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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. 79/26-7193

13 **GUADALUPE MORAN BONILLA-**
14 **OWNER DBA AMERICA SMOG CHECK**
15 **5051 E Gage Avenue**
16 **Bell, CA 90201**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 301357**
19 **Smog Check, Test-Only, Station License No.**
20 **TC 301357**

ACCUSATION

21 **GUADALUPE MORAN BONILLA**
22 **1121 West 101 Street**
23 **Los Angeles, CA 90044**
24 **Smog Check Station Inspector No.**
25 **EO 645911**

26 **and**

27 **ABRAHAM RODRIGUEZ CHAVARRIA**
28 **708 W Mill Street Suite J**
San Bernardino, CA 92410
Smog Check Station Inspector No.
EO 645094

Respondents.

PARTIES

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

1 **Guadalupe Moran Bonilla-Owner dba America Smog Check**

2 **Automotive Repair Dealer Registration**

3 2. On or about December 16, 2021, the Bureau issued Automotive Repair Dealer
4 Registration Number ARD 301357 to Guadalupe Moran Bonilla-Owner dba America Smog
5 Check ("Respondent America Smog"). The Automotive Repair Dealer Registration was in full
6 force and effect at all times relevant to the charges brought herein and will expire on December
7 31, 2026, unless renewed.

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

9 3. On or about December 28, 2021, the Bureau issued Smog Check, Test-Only, Station
10 License Number TC 301357 to Respondent America Smog. The Smog Check, Test-Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on December 31, 2026, unless renewed.

13 **STAR Station Certification**

14 4. On or about January 20, 2022, the Bureau certified America Smog Check as a STAR
15 Station. The certification was suspended on March 9, 2026.

16 **Guadalupe Moran Bonilla**

17 **Smog Check Inspector License**

18 5. On or about September 4, 2025, the Bureau of Automotive Repair issued Smog
19 Check Inspector License Number EO 645911 to Guadalupe Moran Bonilla ("Respondent
20 Bonilla"). The Smog Check Inspector License was in full force and effect at all times relevant to
21 the charges brought herein and will expire on December 31, 2027, unless renewed.

22 **Abraham Rodriguez Chavarria**

23 **Smog Check Inspector License**

24 6. On or about July 8, 2024, the Bureau issued Smog Check Inspector License Number
25 EO 645094 to Abraham Rodriguez Chavarria ("Respondent Chavarria"). The Smog Check
26 Inspector License was in full force and effect at all times relevant to the charges brought herein
27 and will expire on October 31, 2026, unless renewed.

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JURISDICTION

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

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

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

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

STATUTORY PROVISIONS

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.

....

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

....

1 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
2 on probation the registration for all places of business operated in this state by an
3 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
4 engaged in a course of repeated and willful violations of this chapter, or regulations
5 adopted pursuant to it.

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

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only, beginning no earlier than January 1, 2025. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

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

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

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

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

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

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

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

18 14. Section 44032 of the Health and Safety Code states:

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

25 15. Section 44059 of the Health and Safety Code states:

26 The willful making of any false statement or entry with regard to a material
27 matter in any oath, affidavit, certificate of compliance or noncompliance, or
28 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.

16. 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.

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

2 17. Section 44072.8 of the Health and Safety Code 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 18. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

6 (c) The department shall revoke the license of any smog check technician or
7 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
8 the following:

9 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other
10 fraudulent inspection practice, as defined by the department.

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

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

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

16 **REGULATORY PROVISIONS**

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

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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 20. 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
Safety Code, and section 3340.42 of this article..

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

27 (c) A licensed station shall issue a certificate of compliance or noncompliance
28 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.

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

....

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COST RECOVERY

25. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FACTUAL ALLEGATIONS**

6 26. During the course of regular duties, a Bureau Representative accessed the Vehicle
7 Information Database (“VID”) and reviewed Smog Check data transmitted from Respondent
8 America Smog. Additionally, the Bureau Representative accessed the VID to produce copies of
9 Smog Check Vehicle Inspection Reports (“VIR”), BAR OIS Test Details, and Certificate Sales.

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

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

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

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

30. The Bureau Representative conducted a detailed review of the VID data for the Smog Check inspections performed at Respondent America Smog's facility. The review showed a pattern of vehicles being certified with engine operating parameters not corresponding to normal engine operation, that confirmed the vehicles receiving smog certificates were not tested during the OBD II functional test, which constituted clean plugging¹. The Bureau Representative's comprehensive review confirmed that ten (10) Smog Check Certificates of Compliance were fraudulently issued to vehicles by Respondent America Smog.

