

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

In the Matter of the Accusation Against:

**DANIEL ALEJANDRO MARTINEZ-SALAZAR dba INLAND EMPIRE SMOG CHECK**

13661 Calimesa Blvd. #14

Yucaipa, CA 92399

Mailing Address:

P.O. Box 8626

Redlands, CA 92375

Automotive Repair Dealer Registration No. ARD 297831

Smog Check Test Only Station License No. TC 297831

**DANIEL ALEXANDRO MARTINEZ-SALAZAR**

P.O. Box 8626

Redlands, CA 92375

Smog Check Inspector License No. EO 643007

Respondents.

Case No. 79/24-22191

**DECISION**

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

This Decision shall be effective on August 28, 2026.

IT IS SO ORDERED July 20, 2026.

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

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

**In the Matter of the Accusation Against:**

**DANIEL ALEJANDRO MARTINEZ-SALAZAR, DBA INLAND  
EMPIRE SMOG CHECK**

**Automotive Repair Dealer Registration No. ARD 297831**

**Smog Check, Test-Only, Station License No. TC 297831**

**and**

**DANIEL ALEJANDRO MARTINEZ-SALAZAR**

**Smog Check Inspector License No. EO 643007,**

**Respondents.**

**Agency No. 79/24-22191**

**OAH No. 2025120079**

**PROPOSED DECISION**

Sandy Yu, Administrative Law Judge (ALJ), Office of Administrative Hearings  
(OAH), State of California, heard this matter by videoconference on June 2, 2026.

Blaine A. Noblett, Deputy Attorney General, represented complainant Patrick Dorais, Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

Daniel Alejandro Martinez-Salazar (respondent Martinez-Salazar) represented himself and his business, Inland Empire Smog Check (respondent Inland Empire).

The ALJ received testimony and documentary evidence. The record closed, and the matter was submitted for decision at the end of the hearing. The individual respondents are collectively referred to herein as respondents.

## **SUMMARY**

Complainant proved by a preponderance of the evidence that between August 16, 2024, and December 13, 2024, respondent Martinez-Salazar engaged in clean plugging during 10 smog check inspections in violation of the Automotive Repair Act and the Motor Vehicle Inspection Program. Respondent Martinez-Salazar's denial of clean plugging was unpersuasive. Therefore, revocation of respondent Inland Empire's Automotive Repair Dealer (ARD) Registration and Smog Check, Test-Only, Station License, and respondent Martinez-Salazar's Smog Check Inspector License is necessary to protect the public.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On August 20, 2020, the Bureau issued ARD Registration Number ARD 297831 to respondent Martinez-Salazar, doing business as Inland Empire. The ARD Registration will expire on August 31, 2026.

2. On October 28, 2020, the Bureau also issued Smog Check, Test-Only, Station License Number TC 297831 to respondent Inland Empire. The Smog Check, Test-Only, Station License will expire on August 31, 2026.

3. On January 21, 2021, the Bureau issued STAR Station certification to respondent Inland Empire, and the STAR certification will remain active unless the ARD Registration or Smog Check License is revoked, cancelled, becomes delinquent, or suspended.

4. On April 5, 2021, the Bureau issued Smog Check Inspector License Number EO 643007 to respondent Martinez-Salazar. The Smog Check Inspector License will expire on September 30, 2027.

5. On October 29, 2025, complainant filed an Accusation in his official capacity against respondents. On November 17, 2025, respondent Martinez-Salazar filed a Notice of Defense requesting a hearing.

## **Background and Investigation**

6. California's Smog Check Program requires the owners of most vehicles to subject their vehicles to and pass a smog check inspection and receive a certificate of compliance every two years when renewing their registration and when the vehicle's title is transferred. These inspections are performed by smog check inspectors at smog check stations, both of which are licensed by the Bureau. The Smog Check Program is intended to reduce air pollution by identifying and requiring the repair of polluting motor vehicles.

7. Beginning March 9, 2015, the Smog Check Program requires the use of an OIS system, which consists of a Bureau-certified Data Acquisition Device (DAD),

computer, bar code scanner, and printer. A smog check inspector scans a bar code on the vehicle, Department of Motor Vehicles (DMV) registration renewal documents, or both. The bar code identifies the vehicle to be inspected. The inspector then connects the DAD to a port located in the vehicle's passenger compartment.

