

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JB TEST ONLY CORPORATION, JOCELYN RAYAN HALL,
PRESIDENT/SECRETARY/TREASURER**

1643 Hammer Ave. #C

Norco, CA 92860

Mailing Address:

5616 Jurupa Ave.

Riverside, CA 92504

Automotive Repair Dealer Registration No. ARD 295534

Smog Check Test Only Station License No. TC 295534

and

JUAN LUIS PONCE

3880 El Hijo St.

Riverside, CA 92504

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Mailing Address:

16795 Desert Willow St.

Victorville, CA 92394

Smog Check Inspector License No. EO 642230

Respondent.

Case No. 77/24-3305

OAH No. 2024100457

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall be effective on January 29, 2026.

IT IS SO ORDERED December 23, 2025.

Original signature on file
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

**JB TEST ONLY CORPORATION, JOCELYN RAYAN HALL,
PRESIDENT/SECRETARY/TREASURER**

(Automotive Repair Dealer Registration No. ARD 295534)

(Smog Check, Test Only Station License No. TC 295534)

and

JUAN LUIS PONCE

(Smog Check Inspector License No. EO 642230)

Respondents.

Agency Case No. 77/24-3305

OAH No. 2024100457

PROPOSED DECISION

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference and telephone on October 30, 2025.

Stephen A. Aronis, Deputy Attorney General, represented complainant, Patrick Dorais, Chief of the Bureau of Automotive Repair (BAR), Department of Consumer Affairs, State of California.

Nicole Weil, Attorney at Law, represented respondent, JB Test Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer.

Respondent Juan Luis Ponce surrendered his license and was not part of this hearing.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on October 30, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. On October 1, 2019, the BAR issued Automotive Repair Dealer Registration No. ARD 295534 to JB Test Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer (JB Test Only Corporation or respondent or Ms. Hall). The latest indicated the registration would expire on October 31, 2025, unless renewed or revoked.

2. On October 30, 2019, the BAR issued Smog Check, Test Only Station License No. TC 295534 to JB Test The latest indicated the registration would expire Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer. The latest indicated the license would expire on October 31, 2025.

3. On January 16, 2020, the BAR issued STAR Station certification to JB Test Only Corporation. The certification will remain active unless the ARD registration and/or Smog Check, Test Only Station License is revoked, cancelled, licenses become delinquent, or the certification is invalidated.

4. On September 16, 2019, the BAR issued Smog Check Inspector License No. EO 642230 to Juan Luis Ponce. On October 30, 2025, Mr. Ponce surrendered his license.

5. On July 29, 2024, complainant filed an accusation alleging that JB Test Only Corporation's registration was subject to discipline alleging that its employee, Juan Luis Ponce, issued 10 fraudulent smog certificates for 10 different vehicles. Complainant requested revocation of respondent's license and registration and recovery of prosecution costs. Juan Luis Ponce surrendered his license and is not part of this hearing. JB Test Only Corporation filed a Notice of Defense and this hearing followed. All further references to "respondent" are to JB Test Only Corporation.

California's Smog Check Program

6. The California Legislature enacted clean air legislation to reduce toxic emissions that are a result of the operation of motor vehicles. California's smog check program is designed and intended to reduce air pollution by identifying and requiring the repair of polluting motor vehicles. This legislation requires every motor vehicle registered in California to pass a smog check inspection upon change of ownership

and to undergo an inspection every two years in areas that are subject to the biennial smog certification program. A licensed smog check station causes an electronic certificate of compliance to be issued when the vehicle being tested passes a smog check inspection. A certificate of compliance cannot be issued until a vehicle passes a properly conducted inspection. Only a licensed smog check technician working at a licensed smog check station may conduct a smog check inspection. Technicians are required to perform smog check inspections in accordance with statutes, regulations, and the Smog Check Manual.

7. On March 9, 2015, the BAR implemented a statewide regulatory change in order to keep pace with advancing vehicle technology requiring the use of the On-Board Diagnostic Inspection System (OIS) instead of the Emission Inspection System (EIS) for the smog testing of 2000 model year and newer gas powered and hybrid vehicles.

8. The OIS smog inspection method uses a Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is a scan tool that retrieves data from a vehicle's On-Board Diagnostic-generation II (OBDII)¹ computer. The DAD connects the OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the vehicle. The bar code scanner is used to input technician information, the vehicle identification number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection Reports (VIRs).

¹ OBD was a manufacturer-specific system for emissions monitoring, while OBDII is a standardized, comprehensive system mandatory since 1996.

9. Data retrieved and recorded during a OIS smog inspection includes the electronic vehicle identification number (eVIN), which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module (PCM); the communication protocol, which is the manufacturer/vehicle's 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.

10. As part of the OIS smog inspections, the technician also performs visual and functional tests on the vehicle being inspected. The visual inspection of the emission control components verifies the required emission control devices are present and properly connected, and a functional test is performed by using the information obtained from the malfunction indicator light (MIL). The OIS software makes the determination whether or not the vehicle has passed the inspection based on the results of the OBDII, visual and functional tests. If the vehicle passes the inspection, a certificate of compliance is issued. If the vehicle does not pass the smog check inspection, the vehicle must be repaired and retested. The information from the smog inspection is then transmitted to the BAR's Vehicle Information Data (VID). The BAR can access the VID to view test data on smog check inspections performed at any smog check station, or to search for, retrieve, and print a test record for a particular vehicle which has been tested.

