ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General
MICHAEL BROWN
Deputy Attorney General
State Bar No. 231237
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6308
Facsimile: (916) 731-2126
E-mail: MichaelB.Brown@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **JOSE ANTONIO RENDEROS-OWNER** **DBA AZUR SMOG CHECK** **4815 S Figueroa Street** **Los Angeles, CA 90037** **Automotive Repair Dealer Registration No. ARD 297712** **Smog Check, Test-Only, Station License No. TC 297712** **and** **JOSE ANTONIO RENDEROS** **3420 S Bronson Avenue** **Los Angeles, CA 90018** **Smog Check Station Inspector No. EO 644890** Respondents	Case No.79/25-21964 **ACCUSATION**

PARTIES

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

///

///

///

Jose Antonio Renderos-Owner dba Azur Smog Check

Automotive Repair Dealer Registration

2. On or about July 30, 2020, the Bureau issued Automotive Repair Dealer Registration Number ARD 297712 to Jose Antonio Renderos-Owner dba Azur Smog Check ("Respondent Azur Smog"). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

Smog Check, Test-Only, Station License

3. On or about May 2, 2022, the Bureau issued Smog Check, Test-Only, Station License Number TC 297712 to Respondent Azur Smog. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

STAR Station Certification

4. Respondent Azur Smog is also certified as a STAR Station. The certification was issued on or about October 31, 2023, and was suspended on October 29, 2024.

. **Jose Antonio Renderos**

Smog Check Inspector License

5. On or about March 11, 2024, the Bureau issued Smog Check Inspector License Number EO 644890 to Jose Antonio Renderos ("Respondent Renderos"). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2026, unless renewed.

JURISDICTION

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

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

///

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

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

STATUTORY PROVISIONS

10. Section 9884.7 of the Code states:

> (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> . . . .
>
> (4) Any other conduct that constitutes fraud.
>
> . . . .
>
> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
>
> . . . .
>
> (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

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

> The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement

testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

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

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

12. Section 44015 of the Health and Safety Code states:

. . . .

(b) 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.

13. Section 44032 of the Health and Safety Code states:

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

14. Section 44059 of the Health and Safety Code states:

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

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

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

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

. . . .

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

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

16. Section 44072.8 of the Health and Safety Code states:

When 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.

///

///

///

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

(c) 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, 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.

REGULATORY PROVISIONS

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

. . . .

(c) 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.

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

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

(a) Inspect, test and repair vehicles, as applicable, 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..

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

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

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

. . . .

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COST RECOVERY

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

FACTUAL ALLEGATIONS

25. During the course of regular duties, a Bureau Representative accessed the Vehicle Information Database ("VID") and reviewed Smog Check data transmitted from Respondent Azur Smog. Additionally, the Bureau Representative accessed the VID and produced copies of the BAR OIS Test Details and Certificate Sales.

26. During a Board Diagnostic Inspection System inspection ("OIS"), engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check Inspection by plugging the Data Acquisition Device ("DAD") into the vehicle's Diagnostic Link Connector ("DLC") when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- Engine speed in revolutions per minute ("RPM").
- The throttle position is measured by a throttle position sensor ("TPS") mounted onto the throttle shaft. It is measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle.
- Manifold absolute pressure as measured by a manifold air pressure sensor ("MAP") connected to an intake manifold source, measured in kilo pascals ("kpa"). Typical readings for a normally aspirated vehicle undergoing Smog Check inspection are as follows: 25 kPa to 45 kPa at idle, with a subsequent decrease as the RPM is raised.
- Mass airflow as measured by a mass air flow sensor ("MAF") mounted in the engine's air intake tract and measured in grams per second ("grams/sec").

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

28. During an OIS Smog Check Inspection, along with other visual and functional inspections, there is an OBD II query portion of the inspection. The OBD II query is performed with the engine idling and, when requested by the OIS analyzer, at an elevated or increased engine speed. The increase in engine speed is performed by the smog check inspector by

stepping on the throttle pedal or manually opening the throttle, resulting in a corresponding increase in engine RPMs by allowing an increase in airflow into the engine.

