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

12 In the Matter of the Accusation Against:

Case No. 79/22-14413

13 **ERIC GUSTAVO RUANO-CHICO, DBA**
14 **CORONA EXPRESS SMOG**
15 **19965 Temescal Canyon Road, Unit B**
16 **Corona, CA 92881**

ACCUSATION

17 **Automotive Repair Dealer Registration No.**
18 **ARD 302280**
19 **Smog Check Station, Test Only License No.**
20 **TC 302280,**

21 **and**

22 **ERIC GUSTAVO RUANO-CHICO**
23 **2476 Alder Street**
24 **Pomona, CA 91767**

25 **Smog Check Inspector License No. EO**
26 **643120**

27 Respondents.
28

PARTIES

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

1 14. Section 44072.10 of the Health and Safety Code states, in pertinent part:

2 . . .

3 (c) The department shall revoke the license of any smog check technician or
4 station license who fraudulently certifies vehicles or participates in the fraudulent
5 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
6 the following:

7 (1) Clean piping, as defined by the department. . . .

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

10 **REGULATORY PROVISIONS**

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

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

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

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

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

21 17. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

22

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

27 18. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions
28 test methods and procedures which apply to all vehicles inspected in the State of California.

COST RECOVERY

19 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
23

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **VID DATA REVIEW**

4 20. Beginning March 9, 2015, California's Smog Check Program was updated to require
5 the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check
6 equipment required in all areas of the State when inspecting most model-year 2000 and newer
7 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a
8 certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD
9 is an On Board Diagnostic ("OBD") scan tool that, when requested by the California OIS
10 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it
11 supports is requested by the California OIS software and will be retrieved. The DAD connects
12 between the OIS computer and the vehicle's DLC. The California OIS software requires a
13 continuous Internet connection when performing a Smog Check inspection and the OIS software
14 communicates with BAR's central database through the Internet connection. The bar code
15 scanner is used to input technician information, the vehicles identification number ("VIN"), and
16 DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing
17 inspection results for motorists and a Smog Check Certificate of Compliance number for passing
18 vehicles.

19 21. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is
20 the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the
21 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to
22 relay information; and the number of Parameter Identifications ("PIDs"), which is the number of
23 specific data values each PCM uses related to emissions controls.

24 22. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
25 inspection and a Certificate of Compliance is issued and transmitted electronically to the Vehicle
26 Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty
27 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit
28 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of

1 Compliance has a unique control number so that it can be tracked to determine which Smog
2 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

3 23. The VID contains registration data from Department of Motor Vehicles (“DMV”)
4 plus emission standards, vehicle smog check inspections, smog check stations and technicians,
5 and Certificates of Compliance. The VID receives the passing smog check results immediately
6 following the inspection. During the vehicle registration process, the DMV accesses the VID to
7 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view
8 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,
9 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending
10 on the test type, also prints a Vehicle Inspection Report (“VIR”), which is a physical record of the
11 test results and shows the Certificate of Compliance number that was issued if the vehicle passed
12 the smog inspection.

13 24. The smog check technician must sign the VIR under penalty of perjury to indicate
14 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
15 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
16 consumer’s VIR serves as a receipt and proof that the VID was updated and a Certificate of
17 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by
18 the Bureau to perform official inspections. They are issued a personal access code and a license,
19 which are used to gain access to the EIS and OIS to perform smog check inspections.
20 Unauthorized use of another technician’s access code or license is prohibited.

21 25. Respondents have engaged in numerous acts or omissions constituting violations of
22 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor
23 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
24 of “clean plugging.”² Respondent Ruano-Chico’s OIS Test Data available on the State database
25 indicates that Respondent Ruano-Chico is involved in fraudulent smog inspection activities. A

26 ² “Clean plugging” refers to the use of another vehicle’s properly functioning On Board
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic
28 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that
are not in smog compliance and/or not present for testing.

1 Bureau representative initiated an investigation based on information transmitted to the VID for
2 smog check inspections performed by Respondent Ruano-Chico. The investigation revealed that
3 the data related to certain vehicles certified by Respondent Ruano-Chico contained a pattern of
4 unmistakable discrepancies between the information transmitted during the inspections and
5 documented information known about the vehicles at issue.

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

- 10 • Engine speed in revolutions per minute (RPM)
- 11 • Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle
12 shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full
13 throttle.
- 14 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
15 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings
16 for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa
17 at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.
- 18 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air
19 intake tract. Measured in grams per second (gps).

