been compromised. He said, "Not that I know of." The Bureau Representative asked Respondent R. Espinoza if he was familiar with the term Clean Plugging. He said, "Yes." The Bureau Representative told him the six VIRs he reviewed received fraudulent smog check inspection results/Certificates of Compliance using the Clean Plugging method, and asked him to explain how this could have happened. Respondent R. Espinoza said, the OIS freezes sometimes, and he has to disconnect from the OIS and connect to the other OIS. Sometimes when he disconnects the OIS doesn't log him out of the test on the previous OIS. The Bureau Representative asked him if there is an electronic simulator or defeat device located at or if he brings one to Smog Check Plus to use when performing fraudulent smog check inspections. He said, "I don't know what one is."

September 30, 2025, Visit to 1098 W San Carlos Street, San Jose

117. On or about September 30, 2025, a Bureau Representative made a visit to 1098 W San Carlos Street, San Jose, and met with Respondent Felix. The Bureau Representative provided Respondent Felix with a copy of VIR, Smog Check Certificate of Compliance Number UK268339C and asked him to review the date, time, vehicle make, model, year, certificate number, and the inspector name/I.D. on the VIR. The Bureau Representative asked him to initial and date the VIR if he had performed the Smog Check Inspection. Respondent Felix reviewed, initialed and dated the VIR.

118. The Bureau Representative asked Respondent Felix if his Smog Check Inspector badge, biometric access or any other associated passwords had been compromised. He said they

1 had not. The Bureau Representative asked Respondent Felix if he was familiar with the term
2 Clean Plugging. He said, "Yes." The Bureau Representative told him the VIR he reviewed
3 received fraudulent smog check inspection results/Certificates of Compliance, by using the Clean
4 Plugging method. The Bureau Representative asked him to explain how this could have
5 happened. He said, "I have no idea how it could have happened." The Bureau Representative
6 asked him if there was an electronic simulator or defeat device located at Smog Check Plus or if
7 he brought one to use when performing fraudulent smog check inspections. Respondent Felix
8 said, "I don't know what one is."

9 **September 30, 2025, Visit to 621 Blossom Hill Road, San Jose**

10 119. On or about September 30, 2025, a Bureau Representative made a visit to 621
11 Blossom Hill Road, San Jose, and met with Respondent Abenojar. The Bureau Representative
12 provided Respondent Abenojar with a copy of two VIRs, Smog Check Certificate of Compliance
13 Numbers TY140502C, TY390773C and asked him to review the date, time, vehicle make, model,
14 year, certificate number, and the inspector name/I.D. on the VIR. The Bureau Representative
15 asked him to initial and date each of the VIRs if he had performed the Smog Check Inspection.
16 Respondent Abenojar reviewed, initialed and dated the VIR.

17 120. The Bureau Representative asked Respondent Abenojar if his Smog Check Inspector
18 badge, biometric access or any other associated passwords had been compromised. He said, "No,
19 I don't think so." The Bureau Representative asked Respondent Abenojar if he was familiar with
20 the term Clean Plugging. He said, "Yes." The Bureau Representative told him the two VIRs he
21 reviewed received fraudulent smog check inspection results/Certificates of Compliance, by using
22 the Clean Plugging method. The Bureau Representative asked him to explain how this could have
23 happened. Respondent Aresenio said, "I am unsure how it could have happened, maybe a
24 paperwork issue." The Bureau Representative asked him if there was an electronic simulator or
25 defeat device located at Smog Check Plus or if he brought one to use when performing fraudulent
26 smog check inspections. Respondent Abenojar said, "No way."

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1 **September 30, 2025, Visit to 1414 El Camino Real, Redwood City**

2 121. On or about September 30, 2025, a Bureau Representative made a visit to 1414 El
3 Camino Real, Redwood City, and met with Respondent Noriega. The Bureau Representative
4 provided Respondent Noreiga with a copy VIR, Smog Check Certificate of Compliance Number
5 TW512004C and asked him to review the date, time, vehicle make, model, year, certificate
6 number, and the inspector name/I.D. on the VIR. The Bureau Representative asked him to initial
7 and date the VIR if he had performed the Smog Check Inspection. Respondent Noriega reviewed,
8 initialed and dated the VIR.

