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

12 In the Matter of the Accusation Against: Case No. 79/26-9634

13 **VALERIA MENA ALEMAN – OWNER**
14 **DBA VALERIA’S SMOG CHECK**
15 **8925 S. Figueroa St.**
16 **Los Angeles, CA 90003**

ACCUSATION

17 **Mailing Address:**
18 **5134 Ithaca Ave.**
19 **Los Angeles, CA 90032**

20 **Automotive Repair Dealer Registration No.**
21 **ARD 297939**
22 **Smog Check, Test Only, Station License No.**
23 **TC 297939**

24 **and**

25 **ADRIAN DAVID RAMIREZ HUERTA**
26 **12727 Cowley Ave.**
27 **Downey, CA 92242**

28 **Smog Check Inspector License No. EO**
637314

and

AARON DANIEL GUTIERREZ
2354 Lewis Ave.
Signal Hill, CA 90755

Smog Check Inspector License No. EO
638502

Respondents.

1 **PARTIES**

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

4 **Valeria Mena Aleman dba Valeria's Smog Check**

5 **Automotive Repair Dealer Registration**

6 2. On or about September 4, 2020, the Bureau issued Automotive Repair Dealer
7 Registration Number ARD 297939 to Valeria Mena Aleman, dba Valeria's Smog Check
8 (Respondent Valeria's Smog Check). The Automotive Repair Dealer Registration was in full
9 force and effect at all times relevant to the charges brought herein and will expire on September
10 30, 2026, unless renewed.

11 **Smog Check, Test Only, Station License**

12 3. On or about October 29, 2020, the Bureau issued Smog Check, Test-Only, Station
13 License Number TC 297939 to Respondent Valeria's Smog Check. The Smog Check, Test-Only,
14 Station License was in full force and effect at all times relevant to the charges brought herein and
15 will expire on September 30, 2026, unless renewed.

16 **STAR Certification**

17 4. On or about July 29, 2021, the Bureau issued STAR Station certification to
18 Respondent Valeria's Smog Check. The STAR Station certification was suspended March 10,
19 2026, and remains suspended.

20 **Adrian David Ramirez Huerta**

21 5. On or about September 15, 2014, the Bureau issued Smog Check Inspector License
22 Number EO 637314 to Adrian David Ramirez Huerta (Respondent Huerta). The Smog Check
23 Inspector License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on July 31, 2026, unless renewed.

25 **Aaron Daniel Gutierrez**

26 6. On or about August 21, 2015, the Bureau issued Smog Check Inspector License
27 Number EO 638502 to Aaron Daniel Gutierrez (Respondent Gutierrez). The Smog Check
28

Inspector License was in full force and effect at all times relevant to the charges brought herein and expired on December 31, 2025.

JURISDICTION

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

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

9. 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.

10. 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

11. 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.

....

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

2 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
3 on probation the registration for all places of business operated in this state by an
4 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.

5 12. Section 9884.11 of the Code states:

6 Each automotive repair dealer shall maintain any records that are required by
7 regulations adopted to carry out this chapter. Those records shall be open for reasonable
inspection by the chief or other law enforcement officials. All of those records shall be
8 maintained for at least three years.

9 13. Section 9889.22 of the Code states:

10 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
11 is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of
Division 26 of the Health and Safety Code constitutes perjury and is punishable as
12 provided in the Penal Code.

13 14. Section 44012 of the Health and Safety Code states:

14 The test at the smog check stations shall be performed in accordance with
procedures prescribed by the department and may require loaded mode dynamometer
15 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
16 department in consultation with the state board. The department shall implement
testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
17 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,
18 beginning no earlier than January 1, 2025. However, the department, in consultation
with the state board, may prescribe alternative test procedures that include loaded
19 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
systems that the department and the state board determine exhibit operational
20 problems. The department shall ensure, as appropriate to the test method, the
following:

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

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

25 (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
26 mode or loaded mode are tested in accordance with procedures prescribed by the
department. In determining how loaded mode and evaporative emissions testing shall
27 be conducted, the department shall ensure that the emission reduction targets for the
enhanced program are met.

28 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative

1 system and crankcase ventilation system are tested to reduce any nonexhaust sources
2 of volatile organic compound emissions, in accordance with procedures prescribed by
3 the department.

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

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

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

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

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

27 15. Section 44015 of the Health and Safety Code states:

28

(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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Section 115 of the Penal Code states:

(a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony.

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1 **REGULATORY PROVISIONS**

2 22. California Code of Regulations, title 16, section 3340.15, states:

3

4 (e) The station shall make, keep secure, and have available for inspection on request
5 of the Bureau, or its representative, legible records showing the station's transactions as a
6 licensee for a period of not less than three years after completion of any transaction to
7 which the records refer. All records shall be open for reasonable inspection and/or
reproduction by the Bureau or its representative. Station records required to be maintained
shall include:

8 (1) All certificates of compliance and certificates of noncompliance in stock and/or
9 issued,

10 (2) Repair orders relating to the inspection and repair activities, and

11 (3) Vehicle inspection reports generated either manually or by the emissions
12 inspection system.

13 The above listed station records shall be maintained in such a manner that the records
14 for each transaction are kept together, so as to facilitate access to those records by the
Bureau or its representative. In this regard, the second copy of an issued certificate shall be
15 attached to the final invoice record.

16

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

18

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

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

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

24 (a) Inspect, test and repair vehicles, as applicable, in accordance with section
25 44012 of the Health and Safety Code, section 44035 of the Health and
26 Safety Code, and section 3340.42 of this article.

27 ///
28 ///

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

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

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

7

8 (c) No person shall enter any vehicle identification information or emission
9 control system identification data for any vehicle other than the one being tested into
10 the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
11 about the vehicle being tested.

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

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

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

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

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

33 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
34 1999 model-year vehicles, except diesel-powered, registered in all program areas of
35 the state, except in those areas of the state where the enhanced program has been
36 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
37 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
38 contained in the bureau's specifications referenced in subsection (a) of Section
39 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
40 shall be measured and compared to the emission standards set forth in this section and
41 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
42 measured emissions are less than or equal to the applicable emissions standards
43 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.

28. 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

1 the tendency or effect thereby would be to mislead or deceive customers, prospective
2 customers, or the public.

3 **COST RECOVERY**

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

10 **FACTUAL ALLEGATIONS**

11 30. California's Smog Check Program requires the owners of most motor vehicles in the
12 Enhanced and Basic areas of the State subject their vehicles to and pass a Smog Check inspection
13 and receive a Certificate of Compliance every two years when renewing their registration and
14 also when the vehicle's title is transferred. These inspections are performed by Smog Check
15 inspectors at Smog Check Stations, both of which are licensed by the Bureau of Automotive
16 Repair (BAR). The Smog Check Program is designed and intended to reduce air pollution by
17 identifying and requiring the repair of polluting motor vehicles.