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

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

7 **Station Data Review**

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

- 12 • Engine speed in revolutions per minute (RPM)
- 13 • Throttle position as measured by a throttle position sensor (TPS) mounted onto
14 the throttle shaft. Measured in a percentage of opening from 0% at idle and near
15 or up to 100% at full throttle.
- 16 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
17 connected to an intake manifold source, measured in kilo pascals (kpa). Typical
18 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,
19 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at
20 sea level.
- 21 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the
22 engine's air intake tract. Measured in grams per second (gps).³

23 30. During normal engine operation at idle, engine speed is relatively steady around its
24 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
25

26 ³ Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
27 MAP or MAF parameters separately.
28

1 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
2 opened to increase airflow through the engine. The engine's management systems supply fuel and
3 spark timing appropriate to any changes in throttle position and engine speed. An increase in
4 throttle, measured by the TPS, which increases engine RPM, would result in corresponding
5 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle
6 from the idle position will result in an increase of airflow through the engine with corresponding
7 increases RPM and/or MAF along with changes in MAP.

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

14 32. A Bureau Program Representative (Bureau Representative) conducted a detailed
15 review of the VID data for the Smog Check inspections performed at Corona Express Smog. The
16 review showed a pattern of over one hundred (100) vehicles being certified with improbable
17 engine operating parameters not corresponding to normal engine operation. The data collected by
18 the DAD during the OBDII functional test confirmed an OBD defeat device was used instead of
19 the actual vehicle being tested, which constitutes clean plugging. The Bureau Representative
20 included five (5) vehicles in his report as examples of fraudulent inspections conducted by
21 Respondent using the clean plugging method.

22 **Fraudulent Inspection #1: Clean Plug #1**

23 33. A Bureau Representative reviewed the OIS Test Data for Corona Express Smog. The
24 review indicates on August 29, 2022, a 2004 Toyota Sienna, CA license 5EMZ780 (2004
25 Sienna), was tested and smog certificate #SW337216C was issued under licensed Smog Check
26 Technician #EO643120, Ruano-Chico.

27 34. The Dynamic PID Chart for the 2004 Sienna shows between time stamp 697 and
28 20268 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed

1 at 15.7% opening, the MAF is fixed at 3gps, and the ignition timing advance for #1 cylinder is
2 fixed at 17.5 degrees BTDC. After time stamp 20633 the engine speed begins to accelerate.
3 Between time stamp 26729 and 38316 the engine speed is held at an increased level of
4 approximately 2000 at RPM. From the time the engine RPM increases off idle to the higher
5 RPMs, the throttle is fixed at the same 15.7% opening, the MAF is fixed at the same 3gps, and the
6 ignition timing advance for #1 cylinder is also still fixed at the same 17.5 degrees BTDC.

7 35. During the entire period the dynamic data was collected, the only parameter that
8 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings
9 remained unchanged even though the engine speed was increased. These readings are not
10 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
11 prove the OIS DAD was not connected to the 2004 Sienna being certified, causing the issuance of
12 a fraudulent Smog Certificate of Compliance.

13 **Previous Failing Tests: 2004 Sienna**

14 36. Two (2) previous failing tests were performed on the 2004 Sienna. The most recent
15 test was performed on August 24, 2022 at Corona Express Smog under the license of Inspector
16 Ruano-Chico. The 2004 Sienna failed the inspection for incomplete OBDII readiness monitors.
17 The Dynamic PID Chart for the data collected during the August 24, 2022 inspection on the 2004
18 Sienna shows the vehicle idled at approximately 700 RPMs before engine speed was raised to
19 approximately 1700 RPMs by opening the throttle. There was the expected change in the throttle,
20 MAF, and ignition timing advance parameters as characteristic or expected for normal engine
21 operation.

22 37. The first failed test was performed at another Smog Check station on August 24,
23 2022. The 2004 Sienna failed the inspection for confirmed diagnostic trouble codes P0333,
24 P0420, P0430, P0441, P0442, P0446, P0500, and an illuminated MIL. No dynamic data was
25 collected during the inspection.

26 **Fraudulent Inspection #2: Clean Plug #2**

27 38. The Bureau Representative reviewed the OIS Test Data for Corona Express Smog.
28 The review indicates on August 31, 2022, a 2002 Lexus ES 300, CA license 4WXZ175 (2002 ES

1 300), was tested and smog certificate #SW337240C was issued under licensed Smog Check
2 Technician #EO643120, Ruano-Chico.

