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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. **79/25-2293**

13 **ABRAHAM RODRIGUEZ CHAVARRIA**
DBA MILL ST SMOG CHECK
14 **8958 Sierra Avenue Unit 300**
Fontana, CA 92335

ACCUSATION

15 **Automotive Repair Dealer Registration No.**
ARD 308354
16 **Smog Check, Test-Only, Station License No.**
TC 308354,

17 **ABRAHAM RODRIGUEZ CHAVARRIA**
708 W Mill St Suite J
18 **San Bernardino, CA 92410**

19 **Smog Check Inspector License No. EO**
645094,

20 **and**

21 **KEVIN GABRIEL PATINO**
22 **3700 Avalon St., Unit B19**
23 **Jurupa Valley, CA 92509**

24 **Smog Check Inspector License No. EO**
645061

25 Respondents.
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1 **PARTIES**

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

4 2. On or about February 26, 2024, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 308354 to Abraham Rodriguez Chavarria dba Mill St
6 Smog Check (Respondent Mill St Smog Check). The Automotive Repair Dealer Registration
7 was in full force and effect at all times relevant to the charges brought herein and will expire on
8 February 28, 2026, unless renewed.

9 3. On or about June 12, 2024, the Bureau of Automotive Repair issued Smog Check,
10 Test-Only, Station License Number TC 308354 to Abraham Rodriguez Chavarria dba Mill St
11 Smog Check. The Smog Check, Test-Only, Station License was in full force and effect at all
12 times relevant to the charges brought herein and will expire on February 28, 2026, unless
13 renewed.

14 4. On or about July 8, 2024, the Bureau of Automotive Repair issued Smog Check
15 Inspector License Number EO 645094 to Abraham Rodriguez Chavarria (Respondent Chavarria).
16 The Smog Check Inspector License was in full force and effect at all times relevant to the charges
17 brought herein and will expire on October 31, 2026, unless renewed.

18 5. On or about June 21, 2024, the Bureau of Automotive Repair issued Smog Check
19 Inspector License Number EO 645061 to Kevin Gabriel Patino (Respondent Patino). The Smog
20 Check Inspector License was in full force and effect at all times relevant to the charges brought
21 herein and will expire on September 30, 2026, unless renewed.

22 **JURISDICTION**

23 6. This Accusation is brought before the Director of the Department of Consumer
24 Affairs ("Director") for the Bureau, under the authority of the following laws.

25 7. Section 9884.7 of the Business and Professions Code¹ provides that the Director may
26 revoke an ARD registration.

27 _____
28 ¹ All statutory references herein shall be to the Business and Professions Code unless
specifically stated otherwise.

8. 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.

9. 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.

10. 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

11. 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.

12. 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.

...

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

...

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

...

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

...”

REGULATORY PROVISIONS

14. California Code of Regulations, 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.

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

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

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

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1 inspection results for motorists and a Smog Check Certificate of Compliance number for passing
2 vehicles.

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

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

- 12 • Engine speed in revolutions per minute (RPM)
- 13 • Throttle position as measured by a throttle position sensor (TPS) mounted onto
14 the throttle shaft. Measured in a percentage of opening from 0% at idle and near
15 or up to 100% at full throttle.
- 16 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
17 connected to an intake manifold source, measured in kilo pascals (kpa). Typical
18 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,
19 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at
20 sea level.
- 21 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the
22 engine's air intake tract. Measured in grams per second (gps).²
- 23 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is
24 measured in degrees Before Top Dead Center (BTDC).

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27 ² Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
28 MAP or MAF parameters separately.

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

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

14 24. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
15 inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle
16 Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty
17 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit
18 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of
19 Compliance has a unique control number so that it can be tracked to determine which Smog
20 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

21 25. The VID contains registration data from Department of Motor Vehicles ("DMV")
22 plus emission standards, vehicle smog check inspections, smog check stations and technicians,
23 and Certificates of Compliance. The VID receives the passing smog check results immediately
24 following the inspection. During the vehicle registration process, the DMV accesses the VID to
25 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view
26 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,
27 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending
28 on the test type, also prints a Vehicle Inspection Report ("VIR"), which is a physical record of the

1 test results and shows the Certificate of Compliance number that was issued if the vehicle passed
2 the smog inspection.

