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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 **VICTOR M. ZERMENO d.b.a. SMOG**
14 **CITY**
15 **3596 University Ave**
San Diego, CA 92104

16 **Automotive Repair Dealer Registration No.**
17 **ARD 306196**
Smog Check Test Only Station License No.
18 **TC 306196,**

19 **VICTOR M. ZERMENO**
20 **8666 Lake Ashere Drive Apt #136**
21 **San Diego, CA 92119**

22 **Smog Check Inspector License No. EO**
23 **641442**

24 **VICTOR MANUEL ZERMENO**
25 **1225 Coronado Ave.**
26 **Spring Valley, CA 91977**

27 **Smog Check Inspector License No. 642948**

28 Respondents.

Case No. 79/25-2443

OAH No. 2025081004

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

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2 1. On or about April 22, 2025, Complainant Patrick Dorais, in his official capacity as
3 the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed
4 Accusation No. 79/25-2443 against Victor M. Zermeno, dba Smog City (Respondent Smog City);
5 Victor M. Zermeno; and Victor Zermeno before the Bureau. (Accusation attached as **Exhibit A.**)

6 2. On or about June 29, 2003, the Bureau issued Automotive Repair Dealer Registration
7 No. ARD 306196 to Respondent Smog City. The Automotive Repair Dealer Registration was in
8 full force and effect at all times relevant to the charges brought in Accusation No. 79/25-2443 and
9 will expire on June 30, 2026, unless renewed.

10 3. On or about August 4, 2023, the Bureau issued Smog Check, Test-Only Station License
11 No. TC 306196 to Respondent Smog City. The Smog Check, Test-Only Station License was in
12 full force and effect at all times relevant to the charges brought in Accusation No. 79/25-2443 and
13 will expire on June 30, 2026, unless renewed.

14 4. Respondent is also certified as a STAR Station. The certification was issued on
15 January 18, 2024, and was suspended on September 3, 2025.

16 5. On or about October 5, 2018, the Bureau issued Smog Check Inspector License
17 Number EO 641442 to Victor M. Zermeno. The Smog Check Inspector License was in full force
18 and effect at all times relevant to the charges brought herein.

19 6. Effective December 1, 2025, the Bureau revoked Victor M. Zermeno's Smog Check
20 Inspector License Number EO 641442 after his failure to appear at the hearing in Case Number
21 79/23-13828. (Default Order attached as **Exhibit B.**)

22 7. On or about March 15, 2021, the Bureau issued Smog Check Inspector License
23 Number EO 642948 to Victor Manuel Zermeno. The Smog Check Inspector License was in full
24 force and effect at all times relevant to the charges brought herein.

25 8. On or about April 25, 2025, Respondents were served by Certified and First Class
26 Mail copies of the Accusation Number 79/25-2443 Statement to Respondent, Notice of Defense,
27 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
28 11507.7) at Respondents' addresses of record which, pursuant to Business and Professions Code

1 section 136, were required to be reported and maintained with the Bureau. Respondents'
2 addresses of record were: 3596 University Avenue, San Diego, CA 92104; 8666 Lake Ashere
3 Drive, Apt. #136, San Diego, CA 92119; and 1225 Coronado Ave. Spring Valley, CA 91977.

4 9. On or about May 28, 2025, Respondents returned a Notice of Defense, requesting a
5 hearing in this matter.

6 10. On, August 29, 2025, a Notice of Hearing was served by mail at Respondents'
7 addresses of record were: 3596 University Avenue, San Diego, CA 92104; 8666 Lake Ashere
8 Drive, Apt. #136, San Diego, CA 92119; and 1225 Coronado Ave. Spring Valley, CA 91977.
9 The Notice of Hearing informed Respondents that an administrative hearing in this matter was
10 scheduled for December 18, 2025.

11 11. The matter was called for hearing at the date, time and location set forth in the Notice
12 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
13 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondents. A
14 default was declared and on motion of counsel for Complainant, and the matter was remanded to
15 the Bureau under Government Code section 11520.

16 12. California Government Code section 11520, subdivision (a) states, in pertinent part:

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

21 13. Pursuant to its authority under Government Code section 11520, the Director after
22 having reviewed the proof of service dated August 29, 2025, signed by L. Munguia, finds
23 Respondents are in default. The Director will take action without further hearing and, based on
24 the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this
25 matter, finds that the charges and allegations in Accusation No. 79/25-2443, are separately and
severally, found to be true and correct by clear and convincing evidence.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Victor M. Zermeno; dba Smog City has
3 subjected his Automotive Repair Dealer Registration No. ARD 306196, and his Smog Check Test
4 Only Station License Number TC 306196, to discipline. Likewise, Victor Zermeno has subjected
5 his Smog Check Inspector License No. EO 642948 to discipline.