18 31. The 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 (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
22 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
23 dynamometer. This puts the vehicle's drive wheels on rollers and the vehicle is driven at speeds
24 of fifteen and twenty five miles per hour to simulate driving conditions while the emissions are
25 sampled by the EIS.

26 32. In Basic areas, or depending on a vehicle's configuration (all-wheel drive, traction
27 control issue), a similar test called a Two Speed Idle (TSI) test is performed, but instead of
28

1 applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the
2 emissions of HC, CO, O², and CO² at idle as well as 2500 revolutions per minute (RPM).

3 33. The inspector also performs visual and functional tests on the vehicle as outlined in
4 the Smog Check Manual. The visual inspection of the emission control components verifies the
5 required emission control devices are present and properly connected. Functional tests are also
6 performed which, depending on the vehicle, may include checking the ignition timing,
7 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low-pressure test
8 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
9 cap.

10 34. An On-Board Diagnostics (OBDII) functional test is also performed on most 1996 to
11 1999 model year vehicles. The inspector is required to connect a test cable from the EIS to a
12 Diagnostic Link Connector (DLC) which is located in the vehicle's passenger compartment.
13 Through the DLC, the EIS retrieves information from the vehicle's on-board computer about its
14 ability to communicate, the status of the I/M readiness monitors and the MIL light command, as
15 well as diagnostic trouble codes (DTC). The I/M readiness monitors tell whether or not the
16 OBDII system has run a sufficient number of self-tests on the vehicle's emission and engine
17 control systems. A failure of one or more of the OBDII functional criteria, depending on model
18 year, will result in the vehicle failing its Smog Check inspection. In addition to reporting the
19 outcome of the OBDII functional test, the Smog Check inspection results also show DTC's if
20 there are any in the vehicle's on-board computer memory.

21 35. The inspector enters the results of the visual and functional inspections into the EIS.
22 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
23 the results of the tailpipe, visual and functional tests.

24 36. The EIS is connected by internet connection to BAR's Vehicle Information Database
25 (VID), which is maintained by a state contractor. If the vehicle passes the visual, functional and
26 tailpipe tests, it passes the overall inspection. A Certificate of Compliance is issued and
27 transmitted electronically to the VID. Additionally, all data gathered during a Smog Check
28 inspection, regardless of the type of inspection, is transmitted to and retained in the VID.

1 37. Beginning March 9, 2015, California's Smog Check Program was updated to keep
2 pace with ever advancing vehicle technology. The program update requires use of an On-Board
3 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the Smog Check equipment required in
4 all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid
5 vehicles and 1998 and newer diesel vehicles subject to the program. The system consists of a
6 certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is
7 an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS
8 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports
9 is requested by the California BAR-OIS software and will be retrieved. Sensitive data, such as
10 vehicle location (GPS) and accident-related information (air bag deployment), is not retrieved.
11 The DAD connects between the BAR-OIS computer and the vehicle's DLC. The DAD is the only
12 BAR certified component of the BAR-OIS. The California BAR-OIS software requires a
13 continuous Internet connection when performing a Smog Check inspection. The BAR-OIS uses
14 the California BAR-OIS software to communicate with the VID through the Internet connection.
15 The bar code scanner is used to input inspector information, the vehicle identification number
16 (VIN), and Department of Motor Vehicles (DMV) renewal information. The printer provides a
17 Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check
18 Certificate of Compliance number for passing vehicles.

19 38. Data retrieved, captured and recorded to the VID during a BAR-OIS Smog Check
20 inspection includes; the electronic vehicle identification number (eVIN), which is the digitally
21 stored VIN programmed into the vehicles Powertrain Control Module (PCM); the communication
22 protocol, which is the specific "language" the PCM uses to relay or communicate information to
23 scan tools and other computers or devices such as the BAR-OIS; and the number of Parameter
24 Identifications (PIDs), which is the number of specific data values each PCM reports related to
25 emissions controls.

26 39. The eVIN is required to be programmed into the vehicle's PCM on 2005 and newer
27 vehicles, and on many occasions was programmed into the on-board computers on earlier model
28 year vehicles.

1 40. The communication protocol is programmed into the vehicle's on-board computer
2 during manufacture and does not change. The protocol can be recorded in its basic characters or
3 in an expanded form that includes additional characters. The basic form is primary and is always
4 contained within the expanded form (i.e. ICAN11bt5 vs. ICAN11bt500, I914 vs. I9140808,
5 JVPW vs. JVPW1850, JPWM vs. JPWM1850, KWPF vs. KWPF8FEF). Additional characters in
6 examples are italicized.

7 41. PIDs are data points reported by the vehicle on-board computer to a scan tool or
8 BAR-OIS. Examples of PIDs are engine speed, vehicle speed, engine temperature, and other
9 input and output values utilized by the vehicle's on-board computer. The PID count is the number
10 of data points reported by the vehicle's on-board computer and is programmed during
11 manufacture.

12 42. As with the EIS, inspectors also perform a visual and functional test on the vehicle.
13 The visual inspection of the emission control components verifies the required emission control
14 devices are present and properly connected, and a functional test is performed of the MIL. The
15 BAR-OIS software makes the determination whether or not the vehicle passes the inspection
16 based on the results of the OBD, visual and functional tests.

17 43. The EIS or BAR-OIS, depending on the test type, prints a VIR, which is a physical
18 record of the test results and shows the Certificate of Compliance number that was issued if the
19 vehicle passed the Smog Check inspection. The Smog Check inspector must sign the VIR to
20 indicate that the inspection was performed within BAR guidelines. Licensed Smog Check
21 inspectors are the only persons authorized by the BAR to perform official inspections. They are
22 issued a license and a personal access code which are used to gain access to the EIS and used to
23 set up a username and password within the BAR-OIS to perform Smog Check inspections.
24 Unauthorized use of another inspector's license, access code, or username and password is
25 prohibited.

26 44. Beginning May 1, 2023, Smog Check inspectors must use a biometric palm scanner
27 instead of a password login for the BAR On-Board Diagnostics Inspection System (BAR-OIS).
28

1 45. The VID contains registration data from DMV plus emission standards, vehicle Smog
2 Check inspections, Smog Check stations and inspectors, and Certificates of Compliance. The VID
3 has an internal clock that is set to Pacific Standard Time and records the time and date for each
4 inspection. Each Certificate of Compliance has a unique control number so that it can be tracked
5 to determine which Smog Check Station purchased the Certificate of Compliance and to which
6 vehicle it was issued. The VID receives the Smog Check results immediately following the
7 inspection. BAR can access the VID to view test data on Smog Check inspections performed at
8 any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle
9 which has been tested. If a vehicle passes the Smog Inspection, the vehicle information and test
10 results are electronically transmitted to DMV.

