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

Case No. 79/26-10599

12 In the Matter of the Accusation Against:

13 **SAC SMOG DOG INC., DBA**  
14 **SACRAMENTO SMOG DOG;**  
15 **CHRISTOPHER THOMAS**  
16 **MARKSBURY,**  
17 **PRESIDENT/TREASURER**  
18 **TWINKLE TANIEGRA MARKSBURY,**  
19 **SECRETARY**  
6670 Franklin Boulevard, #1  
Sacramento, CA 95823

**ACCUSATION**

20 **Automotive Repair Dealer Registration No.**  
21 **ARD 299187**  
22 **Smog Check Test Only Station License No.**  
23 **TC 299187**  
24 **STAR Certification**

25 **CHRISTOPHER THOMAS MARKSBURY**  
26 7636 19<sup>th</sup> Street  
27 Sacramento, CA 95832

28 **Smog Check Inspector License No. EO**  
**149010**

**and**

**MEHRAN KARAMI**  
9555 Calibra Lane

1 Sacramento, CA 95827

2 **Smog Check Inspector License No. EO**  
3 **632339**

4 Respondents.

5  
6 **PARTIES**

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

9 **Automotive Repair Deal Registration**

10 2. On or about March 4, 2021, the Bureau issued Automotive Repair Dealer Registration  
11 Number ARD 299187 to Sac Smog Dog Inc., doing business as Sacramento Smog Dog  
12 (Respondent Sac Smog Dog) with Christopher Thomas Marksbury (Respondent Marksbury) as  
13 president and treasurer and Twinkle Taniegra Marksbury as secretary (Respondent Twinkle). The  
14 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
15 charges brought herein and will expire on March 31, 2027, unless renewed.

16 **Smog Check, Test-Only, Station License**

17 3. On or about June 25, 2021, the Bureau issued Smog Check Test Only Station License  
18 Number TC 299187 to Respondent Sac Smog Dog. The Smog Check Test Only Station License  
19 was in full force and effect at all times relevant to the charges brought herein and will expire on  
20 March 31, 2027, unless renewed.

21 **STAR Certification**

22 4. On or about July 16, 2021, the Bureau issued STAR Certification to Respondent Sac  
23 Smog Dog. The STAR Certification was in full force and effect at all times relevant to the  
24 charges brought herein and will remain active unless the ARD registration and/or Smog Check  
25 station license is revoked or cancelled, becomes delinquent, or certification is suspended. The  
26 STAR certification was suspended on March 24, 2026.

27 **Smog Check Inspector License- Respondent Marksbury**

28 5. On or about March 10, 2014, the Bureau issued Smog Check Inspector License

1 Number EO 149010 to Respondent Marksbury. The Smog Check Inspector License was in full  
2 force and effect at all times relevant to the charges brought herein and will expire on September  
3 30, 2027, unless renewed.

4 **Smog Check Inspector License- Respondent Karami**

5 6. On or about October 31, 2012, the Bureau issued Smog Check Inspector License  
6 Number EO 632339 to Mehran Karami (Respondent Karami). The Smog Check Inspector  
7 License was in full force and effect at all times relevant to the charges brought herein and will  
8 expire on November 30, 2026, unless renewed.

9 **JURISDICTION**

10 7. This Accusation is brought before the Bureau under the authority of the following  
11 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
12 indicated.

13 8. Code section 477 provides, in pertinent part, that Board includes bureau, commission,  
14 committee, department, division, examining committee, program, and agency. License includes  
15 certificate, registration or other means to engage in a business or profession regulated by the code.

16 9. Code section 9884.7 provides that the Director may revoke any automotive repair  
17 dealer registration.

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

22 11. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent  
23 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
24 for enforcing the Motor Vehicle Inspection Program.

25 12. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
26 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
27 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
28 of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against

1 the licensee, or to render a decision suspending or revoking the license.

2 13. Health & Saf. Code section 44072.8 states:

3 When a license has been revoked or suspended following a hearing under this  
4 article, any additional license issued under this chapter in the name of the licensee  
may be likewise revoked or suspended by the director.