6 2. The Bureau has jurisdiction to adjudicate this case by default.

7 3. The Director of the Department of Consumer Affairs is authorized to revoke Victor
8 M. Zermeno's Automotive Repair Dealer Registration, Smog Check Test Only Station License,
9 and Victor Zermeno's Smog Check Inspector License, based on the following violations alleged
10 in the Accusation which are supported by the evidence contained in the Default Decision
11 Investigatory Evidence Packet in this case:

12 **Respondent Smog City—ARD/TC 306196**

13 a. Respondent Smog City's Automotive Repair Dealer Registration and Smog Check
14 Test Only Station License are subject to disciplinary action pursuant to section 9884.7,
15 subdivision (a)(1), in that Respondents made or authorized statements which they knew or in the
16 exercise of reasonable care should have known to be untrue or misleading, as follows:
17 Respondents certified that the vehicles had passed inspection and were in compliance with
18 applicable laws and regulations. In fact, Respondents conducted the inspections on those vehicles
19 using the clean plugging method in order to issue smog certificates of compliance, and did not
20 test or insect the vehicles as required by Health and Safety Code section 44012.

21 b. Respondent Smog City's Automotive Repair Dealer Registration and Smog Check
22 Test Only Station License are subject to disciplinary action pursuant to section 9884.7,
23 subdivision (a)(4), in that Respondent Smog City's employees committed acts which constitute
24 fraud by issuing electronic certificates of compliance for the vehicles, without performing bona
25 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
26 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
27 Program.

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1 c. Respondent Smog City's Automotive Repair Dealer Registration and Smog Check
2 Test Only Station License are subject to disciplinary action pursuant to Health and Safety Code
3 section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10
4 subdivision (c), in that Respondents failed to comply with the following sections of the Health
5 and Safety Code:

6 (a) Section 44012: Respondent Smog City's employees failed to ensure that the emission
7 control tests were performed on the vehicles, in accordance with procedures prescribed by the
8 department; and

9 (b) Section 44015: Respondent Smog City's employees issued electronic certificates of
10 compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected
11 to determine if they were in compliance with Health and Safety Code section 44012.

12 d. Respondent Smog City's Automotive Repair Dealer Registration and Smog Check
13 Test Only Station License are subject to disciplinary action pursuant to Health and Safety Code
14 section 44072.2, subdivision (c), in that Respondents failed to comply with the following
15 provisions of the California Code of Regulations, Title 16, as follows:

16 (a) Section 3340.35, subdivision (c): Respondent Smog City's employees issued electronic
17 certificates of compliance even though those vehicles had not been inspected in accordance with
18 section 3340.42, Title 16, of the California Code of Regulations; and

19 (b) Section 3340.42: Respondent Smog City's employees failed to conduct the required
20 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

21 e. Respondent Smog City's Automotive Repair Dealer Registration and Smog Check
22 Test Only Station License are subject to disciplinary action pursuant to Health and Safety Code
23 section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10
24 subdivision (c), in that Respondents employees committed acts involving dishonesty, fraud or
25 deceit whereby another was injured by issuing electronic certificates of compliance for those
26 vehicles without performing bona fide inspections of the emission control devices and systems on
27 the vehicles, thereby depriving the People of the State of California of the protection afforded by
28 the Motor Vehicle Inspection Program.

Respondent Victor Zermeno—Smog Check Inspector License No. EO 642948

f. Respondent Victor Zermeno's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Victor Zermeno failed to comply with section 44012 of the Health and Safety Code in a material respect, as follows: Victor Zermeno failed to perform the emission control tests on those vehicles in accordance with procedures prescribed by the department.

g. Respondent Victor Zermeno's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Victor Zermeno failed to comply with provisions of the California Code of Regulations, title 16, as follows:

(a) Section 3340.30, subdivision (a): Victor Zermeno failed to inspect and test those vehicles in accordance with Health and Safety Code section 44012;

(b) Section 3340.41, subdivision (c): Victor Zermeno entered false information into the EIS;

(c) Section 3340.42: Victor Zermeno failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

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

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 306196, and Smog Check Test Only Station License Number TC 306196, issued to Victor M. Zermeno; dba Smog City; are revoked.

IT IS ALSO ORDERED that Smog Check Inspector License No. EO 642948, issued to Victor Zermeno, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondents. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Blvd, Rancho Cordova, CA 95670.

The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 8, 2026.

It is so ORDERED May 28, 2026

Signed Copy on File

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Division of Legal Affairs
Department of Consumer Affairs

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DOJ Matter ID:SD2025801009

Attachments:
Exhibit A: Accusation
Exhibit B: Default Order re EO 641442