11. The BAR has become aware of several methods used by smog check stations and smog check technicians to issue improper/fraudulent smog certificates of compliance. One method is known as "clean plugging." Clean plugging involves using another vehicle's properly functioning OBD system, or another resource, 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 are not present for testing.

12. An OBDII simulator is an electronic device that is used during inspection to mimic a vehicle's properly operating system in order to make a vehicle pass inspection. If there are stored trouble codes or illuminated malfunction light, the simulator will "flip" this data to make sure it is correct and that the vehicle will pass. These simulators are used in the smog check program in order to fraudulently pass vehicles that would otherwise fail the OBDII test.

The BAR's Investigation

13. Steve Koch is a Field Representative with the BAR where he has worked for over 25 years. His responsibilities include conducting station inspections and investigating consumer complaints and reviewing station data. He estimates that 98 percent of his work is related to the smog check program.

14. In early 2020, after reviewing licensing data from JB Test Only Corporation, Mr. Koch found that Mr. Ponce had certified two vehicles a – 1992 Nissan Skyline on June 19, 2020, and a 1993 Nissan Skyline GTR on July 15, 2020 – that were not certified for use in the United States and were considered grey-market vehicles. Mr. Ponce entered false information into the BAR97 analyzer for both tests that the vehicles had federally certified emissions systems. The vehicles were required to first be inspected by the California Smog Check Referee to determine if they were emissions compliant and have a BAR label attached.

15. On August 20, 2020, Mr. Koch conducted a station inspection at JB Test Only Corporation and documented the inspection in a station inspection report. Mr. Koch informed Mr. Ponce to follow all Smog Check testing procedures using the most

current Smog Check Procedures manual and Smog Check Reference Guide published by the BAR. Mr. Koch informed Mr. Ponce that failure to perform proper inspections was grounds for action against his station and investigator licenses. At the time of this inspection, JB Test Only Corporation had been in business for about one year. During his inspection, Mr. Koch observed several other violations which could be easily remedied. The BAR did not elect to proceed with discipline at this time.

16. After Mr. Koch gave Mr. Ponce the station inspection report, Mr. Koch received a call or a letter, he did not recall which one, stating that he was not to visit JB Test Only Corporation's station without an appointment, and if he needed anything in the future, he was to go through JB Test Only Corporation's attorney. Mr. Koch said in his 25 years with the BAR, this is the only time he remembers ever being told this. Mr. Koch stated that the BAR issues the licenses and registrations, and the BAR has access to the station's records and to the station at any time the station is open for business.

17. In 2015, the bureau determined that as long as a vehicle passes all OBDII checks, a tailpipe sample is not needed. Every station will get a query to pull dynamic data, or the bureau can pull data if the bureau suspects an abnormality. Dynamic data is collected while the vehicle is running; first while idling, then the revolutions per minute (RPMs) are raised to 1500 to 2500 RPMs. When the RPMs are raised, data collection continues at the higher RPMs. This throttle is increased when the bureau suspects an abnormality and is looking at various sensor outputs. Mr. Koch has never seen a situation where the indicators do not move or change when RPMs are increased and more air is introduced. He stated that any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases in RPM and/or a mass air flow sensor (MAF) along with changes in an air pressure sensor (MAP). During an OIS inspection, engine operating parameters are

retrieved from the vehicle's OBDII system and recorded to the VID. 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. This is measured in a percentage of opening from 0 percent at idle and near or up to 100 percent at full throttle.
- Manifold absolute pressure as measured by a MAP connected to an intake manifold source, measured in kilo pascals (kPa). Typical readings for a normally aspirated vehicle are as follows: 0 kPa being absolute vacuum, 25kPa to 45kPa at idle, 101 kPa at full throttle.
- Mass air flow as measured by a MAF mounted in the engine's air intake tract. Measured in grams per second (gps). Some vehicles include both MAP and MAF parameters; many vehicles have either MAP or MAF parameters.
- Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

18. Mr. Koch conducted a detailed review of the VID data for the smog check inspections performed at JB Test Only Corporation. The review showed a pattern of vehicles being certified with improbable engine operating parameters not corresponding to normal engine operation. The data collected by the DAD during the OBDII functional test confirmed that an OBDII defeat device, also known as a simulator, was used instead of the actual vehicle being tested, which constitutes clean plugging which he included in the 10 vehicles in his report as examples of fraudulent

inspections using clean plugging. Mr. Koch wrote a report summarizing his findings, which was received in evidence.

19. The 10 clean plugging incidents he documented in his report were from February 2023, but he found “upwards of 150 to 200 inspections” from 2022 through 2023, that showed signs of the same anomalous data. All this data was under the JB Test Only Corporation, ARD 295534, located at 1643 Hamner Avenue #C, Norco, California. All inspections were completed under Mr. Ponce’s Smog Check Inspector License No. EO 642230. To Mr. Koch’s knowledge, Mr. Ponce was the only inspector working at JB Test Only Corporation during all of 2022 and in 2023 until the time of his review of these incidents.