3 26. The smog check technician must sign the VIR under penalty of perjury to indicate
4 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law
5 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The
6 consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of
7 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by
8 the Bureau to perform official inspections. They are issued a personal access code and a license,
9 which are used to gain access to the EIS and OIS to perform smog check inspections.
10 Unauthorized use of another technician's access code or license is prohibited.

11 27. Respondents have engaged in numerous acts or omissions constituting violations of
12 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor
13 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice
14 of "clean plugging."³ Respondent's OIS Test Data available on the State database indicates that
15 Respondents are involved in fraudulent smog inspection activities. A Bureau representative
16 initiated an investigation based on information transmitted to the VID for smog check inspections
17 performed by Respondents. The investigation revealed that the data related to certain vehicles
18 certified by Respondents contained a pattern of unmistakable discrepancies between the
19 information transmitted during the inspections and documented information known about the
20 vehicles at issue. Specifically, the representative compared the data received from the certified
21 vehicles to data from vehicles of the same year, make, and model and determined that the data
22 from at least ten (10) of the certified vehicles were fraudulently tested by Respondents during the
23 smog inspection using the "clean plugging" method as follows:

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26 ³ "Clean plugging" refers to the use of another vehicle's properly functioning On Board
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic
28 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that
are not in smog compliance and/or not present for testing.

Fraudulent Inspection #1 (Patino)

28. Bureau Program Representative Koch (Koch) reviewed the OIS Test Data for Mill St Smog Check. The review indicates on July 11, 2024, a 2001 Toyota Tacoma Xtracab, CA license 63989P2, VIN 5TEVL52NX1Z838749 (2001 Tacoma), was tested and Smog Check certificate # TY974029C was issued under licensed Smog Check inspector #EO645061, Patino.

29. The Dynamic OBDII PID Chart for the 2001 Tacoma shows between time stamp 138 and 19771 engine speed is steady at approximately 725 RPM. During this time the throttle is fixed at 14.1% opening, MAF is fixed at 2.26 gps, and the ignition timing advance for #1 cylinder is fixed at 9 degrees BTDC. After time stamp 19771 the engine speed accelerates to approximately 1825 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at the same 14.1% opening, MAF is fixed at the same 2.26 gps, and the ignition timing advance for #1 cylinder is also still fixed at the same 9 degrees BTDC.

30. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAF, and ignition timing advance 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 OIS Test Data prove the Data Acquisition Device was not connected to the 2001 Tacoma being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Previous Failing Test: 2001 Tacoma

31. A previous failing test was performed on the 2001 Tacoma at another station on July 6, 2024. The 2001 Tacoma failed the test for incomplete OBDII readiness monitors. No Dynamic OBDII PID data was collected during the inspection.

Fraudulent Inspection #2 (Patino)

32. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on July 15, 2024, a 2003 BMW 325 IT, CA license 5DQF149, VIN WBAAX13423PJ00629 (2003 325), was tested and Smog Check certificate # TY974040C was issued under licensed Smog Check inspector #EO645061, Patino.

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1 33. The Dynamic OBDII PID Chart for the 2003 325 shows between time stamp 171 and
2 23737 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at
3 .4% opening, MAF is fixed at 3.66 gps, and the ignition timing advance for #1 cylinder is fixed at
4 2.5 degrees BTDC. After time stamp 23737 the engine speed accelerates to approximately 1400
5 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at
6 the same .4% opening, MAF is fixed at the same 3.66 gps, and the ignition timing advance for #1
7 cylinder is also still fixed at the same 2.5 degrees BTDC.

8 34. During the entire period the dynamic data was collected, the only parameter that
9 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings
10 remained unchanged even though the engine speed was increased. These readings are not
11 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
12 prove the Data Acquisition Device was not connected to the 2003 325 being certified, causing the
13 issuance of a fraudulent Smog Check Certificate of Compliance.

