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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. 79/25-14639

13 **DANIEL MACIAS, DBA WE SMOGGIN**
14 **SMOGS**

ACCUSATION

15 Station Address:
3366 E. Imperial Hwy 8
16 Lynwood, CA 90262

17 Mailing Address:
640 E. Manchester Avenue
18 Los Angeles, CA 90001
Automotive Repair Dealer Registration No.
19 **ARD 309017**
Smog Check Test Only Station License No.
20 **TC 309017,**

21 And

22 **CHRISTOPHER LAMAS**
2722 Wynwood Lane
23 Los Angeles, CA 90023
Smog Check Inspector License No.
24 **EO 635831**

Respondents.

25 **PARTIES**

- 26 1. Patrick Dorais (complainant) brings this Accusation solely in his official capacity as
27 the Chief of the Bureau of Automotive Repair (bureau), Department of Consumer Affairs.
28 2. On or about May 24, 2024, the bureau issued Automotive Repair Dealer Registration

1 number ARD 309017 to Daniel Macias, doing business as We Smoggin Smogs (respondent
2 Macias or We Smoggin Smogs). The Automotive Repair Dealer Registration was in full force and
3 effect at all times relevant to the charges brought herein and will expire on May 31, 2026, unless
4 renewed.

5 3. On or about December 23, 2024, the bureau issued Smog Check Test Only Station
6 License number TC 309017 to We Smoggin Smogs. The Smog Check Test Only Station License
7 was in full force and effect at all times relevant to the charges brought herein and will expire on
8 May 31, 2026, unless renewed.

9 4. On or about January 22, 2025, the bureau certified We Smoggin Smogs as a STAR
10 Station. The STAR Station Certification will remain active unless the ARD registration and/or
11 Smog Check station license is revoked, cancelled, becomes delinquent, or the STAR Station
12 Certification is suspended.

13 5. On or about August 5, 2023, the bureau issued Smog Check Inspector License
14 number EO 635831 to respondent Christopher Lamas (respondent Lamas). The Smog Check
15 Inspector License was in full force and effect at all times relevant to the charges brought herein
16 and will expire on October 31, 2026, unless renewed.

17 **OTHER LICENSES**

18 6. On or about January 9, 2023, the bureau issued Smog Check Inspector License
19 number EO 644097 to respondent Macias. The Smog Check Inspector License was in full force
20 and effect at all times relevant to the charges brought herein and will expire on April 30, 2027,
21 unless renewed.

22 **JURISDICTION**

23 7. This Accusation is brought before the Director of the Department of Consumer
24 Affairs (director) for the Bureau of Automotive Repair, under the authority of the following laws.

25 8. Business and Professions Code section 118, subdivision (b), provides that suspension,
26 expiration, surrender, or cancellation of a license shall not deprive the director of jurisdiction to
27 proceed with a disciplinary action during the period within which the license may be renewed,
28 restored, reissued or reinstated.

1 engaged in a course of repeated and willful violations of this chapter, or regulations
2 adopted pursuant to it.

3

4 (e) For purposes of this section, “fraud” includes, but is not limited to,
5 violations of this chapter involving misrepresentations and all of the following:

6 (1) Any act or omission that is included within the definition of either “actual
7 fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573
8 of the Civil Code.

9 (2) A misrepresentation in any manner, whether intentionally false or due to
10 gross negligence, of a material fact.

11 (3) A promise or representation not made honestly and in good faith.

12 (4) An intentional failure to disclose a material fact.

13 (5) Any act in violation of Section 484 of the Penal Code.

14 14. Business and Professions Code section 477 provides, in pertinent part, that “board”
15 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
16 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
17 to engage in a business or profession regulated by the Business and Professions Code.

18 15. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog
19 check stations shall be performed in accordance with procedures prescribed by the department.

20 16. Health and Safety Code section 44015, subdivision (b), provides that a certificate of
21 compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
22 40012.

