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9 **BEFORE THE**
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. 79/24-14141

13 **SAN BENITO SMOG; Miguel Angel Prieto**
& Carlos Ulysses Trejo as Partners
14 **731 San Felipe Rd, #B1**
Hollister, CA 95023

ACCUSATION

15 **Automotive Repair Dealership Registration**
16 **No. ARD 307132**

17 **Smog Check, Test Only Station License No.**
18 **TC 307132**

19 **Mailing Address**
660 4th Street
Hollister, CA 95023

20 **MIGUEL ANGEL PRIETO**
21 **660 4th Street**
Hollister, CA 95023

22 **Smog Check Inspector License No.**
23 **EO 644568**

24 Respondents.

25
26 **PARTIES**

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

1 **San Benito Smog**

2 2. On or about October 3, 2023, Bureau issued Automotive Repair Dealership
3 Registration No. ARD 307132 to San Benito Smog—Miguel Angel Prieto and Carlos Ulysses
4 Trejo as Partners (Respondent San Benito Smog). The Automotive Repair Dealer Registration
5 was in full force and effect at all times relevant to the charges brought in this Accusation and
6 expires on October 31, 2026, unless renewed.

7 3. On or about December 5, 2023, the Bureau issued Smog Check, Test Only Station
8 License No. TC 307132 to Respondent San Benito Smog. The Smog Check, Test Only Station
9 License was in full force and effect at all times relevant to the charges brought in this Accusation
10 and expires on October 31, 2026, unless renewed.

11 **Miguel Angel Prieto**

12 4. On or about September 18, 2023, the Bureau issued Smog Check Inspector License
13 No. EO 644568 to Miguel Angel Prieto (Respondent Prieto). The smog check inspector license
14 was in full force and effect at all times relevant to the charges brought in the Accusation and will
15 expire on March 31, 2027, unless renewed.

16 **JURISDICTION**

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

19 6. Section 118, subdivision (b), of the Code provides that the
20 suspension/expiration/surrender/cancellation of a license shall not deprive the Director of
21 jurisdiction to proceed with a disciplinary action during the period within which the license may
22 be renewed, restored, reissued or reinstated.

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

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

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.

10. Code section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” “License” includes certificate, registration or other means to engage in a business or profession regulated by the code.

11. 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.

STATUTORY PROVISIONS

12. Section 9884.7 of the Code states, in relevant part:

(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.

• • •

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

3 13. Section 9889.22 of the Code states:

4 The willful making of any false statement or entry with regard to a material matter in any
5 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
6 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
7 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

8 14. Section 44012 of the Health and Safety Code states, in relevant part:

9 The test at the smog check stations shall be performed in accordance with procedures
10 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded
11 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,
12 and shall ensure all of the following:

13 . . .

14 (f) A visual or functional check is made of emission control devices specified by the
15 department, including the catalytic converter in those instances in which the department
16 determines it to be necessary to meet the findings of Section 44001. The visual or functional
17 check shall be performed in accordance with procedures prescribed by the department.

18 15. Section 44015 of the Health and Safety Code states, in relevant part:

19 (b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to
20 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

21 16. Section 44032 of the Health and Safety Code states, in relevant part:

22 No person shall perform, for compensation, tests or repairs of emission control devices or
23 systems of motor vehicles required by this chapter unless the person performing the test or repair
24 is a qualified smog check technician and the test or repair is performed at a licensed smog check
25 station. Qualified technicians shall perform tests of emission control devices and systems in
26 accordance with Section 44012.

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21. California Code of Regulations, title 16, section 3340.41, states, in relevant part:

(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

22. California Code of Regulations, title 16, section 3340.42, states, in relevant part:

Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

...

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

...

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

23. California Code of Regulations, title 16, section 3340.45, states, in relevant part:

All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the Smog Check Manual, dated January 2021, which is hereby incorporated by reference.

COST RECOVERY

24. Section 125.3 of the Code provides, in relevant part, that a Board may request the administrative law judge to direct a licensee 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.

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SMOG CHECK PROGRAM

25. California's Smog Check Program requires the owners of most motor vehicles in California to take and pass a Smog Check inspection and receive a Certificate of Compliance every two years when renewing their registration and also when the vehicle's title is transferred. These inspections are performed by Smog Check Inspectors at Smog Check Stations, both of which are licensed by the Bureau of Automotive Repair (BAR). Smog inspection can only take place in Bureau approved work areas of Smog Stations.

