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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. **79/26-6265**

13 **MAX JONATHAN PRADO, DBA PRADO**
14 **SMOG**
15 **7010 Jurupa Road**
16 **Riverside, CA 92509**

OAH No.

ACCUSATION

17 **Mailing address:**
18 **6184 De La Vista**
19 **Riverside, CA 92509**

20 **Automotive Repair Dealer Registration**
21 **License Number ARD 295374, Smog Check,**
22 **Test-Only Station License Number TC**
23 **295374**

24 **MAX JONATHAN PRADO**
25 **6170 De La Vista**
26 **Riverside, CA 92509**

27 **Smog Check Inspector License Number EO**
28 **636274**

Respondent.

PARTIES

1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

2. On or about September 13, 2019, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration License Number ARD 295374 to Max Jonathan Prado, dba Prado Smog (Respondent Prado Smog). The Automotive Repair Dealer Registration License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2026, unless renewed.

3. On or about October 14, 2019, the Bureau of Automotive Repair issued Smog Check, Test-Only Station License Number TC 295374 to Max Jonathan Prado, dba Prado 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 September 30, 2026, unless renewed.

4. Respondent is also certified as a STAR station. The certification was issued on January 14, 2020, and will remain active unless the ARD registration and/or Smog Check station license is revoked, cancelled, licenses become delinquent, or certification is suspended.

5. On or about November 22, 2013, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 636274 to Max Jonathan Prado (Respondent Max Jonathan Prado). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2028, 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 Code¹ 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.

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

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.

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.

• • •

(4) Any other conduct which constitutes fraud.

• • •

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

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.

• • •

(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
2 injured.

3 . . .

4 13. Section 44072.10 of the Health and Safety Code states, in pertinent part:

5 . . .

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

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

11 . . .

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

14 . . .”

15 **REGULATORY PROVISIONS**

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

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

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

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

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

26 . . .

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

28 . . .

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

1 **COST RECOVERY**

2 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **VID DATA REVIEW**

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

24 20. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is
25 the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the
26 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to
27 relay information; and the number of Parameter Identifications ("PIDs"), which is the number of
28 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).
- 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

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

1 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
2 engine speed.

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

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

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

27 27. Respondents have engaged in numerous acts or omissions constituting violations of
28 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor

1 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
2 of “clean plugging.”³ Respondent’s employees’ OIS Test Data available on the State database
3 indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau
4 representative initiated an investigation based on information transmitted to the VID for smog
5 check inspections performed by Respondent’s employees. The investigation revealed that the
6 data related to certain vehicles certified by Respondent’s employees contained a pattern of
7 unmistakable discrepancies between the information transmitted during the inspections and
8 documented information known about the vehicles at issue. Specifically, the representative
9 compared the data received from the certified vehicles to data from vehicles of the same year,
10 make, and model and determined that the data from at least ten (10) of the certified vehicles were
11 fraudulently tested by Respondent’s employees during the smog inspection using the “clean
12 plugging” method as follows:

13 **Clean Plug #1**

14 28. Bureau representative M.A. reviewed the OIS Test Data for Prado Smog. The review
15 shows that on June 10, 2024, a 2000 Honda Civic Base, VIN# 2HGEJ6613YH574090, CA
16 License 9DXZ705 was tested and smog certificate # TY345078C was issued by Prado Smog
17 under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

18 29. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Honda Civic Base
19 show that between time stamp 841 and 41362, the engine RPM is held at around 850 RPM.
20 During this time, the data shows that the throttle is fixed at 9.4 % opening and the MAP is fixed
21 at 29 kPa. After stamp 41362, the data shows the engine RPM is increased and is ultimately held
22 at no less than 1758 RPM. From the time the engine RPM increases off idle to the higher RPMs,
23 the data shows that the throttle continues to stay fixed at the same 9.4 % opening and the MAP
24 continues to stay fixed at the same 29 kPa.

25
26 ³ “Clean plugging” refers to the use of another vehicle’s properly functioning On Board
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic
28 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.

1 30. During the entire period the dynamic data was collected, the only parameter that
2 changed was engine RPM. The throttle position and MAP readings remained unchanged even
3 though the engine RPM was increased. These readings are not characteristic or expected for
4 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition
5 Device was not connected as required to the 2000 Honda Civic Base being certified, causing the
6 issuance of a fraudulent Smog Check Certificate of Compliance.