23 17. Health and Safety Code section 44032 provides that qualified technicians shall
24 perform tests of emissions control devices and systems in accordance with Health and Safety
25 Code section 40012.

26 18. Health and Safety Code section 44072.2 states, in pertinent part:

27 The director may suspend, revoke, or take other disciplinary action against a
28 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....

19. Health and Safety Code section 44072.10 states, in pertinent part:

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

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

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

20. Health and Safety 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.

REGULATORY PROVISIONS

21. California Code of Regulations (CCR), 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.

22. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, test and repair vehicles, as applicable, 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.”

23. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check station “shall issue a certificate of compliance or noncompliance to the owner or operator of any

1 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
2 this article and has all the required emission control equipment and devices installed and
3 functioning correctly.”

4 24. CCR, title 16, section 3340.41 states, in pertinent part:

5 (b) No person shall enter any access or qualification number other than as
6 authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or
7 OIS.

8 (c) No person shall enter any vehicle identification information or emission
9 control system identification data for any vehicle other than the one being tested into
10 the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
11 about the vehicle being tested

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

14 **COST RECOVERY**

15 26. Business and Professions Code section 125.3 provides, in pertinent part, that the
16 board may request the administrative law judge to direct a licentiate found to have committed a
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
18 investigation and enforcement of the case.

19 **CALIFORNIA’S SMOG CHECK PROGRAM**

20 27. California’s Smog Check Program requires most vehicles in the State to undergo a
21 smog check inspection every two years or when the vehicle’s title is transferred.

22 28. A smog check inspection in certain Enhanced areas of the State is an Acceleration
23 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
24 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
25 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
26 The first part of the test is a loaded mode test of the vehicle’s tailpipe emissions on a
27 dynamometer. The vehicle’s drive wheels are placed on rollers, and the vehicle is driven to
28 simulate driving conditions while the emissions are sampled by the EIS.

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1 29. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
2 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
3 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
4 well as 2500 revolutions per minute (rpm).

5 30. In the visual portion of a smog check, the technician inspects the emission control
6 components to verify that the required emission control devices are present and properly
7 connected.

8 31. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
9 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
10 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
11 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
12 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
13 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
14 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
15 the outcome of the OBD II functional test, the smog check inspection results also show
16 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

17 32. The inspector enters the results of the visual and functional inspections into the EIS.
18 The EIS unit makes the determination whether or not the vehicle passes the inspection based on
19 the results of the tailpipe, visual and functional tests.

20 33. The EIS is connected by internet connection to Bureau's Vehicle Information
21 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
22 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
23 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
24 inspection, is transmitted to and retained in the VID.

25 34. Beginning March 9, 2015, California's Smog Check Program was updated to require
26 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
27 equipment required in all areas of the State when inspecting most model-year 2000 and newer
28 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),

1 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
2 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
3 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
4 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
5 input inspector information, the vehicle identification number (VIN), and Department of Motor
6 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR) containing
7 inspection results for motorists and a Smog Check Certificate of Compliance number for passing
8 vehicles.

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

13 36. Some of the parameters recorded are:

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

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

28 37. During normal engine operation at idle, engine speed is relatively steady around its

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

9 38. During an OIS Smog Check inspection, along with other visual and functional
10 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
11 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
12 engine speed. The increase in engine speed is performed by the inspector by stepping on the
13 throttle pedal or manually opening the throttle resulting in a corresponding increase in engine
14 RPMs by allowing an increase in airflow into the engine.

15 39. The bureau has become aware of methods that some Smog Check stations and Smog
16 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
17 check test on their own, or in some instances, are not even present during the time the test is
18 performed. "Clean plugging" is a method by which another vehicle's OBD II system, or another
19 source such as defeat devices, are used to generate passing data readings or diagnostic
20 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
21 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine
22 operation during a smog check inspection by transmitting OBD II data to the VID which has been
23 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
24 of the OIS inspection.