26. On March 9, 2015, California's Smog Check Program was updated to keep pace with ever-advancing technology. The program update requires 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 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer.

27. The newer OIS smog inspection uses a Data Acquisition Device (DAD), a computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a vehicle's On Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the vehicle. The bar code scanner is used to input technician information, the vehicle identification number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection Reports that are signed by the Smog Check Technician, confirming that the technician performed the smog check.

28. As part of the BAR-OIS smog inspections, the technician also performs a visual and functional test on the vehicle being inspected. The visual inspection of the emission control components verifies the required emission-control devices are present and properly connected, and a functional test is performed of the malfunction indicator light (MIL). The BAR-OIS software makes the determination whether or not the vehicle passes the inspection based on the results of the OBD, visual and functional tests. If the vehicle passes the inspection, a certificate of compliance is issued. The information from the smog inspection is then transmitted to the Bureau's Vehicle Information Database (VID).

29. The Bureau can access the VID to view test data on smog check inspections performed at any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle which has been tested. The VID has an internal clock that is set to Pacific Standard Time and records the time and date for each inspection. If a vehicle passes the Smog Inspection, the vehicle information and test results are electronically transmitted to Department of Motor Vehicles.

30. The Bureau has become aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed. These methods include “clean piping” and “clean plugging.” “Clean piping” is a method by which the sensor to conduct the test is placed in the exhaust pipe of another car in order to bypass the data from the vehicle being tested. “Clean plugging” is a method by which another vehicle’s properly functioning 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.

FACTUAL BACKGROUND

31. Bureau Representative MW (MW) conducted a detailed review of the VID data for Smog Check Inspections performed at Respondent San Benito Smog from January 1, 2024, through August 14, 2024. The review of the VID data showed three (3) vehicles were fraudulently certified. The OIS test data for the three (3) vehicles that were fraudulently certified were compared to data of similar vehicles of the same year, make, and model. In addition, representative MW reviewed and compared the data from the previous or subsequent test(s) performed on these three (3) vehicles. The comparison showed discrepancies with the three (3) vehicles, with either different eVINs, incorrect vehicle communication protocols, and/or incorrect PID counts, which confirms the vehicles receiving smog certificates were fraudulently tested during the OBDII functional test, which constitutes "Clean Plugging". All the fraudulently certified Smog Check inspections performed at the facility were performed by licensed Smog Check inspector/owner Respondent Prieto.

Furthermore, the same surrogate vehicle was used repeatedly to certify all three (3) vehicles.

Bar Representative MW reference the following data/information, at a minimum:

- DMV VIN-VIN number of the vehicle entered or scanned by the Smog Inspector.
- Cert ID-Smog Check Certificate number issued.
- eVIN-Digitally stored VIN number in the vehicle PCM and identified by the OIS.
- Protocol-The “type” of communication that was established with the vehicle by the OIS.
- PID Count-The number of Parameter Identification (PID’s) available from the vehicle computer(s) used for the diagnostic data received by the OIS.

32. MW’s investigation into the Smog Check activities at Respondent San Benito Smog confirmed three (3) Smog Check Certificates of Compliance were fraudulently issued to vehicles using the “Clean Plugging” method. The cleaning plugging of the three cars are explained below:

Surrogate/Donor vehicle

33. During MW’s review of the OIS test data for cars smog tested at Respondent San Benito Smog, he identified a 2006 Honda Civic LX (Donor Honda) that was used as the surrogate/donor car for the three clean-plugged vehicles. The BAR’s Vehicle Information Database (VID) indicates that on January 9, 2024, the Donor Honda with VIN JHMFA16556S011233, and CA License W242014 was tested At Respondent San Benito Smog and Respondent Prieto issued Smog Check Certificate of Compliance #TQ646219C for the car.

34. The OIS Inspection Test data for the Donor Honda shows the eVIN was transmitted as JHMFA16556S011233, the communication protocol was transmitted as ICAN29bt500 and the PID count was 39|19. The eVIN transmitted match the VIN of the vehicle issued a certificate of compliance.

Clean Plug # 1, January 26, 2024

35. MW reviewed the OIS test data for cars smog tested at Respondent San Benito Smog. His review indicates that on January 26, 2024, a 2006 Honda Accord EX with VIN 1HGCM66586A064220 and CA License plate 9ASE762 was tested by Respondent Prieto, and Smog Check Certificate of Compliance # TS113724C was issued.