5 **STATUTORY PROVISIONS**

6 14. Code section 9884.7 states, in pertinent part:

7 (a) The director, if the automotive repair dealer cannot show there was a bona  
8 fide error, may deny, suspend, revoke, or place on probation the registration of an  
9 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  
10 automotive repair dealer or any automotive technician, employee, partner, officer, or  
member of the automotive repair dealer:

11 (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  
12 by the exercise of reasonable care should be known, to be untrue or misleading.

13 ...

14 (4) Any other conduct that constitutes fraud.

15 ...

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

17 ...

18 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place  
on probation the registration for all places of business operated in this state by an  
19 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  
20 adopted pursuant to it.

21 15. Code section 9889.22 states:

22 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  
23 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 provided  
24 in the Penal Code.

25 16. Health & Saf. Code section 44012 states, in pertinent part:

26 The test at the smog check stations shall be performed in accordance with  
procedures prescribed by the department, pursuant to Section 44013, shall require, at  
27 a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed  
testing in all other program areas, and shall ensure all of the following:

28 ///

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

4 ...

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

10 17. Health & Saf. Code section 44015 states, in pertinent part:

11 ...

12 (b) If a vehicle meets the requirements of Section 44012, a smog check station  
13 licensed to issue certificates shall issue a certificate of compliance or a certificate of  
14 noncompliance.

15 18. Health & Saf. Code section 44032 states:

16 No person shall perform, for compensation, tests or repairs of emission control  
17 devices or systems of motor vehicles required by this chapter unless the person  
18 performing the test or repair is a qualified smog check technician and the test or  
19 repair is performed at a licensed smog check station. Qualified technicians shall  
20 perform tests of emission control devices and systems in accordance with Section  
21 44012.

22 19. Health & Saf. Code section 44059 states:

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

28 20. Health & Saf. Code section 44072.2 states, in pertinent part:

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

(a) Violates any section of this chapter [the Motor Vehicle Inspection  
Program (Health and Safety 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....

21. Health & Saf. Code section 44072.10 states, in pertinent part:

...

(c) The department shall revoke the license of any smog check technician or station license 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:

...

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

## REGULATORY PROVISIONS

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

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

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

23. CCR section 3340.35, states, in pertinent part:

...

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

24. CCR section 3340.41, states, in pertinent part:

...

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

25. CCR section 3340.42, states:

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

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

(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,

1 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's  
2 specifications referenced in subsection (a) of Section 3340.17 of this article. The  
3 loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,  
including a chassis dynamometer, certified by the bureau.

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

13 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
14 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
15 the state, except in those areas of the state where the enhanced program has been  
16 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
17 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
18 contained in the bureau's specifications referenced in subsection (a) of Section  
19 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
20 shall be measured and compared to the emission standards set forth in this section and  
21 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
22 measured emissions are less than or equal to the applicable emissions standards  
23 specified in Table III.

24 (3) An OBD-focused test, shall be the test method used to inspect gasoline-  
25 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
26 model-year and newer. The OBD test failure criteria are specified in section  
27 3340.42.2.

28 (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.

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

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

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

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

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

17 26. CCR section 3373, states:

18 No automotive repair dealer or individual in charge shall, in filling out an  
19 estimate, invoice, or work order, or record required to be maintained by section  
20 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
21 information which will cause any such document to be false or misleading, or where  
22 the tendency or effect thereby would be to mislead or deceive customers, prospective  
23 customers, or the public.

### 24 **COST RECOVERY**

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

### 24 **UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM**

25 28. On or about March 9, 2015, California's Smog Check Program was updated to keep  
26 pace with ever-advancing technology. The program update requires the use of an On-Board  
27 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all  
28 areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles

1 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition  
2 Device (DAD), computer, bar code scanner, and printer.

