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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. 79/25-14659

13 **ISRAEL MERCADO dba SMOG CHECK**
14 **USA**

1218 West Merrill Ave., Unit A
Rialto, CA 92376

ACCUSATION

15 **Automotive Repair Dealer Registration No.**
16 **ARD 308853**
17 **Smog Check, Test Only, Station License No.**
18 **TC 308853**

19 **and**

20 **JOSE O. ESCUTIA-GOMEZ**

4091 Bresee Ave.
Baldwin Park, CA 91706

21 **Smog Check Inspector No. EO 641610**

22 Respondents.

23 **PARTIES**

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

26 2. On or about April 30, 2024, the Bureau of Automotive Repair issued Automotive
27 Repair Dealer Registration Number ARD 308853 to Israel Mercado, dba Smog Check USA
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1 (Respondent Mercado). The Automotive Repair Dealer Registration was in full force and effect
2 at all times relevant to the charges brought herein and will expire on April 30, 2026, unless
3 renewed.

4 3. On or about July 25, 2024, the Bureau of Automotive Repair issued Smog Check,
5 Test-Only, Station License Number TC 308853 to Respondent Mercado. The Smog Check, Test-
6 Only, Station License was in full force and effect at all times relevant to the charges brought
7 herein and will expire on April 30, 2026, unless renewed.

8 4. On or about October 17, 2024, Respondent Mercado's facility was certified by the
9 Bureau of Automotive Repair as a STAR station. The certification will remain active unless the
10 ARD registration and/or Smog Check station license is revoked, cancelled, licenses become
11 delinquent, or certification is suspended.

12 5. On or about December 24, 2018, the Bureau of Automotive Repair issued Smog
13 Check Inspector License Number EO 641610 to Jose O. Escutia-Gomez (Respondent Escutia-
14 Gomez). The Smog Check Inspector License was in full force and effect at all times relevant to
15 the charges brought herein and will expire on August 31, 2026, unless renewed.

16 **JURISDICTION**

17 6. Business and Professions Code ("BPC") section 9884.13 provides, in pertinent part,
18 that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed
19 with a disciplinary proceeding against an automotive repair dealer or to render a decision
20 temporarily or permanently invalidating (suspending or revoking) a registration.

21 7. Health and Safety Code ("HSC") section 44002 provides, in pertinent part, that the
22 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
23 the Motor Vehicle Inspection Program.

24 8. Section 44072.6 of the HSC provides, in pertinent part, that the expiration or
25 suspension of a license by operation of law, or by order or decision of the Director of Consumer
26 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
27 of jurisdiction to proceed with disciplinary action.

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STATUTORY PROVISIONS

9. Section 9884.7 of the BPC states, in pertinent part:

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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.”

....

10. Section 9889.3 of the BPC states, in pertinent part:

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:

...

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

11. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

12. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance shall be issued if a vehicle meets the requirements of HSC section 40012.

13. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform tests or repairs of emission control devices or systems of motor vehicles required by the Motor Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified

1 smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e.
2 Motor Vehicle Inspection Program Requirements).

3 14. Section 44059 of the HSC provides:

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 20.3 (commencing with Section 9880) of Division 3 of the Business
7 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

8 15. Section 44072.2 of the HSC states, in pertinent part:

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

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

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

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

18 16. Section 44072.8 of the HSC states that when a license has been revoked or suspended
19 following a hearing under this article, any additional license issued under this chapter in the name
20 of the licensee may be likewise revoked or suspended by the director.

21 17. Section 44072.10, subdivision (c), of the HSC provides in pertinent part that “[t]he
22 department shall revoke the license of any smog check technician or station licensee who fraudulently
23 certifies vehicles or participates in the fraudulent inspection of vehicles.”

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1 **REGULATORY PROVISIONS**

2 18. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
3 states:

4 “The bureau may suspend or revoke the license of or pursue other legal action against a
5 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
6 certificate of noncompliance.”

7 19. California Code of Regulations (“CCR”), title 16, section 3340.30, subdivision (a),
8 states in pertinent part:

9 “A licensed smog check inspector and/or repair technician shall comply with the following
10 requirements at all times while licensed:

11 “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
12 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
13 article.

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15 20. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
16 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
17 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
18 this article and has all the required emission control equipment and devices installed and
19 functioning correctly.”

20 21. CCR, title 16, section 3340.41, subdivision (b), provides: “No person shall enter into
21 the emissions inspection system any access or qualification number other than as authorized by
22 the bureau, nor in any way tamper with the emissions inspection system.”

23 22. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
24 procedures which apply to all vehicles inspected in the State of California.

25 **COST RECOVERY**

26 23. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board
27 “may request the administrative law judge to direct a licentiate found to have committed
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1 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation and enforcement of the case.”

