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

12 In the Matter of the Accusation Against:

Case No. 79/25-19314

13 **SYLVIA JENNIFER PAZ**
14 **DBA GLENDALE SMOG TEST ONLY**
520 Silverlake Blvd., Unit A
Los Angeles, CA 90026

ACCUSATION

15 Automotive Repair Dealer Registration No.
ARD 296308
16 Smog Check, Test Only, Station No.
TC 296308

17 **PETER ALFONSO**
18 540 N Central Ave., #300
Glendale, CA 91203

19 Smog Check Inspector No. EO 641983

20 Respondents.
21

22
23
24 **PARTIES**

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

27 2. On or about December 27, 2019, the Bureau issued Automotive Repair Dealer
28 Registration Number ARD 296308 to Sylvia Jennifer Paz (“Respondent Paz”), doing business as

1 Glendale Smog Test Only. The Automotive Repair Dealer Registration was in full force and
2 effect at all times relevant to the charges brought herein and will expire on December 31, 2026,
3 unless renewed.

4 3. On or about March 30, 2020, the Bureau issued Smog Check, Test Only, Station
5 License Number TC 296308 to Respondent Paz. The Smog Check, Test Only, Station License
6 was in full force and effect at all times relevant to the charges brought herein and will expire on
7 December 31, 2026, unless renewed.

8 4. Glendale Smog Test Only is also certified as a STAR station. The certification was
9 issued on May 19, 2020 and will remain active unless the Automotive Repair Dealer Registration
10 Number ARD 296308 and/or Smog Check, Test Only, Station License Number TC 296308 is
11 revoked, cancelled, or delinquent, or if the certification is suspended.

12 5. On or about May 31, 2019, the Bureau issued Smog Check Inspector License Number
13 EO 641983 to Peter Alfonso ("Respondent Alfonso"). The Smog Check Inspector License was in
14 full force and effect at all times relevant to the charges brought herein and will expire on March
15 31, 2027, unless renewed.

16 **JURISDICTION**

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

19 7. Business and Professions Code section 118, subdivision (b), provides that the
20 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of
21 jurisdiction to proceed with a disciplinary action during the period within which the license may
22 be renewed, restored, reissued or reinstated.

23 8. Business and Professions Code section 477 provides, in pertinent part, that "Board"
24 includes "bureau," "commission," "committee," "department," "division," "examining
25 committee," "program," and "agency." "License" includes certificate, registration or other means
26 to engage in a business or profession regulated by the Business and Professions Code.

27 9. Business and Professions Code section 9884.13 provides, in pertinent part, that the
28 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a

disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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

11. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

12. Business and Professions Code section 9884.7 states, in pertinent part:

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

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

...

(4) Any other conduct that constitutes fraud.

...

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

...

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate the automotive repair dealer's other places of business.

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

6 . . .

7 (e) For purposes of this section, "fraud" includes, but is not limited to,
8 violations of this chapter involving misrepresentations and all of the following:

9 (1) Any act or omission that is included within the definition of either
10 "actual fraud" or "constructive fraud," as those terms are defined in Sections
11 1572 and 1573 of the Civil Code.

12 (2) A misrepresentation in any manner, whether intentionally false or due
13 to gross negligence, of a material fact.

14 (3) A promise or representation not made honestly and in good faith.

15 (4) An intentional failure to disclose a material fact.

16 (5) Any act in violation of Section 484 of the Penal Code.

17 13. Health and Safety Code section 44012 provides:

18 The test at the smog check stations shall be performed in accordance with
19 procedures prescribed by the department and may require loaded mode dynamometer
20 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard
21 diagnostic system, or other appropriate test procedures as determined by the
22 department in consultation with the state board. The department shall implement
23 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
24 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
25 earlier than January 1, 2013. However, the department, in consultation with the state
26 board, may prescribe alternative test procedures that include loaded mode
27 dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems

28 that the department and the state board determine exhibit operational problems. The
department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

19 (h) An analysis of pass and fail rates of vehicles subject to an onboard
20 diagnostic test and a tailpipe test to assess whether any vehicles passing their
21 onboard diagnostic test have, or would have, failed a tailpipe test, and whether any
22 vehicles failing their onboard diagnostic test have or would have passed a tailpipe
23 test.