3 29. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the  
4 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between  
5 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used  
6 to input technician information, the vehicle identification number, and the Department of Motor  
7 Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically  
8 present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics —  
9 Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed  
10 into the OBD II computer in earlier model-years. The electronically programmed VIN, referred to  
11 as the “eVIN”, is captured by the Bureau during a smog check inspection and should match the  
12 physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which  
13 shows the inspection results and the Smog Check Certificate of Compliance Number for passing  
14 vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the  
15 communication protocol<sup>1</sup>, and the number of Parameter Identifications (PID)<sup>2</sup>.

### 16 **REVIEW OF OIS TEST DATA**

17 30. Bureau representative D.W. reviewed BAR-OIS test data pertaining to smog  
18 inspections conducted at Respondent Sac Smog Dog. D.W. found that Respondent Karami, while  
19 working at Respondent Sac Smog Dog’s facility, had performed smog check inspections on ten  
20 vehicles identified below using a method known as “clean plugging,”<sup>3</sup> resulting in the issuance of  
21 fraudulent certificates of compliance for the vehicles.

---

22  
23 <sup>1</sup> The OBD II communication protocol describes the specified communication “language”  
24 used by the OBD II computer to communication to scan tools and other devices such as the BAR-  
OIS. The communication protocol is programmed into the vehicle's on-board computer during  
manufacture and does not change.

25 <sup>2</sup> PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-  
OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number  
26 of data points.

27 <sup>3</sup> Clean plugging is the use of a vehicle’s properly functioning OBD II system, or another  
28 source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog  
certificate of compliance to another vehicle that is not in compliance with the Smog Check  
Program and/or is not present for testing.

**Vehicle 1**

31. BAR-OIS test data showed that on November 21, 2023, Respondent Karami performed a smog check inspection on a 2007 Chevrolet Avalanche C1500 (Vehicle 1), resulting in the issuance of Certificate of Compliance No. TQ050586C. The OIS test details for Vehicle 1 showed that the eVIN had not been reported. The PID count recorded during the inspection on Vehicle 1 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD had not been connected to Vehicle 1 during the smog check inspection performed by Respondent Karami, resulting in a fraudulent smog check certificate of compliance for Vehicle 1.

32. D.W. utilized the Bureau's database and found that Vehicle 1 had been previously tested at other smog check facilities. The BAR-OIS data from those inspections showed that the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 1.

**Vehicle 2**

33. BAR-OIS test data showed that on January 26, 2024, Respondent Karami performed a smog check inspection on a 2014 BMW I SULEV (Vehicle 2), resulting in the issuance of Certificate of Compliance No. TS165298C. The OIS test details for Vehicle 2 showed that the eVIN had not been reported. The PID count recorded during the inspection on Vehicle 2 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD had not been connected to Vehicle 2 during the smog check inspection performed by Respondent Karami, resulting in a fraudulent smog check certificate of compliance for Vehicle 2.

34. D.W. utilized the Bureau's database and found that Vehicle 2 had been previously tested at another smog check facility. The BAR-OIS data from that inspection showed that the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 2.

**Vehicle 3**

35. BAR-OIS test data showed that on February 19, 2024, Respondent Karami performed

1 a smog check inspection on a 2001 Dodge Grand Caravan Sport (Vehicle 3), resulting in the  
2 issuance of Certificate of Compliance No. TS823991C. The OIS test details for Vehicle 3  
3 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle  
4 3.

5 36. D.W. utilized the Bureau's database and found that Vehicle 3 had been subsequently  
6 tested and passed on February 22, 2024, at a different facility. The BAR-OIS test data from that  
7 inspection showed the eVIN had not been transmitted as expected, and the communication  
8 protocol and PID count had been consistent with the make and model of Vehicle 3.

9 37. D.W. utilized the Bureau's database and found that the eVIN transmitted during the  
10 inspection of Vehicle 3 on February 19, 2024, matched a 2010 Dodge Ram 1500. The  
11 communication protocol and PID count transmitted to the Bureau's database during the  
12 inspection of Vehicle 3 were consistent with the communication protocol and PID count for the  
13 2010 Dodge Ram 1500. D.W. concluded that Respondent Karami had used the 2010 Dodge Ram  
14 1500's properly functioning OBD II system during the smog inspection of Vehicle 3, resulting in  
15 the issuance of a fraudulent smog certificate of compliance for Vehicle 3.