9 122. The Bureau Representative asked Respondent Noriega if his Smog Check Inspector
10 badge, biometric access or any other associated passwords had been compromised. He said, "No."
11 The Bureau Representative asked Respondent Noriega if he was familiar with the term Clean
12 Plugging. He said, "Yes, but I am unaware of what it is." The Bureau Representative told him the
13 VIR he reviewed received a fraudulent smog check inspection results/Certificates of Compliance,
14 by using the Clean Plugging method. The Bureau Representative asked him to explain how this
15 could have happened. Respondent Noriega said, "don't know how it happened." The Bureau
16 Representative asked him if there was an electronic simulator or defeat device located at Smog
17 Check Plus or if he brought one to use when performing fraudulent smog check inspections.
18 Respondent Abenojar said, "No."

19 123. On October 3, 2025, the Bureau Representative received the requested records from
20 Respondent Noriega, who stated in his email some of the invoices did not match the VIRs.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 124. Respondent Smog Check Plus's Automotive Repair Registration is subject to
24 discipline pursuant to Code section 9884.7, subdivision (a)(1), and California Code of
25 Regulations, title 16, section 3373, in that between April 24, 2024, through September 30, 2025,
26 Respondent Smog Check Plus made or authorized statements which it knew or in the exercise of
27 reasonable care should have known to be untrue or misleading, as follows: Respondent Smog
28 Check Plus certified that vehicles 1 through 15, set forth above, had passed inspection and were

1 in compliance with applicable laws and regulations. Respondent Smog Check Plus conducted the
2 inspections on the vehicles using the clean plugging method by substituting or using different
3 vehicles or another source during the OBD II functional tests to issue smog check certificates of
4 compliance for the fifteen (15) vehicles and did not test or inspect the fifteen (15) vehicles as
5 required by Health and Safety Code section 44012. Complainant refers to, and by this reference
6 incorporates, the allegations set forth above in paragraphs 32 through 123, as though fully set
7 forth.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 125. Respondent Smog Check Plus's Automotive Repair Registration is subject to
11 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between April 24, 2024,
12 through September 30, 2025, Respondent Smog Check Plus committed acts that constitute fraud
13 by issuing electronic smog certificates of compliance for vehicles 1 through 15, set forth above,
14 without performing bona fide inspections of the emission control devices and systems on those
15 vehicles, thereby depriving the People of the State of California of the protection afforded by the
16 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
17 allegations set forth above in paragraphs 32 through 123, as though fully set forth.

18 **THIRD CAUSE FOR DISCIPLINE**

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

20 126. Respondent Smog Check Plus's Automotive Repair Registration is subject to
21 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between April 24, 2024,
22 through September 30, 2025, regarding vehicles 1 through 15, set forth above, Respondent Smog
23 Check Plus failed in a material respect to comply with the provisions of this chapter or
24 regulations adopted pursuant to it by issuing electronic smog certificates of compliance for the
25 fifteen (15) vehicles set forth above without performing bona fide inspections of the emissions
26 control devices and systems on those vehicles, thereby depriving the People of the State of
27 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
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1 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 32
2 through 123, as though fully set forth.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(False Statement or Entry on a Certificate of Compliance)**

5 127. Respondent Smog Check Plus's Automotive Repair Registration is subject to
6 disciplinary action under Code section 9889.22, in that between April 24, 2024, through
7 September 30, 2025, Respondent Smog Check Plus provided false statements on the Certificates
8 of Compliance regarding vehicles 1 through 15, set forth above. Complainant refers to, and by
9 this reference incorporates, the allegations set forth above in paragraphs 32 through 123, as
10 though fully set forth.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the
13 Motor Vehicle Inspection Program)**