3 39. The Dynamic PID Chart for the 2002 ES 300 shows between time stamp 203 and
4 22141 engine speed is steady at approximately 650 RPM. During this time the throttle is fixed at
5 16.9% opening, the MAF is fixed at 3.32gps, and the ignition timing advance for #1 cylinder is
6 fixed at 15.5 degrees BTDC. After time stamp 22141 the engine speed begins to accelerate.
7 Between time stamp 24883 and 40126 the engine speed slightly decelerates before being held at
8 approximately 1900 RPMs. From the time the engine RPM increases off idle to the higher RPMs,
9 the throttle is fixed at the same 16.9% opening, the MAF is fixed at the same 3.32gps, and the
10 ignition timing advance for #1 cylinder is fixed at the same 15.5 degrees BTDC.

11 40. During the entire period the dynamic data was collected, the only parameter that
12 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings
13 remained unchanged even though the engine speed was increased. These readings are not
14 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
15 prove the OIS DAD was not connected to the 2002 ES 300 being certified, causing the issuance
16 of a fraudulent Smog Certificate of Compliance.

17 **Previous failing Tests: 2002 ES 300**

18 41. Two (2) previous failing tests were performed on the 2002 ES 300. The most recent
19 test was performed on August 27, 2022 at Corona Express Smog under the license of Inspector
20 Ruano-Chico. The 2002 ES 300 failed the inspection for incomplete OBDII readiness monitors.
21 The Dynamic PID Chart for the data collected during the August 27, 2022 inspection on the 2002
22 ES 300 shows the vehicle idled at approximately 600 RPMs before engine speed was raised to
23 approximately 1890 RPMs by opening the throttle. There was the expected change in the throttle,
24 MAF, and ignition timing advance parameters as characteristic or expected for normal engine
25 operation.

26 42. The earlier failing test was performed at another Smog Check station on August 24,
27 2022. The 2002 ES 300 failed the OBD portion of the Smog Check inspection for incomplete
28 OBD readiness monitors, confirmed diagnostic trouble codes P0325, P0330, P0345, an

1 illuminated MIL, and the visual inspection for “Other Emission Related Components/Systems”.
2 No dynamic data was collected for the inspection.

3 **Fraudulent Inspection #3: Clean Plug #3**

4 43. The Bureau Representative reviewed the OIS Test Data for Corona Express Smog.
5 The review indicates on September 8, 2022, a 2002 Mitsubishi Montero Sport XLS, CA license
6 4UHV186 (2002 Montero), was tested and smog certificate #SW544177C was issued under
7 licensed Smog Check Technician #EO643120, Ruano-Chico.

8 44. The Dynamic PID Chart for the 2002 Montero shows between time stamp 244 and
9 18978 engine speed is steady at approximately 850 RPM. During this time the throttle is fixed
10 at 5.1% opening, the MAF is fixed at 6.46gps, and the ignition timing advance for #1 cylinder is
11 fixed at 26 degrees BTDC. After time stamp 20633 the engine speed begins to accelerate.
12 Between time stamp 20768 and 36376 the engine speed is held at an increased level and
13 fluctuates between approximately 1700 and 2000 RPMs. From the time the engine RPM increases
14 off idle to the higher RPMs, the throttle is fixed at the same 5.1% opening, the MAF is fixed at
15 the same 6.46gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 26
16 degrees BTDC.

17 45. During the entire period the dynamic data was collected, the only parameter that
18 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings
19 remained unchanged even though the engine speed was increased. These readings are not
20 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
21 prove the OIS DAD was not connected to the 2002 Montero being certified, causing the issuance
22 of a fraudulent Smog Certificate of Compliance.

23 **Previous failing Tests: 2002 Montero**

24 46. Two (2) previous failing tests were performed on the 2002 Montero. The most recent
25 failing test was performed at another Smog Check station on September 8, 2022. The 2002
26 Montero failed the inspection for an incomplete OBDII readiness monitor. No dynamic data was
27 collected during the inspection. The earlier failing test was performed at another Smog Check
28

1 station on August 25, 2021. The 2002 Montero failed the inspection for incomplete OBDII
2 readiness monitors. No dynamic data was collected during the inspection.