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

14. Health and Safety Code section 44014, subdivision (a), provides:

Except as otherwise provided in this chapter, the testing and repair portion of
the program shall be conducted by smog check stations licensed by the department,
and by smog check technicians who have qualified pursuant to this chapter.

15. Health and Safety Code section 44015, subdivision (b), provides:

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.

16. Health and Safety Code section 44032 provides:

No person shall perform, for compensation, tests or repairs of emission control
devices or systems of motor vehicles required by this chapter unless the person
performing the test or repair is a qualified smog check technician and the test or

1 repair is performed at a licensed smog check station. Qualified technicians shall
2 perform tests of emission control devices and systems in accordance with Section
3 44012.

4 17. Health and Safety Code section 44059 provides:

5 The willful making of any false statement or entry with regard to a material
6 matter in any oath, affidavit, certificate of compliance or noncompliance, or
7 application form which is required by this chapter or Chapter 20.3 (commencing
8 with Section 9880) of Division 3 of the Business and Professions Code, constitutes
9 perjury and is punishable as provided in the Penal Code.

10 18. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

17 . . .

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

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

22 . . .

23 (h) Violates or attempts to violate the provisions of this chapter relating to the
24 particular activity for which he or she is licensed.

25 19. Health & Safety Code section 44072.10 states, in pertinent part:

26 . . .

27 (c) The department shall revoke the license of any smog check technician or
28 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, clean plugging, clean glassing, clean tanking, or any
other fraudulent inspection practice, as defined by the department.

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

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

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

20. Health and Safety Code section 44072.8 states that “[w]hen a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

REGULATORY PROVISIONS

21. California Code of Regulations, title 16, section 3340.24, subdivision (c), states that 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.”

22. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

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

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

...

23. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a licensed smog check 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.”

24. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

...

(b) No person shall enter any access or qualification number other than as authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or OIS.

(c) 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.

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1 25. California Code of Regulations, title 16, section 3340.42, states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. California Code of Regulations, title 16, section 3340.45, states:

All Smog Check inspections shall be performed in accordance with
requirements and procedures prescribed in the Smog Check Manual, dated January
2021, which is hereby incorporated by reference.

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1 27. California Code of Regulations, title 16, section 3373 states:

2 No automotive repair dealer or individual in charge shall, in filling out an
3 estimate, invoice, or work order, or record required to be maintained by section
4 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or
5 information which will cause any such document to be false or misleading, or where
6 the tendency or effect thereby would be to mislead or deceive customers, prospective
7 customers, or the public.

8 **COST RECOVERY**

9 28. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
10 may request the administrative law judge to direct a licentiate found to have committed a
11 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
12 investigation and enforcement of the case.

13 **CALIFORNIA'S SMOG CHECK PROGRAM**

14 29. California's Smog Check Program requires most vehicles in the State to undergo a
15 smog check inspection every two years when renewing their registration and when the vehicle's
16 title is transferred. The Smog Check Program is designed and intended to reduce air pollution by
17 identifying and requiring the repair of polluting motor vehicles.

18 30. A smog check inspection in certain Enhanced areas of the State is an Acceleration
19 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
20 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
21 Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO₂) and Oxygen (O₂). The
22 first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.
23 The vehicle's drive wheels are placed on rollers and the vehicle is driven to simulate driving
24 conditions while the emissions are sampled by the EIS.

25 31. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
26 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
27 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O₂, and CO₂ at idle as
28 well as 2500 revolutions per minute (rpm).

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1 32. In the visual portion of a smog check, the technician inspects the emission control
2 components to verify that the required emission control devices are present and properly
3 connected.

4 33. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
5 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
6 from the vehicle's on-board computer about its ability to communicate, the status of the I/M
7 readiness monitors and the MIL light command. The I/M readiness monitors tell whether or not
8 the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine
9 control systems. A failure of one or more of the OBD II functional criteria, depending on model
10 year, will result in the vehicle failing its smog check inspection. In addition to reporting the
11 outcome of the OBD II functional test, the smog check inspection results also show Diagnostic
12 Trouble Codes if there are any in the vehicle's on-board computer memory.

13 34. The inspector enters the results of the visual and functional inspections into the EIS.
14 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
15 the results of the tailpipe, visual, and functional tests.