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1 36. However, the OIS Inspection Test data for the 2006 Honda Accord EX shows the
2 eVIN was transmitted as JHMFA16556S011233, the communication protocol was transmitted as
3 ICAN29bt500, and the PID count was 39/19.

4 37. Additionally, the eVIN JHMFA16556S011233, communication protocol, and PID
5 count that was transmitted during the January 26, 2024, test matched the eVIN, communication
6 protocol, and PID count for the Donor Honda. As such, This the Donor Honda and its OBDII
7 system was used to generate a fraudulent Smog Certificate of Compliance for the 2006 Honda
8 Accord EX.

9 38. Furthermore, on January 10, 2024, the 2006 Honda Accord EX with VIN
10 1HGCM66586A064220 and CA License 9ASE762 was smog tested by another smog technician at
11 Soledad Truck and Auto Smog Check Test and Repair Station. At that time the 2006 Honda Accord
12 EX failed the smog inspection test. The OIS Inspection Test data for the January 10, 2024 smog test
13 indicates that the eVIN was transmitted as 1HGCM66586A064220, the communication protocol was
14 transmitted as I9140808, and the PID count was 24. The eVIN transmitted matched the VIN of the
15 vehicle during inspection.¹

16 **Clean Plug # 2, March 28, 2024**

17 39. MW's review of OIS test data for cars smog tested at Respondent San Benito Smog
18 indicates that on March 28, 2024, a 2013 Honda Accord Sport with VIN 1HGCR2F50DA002527
19 and CA License 9GQL086 was tested by Respondent Prieto, and Smog Check Certificate of
20 Compliance and Smog Check Certificate of Compliance # TU517846C was issued.

21 40. However, the OIS Inspection Test data for the 2013 Honda Accord Sport shows the
22 eVIN was transmitted as JHMFA16556S011233, the communication protocol was transmitted as
23 ICAN29bt500 and the PID count was 39/19.

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26 ¹ In fact, On January 10, 2024, the same 2006 Honda Accord EX with VIN
27 1HGCM66586A064220 and CA License 9ASE762 was tested again and failed for OBD codes
28 P0499 and P0706 by licensed smog inspector at Soledad Truck and Auto Smog Check Test and
Repair Station. The OIS Inspection Test data for the 2006 Honda Accord shows the eVIN was
transmitted as 1HGCM66586A064220, the communication protocol was transmitted as I9140808
and the PID count was 24. The eVIN transmitted match the VIN of the vehicle during inspection.

41. Additionally, the eVIN JHMFA16556S011233, communication protocol, and PID count that was transmitted during the March 28, 2024, test matched the eVIN, communication protocol, and PID count for the Donor Honda. As such, the Donor Honda and its OBDII system was used to generate a fraudulent Smog Certificate of Compliance for the 2013 Honda Accord Sport.

42. Furthermore, on October 11, 2023, the same 2013 Honda Accord Sport with VIN 1HGCR2F50DA002527 and CA License 9GQL086 was tested and failed for OBD codes P0420/P2101 and P2422 by a different licensed smog check inspector at Hollister Smog Test Only Smog Station.

Clean Plug # 3, July 22, 2024

43. MW reviewed the OIS test data for San Benito Smog. The review indicates that on July 22, 2024, a 2004 Dodge Dakota Quad Sport with VIN 1D7HL38KX4S524502 and CA License 39255Z1 was tested by Respondent Prieto and Smog Check Certificate of Compliance # UA619729C was issued.

44. However, the OIS test data for the 2004 Dodge Dakota Quad Sport shows the eVIN was transmitted as JHMFA16556S011233, the communication protocol was transmitted as ICAN29bt500 and the PID count was 39/19.

45. Additionally, the eVIN JHMFA16556S011233, communication protocol, and PID count that was transmitted during the July 22, 2024, test matched the eVIN, communication protocol, and PID count for the Donor Honda. As such, the Donor Honda and its OBDII system was used to generate a fraudulent Smog Certificate of Compliance for the 2004 Dodge Dakota Quad Sport.

46. Furthermore, on November 21, 2023, the 2004 Dodge Dakota Quad Sport with VIN 1D7HL38KX4S524502 and CA License 39255Z1 was tested and failed by another licensed smog check inspector at EZ Smog & Repair Test and Repair Station. The OIS Inspection test data for the 2004 Dodge Dakota Quad Sport shows the eVIN was transmitted as 1D7HL38KX4S524502, the communication protocol was transmitted as JVPW1850 and the PID count was 22/3. The eVIN transmitted match the VIN of the vehicle during inspection.