Fraudulent Inspection No. 1-2007 Chevrolet Trailblazer SS

31. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog. The review showed that on or about September 2, 2025, a 2007 Chevrolet Trailblazer SS was tested, and Certificate of Compliance Number US803559C was issued by Respondents America Smog and Chavarria.

32. The Dynamic PID charts and data for the 2007 Chevrolet Trailblazer SS showed that between timestamps 5102 and 25055, the engine RPM was steady at around 600 RPM. During this time, the data showed the throttle fixed at 20.8% opening, the MAP fixed at 38 kPa, and the MAF fixed at 6.35 grams/sec. After timestamp 25055, the engine RPM increased and was then ultimately held steady at around 2075 RPM. From the time the engine RPM increased from off idle to the higher RPM's, the data showed the throttle remains fixed at 20.8% opening, the MAP remains fixed at 38 kPa, and the MAF remains fixed at 6.35 grams/sec.

¹ Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent Smog Check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

33. 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 were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected as required to the 2007 Chevrolet Trailblazer SS being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 2-2007 Chevrolet Malibu LT

34. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog. The review showed that on or about September 6, 2025, a 2007 Chevrolet Malibu LT was tested, and Certificate of Compliance Number US803586C was issued by Respondents America Smog and Chavarria.

35. The Dynamic PID charts and data for the 2007 Chevrolet Malibu LT showed that between timestamps 5075 and 23990, the engine RPM was steady at around 750 RPM. During this time, the data showed that the throttle was at 22.4% opening, the MAP was at 29 kPa, and the MAF was at 2.78 grams/sec. After timestamp 23990, the engine RPM increased and was then ultimately held steady at around 2175 RPM. From the time the engine RPM increased from off idle to the higher RPM's, the data showed the throttle remains fixed at 22.4% opening, the MAP remains fixed at 29 kPa, and the MAF remained fixed at 2.78 grams/sec.

36. 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 were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected as required to the 2007 Chevrolet Malibu LT certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 3-2013 Toyota Scion FR-S

37. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog. The review showed that on or about September 10, 2025, a 2013 Toyota Scion FR-S was tested,

1 and Certificate of Compliance Number UU103911C was issued by Respondents America Smog
2 and Chavarria.

3 38. The Dynamic PID charts and data for the 2013 Toyota Scion FR-S showed that
4 between timestamps 4985 and 24799, the engine RPM was steady at around 775 RPM. During
5 this time, the data showed that the throttle was fixed at 14.1% opening, the MAP was fixed at 34
6 kPa, and the MAF was fixed at 2.92 grams/sec. After timestamp 24799, the engine RPM
7 increased and was then held at no less than 1560 RPM. From the time the engine RPM increased
8 from off idle to the higher RPM's, the data showed the throttle remained fixed at 14.1% opening,
9 the MAP remained fixed at 34 kPa, and the MAF remained fixed at 2.92 grams/sec.

10 39. During the entire period the dynamic data was collected, the only parameter that
11 changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged
12 even though the engine RPM increased. These readings were not characteristic or expected for
13 normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was
14 not connected as required to the 2013 Toyota Scion FR-S being certified, which caused the
15 issuance of a fraudulent Smog Check Certificate of Compliance.

16 **Fraudulent Inspection No. 4-2013 Toyota Corolla Base**

17 40. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog.
18 The review showed that on or about September 13, 2025, a 2013 Toyota Corolla Base was tested,
19 and Certificate of Compliance Number UU103938C was issued by Respondents America Smog
20 and Chavarria.

21 41. The Dynamic PID charts and data for the 2013 Toyota Corolla Base showed that
22 between timestamps 4920 and 25273, the engine RPM was steady at around 800 RPM. During
23 this time, the data showed that the throttle was fixed at 18% opening and the MAF fixed at 2.07
24 grams/sec. After timestamp 25273, the engine RPM increased and was then ultimately held
25 steady at around 1750 RPM. From the time the engine RPM increased from off idle to the higher
26 RPMs, the data showed the throttle remains fixed at 18% opening, and the MAF remains fixed at
27 2.07 grams/sec.

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42. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected as required to the 2013 Toyota Corolla Base being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 5-2006 Ford F-150

43. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog. The review showed that on or about September 16, 2025, a 2006 Ford F-150 was tested, and Certificate of Compliance Number UU103944C was issued by Respondents America Smog and Chavarria.

