

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
4 State Bar No. 164015  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
Telephone: (619) 738-9431  
6 Facsimile: (916) 732-7920  
E-mail: Gregory.Salute@doj.ca.gov  
7 *Attorneys for Complainant*

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. 79/25-10514

13 **VICTOR ALDACO DBA LOS GEMELOS**  
14 **SMOG CHECK**  
311 W La Cadena Dr  
Riverside, CA 92501

**ACCUSATION**

15 **Automotive Repair Dealer Registration No.**  
16 **ARD 307104**  
17 **Smog Check, Test-Only, License No. TC**  
18 **307104,**

19 **and**

20 **VICTOR ALDACO**  
433 E. Merrill Ave  
Rialto, CA 92376

21 **Smog Check Inspector License No. EO**  
22 **637332**

23 Respondents.

24 **PARTIES**

25 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as  
26 the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.  
27  
28

2. On or about September 29, 2023, Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 307104 to Victor Aldaco dba Los Gemelos Smog Check (Respondent Los Gemelos 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 September 30, 2025, unless renewed.

3. On or about January 10, 2024, Bureau of Automotive Repair issued Smog Check, Test-Only, License Number TC 307104 to Victor Aldaco dba Los Gemelos Smog Check. The Smog Check, Test-Only, License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2025, unless renewed.

4. On or about September 22, 2014, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 637332 to Victor Aldaco (Respondent Aldaco). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2026, unless renewed.

### **JURISDICTION**

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

6. Section 9884.7 of the Business and Professions Code<sup>1</sup> provides that the Director may revoke an ARD registration.

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

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

---

<sup>1</sup> All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

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

## STATUTORY PROVISIONS

10. Section 9884.7 of the Code states:

(a) The director, where 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 which constitutes fraud.

• • •

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

11. Section 44072.2 of the Health and Safety Code states:

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

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

• • •

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

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

• • •

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

...

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

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

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

### 8 **REGULATORY PROVISIONS**

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

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

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

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

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

19 15. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

20 . . . .

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

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

### 27 **COST RECOVERY**

28 17. Section 125.3 of the Code provides, in pertinent part, that the 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, with failure of the licentiate to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

## **VID DATA REVIEW**

18. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System ("OIS"). 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 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD is an On Board Diagnostic ("OBD") scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and the vehicle's DLC. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number ("VIN"), and DMV 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.

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

20. 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

1 or up to 100% at full throttle.

2 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)  
3 connected to an intake manifold source, measured in kilo pascals (kpa). Typical  
4 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,  
5 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at  
6 sea level.

7 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the  
8 engine's air intake tract. Measured in grams per second (gps).<sup>2</sup>

9 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is  
10 measured in degrees Before Top Dead Center (BTDC).

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

20 22. During an OIS Smog Check inspection, along with other visual and functional  
21 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed  
22 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased  
23 engine speed.

24 23. 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 <sup>2</sup> Not all vehicles include both MAP and MAF parameters. Many vehicles will have either  
28 MAP or MAF parameters separately.

1 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit  
2 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of  
3 Compliance has a unique control number so that it can be tracked to determine which Smog  
4 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

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

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

23 26. Respondents have engaged in numerous acts or omissions constituting violations of  
24 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor  
25 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice  
26 of “clean plugging.”<sup>3</sup> Respondent’s OIS Test Data available on the State database indicates that

---

27 <sup>3</sup> “Clean plugging” refers to the use of another vehicle’s properly functioning On Board  
28 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic  
(continued...)

1 Respondents are involved in fraudulent smog inspection activities. A Bureau representative  
2 initiated an investigation based on information transmitted to the VID for smog check inspections  
3 performed by Respondents. The investigation revealed that the data related to certain vehicles  
4 certified by Respondents contained a pattern of unmistakable discrepancies between the  
5 information transmitted during the inspections and documented information known about the  
6 vehicles at issue. Specifically, the representative compared the data received from the certified  
7 vehicles to data from vehicles of the same year, make, and model and determined that the data  
8 from at least seven (7) of the certified vehicles were fraudulently tested by Respondents during  
9 the smog inspection using the “clean plugging” method as follows:

10 **Clean Plug # 1: 2001 Toyota Sienna LE**

11 27. Bureau Program Representative David Martin Del Campo (Del Campo) reviewed the  
12 OIS Test Data for Los Gemelos Smog Check. The review shows that on January 24, 2024, a 2001  
13 Toyota Sienna LE, CA license 4NMT597, VIN 4T3ZF13C71U327557 was tested and smog  
14 certificate # IX990672C was issued under licensed Smog Check Inspector # EO 637332, Victor  
15 Aldaco.