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47. The following table summarizes the fraudulent Smog Check certificates of compliance issued by Respondent San Benito Smog and the vehicles fraudulently certified under the smog check inspector license of Respondent Prieto.

	<i>Vehicle Year</i>	<i>Vehicle Make</i>	<i>Vehicle Model</i>	<i>License or VIN #</i>	<i>eVIN Transmitted</i>	<i>Reported Protocol</i>	<i>Expected Protocol</i>	<i>Reported PIDs</i>	<i>Expected PIDs</i>	<i>Certificate Issued</i>	<i>Smog Check Inspector</i>
1.	2006	Honda	Accord EX	9ASE762	Reported Incorrect	CAN29bt500	I9140808	39/19	24	TS113724C	Miguel Prieto (EO 644568)
2.	2013	Honda	Accord Sport	9GQL086	Reported Incorrect	CAN29bt500	ICAN29bt5	39/19	39	TU517846C	Miguel Prieto (EO 644568)
3.	2004	Dodge	Dakota Quad Sport	39255Z1	Reported Incorrect	CAN29bt500	JVPW1850	39/19	22/3	UA619729C	Miguel Prieto (EO 644568)

48. On August 15, 2024, a field visit to Respondent San Benito Smog for a Quality Assurance (QA) Inspection. During the QA Inspection, Respondent Prieto provided MW with estimate/ invoice and vehicle inspection reports (VIR) for the 3 inspections related to the investigation. Respondent Prieto informed MW that all inspections were performed by him by confirming his signature on VIRs. He also informed MW he could not recall the vehicles or customers.

Respondent San Benito Smog

FIRST CAUSE FOR DISCIPLINE

(Making or Authorizing Untrue or Misleading Statements)
(Bus. & Prof. Code, 9884.7, subd. (a)(1))

49. Respondent San Benito Smog has subjected its Automotive Repair Dealer Registration to disciplinary action in that Respondent San Benito Smog made untrue statements when it issued three fraudulent certificates of compliance and failed to comply with the Automotive Repair Act (Bus. & Prof. Code, § 9884.7, subd. (a)(1)). The circumstances are set forth in paragraphs 31 through 48, above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Fraud)
3 (Bus. & Prof. Code, 9884.7, subd. (a)(4))

4 50. Respondent San Benito Smog has subjected its Automotive Repair Dealer
5 Registration to discipline in that Respondent San Benito Smog engaged in fraud when it issued
6 three fraudulent certificates of compliance (Bus. & Prof. Code, § 9884.7, subd. (a)(4)). The
7 circumstances are set forth in paragraphs 31 through 48, above.

8 **THIRD CAUSE FOR DISCIPLINE**
9 (Violations of the Motor Vehicle Inspection Program)
10 (Health & Saf., 44072.2, subds. (a), (c))

11 51. Respondent San Benito Smog has subjected its Smog Check, Test Only Station
12 License to discipline in that it failed to comply with the Automotive Repair Act and sections of
13 the Health and Safety Code and applicable regulations (Health & Saf. Code, § 44072.2, subds. (a),
14 (c)). The circumstances are set forth in paragraphs 31 through 48, above. The violations are as
15 follows:

16 a. **Health & Safety Code, § 44012, subd. (f):** Respondent San Benito Smog failed to
17 follow test procedures in accordance with the Onboard Inspection System (OIS) specifications
18 when it failed to properly conduct the functional portion of the smog inspection by failing to
19 connect four vehicles to the BAR-OIS when they were being certified.

20 b. **Cal. Code Regs., tit. 16, § 3340.24, subd. (c):** Respondent San Benito Smog falsely
21 or fraudulently issued certificates of compliance for vehicles without performing bona fide
22 inspections of the emission control devices and systems on the vehicles as required by Health and
23 Safety Code section 44012.

24 c. **Cal. Code Regs., tit. 16, § 3340.35, subd. (c):** Respondent San Benito Smog issued
25 certificates of compliance to vehicles that were not properly inspected in accordance with
26 California Code of Regulations, title 16, section 3340.42.

27 d. **Cal. Code Regs., tit. 16, § 3340.42, subd. (b)(2):** Respondent San Benito Smog
28 failed to conduct the functional inspection in accordance with the smog check manual referenced
in California Code of Regulations, title 16, section 3340.45.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Dishonesty, Fraud, Deceit)
3 (Health and Saf. Code, 44072.2, subd. (d))

4 52. Respondent San Benito Smog has subjected its Smog Check, Test Only Station
5 License to discipline in that it committed acts involving dishonesty, fraud or deceit by issuing
6 three fraudulent certificates of compliance (Health & Saf. Code, § 44072.2, subd. (d)). The
7 circumstances are set forth in paragraphs 31 through 48, above.