7 **Clean Plug #2**

8 31. Bureau representative M.A. reviewed the OIS Test Data for Prado Smog. The review
9 shows that on June 17, 2024, a 2006 Honda Pilot EX, VIN# 2HKYF18766H529926, CA License
10 7AWY949 was tested and smog certificate # TY345091C was issued by Prado Smog under
11 licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

12 32. The OBD Data (Dynamic) and Dynamic Data Charts for the 2006 Honda Pilot EX
13 show that between time stamp 841 and 24023, the engine RPM is held at around 720 RPM.
14 During this time, the data shows that the throttle is fixed at 14.5 % opening and the MAP is fixed
15 at 35 kPa. After time stamp 24023, the data shows the engine RPM is increased and is ultimately
16 held at around 1840 RPM. From the time the engine RPM increases off idle to the higher RPMs,
17 the data shows that the throttle continues to stay fixed at the same 14.5 % opening and the MAP
18 continues to stay fixed at the same 35 kPa.

19 33. During the entire period the dynamic data was collected, the only parameter that
20 changed was engine RPM. The throttle position and MAP readings remained unchanged even
21 though the engine RPM was increased. These readings are not characteristic or expected for
22 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition
23 Device was not connected as required to the 2006 Honda Pilot EX being certified, causing the
24 issuance of a fraudulent Smog Check Certificate of Compliance.

25 **Clean Plug # 3**

26 34. Bureau representative M.A. reviewed the OIS Test Data for Prado Smog. The review
27 shows that on June 28, 2024, a 2001 Acura MDX, VIN# 2HNYD18281H514379, CA License
28

6Z0J159 was tested and smog certificate # IZ607765C was issued by Prado Smog under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado

35. The OBD Data (Dynamic) and Dynamic Data Charts for the 2001 Acura MDX show that between time stamp 866 and 28419, the engine RPM is held at around 740 RPM. During this time, the data shows that the throttle is fixed at 9.4 % opening and the MAP is fixed at 30 kPa. After time stamp 28419, the data shows the engine RPM is increased and is then ultimately held at around 1740 RPM. From the time the engine RPM increases off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 9.4 % opening and the MAP continues to stay fixed at the same 30 kPa.

36. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAP readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2001 Acura MDX being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Post Failed Smog Check Inspection

37. On August 18, 2025, another licensed Smog Check station performed a Smog Check Inspection on the same 2001 Acura MDX, VIN# 2HNYD18281H514379, CA License 6Z0J159. The Dynamic PID charts and data for the 2001 Acura MDX shows that between time stamp 967 and 108744, the engine RPM is steady at around 830 RPM. During this time, the data shows that the throttle is at 9.4 % opening and the MAP is steady at 30 kPa. After time stamp 108744, the engine RPM is increased and is ultimately held at around 1300 RPM. During this time, the data shows that the throttle is stable at 11.8 % opening and the MAP is steady at 25 kPa.

38. The steady idle and elevated engine RPMs along with the associated throttle positions and MAP readings are characteristic and expected for normal engine operation. The throttle position readings are expected to be stable at idle and increase with the elevated engine RPM, while the MAP is expected to decrease. These expected results were all present during this inspection.

1 **Clean Plug # 4**

2 39. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review
3 shows that on July 8, 2024, a 2000 Honda CR-V LX, VIN# JHLRD174XYC055966, CA License
4 9APC690 was tested and smog certificate # IZ607778C was issued by Prado Smog under
5 licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

6 40. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Honda CR-V LX
7 show that between time stamp 862 and 21501, the engine RPM is held at around 850 RPM.
8 During this time, the data shows that the throttle is fixed at 11.8 % opening and the MAP is fixed
9 at 26 kPa. After time stamp 21501, the data shows the engine RPM is increased and is ultimately
10 held at around 1830 RPM. From the time the engine RPM increases off idle to the higher RPMs,
11 the data shows that the throttle continues to stay fixed at the same 11.8 % opening and the MAP
12 continues to stay fixed at the same 26 kPa.

13 41. During the entire period the dynamic data was collected, the only parameter that
14 changed was engine RPM. The throttle position and MAP readings remained unchanged even
15 though the engine RPM was increased. These readings are not characteristic or expected for
16 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition
17 Device was not connected as required to the 2000 Honda CR-V LX being certified, causing the
18 issuance of a fraudulent Smog Check Certificate of Compliance.