3 **SUMMARY OF ON-BOARD DIAGNOSTIC SYSTEM (OIS) INSPECTIONS**

4 24. Beginning March 9, 2015, California’s Smog Check Program was updated to require
5 the use of an On-Board Diagnostic Inspection System (OIS). OIS is the Smog Check equipment
6 required in all areas of the State when inspecting most model-year 2000 and newer gasoline and
7 hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data
8 Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is an On Board
9 Diagnostic (OBD) scan tool that, when requested by the California OIS software, retrieves OBD
10 data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the
11 California OIS software and will be retrieved.

12 25. The DAD connects between the OIS computer and the vehicle’s Diagnostic Link
13 Connector (DLC) located in the vehicle’s passenger compartment, which allows for the retrieval
14 of information from the vehicle’s on-board computer system. The California OIS software
15 requires a continuous Internet connection when performing a Smog Check inspection and the OIS
16 software communicates with BAR’s central database through the Internet connection. The bar
17 code scanner is used to input technician information, the vehicle’s identification number (VIN),
18 and DMV renewal information. The printer provides a Vehicle Inspection Report (VIR)
19 containing inspection results for motorists and a Smog Check Certificate of Compliance number
20 for passing vehicles.

21 26. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is
22 the digitally stored VIN programmed by the manufacturer into the vehicle’s Powertrain Control
23 Module (PCM); the communication protocol, which is the manufacturer/vehicle specific language
24 the PCM uses to Relay or communicate information. The communication protocol is
25 programmed into the vehicle’s on-board computer during manufacture and does not change.

26 27. Other data retrieved and recorded during an OIS smog check includes the number of
27 Parameter Identifications (PIDs), which refers to the number of specific data values that the
28 vehicle’s PCM uses related to emissions controls. The specific data values associated with a

1 vehicle's PIDs are also retrieved and recorded during an OIS smog check inspection. That data
2 include things such as the vehicle's engine speed, throttle position, manifold absolute pressure,
3 the engine's mass air flow, and ignition timing advance readings throughout an inspection.

4 Accordingly, the following types of data are recorded during an OIS smog check inspection:

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

20 **EXPLANATION OF CLEAN PIPING AND CLEAN PLUGGING**

21 28. BAR has become aware of methods that some Smog Check stations and Smog Check
22 inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check
23 test, or in some instances, are not even present during the time that the test is performed. One
24 such method, which is known as "clean piping", involves using the emission sample of a known
25 clean vehicle or other source to substitute for the emissions of a vehicle that will not pass a BAR
26 97 tailpipe inspection or is not present at the time of the BAR 97 inspection.

27 29. Another common method of fraudulent inspection, known as "clean plugging",
28 involves using another vehicle's properly functioning OBD II system, or another source such as a

1 defeat device/simulator, to generate passing data readings or diagnostic information for the
2 purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance
3 and/or are not present for testing.

4 30. Defeat devices attempt to simulate engine operation during a Smog Check inspection
5 by transmitting OBD II data to the VID that has been modified or replaced entirely for the
6 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
7 defeat device/simulator during a Smog Check inspection constitutes clean plugging and is strictly
8 prohibited. As described in more detail below, BAR is able to utilize the data retrieved and
9 recorded during an OIS smog check to identify inspections in which a defeat device/simulator
10 was used.

11 31. 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 32. Clean plugging is apparent in cases where the data recorded during an OIS smog
21 check shows that the engine speed as measured in RPM increases during the test but the throttle
22 position remains unchanged, the mass air flow rate is unchanged, the manifold absolute pressure
23 is unchanged, and the ignition timing advance readings are unchanged. Because engine speed as
24 measured in RPM cannot increase without changes in throttle position, MAF, MAP and ignition
25 timing advance readings, test data in such cases demonstrates that a defeat device was used to
26 simulate engine speed (RPM) readings for a vehicle that was not actually tested.

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RESPONDENTS' FRAUDULENT SMOG INSPECTIONS

33. A Bureau program representative analyzed specific OIS Test Data for inspections performed at Respondent Mercado's station between November 30, 2024 and May 29, 2025. The investigation revealed that the data related to certain vehicles certified at Respondent Mercado's station by Respondent Escutia-Gomez contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and the recognized and scientifically established characteristics of internal combustion engine operation.

34. Specifically, the Bureau program representative identified 10 instances in which the throttle position, MAF and/or MAP readings fluctuated to unfeasible degrees while the vehicles were held at steady idle and steady elevated engine speeds.¹ The data for the inspections at issue also showed that, impossibly, the throttle position and MAF had lower data points during the elevated engine RPM stage of the inspections than at idle and that inspections that MAP higher data points during the elevated engine RPM stage of the inspections than at idle.