16 35. The EIS is connected by internet connection to Bureau's Vehicle Information
17 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
18 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

19 36. Beginning March 9, 2015, California's Smog Check Program was updated to require
20 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
21 equipment required in all areas of the State when inspecting most model-year 2000 and newer
22 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device,
23 computer, bar code scanner, and printer. The Data Acquisition Device is an OBD scan tool that,
24 when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data
25 that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved.
26 The Data Acquisition Device connects between the BAR-OIS computer and the vehicle's
27 diagnostic link connector. The bar code scanner is used to input inspector information, the
28 vehicle identification number (VIN), and Department of Motor Vehicles renewal information.

1 The printer provides a Vehicle Inspection Report (VIR) containing inspection results for
2 motorists and a Smog Check Certificate of Compliance number for passing vehicles.

3 37. During an OIS inspection, engine operating parameters (PIDs) are retrieved from the
4 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
5 portion of the OIS Smog Check inspection by plugging the Data Acquisition Device into the
6 vehicle's diagnostic link connector when prompted by the OIS analyzer screen prompt. Some of
7 the parameters recorded are:

- 8 • Engine speed in revolutions per minute (RPM)
- 9 • Throttle position as measured by a throttle position sensor (TPS) mounted onto the
10 throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full
11 throttle.
- 12 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
13 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
14 normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa
15 at full throttle, same as atmospheric pressure at sea level.
- 16 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
17 air intake tract. Measured in grams per second (gps).
- 18 • Ignition timing is when the spark plug is ignited in relation to the position of the
19 engine's moving pistons. It is measured in degrees before top dead center (BTDC). The ignition
20 timing will constantly change based on engine operating conditions such as RPM, engine load,
21 and throttle position.

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

1 the idle position will result in an increase of airflow through the engine with corresponding
2 increases RPM and MAF along with changes in MAP.

3 39. During an OIS Smog Check inspection, along with other visual and functional
4 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
5 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
6 engine speed. The increase in engine speed is performed by the inspector by stepping on the
7 throttle pedal or manually opening the throttle resulting in a corresponding increase in engine
8 RPMs by allowing an increase in airflow into the engine.

9 40. The Bureau has become aware of methods that some Smog Check stations and Smog
10 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
11 check test on their own, or in some instances, are not even present during the time the test is
12 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another
13 source such as defeat devices, are used to generate passing data readings or diagnostic
14 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
15 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine
16 operation during a smog check inspection by transmitting OBD II data to the VID which has been
17 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
18 of the OIS inspection.

19 **VID REVIEW**

20 41. On or around October 28, 2025, Bureau Program Representative Marc Ortega
21 conducted a detailed review of the VID data for smog check inspections performed at Glendale
22 Smog Test Only, which showed a pattern of vehicles being certified with engine operating
23 parameters that did not correspond to normal engine operation. Ortega's review of the smog
24 check activities at Glendale Smog Test Only confirmed 10 smog check Certificates of
25 Compliance were fraudulently issued to vehicles after inspections performed at Glendale Smog
26 Test Only.

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OCTOBER 29, 2025 STATION VISIT

42. On October 29, 2025, Ortega visited Glendale Smog Test Only and met with Respondent Alfonso. Ortega requested Glendale Smog Test Only's invoices and VIRs for the vehicles alleged in this Accusation ("subject vehicles"). On November 6, 2025, Ortega returned to Glendale Smog Test Only to retrieve the records. Respondent Alfonso stated to Ortega that he does not share his smog check inspector license, access code, or biometric access with anyone. Respondent Alfonso further stated that he personally performed all smog check inspections under his license for the subject vehicles and signed each of the VIRs. Respondent Alfonso claimed all subject vehicles were present at Glendale Smog Test Only and that he simply connected the Data Acquisition Device to the vehicles during their respective inspections.

Clean Plug Number 1 – 2000 Lincoln Town Car Signature

43. OIS Test data for Glendale Smog Test Only indicated that on January 22, 2025, a 2000 Lincoln Town Car Signature, VIN# 1LNHM82W4YY837253, CA License # 4JAD586, was tested and Smog Certificate of Compliance # UI835515C was issued by Glendale Smog Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

44. The Dynamic PID charts and data for the 2000 Lincoln Town Car Signature show that between time stamp 376 and 18732, the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle rises from 15.3% opening to 17.3% opening, and the MAF rises from 4.55 grams/sec to 4.62 grams/sec, drops to 3.95 grams/sec, then rises again to 4.36 grams/sec. After time stamp 19356, the engine RPM is increased and then eventually held steady at around 1840 RPM. During this time, the data shows that the throttle rises from 15.7% opening to 16.1% opening, then drops to 13.3% opening, and the MAF drops from 4.54 grams/sec 3.9 grams/sec, rises to 4.57 grams/sec, then drops again to 3.33 grams/sec.

45. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings.

1 The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device was not connected
2 as required to the 2000 Lincoln Town Car Signature being certified, causing the issuance of a
3 fraudulent Smog Certificate of Compliance.

4 **Clean Plug Number 2 – 2003 Chevrolet Trailblazer**

5 46. OIS Test data for Glendale Smog Test Only indicated that on February 10, 2025, a
6 2003 Chevrolet Trailblazer, VIN# 1GNDS13SX32248108, CA License # 5AWU961, was tested
7 and Smog Certificate of Compliance # JD169009C was issued by Glendale Smog Test Only
8 under Respondent Alfonso's Smog Check Inspector License #EO 641983.

9 47. The Dynamic PID charts and data for the 2003 Chevrolet Trailblazer show that
10 between time stamp 406 and 18901, the engine RPM is steady at around 650 RPM. During this
11 time, the data shows that the throttle drops from 16.1% opening to 13.3% opening, rises to 16.5%
12 opening, drops. again to 15.3% opening, the MAP drops from 29 kPa to 20 kPa, then eventually
13 rises to 29 kPa. After time stamp 19493, the engine RPM is increased and then held at no less
14 than 1669 RPM. During this time, the data shows that the throttle rises from 12.5% opening to
15 13.3% opening, then drops back to 12.5% opening, the MAP eventually rises form 18 kPa to 29
16 kPa, then drops to 23 kPa.

17 48. The steady idle and elevated engine RPM data along with the improbable throttle
18 positions and MAP readings are not characteristic or expected for normal engine operation. The
19 throttle positions and MAP readings are expected to be stable at idle and at the elevated engine
20 RPM, not drop and rise unexpectedly. Additionally, the throttle positions are expected to rise with
21 the increase in engine RPM, not decrease to values less than idle readings, The discrepancies in
22 the OIS Test Data prove the OIS Data Acquisition Device was not connected as required to the
23 2003 Chevrolet Trailblazer being certified, causing the issuance of a fraudulent Smog Certificate
24 of Compliance.

25 **Clean Plug Number 3 – 2000 Jeep Grand Cherokee Laredo**

26 49. OIS Test data for Glendale Smog Test Only indicated that on February 11, 2025, a
27 2000 Jeep Grand Cherokee Laredo, VIN# 1J4G248S8YC200974, CA License # 6GEU823, was
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1 tested and Smog Certificate of Compliance # JD169011C was issued by Glendale Smog Test
2 Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

3 50. The Dynamic PID charts and data for the 2000 Jeep Grand Cherokee Laredo show
4 that between time stamp 370 and 18362, the engine RPM is steady at around 675 RPM. During
5 this time, the data shows that the throttle rises from 17.3% opening to 18% opening, then
6 eventually drops to 14.1% opening, the MAP eventually drops from 61 kPa to 52 kPa. After time
7 stamp 19020, the engine RPM is increased and then held steady at around 1850 RPM. During this
8 time, the data shows that the throttle rises from 12.9% opening to 15.3% opening, then drops to
9 14.5% opening, the MAP eventually drops from 61 kPa to 50 kPa.

10 51. The steady idle and steady elevated engine RPMs along with the improbable throttle
11 positions and MAP readings are not characteristic or expected for normal engine operation. The
12 throttle positions and MAP readings are expected to be stable at idle and at the elevated engine
13 RPM, not drop and rise unexpectedly. Additionally, the throttle positions are expected to rise with
14 the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in
15 the OIS Test Data prove the OIS Data Acquisition Device was not connected as required to the
16 2000 Jeep Grand Cherokee Laredo being certified, causing the issuance of a fraudulent Smog
17 Certificate of Compliance.