19 **Clean Plug #5**

20 42. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The
21 review shows that on July 19, 2024, a 2002 Honda Civic EX, VIN# 1HGEM21912L058849, CA
22 License 4YGL825 was tested and smog certificate # UA577354C was issued by Prado Smog
23 under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

24 43. The OBD Data (Dynamic) and Dynamic Data Charts for the 2002 Honda Civic EX
25 show that between time stamp 843 and 53408, the engine RPM is held at around 750 RPM.
26 During this time, the data shows that the throttle is fixed at 9 % opening and the MAP is fixed at
27 28 kPa. After stamp 53408, the data shows the engine RPM is increased and is ultimately held at
28 around 1940 RPM. From the time the engine RPM increases off idle to the higher RPMs, the data

1 shows that the throttle continues to stay fixed at the same 9 % opening and the MAP continues to
2 stay fixed at the same 28 kPa.

3 44. During the entire period the dynamic data was collected, the only parameter that
4 changed was engine RPM. The throttle position and MAP readings remained unchanged even
5 though the engine RPM was increased. These readings are not characteristic or expected for
6 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition
7 Device was not connected as required to the 2002 Honda Civic EX being certified, causing the
8 issuance of a fraudulent Smog Check Certificate of Compliance.

9 **Clean Plug # 6**

10 45. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review
11 shows that on July 29, 2024, a 2006 Mitsubishi Lancer Evolution, VIN# JA3AH86CX6U056315,
12 CA License 7ZWL067 was tested and smog certificate # UA577366C was issued by Prado Smog
13 under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

14 46. The OBD Data (Dynamic) and Dynamic Data Charts for the 2006 Mitsubishi Lancer
15 Evolution shows that between time stamp 967 and 27209, the engine RPM is held at around 870
16 RPM. During this time, the data shows that the throttle is at 0.4 % opening, the MAF is at 6
17 gram/sec, and the MAP is fixed at 61 kPa. After time stamp 27209, the data shows the engine
18 RPM is increased and is then ultimately held at around 2000 RPM. From the time the engine
19 RPM increases off idle to the higher RPMs, the data shows that the throttle continues to be at the
20 same 0.4 % opening, the MAF continues to stay at the same 6 gram/sec, and the MAP continues
21 to stay fixed at the same 61 kPa.

22 47. During the entire period the dynamic data was collected, the only parameter that
23 changed was engine RPM. The throttle position, the MAF and the MAP readings remained
24 unchanged even though the engine RPM was increased. These readings are not characteristic or
25 expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data
26 Acquisition Device was not connected as required to the 2006 Mitsubishi Lancer Evolution being
27 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

28 ///

Clean Plug # 7

48. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review shows that on August 7, 2024, a 2004 Ford Escape XLT, VIN# 1FMCU03154KA40697, CA License 5DRX575, was tested and smog certificate # UA577397C was issued by Prado Smog under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

49. The OBD Data (Dynamic) and Dynamic Data Charts for the 2004 Ford Escape XLT shows that between time stamp 330 and 22632, the engine RPM is held at around 690 RPM. During this time, the data shows that the throttle is fixed at 19.6 % opening and the MAF is fixed at 5.75 gram/sec. After time stamp 22632, the data shows the engine RPM is increased and is then ultimately held at around 1850 RPM. From the time the engine RPM increases off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 19.6% opening and the MAF continues to stay fixed at the same 5.75 gram/sec.

50. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2004 Ford Escape XLT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 8

51. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review shows that on August 21, 2024, a 2001 Chevrolet Silverado C1500, VIN# 2GCEC19T711264208, CA License 6M76937 was tested and smog certificate # UC243224C was issued by Prado Smog under licensed Smog Check Inspector #EO 636274, Max Jonathan Prado.

52. The OBD Data (Dynamic) and Dynamic Data Charts for the 2001 Chevrolet Silverado C1500 shows that between time stamp 343 and 23864, the engine RPM is held at around 610 RPM. During this time, the data shows that the throttle is fixed at 0.4 % opening, the MAF is fixed at 4.39 gram/sec, and the MAP is fixed at 35 kPa. After time stamp 23864, the data shows the engine RPM is increased and is ultimately held at no less than 1750 RPM. From the

1 time the engine RPM increases off idle to the higher RPMs, the data shows that the throttle
2 continues to stay fixed at the same 0.4 % opening, the MAF continues to stay fixed at the same
3 4.39 gram/sec, and the MAP continues to stay fixed at the same 35 kPa.