16 28. The Dynamic Data Charts for the 2001 Toyota Sienna LE shows that between time  
17 stamp 845 and 24060, the engine RPM is steady at around 650 RPM. During this time, the data  
18 shows that the throttle is fixed at 10.2% opening and the MAF is fixed at 5.09 gps. After time  
19 stamp 24060, the engine RPM is increased and then held steady at around 1725 RPM. From the  
20 time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle  
21 continues to stay fixed at the same 10.2% opening and the MAF continues to stay fixed at the  
22 same 5.09 gps.

23 29. During the entire period the dynamic data was collected, the only parameter that  
24 changed was engine RPM. The throttle position and MAF readings remained unchanged even  
25 though the engine RPM was increased. These readings are not characteristic or expected for  
26 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition  
27 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that  
28 are not in smog compliance and/or not present for testing.



1 Device was not connected as required to the 2001 Toyota Sienna LE being certified, causing the  
2 issuance of a fraudulent Smog Check Certificate of Compliance.

3 **Clean Plug # 2: 2004 Infinity G35**

4 30. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review  
5 shows that on January 26, 2024, a 2004 Infinity G35, CA license 7PMB939, VIN  
6 JNKC54E94M805901 was tested and smog certificate # IX990673C was issued under licensed  
7 Smog Check Inspector # EO 637332, Victor Aldaco.

8 31. The Dynamic Data Charts for the 2004 Infinity G35 shows that between time stamp  
9 962 and 154014, the engine RPM is steady at around 735 RPM. During this time, the data shows  
10 that the throttle is fixed at 0.4% opening and the MAF is fixed at 3.18 gps. After time stamp  
11 154014, the engine RPM is increased and then held steady at around 1675 RPM. From the time  
12 the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle  
13 continues to stay fixed at the same 0.4% opening and the MAF continues to stay fixed at the same  
14 3.18 gps.

15 32. During the entire period the dynamic data was collected, the only parameter that  
16 changed was engine RPM. The throttle position and MAF readings remained unchanged even  
17 though the engine RPM was increased. These readings are not characteristic or expected for  
18 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition  
19 Device was not connected as required to the 2004 Infinity G35 being certified, causing the  
20 issuance of a fraudulent Smog Check Certificate of Compliance.

21 **Clean Plug # 3: 2004 Toyota Avalon XL**

22 33. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review  
23 shows that on February 08, 2024, a 2004 Toyota Avalon XL, CA license 8YGR023, VIN  
24 4T1BF28B34U387789 was tested and smog certificate # IX990688C was issued under licensed  
25 Smog Check Inspector # EO 637332, Victor Aldaco.

26 34. The Dynamic Data Charts for the 2004 Toyota Avalon XL shows that between time  
27 stamp 836 and 91478, the engine RPM is steady at around 650 RPM. During this time, the data  
28 shows that the throttle is fixed at 10.6% opening and the MAF is fixed at 3.71 gps. After time

1 stamp 91478, the engine RPM is increased and then held steady at around 1525 RPM. From the  
2 time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle  
3 continues to stay fixed at the same 10.6% opening and the MAF continues to stay fixed at the  
4 same 3.71 gps.

5 35. During the entire period the dynamic data was collected, the only parameter that  
6 changed was engine RPM. The throttle position and MAF readings remained unchanged even  
7 though the engine RPM was increased. These readings are not characteristic or expected for  
8 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition  
9 Device was not connected as required to the 2004 Toyota Avalon XL being certified, causing the  
10 issuance of a fraudulent Smog Check Certificate of Compliance.

#### 11 **Clean Plug # 4: 2004 Toyota Celica GT**

12 36. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review  
13 shows that on February 12, 2024, a 2004 Toyota Celica GT, CA license 5HOZ787, VIN  
14 JTDDR32T140178540 was tested and smog certificate # IX990695C was issued under licensed  
15 Smog Check Inspector # EO 637332, Victor Aldaco.

