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

11 In the Matter of the Accusation Against:

Case No. 79/26-3615

12 **ISRAEL RIOS-AYALA,**
13 **DBA I'S TEST ONLY**

ACCUSATION

14 Station Address:
537 N. Maclay Ave. A
San Fernando, CA 91340

15 Mailing Address:
13739 Rayen St.
16 Arleta, CA 91331
17 **Automotive Repair Dealer Registration No.**
ARD 300287
18 **Smog Check Test Only Station License No.**
TC 300287

19 And

20 **ISRAEL RIOS-AYALA**
13739 Rayen St.
21 Arleta, CA 91331
22 **Smog Check Inspector License No. EO**
638567.

23 Respondent.

24
25 **PARTIES**

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

28 2. On or about July 2, 2021, the bureau issued Automotive Repair Dealer Registration

1 number ARD 300287 to Israel Rios-Ayala, doing business as I's Test Only (respondent Israel
2 Rios-Ayala or I's Test Only). The Automotive Repair Dealer Registration was in full force and
3 effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless
4 renewed.

5 3. On or about July 28, 2021, the bureau issued Smog Check Test Only Station License
6 number TC 300287 to I's Test Only. The Smog Check Test Only Station License was in full force
7 and effect at all times relevant to the charges brought herein and will expire on July 31, 2027,
8 unless renewed.

9 4. On or about November 12, 2021, the bureau certified I's Test Only as a STAR
10 Station. The STAR Station Certification has no expiration and will remain in effect unless the
11 STAR Station Certification is suspended or I's Test Only Automotive Repair Dealer Registration
12 or Smog Check Test Only Station License expires, become delinquents, or is suspended or
13 revoked.

14 5. On or about September 16, 2015, the bureau issued Smog Check Inspector License
15 number EO 638567 to respondent Israel Rios-Ayala. The Smog Check Inspector License was in
16 full force and effect at all times relevant to the charges brought herein and will expire on January
17 31, 2028, unless renewed.

18 **JURISDICTION**

19 6. This Accusation is brought before the Director of the Department of Consumer
20 Affairs (director) for the Bureau of Automotive Repair, under the authority of the following laws.

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

25 8. Business and Professions Code section 9884.7 provides that the director may revoke
26 an automotive repair dealer registration.

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

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

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

6 11. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration
7 or suspension of a license by operation of law, or by order or decision of the director of Consumer
8 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the director of
9 jurisdiction to proceed with disciplinary action.

10 **STATUTORY PROVISIONS**

11 12. Business and Professions Code section 477 provides, in pertinent part, that “board”
12 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
13 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
14 to engage in a business or profession regulated by the Business and Professions Code.

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

16 (a) The director, if the automotive repair dealer cannot show there was a bona
17 fide error, may deny, suspend, revoke, or place on probation the registration of an
18 automotive repair dealer for any of the following acts or omissions related to the
19 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:

20 (1) Making or authorizing in any manner or by any means whatever any
21 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.

22

23 (4) Any other conduct that constitutes fraud.

24

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

26

27 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
28 on probation the registration for all places of business operated in this state by an
automotive repair dealer upon a finding that the automotive repair dealer has, or is,

engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

....

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

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

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

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

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

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

14. Business and Professions Code section 9889.3 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:

...

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

15. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

16. Health and Safety Code section 44015, subdivision (b), provides that a certificate of compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section 40012.

17. Health and Safety Code section 44032 provides that qualified technicians shall perform tests of emissions control devices and systems in accordance with Health and Safety Code section 40012.

18. Health and Safety 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 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. Health and Safety Code section 44072.10 states, in pertinent part:

(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, as defined by the department.

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

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

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

20. Health and Safety Code section 44072.8 states that 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.

REGULATORY PROVISIONS

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

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

22. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.”

1 23. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
2 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
3 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
4 this article and has all the required emission control equipment and devices installed and
5 functioning correctly.”

6 24. CCR, title 16, section 3340.41 states, in pertinent part:

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

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

14 25. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
15 procedures which apply to all vehicles inspected in the State of California.

16 **COST RECOVERY**

17 26. Business and Professions Code section 125.3 provides, in pertinent part, that the
18 board may request the administrative law judge to direct a licensee found to have committed a
19 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
20 investigation and enforcement of the case.