FRAUDULENT INSPECTION No. 1 – 2007 CHEVROLET EXPRESS G3500

20. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 10, 2023, a 2007 Chevrolet Express G3500 (2007 Express), was tested and smog certificate no. TC973059C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

21. The Dynamic PID Chart for the 2007 Express shows between time stamp 354 and 29360 engine speed is steady at approximately 725 RPM. During this time the throttle is fixed at 10.2 percent opening, the MAF is fixed at 4.32 gps, MAP is fixed at 34 kPa, and the ignition timing advance for #1 cylinder is fixed at 15 degrees BTDC. After timestamp 29360, the engine speed accelerates to approximately 1800 RPM between time stamp 32766 and 47722. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 10.2 percent opening, the MAF is fixed at the same 4.32 gps, MAP is fixed at the same 34 kPa and the ignition timing advance for #1 cylinder is also still fixed at the same 15 degrees BTDC.

22. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2007 Express being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FRAUDULENT INSPECTION NO. 2 – 2001 HONDA PASSPORT EX

23. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 10, 2023, a 2001 Honda Passport EX (2001 Passport), was tested and smog certificate no. TC973062C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

24. The Dynamic PID Chart for the 2001 Passport shows between time stamp 365 and 28135 engine speed is steady at approximately 725 RPM. During this time the throttle is fixed at 0 percent opening, the MAF is fixed at 4.16 gps, MAP is fixed at 37 kPa, and the ignition timing advance for #1 cylinder is fixed at 17 degrees BTDC. After timestamp 28135, the engine speed accelerates to approximately 2050 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 0 percent opening, the MAF is fixed at the same 4.16 gps, MAP is fixed at the same 37 kPa and the ignition timing advance for #1 cylinder is also still fixed at the same 17 degrees BTDC.

25. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed

was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2001 Passport being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FRAUDULENT INSPECTION NO. 3 – 2004 HYUNDAI SANTA FE GLS

26. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 20, 2023, a 2004 Hyundai Santa Fe GLS (2004 Santa Fe), was tested and smog certificate no. TC973094C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

27. The Dynamic PID Chart for the 2004 Santa Fe shows between time stamp 809 and 22845 engine speed is steady at approximately 850 RPM. During this time the throttle is fixed at 5.5 percent opening, the MAF is fixed at 0 gps, and the ignition timing advance for #1 cylinder is fixed at 6 degrees BTDC. After timestamp 22845, the engine speed accelerates to approximately 1500 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle fixed at the same 5.5 percent opening, the MAF is fixed at the same 0 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 6 degrees BTDC.

28. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2004 Santa Fe being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Previous Failing Test: 2004 Santa Fe

29. A failing test was performed on the 2004 Santa Fe at another station on September 9, 2022. The 2004 Santa Fe failed the inspection for an illuminated MIL, confirmed Diagnostic Trouble Codes (DTCs) P0701 and P0174, and incomplete OBDII readiness monitors. The dynamic data collected during the inspection showed the expected change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected for normal engine operation.

FRAUDULENT INSPECTION No. 4 – 2003 LEXUS ES 300

30. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 20, 2023, a 2003 Lexus ES 300 (2003 ES 300), was tested and smog certificate no. TC 973099C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

31. The Dynamic PID Chart for the 2003 ES 300 shows between time stamp 888 and 24641 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at 14.5 percent opening, the MAF is fixed at 3.98 gps, and the ignition timing advance for #1 cylinder is fixed at 17 degrees BTDC. After timestamp 24641, the engine speed accelerates in steps to approximately 1800 RPM between time stamp 25502 and 45714. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 14.5 percent opening, the MAF is fixed at the same 3.98 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 17 degrees BTDC.

32. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was

increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2003 ES 300 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

FRAUDULENT INSPECTION No. 5 – 2004 CHEVROLET SILVERADO K1500

33. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates on February 20, 2023, a 2004 Chevrolet Silverado K1500 (2004 Silverado), was tested and smog certificate no. TE303654C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

34. The Dynamic PID Chart for the 2004 Silverado shows between time stamp 363 and 22824 engine speed is steady at approximately 750 RPM. During this time the throttle is fixed at 4.3 percent opening, the MAF is fixed at 5.81 gps, and the ignition timing advance for #1 cylinder is fixed at 17.5 degrees BTDC. After timestamp 22824, the engine speed accelerates in steps to cylinder is fixed at 17.5 degrees BTDC. After time stamp 22824 the engine speed accelerates in steps to approximately 1650 RPM between time stamp 23539 and 38726. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 4.3 percent opening, the MAF is fixed at the same 5.81 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 17.5 degrees BTDC.

35. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to

the 2004 Silverado being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FRAUDULENT INSPECTION NO. 6 – 2004 NISSAN XTERRA XE

36. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 21, 2023, a 2004 Nissan Xterra XE (2004 Xterra), was tested and smog certificate no. TE303657C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

37. The Dynamic PID Chart for the 2004 Xterra shows between time stamp 950 and 19822 engine speed is steady at approximately 800 RPM. During this time the throttle is fixed at 0 percent opening, the MAF is fixed at 5.44 gps, and the ignition timing advance for #1 cylinder is fixed at 15 degrees BTDC. After timestamp 19822, the engine speed accelerates to approximately 1800 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 0 percent opening, the MAF is fixed at the same 5.44 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 15 degrees BTDC.

