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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:

13 **ERIK ALEJANDRO MACARENA –**
14 **OWNER, D.B.A. MACARENA SMOG**
15 **CHECK**
16 **4164 North Perris Blvd. #D**
17 **Perris, CA 92571**

18 **Mailing Address**

19 **26065 Hemet Street**
20 **Hemet, CA 92544**

21 **Automotive Repair Dealer Registration**
22 **Number ARD 303943; Smog Check, Test-**
23 **Only, Station License Number TC 303943**

24 **-and-**

25 **ERIK ALEJANDRO MACARENA**
26 **LOZANO**
27 **26065 Hemet St**
28 **Hemet, CA 92544**

Smog Check Inspector License Number EO
644152

Respondents.

Case No. 79/26-3429

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 12, 2026, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed Accusation Number 79/26-3429 against Erik Alejandro Macarena, doing business as Macarena Smog Check (Respondent Macarena Smog Check), and Erik Alejandro Macarena Lozano (Respondent Macarena Lozano) (collectively, Respondents) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about October 5, 2022, the Bureau issued Automotive Repair Dealer Registration Number ARD 303943 to Respondent Macarena Smog Check. The Automotive Repair Dealer Registration will expire on October 31, 2026, unless renewed. However, the registration was cancelled on February 13, 2026.

3. On or about February 14, 2023, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 303943 to Respondent Macarena Smog Check. The Smog Check, Test-Only, Station License will expire on October 31, 2026, unless renewed. However, the license was cancelled on February 13, 2026.

4. Respondent Macarena Smog Check was also certified as a STAR station. The certification was issued on July 3, 2023, suspended on July 10, 2024, and became inactive, when the licenses were cancelled.

5. On or about February 10, 2023, the Bureau issued Smog Check Inspector License Number EO 644152 to Respondent Macarena Lozano. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2027, unless renewed.

6. On or about May 13, 2026, Respondents were served by Certified and First Class Mail copies of the Accusation Number 79/26-3429, Statement to Respondent, Notice of Defense, Request for Discovery and discovery statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent Macarena Smog Check's addresses of record were and are: 4164 North Perris Blvd. #D, Perris, CA 92571;

1 and 26065 Hemet Street, Hemet, CA 92544. Respondent Macarena Lozano's address of record
2 was and is: 26065 Hemet Street Hemet, CA 92544.

3 7. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c), and/or Business and Professions Code section
5 124.

6 8. Government Code section 11506, subdivision (c), states, in pertinent part:

7 The respondent shall be entitled to a hearing on the merits if the respondent
8 files a notice of defense . . . and the notice shall be deemed a specific denial of all
9 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
10 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
11 discretion may nevertheless grant a hearing.

12 9. The Bureau takes official notice of its records and the fact that Respondents failed to
13 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
14 waived their right to a hearing on the merits of Accusation subdivision 79/26-3429.

15 10. Government Code section 11520, subdivision (a), states, in pertinent part:

16 If the respondent either fails to file a notice of defense . . . or to appear at the
17 hearing, the agency may take action based upon the respondent's express admissions
18 or upon other evidence and affidavits may be used as evidence without any notice to
19 respondent

20 11. Pursuant to its authority under Government Code section 11520, the Director after
21 having reviewed the proof of service dated May 13, 2026, signed by C. Rosas, finds Respondents
22 are in default. The Director will take action without further hearing and, based on the relevant
23 evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds
24 that the charges and allegations in Accusation Number 79/26-3429, are separately and severally,
25 found to be true and correct by clear and convincing evidence.

26 **DETERMINATION OF ISSUES**

27 1. Based on the foregoing findings of fact, Respondent Erik Alejandro Macarena, doing
28 business as Macarena Smog Check has subjected his Automotive Repair Dealer Registration
Number ARD 303943 and Smog Check, Test-Only, Station License Number TC 303943 to
discipline, and Respondent Erik Alejandro Macarena Lozano has subjected his Smog Check
Inspector License Number EO 644152 to discipline.

1 2. The agency has jurisdiction to adjudicate this case by default.

2 3. The Director of the Department of Consumer Affairs is authorized to revoke
3 Respondent Macarena Smog Check's Automotive Repair Dealer Registration and Smog Check,
4 Test-Only, Station License and Respondent Macarena Lozano's Smog Check Inspector License
5 based upon the following violations alleged in the Accusation which are supported by the
6 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

7 a. Respondent Macarena Smog Check's ARD registration is subject to disciplinary
8 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that
9 Respondent Macarena Smog Check's employees made or authorized statements which they knew
10 or in the exercise of reasonable care should have known to be untrue or misleading, as follows:
11 Respondent Macarena Smog Check's employees certified that multiple vehicles had passed
12 inspection and were in compliance with applicable laws and regulations. In fact, Respondent
13 Macarena Smog Check's employees conducted the inspections on those vehicles using the clean
14 plugging method in order to issue smog certificates of compliance, and did not test or inspect the
15 vehicles as required by Health and Safety Code section 44012.