8. During the inspection, the Bureau receives vehicle information uploaded from the DAD to a Bureau database via an internet connection. The information includes an electronic vehicle identification number (eVIN), a unique number assigned to a vehicle at the time it is manufactured; the communication protocol, which is the specific language the Powertrain Control Module (PCM) uses to relay or communicate information to scan tools or devices such as the OIS; and the number of Parameter Identifications (PIDs), which is the number of specific data values each PCM reports related to emission controls. Like the eVIN, the protocol and PIDs are programmed into the vehicle's on-board computer during manufacture and do not change. Smog check inspectors must also perform a visual and functional test of each vehicle.

9. If a vehicle passes the smog check inspection, the OIS prints a Vehicle Inspection Report (VIR), including a certificate of compliance. The smog check inspector must sign the VIR, indicating the inspection was performed within Bureau guidelines. Each inspector has a unique username and password to log into the OIS, identifying who performed a particular inspection.

10. The Bureau maintains the Vehicle Information Database (VID), which contains DMV registration information, smog check data, and certificates of compliance. The Bureau monitors the VID for evidence of fraudulent smog checks, including those performed via clean plugging. Clean plugging is an illegal practice in which an individual uses another vehicle's properly functioning on-board diagnostic

system or another source to generate passing scores or diagnostic information to issue fraudulent smog certificates for non-smog-compliant or untested vehicles.

11. Bureau Program Representative Steve Koch performed a detailed review of VID data for smog check inspections performed at respondent Inland Empire in 2024. Mr. Koch documented his findings in a report dated May 27, 2025. Mr. Koch identified the following 10 instances of suspected clean plugging:

## **10 INSTANCES OF SUSPECTED CLEAN PLUGGING**

### **Vehicle 1**

12. On August 16, 2024, respondent Martinez-Salazar conducted a smog check for a 2005 Porsche Boxster S, with a vehicle identification number (VIN) ending in 0886 (Vehicle 1). Vehicle 1 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

13. The Dynamic Data Charts for Vehicle 1 show that between time stamp 125 and 17061, the engine speed in revolutions per minute (RPM) was steady at approximately 650 RPM, the throttle was fixed at 12.5 percent opening, and the mass air flow (MAF) was fixed at 3.13 grams per second (gps). After time stamp 17061, the engine speed accelerated to 1500 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 12.5 percent opening and the MAF continued to stay fixed at the same 3.13 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

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## **Vehicle 2**

14. On September 13, 2024, respondent Martinez-Salazar conducted a smog check for a 2003 Toyota Tacoma Xtracab, with a VIN ending in 4801 (Vehicle 2). Vehicle 2 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

15. The Dynamic Data Charts for Vehicle 2 show that between time stamp 151 and 18295, the engine RPM was steady at approximately 700 RPM, the throttle was fixed at 11.8 percent opening, and the MAF was fixed at 0.57 gps. After time stamp 18295, the engine speed accelerated to 1675 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 11.8 percent opening and the MAF continued to stay fixed at the same 0.57 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 3**

16. On September 13, 2024, respondent Martinez-Salazar conducted a smog check for a 2003 Ford F-150, with a VIN ending in 6043 (Vehicle 3). Vehicle 3 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

17. The Dynamic Data Charts for Vehicle 3 show that between time stamp 21 and 17796, the engine RPM was steady at approximately 650 RPM, the throttle was fixed at 19.2 percent opening, and the MAF was fixed at 0.11 gps. After time stamp 17796, the engine speed accelerated to 1800 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the

same 19.2 percent opening and the MAF continued to stay fixed at the same 0.11 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 4**

18. On September 19, 2024, respondent Martinez-Salazar conducted a smog check for a 2002 Mitsubishi Lancer, with a VIN ending in 4262 (Vehicle 4). Vehicle 4 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

19. The Dynamic Data Charts for Vehicle 4 show that between time stamp 124 and 17091, the engine RPM was steady at approximately 750 RPM, the throttle was fixed at 0 percent opening, and the MAF was fixed at 1.87 gps. After time stamp 17091, the engine speed accelerated to 1800 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 0 percent opening and the MAF continued to stay fixed at the same 1.87 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 5**

