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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. 79/25-2297

13 **CHAYANNE MARTINEZ, DBA**
14 **305 SMOG CHECK**
17459 Lilac St. Ste. G
Hesperia, CA 92345
15
16 **Automotive Repair Dealer Registration No.**
ARD 305553
Smog Check, Test-Only, Station License No.
17 **TC 305553,**

ACCUSATION

18 **and**

19 **CHAYANNE MARTINEZ**
8157 Del Rosa Ave.
20 San Bernardino, CA 92410
21 **Smog Check Inspector License No. EO**
644495

22 Respondents.
23

24
25 **PARTIES**

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

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2. On or about April 18, 2023, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 305553 to Chayanne Martinez, dba 305 Smog Check (Respondent 305 Smog Check). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

3. On or about August 18, 2023, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 305553 to Chayanne Martinez, dba 305 Smog Check. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

4. On or about August 18, 2023, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 644495 to Chayanne Martinez (Respondent Martinez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2026, unless renewed.

JURISDICTION

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

6. Business and Professions Code (Bus. & Prof. Code) section 118, subdivision (b), provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

8. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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9. Health and Safety Code (Health & Saf. Code) section 44002 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. Health & Saf. Code section 44072.6 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 disciplinary action.

STATUTORY PROVISIONS

11. Bus. & Prof. Code section 9884.7 states, in pertinent part:

(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.

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

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

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

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

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

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

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

5 12. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes
6 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
7 “program,” and “agency.” “License” includes certificate, registration or other means to engage in
8 a business or profession regulated by the Bus. & Prof. Code.

9 13. Health & Saf. Code section 44012 provides, in pertinent part, that tests at smog check
10 stations shall be performed in accordance with procedures prescribed by the department.

11 14. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of
12 compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
13 44012.

14 15. Health & Saf. Code section 44032 provides that qualified technicians shall perform
15 tests of emissions control devices and systems in accordance with Health & Saf. Code section
16 44012.

17 16. Health & Saf. Code section 44072.2 states, in pertinent part:

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

20 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program
21 (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it,
which related to the licensed activities.

22

23 (c) Violates any of the regulations adopted by the director pursuant to this
24 chapter.

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

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

27

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

station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

- (1) Clean piping, as defined by the department.
- (2) Tampering with a vehicle emission control system or test analyzer system.
- (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.
- (4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter

18. Health & Saf. Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

REGULATORY PROVISIONS

19. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c), states: "The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance."

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

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

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

. . . .

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

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

COST RECOVERY

24. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CALIFORNIA'S SMOG CHECK PROGRAM

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

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

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

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

29. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector

(DLC) from the vehicle's on-board computer about its ability to communicate, the status of the I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine control systems. A failure of one or more of the OBD II functional criteria, depending on model year, will result in the vehicle failing its smog check inspection. In addition to reporting the outcome of the OBD II functional test, the smog check inspection results also show Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

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

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

32. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

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

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

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

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

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35. 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, and an elevated or increased engine speed. The increase in engine speed is performed by the 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.

36. The Bureau has become aware of methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog check test on their own, or in some instances, are not even present during the time the test is performed. “Clean plugging” is a method by which another vehicle’s OBD II system, or another source such as defeat devices, are used to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance, and or not present for testing. Defeat devices attempt to simulate engine operation during a smog check inspection by transmitting OBD II data to the VID which has been modified or replaced entirely for the purportedly inspected vehicle during the functional portion of the OIS inspection.

FACTUAL ALLEGATIONS

37. On or about October 30, 2025, a Bureau Representative conducted a review of the VID data for smog check inspections performed at 305 Smog Check, located in Hesperia California. The VID data showed a pattern of 305 Smog Check certifying vehicles with engine operating parameters that did not correspond to normal engine operation. This pattern confirmed the vehicles receiving smog certifications were not tested during the OBD II functional test, which constitutes clean plugging.

38. The Bureau's review revealed that during the period of February 2024 through April 2025, 305 Smog Check fraudulently issued ten (10) Smog Check Certificates of Compliance to vehicles that were inspected by Respondent Martinez. Specifically, OIS Test Data for 305 Smog Check indicated the following:

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Fraudulent Inspection Number 1 – 2004 Scion XB

39. On February 16, 2024, a 2004 Toyota Scion XB, VIN JTLKT324340162751 (2004 Scion XB), was tested and Smog Check certificate # TS447452C was issued. The dynamic data and PID charts for the 2004 Scion XB show, between time stamp 841 and 16211, engine speed is steady at approximately 850 RPM. During this time, the throttle position is fixed at a 11.4% opening, MAF is fixed at .2 gps, and the spark timing for #1 cylinder is fixed at 5 degrees BTDC. After time stamp 16211, the engine speed accelerates to approximately 1500 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the same 11.4% opening, MAF is fixed at the same .2 gps, and spark timing for #1 cylinder is also still fixed at the same 5 degrees BTDC.

40. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and spark timing readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the Data Acquisition Device was not connected to the 2004 Scion XB being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance

Fraudulent Inspection Number 2 – 2003 E 500

41. On May 3, 2024, a 2003 Mercedes Benz E 500, VIN WDBUF70J83A291328 (2003 E 500), was tested and Smog Check certificate # TW747605C was issued. The dynamic data and PID charts for the 2003 E 500 show, between time stamp 825 and 20247, engine speed is steady at approximately 875 RPM. During this time, the throttle position is fixed at a 3.1% opening, MAF is fixed at 5 gps, MAP is fixed at 30 kPa, and the spark timing for #1 cylinder is fixed at -14.5 degrees BTDC. After time stamp 20247, the engine speed accelerates to approximately 1550 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the same 3.1% opening, MAF is fixed at the same 5 gps, MAP is fixed at the same 30 kPa, and the spark timing for #1 cylinder is also still fixed at the same -14.5 degrees BTDC.

42. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and spark timing readings remained

unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the Data Acquisition Device was not connected to the 2003 E 500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection Number 3 – 2003 Tundra

43. On May 6, 2024, a 2003 Toyota Tundra, VIN 5TBJN32173S378887 (2003 Tundra), was tested and Smog Check certificate # TW747625C was issued. The dynamic data and PID charts for the 2003 Tundra show, between time stamp 860 and 17963, engine speed is steady at approximately 875 RPM. During this time, the throttle position is fixed at a 13.7% opening, MAF is fixed at 3.23 gps, and the spark timing for #1 cylinder is fixed at 10 degrees BTDC. After time stamp 17963, the engine speed accelerates to approximately 1825 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the same 13.7% opening, MAF is fixed at the same 3.23 gps, and spark timing for #1 cylinder is also still fixed at the same 10 degrees BTDC.

44. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and spark timing readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the Data Acquisition Device was not connected to the 2003 Tundra being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection Number 4 – 2000 Tacoma

45. On May 24, 2024, a 2000 Toyota Tacoma Prerunner, VIN 5TENM92N5YZ691769 (2000 Tacoma), was tested and Smog Check certificate # TY141961C was issued. The dynamic data and PID charts for the 2000 Tacoma show, between time stamp 844 and 23060, engine speed is steady at approximately 825 RPM. During this time, the throttle position is fixed at a 11% opening, MAF is fixed at 3.09 gps, and the spark timing for #1 cylinder is fixed at 14 degrees BTDC. After time stamp 23060, the engine speed accelerates to approximately 2475 RPM before decelerating to approximately 2125 RPM. From the time the engine RPM increases off idle to the

1 higher RPMs, the throttle position is fixed at the same 11% opening, MAF is fixed at the same
2 3.09 gps, and spark timing for #1 cylinder is also still fixed at the same 14 degrees BTDC.

3 46. During the entire period the dynamic data was collected, the only parameter that
4 changed was engine RPM. The throttle position, MAF, and spark timing readings remained
5 unchanged even though the engine speed was increased. These readings are not characteristic or
6 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
7 Acquisition Device was not connected to the 2000 Tacoma being certified, causing the issuance
8 of a fraudulent Smog Check Certificate of Compliance.

9 **Fraudulent Inspection Number 5 – 2000 Miata**

10 47. On May 25, 2024, a 2000 Mazda MX-5 Miata Base, VIN JM1NB3536Y0139159
11 (2000 Miata), was tested and Smog Check certificate # TY141974C was issued. The dynamic data
12 and PID charts for the 2000 Miata show, between time stamp 837 and 45588, engine speed is
13 steady at approximately 900 RPM. During this time, the throttle position is fixed at a 0%
14 opening, MAF is fixed at 2.2 gps, and the spark timing for #1 cylinder is fixed at 10 degrees
15 BTDC. After time stamp 45588, the engine speed accelerates to approximately 1700 RPM. From
16 the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the
17 same 0% opening, MAF is fixed at the same 2.2 gps, and spark timing for #1 cylinder is also still
18 fixed at the same 10 degrees BTDC.