44. The Dynamic PID charts and data for the 2006 Ford F-150 showed that between timestamps 5088 and 25382, the engine RPM was steady at around 775 RPM. During this time, the data showed the throttle was fixed at 14.5% opening and the MAF fixed at 6.92 grams/sec. After timestamp 25382, the engine RPM increased and was then ultimately held steady at around 1575 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data showed the throttle remains fixed at 14.5% opening, and the MAF remains fixed at 6.92 grams/sec.

45. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected as required to the 2006 Ford F-150 being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 6-2012 Chevrolet Equinox LT

46. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog. The review showed that on or about September 20, 2025, a 2012 Chevrolet Equinox LT was

1 tested, and Certificate of Compliance Number UU374113C was issued by Respondents America
2 Smog and Chavarria.

3 47. The Dynamic PID charts and data for the 2012 Chevrolet Equinox LT showed that
4 between timestamps 5007 and 23631, the engine RPM was steady at around 750 RPM. During
5 this time, the data showed that the throttle was fixed at 22.4% opening, the MAP fixed at 25 kPa,
6 and the MAF fixed at 2.93 grams/sec. After timestamp 23631, the engine RPM increased and
7 then ultimately held steady at around 2200 RPM. From the time the engine RPM increased from
8 off idle to the higher RPMs, the data showed the throttle remains fixed at 22.4% opening, the
9 MAP remains fixed at 25 kPa, and the MAF remains fixed at 2.93 grams/sec.

10 48. During the entire period the dynamic data was collected, the only parameter that
11 changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged
12 even though the engine RPM increased. These readings were not characteristic or expected for
13 normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was
14 not connected as required to the 2012 Chevrolet Equinox LT being certified, which caused the
15 issuance of a fraudulent Smog Check Certificate of Compliance.

16 **Fraudulent Inspection No. 7-2017 Ford Mustang GT**

17 49. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog.
18 The review showed that on or about September 30, 2025, a 2017 Ford Mustang GT was tested,
19 and Certificate of Compliance Number UU374150C was issued by Respondents America Smog
20 and Chavarria.

21 50. The Dynamic PID charts and data for the 2017 Ford Mustang GT showed that
22 between timestamps 5018 and 25883, the engine RPM was steady at around 725 RPM. During
23 this time, the data showed the throttle was fixed at 10.2% opening and the MAF fixed at 4.28
24 grams/sec. After timestamp 25883, the engine RPM increased and was then ultimately held
25 steady at around 1800 RPM. From the time the engine RPM increased from off idle to the higher
26 RPMs, the data showed the throttle remains fixed at 10.2% opening, and the MAF remains fixed
27 at 4.28 grams/sec.

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1 51. During the entire period the dynamic data was collected, the only parameter that
2 changed was engine RPM. The throttle position and MAF readings remained unchanged even
3 though the engine RPM increased. These readings were not characteristic or expected for normal
4 engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not
5 connected as required to the 2017 Ford Mustang GT being certified, which caused the issuance of
6 a fraudulent Smog Check Certificate of Compliance.

7 **Fraudulent Inspection No. 8-2008 Chevrolet Corvette**

8 52. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog.
9 The review showed that on or about October 1, 2025, a 2008 Chevrolet Corvette was tested, and
10 Certificate of Compliance Number JH525007C was issued by Respondents America Smog and
11 Chavarria.

12 53. The Dynamic PID charts and data for the 2008 Chevrolet Corvette showed that
13 between timestamps 5095 and 24089, the engine RPM was steady at around 700 RPM. During
14 this time, the data showed the throttle fixed at 20% opening, the MAP fixed at 61 kPa, and the
15 MAF 10.29 grams/sec. After timestamp 24089, the engine RPM increased and was then held at
16 no less than 1853 RPM. From the time the engine RPM increased from off idle to the higher
17 RPM's, the data showed the throttle remains fixed at 20% opening, the MAP remains fixed at 61
18 kPa, and the MAF remains fixed at 10.29 grams/sec.

19 54. During the entire period the dynamic data was collected, the only parameter that
20 changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged
21 even though the engine RPM increased. These readings were not characteristic or expected for
22 normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was
23 not connected as required to the 2008 Chevrolet Corvette being certified, which caused the
24 issuance of a fraudulent Smog Check Certificate of Compliance.