16 37. The Dynamic Data Charts for the 2004 Toyota Celica GT shows that between time  
17 stamp 13593 and 32512, the engine RPM is steady at around 750 RPM. During this time, the data  
18 shows that the throttle is fixed at 12.2% opening and the MAF is fixed at 2.71 gps. After time  
19 stamp 32512, the engine RPM is increased and then held steady at around 1600 RPM. From the  
20 time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle  
21 continues to stay fixed at the same 12.2% opening and the MAF continues to stay fixed at the  
22 same 2.71 gps.

23 38. During the entire period the dynamic data was collected, the only parameter that  
24 changed was engine RPM. The throttle position and MAF readings remained unchanged even  
25 though the engine RPM was increased. These readings are not characteristic or expected for  
26 normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition  
27 Device was not connected as required to the 2004 Toyota Celica GT being certified, causing the  
28 issuance of a fraudulent Smog Check Certificate of Compliance.

**Clean Plug # 5: 2006 Hummer H3**

39. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review shows that on January 05, 2025, a 2006 Hummer H3, CA license N (none), VIN 5GTDN136768110247 was tested and smog certificate # UI542758C was issued under licensed Smog Check Inspector # 637332, Victor Aldaco.

40. The Dynamic Data Charts for the 2006 Hummer H3 shows that between time stamp 390 and 20449, the engine RPM is steady at around 625 RPM. During this time, the data shows that the throttle drops from 17.3% to 12.9% then rises to 15.3% opening, the MAP is fluctuating between 33 kPa and 42 kPa, and the MAF rises from 2.94 gps to 3.94 gps then drops to 3.54 gps. After time stamp 20449, the engine RPM is increased and then held above 1308 RPM. During this time, the data shows that the throttle is fixed at 12.5% then rises to 15.7%, the MAP drops from 42 kPa to 32 kPa then rises to 38 kPa, and the MAF drops from 4.21 gps to 2.77 gps then rises to 4.99 gps.

41. The steady idle and elevated engine RPMs along with the improbable throttle positions, MAP, and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not drop and rise unexpectedly. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, with the elevated engine RPM, the throttle position and MAF are expected to increase, not decrease to values less than idle. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2006 Hummer H3 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

**Clean Plug # 6: 2003 Ford Explorer Sport Trac**

42. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review shows that on February 25, 2025, a 2003 Ford Explorer Sport Trac, CA license DP228AN, VIN 1FMZU67E63UC26584 was tested and smog certificate # JD410088C was issued under licensed Smog Check Inspector # 637332, Victor Aldaco.

1           43. The Dynamic Data Charts for the 2003 Ford Explorer Sport Trac shows that between  
2 time stamp 397 and 22698, the engine RPM is steady at around 725 RPM. During this time, the  
3 data shows that the throttle is fluctuating between 14.1% and 18% opening, and the MAF drops  
4 from 4.6gps to 3.07 gps then rises to 5.08 gps. After time stamp 24444, the engine RPM is  
5 increased and held above 1518 RPM. During this time, the data shows that the throttle drops from  
6 14.5% to 12.5% then rises to 13.3% opening, and the MAF rises from 3.08 gps to 4.71 gps then  
7 drops to 3.35 gps.

8           44. The steady idle and elevated engine RPMs along with the improbable throttle  
9 positions and MAF readings are not characteristic or expected for normal engine operation. The  
10 throttle positions and MAF readings are expected to be stable at idle and increase with the  
11 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, with the  
12 elevated engine RPM, the throttle is expected to increase, not decrease to values less than idle.  
13 These readings are not characteristic or expected for normal engine operation. The discrepancies  
14 in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as  
15 required to the 2003 Ford Explorer Sport Trac being certified, causing the issuance of a  
16 fraudulent Smog Certificate of Compliance.

17           **Clean Plug # 7: 2001 Ford Mustang**

18           45. Del Campo reviewed the OIS Test Data for Los Gemelos Smog Check. The review  
19 shows that on February 25, 2025, a 2001 Ford Mustang, CA license 8ABA279, VIN  
20 1FAFP40421F146887 was tested and smog certificate # JD410087C was issued under licensed  
21 Smog Check Inspector # 637332, Victor Aldaco.