14 **Fraudulent Inspection #3 (Patino)**

15 35. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
16 July 18, 2024, a 2003 GMC Savana G1500, CA license 35435B2, VIN 1GTEG15X031149651
17 (2003 Savana), was tested and Smog Check certificate # TY974046C was issued under licensed
18 Smog Check inspector #EO645061, Patino.

19 36. The Dynamic data and PID Charts for the 2003 Savana shows between time stamp 28
20 and 24542 engine speed is steady at approximately 700 RPM. During this time the throttle is
21 fixed at 0% opening, the MAF is fixed at 6.6 gps, the MAP is fixed at 42 kPa, and the ignition
22 timing advance for #1 cylinder is fixed at 10 degrees BTDC. After time stamp 24542 the engine
23 speed increases to approximately 1625 RPM. From the time the engine RPM increases off idle to
24 the higher RPMs, the throttle is fixed at the same 0% opening, the MAF is fixed at the same 6.6
25 gps, the MAP is fixed at the same 42 kPa, and the ignition timing advance for #1 cylinder is fixed
26 at the same 10 degrees BTDC.

27 37. During the period the dynamic data was collected, the only parameter that changed
28 was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings

1 remained unchanged even though the engine speed was increased. These readings are not
2 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
3 prove the Data Acquisition Device was not connected to the 2003 Savana being certified, causing
4 the issuance of a fraudulent Smog Certificate of Compliance.

5 **Fraudulent Inspection #4 (Patino)**

6 38. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
7 August 19, 2024, a 2004 Honda Civic EX, CA license 8ZKS962, VIN 1HGEM22904L076244
8 (2004 Civic), was tested and Smog Check certificate # UC439813C was issued under licensed
9 Smog Check inspector #EO645061, Patino.

10 39. The Dynamic data and PID Charts for the 2004 Civic shows between time stamp 128
11 and 19268 engine speed is steady at approximately 750 RPM. During this time the throttle is
12 fixed at 9% opening, the MAP is fixed at 27 kPa, and the ignition timing advance for #1 cylinder
13 is fixed at 6 degrees BTDC. After time stamp 19268 the engine speed increases to approximately
14 2000 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is
15 fixed at the same 9% opening, the MAP is fixed at the same 27 kPa, and the ignition timing
16 advance for #1 cylinder is fixed at the same 6 degrees BTDC.

17 40. During the period the dynamic data was collected, the only parameter that changed
18 was engine RPM. The throttle position, MAP, and ignition timing advance readings remained
19 unchanged even though the engine speed was increased. These readings are not characteristic or
20 expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data
21 Acquisition Device was not connected to the 2004 Civic being certified, causing the issuance of a
22 fraudulent Smog Certificate of Compliance.

23 **Previous Failing Test: 2004 Civic**

24 41. A previous failing test was performed on the 2004 Civic at another station on October
25 14, 2023. The 2004 Civic failed the test for an illuminated MIL, and confirmed OBD DTC's
26 P0141, P0705, P0741, and P1456. No Dynamic OBDII PID data was collected during the
27 inspection.

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1 **Fraudulent Inspection #5 (Patino)**

2 42. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
3 September 14, 2024, a 2005 Chevrolet Silverado C1500, CA license 54255U1, VIN
4 2GCEC19V751354336 (2005 Silverado), was tested and Smog Check certificate # UC829965C
5 was issued under licensed Smog Check inspector #EO645061, Patino.

6 43. The Dynamic data and PID Charts for the 2005 Silverado shows between time stamp
7 28 and 19168 engine speed is steady at approximately 600 RPM. During this time the throttle is
8 fixed at 4.7% opening, the MAF is fixed at 4.9 gps, the MAP is fixed at 32 kPa, and the ignition
9 timing advance for #1 cylinder is fixed at 17.5 degrees BTDC. After time stamp 19168 the engine
10 speed increases to approximately 2100 RPM. From the time the engine RPM increases off idle to
11 the higher RPMs, the throttle is fixed at the same 4.7% opening, the MAF is fixed at the same 4.9
12 gps, the MAP is fixed at the same 32 kPa, and the ignition timing advance for #1 cylinder is fixed
13 at the same 17.5 degrees BTDC.