4 53. During the entire period the dynamic data was collected, the only parameter that
5 changed was engine RPM. The throttle position, the MAF and the MAP readings remained
6 unchanged even though the engine RPM was increased. These readings are not characteristic or
7 expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data
8 Acquisition Device was not connected as required to the 2001 Chevrolet Silverado C1500 being
9 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

10 **Clean Plug # 9**

11 54. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review
12 shows that on August 21, 2024, a 2003 Chevrolet Silverado K2500 Heavy Duty, VIN#
13 1GCHK24U63E374416, CA License 7E75286 was tested and smog certificate # UC243225C
14 was issued by Prado Smog under licensed Smog Check Inspector #EO 636274, Max Jonathan
15 Prado.

16 55. The OBD Data (Dynamic) and Dynamic Data Charts for the 2003 Chevrolet
17 Silverado K2500 Heavy Duty shows that between time stamp 356 and 27582, the engine RPM is
18 held at around 560 RPM. During this time, the data shows that the throttle is fixed at 6.3 %
19 opening, the MAF is fixed at 5.24 gram/sec, and the MAP is fixed at 35 kPa. After time stamp
20 27582, the data shows the engine RPM is increased and is ultimately held at around 1800 RPM.
21 From the time the engine RPM increases off idle to the higher RPMs, the data shows that the
22 throttle continues to stay fixed at the same 6.3 % opening, the MAF continues to stay fixed at the
23 same 5.24 gram/sec, and the MAP continues to stay fixed at the same 35 kPa.

24 56. During the entire period the dynamic data was collected, the only parameter that
25 changed was engine RPM. The throttle position, the MAF and the MAP readings remained
26 unchanged even though the engine RPM was increased. These readings are not characteristic or
27 expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data
28

1 Acquisition Device was not connected as required to the 2003 Chevrolet Silverado K2500 Heavy
2 Duty being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

3 **Clean Plug # 10**

4 57. Bureau Representative M.A. reviewed the OIS Test Data for Prado Smog. The review
5 shows that on August 29, 2024, a 2004 Mitsubishi Lancer Evolution, VIN#
6 JA3AH86D04U062128, CA License 7LPS717, was tested and smog certificate # UC243237C
7 was issued by Prado Smog under licensed Smog Check Inspector #EO 636274, Max Jonathan
8 Prado.

9 58. The OBD Data (Dynamic) and Dynamic Data Charts for the 2004 Mitsubishi Lancer
10 Evolution shows that between time stamp 961 and 24216, the engine RPM is held at around 850
11 RPM. During this time, the data shows that the throttle is at 0.4 % opening, the MAF is at 7.37
12 gram/sec, and the MAP is fixed at 27 kPa. After time stamp 24216, the data shows the engine
13 RPM is increased and is ultimately then held at around 1990 RPM. From the time the engine
14 RPM increases off idle to the higher RPMs, the data shows that the throttle continues to be at the
15 same 0.4 % opening, the MAF continues to stay at the same 7.37 gram/sec, and the MAP
16 continues to stay fixed at the same 27 kPa.

17 59. During the entire period the dynamic data was collected, the only parameter that
18 changed was engine RPM. The throttle position, the MAF and the MAP readings remained
19 unchanged even though the engine RPM was increased. These readings are not characteristic or
20 expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data
21 Acquisition Device was not connected as required to the 2004 Mitsubishi Lancer Evolution being
22 certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements - Respondent Prado Smog)**

25 60. Respondent Prado Smog's registration is subject to disciplinary action pursuant to
26 section 9884.7, subdivision (a)(1), in that Respondent's employees made or authorized statements
27 which they knew or in the exercise of reasonable care should have known to be untrue or
28 misleading, as follows: Respondent's employees certified that the vehicles set forth above in

1 paragraphs 28-59, had passed inspection and were in compliance with applicable laws and
2 regulations. In fact, Respondent's employees conducted the inspections on those vehicles using
3 the clean plugging method in order to issue smog certificates of compliance, and did not test or
4 inspect the vehicles as required by Health and Safety Code section 44012.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud - Respondent Prado Smog)**