21 **CALIFORNIA’S SMOG CHECK PROGRAM**

22 27. California’s Smog Check Program requires most vehicles in the State to undergo a
23 smog check inspection every two years or when the vehicle’s title is transferred.

24 28. A smog check inspection in certain Enhanced areas of the State is an Acceleration
25 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
26 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
27 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
28 The first part of the test is a loaded mode test of the vehicle’s tailpipe emissions on a
dynamometer. The vehicle’s drive wheels are placed on rollers, and the vehicle is driven to

1 simulate driving conditions while the emissions are sampled by the EIS.

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

6 30. In the visual portion of a smog check, the technician inspects the emission control
7 components to verify that the required emission control devices are present and properly
8 connected.

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

18 32. The inspector enters the results of the visual and functional inspections into the EIS.
19 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
20 the results of the tailpipe, visual and functional tests.

21 33. The EIS is connected by internet connection to Bureau's Vehicle Information
22 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
23 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
24 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
25 inspection, is transmitted to and retained in the VID.

26 34. Beginning March 9, 2015, California's Smog Check Program was updated to require
27 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
28 equipment required in all areas of the State when inspecting most model-year 2000 and newer

gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

35. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt.

36. Some of the parameters recorded are:

- a. *RPM*: Engine speed in revolutions per minute (RPM);
- b. *TPS*: Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft, measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle;
- c. *MAP*: Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa), with typical readings for a normally aspirated vehicle being as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level;
- d. *MAF*: Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract, measured in grams per second (gps); and
- e. *BTDC*: Ignition timing, which is set by the vehicle PCM based on engine speed and load, measured in degrees Before Top Dead Center (BTDC).

Not all vehicles include both MAP and MAF parameters. Many vehicles have either MAP or MAF parameters separately.

1 37. During normal engine operation at idle, engine speed is relatively steady around its
2 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
3 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
4 opened in order to increase airflow through the engine. The engine's management systems supply
5 fuel and spark timing appropriate to any changes in throttle position and engine speed.
6 An increase in throttle, measured by the TPS, which increases engine RPM, would result in a
7 corresponding increase in MAF as well as a change in MAP. Any movement in the throttle from
8 the idle position will result in an increase of airflow through the engine with corresponding
9 increases RPM and MAF along with changes in MAP.

10 38. During an OIS Smog Check inspection, along with other visual and functional
11 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
12 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
13 engine speed. The increase in engine speed is performed by the inspector by stepping on the
14 throttle pedal or manually opening the throttle resulting in a corresponding increase in engine
15 RPMs by allowing an increase in airflow into the engine.

16 39. The bureau has become aware of methods that some Smog Check stations and Smog
17 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
18 check test on their own, or in some instances, are not even present during the time the test is
19 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another
20 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. Defeat devices attempt to simulate engine
23 operation during a smog check inspection by transmitting OBD II data to the VID which has been
24 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
25 of the OIS inspection.

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FACTUAL ALLEGATIONS

40. On or about February 20, 2026, a bureau representative conducted a detailed review of the VID data for Smog Check inspections performed at I's Test Only, which showed a pattern of vehicles being certified with engine operating parameters that did not correspond to normal engine operation, confirming the vehicles receiving smog certifications were not tested during the OBD II functional test, which constitutes clean plugging. The bureau's review of the smog check activities at I's Test Only confirmed ten Smog Check Certificates of Compliance were fraudulently issued by I's Test Only to vehicles that were inspected by respondent Israel Rios-Ayala.

Fraudulent Inspection Number 1 — 2004 Mitsubishi Endeavor XLS

41. OIS Test Data for I's Test Only shows that on March 27, 2024, a 2004 Mitsubishi Endeavor XLS, VIN ending in 26303, California License Plate Number 6HES440, was tested and Smog Certificate of Compliance Number TU557623C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

42. The Dynamic Data charts for the 2004 Mitsubishi Endeavor XLS show that between time stamp 123 and 23558, the engine RPM is steady at around 700 RPM. During this time, the data shows the throttle fixed at 3.1% opening, the MAP fixed at 28 kPa, and the MAF fixed at 3.54 grams/second. After time stamp 23558, the engine RPM is increased and then ultimately held steady at around 1570 RPM. From the time the engine RPM increases from off idle to the higher RPM's, the data shows the throttle remains fixed at 3.1% opening, the MAP remains fixed at 28 kPa, and the MAF remains fixed at 3.54 grams/second.

43. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP and MAF readings remained unchanged even though the engine RPM increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data show the Data Acquisition Device was not connected as required to the 2004 Mitsubishi Endeavor XLS being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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Fraudulent Inspection Number 2 — 2003 Toyota Sequoia Limited

44. OIS Test Data for I's Test Only shows that on July 17, 2024, a 2003 Toyota Sequoia Limited, VIN ending in 01324, California License Plate Number 8YVC293, was tested and Smog Certificate of Compliance Number UA481158C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

45. The Dynamic Data charts for the 2003 Toyota Sequoia Limited show that between time stamp 142 and 18470, the engine RPM is steady at around 650 RPM. During this time, the data shows the throttle varying between 20% and 24.3% opening and the MAF fluctuating between 0.25 grams/second and 2.32 grams/second. After time stamp 18470, the engine RPM is increased and then ultimately held steady at around 1600 RPM. During this time, the data shows the throttle varying between 20% and 23.9% opening and the MAF fluctuating between 0.19 grams/second and 2.5 grams/second.

46. 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 at idle and at the elevated engine RPM, not vary and/or fluctuate. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to readings lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition Device (DAD) was not connected as required to the 2003 Toyota Sequoia Limited being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Fraudulent Inspection #3 — 2004 Toyota Tacoma Xtracab

47. OIS Test Data for I's Test Only shows that on November 19, 2024, a 2004 Toyota Tacoma Xtracab, VIN ending in 19817, California License Plate Number 7G95958, was tested and Smog Certificate of Compliance Number UG310846C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

48. The Dynamic Data charts for the 2004 Toyota Tacoma Xtracab show that between time stamp 148 and 33384, the engine RPM is steady at around 825 RPM. During this time, the data shows the throttle fixed at 14.5% opening and the MAF fixed at 3.65 grams/second. After

1 time stamp 33384, the engine RPM is increased and then held at around 4550 RPM for
2 approximately 10 seconds then decreases and stabilizes around 2100 RPM. From the time the
3 engine RPM increases from off idle to the higher RPM's, the data shows the throttle remains
4 fixed at 14.5% opening and the MAF remains fixed at 3.65 grams/second.

5 49. During the entire period the dynamic data was collected, the only parameter that
6 changed was engine RPM. The throttle position and MAF readings remained unchanged even
7 though the engine RPM increased. These readings are not characteristic or expected for normal
8 engine operation. The discrepancies in the OIS Test Data show the Data Acquisition Device was
9 not connected as required to the 2004 Toyota Tacoma Xtracab being certified, causing the
10 issuance of a fraudulent Smog Check Certificate of Compliance.

11 **Fraudulent Inspection #4 — 2001 Toyota Sienna CE**

12 50. OIS Test Data for I's Test Only shows that on December 19, 2024, a 2001 Toyota
13 Sienna CE, VIN ending in 73782, California License Plate Number 4RLW509, was tested and
14 Smog Certificate of Compliance Number JB719851C was issued by I's Test Only under
15 respondent Israel Rios-Ayala's Smog Check Inspector License.

16 51. The Dynamic Data charts for the 2001 Toyota Sienna CE show that between time
17 stamp 142 and 20961, the engine RPM is steady at around 650 RPM. During this time, the data
18 shows the throttle fluctuating between 7.8% and 11.8% opening and the MAF fluctuating
19 between 2.87 grams/second. and 5.07 grams/second. After time stamp 20961, the engine RPM is
20 increased and then held steady at around 1400 RPM. During this time, the data shows the throttle
21 fluctuating between 6.7% and 11.8% opening and the MAF varying between 3.06 grams/second
22 and 4.91 grams/second.

23 52. The steady idle and steady elevated engine RPM data along with the improbable
24 throttle positions and MAF readings are not characteristic or expected for normal engine
25 operation. The throttle positions and MAF readings are expected to be stable at idle and at the
26 elevated engine RPM, not vary abnormally and/or fluctuate. Additionally, the throttle positions
27 and MAF readings are expected to rise with the increase in engine RPM, not decrease to readings
28 lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition

1 Device (DAD) was not connected as required to the 2001 Toyota Sienna CE being certified,
2 causing the issuance of a fraudulent Smog Certificate of Compliance.