14 44. During the period the dynamic data was collected, the only parameter that changed
15 was engine RPM. The throttle position, MAF, MAP, and ignition timing advance readings
16 remained unchanged even though the engine speed was increased. These readings are not
17 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
18 prove the Data Acquisition Device was not connected to the 2005 Silverado being certified,
19 causing the issuance of a fraudulent Smog Certificate of Compliance.

20 **Previous Failing Test: 2005 Silverado**

21 45. A previous failing test was performed on the 2005 Silverado at another station on
22 August 30, 2024. The 2005 Silverado failed the test for Visual: Tampered catalyst. The Dynamic
23 OBDII PID data shows the expected change in the throttle, MAF, MAP, and ignition timing
24 advance parameters as characteristic or expected for normal engine operation.

25 **Fraudulent Inspection #6 (Chavarria)**

26 46. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
27 January 6, 2025, a 2000 Chevrolet Silverado C1500, CA license 20950G2, VIN

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2GCEC19V2Y1202243 (2000 Silverado), was tested and Smog Check certificate # UI338987C was issued under licensed Smog Check inspector #EO645094, Chavarria.

47. The Dynamic data and PID Charts for the 2000 Silverado shows between time stamp 89 and 16251 engine speed is steady at approximately 600 RPM. During this time the throttle is varying between 0 and 5.1% opening, the MAF is varying between 5.82 gps and 7.6 gps, the MAP is varying between 48 kPa and 61 kPa, and the ignition timing advance for #1 cylinder is varying between at 16.5 and 22.5 degrees BTDC. After time stamp 16251 the engine speed decreases to 0 RPM, then increases to a steady RPM of approximately 1775 RPM between time stamp 23107 and time stamp 33014. During the steady increased RPMs between time stamp 23107 and time stamp 33014, the throttle is varying between .4% opening and 2.7% opening, the MAF is varying between 5.49 gps and 7.6 gps, the MAP is varying between 49 kPa and 61 kPa, and the ignition timing advance for #1 cylinder is varying between 16.5 degrees and 22.5 degrees BTDC.

48. The steady idle and steady elevated engine speeds with the associated unusual varying throttle positions, varying MAF readings, varying MAP readings and varying timing readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected to the 2000 Silverado being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

Previous Failing Test: 2000 Silverado

49. A previous failing test was performed on the 2000 Silverado at another station on November 8, 2024. The 2000 Silverado failed the test for incomplete OBDII readiness monitors. The Dynamic OBDII PID data shows the expected change in the throttle, MAF, MAP, and ignition timing advance parameters as characteristic or expected for normal engine operation.

Fraudulent Inspection #7 (Chavarria)

50. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on February 5, 2025, a 2002 BMW 325 CI, no plate, VIN WBABN33402JW52816 (2002 325 CI), was tested and Smog Check certificate # JD021309C was issued under licensed Smog Check inspector #EO645094, Chavarria.

1 51. The Dynamic data and PID Charts for the 2002 325 CI shows between time stamp
2 176 and 19690 engine speed is steady at approximately 600 RPM. During this time the throttle is
3 varying between .4 and 3.5% opening, the MAF is varying between 2.94 gps and 4.66 gps, and
4 the ignition timing advance for #1 cylinder is varying between 1 and 5.5 degrees BTDC. After
5 time stamp 19690 the engine speed increases to approximately 1725 RPM. During the steady
6 increased RPMs, the throttle is varying between 1.6% opening and 3.9% opening, the MAF is
7 varying between 2.85 gps and 4.5 gps, and the ignition timing advance for #1 cylinder is varying
8 between 1 degree and 7 degrees BTDC.

9 52. The steady idle and steady elevated engine speeds with the associated unusual
10 varying throttle positions, varying MAF readings, and varying timing readings are not
11 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
12 prove the OIS Data Acquisition Device was not connected to the 2002 325 CI being certified,
13 causing the issuance of a fraudulent Smog Certificate of Compliance.