3 **Fraudulent Inspection #4: Clean Plug #4**

4 47. The Bureau Representative reviewed the OIS Test Data for Corona Express Smog.
5 The review indicates on September 10, 2022, a 2000 Nissan Maxima GLE, VIN
6 JN1CA31A9YT214114 (2000 Maxima), was tested and smog certificate #SW544195C was
7 issued under licensed Smog Check Technician #EO643120, Ruano-Chico.

8 48. The Dynamic PID Chart for the 2000 Maxima shows between time stamp 560 and
9 27842 engine speed is steady at approximately 775 RPM. During this time the throttle is fixed
10 at 0% opening, the MAF is fixed at .35gps, and the ignition timing advance for #1 cylinder is
11 fixed at 63.5 degrees BTDC. After time stamp 27842 the engine speed begins to accelerate.
12 Between time stamp 31829 and 45339 the engine speed is held at an increased level, fluctuating
13 between approximately 1850 and 2140 RPMs. From the time the engine RPM increases off idle
14 to the higher RPMs, the throttle is fixed at the same 0% opening, the MAF is fixed at the same
15 .35gps, and the ignition timing advance for #1 cylinder is fixed at the same 63.5 degrees BTDC.
16 During the entire period the dynamic data was collected, the only parameter that changed was
17 engine RPM. The throttle position, MAF, and ignition timing advance readings remained
18 unchanged even though the engine speed was increased. These readings are not characteristic or
19 expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS
20 DAD was not connected to the 2000 Maxima being certified, causing the issuance of a fraudulent
21 Smog Certificate of Compliance.

22 **Previous failing Test: 2000 Maxima**

23 49. A previous failing test was performed on the 2000 Maxima at another Smog Check
24 station on August 23, 2022. The 2000 Maxima failed the inspection for an illuminated MIL and
25 confirmed diagnostic trouble codes P0420. No dynamic data was collected during the inspection.

26 **Fraudulent Inspection #5: Clean Plug #5**

27 50. The Bureau Representative reviewed the OIS Test Data for Corona Express Smog.
28 The review indicates on September 19, 2022, a 2000 Honda Accord LX, CA license 4KTD675

1 (2000 Accord), was tested and smog certificate #SW802192C was issued under licensed Smog
2 Check Technician #EO643120, Ruano-Chico. The Dynamic PID Chart for the 2000 Accord
3 shows between time stamp 368 and 21275 engine speed is steady at approximately 725 RPM.
4 During this time the throttle is fixed at 9.8% opening, the MAP is fixed at 27kPa, and the ignition
5 timing advance for #1 cylinder is fixed at 11 degrees BTDC. After time stamp 21275 the engine
6 speed begins to accelerate. Between time stamp 23523 and 37998 the engine speed is held at an
7 increased level between approximately 1600 and 1800 RPMs. From the time the engine RPM
8 increases off idle to the higher RPMs, the throttle is fixed at the same 9.8% opening, the MAP is
9 fixed at the same 27kPa, and the ignition timing advance for #1 cylinder is also still fixed at the
10 same 11 degrees BTDC.

11 51. During the entire period the dynamic data was collected, the only parameter that
12 changed was engine RPM. The throttle position, MAP, and ignition timing advance readings
13 remained unchanged even though the engine speed was increased. These readings are not
14 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
15 prove the OIS DAD was not connected to the 2000 Accord being certified, causing the issuance
16 of a fraudulent Smog Certificate of Compliance.

17 **Previous failing Test: 2000 Accord**

18 52. A previous failing test was performed on the 2000 Accord at another Smog Check
19 station on November 13, 2021. The 2000 Accord failed the inspection for incomplete OBDII
20 readiness monitors. No dynamic data was collected during the inspection.

21 **Surveillance: September 22, 2022**

22 53. On September 22, 2022, the Bureau Representative conducted a surveillance at
23 Corona Express Smog. The Bureau Representative adjusted the timestamp on the video camera
24 to VID time. The Bureau Representative arrived in the vicinity of the station at approximately
25 1200 hours and monitored testing activity from the Bureau's database while periodically driving
26 by the station to observe testing activity and vehicles present. Each time the Bureau
27 Representative drove past the station, the Bureau Representative only observed a tan, older
28 Toyota pickup with a white camper shell parked in the building.