14 128. Respondent Smog Check Plus's Smog Check, Test Only Station License is subject to
15 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
16 April 24, 2024, through September 30, 2025, regarding vehicles 1 through 15, set forth above,
17 Respondent Smog Check Plus failed to comply with provisions of California Code of
18 Regulations, title 16, as follows:

19 a. **Section 3340.35, subdivision (c):** Respondent Smog Check Plus issued electronic smog
20 certificates of compliance for Vehicles 1 through 15, identified above, even though those vehicles
21 had not been properly inspected in accordance with section 3340.42 of that Code.

22 b. **Section 3340.42:** Respondent Smog Check Plus failed to conduct Smog Check
23 inspections in accordance with Bureau specifications relating to Vehicles 1 to 15, identified
24 above.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in
26 paragraphs 32 through 123, as though fully set forth.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 129. Respondent Smog Check Plus's Smog Check, Test Only Station License is subject to
4 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
5 April 24, 2024, through September 30, 2025, regarding vehicles 1 through 15, set forth above,
6 Respondent Smog Check Plus failed to comply with the following sections of that Code:

7 a. **Section 44012:** Respondent Smog Check Plus failed to ensure that the emission control
8 tests were performed on vehicles 1 through 15, in accordance with procedures prescribed by the
9 department.

10 b. **Section 44012, subdivision (f):** Respondent Smog Check Plus issued electronic smog
11 certificates of compliance for vehicles 1 through 15, without a proper visual and/or functional
12 check of required emission control devices.

13 c. **Section 44015, subdivision (b):** Respondent Smog Check Plus issued certificates of
14 compliance for Vehicles 1 through 15 that do not meet the requirements of section 44012.

15 d. **Section 44059:** Respondent Smog Check Plus willfully made false entries for the
16 electronic smog certificates of compliance by certifying that Vehicles 1 through 15, set forth
17 above had been inspected as required when, in fact, they had not.

18 Complainant refers to, and by this reference incorporates, the allegations set forth above in
19 paragraphs 32 through 123, as though fully set forth.

20 **SEVENTH CAUSE FOR DISCIPLINE**

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

22 130. Respondent Smog Check Plus's Smog Check, Test-Only Station License is subject to
23 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
24 with 44072.10, subdivision (c), in that between April 24, 2024, through September 30, 2025,
25 regarding vehicles 1 through 15, set forth above, Respondent Smog Check Plus committed acts
26 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog
27 check certificates of compliance for those vehicles without performing bona fide inspections of
28 the emission control devices and systems on the vehicles, thereby depriving the People of the

1 State of California of the protection afforded by the Motor Vehicle Inspection Program.

2 Complainant refers to, and by this reference incorporates, the allegations set forth above in
3 paragraphs 32 through 123, as though fully set forth.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program – Respondent Ramon A. Espinoza)**

6 131. Respondent R. Espinoza’s Smog Check Inspector License is subject to disciplinary
7 action under Health and Safety Code section 44072.2, subdivision (a), in that Respondent R.
8 Espinoza violated the following Health and Safety Code sections:

9 a. **Section 44032:** Respondent R. Espinoza failed to perform tests of the emission
10 control devices and systems on vehicles 5, 7, 10, 11, 13, and 15 identified above in accordance
11 with section 44012 of the Health and Safety Code, in that the vehicles had been clean plugged.

12 b. **Section 44059:** Respondent R. Espinoza willfully made false entries for the
13 electronic smog check certificates of compliance by certifying that vehicles 5, 7, 10, 11, 13, and
14 15 identified above had been inspected as required when, in fact, they had not.

15 Complainant refers to, and by this reference incorporates, the allegations set forth above in
16 paragraphs 32 through 123, as though fully set forth.

