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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against**:** **MAYBE OLIVAS, DBA CHEMITA SMOG** **15130 Arrow Road, Unit B** **Fontana, CA 92335** **Automotive Repair Dealer Registration No. ARD 294059** **Smog Check, Test-Only, Station License No. TC 294059,** **and** **RICARDO DANIEL DELATORRE** **4386 Felspar Street** **Riverside, CA 92509** **Smog Check Inspector License No. EO 642381** Respondents.	Case No. **79/25-10719** **ACCUSATION**

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.

2. On or about April 25, 2019, Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 294059 to Maybe Olivas, dba Chemita Smog (Respondent

Chemita Smog). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

3. On or about July 29, 2019, Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 294059 to Maybe Olivas, dba Chemita Smog. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

4. Respondent is also certified as a STAR Station. The certification was issued on December 11, 2019, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is suspended.

5. On or about December 9, 2019, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 642381 to Ricardo Daniel Delatorre (Respondent Delatorre). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless renewed.

JURISDICTION

6. This Accusation is brought before the Director of the Department of Consumer Affairs ("Director") for the Bureau, under the authority of the following laws.

7. Section 9884.7 of the Business and Professions Code[1] provides that the Director may revoke an ARD registration.

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

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

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[1] All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

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

STATUTORY PROVISIONS

11. Section 9884.7 of the Code states:

> (a) The director, where 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.
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> . . .
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> (4) Any other conduct which constitutes fraud.
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> . . .
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

12. 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.
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> . . .
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> (c) Violates any of the regulations adopted by the director pursuant to this chapter.
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> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.
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13. Section 44072.10 of the Health and Safety Code states, in pertinent part:

. . .

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

(1) Clean piping, as defined by the department.

. . .

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

. . ."

REGULATORY PROVISIONS

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

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

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

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article. . . ."

16. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

. . .

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

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

COST RECOVERY

18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

VID DATA REVIEW

19. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD is an On Board Diagnostic ("OBD") scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and the vehicle's DLC. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number ("VIN"), and DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

20. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the communication protocol, which is the manufacturer/vehicle specific language the PCM uses to relay information; and the number of Parameter Identifications ("PIDs"), which is the number of specific data values each PCM uses related to emissions controls.

21. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

• Engine speed in revolutions per minute (RPM)

• Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle.

• Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.

• Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Measured in grams per second (gps).[2]

• Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

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

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

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

24. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of Compliance has a unique control number so that it can be tracked to determine which Smog Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

25. The VID contains registration data from Department of Motor Vehicles ("DMV") plus emission standards, vehicle smog check inspections, smog check stations and technicians, and Certificates of Compliance. The VID receives the passing smog check results immediately following the inspection. During the vehicle registration process, the DMV accesses the VID to verify that the vehicle has been tested and certified. The Bureau can also access the VID to view test data on smog check inspections performed at any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending on the test type, also prints a Vehicle Inspection Report ("VIR"), which is a physical record of the test results and shows the Certificate of Compliance number that was issued if the vehicle passed the smog inspection.

26. The smog check technician must sign the VIR under penalty of perjury to indicate that the inspection was done within Bureau guidelines. Smog Check Stations are required by law to maintain a copy of the VIR along with a copy of the repair invoice for three years. The consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by the Bureau to perform official inspections. They are issued a personal access code and a license, which are used to gain access to the EIS and OIS to perform smog check inspections. Unauthorized use of another technician's access code or license is prohibited.

27. Respondents have engaged in numerous acts or omissions constituting violations of the Automotive Repair Act (Business and Professions Code section 9880 *et seq*.) and Motor Vehicle Inspection Program (Health and Safety Code section 44000 *et seq*.) through their practice

of "clean plugging."[3] Respondent's OIS Test Data available on the State database indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau representative initiated an investigation based on information transmitted to the VID for smog check inspections performed by Respondents. The investigation revealed that the data related to certain vehicles certified by Respondents contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the vehicles at issue. Specifically, the representative compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from at least ten (10) of the certified vehicles were fraudulently tested by Respondents during the smog inspection using the "clean plugging" method as follows:

Clean Plug # 1: 2003 Toyota Tacoma Xtracab

28. Bureau Program Representative David Martin Del Campo (Del Campo) reviewed the OIS Test Data for Chemita Smog. The review shows that on August 12, 2023, a 2003 Toyota Tacoma Xtracab, CA license 7G83970, VIN 5TEVL52N63Z280059 was tested and smog certificate # IV353285C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

29. The Dynamic Data Charts for the 2003 Toyota Tacoma Xtracab shows that between time stamp 860 and 20589, the engine RPM is steady at around 700 RPM. During this time, the data shows that the throttle is fixed at 9.8% opening and the MAF is fixed at 4.39 gps. After time stamp 20589, the engine RPM increased and then held steady at around 1750 RPM. During this time, the data shows that the throttle rises from 7.8% to 9.0% opening and the MAF drops from 4.25 gps to 3.76 gps.

30. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the

[3] "Clean plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

elevated engine RPM, not drop and rising unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF are expected to increase, not decrease to values less than idle. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2003 Toyota Tacoma Xtracab being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 2: 2006 Honda Accord Value

31. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on September 11, 2023, a 2006 Honda Accord Value, CA license 6MHX188, VIN JHMCM56126C006158 was tested and smog certificate # TM992124C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

32. The Dynamic Data Charts for the 2006 Honda Accord Value shows that between time stamp 845 and 26584, the engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle is at 13.3% opening, the MAP is fixed at 27 kPa, and the MAF is fixed at 2.27 gps. After time stamp 26584, the engine RPM is increased and then held steady at around 1900 RPM. During this time, the data shows that the throttle is at 16.1%, the MAP drops from 28 kPa to 22 kPa, and the MAF drops from 1.36 gps to 0.4 gps.

33. The steady idle and steady elevated engine RPMs along with the improbable MAP and MAF readings are not characteristic or expected for normal engine operation. The MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not drop unexpectedly. Additionally, with the elevated engine RPM, the MAF is expected to increase, not decrease to values less than idle, while the MAP is expected to decrease, not increase to values above idle before ultimately decreasing. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2006 Honda Accord Value being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 3: 2006 Toyota Corolla CE

34. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on January 24, 2024, a 2006 Toyota Corolla CE, CA license 9DJY546, VIN

1NXBR32E76Z631169 was tested and smog certificate # TS061298C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

35. The Dynamic Data Charts for the 2003 Toyota Corolla CE shows that between time stamp 839 and 37960, the engine RPM is steady at around 625 RPM. During this time, the data shows that the throttle is fixed at 17.6% opening and the MAF is fixed at 1.96 gps. After time stamp 37960, the engine RPM is ultimately increased and then held steady at around 1550 RPM. During this time, the data shows that the throttle drop from 17.6% to 15.3% and the MAF drop from 1.78 gps to 1.48 gps.

36. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not drop unexpectedly. Additionally, with the elevated engine RPM, the throttle position and MAF are expected to increase, not decrease to values less than idle. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2003 Toyota Corolla CE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 4: 2005 Toyota Scion TC

37. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on February 17, 2024, a 2005 Toyota Scion TC, CA license 5MPE505, VIN JTKDE177350044084 was tested and smog certificate # TS803563C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

38. The Dynamic Data Charts for the 2005 Toyota Scion TC shows that between time stamp 835 and 28304, the engine RPM is steady at around 700 RPM. During this time, the data shows that the throttle is fixed at 16.5% opening and the MAF is fixed at 2.28 gps. After time stamp 28304, the engine RPM is ultimately increased and then held steady at around 1775 RPM. During this time, the data shows that the throttle rises from 15.7% to 16.5% and the MAF rises from 1.48 gps to 1.86 gps.