#### 16 **Vehicle 4**

17 38. BAR-OIS test data showed that on August 27, 2024, Respondent Karami performed a  
18 smog check inspection on a 2007 Acura TL (Vehicle 4), resulting in the issuance of Certificate of  
19 Compliance No. UC560001C. The OIS test details for Vehicle 4 showed that the eVIN recorded  
20 during the inspection did not match the physical VIN on Vehicle 4.

21 39. D.W. utilized the Bureau's database and found that Vehicle 4 had been subsequently  
22 tested and failed inspection on August 29, 2024, at a different facility. The BAR-OIS test data  
23 from that inspection showed the eVIN had been transmitted as expected, and the communication  
24 protocol and PID count had been consistent with the make and model of Vehicle 4.

25 40. D.W. utilized the Bureau's database and found that the eVIN transmitted during the  
26 inspection of Vehicle 4 on August 27, 2024, matched a 2005 Toyota Tundra Double Cab SR5.  
27 The communication protocol and PID count transmitted to the Bureau's database during the  
28 inspection of Vehicle 4 were consistent with the communication protocol and PID count for the

1 2005 Toyota Tundra Double Cab SR5. D.W. concluded that Respondent Kamari had used the  
2 2005 Toyota Tundra Double Cab SR5's properly functioning OBD II system during the smog  
3 inspection of Vehicle 4, resulting in the issuance of a fraudulent smog certificate of compliance  
4 for Vehicle 4.

#### 5 **Vehicle 5**

6 41. BAR-OIS test data showed that on August 29, 2024, Respondent Karami performed a  
7 smog check inspection on a 2011 Ford Escape Limited (Vehicle 5), resulting in the issuance of  
8 Certificate of Compliance No. UC560027C. The OIS test details for Vehicle 5 showed that the  
9 eVIN had not been reported. D.W. concluded that the DAD had not been connected to Vehicle 5  
10 during the smog check inspection performed by Respondent Karami, resulting in a fraudulent  
11 smog check certificate of compliance for Vehicle 5.

12 42. D.W. utilized the Bureau's database and found that Vehicle 5 had been previously  
13 tested at other smog check facilities. The BAR-OIS data from those inspections showed that the  
14 eVIN had been transmitted as expected, and the communication protocol and PID count had been  
15 consistent with the make and model of Vehicle 5.

#### 16 **Vehicle 6**

17 43. BAR-OIS test data showed that on October 14, 2024, Respondent Karami performed  
18 a smog check inspection on a 2010 Ford Econoline E150 Van (Vehicle 6), resulting in the  
19 issuance of Certificate of Compliance No. UE614510C. The OIS test details for Vehicle 6  
20 showed that the eVIN had not been reported. D.W. concluded that the DAD had not been  
21 connected to Vehicle 6 during the smog check inspection performed by Respondent Karami,  
22 resulting in a fraudulent smog check certificate of compliance for Vehicle 6.

23 44. D.W. utilized the Bureau's database and found that Vehicle 6 had been previously  
24 tested at other smog check facilities. The BAR-OIS data from those inspections showed that the  
25 eVIN had been transmitted as expected, and the communication protocol and PID count had been  
26 consistent with the make and model of Vehicle 6.

#### 27 **Vehicle 7**

28 45. BAR-OIS test data showed that on January 29, 2025, Respondent Karami performed

1 a smog check inspection on a 2014 Nissan Maxima S (Vehicle 7), resulting in the issuance of  
2 Certificate of Compliance No. JB986050C. The OIS test details for Vehicle 7 showed that the  
3 eVIN had not been reported. D.W. concluded that the DAD had not been connected to Vehicle 7  
4 during the smog check inspection performed by Respondent Karami, resulting in a fraudulent  
5 smog check certificate of compliance for Vehicle 7.