22           46. The Dynamic Data Charts for the 2001 Ford Mustang shows that between time stamp  
23 402 and 20191, the engine RPM is steady at around 730 RPM. During this time, the data shows  
24 that the throttle drops from 23.5% to 19.2% then rises to 21.2% opening and the MAF is  
25 fluctuating between 3.46 gps and 4.30 gps. After time stamp 20191, the engine RPM is increased  
26 and held above 1128 RPM. During this time, the data shows that the throttle is fluctuating  
27 between 19.6% and 23.5% opening and the MAF is fluctuating between 2.84 and 3.97 gps.

1           47. The steady idle and elevated engine RPMs along with the improbable throttle  
2 positions and MAF readings are not characteristic or expected for normal engine operation. The  
3 throttle positions and MAF readings are expected to be stable at idle and increase with the  
4 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. These readings are not  
5 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
6 prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2001 Ford  
7 Mustang being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

8           **Subsequent Passing Test: 2001 Ford Mustang**

9           48. On February 26, 2025, a subsequent Smog Check inspection was performed on the  
10 2001 Ford Mustang, CA license 8ABA279, VIN 1FAFP40421F146887. The review shows that  
11 the vehicle was tested and smog certificate # UK356212C was issued.

12           49. The Dynamic Data Charts for the 2001 Ford Mustang shows that between time stamp  
13 389 and 29475, the engine RPM is steady at around 750 RPM. During this time, the data shows  
14 that the throttle is fixed at 18.8% opening and the MAF is stable between 3.76 gps and 3.93 gps.  
15 After time stamp 29475, the data shows the RPM is increased then held above 1658 RPM. From  
16 the time the engine RPM increases from off idle to the higher RPMs, the data shows that the  
17 throttle increases and is stable between 22.0% and 22.4% opening and the MAF increases and is  
18 between 7.91 gps and 8.91 gps.

19           50. The Dynamic data collected during the test shows the expected change in throttle and  
20 MAF. The readings were consistent with normal engine operation.

21           **FIRST CAUSE FOR DISCIPLINE**

22           **(Untrue or Misleading Statements - Respondent Los Gemelos Smog Check)**

23           51. Respondent Los Gemelos Smog Check's registration is subject to disciplinary action  
24 pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements  
25 which they knew or in the exercise of reasonable care should have known to be untrue or  
26 misleading, as follows: Respondents certified that the vehicles set forth above in paragraphs 27-  
27 47, had passed inspection and were in compliance with applicable laws and regulations. In fact,  
28 Respondents conducted the inspections on those vehicles using the clean plugging method in

1 order to issue smog certificates of compliance, and did not test or inspect the vehicles as required  
2 by Health and Safety Code section 44012.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud - Respondent Los Gemelos Smog Check)**

5 52. Respondent Los Gemelos Smog Check's registration is subject to disciplinary action  
6 pursuant to section 9884.7, subdivision (a)(4), in that Respondent Los Gemelos Smog Check's  
7 employees committed acts which constitute fraud by issuing electronic certificates of compliance  
8 for the vehicles set forth above in paragraphs 27-47, without performing bona fide inspections of  
9 the emission control devices and systems on those vehicles, thereby depriving the People of the  
10 State of California of the protection afforded by the Motor Vehicle Inspection Program.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Motor Vehicle Inspection Program –**

13 **Respondent Los Gemelos Smog Check)**

14 53. Respondent Los Gemelos Smog Check's smog station license is subject to  
15 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in  
16 conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the  
17 vehicles set forth above in paragraphs 27-47, Respondents failed to comply with the following  
18 sections of the Health and Safety Code:

19 (a) **Section 44012**: Respondent Los Gemelos Smog Check's employees failed to ensure  
20 that the emission control tests were performed on the vehicles, in accordance with procedures  
21 prescribed by the department.

22 (b) **Section 44015**: Respondent Los Gemelos Smog Check's employees issued electronic  
23 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested  
24 and inspected to determine if they were in compliance with Health and Safety Code section  
25 44012.