17 **NINTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant to the**
19 **Motor Vehicle Inspection Program – Respondent Ramon A. Espinoza)**

20 132. Respondent R. Espinoza’s Smog Check Inspector License is subject to discipline
21 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent R.
22 Espinoza failed to comply with provisions of California Code of Regulations, title 16, as follows:

23 a. **Section 3340.30, subdivision (a):** Respondent R. Espinoza failed to inspect and test
24 vehicles 5, 7, 10, 11, 13, and 15 identified above, in accordance with Health & Saf. Code sections
25 44012 and 44035, and Cal Code Regs., title 16, section 3340.42.

26 b. **Section 3340.41, subdivision (c):** Respondent R. Espinoza knowingly entered false
27 information into the onboard diagnostic inspection system for vehicles 5, 7, 10, 11, 13, and 15,
28 identified above.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 32 through 123, as though fully set forth.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(False Statement or Entry on a Certificate of Compliance – Respondent Ramon A.
5 Espinoza)**

6 133. Respondent R. Espinoza’s Smog Check Inspector License is subject to disciplinary
7 action under Code section 9889.22, in that he provided false statements on Certificates of
8 Compliance relating to vehicles 5, 7, 10, 11, 13, and 15 as set forth above. Complainant refers to,
9 and by this reference incorporates, the allegations set forth above in paragraphs 32 through 123,
10 as though fully set forth.

11 **ELEVENTH CAUSE FOR DISCIPLINE**

12 **(Dishonesty, Fraud, or Deceit – Respondent Ramon A. Espinoza)**

13 134. Respondent R. Espinoza’s Smog Check Inspector License is subject to disciplinary
14 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
15 and Safety Code section 44072.10, subdivision (c), in that between April 24, 2024, through
16 September 30, 2025, regarding vehicles 5, 7, 10, 11, 13, and 15, set forth above, Respondent R.
17 Espinoza committed acts involving dishonesty, fraud, or deceit when he issued electronic smog
18 check certificates of compliance for the vehicles without performing bona fide inspections of the
19 emission control devices and systems on those vehicles, thereby depriving the People of the State
20 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
21 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30
22 through 123, as though fully set forth.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Joel Perez Espinoza)**

3 135. Respondent J. Espinoza’s Smog Check Inspector License is subject to disciplinary
4 action under Health and Safety Code section 44072.2, subdivision (a), in that Respondent J.
5 Espinoza violated the following Health and Safety Code sections:

6 a. **Section 44032:** Respondent J. Espinoza failed to perform tests of the emission
7 control devices and systems on vehicles 4, 6, 8, 12, and 14 identified above in accordance with
8 section 44012 of the Health and Safety Code, in that the vehicles had been clean plugged.

9 b. **Section 44059:** Respondent J. Espinoza willfully made false entries for the electronic
10 smog check certificates of compliance by certifying that vehicles 4, 6, 8, 12, and 14 identified
11 above had been inspected as required when, in fact, they had not.

12 Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 32 through 123, as though fully set forth.

14 **THIRTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant to the**
16 **Motor Vehicle Inspection Program – Respondent Joel Perez Espinoza)**

17 136. Respondent J. Espinoza’s Smog Check Inspector License is subject to discipline
18 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent J.
19 Espinoza failed to comply with provisions of California Code of Regulations, title 16, as follows:

20 a. **Section 3340.30, subdivision (a):** Respondent J. Espinoza failed to inspect and test
21 vehicles 4, 6, 8, 12, and 14 identified above, in accordance with Health & Saf. Code sections
22 44012 and 44035, and Cal Code Regs., title 16, section 3340.42.