1 **Fraudulent Inspection #6: Clean plug #6**

2 54. The OIS Test Detail shows that on September 22, 2022, between 1204 and 1213
3 hours, a 2014 GMC Sierra K1500 SLE, CA license 34873A3, was tested and issued Certificate of
4 Compliance #SY00706C under licensed Smog Check Inspector #EO643120, Ruano-Chico.
5 During the time the 2014 GMC Sierra K1500 SLE was certified, it was not present at the station.

6 **Fraudulent Inspection #7: Clean plug #7**

7 55. The OIS Test Detail shows that on September 22, 2022, between 1256 and 1309
8 hours, a 2007 Ford F150, CA license 05989J2, was tested and issued Certificate of Compliance
9 #SY00707C under licensed Smog Check Inspector #EO643120, Ruano-Chico. During the time
10 the 2007 Ford F150 was certified, it was not present at the station.

11 **Fraudulent Inspection #8: Clean plug #8**

12 56. The OIS Test Detail shows that on September 22, 2022, between 1351 and 1407
13 hours, a 2006 Chevrolet Silverado C2500 Heavy Duty, CA license 8E93510, was tested and
14 issued Certificate of Compliance #SY00709C under licensed Smog Check Inspector #EO643120,
15 Ruano-Chico. During the time the 2006 Chevrolet Silverado C2500 Heavy Duty was certified, it
16 was not present at the station.

17 **Fraudulent Inspection #9: Clean plug #9**

18 57. The OIS Test Detail shows that on September 22, 2022, between 1529 and 1541
19 hours, a 2013 Chevrolet Silverado K1500 LT, CA license 97440J2, was tested and issued
20 Certificate of Compliance #SY00711C under licensed Smog Check Inspector #EO643120,
21 Ruano-Chico. During the time the 2013 Chevrolet Silverado K1500 LT was certified, it was not
22 present at the station.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements - Respondent Corona Express Smog)**

25 58. Respondent Corona Express Smog’s registration is subject to disciplinary action
26 pursuant to section 9884.7, subdivision (a)(1), in that between August 29, 2022 and September
27 22, 2022, Respondent Ruano-Chico made or authorized statements which he knew or in the
28 exercise of reasonable care should have known to be untrue or misleading, as follows:

1 Respondent Ruano-Chico certified that the vehicles set forth above in paragraphs 20-57, had
2 passed inspection and were in compliance with applicable laws and regulations. In fact,
3 Respondent Ruano-Chico conducted the inspections on those vehicles using the clean plugging
4 method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as
5 required by Health and Safety Code section 44012.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Fraud - Respondent Corona Express Smog)**

8 59. Respondent Corona Express Smog's registration is subject to disciplinary action
9 pursuant to section 9884.7, subdivision (a)(4), in that between August 29, 2022 and September
10 22, 2022, Respondent Ruano-Chico committed acts which constitute fraud by issuing electronic
11 certificates of compliance for the vehicles set forth above in paragraphs 20-57, without
12 performing bona fide inspections of the emission control devices and systems on those vehicles,
13 thereby depriving the People of the State of California of the protection afforded by the Motor
14 Vehicle Inspection Program.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Motor Vehicle Inspection Program –**
17 **Respondent Corona Express Smog)**

18 60. Respondent Corona Express Smog's smog station license is subject to disciplinary
19 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with
20 Health and Safety Code section 44072.10 subdivision (c), in that between August 29, 2022 and
21 September 22, 2022, regarding the vehicles set forth above in paragraphs 20-57, Respondent
22 Corona Express Smog failed to comply with the following sections of the Health and Safety
23 Code:

24 (a) **Section 44012**: Respondent Corona Express Smog's employee Respondent Ruano-
25 Chico failed to ensure that the emission control tests were performed on the vehicles, in
26 accordance with procedures prescribed by the department.

27 (b) **Section 44015**: Respondent Corona Express Smog's employee Respondent Ruano-
28 Chico issued electronic certificates of compliance for the vehicles, without ensuring that the

1 vehicles were properly tested and inspected to determine if they were in compliance with Health
2 and Safety Code section 44012.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**
5 **Respondent Corona Express Smog)**

6 61. Respondent Corona Express Smog's smog station license is subject to disciplinary
7 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
8 August 29, 2022 and September 22, 2022, regarding the vehicles set forth above in paragraphs
9 20-57, Respondent Ruano-Chico failed to comply with the following provisions of the California
10 Code of Regulations, Title 16, as follows:

11 (a) **Section 3340.35, subdivision (c)**: Respondent Corona Express Smog's employee
12 Respondent Ruano-Chico issued electronic certificates of compliance even though those vehicles
13 had not been inspected in accordance with section 3340.42, Title 16, of the California Code of
14 Regulations.