19 48. During the entire period the dynamic data was collected, the only parameter that
20 changed was engine RPM. The throttle position, MAF, and spark timing readings remained
21 unchanged even though the engine speed was increased. These readings are not characteristic or
22 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
23 Acquisition Device was not connected to the 2000 Miata being certified, causing the issuance of a
24 fraudulent Smog Check Certificate of Compliance.

25 **Fraudulent Inspection Number 6 – 2002 4Runner**

26 49. On June 11, 2024, a 2002 Toyota 4Runner SR5, VIN JT3HN86R820369804 (2002
27 4Runner), was tested and Smog Check certificate # TY672549C was issued. The dynamic data
28 and PID charts for the 2002 4Runner show, between time stamp 827 and 20511, engine speed is

1 steady at approximately 725 RPM. During this time, the throttle position is fixed at a 15.3%
2 opening, MAF is fixed at 3.53 gps, and the spark timing for #1 cylinder is fixed at 15 degrees
3 BTDC. After time stamp 20511, the engine speed accelerates to approximately 1650 RPM before
4 decelerating to approximately 2125 RPM. From the time the engine RPM increases off idle to the
5 higher RPMs, the throttle position is fixed at the same 15.3% opening, MAF is fixed at the same
6 3.53 gps, and spark timing for #1 cylinder is also still fixed at the same 15 degrees BTDC.

7 50. During the entire period the dynamic data was collected, the only parameter that
8 changed was engine RPM. The throttle position, MAF, and spark timing readings remained
9 unchanged even though the engine speed was increased. These readings are not characteristic or
10 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
11 Acquisition Device was not connected to the 2002 4Runner being certified, causing the issuance
12 of a fraudulent Smog Check Certificate of Compliance.

13 **Fraudulent Inspection Number 7 – 2002 Forester**

14 51. On July 8, 2024, a 2002 Subaru Forester L, CA license 7NBA382, VIN
15 JF1SF63552G757705 (2002 Forester), was tested and Smog Check certificate # UA118585C was
16 issued. The dynamic data and PID charts for the 2002 Forester show, between time stamp 845
17 and 17962, engine speed is steady at approximately 750 RPM. During this time, the throttle
18 position is fixed at a 0% opening, MAF is fixed at 2.24 gps, MAP is fixed at 24 kPa, and the
19 spark timing for #1 cylinder is fixed at 11 degrees BTDC. After time stamp 17962, the engine
20 speed accelerates to approximately 2000 RPM. From the time the engine RPM increases off idle
21 to the higher RPMs, the throttle position is fixed at the same 0% opening, MAF is fixed at the
22 same 2.24 gps, MAP is fixed at the same 24 kPa, and the spark timing for #1 cylinder is also still
23 fixed at the same 11 degrees BTDC.

24 52. During the entire period the dynamic data was collected, the only parameter that
25 changed was engine RPM. The throttle position, MAF, MAP, and spark timing readings remained
26 unchanged even though the engine speed was increased. These readings are not characteristic or
27 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
28 Acquisition Device was not connected to the 2002 Forester being certified, causing the issuance

of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection Number 8 – 2000 New Sierra

53. On August 18, 2024, a 2000 GMC New Sierra, VIN 1GTEC14W9YZ235828 (2000 New Sierra), was tested and Smog Check certificate # UC280299C was issued. The dynamic data and PID charts for the 2000 New Sierra show, between time stamp 347 and 18027, engine speed is steady at approximately 675 RPM. During this time, the throttle position is fixed at a .4% opening, MAF is fixed at 8.69 gps, MAP is fixed at 40 kPa, and the spark timing for #1 cylinder is fixed at 19 degrees BTDC. After time stamp 18027, the engine speed accelerates to approximately 1775 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the same .4% opening, MAF is fixed at the same 8.69 gps, MAP is fixed at the same 40 kPa, and the spark timing for #1 cylinder is also still fixed at the same 19 degrees BTDC.

54. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, MAP, and spark timing readings remained unchanged even though the engine speed was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the dynamic data prove the Data Acquisition Device was not connected to the 2000 New Sierra being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection Number 9 – 2003 Camry

55. On December 5, 2024, a 2003 Toyota Camry LE, CA license 9EXC372, VIN JTDBE32K630171513 (2003 Camry), was tested and Smog Check certificate # UG858307C was issued. The dynamic data and PID charts for the 2003 Camry show, between time stamp 880 and 19706, engine speed is steady at approximately 725 RPM. During this time, the throttle position is fixed at a 16.5% opening, MAF is fixed at .43 gps, and the spark timing for #1 cylinder is fixed at 5 degrees BTDC. After time stamp 19706, the engine speed accelerates to approximately 2675 RPM before decelerating to approximately 1925 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle position is fixed at the same 16.5% opening, MAF is fixed at the same .43 gps, and spark timing for #1 cylinder is also still fixed at the same 5 degrees

1 BTDC.

2 56. During the entire period the dynamic data was collected, the only parameter that
3 changed was engine RPM. The throttle position, MAF, and spark timing readings remained
4 unchanged even though the engine speed was increased. These readings are not characteristic or
5 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
6 Acquisition Device was not connected to the 2003 Camry being certified, causing the issuance of
7 a fraudulent Smog Check Certificate of Compliance

8 **Fraudulent Inspection Number 10 – 2000 Silverado**

9 57. On April 4, 2025, a 2000 Chevrolet Silverado K1500, VIN 1GCEK14W6YZ127802
10 (2000 Silverado), was tested and Smog Check certificate # UM016890C was issued. The
11 dynamic data and PID charts for the 2000 Silverado show, between time stamp 355 and 19887,
12 engine speed is steady at approximately 750 RPM. During this time, the throttle position is fixed
13 at a 0% opening, MAF is fixed at 3.49 gps, MAP is fixed at 32 kPa, and the spark timing for #1
14 cylinder is fixed at 19 degrees BTDC. After time stamp 19877, the engine speed accelerates to
15 approximately 1850 RPM. From the time the engine RPM increases off idle to the higher RPMs,
16 the throttle position is fixed at the same 0% opening, MAF is fixed at the same 3.49 gps, MAP is
17 fixed at the same 32 kPa, and the spark timing for #1 cylinder is also still fixed at the same 19
18 degrees BTDC.

19 58. During the entire period the dynamic data was collected, the only parameter that
20 changed was engine RPM. The throttle position, MAF, MAP, and spark timing readings remained
21 unchanged even though the engine speed was increased. These readings are not characteristic or
22 expected for normal engine operation. The discrepancies in the dynamic data prove the Data
23 Acquisition Device was not connected to the 2000 Silverado being certified, causing the issuance
24 of a fraudulent Smog Check Certificate of Compliance.

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1 **RESPONDENT 305 SMOG CHECK:**

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Untrue of Misleading Statements)**

4 59. Respondent 305 Smog Check's Automotive Repair Dealer Registration is subject to
5 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he
6 made statements which were known to be untrue or misleading or, which by exercise of
7 reasonable care should have been known to be untrue or misleading, by issuing electronic smog
8 certificates of compliance for the ten (10) vehicles set forth in paragraphs 37-58 above, certifying
9 that those vehicles were in compliance with applicable laws and regulations when, in fact, those
10 vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the
11 allegations contained in paragraphs 37-58, above, as though set forth fully herein.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 60. Respondent 305 Smog Check's Automotive Repair Dealer Registration is subject to
15 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he
16 committed acts that constitute fraud by issuing electronic certificates of compliance to the ten
17 (10) vehicles set forth in paragraphs 37-58, above, without performing bone fide inspections of
18 the emission control devices and systems on those vehicles, thereby depriving the People of the
19 State of California of the protection afforded by the Motor Vehicle Inspection Program.
20 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
21 37-58, above, as though set forth fully herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Material Violation of Automotive Repair Act)**

24 61. Respondent 305 Smog Check's Automotive Repair Dealer Registration is subject to
25 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he
26 failed in a material respect to comply with the provisions of this chapter or regulations adopted
27 pursuant to it when he issued electronic certificates of compliance for the ten (10) vehicles set
28 forth in paragraphs 37-58, above, without performing bona fide inspections of the emission

1 control devices and systems on those vehicles, thereby depriving the People of the State of
2 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
3 refers to, and by this reference incorporates, the allegations contained in paragraphs 37-58, above,
4 as though set forth fully herein.

5 **FOURTH CAUSE FOR DISCIPLINE**

6 **(Violations of the Motor Vehicle Inspection Program)**

7 62. Respondent 305 Smog Check's Smog Check Test Only Station License is subject to
8 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he
9 failed to comply with the following sections of that Code:

10 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
11 performed on the ten (10) vehicles identified in paragraphs 37-58, above, in accordance with
12 procedures prescribed by the department.