23 b. **Section 3340.41, subdivision (c):** Respondent J. Espinoza knowingly entered false
24 information into the onboard diagnostic inspection system for vehicles 4, 6, 8, 12, and 14
25 identified above.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 32 through 123, as though fully set forth.
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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(False Statement or Entry on a Certificate of Compliance – Respondent Joel Perez**
3 **Espinoza)**

4 137. Respondent J. Espinoza's Smog Check Inspector License is subject to disciplinary
5 action under Code section 9889.22, in that he provided false statements on Certificates of
6 Compliance for vehicles 4, 6, 8, 12, and 14 as set forth above. Complainant refers to, and by this
7 reference incorporates, the allegations set forth above in paragraphs 32 through 123, as though
8 fully set forth.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud, or Deceit – Respondent Joel Perez Espinoza)**

11 138. Respondent J. Espinoza's Smog Check Inspector License is subject to disciplinary
12 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
13 and Safety Code section 44072.10, subdivision (c), in that between April 24, 2024, through
14 September 30, 2025, regarding vehicles 4, 6, 8, 12, and 14, set forth above, Respondent J.
15 Espinoza committed acts involving dishonesty, fraud, or deceit when he issued electronic smog
16 check certificates of compliance for the vehicles without performing bona fide inspections of the
17 emission control devices and systems on those vehicles, thereby depriving the People of the State
18 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
19 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30
20 through 123, as though fully set forth.

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1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Arsenio Jacob**
3 **Abenojar)**

4 139. Respondent Abenojar's Smog Check Inspector License is subject to disciplinary
5 action under Health and Safety Code section 44072.2, subdivision (a), in that Respondent
6 Abenojar violated the following Health and Safety Code sections:

7 a. **Section 44032:** Respondent Abenojar failed to perform tests of the emission control
8 devices and systems on vehicles 2 and 3 identified above in accordance with section 44012 of the
9 Health and Safety Code, in that the vehicles had been clean plugged.

10 b. **Section 44059:** Respondent Abenojar willfully made false entries for the electronic
11 smog check certificates of compliance by certifying that vehicles 2 and 3 identified above had
12 been inspected as required when, in fact, they had not.

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraphs 32 through 123, as though fully set forth.

15 **SEVENTEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant to the**
17 **Motor Vehicle Inspection Program – Respondent Arsenio Jacob Abenojar)**

18 140. Respondent Abenojar's Smog Check Inspector License is subject to discipline
19 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Abenojar
20 failed to comply with provisions of California Code of Regulations, title 16, as follows:

21 a. **Section 3340.30, subdivision (a):** Respondent Abenojar failed to inspect and test
22 vehicles 2 and 3 identified above, in accordance with Health & Saf. Code sections 44012 and
23 44035, and Cal Code Regs., title 16, section 3340.42.

24 b. **Section 3340.41, subdivision (c):** Respondent Abenojar knowingly entered false
25 information into the onboard diagnostic inspection system for vehicles 2 and 3 identified above.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 32 through 123, as though fully set forth.
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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 **(False Statement or Entry on a Certificate of Compliance – Respondent Arsenio Jacob**
3 **Abenojar)**

4 141. Respondent Abenojar's Smog Check Inspector License is subject to disciplinary
5 action under Code section 9889.22, in that he provided false statements on Certificates of
6 Compliance as set forth above. Complainant refers to, and by this reference incorporates, the
7 allegations set forth above in paragraphs 32 through 123, as though fully set forth.

8 **NINETEENTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud, or Deceit – Respondent Arsenio Jacob Abenojar)**

10 142. Respondent Abenojar's Smog Check Inspector License is subject to disciplinary
11 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
12 and Safety Code section 44072.10, subdivision (c), in that between April 24, 2024, through
13 September 30, 2025, regarding vehicles 2 and 3, set forth above, Respondent Abenojar committed
14 acts involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
15 compliance for the vehicles without performing bona fide inspections of the emission control
16 devices and systems on those vehicles, thereby depriving the People of the State of California of
17 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
18 this reference incorporates, the allegations set forth above in paragraphs 30 through 123, as
19 though fully set forth.