3 **Fraudulent Inspection #5 — 2003 Ford Expedition XLT**

4 53. OIS Test Data for I's Test Only shows that on January 27, 2025, a 2003 Ford
5 Expedition XLT, VIN ending in 38585, California License Plate Number 5BKS077, was tested
6 and Smog Certificate of Compliance Number JB940210C was issued by I's Test Only under
7 respondent Israel Rios-Ayala's Smog Check Inspector License.

8 54. The Dynamic Data charts for the 2003 Ford Expedition XLT show that between time
9 stamp 26 and 20960, the engine RPM is steady at around 650 RPM. During this time, the data
10 shows the throttle fluctuating between 18.8% and 24.3% opening and the MAF fluctuating
11 between 3.21 grams/second. and 4.93 grams/second. After time stamp 20960, the engine RPM
12 increased and for a few seconds stabilized at around 1450 RPM then steadily continued
13 increasing. During this time, the data shows the throttle fluctuating between 19.2% and 24.3%
14 opening and the MAF fluctuating between 2.92 grams/second and 4.98 grams/second.

15 55. The steady idle and steady elevated engine RPMs along with the improbable throttle
16 positions and MAF readings are not characteristic or expected for normal engine operation. The
17 throttle position and MAF readings are expected to be stable at idle and at the higher engine
18 RPM, not fluctuate. Additionally, the throttle positions and MAF readings are expected to rise
19 with the increased engine RPM, not decrease to readings less than those at idle. The discrepancies
20 in the OIS Test Data show the OIS Data Acquisition Device (DAD) was not connected as
21 required to the 2003 Ford Expedition XLT being certified, causing the issuance of a fraudulent
22 Smog Certificate of Compliance.

23 **Fraudulent Inspection #6 — 2000 Chevrolet Express G2500**

24 56. OIS Test Data for I's Test Only shows that on April 1, 2025, a 2000 Chevrolet
25 Express G2500, VIN ending in 86575, California License Plate Number 01639H3, was tested and
26 Smog Certificate of Compliance Number JD790998C was issued by I's Test Only under
27 respondent Israel Rios-Ayala's Smog Check Inspector License.

28 57. The Dynamic Data charts for the 2000 Chevrolet Express G2500 show that between

1 time stamp 55 and 17477, the engine RPM is steady at around 675 RPM. During this time, the
2 data shows the throttle fluctuating between 0.4% and 4.7% opening, the MAP fluctuating
3 between 32 kPa and 46 kPa, and the MAF fluctuating between 5.88 grams/second and 7.47
4 grams/second. After time stamp 17477, the engine RPM is increased and then ultimately held at
5 around 1800 RPM. During this time, the data shows the throttle fluctuating/varying between 0.4%
6 and 4.7 % opening, the MAP fluctuating between 32 kPa and 45 kPa, and the MAF fluctuating
7 between 7.65 grams/second and 5.53 grams/second.

8 58. The steady idle and steady elevated engine RPMs along with the improbable throttle
9 positions, MAP, and MAF readings are not characteristic or expected for normal engine
10 operation. The throttle position, MAP and MAF readings are expected to be stable at idle and at
11 the higher engine RPM, not fluctuate (and/or vary abnormally). Additionally, the throttle
12 positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to
13 readings lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data
14 Acquisition Device (DAD) was not connected as required to the 2000 Chevrolet Express G2500
15 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

16 **Fraudulent Inspection #7 — 2002 Ford Ranger Super Cab**

17 59. OIS Test Data for I's Test Only shows that on April 10, 2025, a 2002 Ford Ranger
18 Super Cab, VIN ending in 48739, California License Plate Number 8LAG283, was tested and
19 Smog Certificate of Compliance Number UM450572C was issued by I's Test Only under
20 respondent Israel Rios-Ayala's Smog Check Inspector License.