13 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
14 compliance to the ten (10) vehicles identified in paragraphs 37-58, above, without properly
15 testing and inspecting those vehicles to determine if they were in compliance with Health & Saf.
16 Code section 44012.

17 Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraphs 37-58, above, as though set forth fully herein.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant**
21 **to the Motor Vehicle Inspection Program)**

22 63. Respondent 305 Smog Check's Smog Check Test Only Station License is subject to
23 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he
24 failed to comply with provisions of California Code of Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
26 electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 37-
27 58, above.

28 ///

b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the ten (10) vehicles identified in paragraphs 37-58, above, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 37-58, above, even though those vehicles had not been inspected in accordance with section 3340.42.

d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted on the ten (10) vehicles identified in paragraphs 37-58 above, were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 37-58, above, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

64. Respondent 305 Smog Check's Smog Check Test Only Station License is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the ten (10) vehicles described in paragraphs 37-58, 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 contained in paragraphs 37-58, above, as though set forth fully herein.

RESPONDENT MARTINEZ:

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

65. Respondent Martinez's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

1 a. **Section 44032:** Respondent failed to perform tests of emission control devices and
2 systems of the ten (10) vehicles identified in paragraphs 37-58, above, in accordance with Health
3 & Saf. Code section 44012.

4 b. **Section 44015, subdivision (b):** Respondent caused electronic smog certificates of
5 compliance to be issued for the ten (10) vehicles identified in paragraphs 37-58, above, without
6 ensuring that they were properly tested and inspected to determine if they were in compliance
7 with Health & Saf. Code section 44012.

8 Complainant refers to, and by this reference incorporates, the allegations contained in
9 paragraphs 37-58, above, as though set forth fully herein.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with Regulations Pursuant**
12 **to the Motor Vehicle Inspection Program)**

13 66. Respondent Martinez's Smog Check Inspector License is subject to disciplinary
14 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to
15 comply with provisions of California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
17 electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 37-
18 58, above.

19 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the ten (10)
20 vehicles identified in paragraphs 37-58, above, in accordance with Health & Saf. Code sections
21 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
23 into the on-board diagnostic inspection system for the ten (10) vehicles identified in paragraphs
24 37-58, above.

25 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted
26 on the ten (10) vehicles identified in paragraphs 37-58, above, were done in accordance with the
27 Bureau's specifications.

28 ///

1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 37-58, above, as though set forth fully herein.

3 **NINTH CAUSE FOR DISCIPLINE**

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

5 67. Respondent Martinez's Smog Check Inspector License is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
7 Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent,
8 or deceitful acts whereby another was injured by issuing electronic smog certificates of
9 compliance for the ten (10) vehicles identified in paragraphs 37-58, above, without performing
10 bona fide inspections of the emission control devices and systems on those vehicles, thereby
11 depriving the People of the State of California of the protection afforded by the Motor Vehicle
12 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
13 contained in paragraphs 37-58, above, as though set forth fully herein.

14 **OTHER MATTERS**

15 68. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
16 suspend, revoke, or place on probation the registration for all places of business operated in this
17 state by Respondent 305 Smog Check, upon a finding that it has, or is, engaged in a course of
18 repeated and willful violations of the laws and regulations pertaining to an automotive repair
19 dealer.

20 69. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
21 License No. TC 305553, issued to Respondent 305 Smog Check, is revoked or suspended, any
22 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in
23 the name of said licensee may be likewise revoked or suspended by the director.

24 70. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
25 No. EO 644495, issued to Respondent Martinez, is revoked or suspended, any additional license
26 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
27 licensee may be likewise revoked or suspended by the director.

28 ///

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 305553, issued to Chayanne Martinez, dba 305 Smog Check;
2. Revoking or suspending any other automotive repair dealer registration issued to Chayanne Martinez, dba 305 Smog Check;
3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 305553, issued to Chayanne Martinez, dba 305 Smog Check;
4. Revoking or suspending Smog Check Inspector License Number EO 644495, issued to Chayanne Martinez;
5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Chayanne Martinez;
6. Ordering Chayanne Martinez, dba 305 Smog Check and individually, to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,
7. Taking such other and further action as deemed necessary and proper.

DATED: As of digital signature date

Dorais,
Patrick@DCA
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.01.28 15:41:54
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