11 46. Defeat devices attempt to simulate engine operation during a Smog Check inspection
12 by transmitting OBDII data to the VID which has been modified or replaced entirely for the
13 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
14 defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

15 47. BAR has become aware of methods some Smog Check stations and Smog Check
16 inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check
17 test on their own, or in some instances, are not even present during the time the test is performed.

18 48. These methods are known as “clean piping”, “clean plugging”, and “clean gassing”.
19 “Clean plugging” is a method by which another vehicle’s properly functioning OBDII system, or
20 another source such as defeat devices, are used to generate passing data readings or diagnostic
21 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
22 smog compliance and or not present for testing.

23 **Conference History**

24 49. On or about March 8, 2022, two Bureau Representatives held an Office Conference
25 with Respondent Valeria’s Smog Check’s Owner, Valeria Mena Aleman and Smog Check
26 Inspector Hernan Molina Lopez (EO 640564). During the conference, Valeria Mena Aleman was
27 informed of the Bureau’s concerns regarding anomalous OBDII and tailpipe emission readings
28 that had been transmitted from Valeria’s Smog Check to the VID. The following were among the

specific Laws and Regulations of the Automotive Repair Act that were discussed at the conference: Code section 9884.7(a)(1); Section 44012 of the Health and Safety Code; and California Code of Regulations, title 16, section 3371.

50. Valeria Mena Aleman was informed that the conference was being held to discuss issues relating to compliance with the Automotive Repair Act, the Motor Vehicle Inspection Program, and other issues brought to the attention of the Bureau. She was also informed of the Bureau's expectations regarding the resolution of the issues that were addressed during the conference. Valeria Mena Aleman and Hernan Molina Lopez were informed that Respondent Valeria's Smog Check activity will be monitored by the Bureau and that future violations of the Automotive Repair Act may be incorporated into future disciplinary action against the station and technician licenses.

Prior Station Visits

51. On or about April 20, 2022, a Bureau Representative returned to Respondent Valeria's Smog Check and met with Owner Valeria Mena Aleman and Smog Check Inspector Hernan Molina Lopez (EO 640564) to address equipment issues and Smog Check related matters. During the visit, the Bureau Representative addressed, among other things, deficiencies found on the facility's invoices and VIRs. The Representative advised Valeria Mena Aleman and Hernan Molina Lopez that the station and technician must perform tests in accordance with Bureau rules and regulations.

52. On or about June 14, 2022, a Bureau Representative visited Respondent Valeria's Smog Check and met with Owner Valeria Mena Aleman and Smog Check Inspector Hernan Molina Lopez (EO 640564). During the visit, the Representative reviewed and discussed the facility's invoices and VIRs with Valeria Mena Aleman. The Bureau Representative advised Valeria Mena Aleman and Hernan Molina Lopez to follow all rules and regulations regarding Smog Check inspections.

53. On or about August 1, 2022, a Bureau Representative visited Respondent Valeria's Smog Check and met with Owner Valeria Mena Aleman and Smog Check Inspector Hernan Molina Lopez (EO 640564). During the visit, the Representative addressed BAR-OIS equipment

1 issues, along with estimate and invoice deficiencies with Valeria Mena Aleman. The
2 Representative advised Valeria Mena Aleman and Hernan Molina Lopez to follow all Bureau
3 regulations and to perform Smog Check inspections properly and in accordance with regulations.

4 **Fraudulent Inspection No. 1 – 2005 Nissan Murano SL**

5 54. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
6 Check. The review indicated that on or about October 25, 2024, a 2005 Nissan Murano SL was
7 tested and Certificate of Compliance Number UE748561C was issued by Respondent Valeria's
8 Smog Check, under Respondent Gutierrez's smog check inspector license.

9 55. The Dynamic PID chart for the 2005 Nissan Murano SL shows that between time
10 stamp 232 and 18751, the engine RPM is steady at around 725 RPM. During this time, the data
11 shows that the throttle is fixed at 2.7% and the MAF is fixed at 3.83gps. After time stamp 18751,
12 the data shows that the engine RPM is increased and held elevated above 1510 RPM. During the
13 elevated engine RPM, the data shows that the throttle initially drops from 1.6% to 0% opening
14 then incrementally rises to 3.5% opening and the MAF is fluctuating erratically between 2.82gps
15 and 4.4gps.

16 56. The steady idle and elevated engine RPM data along with the improbable throttle
17 positions and MAF readings are not characteristic or expected for normal engine operation. The
18 throttle positions and MAF readings are expected to be stable during the steady idle and
19 subsequently raised during the elevated engine RPM, not decrease to values less than idle or rise
20 and drop unexpectedly. During the improbable readings, the throttle and MAF had data points
21 during the elevated engine RPM which were lower than data points at idle. Also, during the
22 elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation which is
23 inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data
24 prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Nissan
25 Murano SL being certified, causing the issuance of a fraudulent Smog Check Certificate of
26 Compliance.

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1 **Prior Inspection No. 1 – 2005 Nissan Murano SL**

2 57. On or about September 3, 2024, fifty-two days (52) prior to the date of the fraudulent
3 Smog Check inspection, a previous Smog Check inspection was performed on the 2005 Nissan
4 Murano SL at Respondent Valeria's Smog Check under Respondent Gutierrez's Smog Check
5 Inspector License.

6 58. The Dynamic PID chart for the 2005 Nissan Murano SL shows that between time
7 stamp 209 and 27747, the engine RPM is steady at around 860 RPM. During this time, the data
8 shows that the throttle is fixed at 2.7% and the MAF is stable between 4.33gps and 4.41gps. After
9 time stamp 27747, the data shows that the engine RPM is increased and held elevated above 1512
10 RPM. During the elevated engine RPM, the data shows that the throttle rises from 3.9% to 4.3%
11 opening and the MAF also rises in correlation from 7.55gps to 7.83gps, drops to 7.52gps then
12 incrementally rises to 8.21gps.

13 59. The steady idle and elevated engine RPM data along with the associated throttle
14 positions and MAF readings are characteristic and expected for normal engine operation.

15 60. A Certificate of Compliance was not issued for the Smog Check inspection performed
16 on September 3, 2024. The Vehicle Inspection Report shows the 2005 Nissan Murano SL failed
17 the OBDII Functional test due to incomplete OBDII monitors.