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

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with the Motor Vehicle Inspection Program –**
15 **Respondent Prado Smog)**

16 62. Respondent Prado Smog's smog station license is subject to disciplinary action
17 pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health
18 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
19 paragraphs 28-59, Respondent Prado Smog failed to comply with the following sections of the
20 Health and Safety Code:

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

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

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

4 63. Respondent Prado Smog's smog station license is subject to disciplinary action
5 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the
6 vehicles set forth above in paragraphs 28-59, Respondent's employees failed to comply with the
7 following provisions of the California Code of Regulations, Title 16, as follows:

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

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

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Dishonesty, Fraud or Deceit - Respondent Prado Smog)**

15 64. Respondent Prado Smog's smog station license is subject to disciplinary action
16 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
17 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
18 paragraphs 28-59, Respondent Prado Smog's employee's committed acts involving dishonesty,
19 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for
20 those vehicles without performing bona fide inspections of the emission control devices and
21 systems on the vehicles, thereby depriving the People of the State of California of the protection
22 afforded by the Motor Vehicle Inspection Program.

23 **SIXTH CAUSE FOR DISCIPLINE**

24 **(Violations of the Motor Vehicle Inspection Program – Respondent Max Jonathan Prado)**

25 65. Respondent Max Jonathan Prado's smog check inspector license is subject to
26 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding
27 the vehicles set forth above in paragraphs 28-59, Respondent Max Jonathan Prado failed to
28 comply with sections 44012 and 44032 of the Health and Safety Code in a material respect, as

1 follows: Respondent Max Jonathan Prado failed to perform the emission control tests on those
2 vehicles in accordance with procedures prescribed by the department.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
5 **Respondent Max Jonathan Prado)**

6 66. Respondent Max Jonathan Prado's smog check inspector license is subject to
7 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding
8 the vehicles set forth above in paragraphs 28-59, Respondent Max Jonathan Prado failed to
9 comply with provisions of the California Code of Regulations, title 16, as follows:

10 (a) **Section 3340.30, subdivision (a)**: Respondent Max Jonathan Prado failed to inspect
11 and test those vehicles in accordance with Health and Safety Code sections 44012 and 44032.

12 (b) **Section 3340.41, subdivision (c)**: Respondent Max Jonathan Prado entered false
13 information into the OIS.

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

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit - Respondent Max Jonathan Prado)**

18 67. Respondent Max Jonathan Prado's smog check inspector license is subject to
19 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction
20 with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set
21 forth above in paragraphs 28-59, Respondent Max Jonathan Prado committed acts involving
22 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
23 compliance for those vehicles without performing bona fide inspections of the emission control
24 devices and systems on the vehicles, thereby depriving the People of the State of California of the
25 protection afforded by the Motor Vehicle Inspection Program.

26 **OTHER MATTERS**

27 68. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director
28 may suspend, revoke, or place on probation the registration for all places of business operated in

1 this State by Respondent Prado Smog upon a finding that Respondent Prado Smog has, or is,
2 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
3 automotive repair dealer.

4 69. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
5 License Number TC 295374 issued to Respondent Prado Smog is revoked or suspended
6 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
7 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

8 70. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
9 Number EO 636274 issued to Respondent Max Jonathan Prado, is revoked or suspended
10 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
11 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Director of the Department of Consumer Affairs issue a
15 decision:

16 1. Revoking or suspending Automotive Repair Dealer Registration License Number
17 ARD 295374, issued to Max Jonathan Prado, dba Prado Smog;

18 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
19 Respondent Max Jonathan Prado;

20 3. Revoking or suspending Smog Check, Test-Only Station License Number TC
21 295374, issued to Max Jonathan Prado, dba Prado Smog;

22 4. Revoking or suspending Smog Check Inspector License Number EO 636274, issued
23 to Max Jonathan Prado;

24 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
25 Division 26 of the Health and Safety Code in the name of Respondent Max Jonathan Prado;

26 6. Ordering Max Jonathan Prado to pay the Bureau of Automotive Repair the reasonable
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions
28 Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

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

DATED: As of digital signature date

Dorais,
Patrick@DCA
Digitally signed by Dorais,
Patrick@DCA
Date: 2026.06.26 15:33:35
-07'00'
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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