8 **Respondent Prieto**

9 **FIFTH CAUSE FOR DISCIPLINE**

10 (Violations of the Motor Vehicle Inspection Program)
11 (Health & Saf., 44072.2, subds. (a), (c))

12 53. Respondent Prieto has subjected his Smog Check Inspector License to discipline in
13 that he failed to comply with sections of the Health and Safety Code and applicable regulations
14 (Health & Saf. Code, § 44072.2, subds. (a), (c)). The circumstances are set forth in paragraphs 31
15 through 48, above. The violations are as follows:

16 a. **Health & Safety Code, § 44012, subd. (f):** Respondent Prieto failed to follow test
17 procedures in accordance with the Onboard Inspection System (OIS) specifications when he
18 failed to properly conduct the functional portion of the smog inspection by failing to connect four
19 vehicles to the BAR-OIS when they were being certified.

20 b. **Cal. Code Regs., tit. 16, § 3340.24, subd. (c):** Respondent Prieto falsely or
21 fraudulently issued certificates of compliance for vehicles without performing bona fide
22 inspections of the emission control devices and systems on the vehicles as required by Health and
23 Safety Code section 44012.

24 c. **Cal. Code Regs., tit. 16, § 3340.35, subd. (c):** Respondent Prieto issued certificates
25 of compliance to vehicles that were not properly inspected in accordance with California Code of
26 Regulations, title 16, section 3340.42.

27 d. **Cal. Code Regs., tit. 16, § 3340.42, subd. (b)(2):** Respondent Prieto failed to
28 conduct the functional inspection in accordance with the smog check manual referenced in
California Code of Regulations, title 16, section 3340.45.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Dishonesty, Fraud, Deceit)
3 (Health and Saf. Code, 44072.2, subd. (d))

4 54. Respondent Prieto has subjected his Smog Check Inspector License to discipline in
5 that he committed acts involving dishonesty, fraud or deceit by issuing three fraudulent
6 certificates of compliance (Health & Saf. Code, § 44072.2, subd. (d)). The circumstances are set
7 forth in paragraphs 31 through 48, above.

8 **OTHER MATTERS**

9 55. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
10 or place on probation the registration for all places of business operated in this state by
11 Respondent San Benito Smog upon a finding that Respondent San Benito Smog has, or is,
12 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
13 automotive repair dealer.

14 56. Pursuant to Health & Safety Code section 44072.8, if Respondent San Benito Smog's
15 Smog Check, Test Only Station License is revoked or suspended, any additional license issued
16 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
17 licensee may be likewise revoked or suspended by the director.

18 57. Pursuant to Health & Safety Code section 44072.8, if Respondent Prieto's Smog
19 Check Inspector License is revoked or suspended, any additional license issued under Chapter 5
20 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be
21 likewise revoked or suspended by the director.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
24 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs
25 issue a decision:

26 1. Revoking or suspending Automotive Repair Dealership Registration No. ARD
27 307132, issued to San Benito Smog—Miguel Angel Prieto and Carlos Ulysses Trejo Carlos as
28 Partners;

- 1 2. Revoking or suspending any additional Automotive Repair Dealer Registrations
2 issued to Miguel Angel Prieto and Carlos Ulysses Trejo Carlos as Partners;
- 3 3. Revoking or suspending Smog Check, Test Only Station License No. TC 307132,
4 issued to San Benito Smog—Miguel Angel Prieto and Carlos Ulysses Trejo Carlos as Partners;
- 5 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of Carlos Ulysses Trejo;
- 7 5. Revoking or suspending Smog Check Inspector License No. EO 644568, issued to
8 Miguel Angel Prieto;
- 9 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health and Safety Code in the name of Miguel Angel Prieto;
- 11 7. Ordering San Benito Smog to pay the Bureau of Automotive Repair the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3 and if placed on probation, the costs of probation monitoring; and
- 14 8. Taking such other and further action as deemed necessary and proper.

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18 DATED: As of Digital Signature Date

Dorais,
Patrick@DCA

Digitally signed by
Dorais, Patrick@DCA
Date: 2025.12.24
13:03:40 -08'00'

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

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