18 **Fraudulent Inspection No. 2 – 2005 GMC New Sierra C1500**

19 61. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
20 Check. The review indicated that on or about October 29, 2024, a 2005 GMC New Sierra C1500
21 was tested and Certificate of Compliance Number UE748570C was issued by Respondent
22 Valeria's Smog Check, under Respondent Gutierrez's smog check inspector license.

23 62. The Dynamic PID chart for the 2005 GMC New Sierra C1500 shows that between
24 time stamp 56 and 19405, the engine RPM is steady at around 575 RPM. During this time, the
25 data shows that the throttle is fixed at 2.7%, the MAF is fixed at 4.99gps, and the MAP is fixed at
26 31kPa. After time stamp 19405, the data shows that the engine RPM is increased and held
27 relatively steady at around 1755 RPM. During the steady elevated engine RPM, the data shows
28 that the throttle is fluctuating erratically between 0% and 5.5% opening, the MAF is fluctuating

erratically between 2.97gps and 5gps, and the MAP is fluctuating erratically between 19kPa and 30kPa.

63. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF and MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease and remain steady not rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed repeated fluctuations, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 GMC New Sierra C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Prior Inspection No. 2 – 2005 GMC New Sierra C1500

64. On or about October 14, 2024, just fifteen (15) days prior to the date of the fraudulent inspection, a previous Smog Check inspection was performed on the 2005 GMC New Sierra C1500 at a different, unrelated Smog Check station.

65. The Dynamic PID chart for the 2005 GMC New Sierra C1500 shows that between time stamp 470 and 74886, the engine RPM is held steady at around 550 RPM. During this time, the data shows that the throttle is fixed at 14.5% opening, the MAF is stable between 4.99gps and 5.14gps, and the MAP is between 33kPa and 34kPa. After time stamp 74886, the data shows that the engine RPM is incrementally raised and ultimately held above 1636 RPM. During the elevated engine RPM, the data shows that the throttle is fixed at 18.4% opening, the MAF is stable between 12.24gps and 12.32gps, and the MAP is fixed at 24kPa.

66. The steady idle and elevated engine RPM data along with the associated throttle positions, MAF and MAP readings are characteristic and expected for normal engine operation.

67. A Certificate of Compliance was not issued for the Smog Check inspection performed on October 14, 2024. The Vehicle Inspection Report shows the 2005 GMC New Sierra C1500 failed the OBDII Functional test due to incomplete OBDII monitors.

Fraudulent Inspection No. 3 – 2002 Honda CR-V EX

68. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog Check. The review indicated that on or about November 8, 2024, a 2002 Honda CR-V EX was tested and Certificate of Compliance Number UE748594C was issued by Respondent Valeria's Smog Check, under Respondent Gutierrez's smog check inspector license.

69. The Dynamic PID chart for the 2002 Honda CR-V EX shows that between time stamp 158 and 32415, the engine RPM is steady at around 715 RPM. During this time, the data shows that the throttle is fluctuating erratically between 7.8% and 11.8% opening and the MAP is fluctuating erratically between 17kPa and 30kPa. After time stamp 32415, the data shows that the engine RPM is increased and held steady at around 1615 RPM. During the steady elevated engine RPM, the data shows that the throttle is fixed at 9.4% opening and the MAP is fixed at 26kPa.

70. The steady idle and steady elevated engine RPM data along with the improbable throttle positions and MAP readings are not characteristic or expected for normal engine operation. The throttle positions are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to values less than idle. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings, the throttle had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the MAP had data points which never decreased below the lowest data points at idle, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2002 Honda CR-V EX being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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Prior Inspection No. 3 – 2002 Honda CR-V EX

71. On or about September 19, 2024, fifty days (50) prior to the date of the fraudulent Smog Check inspection, a previous Smog Check inspection was performed on the 2002 Honda CR-V EX, at a different, unrelated Smog Check station.

72. Although there was no dynamic data available for the Smog Check inspection performed on September 19, 2024, the VIR does show that the 2002 Honda CR-V EX failed the OBDII functional portion of the Smog Check inspection due to incomplete OBDII monitors.

Fraudulent Inspection No. 4 – 2003 Infiniti I35

73. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog Check. The review indicated that on or about November 9, 2024, a 2003 Infiniti I35 was tested and Certificate of Compliance Number UE748597C was issued by Respondent Valeria's Smog Check, under Respondent Gutierrez's smog check inspector license.

74. The Dynamic PID chart for the 2003 Infiniti I35 shows that between time stamp 203 and 28169, the engine RPM is steady at around 675 RPM. During this time, the data shows that the throttle initially rises from 0% to 5.5% then incrementally drops to 1.2% opening and the MAF is fluctuating between 3.06gps and 4.88gps. After time stamp 28169, the data shows that the engine RPM is increased and held steady at around 2055 RPM. During the steady elevated engine RPM, the data shows that the throttle is fixed at 0.8% opening and the MAF is fixed at 3.87gps.

75. The steady idle and steady elevated engine RPM data 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 during the steady idle and subsequently raised and stable during the steady elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, the throttle and MAF data points during the elevated engine RPM never increased above the highest data points at idle, both of which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data

1 prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Infiniti I35
2 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

3 **Prior Inspection No. 4 – 2003 Infiniti I35**

4 76. On or about July 29, 2023, a previous Smog Check inspection was performed on the
5 2003 Infiniti I35 at a different, unrelated Smog Check station.

6 77. The Dynamic PID chart for the 2003 Infiniti I35 shows that between time stamp
7 12491 and 52273, the engine RPM is held steady at around 680 RPM. During this time, the data
8 shows that the throttle is fixed at 0.8% opening and the MAF is stable between 3.59gps and
9 3.74gps. After time stamp 52273, the data shows that the engine RPM is increased, held at a
10 rising rate, and remains above 1400 RPM. During the rising elevated engine RPM, the data shows
11 that the throttle incrementally rises and is stable between 3.1% and 3.9% opening and the MAF
12 also rises incrementally from 7.79gps to 10.26gps.

13 78. The steady idle and elevated engine RPM data along with the associated throttle
14 positions and MAF readings are characteristic and expected for normal engine operation.

15 **Fraudulent Inspection No. 5 – 2000 Chevrolet Silverado C1500**

16 79. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
17 Check. The review indicated that on or about November 21, 2024, a 2000 Chevrolet Silverado
18 C1500 was tested and Certificate of Compliance Number UG271332C was issued by Respondent
19 Valeria's Smog Check, under Respondent Gutierrez's smog check inspector license.