20. On September 27, 2024, respondent Martinez-Salazar conducted a smog check for a 2006 Honda Accord LX, with a VIN ending in 2815 (Vehicle 5). Vehicle 5 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

21. The Dynamic Data Charts for Vehicle 5 show that between time stamp 133 and 18329, the engine RPM was steady at approximately 750 RPM, the throttle was fixed at 14.5 percent opening, and the MAF was fixed at 2.52 gps. After time stamp 18329, the engine speed accelerated to 1550 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 14.5 percent opening and the MAF continued to stay fixed at the same 2.52 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 6**

22. On October 1, 2024, respondent Martinez-Salazar conducted a smog check for a 2002 Lexus IS 300, with a VIN ending in 3526 (Vehicle 6). Vehicle 6 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

23. The Dynamic Data Charts for Vehicle 6 show that between time stamp 146 and 20838, the engine RPM was steady at approximately 700 RPM, the throttle was fixed at 12.9 percent opening, and the MAF was fixed at 3.06 gps. After time stamp 20838, the engine speed accelerated to 1500 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 12.9 percent opening and the MAF continued to stay fixed at the same 3.06 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

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## **Vehicle 7**

24. On October 4, 2024, respondent Martinez-Salazar conducted a smog check for a 2003 Toyota Sienna LE, with a VIN ending in 0960 (Vehicle 7). Vehicle 7 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

25. The Dynamic Data Charts for Vehicle 7 show that between time stamp 143 and 18635, the engine RPM was steady at approximately 750 RPM, the throttle was fixed at 11 percent opening, and the MAF was fixed at 5.33 gps. After time stamp 18635, the engine speed accelerated to 1625 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 11 percent opening and the MAF continued to stay fixed at the same 5.33 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 8**

26. On November 8, 2024, respondent Martinez-Salazar conducted a smog check for a 2004 Toyota Tundra, with a VIN ending in 9708 (Vehicle 8). Vehicle 8 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

27. The Dynamic Data Charts for Vehicle 8 show that between time stamp 134 and 20537, the engine RPM was steady at approximately 850 RPM, the throttle was fixed at 14.5 percent opening, and the MAF was fixed at 0.42 gps. After time stamp 20537, the engine speed accelerated to 1850 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed

at the same 14.5 percent opening and the MAF continued to stay fixed at the same 0.42 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 9**

28. On December 12, 2024, respondent Martinez-Salazar conducted a smog check for a 2000 Nissan Maxima GLE, with a VIN ending in 1367 (Vehicle 9). Vehicle 9 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

29. The Dynamic Data Charts for Vehicle 9 show that between time stamp 188 and 18988, the engine RPM was steady at approximately 750 RPM, the throttle was fixed at 0 percent opening, and the MAF was fixed at 3.07 gps. After time stamp 18988, the engine speed accelerated to 1400 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 0 percent opening and the MAF continued to stay fixed at the same 3.07 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

## **Vehicle 10**

30. On December 13, 2024, respondent Martinez-Salazar conducted a smog check for a 2000 Ford Expedition XLT, with a VIN ending in 4774 (Vehicle 10). Vehicle 10 passed the inspection, and a smog certificate of compliance was issued under respondent Martinez-Salazar's EO license.

31. The Dynamic Data Charts for Vehicle 10 show that between time stamp 21 and 16456, the engine RPM was steady at approximately 700 RPM, the throttle was fixed at 19.2 percent opening, and the MAF was fixed at 5.54 gps. After time stamp 16456, the engine speed accelerated to 1600 RPM. From the time the engine speed increased from off idle to the higher RPMs, the throttle continued to stay fixed at the same 19.2 percent opening and the MAF continued to stay fixed at the same 5.54 gps. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged.

32. For all 10 vehicles, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings remained unchanged, even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. A substantial increase in RPM should have resulted in a change of the outputs of the vehicles' sensors and timing, yet the sensor and timing data for all 10 vehicles did not change. Based on Mr. Koch's experience, he opined that it is more likely than not that the OIS DAD was not connected to these 10 vehicles when they were being certified, and respondent Martinez-Salazar issued fraudulent smog certificates of compliance by way of clean plugging for Vehicles 1 through 10.