14 **Previous Failing Test: 2002 325 CI**

15 53. A previous failing test was performed on the 2002 325 CI at another station on May
16 4, 2024. The 2002 325 CI failed the test for Visual: Tampered EVAP system and Tampered Air
17 Injection System, incomplete OBDII readiness monitors, and confirmed OBDII DTC P1345. The
18 vehicle also had pending OBDII DTC's P0305, P0306, and P1342. No dynamic OBDII PID data
19 was collected during the inspection.

20 **Fraudulent Inspection #8 (Chavarria)**

21 54. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
22 April 23, 2025, a 2003 Ford Mustang GT, CA license 5BBC047, VIN 1FAFP42X73F358470
23 (2003 Mustang), was tested and Smog Check certificate # UK958322C was issued under licensed
24 Smog Check inspector #EO645094, Chavarria.

25 55. The Dynamic data and PID Charts for the 2003 Mustang shows between time stamp
26 38 and 21391 engine speed is steady at approximately 825 RPM. During this time the throttle is
27 varying between 13.3% and 18% opening, the MAF is varying between 5.32 gps and 7.62 gps,
28 and the ignition timing advance for #1 cylinder is varying between 32 and 39 degrees BTDC.

1 After time stamp 21391 the engine speed increases to approximately 2000 RPM. During the
2 steady increased RPMs, the throttle is varying between 12.5% opening and 18% opening, the
3 MAF is varying between 5.31 gps and 7.6 gps, and the ignition timing advance for #1 cylinder is
4 varying between 32 degree and 37.5 degrees BTDC.

5 56. The steady idle and steady elevated engine speeds with the associated unusual
6 varying throttle positions, varying MAF readings, and varying timing readings are not
7 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
8 prove the OIS Data Acquisition Device was not connected to the 2003 Mustang being certified,
9 causing the issuance of a fraudulent Smog Certificate of Compliance.

10 **Fraudulent Inspection #9 (Chavarria)**

11 57. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on
12 April 26, 2025, a 2001 Toyota Tacoma Double Cab Prerunner, CA license 58133W1, VIN
13 5TEGN92N51Z798431 (2001 Tacoma), was tested and Smog Check certificate # UK958324C
14 was issued under licensed Smog Check inspector #EO645094, Chavarria.

15 58. The Dynamic data and PID Charts for the 2001 Tacoma shows between time stamp
16 137 and 18004 engine speed is steady at approximately 725 RPM. During this time the throttle is
17 varying between 6.3% and 10.2% opening, the MAF is varying between 2.95 gps and 4.54 gps,
18 and the ignition timing advance for #1 cylinder is varying between 8 and 13 degrees BTDC. After
19 time stamp 18004 the engine speed increases to approximately 2425 RPM, then decreases to
20 approximately 2000 RPM between time stamp 21002 and time stamp 34607. During the steady
21 increased RPMs, the throttle is varying between 6.3% opening and 11.8% opening, the MAF is
22 varying between 2.92 gps and 4.91 gps, and the ignition timing advance for #1 cylinder is varying
23 between 8 degree and 14.5 degrees BTDC.

24 59. The steady idle and steady elevated engine speeds with the associated unusual
25 varying throttle positions, varying MAF readings, and varying timing readings are not
26 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
27 prove the OIS Data Acquisition Device was not connected to the 2001 Tacoma being certified,
28 causing the issuance of a fraudulent Smog Certificate of Compliance.

Previous Failing Test: 2001 Tacoma

60. A previous failing test was performed on the 2001 Tacoma at another station on October 20, 2024. The 2001 Tacoma failed the test for incomplete OBDII readiness monitors. The vehicle also had confirmed OBDII DTC's P0128 and P0770. The Dynamic OBDII PID data shows the expected change in the throttle, MAF, and ignition timing advance parameters as characteristic or expected for normal engine operation.

Fraudulent Inspection #10 (Chavarria)

61. Koch reviewed the OIS Test Data for Mill St Smog Check. The review indicates on April 26, 2025, a 2006 Nissan 350Z Coupe, CA license 8EVR017, VIN JN1AZ34D56M307273 (2006 350Z), was tested and Smog Check certificate # UK958326C was issued under licensed Smog Check inspector #EO645094, Chavarria.