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39. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the throttle and MAF are expected to increase, not decrease to values less than idle before ultimately increasing. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2005 Toyota Scion TC being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 5: 2004 Toyota Corolla CE

40. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on March 09, 2024, a 2004 Toyota Corolla CE, CA license 8FGF036, VIN 1NXBR32E34Z295694 was tested and smog certificate # TU001543C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

41. The Dynamic Data Charts for the 2004 Toyota Corolla CE shows that between time stamp 810 and 24961, the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle is fixed at 11.0% opening and the MAF is fixed at 1.93 gps. After time stamp 24961, the engine RPM is ultimately increased and then held steady at around 1460 RPM. During this time, the data shows that the throttle rises from 9.0% to 9.4% and the MAF drops from 1.47 gps to 1.19 gps.

42. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not drop and rise unexpectedly. Additionally, with the elevated engine RPM, the throttle and MAF are expected to increase, not decrease to values less than idle. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2004 Toyota Corolla CE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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Clean Plug # 6: 2017 Ford Fusion Titanium

43. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on June 02, 2025, a 2017 Ford Fusion Titanium, CA license 9BDB924, VIN 3FA6P0K92HR396130 was tested and smog certificate # UQ203457C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

44. The Dynamic Data Charts for the 2017 Ford Fusion Titanium shows that between time stamp 337 and 20379, the engine RPM is steady at around 600 RPM. During this time, the data shows that the throttle rises from 54.1% to 56.9% opening and the MAP is fluctuating erratically between 82 kPa and 89 kPa. After time stamp 20379, the engine RPM is increased and then held above 1356 RPM. During this time, the data shows that the throttle is fluctuating between 56.1% and 54.5% and the MAP is fluctuating erratically between 81 kPa and 89 kPa.

45. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle position is expected to be stable at idle and increase with the elevated engine RPM, not unstable and fluctuating. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM, not fluctuate erratically. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2017 Ford Fusion Titanium being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 7: 2006 Toyota Sequoia Limited

46. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on June 10, 2025, a 2006 Toyota Sequoia Limited, CA license 5UYP807, VIN 5TDZT38A46S273266 was tested and smog certificate # UQ355290C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

47. The Dynamic Data Charts for the 2006 Toyota Sequoia Limited shows that between time stamp 337 and 20567, the engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle is fluctuating erratically between 53.3% and 56.9% opening and the MAF is stable between 3.55 gps and 3.64 gps. After time stamp 20567, the engine RPM is increased and then held above 1526 RPM. During this time, the data shows that the throttle is

fluctuating erratically between 53.3% and 56.1% and the MAF is stable between 3.56 gps and 3.64 gps.

48. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not remain stable throughout the entire test and fluctuate erratically with values falling to less than idle. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2006 Toyota Sequoia Limited being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 8: 2006 Toyota Scion XB

49. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on June 11, 2025, a 2006 Toyota Scion XB, CA license 8VSB020, VIN JTLKT324364079865 was tested and smog certificate # UQ502302C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

50. The Dynamic Data Charts for the 2006 Toyota Scion XB shows that between time stamp 334 and 19048, the engine RPM is steady at around 725 RPM. During this time, the data shows that the throttle is fluctuating between 53.7% and 56.9% opening and the MAF is stable between 3.56 gps and 3.64 gps. After time stamp 19048, the engine RPM is increased and then held above 1842 RPM. During this time, the data shows that the throttle is fluctuating between 53.7% and 56.5% and the MAF is stable between 3.55 gps and 3.63 gps.

51. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not remain stable throughout the entire test and fluctuate. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2006 Toyota Scion XB being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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Clean Plug # 9: 2008 Nissan Titan XE

52. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on June 13, 2025, a 2008 Nissan Titan XE, CA license 8K95873, VIN 1N6AA07C18N341484 was tested and smog certificate # UQ502324C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

53. The Dynamic Data Charts for the 2008 Nissan Titan XE shows that between time stamp 344 and 20766, the engine RPM is steady at around 825 RPM. During this time, the data shows that the throttle is fluctuating between 54.9% and 56.1% opening and the MAF is stable between 3.57 gps and 3.62 gps. After time stamp 20766, the engine RPM is increased and then held above 1666 RPM. During this time, the data shows that the throttle is fluctuating between 53.7% and 56.9% and the MAF is stable between 3.55 gps and 3.60 gps.

54. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not remain stable throughout the entire test and fluctuate with values falling to less than idle. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2008 Nissan Titan XE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug # 10: 2010 Nissan Altima Base

55. Del Campo reviewed the OIS Test Data for Chemita Smog. The review shows that on June 18, 2025, a 2010 Nissan Altima Base, CA license 8UVS712, VIN 1N4AL2APXAN461123 was tested and smog certificate # UQ630937C was issued under licensed Smog Check Inspector # EO 642381, Ricardo Daniel Delatorre.

56. The Dynamic Data Charts for the 2010 Nissan Altima Base shows that between time stamp 346 and 20469, the engine RPM is steady at around 625 RPM. During this time, the data shows that the throttle is varying between 53.7% and 55.3% opening and the MAF is stable between 3.57 gps and 3.64 gps. After time stamp 20469, the engine RPM is increased and then

held above 1827 RPM. During this time, the data shows that the throttle is fluctuating between 53.7% and 56.1% and the MAF is stable between 3.55 gps and 3.64 gps.

57. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not varying abnormally, remaining stable throughout the entire test, and fluctuating. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2010 Nissan Altima Base being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Respondent Chemita Smog)

58. Respondent Chemita Smog's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondents certified that the vehicles set forth above in paragraphs 28-57, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondents conducted the inspections on those vehicles using the clean plugging method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Respondent Chemita Smog)

59. Respondent Chemita Smog's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that Respondent Chemita Smog 's employees committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in paragraphs 28-57, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Motor Vehicle Inspection Program – Respondent Chemita Smog)

60. Respondent Chemita Smog 's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-57, Respondents failed to comply with the following sections of the Health and Safety Code:

(a) **Section 44012**: Respondent Chemita Smog's employees failed to ensure that the emission control tests were performed on the vehicles, in accordance with procedures prescribed by the department.

(b) **Section 44015**: Respondent Chemita Smog's employees issued electronic certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program - Respondent Chemita Smog)

61. Respondent Chemita Smog's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-57, Respondents failed to comply with the following provisions of the California Code of Regulations, Title 16, as follows:

(a) **Section 3340.35, subdivision (c)**: Respondent Chemita Smog 's employees issued electronic certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42, Title 16, of the California Code of Regulations.

(b) **Section 3340.42**: Respondent Chemita Smog 's employees failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

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FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent Chemita Smog)

62. Respondent Chemita Smog's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-57, Respondents employees committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SIXTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Delatorre)

63. Respondent Delatorre's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth above in paragraphs 28-57, Respondent Delatorre failed to comply with section 44012 of the Health and Safety Code in a material respect, as follows: Respondent Delatorre failed to perform the emission control tests on those vehicles in accordance with procedures prescribed by the department.

SEVENTH CAUSE FOR DISCIPLINE

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

64. Respondent Delatorre's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-57, Respondent Delatorre failed to comply with provisions of the California Code of Regulations, title 16, as follows:

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

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(b) **Section 3340.41, subdivision (c)**: Respondent Delatorre entered false information into the OIS.

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

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent Delatorre)

65. Respondent Delatorre's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-57, Respondent Delatorre committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

OTHER MATTERS

66. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this State by Respondent Chemita Smog upon a finding that Respondent Chemita Smog has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

67. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station License Number TC 294059 issued to Respondent Chemita Smog is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

68. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 642381, issued to Respondent Delatorre, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 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 294059, issued to Maybe Olivas, dba Chemita Smog;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Maybe Olivas;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 294059, issued to Maybe Olivas, dba Chemita Smog;

4. 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 Respondent Maybe Olivas;

5. Revoking or suspending Smog Check Inspector License Number EO 642381, issued to Ricardo Daniel Delatorre;

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 Respondent Ricardo Daniel Delatorre;

7. Ordering Maybe Olivas and Ricardo Daniel Delatorre to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

8. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais, Patrick@DCA
Date: 2025.08.21 16:58:51 -07'00'

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

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