## **Respondents' Evidence**

33. Respondent Martinez-Salazar is the owner of respondent Inland Empire. He also does smog check inspections there. Respondent Martinez-Salazar has no prior record of discipline with the Bureau.

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34. At the hearing, respondent Martinez-Salazar could not explain the results of the 10 smog check inspections at Inland Empire. He denied engaging in clean plugging. Respondent Martinez-Salazar testified that prior to being a licensed smog check technician in 2021, he completed courses at the California Smog Institute in Riverside. He contended he followed the procedure he was learned from the California Smog Institute.

## **Analysis**

35. The evidence established that respondent Martinez-Salazar issued false certificates of compliance, did not properly conduct smog inspections, and entered false data in the Bureau's emission inspection systems for Vehicles 1 through 10.

36. The evidence also established that between August 16, 2024, and December 13, 2024, respondent Martinez-Salazar engaged in clean plugging during 10 smog check inspections. Mr. Koch credibly testified that there was no alternative explanation for the discrepancies at issue other than clean plugging. Respondent Martinez-Salazar did not offer any evidence to explain or dispute Mr. Koch's findings. Furthermore, respondent Martinez-Salazar's denial of clean plugging was unpersuasive, compared to Mr. Koch's credible testimony and documentation supporting his testimony.

## **Costs**

37. The Bureau seeks reimbursement of \$6,144.75 in enforcement costs and \$2,723.82 in investigation costs. Of the enforcement costs, 26.25 hours totaling \$5,985 were incurred by attorneys, and 0.75 hours totaling \$159.75 were incurred by a paralegal. The investigation costs are based upon 26.5 hours incurred by Mr. Koch and

Raymond Gottenbos, Bureau's Program Representative II. The total cost requested is \$8,868.57.

38. Respondent Martinez-Salazar did not present any evidence of his inability to pay costs.

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. Complainant bears the burden of proving by a preponderance of the evidence the allegations against respondents. (*Imports Performance v. Department of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-917.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

### **Applicable Law**

2. The Bureau may suspend, revoke, or take other disciplinary action against a ARD if the ARD or one of its technicians commits any of the following acts or omissions: (1) making any written or oral statement which it knew or should have known was untrue or misleading, (2) any conduct constituting fraud, or (3) failure in any material respect to comply with the provisions of the Automotive Repair Act or the regulations adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subds. (a)(1), (a)(4), (a)(6).) Fraud includes a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact. (Bus. & Prof. Code, § 9884.7, subd. (e)(2).)

3. The Bureau may suspend, revoke, or take other disciplinary action against a Smog Check, Test-Only, Station License; a Smog Check inspector license; or a Smog Repair Technician license if the licensee violates any law under the Motor Vehicle Inspection Program or the regulations adopted pursuant to it. (Health & Saf. Code, § 44072.2, subds. (a), (c).)

4. The Bureau may also suspend, revoke, or take other disciplinary action against a Smog Check inspector or Repair Technician if the licensee commits any act involving dishonesty, fraud, or deceit whereby another is injured. (Health & Saf. Code, § 44072.2, subd. (d).)

5. The Bureau must revoke the license of any Smog Check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. (Health & Saf. Code, § 44072.10, subd. (c).)

## **Causes for Discipline**

### **RESPONDENT INLAND EMPIRE**

#### **First Cause For Discipline: Untrue or Misleading Statements**

6. Complainant seeks to discipline respondent Inland Empire's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), for making or authorizing statements it knew or should have known were untrue or misleading.

7. Complainant proved by a preponderance of the evidence that respondent Inland Empire made statements it knew or should have known were untrue and misleading when it falsely certified Vehicles 1 through 10 as having passed smog inspections. Cause therefore exists to discipline respondent Inland Empire's ARD

registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(1).

### **Second Cause For Discipline: Fraud**

8. Complainant seeks to discipline respondent Inland Empire's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), for committing acts constituting fraud.

9. Complainant proved by a preponderance of the evidence that respondent Inland Empire committed fraud by issuing certificates of compliance falsely certifying Vehicles 1 through 10 as having passed smog inspections. Cause therefore exists to discipline respondent Inland Empire's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(4).

### **Third Cause For Discipline: Material Violation of the Automotive Repair Act**

10. Complainant seeks to discipline respondent Inland Empire's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), for committing material violations of the Automotive Repair Act.