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

Previous Failing Test: 2004 Xterra

39. A failing test was performed on the 2004 Xterra at another station on November 21, 2022. The 2004 Xterra failed the inspection for an incomplete OBDII readiness monitor. The dynamic data collected during the inspection showed the expected change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected for normal engine operation.

FRAUDULENT INSPECTION No. 7 – 2003 PONTIAC GRAND AM GT

40. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 21, 2023, a 2003 Pontiac Grand Am GT (2003 Grand Am GT), was tested and smog certificate no. TE303660C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

41. The Dynamic PID Chart for the 2003 Grand Am GT shows between time stamp 366 and 26252, engine speed is steady at approximately 750 RPM. During this time the throttle is fixed at 0 percent opening, the MAF is fixed at 4.78 gps, MAP is fixed at 35 kPa, and the ignition timing advance for #1 cylinder is fixed at 21.5 degrees BTDC. After timestamp 26252 the engine speed accelerates to approximately 1450 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 0 percent opening, the MAF is fixed at the same 4.78 gps, MAP is fixed at the same 35 kPa and the ignition timing advance for #1 cylinder is also still fixed at the same 21.5 degrees BTDC.

42. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine

operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2003 Grand Am GT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FRAUDULENT INSPECTION NO. 8 – 2001 TOYOTA SIENNA LE

43. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 22, 2023, a 2001 Toyota Sienna LE (2001 Sienna), was tested and smog certificate no. TE303663C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

44. The Dynamic PID Chart for the 2001 Sienna shows between time stamp 827 and 24764 engine speed is steady at approximately 750 RPM. During this time the throttle is fixed at 10.2 percent opening, the MAF is fixed at 3.33 gps, and the ignition timing advance for #1 cylinder is fixed at 15 degrees BTDC. After timestamp 24764 the engine speed accelerates in steps to approximately 1800 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 10.2 percent opening, the MAF is fixed at the same 3.33 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 15 degrees BTDC.

45. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2001 Sienna being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Previous Failing Test: 2001 Sienna

46. A failing test was performed on the 2001 Sienna at another station on December 22, 2021. The 2001 Sienna failed the inspection for an illuminated MIL, confirmed DTCs P0171 and P0174, and an incomplete OBDII readiness monitor. No dynamic data was collected during the inspection.

FRAUDULENT INSPECTION No. 9 – 2005 HONDA ACCORD LX

47. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 23, 2023, a 2005 Honda Accord LX (2005 Accord), was tested and smog certificate no. TE303677C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

48. The Dynamic PID Chart for the 2005 Accord shows between time stamp 853 and 28096 engine speed is steady at approximately 850 RPM. During this time the throttle is fixed at 9.8 percent opening, the MAF is fixed at 2.68 gps, and the ignition timing advance for #1 cylinder is fixed at 8.5 degrees BTDC. After timestamp 28096 the engine speed accelerates to approximately 1450 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 9.8 percent opening, the MAF is fixed at the same 2.68 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 8.5 degrees BTDC.

49. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to

the 2005 Accord being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FRAUDULENT INSPECTION No. 10 – 2005 CHEVROLET SILVERADO C1500

50. Mr. Koch reviewed the OIS Test Data for JB Test Only Corporation. The review indicates that on February 23, 2023, a 2005 Chevrolet Silverado C1500 (2005 Silverado), was tested and smog certificate no. TE303681C was issued under licensed Smog Check Inspector No. EO 642230, Mr. Ponce.

51. The Dynamic PID Chart for the 2005 Silverado shows between time stamp 379 and 70428 engine speed is steady at approximately 750 RPM. During this time the throttle is fixed at 11.4 percent opening, the MAF is fixed at 5.02 gps, the MAP is fixed at 34 kPa and the ignition timing advance for #1 cylinder is fixed at 17 degrees BTDC. After timestamp 70428, the engine speed accelerates to approximately 1350 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 11.4 percent opening, the MAF is fixed at the same 5.02 gps, the MAP is fixed at 34 kPa, and the ignition timing advance for #1 cylinder is also still fixed at the same 17 degrees BTDC.

52. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS was not connected to the 2005 Silverado being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

53. Mr. Koch concluded that, in February 2023, JB Test Only Corporation's employee, Mr. Ponce, on behalf of respondent JB Test Only Corporation, issued 10 fraudulent Smog Certificates of Completion using the clean plugging method.

54. On cross-examination, Mr. Koch confirmed that there was no evidence that Ms. Hall had any personal or hands-on knowledge of these 10 smog inspections. Mr. Koch did not personally observe the testing of these 10 vehicles. His job is to review data transmitted between the station and the BAR and look for anomalies in that data. Mr. Koch was asked if the anomalies he found in the data could have been caused by a cable or other communication problem. Mr. Koch stated that the BAR and the vehicle analyzers were communicating with each other and transmitting requested data. This would not have been possible if there had been a bad cable. In February 2023, JB Test Only Corporation conducted multiple other tests, in addition to the 10 smog inspections in question, and none of those tests had issues with communication or indication of a bad cable.