20 **TWENTIETH CAUSE FOR DISCIPLINE**

21 **(Violations of the Motor Vehicle Inspection Program – Respondent Anthony Jacob Noriega)**

22 143. Respondent Noriega's Smog Check Inspector License is subject to disciplinary action
23 under Health and Safety Code section 44072.2, subdivision (a), in that Respondent Noriega
24 violated the following Health and Safety Code sections:

25 a. **Section 44032:** Respondent Noriega failed to perform tests of the emission control
26 devices and systems on vehicle 1 identified above in accordance with section 44012 of the Health
27 and Safety Code, in that the vehicle had been clean plugged.
28

b. **Section 44059:** Respondent Noriega willfully made false entries for the electronic smog check certificates of compliance by certifying that the vehicle 1 identified above had been inspected as required when, in fact, it had not.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 32 through 123, as though fully set forth.

TWENTY-FIRST CAUSE FOR DISCIPLINE

**(Failure to Comply with Regulations Pursuant to the
Motor Vehicle Inspection Program – Respondent Anthony Jacob Noriega)**

144. Respondent Noriega's Smog Check Inspector License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Noriega failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.30, subdivision (a)**: Respondent Noriega failed to inspect and test vehicle 1 identified above, in accordance with Health & Saf. Code sections 44012 and 44035, and Cal Code Regs., title 16, section 3340.42.

b. **Section 3340.41, subdivision (c):** Respondent Noriega knowingly entered false information into the onboard diagnostic inspection system for vehicle 1 identified above.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 32 through 123, as though fully set forth.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(False Statement or Entry on a Certificate of Compliance – Respondent Anthony Jacob Noriega)

145. Respondent Noriega's Smog Check Inspector License is subject to disciplinary action under Code section 9889.22, in that he provided false statements on Certificates of Compliance as set forth above. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 32 through 123, as though fully set forth.

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1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit – Respondent Anthony Jacob Noriega)**

3 146. Respondent Noriega’s Smog Check Inspector License is subject to disciplinary action
4 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
5 Safety Code section 44072.10, subdivision (c), in that between April 24, 2024, through
6 September 30, 2025, regarding vehicle 1, set forth above, Respondent Noriega committed acts
7 involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
8 compliance for the vehicles without performing bona fide inspections of the emission control
9 devices and systems on those vehicles, thereby depriving the People of the State of California of
10 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
11 this reference incorporates, the allegations set forth above in paragraphs 30 through 123, as
12 though fully set forth.

13 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program – Respondent Ramon Felix)**

15 147. Respondent Felix’s Smog Check Inspector License is subject to disciplinary action
16 under Health and Safety Code section 44072.2, subdivision (a), in that Respondent Felix violated
17 the following Health and Safety Code sections:

18 a. **Section 44032:** Respondent Felix failed to perform tests of the emission control
19 devices and systems on the vehicle 9 identified above in accordance with section 44012 of the
20 Health and Safety Code, in that the vehicle had been clean plugged.

21 b. **Section 44059:** Respondent Felix willfully made false entries for the electronic smog
22 check certificates of compliance by certifying that vehicle 9 identified above had been inspected
23 as required when, in fact, it had not.

24 Complainant refers to, and by this reference incorporates, the allegations set forth above in
25 paragraphs 32 through 123, as though fully set forth.

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1 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
2 this reference incorporates, the allegations set forth above in paragraphs 30 through 123, as
3 though fully set forth.

4 **DISCIPLINARY CONSIDERATIONS**

5 **Ramon A Espinoza**

6 151. Respondent R. Espinoza was issued Citation M2008-0664 for issuing a Certificate
7 of Compliance to a Bureau undercover vehicle with a tampered emission control system that was
8 missing a Positive Crankcase Ventilation (PCV) Valve/Hose Assembly. The Citation became
9 effective March 6, 2008.

10 152. Respondent R. Espinoza was issued Citation M2015-1208 for issuing a Certificate
11 of Compliance using a Bar97 EIS when an OIS test was required. The Citation became effective
12 November 14, 2015.

13 153. Respondent R. Espinoza was issued Citation M2016-0622 for issuing a Certificate
14 of Compliance using a Bar97 EIS when an OIS test was required. The Citation became effective
15 June 08, 2016.