20 80. The Dynamic PID chart for the 2000 Chevrolet Silverado C1500 shows that between
21 time stamp 85 and 4487, the engine RPM is steady at around 550 RPM. Following time stamp
22 4487, the engine RPM is increased and held steady at around 980 RPM until time stamp 25107.
23 During this time, the data shows that the throttle is fixed at 0%, the MAF is fixed at 4.5gps, and
24 the MAP is fixed at 34kPa. After time stamp 25107, the data shows that the engine RPM is
25 increased and held steady at around 1585 RPM. During the steady elevated engine RPM, the data
26 shows that the throttle initially rises from 0.8% to 5.5% opening before incrementally dropping to
27 2.7% opening, the MAF is fluctuating erratically between 2.84gps and 4.88gps, and the MAP
28 incrementally rises from 37kPa to 45kPa before incrementally dropping to 32kPa.

1 81. The steady idle and steady elevated engine RPM data along with the improbable
2 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
3 operation. The throttle positions and MAF readings are expected to be stable during the steady
4 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
5 values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated
6 engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings,
7 the MAF had data points during the steady elevated engine RPM which were lower than data
8 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
9 anomalous inverse correlation, and the MAP displayed an observable increase, all which are
10 inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data
11 prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Chevrolet
12 Silverado C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of
13 Compliance.

14 **Prior Inspection No. 5 – 2000 Chevrolet Silverado C1500**

15 82. On or about July 2, 2024, a previous Smog Check inspection was performed on the
16 2000 Chevrolet Silverado C1500 at a different, unrelated Smog Check station.

17 83. The Dynamic PID chart for the 2000 Chevrolet Silverado C1500 shows that between
18 time stamp 351 and 15120, the engine RPM is held steady at around 575 RPM. During this time,
19 the data shows that the throttle is fixed at 0% opening, the MAF is stable between 4.77gps and
20 4.82gps, and the MAP is fixed at 35kPa. After time stamp 15120, the data shows that the engine
21 RPM is incrementally raised and ultimately held above 1391 RPM. During the elevated engine
22 RPM, the data shows that the throttle incrementally rises from 3.1% to 13.3% opening, the MAF
23 rises from 9.27gps to 11.83gps and remains stable between 11.55gps and 11.6gps, and the MAP
24 drops from 29kPa to 25kPa. The steady idle and elevated engine RPM data along with the
25 associated throttle positions, MAF and MAP readings are characteristic and expected for normal
26 engine operation.

84. A Certificate of Compliance was not issued for the Smog Check inspection performed on July 2, 2024. The Vehicle Inspection Report shows the 2000 Chevrolet Silverado C1500 failed the OBDII Functional test due to an incomplete OBDII monitor.

Fraudulent Inspection No. 6 – 2005 Honda Accord EX

85. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog Check. The review indicated that on or about January 26, 2025, a 2005 Honda Accord EX was tested and Certificate of Compliance Number UI366194C was issued by Respondent Valeria's Smog Check, under Respondent Huerta's smog check inspector license.

86. The Dynamic PID chart for the 2005 Honda Accord EX shows that between time stamp 121 and 48799, the engine RPM is steady at around 685 RPM. During this time, the data shows that the throttle is fixed at 9.8%, the MAF is fixed at 3.52gps, and the MAP is fixed at 28kPa. After time stamp 48799, the data shows that the engine RPM is increased and held steady at around 1490 RPM. During the steady elevated engine RPM, the data shows that the throttle is fluctuating erratically between 6.3% and 11.4%, the MAF is fluctuating erratically between 3.01gps and 4.72gps, and the MAP is fluctuating erratically between 18kPa to 29kPa.

87. The steady idle and steady elevated engine RPM data along with the improbable throttle positions, MAF and MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated engine RPM, the MAP is expected to decrease relative to idle and stabilize, not rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP displayed repeated fluctuations, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2005 Honda Accord EX being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

1 **Prior Inspection No. 6 – 2005 Honda Accord EX**

2 88. On or about January 10, 2023, a previous Smog Check inspection was performed on
3 the 2005 Honda Accord EX, by Valeria's Smog Check under Hernan Molina Lopez's Smog
4 Check Inspector License.

5 89. The Dynamic PID chart for the 2005 Honda Accord EX shows that between time
6 stamp 145 and 29988, the engine RPM is held steady at around 795 RPM. During this time, the
7 data shows that the throttle is fixed at 9.8% opening, the MAF is stable between 2.09gps and
8 2.47gps, and the MAP is stable between 24kPa and 25kPa. After time stamp 29988, the data
9 shows that the engine RPM is raised and ultimately held above 1761 RPM at a rising rate. During
10 the rising elevated engine RPM, the data shows that the throttle rises from 13.3% to 13.7%
11 opening, the MAF initially rises from 5.5gps to 6.34gps before stabilizing between 6.23gps and
12 6.39gps, and the MAP initially rises from 20kPa to 24kPa before stabilizing between 22kPa and
13 23kPa.

14 90. The steady idle and elevated engine RPM data along with the associated throttle
15 positions, MAF and MAP readings are characteristic and expected for normal engine operation.

16 **Fraudulent Inspection No. 7 – 2004 Toyota Tundra Double Cab SR5**

17 91. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
18 Check. The review indicated that on or about February 5, 2025, a 2004 Toyota Tundra Double
19 Cab SR5 was tested and Certificate of Compliance Number UK217076C was issued by
20 Respondent Valeria's Smog Check, under Respondent Huerta's smog check inspector license.

21 92. The Dynamic PID chart for the 2004 Toyota Tundra Double Cab SR5 shows that
22 between time stamp 235 and 31473, the engine RPM is steady at around 840 RPM. During this
23 time, the data shows that the throttle is fixed at 16.9% opening and the MAF is fixed at 5.07gps.
24 After time stamp 31473, the data shows that the engine RPM is increased and held steady at
25 around 1460 RPM. During the steady elevated engine RPM, the data shows that the throttle is
26 fluctuating erratically between 14.1% and 17.3% opening and the MAF is fluctuating erratically
27 between 3.45gps and 4.96gps.

93. The steady idle and steady elevated engine RPM data 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 during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle and MAF had data points during the steady elevated engine RPM which were lower than data points at idle. The MAF data points during the elevated engine RPM never increased above the highest data points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, all which are inconsistent with normal and expected engine behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Toyota Tundra Double Cab SR5 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 8 – 2002 Toyota Tacoma XtraCab

94. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog Check. The review indicated that on or about May 20, 2025, a 2002 Toyota Tacoma XtraCab was tested and Certificate of Compliance Number UO640074C was issued by Respondent Valeria's Smog Check, under Respondent Huerta's smog check inspector license.