21 60. The Dynamic Data charts for the 2002 Ford Ranger Super Cab shows that between
22 time stamp 62 and 19606, the engine RPM is steady at around 825 RPM. During this time, the
23 data shows the throttle fluctuating between 18.8% and 23.1% and the MAF fluctuating between
24 5.37 grams/second and 7.19 grams/second. After time stamp 19606, the engine RPM is increased
25 and then held steady at around 1500 RPM. During this time, the data shows the throttle
26 fluctuating between 18.8% and 24.3% and the MAF fluctuating between 5.34 grams/second and
27 7.49 grams/second.

28 61. The steady idle and steady elevated engine RPMs along with the improbable throttle

positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to stable at idle and at the elevated engine RPM, not fluctuate. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to readings lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition Device (DAD) was not connected as required to the 2002 Ford Ranger Super Cab being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Fraudulent Inspection #8 — 2005 Ford Explorer Sport Trac

62. OIS Test Data for I's Test Only shows that on April 22, 2025, a 2005 Ford Explorer Sport Trac, VIN ending in 53535, California License Plate Number 19541C2, was tested and Smog Certificate of Compliance Number UM671043C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

63. The Dynamic Data charts for the 2005 Ford Explorer Sport Trac show that between time stamp 69 and 20042, the engine RPM is steady at around 770 RPM. During this time, the data shows the throttle fluctuating between 12.5% and 17.6% opening and MAF varying/fluctuating between 2.79 grams/second. and 4.67 grams/second. After time stamp 20042, the engine RPM is increased and then ultimately held steady at around 2100 RPM. During this time, the data shows the throttle fluctuating between 12.9% and 17.6% opening and the MAF fluctuating between 3.1 grams/second and 4.64 grams/second.

64. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and at the elevated engine RPM, not vary abnormally and/or fluctuate. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to readings lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition Device (DAD) was not connected as required to the 2005 Ford Explorer Sport Trac being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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Fraudulent Inspection #9 — 2000 Nissan Frontier King Cab XE

65. OIS Test Data for I's Test Only shows that on April 22, 2025, a 2000 Nissan Frontier King Cab XE, VIN ending in 76743, California License Plate Number 6E48408, was tested and Smog Certificate of Compliance Number UM671050C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

66. The Dynamic Data charts for the 2000 Nissan Frontier King Cab XE shows that between time stamp 213 and 17560, the engine RPM is steady at around 800 RPM. During this time, the data shows the throttle fluctuating between 1.6% and 5.5% opening, the MAP varying between 24 kPa and 30 kPa, and the MAF varying between 4.38 grams/second and 4.99 grams/second. After time stamp 17560, the engine RPM is increased and then held steady at around 1825 RPM. During this time, the data shows the throttle at 0% opening, then ultimately rises to 5.5%, the MAP fluctuating between 16 kPa and 27 kPa, and the MAF varying between 3.86 grams/second and 4.36 grams/second.

67. The steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAP and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and at the elevated engine RPM, not vary abnormally and/or fluctuate. Additionally, the throttle positions and MAF readings are expected to rise with the increase in engine RPM, not decrease to readings lower than idle readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition Device (DAD) was not connected as required to the 2000 Nissan Frontier King Cab XE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Fraudulent Inspection #10 — 2004 Chevrolet Silverado C1500

68. OIS Test Data for I's Test Only shows that on April 24, 2025, a 2004 Chevrolet Silverado C1500, VIN ending in 87086, California License Plate Number 7L06746, was tested and Smog Certificate of Compliance Number UM900760C was issued by I's Test Only under respondent Israel Rios-Ayala's Smog Check Inspector License.

69. The Dynamic Data charts for the 2004 Chevrolet Silverado C1500 shows that between time stamp 51 and 34080, the engine RPM is steady at around 525 RPM. During this

1 time, the data shows the throttle fluctuating between 18% and 12.5% opening, the MAP
2 fluctuating between 35 kPa and 46 kPa, and the MAF fluctuating between 3.2 grams/second and
3 5.06 grams/second. After time stamp 34080, the engine RPM is increased and then ultimately
4 held steady at around 1625 RPM. During this time, the data shows the throttle fluctuating
5 between 12.9 % and 16.1% opening, the MAP fluctuating between 33 kPa and 45 kPa, and the
6 MAF fluctuating between 3.26 grams/second and 5.07 grams/second.