16 154. Respondent R. Espinoza was issued Citation M2019-0818 for issuing a Certificate
17 of Compliance to a Bureau undercover vehicle with a missing or modified PCV system. The
18 Citation became effective June 09, 2019.

19 **Arsenio Jacob Abenojar**

20 155. Respondent Abenojar was issued Citation M2016-2373 for issuing a Certificate of
21 Compliance to a Bureau undercover vehicle with a missing Oxidizing Catalyst and Particulate
22 Trap Oxidizer. The Citation became effective May 17, 2018.

23 **OTHER MATTERS**

24 156. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
25 or place on probation the registrations for all places of business operated in this state by
26 Guadalupe Sandoval, upon a finding that said Respondent Smog Check Plus has, or is, engaged in
27 a course of repeated and willful violations of the laws and regulations pertaining to an automotive
28 repair dealer.

1 157. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only
2 Station License No. TC 293282, issued to Guadalupe Sandoval, dba Smog Check Plus, is revoked
3 or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and
4 Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

5 158. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
6 License No. EO 154434, issued Ramon Espinoza, is revoked or suspended, any additional license
7 issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said
8 licensee may be likewise revoked or suspended by the director.

9 159. Pursuant to Health and Safety Code section 44072.8, if Smog Check Repair
10 Technician License No. EI 154434, issued Ramon Espinoza, is revoked or suspended, any
11 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
12 name of said licensee may be likewise revoked or suspended by the director.

13 160. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
14 License No. EO 632083, issued Joel Peralez Espinoza, is revoked or suspended, any additional
15 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of
16 said licensee may be likewise revoked or suspended by the director.

17 161. Pursuant to Health and Safety Code section 44072.8, if Smog Check Repair
18 Technician License No. EI 632083, issued Joel Peralez Espinoza, is revoked or suspended, any
19 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
20 name of said licensee may be likewise revoked or suspended by the director.

21 162. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
22 License No. EO 639802, issued Arsenio Jacob Abenojar, is revoked or suspended, any additional
23 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of
24 said licensee may be likewise revoked or suspended by the director.

25 163. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
26 License No. EO 643827, issued Anthony Jacob Noriega, is revoked or suspended, any additional
27 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of
28 said licensee may be likewise revoked or suspended by the director.

164. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 645332, issued Ramon Felix, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 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 293282, issued to Guadalupe Sandoval dba Smog Check Plus;

2. Revoking or suspending Smog Check, Test-Only, Station Number TC 293282, issued to Guadalupe Sandoval dba Smog Check Plus;

3. Revoking or suspending any other automotive repair dealer registration issued to Guadalupe Sandoval;

4. Revoking or suspending Smog Check Inspector Number EO 154434, issued to Ramon Espinoza;

5. Revoking or suspending Smog Check Repair Technician Number EI 154434, issued to Ramon Espinoza;

6. 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 Ramon Espinoza;

7. Revoking or suspending Smog Check Inspector Number EO 632083, issued to Joel Peralez Espinoza;

8. Revoking or suspending Smog Check Repair Technician Number EI 632083, issued to Joel Peralez Espinoza;

9. 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 Joel Peralez Espinoza;

10. Revoking or suspending Smog Check Inspector Number EO 639802, issued to Arsenio Jacob Abenojar;

11. 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 Arsenio Jacob Abenojar;
12. Revoking or suspending Smog Check Inspector Number EO 643827, issued to Anthony Jacob Noriega;
13. 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 Jacob Noriega;
14. Revoking or suspending Smog Check Inspector Number EO 645332, issued to Ramon Felix;
15. 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 Ramon Felix;
16. Ordering Guadalupe Sandoval, Joel Peralez Espinoza, Anthony Jacob Noriega , Arsenio Jacob Abenojar, Ramon Felix and Ramon A. Espinoza 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,
17. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.08.08 18:35:11
-07'00'

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

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