25 **Fraudulent Inspection No. 9-2011 Chevrolet Silverado C1500 LT**

26 55. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog.
27 The review showed that on or about October 2, 2025, a 2011 Chevrolet Silverado C1500 LT was
28

1 tested, and Certificate of Compliance Number JH525019C was issued by Respondents America
2 Smog and Chavarria.

3 56. The Dynamic PID charts and data for the 2011 Chevrolet Silverado C1500 LT
4 showed that between timestamps 4947 and 24858, the engine RPM was steady at around 550
5 RPM. During this time, the data showed the throttle fixed at 19.2% opening, the MAP at 31 kPa,
6 and the MAF fixed at 4.08 grams/sec. After timestamp 24858, the engine RPM increased and
7 was then ultimately held steady at around 1600 RPM. From the time the engine RPM increased
8 from off idle to the higher RPMs, the data showed the throttle remains fixed at 19.2% opening,
9 the MAP remains fixed at 31 kPa, and the MAF remains fixed at 4.08 grams/sec.

10 57. During the entire period the dynamic data was collected, the only parameter that
11 changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged
12 even though the engine RPM increased. These readings were not characteristic or expected for
13 normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was
14 not connected as required to the 2011 Chevrolet Silverado C1500 LT being certified, which
15 caused the issuance of a fraudulent Smog Check Certificate of Compliance.

16 **Fraudulent Inspection No. 10-2005 Ford F150 Supercrew**

17 58. A Bureau Representative reviewed the OIS Test Data for Respondent America Smog.
18 The review showed that on or about October 6, 2025, a 2005 Ford F150 Supercrew was tested,
19 and Certificate of Compliance Number JH525034C was issued by Respondents America Smog
20 and Chavarria.

21 59. The Dynamic PID charts and data for the 2005 Ford F150 Supercrew showed that
22 between timestamps 4982 and 23105, the engine RPM was steady at around 775 RPM. During
23 this time, the data showed that the throttle was fixed at 14.9% opening and the MAF was fixed at
24 10.39 grams/sec. After timestamp 23105, the engine RPM was increased and then ultimately held
25 steady at around 1550 RPM. From the time the engine RPM increased from off idle to the higher
26 RPM's, the data showed the throttle remains fixed at 14.9% opening, and the MAF remains fixed
27 at 10.39 grams/sec.

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60. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM increased. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected as required to the 2005 Ford F150 Supercrew being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

61. Respondent America Smog's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16, section 3373, in that between September 2, 2025, through October 6, 2025, Respondent America Smog made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondent America Smog certified that vehicles 1 through 10, set forth above, had passed inspection and were in compliance with applicable laws and regulations. Respondent America Smog conducted the inspections on the vehicles using the clean plugging method by substituting or using different vehicles or another source during the OBD II functional tests to issue smog check certificates of compliance for the ten (10) vehicles, and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 60, as though fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

62. Respondent America Smog's Automotive Repair Registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(4), in that between September 2, 2025, through October 6, 2025, Respondent America Smog committed acts that constitute fraud by issuing electronic smog check certificates of compliance for vehicles 1 through 10, set forth above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the

Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 60, as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

63. Respondent America Smog's Automotive Repair Registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that between September 2, 2025, through October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent America Smog failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it by issuing electronic smog check certificates of compliance for the ten (10) vehicles without performing bona fide inspections of the emissions control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 60, as though fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Motor Vehicle Inspection Program)

64. Respondent America Smog's Smog Check, Test-Only Station License is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between September 2, 2025, through October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent America Smog failed to comply with the following sections of that Code:

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

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

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1 c. **Section 44059:** Respondent America Smog willfully made false entries for the
2 electronic smog check certificates of compliance by certifying that those vehicles had been
3 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 26 through 60, as though fully set forth.

6 **FIFTH CAUSE FOR DISCIPLINE**

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

9 65. Respondent America Smog's Smog Check, Test-Only Station License is subject to
10 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
11 September 2, 2025, through October 6, 2025, regarding vehicles 1 through 10, set forth above,
12 Respondent America Smog failed to comply with provisions of California Code of Regulations,
13 title 16, as follows:

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

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

21 c. **Section 3340.41, subdivision (c):** Respondent America Smog knowingly entered false
22 information into the On-Board Diagnostic inspection system for the ten (10) vehicles identified
23 above.