62. The Dynamic data and PID Charts for the 2006 350Z shows between time stamp 196 and 17511 engine speed is steady at approximately 750 RPM. During this time the throttle is varying between 0% and 4.3% opening, the MAF is varying between 3.99 gps and 4.9 gps, and the ignition timing advance for #1 cylinder is varying between 8.5 and 14.5 degrees BTDC. After time stamp 17511 the engine speed increases to approximately 2100 RPM, then decreases to approximately 1625 RPM between time stamp 23313 and time stamp 34211. During the steady increased RPMs, the throttle is varying between .4% opening and 4.3% opening, the MAF is varying between 3.1 gps and 4.86 gps, and the ignition timing advance for #1 cylinder is varying between 10 degree and 13.5 degrees BTDC.

63. The steady idle and steady elevated engine speeds with the associated unusual varying throttle positions, varying MAF readings, and varying timing readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device was not connected to the 2006 350Z being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements - Respondent Mill St Smog Check)**

3 64. Respondent Mill St Smog Check's registration is subject to disciplinary action
4 pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements
5 which they knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows: Respondents certified that the vehicles set forth above in paragraphs 28-
7 30, 32-40, 42-44, 46-48, 50-52, 54-59, and 61-63, had passed inspection and were in compliance
8 with applicable laws and regulations. In fact, Respondents conducted the inspections on those
9 vehicles using the clean plugging method in order to issue smog certificates of compliance, and
10 did not test or inspect the vehicles as required by Health and Safety Code section 44012.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud - Respondent Mill St Smog Check)**

13 65. Respondent Mill St Smog Check's registration is subject to disciplinary action
14 pursuant to section 9884.7, subdivision (a)(4), in that Respondent Mill St Smog Check's
15 employees committed acts which constitute fraud by issuing electronic certificates of compliance
16 for the vehicles set forth above in paragraphs 28-30, 32-40, 42-44, 46-48, 50-52, 54-59, and 61-
17 63, without performing bona fide inspections of the emission control devices and systems on
18 those vehicles, thereby depriving the People of the State of California of the protection afforded
19 by the Motor Vehicle Inspection Program.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Motor Vehicle Inspection Program –**
22 **Respondent Mill St Smog Check)**

23 66. Respondent Mill St Smog Check's smog station license is subject to disciplinary
24 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with
25 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
26 above in paragraphs 28-30, 32-40, 42-44, 46-48, 50-52, 54-59, and 61-63, Respondents failed to
27 comply with the following sections of the Health and Safety Code:

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1 (a) **Section 44012**: Respondent Mill St Smog Check's employees failed to ensure that
2 the emission control tests were performed on the vehicles, in accordance with procedures
3 prescribed by the department.

4 (b) **Section 44015**: Respondent Mill St Smog Check's employees issued electronic
5 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested
6 and inspected to determine if they were in compliance with Health and Safety Code section
7 44012.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -** 10 **Respondent Mill St Smog Check)**

11 67. Respondent Mill St Smog Check's smog station license is subject to disciplinary
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the
13 vehicles set forth above in paragraphs 28-30, 32-40, 42-44, 46-48, 50-52, 54-59, and 61-63,
14 Respondents failed to comply with the following provisions of the California Code of
15 Regulations, Title 16, as follows:

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

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

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit - Respondent Mill St Smog Check)**

24 68. Respondent Mill St Smog Check's smog station license is subject to disciplinary
25 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
26 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth
27 above in paragraphs 28-30, 32-40, 42-44, 46-48, 50-52, 54-59, and 61-63, Respondents
28 employees committed acts involving dishonesty, fraud or deceit whereby another was injured by

1 issuing electronic certificates of compliance for those vehicles without performing bona fide
2 inspections of the emission control devices and systems on the vehicles, thereby depriving the
3 People of the State of California of the protection afforded by the Motor Vehicle Inspection
4 Program.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **(Violations of the Motor Vehicle Inspection Program – Respondent Chavarria)**