7 70. The steady idle and steady elevated engine RPMs along with the improbable throttle
8 positions, MAP, and MAF readings are not characteristic or expected for normal engine
9 operation. The throttle positions and MAF readings are expected to be stable at idle and at the
10 elevated engine RPM, not fluctuate. Additionally, the throttle positions and MAF readings are
11 expected to rise with the increase in engine RPM, not decrease to readings lower than idle
12 readings. The discrepancies in the OIS Test Data show the OIS Data Acquisition Device (DAD)
13 was not connected as required to the 2004 Chevrolet Silverado C1500 being certified, causing the
14 issuance of a fraudulent Smog Certificate of Compliance.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Untrue of Misleading Statements — Respondent Israel Rios-Ayala)**

17 71. Respondent Israel Rios-Ayala's Automotive Repair Dealer Registration is subject to
18 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1),
19 in that he made statements which were known to be untrue or misleading or, which by exercise of
20 reasonable care should have been known to be untrue or misleading, by issuing electronic Smog
21 Certificates of Compliance for the ten vehicles set forth in paragraphs 40–70, certifying that those
22 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles
23 had not been so inspected. Complainant realleges paragraphs 40–70.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud — Respondent Israel Rios-Ayala)**

26 72. Respondent Israel Rios-Ayala's Automotive Repair Dealer Registration is subject to
27 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
28 in that he committed acts that constitute fraud by issuing electronic certificates of compliance to

1 the ten vehicles set forth in paragraphs 40–70 without performing bone fide inspections of the
2 emission control devices and systems on those vehicles, thereby depriving the People of the State
3 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
4 realleges paragraphs 40–70.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Material Violation of Automotive Repair Act — Respondent Israel Rios-Ayala)**

7 73. Respondent Israel Rios-Ayala’s Automotive Repair Dealer Registration is subject to
8 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
9 in that he failed in a material respect to comply with the provisions of this chapter or regulations
10 adopted pursuant to it when he issued electronic certificates of compliance for the ten vehicles set
11 forth in paragraphs 40–70 without performing bona fide inspections of the emission control
12 devices and systems on those vehicles, thereby depriving the People of the State of California of
13 the protection afforded by the Motor Vehicle Inspection Program. Complainant realleges
14 paragraphs 40–70.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program — Respondent Israel Rios-Ayala)**

17 74. Respondent Israel Rios-Ayala’s Smog Check Test Only Station License is subject to
18 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he
19 failed to comply with the following sections of that Code:

20 a. **Section 44012:** Respondent Israel Rios-Ayala failed to ensure that the emission
21 control tests were performed on the ten vehicles set forth in paragraphs 40–70 in accordance with
22 procedures prescribed by the department.

23 b. **Section 44015, subdivision (b):** Respondent Israel Rios-Ayala issued electronic
24 Smog Certificates of Compliance to the ten vehicles set forth in paragraphs 40–70 without
25 properly testing and inspecting those vehicles to determine if they were in compliance with
26 Health and Safety Code section 44012.

27 Complainant realleges paragraphs 40–70.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**

3 **to the Motor Vehicle Inspection Program — Respondent Israel Rios-Ayala)**

4 75. Respondent Israel Rios-Ayala's Smog Check Test Only Station License is subject to
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he
6 failed to comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Israel Rios-Ayala falsely or
8 fraudulently issued electronic Smog Certificates of Compliance for the ten vehicles identified in
9 paragraphs 40–70.

10 b. **Section 3340.30, subdivision (a):** Respondent Israel Rios-Ayala failed to inspect and
11 test the ten vehicles identified in paragraphs 40–70 in accordance with Health and Safety Code
12 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

13 c. **Section 3340.35, subdivision (c):** Respondent Israel Rios-Ayala issued electronic
14 Smog Certificates of Compliance ten vehicles identified in paragraphs 40–70 even though those
15 vehicles had not been inspected in accordance with section 3340.42.

16 d. **Section 3340.42:** Respondent Israel Rios-Ayala failed to ensure that the smog
17 inspections conducted on the ten vehicles identified in paragraphs 40–70 were done in accordance
18 with the bureau's specifications.