95. The Dynamic PID chart for the 2002 Toyota Tacoma XtraCab shows that between time stamp 141 and 24956, the engine RPM is steady at around 690 RPM. During this time, the data shows that the throttle is fixed at 11.4% opening and the MAF is fixed at 2.95gps. After time stamp 24956, the data shows that the engine RPM is increased and held steady at around 1645 RPM. During the steady elevated engine RPM, the data shows that the throttle is fluctuating erratically between 7.1% and 11.4% opening and the MAF is fluctuating erratically between 2.78gps and 4.78gps.

96. The steady idle and steady elevated engine RPM data 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 during the steady idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to

1 values less than idle or rise and drop unexpectedly. During the improbable readings, the throttle
2 and MAF had data points during the steady elevated engine RPM which were lower than data
3 points at idle. Also, during the elevated engine RPM, the throttle and MAF exhibited an
4 anomalous inverse correlation, both of which are inconsistent with normal and expected engine
5 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was
6 not connected as required to the 2002 Toyota Tacoma XtraCab being certified, causing the
7 issuance of a fraudulent Smog Check Certificate of Compliance.

8 **Prior Inspection No. 8 – 2002 Toyota Tacoma XtraCab**

9 97. On or about May 30, 2023, a previous Smog Check inspection was performed on the
10 2002 Toyota Tacoma XtraCab by Valeria's Smog Check under Hernan Molina Lopez's Smog
11 Check Inspector License.

12 98. The Dynamic PID chart for the 2002 Toyota Tacoma XtraCab shows that between
13 time stamp 144 and 22856, the engine RPM is held steady at around 715 RPM. During this time,
14 the data shows that the throttle is fixed at 11.4% opening and the MAF is stable between 3.85gps
15 and 3.95gps. After time stamp 22856, the data shows that the engine RPM is initially increased to
16 2048 RPM before dropping to 1298 RPM. Subsequently, the engine RPM is raised incrementally
17 and remains above 1405 RPM. During the rising elevated engine RPM, the data shows that the
18 throttle rises from 14.1% to 15.3% and the MAF initially rises from 7.6gps to 10.31gps before
19 stabilizing between 10.35gps and 10.93gps.

20 99. The steady idle and steady elevated engine RPM data along with the associated
21 throttle positions and MAF readings are characteristic and expected for normal engine operation.

22 **Fraudulent Inspection No. 9 – 2000 Nissan Frontier Crew Cab XE**

23 100. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
24 Check. The review indicated that on or about June 2, 2025, a 2000 Nissan Frontier Crew Cab XE
25 was tested and Certificate of Compliance Number UQ118675C was issued by Respondent
26 Valeria's Smog Check, under Respondent Huerta's smog check inspector license.

27 101. The Dynamic PID chart for the 2000 Nissan Frontier Crew Cab XE shows that
28 between time stamp 196 and 82882, the engine RPM is steady at around 745 RPM. During this

1 time, the data shows that the throttle is fixed at 0%, the MAF is fixed at 5.11gps, and the MAP is
2 fixed at 32kPa. After time stamp 82882, the data shows that the engine RPM is increased and held
3 steady at around 1585 RPM. During the steady elevated engine RPM, the data shows that the
4 throttle initially drops from 2.7% to 1.2% opening before rising to 3.9% opening, the MAF is
5 fluctuating erratically between 3.26gps and 4.6gps, and the MAP initially drops from 35kPa to
6 34kPa then incrementally rises to 45kPa.

7 102. The steady idle and steady elevated engine RPM data along with the improbable
8 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
9 operation. The throttle positions and MAF readings are expected to be stable during the steady
10 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
11 values less than idle or rise and drop unexpectedly. Additionally, during the steady elevated
12 engine RPM, the MAP is expected to decrease relative to idle. During the improbable readings,
13 the MAF had data points during the steady elevated engine RPM which were lower than data
14 points at idle and which never increased above the data points at idle. Also, during the elevated
15 engine RPM, the throttle and MAF exhibited an anomalous inverse correlation, and the MAP
16 displayed an observable increase, all which are inconsistent with normal and expected engine
17 behavior. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was
18 not connected as required to the 2000 Nissan Frontier Crew Cab XE being certified, causing the
19 issuance of a fraudulent Smog Check Certificate of Compliance.

20 **Prior Inspection No. 9 – 2000 Nissan Frontier Crew Cab XE**

21 103. On or about May 10, 2025, just twenty-three (23) days prior to the date of the
22 fraudulent inspection, a previous Smog Check inspection was performed on the 2000 Nissan
23 Frontier Crew Cab XE at a different, unrelated Smog Check station.

24 104. The Dynamic PID chart for the 2000 Nissan Frontier Crew Cab XE shows that
25 between time stamp 1102 and 28867, the engine RPM is held steady at around 815 RPM. During
26 this time, the data shows that the throttle is at 0% opening, the MAF is at 4.35gps, and the MAP
27 is fixed at 31kPa. After time stamp 28867, the data shows that the engine RPM is increased and
28 held steady at around 1955 RPM. During the elevated engine RPM, the data shows that the

1 throttle is at 3.5% opening, the MAF is at 10.8gps, and the MAP is stable between 28kPa and
2 29kPa.

3 105. The steady idle and steady elevated engine RPM data along with the associated
4 throttle positions, MAF and MAP readings are characteristic and expected for normal engine
5 operation.

6 106. A Certificate of Compliance was not issued for the Smog Check inspection performed
7 on May 10, 2025. The Vehicle Inspection Report shows that the 2000 Nissan Frontier Crew Cab
8 XE failed the OBDII Functional test due to incomplete OBDII monitors.

9 **Fraudulent Inspection No. 10 – 2001 Ford Explorer Sport**

10 107. A Bureau Representative reviewed the OIS Test Data for Respondent Valeria's Smog
11 Check. The review indicated that on or about July 16, 2025, a 2001 Ford Explorer Sport was
12 tested and Certificate of Compliance Number US192508C was issued by Respondent Valeria's
13 Smog Check, under Respondent Huerta's smog check inspector license.

14 108. The Dynamic PID chart for the 2001 Ford Explorer Sport shows that between time
15 stamp 27 and 32460, the engine RPM is steady at around 660 RPM. During this time, the data
16 shows that the throttle is fixed at 19.2% opening and the MAF is fixed at 4.01gps. After time
17 stamp 32460, the data shows that the engine RPM is increased and held steady at around 1685
18 RPM. During the steady elevated engine RPM, the data shows that the throttle is fluctuating
19 erratically between 19.6% and 24.3% opening and the MAF is fluctuating erratically between
20 2.72gps and 5.08gps.