35. For example, data from Respondent Escutia-Gomez's April 14, 2025, inspection of a 2000 Pontiac Firebird Formula, (Clean Plug #7) shows that at a time in which the vehicle's engine speed was supposedly being held steady at around 650 RPM the vehicle's throttle position fluctuated from a 0.8% opening to a 3.9% opening, the MAF fluctuated from 3.6 gps to 4.92 gps, and the MAP fluctuated from 32 kPa to 42 kPa. Additionally, the data shows that at a time in which the vehicle's engine speed was supposedly being held steady at approximately 1850 RPM, the throttle position, MAF and MAP readings continued to fluctuate to unreasonable degrees and data points for throttle position and MAF were lower than at idle while MAP was higher than at idle. Such conditions would not have occurred if the DAD had been connected to the vehicles that were purportedly being tested instead of a defeat device.

36. These documented discrepancies confirm that, in performing the inspections at issue, Respondents engaged in the illegal activity of clean plugging in order to issue fraudulent

¹ Not all vehicles include both MAP and MAF parameters. Many vehicle manufacturers include only one of these parameters.

certificates of compliance for the vehicles. The following chart (“Table 1”) illustrates the documented clean plugging activities by Respondents during the period reviewed.

Table 1

| Test Date | Vehicle Certified & License No./VIN | Certificate No. | Test Details |
|-------------------|---|-----------------|---|
| November 30, 2024 | 2004 BMW M3 VIN # WBSBL93484PN56050 | UG682336C | Inspection performed by Respondent Escutia-Gomez. MAF fluctuated to unfeasible degree while engine speed held steady at around 625 RPM and 1950 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. |
| January 2, 2025 | 2000 Ford Econoline E250 Super Duty VIN # 1FDNE2723YHA81689 | UI394982C | Inspection performed by Respondent Escutia-Gomez. TPS and MAF fluctuate to unfeasible degrees while engine speed held steady at around 700 RPM and 1850 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. |
| January 27, 2025 | 2005 Chevrolet Monte Carlo SS VIN # 2G1WZ151259208474 | JB933377C | Inspection performed by Respondent Escutia-Gomez. TPS, MAF and MAP fluctuate to unfeasible degrees while engine speed held steady at around 625 RPM and 1894 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage. |

| | | | | |
|--|-------------------|---|-----------|--|
| 1 2 3 4 5 6 7 | February 24, 2025 | 2000 Ford Ranger VIN # 1FTYR10C1YPB12141 | JD573739C | Inspection performed by Respondent Escutia-Gomez. TPS and MAF fluctuate to unfeasible degrees while engine speed held steady at around 900 RPM and 1875 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. |
| 8 9 10 11 12 13 14 15 16 | March 4, 2025 | 2004 Dodge Neon SRT-4 VIN # 1B3ES66SX4D570146 | UK526929C | Inspection performed by Respondent Escutia-Gomez. TPS and MAP fluctuate to unfeasible degrees while engine speed held steady at around 650 RPM and 1490 RPM. TPS had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage. |
| 17 18 19 20 21 22 23 24 25 | March 5, 2025 | 2000 Chevrolet Silverado C1500 VIN # 1GCEC19W1YZ161068 | UK526962C | Inspection performed by Respondent Escutia-Gomez. TPS, MAF and MAP fluctuate to unfeasible degrees while engine speed held steady at around 720 RPM and 1800 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage. |

| | | | | |
|---|----------------|--|-----------|---|
| 1 | April 14, 2025 | 2000 Pontiac Firebird Formula VIN # 2G2FV22G8Y2136568 | UM495867C | Inspection performed by Respondent Escutia- Gomez. TPS, MAF and MAP fluctuate to unfeasible degrees while engine speed held steady at around 650 RPM and 1850 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage. |
| 2 | May 15, 2025 | 2000 GMC New Sierra C1500 VIN # 1GTEC14TXYZ132973 | UO408433C | Inspection performed by Respondent Escutia- Gomez. TPS, MAF and MAP fluctuate to unfeasible degrees while engine speed held steady at around 625 RPM and 1930 RPM. TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage. |
| 3 | May 15, 2025 | 2005 Dodge RAM SRT10 VIN # 3D7HA18H45G746198 | UO676757C | Inspection performed by Respondent Escutia- Gomez. TPS and MAP fluctuate to unfeasible degrees while engine speed held steady at around 575 RPM and 1760 RPM. TPS had lower data points during elevated engine RPM stage of inspection than at idle. MAP had higher data points during elevated engine RPM stage |

| | | | |
|-----------------------|---|--------------------|---|
| <p>1 May 29, 2025</p> | <p>2 2004 Ford Mustang Cobra SVT</p> <p>3 VIN # 1FAFP48Y84F158621</p> | <p>4 UQ056224C</p> | <p>5 Inspection performed by Respondent Escutia- Gomez. TPS and MAF 6 fluctuate to unfeasible degrees while engine 7 speed held steady at around 885 RPM and 1648 RPM. 8 TPS and MAF had lower data points during elevated engine RPM stage of inspection than at idle.</p> |
|-----------------------|---|--------------------|---|