26 ///

27 ///

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**  
3 **Respondent Los Gemelos Smog Check)**

4 54. Respondent Los Gemelos Smog Check's smog station license is subject to  
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that  
6 regarding the vehicles set forth above in paragraphs 27-47, Respondents failed to comply with the  
7 following provisions of the California Code of Regulations, Title 16, as follows:

8 (a) **Section 3340.35, subdivision (c)**: Respondent Los Gemelos Smog Check's  
9 employees issued electronic certificates of compliance even though those vehicles had not been  
10 inspected in accordance with section 3340.42, Title 16, of the California Code of Regulations.

11 (b) **Section 3340.42**: Respondent Los Gemelos Smog Check's employees failed to  
12 conduct the required smog tests and inspections on those vehicles in accordance with the  
13 Bureau's specifications.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Dishonesty, Fraud or Deceit - Respondent Los Gemelos Smog Check)**

16 55. Respondent Los Gemelos Smog Check's smog station license is subject to  
17 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in  
18 conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the  
19 vehicles set forth above in paragraphs 27-47, Respondents employees committed acts involving  
20 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
21 compliance for those vehicles without performing bona fide inspections of the emission control  
22 devices and systems on the vehicles, thereby depriving the People of the State of California of the  
23 protection afforded by the Motor Vehicle Inspection Program.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program – Respondent Aldaco)**

26 56. Respondent Aldaco's smog check inspector license is subject to discipline pursuant to  
27 Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth  
28 above in paragraphs 27-47, Respondent Aldaco failed to comply with section 44012 of the Health

1 and Safety Code in a material respect, as follows: Respondent Aldaco failed to perform the  
2 emission control tests on those vehicles in accordance with procedures prescribed by the  
3 department.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
6 **Respondent Aldaco)**

7 57. Respondent Aldaco's smog check inspector license is subject to discipline pursuant to  
8 Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth  
9 above in paragraphs 27-47, Respondent Aldaco failed to comply with provisions of the California  
10 Code of Regulations, title 16, as follows:

11 (a) **Section 3340.30, subdivision (a)**: Respondent Aldaco failed to inspect and test those  
12 vehicles in accordance with Health and Safety Code section 44012.

13 (b) **Section 3340.41, subdivision (c)**: Respondent Aldaco entered false information into  
14 the EIS.

15 (c) **Section 3340.42**: Respondent Aldaco failed to conduct the required smog tests and  
16 inspections on those vehicles in accordance with the Bureau's specifications.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Dishonesty, Fraud or Deceit - Respondent Aldaco)**

19 58. Respondent Aldaco's smog check inspector license is subject to discipline pursuant to  
20 Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety  
21 Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in  
22 paragraphs 27-47, Respondent Aldaco committed acts involving dishonesty, fraud or deceit  
23 whereby another was injured by issuing electronic certificates of compliance for those vehicles  
24 without performing bona fide inspections of the emission control devices and systems on the  
25 vehicles., thereby depriving the People of the State of California of the protection afforded by the  
26 Motor Vehicle Inspection Program.

27 ///

28 ///



1 **OTHER MATTERS**

2 59. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director  
3 may suspend, revoke, or place on probation the registration for all places of business operated in  
4 this State by Respondent Los Gemelos Smog Check upon a finding that Respondent Los Gemelos  
5 Smog Check has, or is, engaged in a course of repeated and willful violations of the laws and  
6 regulations pertaining to an automotive repair dealer.

7 60. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station  
8 License Number TC 307104 issued to Respondent Los Gemelos Smog Check is revoked or  
9 suspended following a hearing under this article, any additional license issued under Chapter 5,  
10 Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the  
11 Director.

12 61. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
13 Number EO 637332, issued to Respondent Aldaco, is revoked or suspended following a hearing  
14 under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name  
15 of said licensee may be likewise revoked or suspended by the Director.

16 **PRAYER**

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

20 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
21 307104, issued to Victor Aldaco dba Los Gemelos Smog Check;

22 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to  
23 Respondent Victor Aldaco;

24 3. Revoking or suspending Smog Check, Test-Only, License Number TC 307104,  
25 issued to Victor Aldaco dba Los Gemelos Smog Check;

26 4. Revoking or suspending Smog Check Inspector License Number EO 637332, issued  
27 to Victor Aldaco;  
28

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Victor Adalco;

6. Ordering Victor Aldaco 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

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

SD2025802230  
85232866