11. Complainant proved by a preponderance of the evidence that respondent Inland Empire materially violated the Automotive Repair Act because its owner, respondent Martinez-Salazar, violated Business and Professions Code section 9884.7, subdivision (a)(1), by falsely issuing smog certificates of compliance for Vehicles 1 through 10. Cause therefore exists to discipline respondent Inland Empire's ARD registration pursuant to Business and Professions Code section 9884.7, subdivision (a)(6).

## **Fourth Cause For Discipline: Violations of the Motor Vehicle Inspection Program**

12. Complainant seeks to discipline respondent Inland Empire's Smog Check, Test-Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (a), for violating provisions of the Motor Vehicle Inspection Program as follows: (1) failing to properly conduct emission control tests (Health & Saf. Code, § 44012); and (2) issuing smog certificates of compliance without ensuring the vehicles were properly tested and inspected (Health & Saf. Code, § 44015, subd. (b)).

13. Complainant proved by a preponderance of the evidence that respondent Inland Empire violated provisions of the Motor Vehicle Inspection Program by falsely certifying Vehicles 1 through 10 as passing smog inspections. Respondent Inland Empire did not properly conduct emission control tests and issued smog certificates of compliance without ensuring the vehicles were properly tested. Cause therefore exists to discipline respondent Inland Empire's Smog Check, Test-Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (a).

## **Fifth Cause For Discipline: Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program**

14. Complainant seeks to discipline respondent Inland Empire's Smog Check, Test-Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (c), for violating regulations adopted under the Motor Vehicle Inspection Program as follows: (1) falsely or fraudulently issuing electronic smog certificates of compliance for Vehicles 1 through 10 (Cal. Code Regs., tit. 16 (CCR), § 3340.24, subd. (c)); (2) failing to inspect and test Vehicles 1 through 10 in accordance with Health and Safety Code sections 44012 and 44035 and CCR section 3340.42 (CCR, § 3340.30, subd.

(a)); (3) issuing electronic smog certificates of compliance for Vehicles 1 through 10, even though those vehicles had not been inspected in accordance with CCR section 3340.42 (CCR, § 3340.35, subd. (c)); (4) failing to conduct smog tests and inspections on Vehicles 1 through 10 in accordance with the Bureau's specifications (CCR, § 3340.42).

15. Complainant proved by a preponderance of evidence that respondent Inland Empire violated the above regulations adopted under the Motor Vehicle Inspection Program by falsely certifying Vehicles 1 through 10 as passing smog inspections. Respondent Inland Empire, through respondent Martinez-Salazar, issued false certificates of compliance, did not properly conduct smog inspections, and entered false data in the Bureau's emission inspection system. Cause therefore exists to discipline respondent Inland Empire's Smog Check, Test-Only, Station License pursuant to Health and Safety Code section 44072.2, subdivision (c), in conjunction with the regulations described above.

### **Sixth Cause For Discipline: Dishonesty, Fraud, or Deceit**

16. Complainant seeks to discipline respondent Inland Empire's Smog Check, Test-Only, Station License pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), because respondent Inland Empire committed dishonest, fraudulent, or deceitful acts in connection with the issuance of fraudulent smog certificates of compliance for Vehicles 1 through 10.

17. Complainant proved by a preponderance of evidence that respondent Inland Empire committed dishonest, fraudulent, and deceitful acts when it issued certificates of smog compliance for Vehicles 1 through 10 without performing proper emission tests. Cause therefore exists to discipline respondent Inland Empire's Smog

Check, Test-Only, Station License pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c).

**RESPONDENT MARTINEZ-SALAZAR**

**Seventh Cause For Discipline: Violations of the Motor Vehicle Inspection Program**

18. Complainant seeks to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code section 44072.2, subdivision (a), for violating provisions of the Motor Vehicle Inspection Program as follows: (1) failing to properly perform emission control tests on Vehicles 1 through 10 (Health & Saf. Code, § 44032); and (2) issuing certificates of compliance for Vehicles 1 through 10, without ensuring these vehicles were properly tested and inspected (Health & Saf. Code, § 44015, subd. (b)).