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Misleading Statements – Automotive Repair Dealer Registration)**

11 37. Respondent Mercado has subjected his registration to discipline under BPC section
12 9884.7, subdivision (a)(1), in that Respondent made statements which were known to be untrue or
13 misleading or, which by exercise of reasonable care should have been known to be untrue or
14 misleading, by engaging in clean plugging and issuing the electronic smog certificates of
15 compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in
16 compliance with applicable laws and regulations when, in fact, those vehicles had not been so
17 inspected. Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraphs 33 through 36, inclusive, as though set forth fully herein.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Fraud - Automotive Repair Dealer Registration)**

21 38. Respondent Mercado has subjected his registration to discipline under BPC section
22 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud by issuing
23 electronic smog certificates of compliance for the vehicles set forth in Table 1, above, without
24 performing bona fide inspections of the emission control devices and systems on those vehicles,
25 thereby depriving the People of the State of California of the protection afforded by the Motor
26 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
27 allegations contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

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1 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
2 electronic smog certificates of compliance to the vehicles set forth in Table 1 without performing
3 bona fide inspections of the emission control devices and systems on those vehicles as required
4 by HSC section 44012.

5 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
6 compliance to the vehicles set forth in Table 1 even though those vehicles had not been inspected
7 in accordance with section 3340.42 of the HSC.

8 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
9 inspections on the vehicles set forth in Table 1 in accordance with the Bureau's specifications.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud and/or Deceit - Smog Check Station License)**

12 42. Respondent Mercado has subjected his station license to discipline under HSC section
13 44072.2, subdivision (d), and HSC section 44072.10, subdivision (c), in that, with respect to the
14 vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud, or
15 deceit whereby another was injured by issuing electronic smog certificates of compliance for
16 those vehicles without performing bona fide inspections and functional testing of the emission
17 control devices and systems on those vehicles, thereby depriving the People of the State of
18 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
19 refers to, and by this reference incorporates, the allegations contained in paragraphs 33 through
20 36, inclusive, as though set forth fully herein.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Violation of the Motor Vehicle Inspection Program –
23 Smog Check Inspector License)**

24 43. Respondent Escutia-Gomez has subjected his smog check inspector license to
25 discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set
26 forth in Table 1, above, Respondent violated the following sections of the HSC:

27 a. **Section 44012:** Respondent failed to ensure that the onboard diagnostic system tests
28 were performed on those vehicles in accordance with procedures prescribed by the department.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Smog Check Inspector License)**

3 45. Respondent Escutia-Gomez has subjected his smog check inspector license to
4 discipline under HSC section 44072.2, subdivision (d), and HSC section 44072.10, subdivision
5 (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent committed acts
6 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog
7 certificates of compliance for those vehicles without performing bona fide inspections and
8 functional testing of the emission control devices and systems on those vehicles, thereby
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle
10 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
11 contained in paragraphs 33 through 36, inclusive, as though set forth fully herein.

12 **OTHER MATTERS**

13 46. Section 9884.7, subdivision (c), of the BPC states that “the director may suspend,
14 revoke, or place on probation the registration for all places of business operated in this state by an
15 automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a
16 course of repeated and willful violations of this chapter, or regulations adopted pursuant to.”

17 47. Section 44072.8 of the HSC states that when a license has been revoked or suspended
18 following a hearing, any additional license issued under the Motor Vehicle Inspection Program
19 (Health & Saf. Code Sec. 44000, et seq.) in the name of the licensee may be likewise revoked or
20 suspended by the director.

21 **PRAYER**

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

- 25 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
26 308853, issued to Israel Mercado, dba Smog Check USA;
- 27 2. Revoking or suspending Smog Check, Test-Only, Station License Number TC
28 308853, issued to Israel Mercado, dba Smog Check USA;

1 3. Revoking or suspending any and all additional Automotive Repair Dealer
2 Registrations issued in the name of Israel Mercado, pursuant to section 9884.7, subdivision (c), of
3 the Business and Professions Code;

4 4. Revoking or suspending Smog Check Inspector License Number EO 641610 to Jose
5 O. Escutia-Gomez;

6 5. Revoking or suspending any and all licenses issued under Chapter 5 of Part 5 of
7 Division 26 of Health & Safety Code in the names of Israel Mercado and Jose O. Escutia-Gomez,
8 pursuant to section 44072.8 of the Health and Safety Code;

9 6. Ordering Israel Mercado and Jose O. Escutia-Gomez to pay the Bureau of
10 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of
12 probation monitoring; and

13 7. Taking such other and further action as deemed necessary and proper.

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15 DATED: As of digital signature date

16 PATRICK DORAIS
17 Chief
18 Bureau of Automotive Repair
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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