18 **Clean Plug Number 4 – 2003 Ford Expedition XLT**

19 52. OIS Test data for Glendale Smog Test Only indicated that on February 21, 2025, a
20 2003 Ford Expedition XLT, VIN# 1FMRU15W93LA64969, CA License # 7DGY396, was tested
21 and Smog Certificate of Compliance # JD169048C was issued by Glendale Smog Test Only
22 under Respondent Alfonso's Smog Check Inspector License #EO 641983.

23 53. The Dynamic PID charts and data for the 2003 Ford Expedition XLT show that
24 between time stamp 362 and 19817, the engine RPM is steady at around 770 RPM. During this
25 time, the data shows that the throttle drops from 24.3% opening to 18.8% opening, then rises to
26 20% opening, and the MAF drops from 3.68 grams/sec to 3.56 grams/sec, eventually rises to 4.68
27 grams/sec. After time stamp 20382, the engine RPM is increased and then held eventually at
28 around 1930 RPM. During this time, the data shows that the throttle drops from 24.3% opening to

21.6% opening, rises to 22% opening, then drops to 18.8% opening and the MAF drops from 4.64 grams/sec to 3.62 grams/sec, then rises to 4.19 grams/sec.

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

55. On December 15, 2022, another licensed smog check station performed a Smog Check Inspection on the same 2003 Ford Expedition XLT, VIN# 1FMRU15W93LA64969, CA License # 7DGY396. The steady idle and elevated engine RPMs, along with the associated throttle positions and MAF readings, from the December 15, 2022 Smog Check Inspection were characteristic and expected for normal engine operation.

Clean Plug Number 5 – a 2002 Ford Ranger Super Cab

56. OIS Test data for Glendale Smog Test Only indicated that on June 3, 2025, a 2002 Ford Ranger Super Cab, VIN # 1FTYR44E02PA65916, CA License # 6W88948, was tested and Smog Certificate of Compliance # UO819782C was issued by Glendale Smog Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

57. The Dynamic PID charts and data for the 2002 Ford Ranger Super Cab show that between time stamp 446 and 21445, the engine RPM is steady at around 645 RPM. During this time, the data shows that the throttle rises from 13.3% opening to 15.3% opening, then drops to 12.5% opening, and the MAF drops from 6.64 grams/sec to 6.31 grams/sec, then drops again to 5.56 gams/sec. After time stamp 22370, the engine RPM is increased and held steady at around 1920 RPM. During this time, the data shows that the throttle rises from 14.9% opening to 18% opening, then drops to 15.3% opening, and the MAF eventually rises from 5.34 grams/sec to 6.58 grams/sec.

58. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and at the higher engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device was not connected as required to the 2002 Ford Ranger Super Cab being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 6 – 2003 Ford Escape Limited

59. OIS Test data for Glendale Smog Test Only indicated that on June 17, 2025, a 2003 Ford Escape Limited, VIN# 1FMCU94113KA05589, CA License # 5CLP721, was tested and Smog Certificate of Compliance # UQ546211C was issued by Glendale Smog Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

60. The Dynamic PID charts and data for the 2003 Ford Escape Limited show that between time stamp 476 and 19151, the engine RPM is steady at around 775 RPM. During this time, the data shows that the throttle rises from 13.3% opening to 17.6% opening, then drops to 14.9% opening, and the MAF eventually rises from 3.33 grams/sec to 5.05 grams/sec. After time stamp 20044, the engine RPM is increased then held steady at around 2015 RPM. During this time, the data shows that the throttle rises from 14.5% opening to 15.7% opening, then drops to 14.9% opening, and the MAF eventually drops from 5.02 grams/sec to 4.79 grams/sec.

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

Clean Plug Number 7 – 2002 Ford Escape XLT

62. OIS Test data for Glendale Smog Test Only indicated that on August 18, 2025, a 2002 Ford Escape XLT, VIN # 1FMYU031X2KA69728, CA License # 4UUH097, was tested and Smog Certificate of Compliance # JF959206C was issued by Glendale Smog Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

63. The Dynamic PID charts and data for the 2002 Ford Escape XLT show that between time stamp 570 and 19864 the engine RPM is steady at around 750 RPM. During this time, the data shows that the throttle rises from 17.3% opening to 17.6% opening, then drops to 14.5% opening, and the MAF eventually drops from 7.28 grams/sec to 6.67 grams/sec. After time stamp 20813, the engine RPM is increased then eventually held steady at around 1376 RPM. During this time, the data shows that the throttle rises from 12.5% opening to 17.6% opening, then drops to 15.3% opening, and the MAF rises from 6.05 grams/sec to 6.76 grams/sec, then drops to 6.43 grams/sec.

64. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2002 Ford Escape XLT being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Clean Plug Number 8 – 2001 Ford Mustang Cobra SVT

65. OIS Test data for Glendale Smog Test Only indicated that on August 29, 2025, a 2001 Ford Mustang Cobra SVT, VIN # 1FAFP46V11F239660, CA License # 4UQG386, was tested and Smog Certificate of Compliance # JF959227C was issued by Glendale Smog Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

66. The Dynamic PID charts and data for the 2001 Ford Mustang Cobra SVT show that between time stamp 351 and 19328, the engine RPM is steady at around 875 RPM. During this

1 time, the data shows that the throttle drops from 18% opening to 17.3% opening, and the MAF
2 drops from 9.03 grams/sec to 8.52 grams/sec, then rises to 8.71 grams/sec. After time stamp
3 19944 the data shows the engine RPM is increased and then eventually held at around 1575 RPM.
4 During this time, the data shows that the throttle drops from 17.6% opening to 15.7% opening,
5 then rises to 17.3% opening, and the MAF rises from 7.92 grams/sec to 8.99 grams/sec, then
6 drops to 8.31 grams/sec.

7 67. The steady idle and steady elevated engine RPMs along with the improbable throttle
8 positions and MAF readings are not characteristic or expected for normal engine operation. The
9 throttle positions and MAF readings are expected to be stable at idle and at the elevated engine
10 RPM, not drop and rise unexpectedly. Additionally, the throttle position readings and MAF
11 readings are expected to rise with the increase in engine RPM, not decrease to values less than
12 idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device
13 (DAD) was not connected as required to the 2001 Ford Mustang Cobra SVT being certified,
14 causing the issuance of a fraudulent Smog Certificate of Compliance.

15 **Clean Plug Number 9 – 2004 Chevrolet Tahoe C1500**

16 68. OIS Test data for Glendale Smog Test Only indicated that on September 11, 2025, a
17 2004 Chevrolet Tahoe C1500, VIN # 1GNEC13T14R291299, CA License # 8YRA480, was
18 tested and Smog Certificate of Compliance # JF959247C was issued by Glendale Smog Test
19 Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

20 69. The Dynamic PID charts and data for the 2004 Chevrolet Tahoe C1500 show that
21 between time stamp 405 and 20538, the engine RPM is steady at around 535 RPM. During this
22 time, the data shows that the throttle rises from 2% opening to 3.5% opening, the MAP eventually
23 rises from 38 kPa to 46 kPa, and the MAF drops from 7.19 grams/sec to 6.32 grams/sec, then
24 rises to 6.48 grams/sec. After time stamp 21049, the engine RPM is increased and then eventually
25 held at around 1355 RPM. During this time, the data shows that the throttle rises from 0.8%
26 opening to 3.9% opening, then drops to 1.6% opening, the MAP rises from 38 kPa to 45 kPa, then
27 drops to 36 kPa, and the MAF rises from 5.96 grams/sec to 6.01 grams/sec, then drops to 5.88
28 grams/sec.

1 70. The steady idle and elevated engine RPMs along with the improbable throttle
2 positions, MAP and MAF readings are not characteristic or expected for normal engine operation.
3 The throttle positions, MAP and MAF readings are expected to be stable at idle and at the
4 elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions and
5 MAF readings are expected to rise with the increase in engine RPM, not decrease to values less
6 than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device
7 (DAD) was not connected as required to the 2004 Chevrolet Tahoe C1500 being certified,
8 causing the issuance of a fraudulent Smog Certificate of Compliance.

9 71. On June 22, 2022, another licensed smog check station performed a Smog Check
10 Inspection on the same 2004 Chevrolet Tahoe C1500, VIN # 1GNEC13T14R291299, CA
11 License # 8YRA480. The steady idle and elevated engine RPMs, associated throttle positions,
12 and MAP and MAF readings from the June 22, 2022 Smog Check Inspection were characteristic
13 and expected for normal engine operation.