Testimony of Ms. Hall

55. Jocelyn Hall owns JB Test Only Corporation. She is also the supervisor of the business. She pays all bills, including rent and electricity, and she stocks supplies, such as paper, pens, toilet paper, and water for customers, and she generally maintains the business. Ms. Hall is not a licensed smog check technician. She does not personally hold any BAR licenses.

56. Ms. Hall believes she is an entrepreneur. She thought that opening smog stations would be a great way to work for herself and provide for her children. Since October 1, 2019, she has owned and operated JB Test Only Corporation ARD 295534

and Smog Station Test Only TC 295534, the shop that is the subject of this hearing. This station is located at 1643 Hamner Avenue, #C, Norco, California.

57. Ms. Hall owns and operates three additional shops: JB Test Only Corporation ARD 298833 and Smog Station Test Only TC 298833, located at 10565 Limonite Avenue, #5, Jurupa Valley, California; JB Test Only Corporation ARD 307661 and Smog Station Test Only TC 307661, located on Columbus Avenue, Riverside, California; and JB Test Only Corporation ARD 308173 and Smog Station Test Only TC 308173, also located at 1643 Hamner Avenue, #C, Norco, California. The last shop is located in a bay next door to the ARD 295534 shop so it can become established while Ms. Hall looks for a new location in Corona or San Diego. Ms. Hall currently owns four shops in three different locations. She has had no prior discipline at any of her shops.

58. Ms. Hall received the accusation at the end of August 2025.² She was devastated. The BAR did not inform her there was an investigation. She contacted Mr. Ponce the same day and he told her that he received the same documents. They met the following day. Mr. Ponce said he "did none of this." Ms. Hall did not know what the truth was, so she let him go that same day. She has no personal knowledge of the alleged inspections. The documents show that Mr. Koch's investigation started in February 2024, and that he had found many more clean plugged vehicles. Ms. Hall said if she had known she could have stopped this before it escalated. She would have terminated Mr. Ponce at that time.

59. Ms. Hall contacted an attorney and then began researching "to find out how this could have happened." She needed to know what an illegal smog inspection

² The Accusation was served on Ms. Hall on August 2, 2024.

was and how it was done. When she heard that a simulator was used, she wanted to know what it looked like so that she would be able to see this if it was present in the shop. Ms. Hall wanted to know how this could have been happening without a simulator. She thought maybe there was a Bluetooth issue or maybe cables were not connected properly. She consulted a few experts and instructors. One expert was in Canada, and another expert and the instructors said they would not go to trial or testify against the BAR.

60. Ms. Hall provided photographs of views from her security cameras at the Hamner Avenue location. One camera is located outside of the bay and a second camera is located inside the bay facing the entrance. From this camera you can see the area where the tests are conducted. She checks these cameras daily.

61. At the time of the inspections at issue, Ms. Hall probably talked to her employees once or twice per week; she now speaks with them at least once each day. In the past she checked her security cameras about once or twice a week; she now checks them daily. She is present in one of her shops each day. Ms. Hall has never instructed a technician to falsify a smog certificate. She had never heard of an illegal inspection, and she does not believe in doing something that is wrong. Ms. Hall knows that her technicians have a license so they should know how to properly conduct a smog inspection and she tells them that if they do not know how to do something, they should contact the BAR. Her technicians must read information on the BAR's website and the manuals provided by the BAR, and they have access to both. Ms. Hall hired Diego Garcia as a smog technician at ARD 295534. She researched and found that he had a clean record.

62. Ms. Hall was asked if she had taken any training relating to her role at the stations. She found a course on the BAR's website. She was not required to take

the course but she did. This was an eight-hour course. She learned how to properly invoice, how to open a shop and set up new machines, and what documents are required to be displayed on the walls. To ensure that the equipment is functioning properly, her technician does a self-test before doing a test.

63. Ms. Hall said she understands she is held responsible for the conduct of her employees. Ms. Hall was asked what role integrity plays in her operation. She responded that "integrity plays a huge role in all that I do." She said, "This is how I started, this is how I am with this business and all my other businesses." Ms. Hall feels that she is a great person and she does everything to better herself and her children. She wants to do the same for her employees.

64. It was difficult to have to question and fire an employee, and it was difficult to replace him. Ms. Hall said it is devastating to her that the BAR is seeking to revoke all her licenses. This takes away from her ability to support her children, and it takes away her employees' jobs and their ability to support their families. She has a relationship with her employees, and it is hard to do this to them and their families.

65. Ms. Hall does not believe her business poses any ongoing risk to the smog check program. She is dedicated and she has not had problems since the accusation. Her customers are from the community and they will not go anywhere else. She has always wanted to have businesses that support her community, and losing her licenses would take that away.

66. On cross-examination, Ms. Hall was asked about the experts and instructors she had consulted, and she said that they did not want to be named. Ms. Hall has two other businesses unrelated to the smog business, but those businesses are new and she is dependent on her smog shops to support her family.

