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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. 79/24-5282

13 **OBD SMOG CHECK LLC, NANCY**
14 **HERRERA, MEMBER**

15 5660 S. Elm Avenue
16 Fresno, CA 93706

**DEFAULT DECISION AND ORDER AS
TO RESPONDENT OBD SMOG CHECK
LLC ONLY**

17 **Automotive Repair Dealer Registration No.**
18 **ARD 307751**
19 **Smog Check, Test Only, Station License No.**
20 **TC 307751**

[Gov. Code, §11520]

21 **NANCY HERRERA**
22 **OBD SMOG CHECK LLC**
23 5660 S. Elm Avenue
24 Fresno, CA 93706

25 **Smog Check Inspector License No. EO**
26 **644871**

27 **ROSA ISELA LINARES SALAZAR**
28 1229 Tammy Street
Selma, CA 93662

Smog Check Inspector License No. EO
644326

and

ELOISA ABRAHAM NERI
718 Faller Avenue Apt. A
Sanger, CA 93657

**Smog Check Inspector License No. EO
644643**

Respondents.

FINDINGS OF FACT

1. On or about November 13, 2024, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/24-5282 against OBD Smog Check LLC, Nancy Herrera, Member, Nancy Herrera, Rosa Isela Linares Salazar, and Eloisa Abraham Neri (Respondents) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about December 13, 2023, the Bureau issued Automotive Repair Dealer Registration Number ARD 307751 to OBD Smog Check LLC (Respondent OBD), with Nancy Herrera (Respondent Herrera) as a Member. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2025, unless renewed.

3. On or about January 3, 2024, the Bureau issued Smog Check, Test Only, Station License Number TC 307751 to Respondent OBD. 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 December 31, 2025, unless renewed.

4. On or about September 8, 2025, Respondent OBD was served by Certified and First Class Mail copies of the Accusation No. 79/24-5282, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent OBD's address of record which, pursuant to Business and

1 Professions Code section 136, is required to be reported and maintained with the Bureau.

2 Respondent OBD's address of record was and is 5660 S. Elm Avenue, Fresno, CA 93706.

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

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

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

11 7. The Bureau takes official notice of its records and the fact that Respondent OBD
12 failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and
13 therefore waived its right to a hearing on the merits of Accusation No. 79/24-5282.

14 8. California Government Code section 11520(a) states, in pertinent part:

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

19 9. Pursuant to its authority under Government Code section 11520, the Director after
20 having reviewed the proof of service dated September 8, 2025, signed by Lisa Gaad, finds
21 Respondent OBD is in default. The Director will take action without further hearing and, based
22 on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this
23 matter, finds that the charges and allegations in Accusation No. 79/24-5282, are separately and
24 severally, found to be true and correct by clear and convincing evidence.

25 **DETERMINATION OF ISSUES**

26 1. Based on the foregoing findings of fact, Respondent OBD Smog Check LLC, Nancy
27 Herrera, Member has subjected its Automotive Repair Dealer Registration Number ARD 307751
28 and its Smog Check, Test Only Station License Number TC 307751 to discipline.

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

3. The Director of the Department of Consumer Affairs is authorized to revoke
Respondent OBD's Automotive Repair Dealer Registration and Smog Check, Test Only Station

1 License based upon the following violations alleged in the Accusation which are supported by the
2 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

3 a. Business and Professions Code sections 9884.7, subdivision (a)(1), and 9889.22 –
4 Untrue or Misleading Statements.

5 b. Business and Professions Code sections 9884.7, subdivision (a)(4) – Fraud.

6 c. Business and Professions Code sections 9884.7, subdivision (a)(6) – Material
7 Violation of Automotive Repair Act.

8 d. Health & Safety Code section 44072.2, subdivision (c) – Violations of Regulations
9 Pursuant to the Motor Vehicle Inspection Program.

10 e. Health & Safety Code section 44072.2, subdivision (a) – Violations of the Motor
11 Vehicle Inspection Program.

12 f. Health & Safety Code sections 44072.2, subdivision (d) and 44072.10, subdivision
13 (c) – Dishonesty, Fraud, or Deceit.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration Number ARD 307751 and Smog Check, Test Only Station License Number TC 307751, issued to Respondent OBD Smog Check LLC, Nancy Herrera, Member, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent 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 Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Boulevard 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 December 2, 2025.

It is so ORDERED Nov. 20, 2025



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

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DOJ Matter ID:FR2024302565

Attachment:
Exhibit A: Accusation