14 **Clean Plug Number 10 – 2003 Chevrolet Silverado C2500 Heavy Duty**

15 72. OIS Test data for Glendale Smog Test Only indicated that on October 3, 2025, a 2003
16 Chevrolet Silverado C2500 Heavy Duty, VIN # 1GBHC24U43Z176718, CA License # 8U69569,
17 was tested and Smog Certificate of Compliance # UU268743C was issued by Glendale Smog
18 Test Only under Respondent Alfonso's Smog Check Inspector License #EO 641983.

19 73. The Dynamic PID charts and data for the 2003 Chevrolet Silverado C2500 Heavy
20 Duty show that between time stamp 398 and 17055, the engine RPM is steady at around 590
21 RPM. During this time, the data shows that the throttle rises from 9.4% opening to 9.8% opening,
22 then drops back to 9.4% opening, the MAP rises from 37 kPa to 43 kPa, then drops to 34 kPa, and
23 the MAF rises from 5.33 gras/sec to 6.58 grams/sec, then drops to 5.78 gams/sec. After time
24 stamp 17980, the engine RPM is increased and then held at around 1356 RPM. During this time,
25 the data shows that the throttle drops from 9.4% opening to 8.2% opening, then rises to 10.2%
26 opening, the MAP rises from 33 kPa to 46 kPa, then drops back to 33 kPa, and the MAF
27 eventually drops from 7.49 grams/sec to 5.43 grams/sec.

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74. The steady idle and elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions, MAP and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle position and MAF readings are expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2003 Chevrolet Silverado C2500 Heavy Duty being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements – Respondent Paz)

75. Respondent Paz's Automotive Repair Dealer Registration is subject to disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(1), in that she made statements which were known to be untrue or misleading or, which by exercise of reasonable care, should have been known to be untrue or misleading, by issuing electronic smog certificates of compliance for the vehicles identified above certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 74, as though fully set forth here.

SECOND CAUSE FOR DISCIPLINE

(Fraud – Respondent Paz)

76. Respondent Paz's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that she committed acts that constitute fraud by issuing electronic certificates of compliance to the vehicles identified above without performing bone fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 74, above, as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act – Respondent Paz)

77. Respondent Paz’s Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that she failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it when she issued electronic certificates of compliance for the vehicles identified above without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 74, above, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

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

78. Respondent Paz’s Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that she failed to comply with the following sections of that Code:

a. **Section 44012:** Respondent failed to ensure that the emission control tests were performed on the vehicles identified above in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance to the vehicles identified above without properly testing and inspecting those vehicles to determine if they were in compliance with Health & Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through 74, above, as though set forth fully herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

4 79. Respondent Paz's Smog Check, Test Only, Station License is subject to disciplinary
5 action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that she failed to
6 comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the vehicles identified above.

9 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the
10 vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035,
11 and California Code of Regulations, title 16, section 3340.42.

12 c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog
13 certificates of compliance for the vehicles identified above even though those vehicles had not
14 been inspected in accordance with section 3340.42.

15 d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false
16 information into the on-board diagnostic inspection system for the vehicles identified above.

17 e. **Section 3340.42:** Respondent failed to ensure that the smog inspections
18 conducted on the vehicles identified above were done in accordance with the Bureau's
19 specifications.

20 f. **Section 3373:** Respondent withheld or inserted statements or information in an
21 estimate, invoice, work order, or record required to be maintained by California Code of
22 Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be false or
23 misleading for the vehicles identified above.

24 Complainant refers to, and by this reference incorporates, the allegations contained in
25 paragraphs 41 through 74, above, as though set forth fully herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit – Respondent Paz)**

3 80. Respondent Paz's Smog Check, Test Only, Station License is subject to disciplinary
4 action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with
5 Health & Safety Code section 44072.10, subdivision (c), in that she committed dishonest,
6 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
7 of compliance for the vehicles identified above without performing bona fide inspections of the
8 emission control devices and systems on those vehicles, thereby depriving the People of the State
9 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
10 refers to, and by this reference incorporates, the allegations contained in paragraphs 41 through
11 74, above, as though set forth fully herein.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program – Respondent Alfonso)**

14 81. Respondent Alfonso's Smog Check Inspector License is subject to disciplinary action
15 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply
16 with the following sections of that code:

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

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

22 c. **Section 44032:** Respondent failed to perform tests of emission control devices
23 and systems of the vehicles identified above in accordance with Health & Safety Code section
24 44012.