29. The Bureau Representative conducted a detailed review of the VID data for the Smog Check inspections performed at Respondent Azur Smog's facility. The review showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation, that confirmed the vehicles that received smog certificates were not tested during the OBD II functional test, which constituted clean piping[1]. The Bureau Representative's comprehensive review confirmed that ten (10) Smog Check Certificates of Compliance were fraudulently issued to vehicles by Respondents Azur Smog and Renderos.

Fraudulent Inspection No. 1-2005 Toyota RAV4

30. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about April 29, 2024, a 2005 Toyota RAV4 was tested, and Certificate of Compliance Number TW326138C was issued by Respondents Azur Smog and Respondent Renderos.

31. The Dynamic PID charts and data for the 2005 Toyota RAV4 showed that between timestamps 146 and 22034, the engine RPM was steady at around 615 RPM. During this time, the data showed that the throttle was fixed at 15.7% opening and the MAF was fixed at 2.25 grams/sec. After timestamp 22389, the engine RPM was increased and then held steady at around 1480 RPM. During this time, the data showed that the throttle was fluctuating erratically between 12.5% opening and 17.6% opening, and the MAF dropped from 1.93 grams/sec to 0.7 grams/sec, rose to 0.9 grams/sec, dropped to 0.67 grams/sec, then eventually rose to 2.03 grams/sec.

32. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle positions

[1] "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification.

and MAF readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2005 Toyota RAV 4being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 2-2000 Ford F150

33. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 1, 2024, a 2000 Ford F150 was tested, and Certificate of Compliance Number TW522212C was issued by Respondents Azur Smog and Respondent Renderos.

34. The Dynamic PID charts and data for the 2000 Ford F150 showed that between timestamps 21 and 20855, the engine RPM was steady at around 690 RPM. During this time, the data showed that the throttle was fixed at 18.4% opening and the MAF was fixed at 4.8 grams/sec. After timestamp 21194, the engine RPM was increased and then held steady at around 1670 RPM. During this time, the data showed that the throttle was fluctuating between 14.1% opening and 18% opening, and the MAF was fluctuating erratically between 3.06 grams/sec and 4.96 grams/sec.

35. The steady idle and steady elevated engine RPM data, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, not fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2000 Ford F150 certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 3-2002 Nissan Pathfinder LE

36. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 2, 2024, a 2002 Nissan Pathfinder LE was tested, and

Certificate of Compliance Number TW522223C was issued by Respondents Azur Smog and Respondent Renderos.

37. The Dynamic PID charts and data for the 2002 Nissan Pathfinder LE showed that between timestamps 185 and 18993, the engine RPM was steady at around 750 RPM. During this time, the data showed that the throttle was fixed at 0% opening and the MAF was fixed at 2.97 grams/sec. After timestamp 19371, the engine RPM was increased and then held steady at around 1670 RPM. During this time, the data showed that the throttle dropped from 4.7% opening to 0% opening, rose back to 4.7% opening, then eventually dropped to 0.8% opening, and the MAF dropped from 5 grams/sec to 3.89 grams/sec, rose to 4.98 grams/sec, then dropped to 3.81 grams/sec.

38. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions were expected to rise with the increase in engine RPM, not decrease to values equal to idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2002 Nissan Pathfinder LE being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 4-2000 Honda Civic EX

39. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 2, 2024, a 2000 Honda Civic EX was tested, and Certificate of Compliance Number TW522226C was issued by Respondents Azur Smog and Respondent Renderos.

40. The Dynamic PID charts and data for the 2000 Honda Civic EX showed that between timestamps 125 and 17917, the engine RPM was steady at around 710 RPM. During this time, the data showed that the throttle was fixed at 9% opening and the MAP was fixed at 24 kPa. After timestamp 18255, the engine RPM was increased and then held at around 1740 RPM. During this time, the data showed that the throttle rose from 7.8% opening to 9.4% opening,

dropped to 7.1% opening, then rose to 10.6% opening, and the MAP was fluctuating between 17 kPa and 29 kPa.

41. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAP readings, were not characteristic or expected for normal engine operation. The throttle position and MAP readings were expected to be stable at idle and at the higher engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position was expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2000 Honda Civic EX being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 5-2003 Toyota Corolla CE

42. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 7, 2024, a 2003 Toyota Corolla CE was tested, and Certificate of Compliance Number TW522247C was issued by Respondents Azur Smog and Respondent Renderos.

43. The Dynamic PID charts and data for the 2003 Toyota Corolla CE showed that between timestamps 139 and 18281, the engine RPM was steady at around 715 RPM. During this time, the data showed that the throttle was fixed at 10.2% opening and the MAF was fixed at 1.75 gams/sec. After timestamp 18629, the engine RPM was increased and held steady at around 1735 RPM. During this time, the data showed that the throttle rose from 8.2% opening to 11% opening, dropped to 6.3% opening, then eventually rose to 8.6% opening, and the MAF eventually dropped from 2.22 grams/sec to 0.82 grams/sec, rose to 2.05 grams/sec, then dropped to 0.26 grams/sec.

44. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were 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 were expected to rise with the increase in engine RPM, not decrease to values less than idle

readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2003 Toyota Corolla CE being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 6-2003 GMC Yukon

45. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 8, 2024, a 2003 GMC Yukon was tested, and Certificate of Compliance Number TW692761C was issued by Respondents Azur Smog and Respondent Renderos.

46. The Dynamic PID charts and data for the 2003 GMC Yukon showed that between timestamps 388 and 19045, the engine RPM was steady at around 590 RPM. During this time, the data showed that the throttle was fixed at 1.2% opening, the MAP was fixed at 37 kPa, and the MAF was fixed at 4.85 grams/sec. After timestamp 19403, the engine RPM was increased and then held steady at around 1755 RPM. During this time, the data showed that the throttle rose from 0% opening to 3.1% opening, then eventually dropped to a fixed 0.4% opening, the MAP dropped from 37 kPa to 34 kPa, then eventually rose to 46 kPa, and the MAF was fluctuating between 3.32 grams/sec and 4.67 grams/sec.

47. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions, MAP, and MAF readings, were not characteristic or expected for normal engine operation. The throttle position, MAP, and MAF readings were expected to be stable at idle and at the higher engine RPM, not drop and rise unexpectedly, and/or fluctuate. Additionally, the throttle positions and MAF readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2003 GMC Yukon being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 7-2001 Honda Accord LX

48. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about May 14, 2024, a 2001 Honda Accord LX was tested, and

Certificate of Compliance Number TW692786C was issued by Respondents Azur Smog and Respondent Renderos.

49. The Dynamic PID charts and data for the 2001 Honda Accord LX showed that between timestamps 141 and 19305, the engine RPM was steady at around 735 RPM. During this time, the data showed that the throttle was fixed at 9.8% opening and the MAP was fixed at 25 kPa. After timestamp 19646, the engine RPM was increased, then eventually held at no less than 1346 RPM. During this time, the data showed that the throttle dropped from 7.5% opening to 6.3% opening, rose to 9% opening, dropped to 7.8% opening, then rose to 9.4% opening, and the MAP dropped from 20 kPa to 19 kPa, eventually rose to 28 kPa, then eventually dropped to 16 kPa.

50. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAP readings, were not characteristic or expected for normal engine operation. The throttle positions and MAP readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, the throttle positions were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2001 Honda Accord LX being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 8-2004 Honda Accord EX

51. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about November 9, 2024, a 2004 Honda Accord EX was tested, and Certificate of Compliance Number JB478126C was issued by Respondents Azur Smog and Respondent Renderos.