19. Complainant proved by a preponderance of the evidence that respondent Martinez-Salazar violated provisions of the Motor Vehicle Inspection Program by falsely certifying Vehicles 1 through 10 as passing smog inspections. Respondent Martinez-Salazar did not properly perform emission control tests and issued smog certificates of compliance without ensuring these vehicles were properly tested and inspected. Cause therefore exists to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code section 44072.2, subdivision (a).

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## **Eighth Cause For Discipline: Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program**

20. Complainant seeks to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code section 44072.2, subdivision (c), for violating regulations adopted under the Motor Vehicle Inspection Program as follows: (1) falsely or fraudulently issuing electronic smog certificates of compliance (CCR, § 3340.24, subd. (c)); (2) failing to inspect and test vehicles in accordance with Health and Safety Code sections 44012 and 44035 and CCR section 3340.42 (CCR, § 3340.30, subd. (a)); (3) entering false vehicle data into the Bureau's emission inspection system (CCR, § 3340.41, subd. (c)); and (4) failing to conduct smog tests and inspections in accordance with the Bureau's specifications (CCR, § 3340.42).

21. Complainant proved by a preponderance of evidence that respondent Martinez-Salazar violated the above regulations adopted under the Motor Vehicle Inspection Program by falsely certifying Vehicles 1 through 10 as passing smog inspections. Respondent Martinez-Salazar issued false certificates of compliance, did not properly conduct smog inspections, and entered false data in the Bureau's emission inspection systems. Cause therefore exists to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code section 44072.2, subdivision (c), in conjunction with the regulations described above.

## **Ninth Cause For Discipline: Dishonesty, Fraud, or Deceit**

22. Complainant seeks to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c), because respondent Martinez-Salazar

committed dishonest, fraudulent, or deceitful acts in connection with the issuance of fraudulent electronic smog certificates of compliance.

23. Complainant proved by a preponderance of evidence that respondent Martinez-Salazar committed dishonest, fraudulent, and deceitful acts when he issued electronic smog certificates of compliance for Vehicles 1 through 10, without performing proper emission tests. Cause therefore exists to discipline respondent Martinez-Salazar's Smog Check Inspector License pursuant to Health and Safety Code section 44072.2, subdivision (d), and section 44072.10, subdivision (c).

## **Disposition**

### **DISCIPLINE**

24. The Bureau's Guidelines for Disciplinary Orders and Terms of Probation, revised June 2021 (Guidelines) set forth recommended discipline for various violations of the Business and Professions and Health and Safety Codes, including Business and Professions Code sections 9884.7, subdivisions (a)(1), and (a)(6), and Health and Safety Code section 44072.2, subdivisions (a) and (c). The recommended minimum discipline for violations of these statutes is two or three years of probation. The Guidelines also set forth recommended discipline for various violations of the Bureau's regulations, including CCR sections 3340.30, subdivision (a); 3340.41, subdivision (c); and 3340.42. The recommended minimum discipline for violations of these regulations is five years of probation. The recommended maximum penalty for the statutory and regulatory violations is revocation.

25. The Guidelines outline aggravating factors and mitigating factors to consider when determining the level of discipline to impose in a given case. The aggravating factors include: (1) prior warnings from the Bureau; (2) prior office

conference(s) with the Bureau; (3) prior history of citations; (4) prior history of formal disciplinary action; (5) failure to permit the Bureau inspection of records; (6) evidence of abuse of mechanic's lien; (7) evidence of attempts to intimidate consumer; (8) evidence of negligent or willful improper repair work that endangers consumers; (9) evidence that the unlawful act was a pattern of practice; (10) failure to comply with the Bureau's request for corrective action; (11) currently on probation for improper acts; (12) failure to successfully complete prior probation; (13) failure to pay court judgement to victim; (14) violation of previous court order; and (15) evidence of any other conduct which constitutes fraud or gross negligence. (Guidelines, p. 1-2.) The mitigating factors include: (1) evidence that respondent implemented the Bureau's suggested resolution to a consumer complaint; (2) evidence of restitution to the consumer and/or correct repair of the consumer's vehicle; (3) evidence of voluntary participation in retraining for self or employees; (4) evidence of voluntary purchase of proper diagnostic equipment and manuals; (5) evidence of a medical condition that temporarily prevented respondent from exercising supervision and control over employees or others at the time of the violation; (6) absence of prior disciplinary action; (7) evidence that the violation was not part of a pattern or practice; (8) evidence of no loss to consumer and no damage to consumer's property; (9) evidence of retraining and has initiated steps to minimize recurrence; (10) evidence of resolution of all consumer complaints with a subsequent change in business practice; (11) evidence of substantial measures to correct its business practices and/or business operations so as to minimize the likelihood of recurrence of the violation; and (12) evidence of any other conduct which would constitute a factor in mitigation. (Guidelines, p. 2-3.)