25 d. **Section 44015, subdivision (b):** Respondent caused electronic smog
26 certificates of compliance to be issued for the subject vehicles identified above without ensuring
27 that they were properly tested and inspected to determine if they were in compliance with Health
28 & Safety Code section 44012.

1 e. **Section 44059:** Respondent willfully made false entries for the electronic
2 certificates of compliance by certifying that the vehicles identified above had been inspected as
3 required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations contained in
5 paragraphs 41 through 74, above, as though set forth fully herein.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
8 **Respondent Alfonso)**

9 82. Respondent Alfonso's Smog Check Inspector License is subject to disciplinary action
10 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply
11 with provisions of California Code of Regulations, title 16, as follows:

12 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
13 electronic smog certificates of compliance for the vehicles identified above.

14 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the
15 vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035,
16 and California Code of Regulations, title 16, section 3340.42.

17 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false
18 information into the on-board diagnostic inspection system for the vehicles identified above.

19 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections
20 conducted on the vehicles identified above were done in accordance with the Bureau's
21 specifications.

22 Complainant refers to, and by this reference incorporates, the allegations contained in
23 paragraphs 41 through 74, above, as though set forth fully herein.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Dishonesty, Fraud or Deceit – Respondent Alfonso)**

26 83. Respondent Alfonso's Smog Check Inspector License is subject to disciplinary action
27 pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health &
28 Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or

1 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
2 for the vehicles identified above without performing bona fide inspections of the emission control
3 devices and systems on those vehicles, thereby depriving the People of the State of California of
4 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
5 this reference incorporates, the allegations contained in paragraphs 41 through 74, above, as
6 though set forth fully herein.

7 **OTHER MATTERS**

8 84. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
9 Director may suspend, revoke, or place on probation the registration for all places of business
10 operated in this state by Respondent Paz, upon a finding that she has, or is, engaged in a course of
11 repeated and willful violations of the laws and regulations pertaining to an automotive repair
12 dealer.

13 85. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
14 Station License No. TC 296308, issued to Respondent Paz, is revoked or suspended, any
15 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in
16 the name of said licensee may be likewise revoked or suspended by the director.

17 86. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
18 No. EO 641983, issued to Respondent Alfonso, is revoked or suspended, any additional license
19 issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of said
20 licensee may be likewise revoked or suspended by the director.

21 **DISCIPLINE CONSIDERATIONS**

22 87. To determine the degree of discipline, if any, to be imposed on Respondent Alfonso,
23 Complainant alleges as follows: On or about February 23, 2012, in a prior disciplinary action
24 titled *In the Matter of the Accusation Against Peter Alfonso* before the Bureau of Automotive
25 Repair, Department of Consumer Affairs (Case Number 79/12-06), Respondent Alfonso's
26 Advanced Emission Specialist Technician License EA 632902 was revoked following an
27 administrative hearing where it was established that Respondent Alfonso committed acts
28 involving dishonesty, fraud, or deceit whereby another was injured, and aided and abetted an

1 unlicensed person in evading the provisions of the Motor Vehicle Inspection Program. That
2 decision is now final.

3 **PRAYER**

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

7 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 296308, issued to Sylvia Jennifer Paz;

9 2. Revoking or suspending any other automotive repair dealer registration issued to
10 Sylvia Jennifer Paz;

11 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
12 296308, issued to Sylvia Jennifer Paz;

13 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
14 Division 26 of the Health & Safety Code in the name of Sylvia Jennifer Paz;

15 5. Revoking or suspending Smog Check Inspector License Number EO 641983, issued
16 to Peter Alfonso;

17 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health & Safety Code in the name of Peter Alfonso;

19 7. Ordering Sylvia Jennifer Paz and Peter Alfonso to pay the Bureau of Automotive
20 Repair the reasonable costs of the investigation and enforcement of this case, pursuant to
21 Business and Professions Code section 125.3 and if placed on probation, the costs of probation
22 monitoring; and,

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

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25 DATED: As of Digital Signature Date

Dorais,

Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA

Date: 2026.01.26
10:58:36 -08'00'

PATRICK DORAIS

Chief

Bureau of Automotive Repair
Department of Consumer Affairs
State of California

Complainant

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