6 46. D.W. utilized the Bureau's database and found that Vehicle 7 had been previously  
7 tested at other smog check facilities. The BAR-OIS data from those inspections showed that the  
8 eVIN had been transmitted as expected, and the communication protocol and PID count had been  
9 consistent with the make and model of Vehicle 7.

#### 10 **Vehicle 8**

11 47. BAR-OIS test data showed that on July 10, 2025, Respondent Karami performed a  
12 smog check inspection on a 2017 Chevrolet Impala LT (Vehicle 8), resulting in the issuance of  
13 Certificate of Compliance No. JF265280C. The OIS test details for Vehicle 8 showed that the  
14 eVIN had not been reported. D.W. concluded that the DAD had not been connected to Vehicle 8  
15 during the smog check inspection performed by Respondent Karami, resulting in a fraudulent  
16 smog check certificate of compliance for Vehicle 8.

17 48. D.W. utilized the Bureau's database and found that Vehicle 8 had been previously  
18 and subsequently tested at other smog check facilities. The BAR-OIS data from those inspections  
19 showed that the eVIN had been transmitted as expected, and the communication protocol and PID  
20 count had been consistent with the make and model of Vehicle 8.

#### 21 **Vehicle 9**

22 49. BAR-OIS test data showed that on October 1, 2025, Respondent Karami performed a  
23 smog check inspection on a 2018 Chevrolet Tahoe C1500 LT (Vehicle 9), resulting in the  
24 issuance of Certificate of Compliance No. UM206913C. The OIS test details for Vehicle 9  
25 showed that the eVIN had not been reported. D.W. concluded that the DAD had not been  
26 connected to Vehicle 9 during the smog check inspection performed by Respondent Karami,  
27 resulting in a fraudulent smog check certificate of compliance for Vehicle 9.

28 50. D.W. utilized the Bureau's database and found that Vehicle 9 had been previously

1 tested at another smog check facility. The BAR-OIS data from that inspection showed that the  
2 eVIN had been transmitted as expected, and the communication protocol and PID count had  
3 been consistent with the make and model of Vehicle 9.

#### 4 **Vehicle 10**

5 51. BAR-OIS test data showed that on March 6, 2026, Respondent Marksbury performed  
6 a smog check inspection on a 2008 Nissan Versa S (Vehicle 10), resulting in the issuance of  
7 Certificate of Compliance No. VC612597C. The OIS test details for Vehicle 10 showed that the  
8 eVIN had not been reported. D.W. concluded that the DAD had not been connected to Vehicle  
9 10 during the smog check inspection performed by Respondent Marksbury, resulting in a  
10 fraudulent smog check certificate of compliance for Vehicle 10.

11 52. D.W. utilized the Bureau's database and found that Vehicle 10 had been previously  
12 tested at other smog check facilities. The BAR-OIS data from those inspections showed that the  
13 eVIN had been transmitted as expected, and the communication protocol and PID count had been  
14 consistent with the make and model of Vehicle 10.

### 15 **FIRST CAUSE FOR DISCIPLINE**

#### 16 **(Untrue or Misleading Statements - Respondent Sac Smog Dog)**

17 53. Respondent Sac Smog Dog's registration is subject to disciplinary action pursuant to  
18 Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that  
19 Respondent Sac Smog Dog made or authorized statements which Respondent Sac Smog Dog  
20 knew or in the exercise of reasonable care should have known to be untrue or misleading.  
21 Specifically, Respondent Sac Smog Dog certified that Vehicles 1 through 10, identified in  
22 paragraphs 31 through 52, above, passed inspection and were in compliance with applicable laws  
23 and regulations when, in fact, those vehicles had not been properly inspected.