16 b. Respondent Macarena Smog Check's ARD registration is subject to disciplinary
17 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that
18 Respondent Macarena Smog Check's employees committed acts which constitute fraud by
19 issuing electronic certificates of compliance for multiple vehicles without performing bona fide
20 inspections of the emission control devices and systems on those vehicles, thereby depriving the
21 People of the State of California of the protection afforded by the Motor Vehicle Inspection
22 Program.

23 c. Respondent Macarena Smog Check's smog station license is subject to disciplinary
24 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with
25 Health and Safety Code section 44072.10 subdivision (c), in that regarding multiple vehicles,
26 Respondent Macarena Smog Check failed to comply with the following sections of the Health
27 and Safety Code:

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1 i. Section 44012: Respondent Macarena Smog Check's employees failed to
2 ensure that the emission control tests were performed on the vehicles, in accordance with
3 procedures prescribed by the department.

4 ii. Section 44015: Respondent Macarena Smog Check's employees issued
5 electronic certificates of compliance for the vehicles, without ensuring that the vehicles
6 were properly tested and inspected to determine if they were in compliance with Health
7 and Safety Code section 44012.

8 d. Respondent Macarena Smog Check's smog station license is subject to disciplinary
9 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding
10 multiple vehicles, Respondent's employees failed to comply with the following provisions of the
11 California Code of Regulations, Title 16, as follows:

12 i. Section 3340.35, subdivision (c): Respondent Macarena Smog Check's
13 employees issued electronic certificates of compliance even though those vehicles had not
14 been inspected in accordance with section 3340.42, Title 16, of the California Code of
15 Regulations.

16 ii. Section 3340.42: Respondent Macarena Smog Check's employees failed to
17 conduct the required smog tests and inspections on those vehicles in accordance with the
18 Bureau's specifications.

19 e. Respondent Macarena Smog Check's smog station license is subject to disciplinary
20 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
21 Health and Safety Code section 44072.10 subdivision (c), in that regarding multiple vehicles,
22 Respondent Macarena Smog Check's employee's committed acts involving dishonesty, fraud or
23 deceit whereby another was injured by issuing electronic certificates of compliance for those
24 vehicles without performing bona fide inspections of the emission control devices and systems on
25 the vehicles, thereby depriving the People of the State of California of the protection afforded by
26 the Motor Vehicle Inspection Program.

27 f. Respondent Macarena Lozano's smog check inspector license is subject to discipline
28 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding multiple

1 vehicles, Respondent Macarena Lozano failed to comply with sections 44012 and 44032 of the
2 Health and Safety Code in a material respect, as follows: Respondent Macarena Lozano failed to
3 perform the emission control tests on those vehicles in accordance with procedures prescribed by
4 the department.

5 g. Respondent Macarena Lozano's smog check inspector license is subject to discipline
6 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding multiple
7 vehicles, Respondent Macarena Lozano failed to comply with provisions of the California Code
8 of Regulations, title 16, as follows:

9 i. Section 3340.30, subdivision (a): Respondent Macarena Lozano failed to
10 inspect and test those vehicles in accordance with Health and Safety Code sections 44012
11 and 44032.

12 ii. Section 3340.41, subdivision (c): Respondent Macarena Lozano entered false
13 information into the OIS.

14 iii. Section 3340.42: Respondent Macarena Lozano failed to conduct the required
15 smog tests and inspections on those vehicles in accordance with the Bureau's
16 specifications.

17 h. Respondent Macarena Lozano's smog check inspector license is subject to discipline
18 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
19 and Safety Code section 44072.10 subdivision (c), in that regarding multiple vehicles,
20 Respondent Macarena Lozano committed acts involving dishonesty, fraud or deceit whereby
21 another was injured by issuing electronic certificates of compliance for those vehicles without
22 performing bona fide inspections of the emission control devices and systems on the vehicles,
23 thereby depriving the People of the State of California of the protection afforded by the Motor
24 Vehicle Inspection Program.

25 **ORDER**

26 IT IS SO ORDERED that Automotive Repair Dealer Registration Number ARD 303943
27 and Smog Check, Test-Only, Station License Number TC 303943 issued to Respondent Erik
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1 Alejandro Macarena doing business as Macarena Smog Check, and Smog Check Inspector
2 License Number EO 644152 issued to Respondent Erik Alejandro Macarena Lozano are revoked.

3 Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a
4 written motion requesting that the Decision be vacated and stating the grounds relied on within
5 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
6 Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Boulevard, Rancho
7 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on
8 a showing of good cause, as defined in the statute.

9 This Decision shall become effective on September 17, 2026.

10 It is so ORDERED August 31, 2026.

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12 Signature on file

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14 GRACE ARUPO RODRIGUEZ
15 Assistant Deputy Director
16 Division of Legal Affairs
17 Department of Consumer Affairs
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