Ms. Hall's Character References

67. Ms. Hall provided three character reference letters: Ms. Hall's mother is aware of this accusation and wrote that Ms. Hall has great ethics and she follows through and strives to do the best in everything she does. A friend of eight years who is aware of the accusation described Ms. Hall as honest, trustworthy, and having high morals, and the friend admires Ms. Hall's work ethic as she balances her business and family life. A second friend has known Ms. Hall for five years and described her impeccable work ethic. However, she was not aware of the accusation making her letter of limited value.

Cost Recovery

68. Under Business and Professions Code section 125.3, complainant may request that an administrative law judge "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." "A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case." (Bus. & Prof. Code, § 125.3, subd. (c).)

69. Regulations have been enacted for use by the Office of Administrative Hearings when evaluating an agency's request for costs under Business and Professions Code section 125.3. (Cal. Code Regs., tit. 1, § 1042.) Under the regulations, a cost request must be accompanied by a declaration or certification of costs. For services provided by persons who are not agency employees, the declaration must be executed by the person providing the service and describe the general tasks

performed, the time spent on each task, and the hourly rate. In lieu of the declaration, the agency may attach copies of the time and billing records submitted by the service provider. (Cal. Code Regs., tit. 1, § 1042, subd. (b)(2).)

70. A certification of costs was signed by Deputy Attorney General Stephen A. Aronis who prosecuted this disciplinary action. A schedule was attached to his declaration that described the legal services provided, the dates legal services were performed, who provided the services, the amount of work that was performed on specific dates, and the professionals' hourly rates. The schedule established that \$9,857.25 has been incurred for work through June 9, 2025. The declaration and schedule with regard to the \$9,857.25 met the requirements of California Code of Regulations, title 1, section 1042. Prosecution costs of \$9,857.25 were established and are reasonable.

71. Complainant seeks costs related to the investigation of this matter in the amount of \$4,155.07. The BAR produced two declarations, the first signed by Steve Koch, Field Representative, dated March 14, 2024, included a three-page attachment that stated the dates for hours of service, the hours spent on each date, and the activity performed for each date at a rate of \$101.98 per hour, for a total of \$3,560.63. The second declaration was signed by Raymond Gottenbos, Program Representative II, dated March 14, 2024, included a three-page attachment that stated the dates for hours of service, the hours spent on each date, and the activity performed for each date at a rate of \$108.08 per hour, for a total of \$594.44. The two declarations and attached documents met the requirements of California Code of Regulations, title 1, section 1042. Investigation costs in the amount of \$4,155.07 were established and are reasonable.

72. The total reasonable costs of prosecution and investigation in this matter are \$14,012.32.

LEGAL CONCLUSIONS

Public Protection

1. "Protection of the public shall be the highest priority for the Bureau of Automotive Repair in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (Bus. & Prof. Code, § 9880.3.)

Burden and Standard of Proof

2. Complainant bears the burden of proof of establishing that the charges in the accusation are true. (*Martin v. State Personnel Board* (1972) 26 Cal.App.3d 573, 582.)

3. The standard of proof in proceedings to discipline automotive repair dealers, smog check stations, and/or smog check technicians is the preponderance of the evidence. (*Imports Performance v. Department of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-918.)

4. In disciplinary proceedings, the burden is on the respondent to produce positive evidence of rehabilitation. (*Epstein v. California Horse Racing Board* (1963) 222 Cal.App.2d 831, 842-843.)

Disciplinary Authority

5. Business and Professions Code section 9884.7 provides in part:

(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 that constitutes fraud.

[¶] . . . [¶]

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

6. Business and Professions Code section 9884.13 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.

7. Health and Safety Code section 44012 requires that smog checks be performed in accordance with the BAR's regulations.

8. Health and Safety Code section 44015, subdivision (b), provides that "if a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance."

9. Health and Safety Code section 44032, in pertinent part, requires that smog check technicians perform smog inspections in accordance with the provisions contained in Health and Safety Code section 44012.

10. Health and Safety Code section 44072.2 provides, in part:

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

(a) Violates any section of this chapter and the regulations adopted pursuant to it, which related to the licensed activities.

[¶] . . . [¶]

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

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

11. Health and Safety Codes section 44072.10, subdivision (c) provides, in part:

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

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

[¶] . . . [¶]

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

12. Business and Professions Code section 9889.9 provides, "[w]hen any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter [Automotive Repair] in the name of the licensee may be likewise revoked or suspended by the director."

Regulatory Authority

13. California Code of Regulations, title 16, section 3340.24, subdivision (c), provides, "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."

14. California Code of Regulations, title 16, section 3340.30, subdivision (a), requires a smog check inspector to inspect vehicles in accordance with Health and Safety Code sections 44012, and 44035, and California Code of Regulations, title 16, section 3340.42.

15. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides:

No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

16. 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. . . .

17. California Code of Regulations, title 16, section 3340.35, subdivision (c), requires a licensed smog check station to 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.

Cause Exists to Discipline

18. Cause exists pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), to discipline JB Test Only Corporation's automotive repair dealer registration because untrue or misleading statements were made when smog certifications were issued for the 10 subject vehicles.