### 24 **SECOND CAUSE FOR DISCIPLINE**

#### 25 **(Fraud- Respondent Sac Smog Dog)**

26 54. Respondent Sac Smog Dog's registration is subject to disciplinary action pursuant to  
27 Code section 9884.7, subdivision (a)(4), in that Respondent Sac Smog Dog committed acts that  
28 constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 10,

1 identified in paragraphs 31 through 52, above, without ensuring that bona fide inspections had  
2 been performed of the emission control devices and systems on the vehicles, thereby depriving  
3 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
4 Program.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Material Violation of Automotive Repair Act- Respondent Sac Smog Dog)**

7 55. Respondent Sac Smog Dog's registration is subject to disciplinary action pursuant  
8 Code section 9884.7, subdivision (a)(6), in that Respondent Sac Smog Dog failed in a material  
9 respect to comply with the provisions of the chapter or regulations adopted pursuant to it when  
10 Respondent Sac Smog Dog issued electronic certificates of compliance for Vehicles 1 through 10,  
11 identified in paragraphs 31 through 52, above, without performing bona fide inspections of the  
12 emission control devices and systems on those vehicles, thereby depriving the People of the State  
13 of California of the protection afforded by the Motor Vehicle Inspection Program.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program**

16 **- Respondent Sac Smog Dog)**

17 56. Respondent Sac Smog Dog's smog check, test only, station license is subject to  
18 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that  
19 Respondent Sac Smog Dog failed to comply with the following sections of the CCR's:

20 a. **Section 3340.35, subdivision (c)**: Respondent Sac Smog Dog failed to inspect  
21 and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.42 of  
22 the CCR and failed to ensure that the vehicles had all the required emission control equipment  
23 and devices installed and functioning correctly.

24 b. **Section 3373**: Respondent Sac Smog Dog made or authorized documents  
25 which it knew or which by exercise of reasonable care should have known to be untrue or  
26 misleading, when Respondent issued fraudulent smog certificates of compliance for Vehicles 1  
27 through 10.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program- Respondent Sac Smog Dog)**

3 57. Respondent Sac Smog Dog's smog check, test only, station license is subject to  
4 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with  
5 regards to Vehicles 1 through 10 identified in paragraphs 31 through 52, above, Respondent Sac  
6 Smog Dog failed to comply with the Health & Saf. Code, as follows:

7 a. **Health & Saf. Code, section 44012:** Respondent Sac Smog Dog failed to  
8 ensure that the emission control tests were performed on the vehicles in accordance with  
9 procedures prescribed by the department.

10 b. **Health & Saf. Code, section 44015:** Respondent Sac Smog Dog issued  
11 electronic smog certificates of compliance for the vehicles without ensuring that the vehicles were  
12 properly tested and inspected to determine if they were in compliance with Health & Saf. Code  
13 section 44012.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Dishonesty, Fraud or Deceit- Respondent Sac Smog Dog)**

16 58. Respondent Sac Smog Dog's smog check, test only, station license is subject to  
17 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in  
18 conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Sac  
19 Smog Dog committed dishonest, fraudulent, or deceitful acts whereby another was injured by  
20 issuing electronic smog certificates of compliance for Vehicles 1 through 10, identified in  
21 paragraphs 31 through 52, above, without ensuring that a bona fide inspection had been  
22 performed 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.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Violations of the Motor Vehicle Inspection Program- Respondent Marksbury)**

27 59. Respondent Marksbury's smog check inspector license is subject to disciplinary  
28 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent

1 Marksbury violated section 44032 of that Code. Specifically, Respondent Marksbury failed to  
2 perform the emission control tests on Vehicle 10, identified in paragraphs 51 through 52, above,  
3 in accordance with procedures prescribed by the department.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations- Respondent Marksbury)**

6 60. Respondent Marksbury's smog check inspector license is subject to disciplinary  
7 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicle  
8 10, identified in paragraphs 51 through 52, above, Respondent Marksbury failed to comply with  
9 provisions of the CCR, as follows:

10 a. **CCR, section 3340.30, subdivision (a)**: Respondent Marksbury failed to  
11 inspect and test Vehicle 10, in accordance with Health & Saf. Code sections 44012 and 44032  
12 and CCR section 3340.42.