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

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 26 through 60, as though fully set forth.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 66. Respondent America Smog's Smog Check, Test-Only Station License is subject to
4 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
5 with 44072.10, subdivision (c), in that between September 2, 2025, through October 6, 2025,
6 regarding vehicles 1 through 10, set forth above, Respondent America Smog committed acts
7 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog
8 check certificates of compliance for those vehicles without performing bona fide inspections of
9 the emission control devices and systems on the vehicles, thereby depriving the People of the
10 State of California of the protection afforded by the Motor Vehicle Inspection Program.
11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraphs 26 through 60, as though fully set forth.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program – Respondent Chavarria)**

15 67. Respondent Chavarria's Smog Check Inspector License is subject to disciplinary
16 action under Health and Safety Code section 44072.2, subdivision (a), in that between September
17 2, 2025, through October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent
18 Chavarria violated the following Health and Safety Code sections:

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

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

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

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1 d. **Section 44059:** Respondent Chavarria willfully made false entries for the electronic
2 smog check certificates of compliance by certifying that the vehicles identified above had been
3 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 26 through 60, as though fully set forth.

6 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 68. Respondent Chavarria's Smog Check Inspector License is subject to discipline
10 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between September
11 2, 2025, through October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent
12 Chavarria failed to comply with provisions of California Code of Regulations, title 16, as follows:

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

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

19 c. **Section 3340.41, subdivision (c):** Respondent Chavarria knowingly entered false
20 information into the On-Board Diagnostic inspection system for the ten (10) vehicles identified
21 above.

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

24 Complainant refers to, and by this reference incorporates, the allegations set forth above in
25 paragraphs 26 through 60, as though fully set forth.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit – Respondent Chavarria)**

3 69. Respondent Chavarria'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 September 2, 2025, through
6 October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent Chavarria
7 committed acts involving dishonesty, fraud, or deceit when he issued electronic smog check
8 certificates of compliance for the vehicles without performing bona fide inspections of the
9 emission control devices and systems on those vehicles, thereby depriving the People of the State
10 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
11 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26
12 through 60, as though fully set forth.

13 **TENTH CAUSE FOR DISCIPLINE**

14 **(Dishonesty, Fraud, or Deceit – Respondent Bonilla)**

15 70. Respondent Bonilla's Smog Check Inspector License is subject to disciplinary action
16 under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
17 Safety Code section 44072.10, subdivision (c), in that between September 2, 2025, through
18 October 6, 2025, regarding vehicles 1 through 10, set forth above, Respondent Bonilla committed
19 acts involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
20 compliance for the vehicles without performing bona fide inspections of the emission control
21 devices and systems on those vehicles, thereby depriving the People of the State of California of
22 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
23 this reference incorporates, the allegations set forth above in paragraphs 26 through 60, as though
24 fully set forth.

25 **OTHER MATTERS**

26 71. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
27 or place on probation the registrations for all places of business operated in this state by
28 Guadalupe Moran Bonilla, upon a finding that said Respondent America Smog has, or is, engaged

1 in a course of repeated and willful violations of the laws and regulations pertaining to an
2 automotive repair dealer.

3 72. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only
4 Station License No. TC 301357, issued to Guadalupe Moran Bonilla-Owner dba America Smog
5 Check, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26
6 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended
7 by the director.

8 73. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
9 License No. EO 645911, issued to Guadalupe Moran Bonilla, is revoked or suspended, any
10 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
11 name of said licensee may be likewise revoked or suspended by the director.

12 74. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
13 License No. EO 645094, issued to Abraham Rodriguez Chavarria, is revoked or suspended, any
14 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
15 name of said licensee may be likewise revoked or suspended by the director.

16 **PRAYER**

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

20 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
21 301357, issued to Guadalupe Moran Bonilla-Owner dba America Smog Check;

22 2. Revoking, suspending any other automotive repair dealer registration issued to
23 Guadalupe Moran Bonilla;

24 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
25 301357, issued to Guadalupe Moran Bonilla-Owner dba America Smog Check;

26 4. Revoking or suspending Smog Check Inspector License Number EO 645911, issued
27 to Guadalupe Moran Bonilla;

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1 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
2 Division 26 of the Health and Safety Code in the name of Guadalupe Moran Bonilla;

3 6. Revoking or suspending Smog Check Inspector License Number EO 645094, issued
4 to Abraham Rodriguez Chavarria;

5 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of Abraham Rodriguez Chavarria;

7 8. Ordering Guadalupe Moran Bonilla and Abraham Rodriguez Chavarria to pay the
8 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the
10 costs of probation monitoring;

11 and,

12 9. Taking such other and further action as deemed necessary and proper.

13
14 DATED: As of digital signature date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.06.17 13:24:51
-07'00'

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

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