26. Considering the Bureau's Guidelines, revocation of respondents' licenses is warranted. Although respondent Martinez-Salazar has no prior discipline, he offered

no explanation or evidence of retraining or corrective action. Furthermore, respondent Martinez-Salazar engaged in multiple acts of fraudulent behavior over a short period from August 2024 to December 2024. As such, the Guidelines' recommended discipline of license revocation is required for public protection.

## **OTHER CONSIDERATIONS**

27. Business and Professions Code section 9884.7, subdivision (c), permits the Bureau to revoke, suspend, or place on probation an ARD for all places of business operated in the state of California when the dealer has engaged in a course of repeated and willful violations of the Automotive Repair Act or its regulations. In this case, respondent Martinez-Salazar engaged in repeated and willful violations of the applicable laws and regulations of the Automotive Repair Act. Therefore, revocation of any other ARD issued to respondent Martinez-Salar is warranted.

28. Pursuant to Health and Safety Code section 44072.8, if the Smog Check Station License issued to respondent Inland Empire is revoked or suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the Director. In this case, because respondent Inland Empire's Smog Check, Test-Only, Station License is revoked, any additional license issued in the name of Inland Empire, under Chapter 5 of the Motor Vehicle Inspection Program, shall be revoked.

29. Additionally, pursuant to Health and Safety Code section 44072.8, if the Smog Check Inspector License issued to respondent Martinez-Salazar is revoked or suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in his name may be likewise revoked or

suspended by the Director. In this case, because respondent Martinez-Salazar's Smog Check Inspector License is revoked, any additional license issued in his name under Chapter 5 of the Motor Vehicle Inspection Program shall be revoked.

## **COSTS**

30. An ALJ may direct a licensee found to have violated a licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code, § 125.3.) In *Zuckerman v. Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*), the Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought. These factors include: (1) the licentiate's success in getting the charges dismissed or the severity of the discipline imposed reduced; (2) the licentiate's subjective good faith belief in the merits of his or her position; (3) whether the licentiate raised a colorable challenge to the proposed discipline; (4) the licentiate's financial ability to pay; and (5) whether the scope of the investigation was appropriate in light of the alleged misconduct. (*Id.* at p. 45.)

31. The Bureau seeks \$6,144.75 in enforcement costs and \$2,723.82 in investigation costs, for a total of \$8,868.57. Applying the *Zuckerman* factors, no reduction is warranted. Respondents did not succeed in having any charges dismissed or discipline reduced, raised no good-faith or colorable defenses, and presented no evidence of financial hardship. The Bureau's investigation was appropriate given the nature and seriousness of the violations. Therefore, it is appropriate to order respondents to pay the full amount of \$8,868.57 in investigation and enforcement costs.

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## ORDER

1. Automotive Repair Dealer Registration Number ARD 297831 issued to respondent Daniel Alejandro Martinez-Salazar, doing business as Inland Empire Smog Check, is revoked.

2. Any other Automotive Repair Dealer Registration issued to respondent Daniel Alejandro Martinez-Salazar is revoked.

3. Smog Check, Test-Only, Station License Number TC 297831 issued to respondent Daniel Alejandro Martinez-Salazar, doing business as Inland Empire Smog Check, is revoked.

4. Any additional license issued to respondent Daniel Alejandro Martinez-Salazar under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code is revoked.

5. Smog Check Inspector License Number EO 643007 issued to respondent Daniel Alejandro Martinez-Salazar is revoked.

6. Respondent Daniel Alejandro Martinez-Salazar shall pay the Bureau its costs of investigation and enforcement in the amount of \$8,868.57 prior to issuance of a new or reinstated license.

DATE: 06/25/2026

*Sandy Yu*

SANDY YU

Administrative Law Judge

Office of Administrative Hearings