7 69. Respondent Chavarria’s smog check inspector license is subject to discipline pursuant
8 to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
9 above in paragraphs 46-48, 50-52, 54-59, and 61-63, Respondent Chavarria failed to comply with
10 sections 44012 and 44032 of the Health and Safety Code in a material respect, as follows:
11 Respondent Chavarria failed to perform the emission control tests on those vehicles in accordance
12 with procedures prescribed by the department.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
15 **Respondent Chavarria)**

16 70. Respondent Chavarria’s smog check inspector license is subject to discipline pursuant
17 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
18 above in paragraphs 46-48, 50-52, 54-59, and 61-63, Respondent Chavarria failed to comply with
19 provisions of the California Code of Regulations, title 16, as follows:

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

22 (b) **Section 3340.41, subdivision (c)**: Respondent Chavarria entered false information
23 into the OIS.

24 (c) **Section 3340.42**: Respondent Chavarria failed to conduct the required smog tests and
25 inspections on those vehicles in accordance with the Bureau’s specifications.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Respondent Chavarria)**

3 71. Respondent Chavarria's smog check inspector license is subject to discipline pursuant
4 to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
5 Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
6 paragraphs 46-48, 50-52, 54-59, and 61-63, Respondent Chavarria committed acts involving
7 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
8 compliance for those vehicles without performing bona fide inspections of the emission control
9 devices and systems on the vehicles, thereby depriving the People of the State of California of the
10 protection afforded by the Motor Vehicle Inspection Program.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program – Respondent Patino)**

13 72. Respondent Patino's smog check inspector license is subject to discipline pursuant to
14 Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
15 above in paragraphs 28-30, 32-40 and 42-44, Respondent Patino failed to comply with section
16 44012 and 44032 of the Health and Safety Code in a material respect, as follows: Respondent
17 Patino failed to perform the emission control tests on those vehicles in accordance with
18 procedures prescribed by the department.

19 **TENTH CAUSE FOR DISCIPLINE**

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

22 73. Respondent Patino's smog check inspector license is subject to discipline pursuant to
23 Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
24 above in paragraphs 28-30, 32-40 and 42-44, Respondent Patino failed to comply with provisions
25 of the California Code of Regulations, title 16, as follows:

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

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1 (b) **Section 3340.41, subdivision (c)**: Respondent Patino entered false information into
2 the OIS.

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

5 **ELEVENTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit - Respondent Patino)**

7 74. Respondent Patino's smog check inspector license is subject to discipline pursuant to
8 Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety
9 Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
10 paragraphs 28-30, 32-40 and 42-44, Respondent Patino committed acts involving dishonesty,
11 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for
12 those vehicles without performing bona fide inspections of the emission control devices and
13 systems on the vehicles, thereby depriving the People of the State of California of the protection
14 afforded by the Motor Vehicle Inspection Program.

15 **OTHER MATTERS**

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

21 76. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station
22 License Number TC 308354 issued to Respondent Mill St Smog Check is revoked or suspended
23 following a hearing under this article, any additional license issued under Chapter 5, Part 5,
24 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

25 77. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
26 Number EO 645094, issued to Respondent Chavarria, is revoked or suspended following a
27 hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the
28 name of said licensee may be likewise revoked or suspended by the Director.

78. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 645061, issued to Respondent Patino, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

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 308354, issued to Abraham Rodriguez Chavarria dba Mill St Smog Check;
2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Abraham Rodriguez Chavarria;
3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 308354, issued to Abraham Rodriguez Chavarria dba Mill St Smog Check;
4. Revoking or suspending Smog Check Inspector License Number EO 645094, issued to Abraham Rodriguez Chavarria;
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 Abraham Rodriguez Chavarria;
6. Revoking or suspending Smog Check Inspector License Number EO 645061, issued to Kevin Gabriel Patino;
7. 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 Kevin Gabriel Patino;
8. Ordering Abraham Rodriguez Chavarria, and Kevin Gabriel Patino 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,

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9. 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

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