21 109. The steady idle and steady elevated engine RPM data along with the improbable
22 throttle positions and MAF readings are not characteristic or expected for normal engine
23 operation. The throttle positions and MAF readings are expected to be stable during the steady
24 idle and subsequently raised and stable during the steady elevated engine RPM, not decrease to
25 values less than idle or rise and drop unexpectedly. During the improbable readings, the MAF had
26 data points during the steady elevated engine RPM which were lower than data points at idle.
27 Also, during the elevated engine RPM, the throttle and MAF exhibited an anomalous inverse
28 correlation, all which are inconsistent with normal and expected engine behavior. The

discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Ford Explorer Sport being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Prior Inspection No. 10 – 2001 Ford Explorer Sport

110. On or about May 15, 2025, sixty-two (62) days prior to the date of the fraudulent Smog Check inspection, a previous Smog Check inspection was performed on the 2001 Ford Explorer Sport at a different, unrelated Smog Check station.

111. The Dynamic PID chart for the 2001 Ford Explorer Sport shows that between time stamp 216 and 26340, the engine RPM is held steady at around 705 RPM. During this time, the data shows that the throttle is fixed at 19.2% opening and the MAF is stable between 4.38gps and 4.7gps. After time stamp 26340, the data shows that the engine RPM is increased and ultimately held steady at around 1765 RPM. During the steady elevated engine RPM, the data shows that the throttle is fixed at 23.5% opening and the MAF is stable between 10.4gps and 11.72gps.

112. The steady idle and steady elevated engine RPM data along with the associated throttle positions and MAF readings are characteristic and expected for normal engine operation.

113. A Certificate of Compliance was not issued for the Smog Check inspection performed on May 15, 2025. The Vehicle Inspection Report shows that the 2001 Ford Explorer Sport failed the Smog Check inspection due to incomplete OBDII monitors, it had a Service Fault Code and also failed the OBD Bulb Check portion of the inspection.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

114. Respondent Valeria's Smog Check'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 October 25, 2024, through July 16, 2025, Respondent Valeria's Smog Check Plus made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent Valeria's Smog Check certified that vehicles 1 through 10, set forth above, had passed inspection and were in compliance with applicable laws and regulations. Respondent

Valeria's Smog Check 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 30 through 113, as though fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

115. Respondent Valeria's Smog Check's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between October 25, 2024, through July 16, 2025, Respondent Valeria's Smog Check committed acts that constitute fraud by issuing electronic smog 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 30 through 113, as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

116. Respondent Valeria's Smog Check's Automotive Repair Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that between October 25, 2024, through July 16, 2025, regarding vehicles 1 through 10, set forth above, Respondent Valeria's Smog Check failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing electronic smog certificates of compliance for the ten (10) vehicles set forth above 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 30 through 113, as though fully set forth.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(False Statement or Entry on a Certificate of Compliance)**

3 117. Respondent Valeria's Smog Check's Automotive Repair Registration is subject to
4 disciplinary action under Code section 9889.22, in that between October 25, 2024, through July
5 16, 2025, Respondent Valeria's Smog Check provided false statements on the Certificates of
6 Compliance regarding vehicles 1 through 10, set forth above. Complainant refers to, and by this
7 reference incorporates, the allegations set forth above in paragraphs 30 through 113, as though
8 fully set forth.

9 **FIFTH CAUSE FOR DISCIPLINE**

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

12 118. Respondent Valeria's Smog Check's Smog Check, Test Only Station License is
13 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
14 between October 25, 2024, through July 16, 2025, Respondent Valeria's Smog Check failed to
15 comply with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.35, subdivision (c):** Respondent Valeria's Smog Check issued electronic
17 smog certificates of compliance for Vehicles 1 through 10, identified above, even though those
18 vehicles had not been properly inspected in accordance with section 3340.42 of that Code.

19 b. **Section 3340.42:** Respondent Valeria's Smog Check failed to conduct Smog Check
20 inspections in accordance with Bureau specifications relating to Vehicles 1 to 10, identified
21 above.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in
23 paragraphs 30 through 113, as though fully set forth.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Motor Vehicle Inspection Program)**

26 119. Respondent Valeria's Smog Check's Smog Check, Test Only Station License is
27 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
28 between October 25, 2024, through July 16, 2025, regarding vehicles 1 through 10, set forth

1 above, Respondent Valeria's Smog Check failed to comply with the following sections of that
2 Code:

3 a. **Section 44012:** Respondent Valeria's Smog Check failed to ensure that the emission
4 control tests were performed on vehicles 1 through 10, in accordance with procedures prescribed
5 by the department.

6 b. **Section 44012, subdivision (f):** Respondent Valeria's Smog Check issued electronic
7 smog certificates of compliance for vehicles 1 through 10, without a proper visual and/or
8 functional check of required emission control devices.

9 c. **Section 44059:** Respondent Valeria's Smog Check willfully made false entries for the
10 electronic smog certificates of compliance by certifying that Vehicles 1 through 10, set forth
11 above had been inspected as required when, in fact, they had not.

12 Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 30 through 113, as though fully set forth.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Dishonesty, Fraud or Deceit)**

16 120. Respondent Valeria's Smog Check's Smog Check, Test-Only Station License is
17 subject to discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in
18 conjunction with 44072.10, subdivision (c), in that between October 25, 2024, through July 16,
19 2025, regarding vehicles 1 through 10, set forth above, Respondent Valeria's Smog Check
20 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
21 electronic smog check certificates of compliance for those vehicles without performing bona fide
22 inspections of the emission control devices and systems on the vehicles, thereby depriving the
23 People of the State of California of the protection afforded by the Motor Vehicle Inspection
24 Program. Complainant refers to, and by this reference incorporates, the allegations set forth
25 above in paragraphs 30 through 113, as though fully set forth.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Adrian David Ramirez**
3 **Huerta)**

4 121. Respondent Huerta's Smog Check Inspector License is subject to disciplinary action
5 under Health and Safety Code section 44072.2, subdivision (a), in that Respondent Huerta
6 violated the following Health and Safety Code sections:

7 a. **Section 44032:** Respondent Huerta failed to perform tests of the emission control
8 devices and systems on vehicles 6 through 10 identified above in accordance with section 44012
9 of the Health and Safety Code, in that the vehicles had been clean plugged.

10 b. **Section 44059:** Respondent Huerta willfully made false entries for the electronic
11 smog check certificates of compliance by certifying that vehicles 6 through 10 identified above
12 had been inspected as required when, in fact, they had not.