15 (b) **Section 3340.42**: Respondent Corona Express Smog's employee Respondent Ruano-
16 Chico failed to conduct the required smog tests and inspections on those vehicles in accordance
17 with the Bureau's specifications.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit - Respondent Corona Express Smog)**

20 62. Respondent Corona Express Smog's smog station license is subject to disciplinary
21 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
22 Health and Safety Code section 44072.10 subdivision (c), in that between August 29, 2022 and
23 September 22, 2022, regarding the vehicles set forth above in paragraphs 20-57, Respondent
24 Corona Express Smog's employee Respondent Ruano-Chico committed acts involving
25 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
26 compliance for those vehicles without performing bona fide inspections of the emission control
27 devices and systems on the vehicles, thereby depriving the People of the State of California of the
28 protection afforded by the Motor Vehicle Inspection Program.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program – Respondent Ruano-Chico)**

3 63. Respondent Ruano-Chico’s smog check inspector license is subject to discipline
4 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between August 29,
5 2022 and September 22, 2022, regarding the vehicles set forth above in paragraphs 20-57,
6 Respondent Ruano-Chico failed to comply with section 44012 of the Health and Safety Code in a
7 material respect, as follows: Respondent Ruano-Chico failed to perform the emission control
8 tests on those vehicles in accordance with procedures prescribed by the department.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
11 **Respondent Ruano-Chico)**

12 64. Respondent Ruano-Chico’s smog check inspector license is subject to discipline
13 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between August 29,
14 2022 and September 22, 2022, regarding the vehicles set forth above in paragraphs 20-57,
15 Respondent Ruano-Chico failed to comply with provisions of the California Code of Regulations,
16 title 16, as follows:

17 (a) **Section 3340.30, subdivision (a)**: Respondent Ruano-Chico failed to inspect and test
18 those vehicles in accordance with Health and Safety Code section 44012.

19 (b) **Section 3340.41, subdivision (c)**: Respondent Ruano-Chico entered false
20 information into the EIS.

21 (c) **Section 3340.42**: Respondent Ruano-Chico failed to conduct the required smog tests
22 and inspections on those vehicles in accordance with the Bureau’s specifications.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit - Respondent Ruano-Chico)**

25 65. Respondent Ruano-Chico’s smog check inspector license is subject to discipline
26 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
27 and Safety Code section 44072.10 subdivision (c), in that between August 29, 2022 and
28 September 22, 2022, regarding the vehicles set forth above in paragraphs 20-57, Respondent

1 Ruano-Chico committed acts involving dishonesty, fraud or deceit whereby another was injured
2 by issuing electronic certificates of compliance for those vehicles without performing bona fide
3 inspections of the emission control devices and systems on the vehicles., thereby depriving the
4 People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program.

6 **OTHER MATTERS**

7 66. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director
8 may suspend, revoke, or place on probation the registration for all places of business operated in
9 this State by Respondent Ruano-Chico upon a finding that Respondent Ruano-Chico has, or is,
10 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
11 automotive repair dealer.

12 67. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License
13 Number TC 302280 or Smog Check Inspector Number EO 643120 issued to Respondent Ruano-
14 Chico is revoked or suspended following a hearing under this article, any additional license issued
15 under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or
16 suspended by the Director.

17 **PRAYER**

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

21 1. Revoking or suspending Automotive Repair Dealer Number ARD 302280, issued to
22 Eric Gustavo Ruano-Chico, dba Corona Express Smog;

23 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
24 Eric Gustavo Ruano-Chico;

25 3. Revoking or suspending Smog Check Station License, Test Only Number TC
26 302280, issued to Eric Gustavo Ruano-Chico, dba Corona Express Smog;

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- 1 4. 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 Respondent Eric Gustavo Ruano-
3 Chico;
4 5. Revoking or suspending Smog Check Inspector Number EO 643120, issued to Eric
5 Gustavo Ruano-Chico;
6 6. Ordering Eric Gustavo Ruano-Chico to pay the Bureau of Automotive Repair the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and,
9 7. Taking such other and further action as deemed necessary and proper.

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DATED: As of digital signature date

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

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Accusation.docx