19. Cause exists pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), to discipline JB Test Only Corporation's automotive repair dealer registration because Ms. Hall's employee committed acts which constituted fraud.

20. Cause exists pursuant to Health and Safety Code section 44072.2, subdivision (a), to discipline JB Test Only Corporation's smog check station license because Ms. Hall's employee violated the Motor Vehicle Inspection Program and regulations adopted pursuant to it, based on violation of Health and Safety Code sections 44012 and 44015.

21. Cause exists pursuant to Health and Safety Code sections 44072.2, subdivision (c), to discipline JB Test Only Corporation's smog check station license

because Ms. Hall's employee failed to comply with California Code of Regulations, title 16, sections 3340.35, subdivision (c), and 3340.42.

22. Cause exists pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), to discipline JB Test Only Corporation's smog check station license because Ms. Hall's employee committed acts involving dishonesty, fraud, or deceit by issuing electronic certificates of compliance for 10 vehicles without performing bona fide inspections of the emission control devices and systems.

Evaluation and Appropriate Level of Discipline

23. The BAR plays a vital role in safeguarding the public and the environment by mandating that vehicles are thoroughly inspected to ensure that they do not pose safety risks, and that their emissions do not exceed safety standards.

24. California Code of Regulations, title 16, section 3395.4, provides that in reaching a decision on a disciplinary action, the bureau must consider the disciplinary guidelines entitled "Guidelines for Disciplinary Orders and Terms of Probation" [Rev. March 2016]. These guidelines provide the recommended sanctions for various violations. The recommended discipline for issuing fraudulent inspections (Health & Saf. Code, § 44072.2, subd. (d)) is revocation. Factors in aggravation and mitigation may be considered when fashioning the appropriate measure of discipline.

25. Business and Professions Code section 9889.9 and Health and Safety Code section 44072.8 provide that when a license has been revoked following a hearing, any additional license issued under the Automotive Repair Act and Motor Vehicle Inspection Program in the name of the licensee may be likewise revoked or

suspended by the department's Director. Revocation of the additional licenses is not mandatory.

26. Ms. Hall bears the responsibility for what happens at each one of her shops. The owner of a license is obligated to see that the license is not used in violation of the law. If a licensee elects to operate her business through employees, the licensee must be responsible to the licensing authority for their conduct and is responsible for the acts of her agents or employees done in the course of her business. A licensee may not insulate herself from regulation by electing to function through employees or independent contractors. (*Rob-Mac, Inc. v. Dept. of Motor Vehicles* (1983) 148 Cal.App.3d 793, 797.)

27. In this case, Ms. Hall was not aware of what was happening at her shop - JB Test Only Corporation, ARD 295534. While she trusted her employees to conduct smog inspections correctly and legally, because she is ultimately responsible, it is important that she monitors the business and has more of a "presence" in her shops. At the time of the inspections at issue, she talked to her employees and checked her security cameras about once or twice per week. Ms. Hall said a positive effect of this process on her business is that she now speaks with her employees at least once each day and checks her cameras daily. She is present in one of her shops each day. Ms. Hall knows that her technicians have a license so they should know how to properly conduct a smog inspection. She tells employees to review the BAR's website and the BAR's manuals, and to check with the BAR if there is something they do not know how to do.

28. There is no record of prior discipline of JB Test Only Corporation's shops. However, Ms. Hall is aware of an August 2020 investigation where Mr. Koch found that Mr. Ponce had certified two vehicles that were not certified for use in the United States

and therefore should not have been certified. Mr. Koch informed Mr. Ponce that failure to perform proper inspections was grounds for action against his station and an investigator license. No discipline was issued at that time. Overall, this record does not call for revocation of JB Test Only Corporation licenses. Ms. Hall has held the ARD registration and TC 295534 for this location since October 2019 without incident other than warning from Mr. Koch in August 2020. It is apparent from the record that Ms. Hall did not intentionally permit fraud to occur at her shop nor did she herself commit fraud at her shop. Ms. Hall had no personal knowledge that Mr. Ponce was clean plugging vehicles. However, Ms. Hall has a great level of responsibility for which she should be disciplined for her failure to monitor the goings-on at her shop, which resulted in the illicit smog inspections of 10 vehicles.

29. As such, the appropriate discipline in this case is the revocation of JB Test Only Corporation's ARD 295534 and TC 295534. However, the revocation shall be stayed and placed on three years' probation with terms and conditions, including remedial education as determined by the BAR. In addition, JB Test Only Corporation shall pay the balance of the costs of investigation and prosecution in this matter.

Costs of Investigation and Prosecution

30. The reasonable costs of investigation and prosecution are \$14,012.32. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court decided, in part, that in order to determine whether the reasonable costs of investigation and enforcement should be awarded or reduced, the Administrative Law Judge must decide: (a) whether the licensee has been successful at hearing in getting charges dismissed or reduced; (b) the licensee's subjective good faith belief in the merits of his or her position; (c) whether the licensee has raised a colorable challenge to the proposed discipline; (d) the financial ability of the licensee

to pay; and (e) whether the scope of the investigation was appropriate to the alleged misconduct.