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraphs 30 through 113, as though fully set forth.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant to the**
17 **Motor Vehicle Inspection Program – Respondent Adrian David Ramirez Huerta)**

18 122. Respondent Huerta's Smog Check Inspector License is subject to discipline pursuant
19 to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Huerta failed to
20 comply with provisions of California Code of Regulations, title 16, as follows:

21 a. **Section 3340.30, subdivision (a):** Respondent Huerta failed to inspect and test vehicles
22 6 through 10 identified above, in accordance with Health & Saf. Code sections 44012 and 44035,
23 and Cal Code Regs., title 16, section 3340.42.

24 b. **Section 3340.41, subdivision (c):** Respondent Huerta knowingly entered false
25 information into the onboard diagnostic inspection system for vehicles 6 through 10, identified
26 above.

27 Complainant refers to, and by this reference incorporates, the allegations set forth above in
28 paragraphs 30 through 113, as though fully set forth.

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(False Statement or Entry on a Certificate of Compliance – Respondent Adrian David**
3 **Ramirez Huerta)**

4 123. Respondent Huerta’s Smog Check Inspector License is subject to disciplinary action
5 under Code section 9889.22, in that he provided false statements on Certificates of Compliance
6 relating to vehicles 6 through 10 as set forth above. Complainant refers to, and by this reference
7 incorporates, the allegations set forth above in paragraphs 30 through 113, as though fully set
8 forth.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud, or Deceit – Respondent Adrian David Ramirez Huerta)**

11 124. Respondent Huerta’s Smog Check Inspector License is subject to disciplinary action
12 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
13 Safety Code section 44072.10, subdivision (c), in that between October 25, 2024, through July
14 16, 2025, regarding vehicles 6 through 10, set forth above, Respondent Huerta committed acts
15 involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
16 compliance for the vehicles without performing bona fide inspections of the emission control
17 devices and systems on those vehicles, thereby depriving the People of the State of California of
18 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
19 this reference incorporates, the allegations set forth above in paragraphs 30 through 113, as
20 though fully set forth.

21 **TWELFTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program – Respondent Aaron Daniel Gutierrez)**

23 125. Respondent Gutierrez’s Smog Check Inspector License is subject to disciplinary
24 action under Health and Safety Code section 44072.2, subdivision (a), in that Respondent
25 Gutierrez violated the following Health and Safety Code sections:

26 a. **Section 44032:** Respondent Gutierrez failed to perform tests of the emission control
27 devices and systems on vehicles 1 through 5 identified above in accordance with section 44012 of
28 the Health and Safety Code, in that the vehicles had been clean plugged.

1 b. **Section 44059:** Respondent Gutierrez willfully made false entries for the electronic
2 smog check certificates of compliance by certifying that vehicles 1 through 5 identified above had
3 been inspected as required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 30 through 113, as though fully set forth.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

9 126. Respondent Gutierrez's Smog Check Inspector License is subject to discipline
10 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent
11 Gutierrez failed to comply with provisions of California Code of Regulations, title 16, as follows:

12 a. **Section 3340.30, subdivision (a):** Respondent Gutierrez failed to inspect and test
13 vehicles 1 through 5 identified above, in accordance with Health & Saf. Code sections 44012 and
14 44035, and Cal Code Regs., title 16, section 3340.42.

15 b. **Section 3340.41, subdivision (c):** Respondent Gutierrez knowingly entered false
16 information into the onboard diagnostic inspection system for vehicles 1 through 5 identified
17 above.

18 Complainant refers to, and by this reference incorporates, the allegations set forth above in
19 paragraphs 30 through 113, as though fully set forth.

20 **FOURTEENTH CAUSE FOR DISCIPLINE**

21 **(False Statement or Entry on a Certificate of Compliance – Respondent Aaron Daniel**
22 **Gutierrez)**

23 127. Respondent Gutierrez's Smog Check Inspector License is subject to disciplinary
24 action under Code section 9889.22, in that he provided false statements on Certificates of
25 Compliance for vehicles 1 through 5 as set forth above. Complainant refers to, and by this
26 reference incorporates, the allegations set forth above in paragraphs 30 through 113, as though
27 fully set forth.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit – Respondent Aaron Daniel Gutierrez)**

3 128. Respondent Gutierrez’s Smog Check Inspector License is subject to disciplinary
4 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
5 and Safety Code section 44072.10, subdivision (c), in that between October 25, 2024, through
6 July 16, 2025, regarding vehicles 1 through 5, set forth above, Respondent Gutierrez committed
7 acts involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
8 compliance for the vehicles without performing bona fide inspections of the emission control
9 devices and systems on those vehicles, thereby depriving the People of the State of California of
10 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
11 this reference incorporates, the allegations set forth above in paragraphs 30 through 113, as
12 though fully set forth.

13 **OTHER MATTERS**

14 129. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
15 or place on probation the registrations for all places of business operated in this state by Valeria
16 Mena Aleman, upon a finding that said Respondent Valeria’s Smog Check has, or is, engaged in a
17 course of repeated and willful violations of the laws and regulations pertaining to an automotive
18 repair dealer.

19 130. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only
20 Station License No. TC 297939, issued to Valeria Mena Aleman, dba Valeria’s Smog Check, is
21 revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26 of the
22 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
23 director.

24 131. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
25 License No. EO 637314, issued to Adrian David Ramirez Huerta, is revoked or suspended, any
26 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
27 name of said licensee may be likewise revoked or suspended by the director.
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132. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 638502, issued to Aaron Daniel Gutierrez, 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 297939, issued to Valeria Mena Aleman, dba Valeria's Smog Check;

2. Revoking or suspending any other automotive repair dealer registration issued to Valeria Mena Aleman;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 297939, issued to Valeria Mena Aleman, dba Valeria's Smog Check;

4. Revoking or suspending any additional license issued under the Motor Vehicle Inspection Program in the name of Valeria Mena Aleman;

5. Revoking or suspending Smog Check Inspector License Number EO 637314, issued to Adrian David Ramirez Huerta;

6. Revoking or suspending any additional license issued under the Motor Vehicle Inspection Program in the name of Adrian David Ramirez Huerta;

7. Revoking or suspending Smog Check Inspector License Number EO 638502, issued to Aaron Daniel Gutierrez;

8. Revoking or suspending any additional license issued under the Motor Vehicle Inspection Program in the name of Aaron Daniel Gutierrez.

9. Ordering Valeria Mena Aleman, Adrian David Ramirez Huerta and Aaron Daniel Gutierrez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and

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1 enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed
2 on probation, the costs of probation monitoring;

3 and,

4 10. Taking such other and further action as deemed necessary and proper.

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6 DATED: As of digital signature date

7 PATRICK DORAIS
8 Chief
9 Bureau of Automotive Repair
10 Department of Consumer Affairs
11 State of California
12 *Complainant*

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