52. The Dynamic PID charts and data for the 2004 Honda Accord EX showed that between timestamps 107 and 18336, the engine RPM was steady at around 800 RPM. During this time, the data showed that the throttle was varying between 9.4% opening and 9.8% opening, the MAP was fixed at 23 kPa, rose to a fixed 24 kPa, then dropped back to 23 kPa, and the MAF was varying between 2.15 grams/sec, and 2.2 grams/sec. After timestamp 18611, the engine

RPM was increased and then held steady at around 2200 RPM. During this time, the data showed that the throttle was fixed at 12.9% opening, the MAP dropped from 23 kPa to 22 kPa, then rose back to a fixed 23 kPa, and the MAF was varying between 6.29 grams/sec and 6.45 grams/sec.

53. The steady idle and elevated engine RPMs, along with the improbable MAP readings, were not characteristic or expected for normal engine operation. The MAP readings were expected to decrease with the increase in engine RPM, not increase back to values equal to idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2004 Honda Accord EX being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 9-2002 Honda CR-V LX

54. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about November 9, 2024, a 2002 Honda CR-V LX was tested, and Certificate of Compliance Number JB478130C was issued by Respondents Azur Smog and Respondent Renderos.

55. The Dynamic PID charts and data for the 2002 Honda CR-V LX showed that between timestamps 124 and 20827, the engine RPM was steady at around 690 RPM. During this time, the data showed that the throttle was fluctuating erratically between 8.2% opening and 11.8% opening, and the MAP was fluctuating erratically between 16 kPa and 29 kPa. After timestamp 21163, the data showed the engine RPM was increased and then held at around 1689 RPM. During this time, the data showed that the throttle rose from 8.6% opening to 10.6% opening, dropped to 9.4% opening, rose to 11.8% opening, then dropped to 6.3% opening, and the MAP was fluctuating between as 19 kPa and 29 kPa.

56. The steady idle and elevated engine RPMs along improbable throttle positions and MAP readings were not characteristic or expected for normal engine operation. The throttle positions and MAP readings were expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, the throttle position readings were expected to rise with the increase in engine RPM, not decrease to values less than idle readings. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2002

Honda CR-V LX being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 10-2004 Ford Mustang Cobra SVT

57. A Bureau Representative reviewed the OIS Test Data for Respondent Azur Smog. The review showed that on or about October 18, 2025, a 2004 Ford Mustang Cobra SVT was tested, and Certificate of Compliance Number JF425012C was issued by Respondents Azur Smog and Respondent Renderos.

58. The Dynamic PID charts and data for the 2004 Ford Mustang Cobra SVT showed that between timestamps 36 and 18369, the engine RPM was steady at around 770 RPM. During this time, the data showed that the throttle was fixed at 19.2% opening and the MAF was fixed at 1.1 gams/sec. After timestamp 18597, the engine RPM was increased and then held at no less than 1582 RPM. During this time, the data showed that the throttle continued to stay fixed at 19.2% opening and the MAF continued to stay fixed at 1.1 gams/sec.

59. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to rise with the increase in engine RPM, not remain fixed with no changes. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2004 Ford Mustang Cobra SVT being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

60. Respondent Azur Smog's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16, section 3373, in that between April 29, 2024, through October 18, 2025, Respondent Azur Smog made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Azur Smog certified that vehicles 1 through 10, set forth above, had passed inspection and were in compliance with applicable laws and regulations. Respondent Azur Smog conducted the inspections on the vehicles using the

clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests to issue smog check certificates of compliance for the ten (10) vehicles and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

61. Respondent Azur Smog's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between April 29, 2024, through October 18, 2025, Respondent Azur Smog committed acts that constitute fraud by issuing electronic smog check certificates of compliance for vehicles 1 through 10, set forth 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 set forth above in paragraphs 25 through 59, as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

62. Respondent Azur Smog's Automotive Repair Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Azur Smog failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing electronic smog check certificates of compliance for the ten (10) vehicles without performing bona fide inspections of the emissions 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 set forth above in paragraphs 25 through 59, as though fully set forth.