19 Complainant realleges paragraphs 40–70.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit — Respondent Israel Rios-Ayala)**

22 76. Respondent Israel Rios-Ayala's Smog Check Test Only Station License is subject to
23 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
24 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that he committed
25 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic Smog
26 Certificates of Compliance for the ten vehicles described in paragraphs 40–70 without performing
27 bona fide inspections of the emission control devices and systems on those vehicles, thereby
28 depriving the People of the State of California of the protection afforded by the Motor Vehicle

1 Inspection Program. Complainant realleges paragraphs 40–70.

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Violations of the Motor Vehicle Inspection Program — Respondent Israel Rios-Ayala)**

4 77. Respondent Israel Rios-Ayala’s Smog Check Inspector License is subject to
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he
6 failed to comply with the following sections of that code:

7 a. **Section 44032:** Respondent Israel Rios-Ayala failed to perform tests of emission
8 control devices and systems of the for the ten vehicles described in paragraphs 40–70 in
9 accordance with Health and Safety Code section 44012.

10 b. **Section 44015, subdivision (b):** Respondent Israel Rios-Ayala caused electronic
11 Smog Certificates of Compliance to be issued for the for the ten vehicles described in paragraphs
12 40–70 without ensuring that they were properly tested and inspected to determine if they were in
13 compliance with Health and Safety Code section 44012.

14 Complainant realleges paragraphs 40–70.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations Pursuant**

17 **to the Motor Vehicle Inspection Program — Respondent Israel Rios-Ayala)**

18 78. Respondent Israel Rios-Ayala’s Smog Check Inspector License is subject to
19 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he
20 failed to comply with provisions of California Code of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Israel Rios-Ayala falsely or
22 fraudulently issued electronic Smog Certificates of Compliance for the ten vehicles described in
23 paragraphs 40–70.

24 b. **Section 3340.30, subdivision (a):** Respondent Israel Rios-Ayala failed to inspect and
25 test the ten vehicles described in paragraphs 40–70.

26 c. **Section 3340.41, subdivision (c):** Respondent Israel Rios-Ayala knowingly entered
27 false information into the on-board diagnostic inspection system for the ten vehicles described in
28 paragraphs 40–70.

1 d. **Section 3340.42:** Respondent Israel Rios-Ayala failed to ensure that the smog
2 inspections conducted on the ten vehicles described in paragraphs 40–70 were done in accordance
3 with the bureau’s specifications.

4 Complainant realleges paragraphs 40–70.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit — Respondent Israel Rios-Ayala)**

7 79. Respondent Israel Rios-Ayala’s Smog Check Inspector License is subject to
8 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
9 conjunction with Health and Safety Code section 44072.10, subdivision (c), in that he committed
10 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic Smog
11 Certificates of Compliance for the ten vehicles described in paragraphs 40–70 without performing
12 bona fide inspections of the emission control devices and systems on those vehicles, thereby
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle
14 Inspection Program. Complainant realleges paragraphs 40–70.

15 **OTHER MATTERS**

16 80. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
17 director of the Department of Consumer Affairs (director) may suspend, revoke, or place on
18 probation the registration for all places of business operated in this state by respondent Israel
19 Rios-Ayala upon a finding that he has, or is, engaged in a course of repeated and willful
20 violations of the laws and regulations pertaining to an automotive repair dealer.

21 81. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
22 Station License Number TC 300287, issued to respondent Israel Rios-Ayala, is revoked or
23 suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health
24 and Safety Code in the name of said licensee may be likewise revoked or suspended by the
25 director.

26 82. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
27 License Number EO 638567, issued to respondent Israel Rios-Ayala, is revoked or suspended,
28 any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety

Code in the name of said licensee may be likewise revoked or suspended by the director.

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 300287, issued to Israel Rios-Ayala, doing business as I's Test Only;
2. Revoking or suspending any other automotive repair dealer registration issued to Israel Rios-Ayala, pursuant to Business and Professions Code section 9884.7, subdivision (c);
3. Revoking or suspending Smog Check Test Only Station License Number TC 300287, issued to Israel Rios-Ayala, doing business as I's Test Only;
4. Revoking or suspending Smog Check Inspector License Number EO 638567, issued to Israel Rios-Ayala;
5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name Israel Rios-Ayala;
6. Ordering Israel Rios-Ayala, doing business as I's Test Only, to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,
7. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2026.08.08
18:00:52 -07'00'

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

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