31. Applying the *Zuckerman* factors to this case, total reasonable costs are \$14,012.32. Per a Stipulated Agreement with the BAR, Mr. Ponce has agreed to pay \$4,000 of these costs, leaving a current balance of \$10,012.32. JB Test Only Corporation shall pay the BAR \$10,012.32.

ORDER

1. Automotive Repair Dealer Registration No. ARD 295534, issued to JB Test Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer, is revoked. However, the revocation stayed, and JB Test Only Corporation's Automotive Repair Dealer Registration No. ARD 295534 is placed on probation for three years on the following terms and conditions.

2. Smog Check, Test Only Station License No. TC 295534, issued to JB Test Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer, is revoked. However, the revocation stayed, and JB Test Only Corporation's Smog Check, Test Only Station License No. TC 295534 is placed on probation for three years on the following terms and conditions.

3. Respondent JB Test Only Corporation; Jocelyn Rayan Hall, President/Secretary/Treasurer, shall pay complainant's costs of investigation and prosecution in the amount of \$10,012.32, which may be paid on such terms as may be determined by the BAR.

A. OBEY ALL LAWS

During the period of probation, respondent shall comply with all federal and state statutes, regulations and rules governing all bureau registrations and licenses held by respondent.

B. QUARTERLY REPORTING

During the period of probation, respondent shall report either by personal appearance of their partners, owners, or officers or in writing as determined by the bureau on a schedule set by the bureau, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

C. REPORT FINANCIAL INTERESTS

Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by the bureau during the period of probation, report any financial interest which respondent or any partners, officers, or owners of any respondent's facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

D. ACCESS TO EXAMINE VEHICLES AND RECORDS

Respondent shall provide the bureau representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide the bureau representatives unrestricted access to all records pursuant to the bureau laws and regulations.

E. TOLLING OF PROBATION

If, during probation, respondent do business elsewhere or otherwise ceases to do business in the jurisdiction of California, respondent shall notify the bureau in writing within 10 days of the dates of departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost reimbursement requirements, restitution requirements, training requirements, and that respondent obeys all laws, shall be held in abeyance during any period of time of 30 days or more in which respondent are not engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of 30 days or more in which respondent are not engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

F. VIOLATION OF PROBATION

If respondent violate or fail to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard, may set aside the stay order and carry out the disciplinary order provided in the decision. Once respondent are served notice of the bureau's intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.

G. MAINTAIN VALID LICENSE

Respondent shall, at all times while on probation, maintain a current and active registration with the bureau, including any period during which suspension or probation is tolled. If respondent's registration is expired at the time the decision becomes effective, the registration must be renewed by respondent within 30 days of that date. If respondent's registration expires during a term of probation, by operation of law or otherwise, then upon renewal of respondent's registration, respondent shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration during the period of probation shall also constitute a violation of probation.

H. COST RECOVERY

Respondent JB Test Only Corporation, Jocelyn Rayan Hall, President/Secretary/Treasurer, shall pay \$10,012.32 to the bureau for the reasonable costs of the investigation and prosecution of this matter. Respondent JB Test Only Corporation shall make such payment as follows: Respondent JB Test Only Corporation may pay the costs in a lump sum or according to a payment plan acceptable to the bureau during the term of probation. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six (6) months before probation terminates. Payment shall be made by check or money order payable to the "Bureau of Automotive Repair" and an indication shall be made on the check or money order that it is for cost recovery payment for Case No. 77/24-3305 (OAH Case No. 2024100457). Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. The bureau reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

I. COMPLETION OF PROBATION

Upon successful completion of probation, respondent's affected registration will be fully restored or issued without restriction, if respondent meet all current requirements for registration and have paid all outstanding fees, monetary penalties, or cost recovery owed to the bureau.

J. LICENSE SURRENDER

Following the effective date of a decision that orders a stay of invalidation or revocation, if respondent cease business operations or are otherwise unable to satisfy the terms and conditions of probation, respondent may request that the stay be vacated. Such request shall be made in writing to the bureau. The Director and the bureau Chief reserve the right to evaluate respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision.

Respondent may not petition the Director for reinstatement of the surrendered registration or apply for a new registration or license under the jurisdiction of the bureau at any time before the date of the originally scheduled completion of probation. If respondent apply to the bureau for a registration or license at any time after that date, respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to the bureau and left outstanding at the time of surrender.

K. TRAINING COURSES

Within 60 days of the effective date of this decision, all respondent and their officers and employees shall attend a "Write It Right" presentation provided by a bureau representative, at the location, date, and time determined by the bureau.

Within 180 days of the effective date of a decision, all respondent and their officers and employees shall complete ordered coursework or training that is acceptable to the bureau and relevant to the adjudicated violations, which shall include training regarding how to properly complete drive cycles to reset vehicles' monitors after the completing repairs and any other topics ordered by the bureau. Respondent shall submit to the bureau satisfactory evidence of completion of coursework or training within the timeline specified for completion of the ordered coursework or training.

DATE: December 2, 2025

Marion J. Vomhof

MARION J. VOMHOF

Administrative Law Judge

Office of Administrative Hearings