///

///

FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Motor Vehicle Inspection Program)

63. Respondent Azur Smog's Smog Check, Test-Only Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Azur Smog failed to comply with the following sections of that Code:

a. **Section 44012:** Respondent Azur Smog failed to ensure that the emission control tests were performed on vehicles 1 through 10, in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent Azur Smog issued electronic smog check certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

c. **Section 44059:** Respondent Azur Smog willfully made false entries for the electronic smog check certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

FIFTH CAUSE FOR DISCIPLINE

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

64. Respondent Azur Smog's Smog Check, Test-Only Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Azur Smog failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c)**: Respondent Azur Smog falsely or fraudulently issued electronic smog check certificates of compliance for those vehicles without performing bona fide

inspections of the emission control devices and systems on the vehicles as required by Health and Safety Code section 44012.

b. **Section 3340.35, subdivision (c)**: Respondent Azur Smog issued electronic smog check certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42 of that Code.

c. **Section 3340.41, subdivision (c):** Respondent Azur Smog knowingly entered false information into the emissions inspection system for the ten (10) vehicles identified above.

d. **Section 3340.42**: Respondent Azur Smog failed to conduct the required smog check tests and inspections on those vehicles in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

65. Respondent Azur Smog's Smog Check, Test-Only Station License is subject to discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction with 44072.10, subdivision (c), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Azur Smog committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog check certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

SEVENTH CAUSE FOR DISCIPLINE

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

66. Respondent Renderos' Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (a), in that between April 29, 2024,

through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Renderos violated the following Health and Safety Code sections:

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

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

c. **Section 44032:** Respondent Renderos failed to perform tests of the emission control devices and systems on the vehicles identified above in accordance with section 44012 of the Health and Safety Code, in that the vehicles had been clean plugged.

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

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

EIGHTH CAUSE FOR DISCIPLINE

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

67. Respondent Renderos' Smog Check Inspector License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Renderos failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c)**: Respondent Renderos falsely or fraudulently issued electronic smog check certificates of compliance without performing bona fide inspections of the emission control devices and systems on those vehicles as required by Health and Safety Code section 44012.

///

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

c. **Section 3340.41, subdivision (c):** Respondent Renderos knowingly entered false information into the emissions inspection system for the ten (10) vehicles identified above.

d. **Section 3340.42**: Respondent Renderos failed to conduct the required smog check tests and inspections on those vehicles in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25 through 59, as though fully set forth.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit – Respondent Renderos)

68. Respondent Renderos' Smog Check Inspector License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10, subdivision (c), in that between April 29, 2024, through October 18, 2025, regarding vehicles 1 through 10, set forth above, Respondent Renderos committed acts involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of compliance for the vehicles 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 set forth above in paragraphs 25 through 59, as though fully set forth.

OTHER MATTERS

69. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke, or place on probation the registrations for all places of business operated in this state by Jose Antonio Renderos, upon a finding that said Respondent Azur Smog has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

70. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only Station License No. TC 297712, issued to Jose Antonio Renderos-Owner dba Azur Smog Check,

is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

71. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 644890, issued to Jose Antonio Renderos, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 297712, issued to Jose Antonio Renderos-Owner dba Azur Smog Check;

2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued in the name of Jose Antonio Renderos;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 297712 issued to Jose Antonio Renderos-Owner dba Azur Smog Check;

4. Revoking or suspending Smog Check Inspector License Number EO 644890, issued to Jose Antonio Renderos;

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Jose Antonio Renderos;

6. Ordering Jose Antonio Renderos to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3, and if placed on probation, the costs of probation monitoring; and,

///

///

///

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

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais, Patrick@DCA
Date: 2026.02.12 18:35:37 -08'00'

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

LA2026600439
Accusation.docx