13 b. **CCR, section 3340.41, subdivision (c)**: Respondent Marksbury entered false  
14 information into the OIS by entering vehicle identification information for a vehicle other than  
15 the one being tested.

16 **NINTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit- Respondent Marksbury)**

18 61. Respondent Marksbury's smog check inspector license is subject to disciplinary  
19 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with  
20 Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Marksbury committed  
21 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
22 certificates of compliance for Vehicle 10, identified in paragraphs 51 through 52, above, without  
23 performing bona fide inspections of the emission control devices and systems on that vehicle,  
24 thereby depriving the People of the State of California of the protection afforded by the Motor  
25 Vehicle Inspection Program.

26 **TENTH CAUSE FOR DISCIPLINE**

27 **(Violations of the Motor Vehicle Inspection Program- Respondent Karami)**

28 62. Respondent Karami's smog check inspector license is subject to disciplinary action

1 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Karami  
2 violated section 44032 of that Code. Specifically, Respondent Karami failed to perform the  
3 emission control tests on Vehicles 1 through 9, identified in paragraphs 31 through 50, above, in  
4 accordance with procedures prescribed by the department.

5 **ELEVENTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Regulations- Respondent Karami)**

7 63. Respondent Karami's smog check inspector license is subject to disciplinary action  
8 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1  
9 through 9, identified in paragraphs 31 through 50, above, Respondent Karami failed to comply  
10 with provisions of the CCR, as follows:

11 a. **CCR, section 3340.30, subdivision (a):** Respondent Karami failed to inspect  
12 and test Vehicles 1 through 9, in accordance with Health & Saf. Code sections 44012 and 44032  
13 and CCR section 3340.42.

14 b. **CCR, section 3340.41, subdivision (c):** Respondent Karami entered false  
15 information into the OIS by entering vehicle identification information for a vehicle other than  
16 the one being tested.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Dishonesty, Fraud or Deceit- Respondent Karami)**

19 64. Respondent Karami's smog check inspector license is subject to disciplinary action  
20 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &  
21 Saf. Code section 44072.10, subdivision (c), in that Respondent Karami committed dishonest,  
22 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates  
23 of compliance for Vehicles 1 through 9, identified in paragraphs 31 through 50, above, without  
24 performing bona fide inspections of the emission control devices and systems on those vehicles,  
25 thereby depriving the People of the State of California of the protection afforded by the Motor  
26 Vehicle Inspection Program.

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**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 299187, issued to Sac Smog Dog Inc., doing business as Sacramento Smog Dog with Christopher Thomas Marksbury as president and treasurer and Twinkle Taniegra Marksbury as secretary;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Sac Smog Dog Inc.;

3. Revoking or suspending Smog Check Test Only Station License Number TC 299187, issued to Sac Smog Dog Inc., doing business as Sacramento Smog Dog with Christopher Thomas Marksbury as president and treasurer and Twinkle Taniegra Marksbury as secretary;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Sac Smog Dog Inc.;

5. Revoking or suspending STAR Certification issued to Sac Smog Dog Inc., doing business as Sacramento Smog Dog with Christopher Thomas Marksbury as president and treasurer and Twinkle Taniegra Marksbury as secretary;

6. Revoking or suspending Smog Check Inspector License Number EO 149010, issued to Christopher Thomas Marksbury;

7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Christopher Thomas Marksbury;

8. Revoking or suspending Smog Check Inspector License Number EO 632339, issued to Mehran Karami;

9. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Mehran Karami;

10. Ordering Sac Smog Dog Inc., doing business as Sacramento Smog Dog, Christopher Thomas Marksbury, Twinkle Taniegra Marksbury, and Mehran Karami to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case,

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

3 and,

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

5  
6 DATED: As of Digital Signature Date\_\_

Dorais,

Patrick@DCA

Digitally signed by Dorais,  
Patrick@DCA  
Date: 2026.09.14 12:38:26  
-07'00'

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

*Complainant*

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