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FACTUAL ALLEGATIONS

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2 40. On or about August 19, 2025, a bureau representative conducted a detailed review of
3 the VID data for Smog Check inspections performed at We Smoggin Smogs, which showed a
4 pattern of vehicles being certified with engine operating parameters that did not correspond to
5 normal engine operation, confirming the vehicles receiving smog certifications were not tested
6 during the OBD II functional test, which constitutes clean plugging. The bureau’s review of the
7 smog check activities at We Smoggin Smogs confirmed 10 Smog Check Certificates of
8 Compliance were fraudulently issued by We Smoggin Smogs to vehicles that were inspected by
9 respondent.

10 **Fraudulent Inspection Number 1 — 2000 Pontiac Montana Luxury**

11 41. OIS Test Data for We Smoggin Smogs indicates that on or about March 6, 2025, a
12 2000 Pontiac Montana Luxury, California license number 7LCA512 (2000 Pontiac Montana
13 Luxury) was tested and Smog Certificate of Compliance number UK586589C was issued under
14 respondent Lamas’ Smog Check Inspector License.

15 42. The Dynamic PID chart for the 2000 Pontiac Montana Luxury shows that between
16 time stamp 356 and 47249, the engine RPM is steady at around 720 RPM. During this time, the
17 data shows that the throttle is fluctuating between 0.4% and 3.1% opening, the MAF drops from
18 4.9gps to 3.21gps, then rises to 4.25gps, and the MAP drops from 45kPa to 38kPa, then rises to
19 45kPa. After time stamp 47249, the data shows the engine RPM is increased and held steady at
20 around 1625 RPM. During the elevated engine RPM, the data shows the throttle is fixed at 0.4%
21 opening, the MAF is fixed at 3.36gps and the MAP is fixed at 36kPa.

22 43. The steady idle and steady elevated engine RPM data along with the improbable
23 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
24 operation. The throttle positions and MAF readings are expected to be stable during the steady
25 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
26 readings, the throttle and MAF had data points during the elevated engine RPM which never
27 increased past the highest data points at idle. The discrepancies in the OIS test data show the
28 DAD was not connected as required to the 2000 Pontiac Montana Luxury being certified, causing

1 the issuance of a fraudulent Smog Check Certificate of Compliance.

2 **Fraudulent Inspection Number 2 — 2002 Jaguar S-Type**

3 44. OIS Test Data for We Smoggin Smogs indicates that on or about on or about March
4 12, 2025, a 2002 Jaguar S-Type, California license number 7JNZ289 (2002 Jaguar S-Type) was
5 tested and Smog Certificate of Compliance number UK758898C was issued under respondent
6 Lamas' Smog Check Inspector License.

7 45. The Dynamic PID chart for the 2002 Jaguar S-TYPE shows that between time stamp
8 335 and 18609, the engine RPM is steady at around 700 RPM. During this time, the data shows
9 that the throttle is fluctuating erratically between 12.9% and 17.6% opening and the MAF drops
10 from 3.91gps to 2.72gps, before ultimately rising to 4.09gps. After time stamp 18609, the data
11 shows the engine RPM is increased and held steady at around 1605 RPM. During the elevated
12 engine RPM, the data shows the throttle is fixed at 13.7% opening and the MAF is fixed at
13 3.87gps.

14 46. The steady idle and steady elevated engine RPM data along with the improbable
15 throttle positions and MAF readings are not characteristic or expected for normal engine
16 operation. The throttle positions and MAF readings are expected to be stable during the steady
17 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
18 readings, the throttle and MAF had data points during the elevated engine RPM that never
19 increased past the highest data points at idle. The discrepancies in the OIS test data show the
20 DAD was not connected as required to the 2002 Jaguar S-TYPE being certified, causing the
21 issuance of a fraudulent Smog Check Certificate of Compliance.

22 **Fraudulent Inspection #3 — 2003 Ford Econoline E350 Super Duty Van**

23 47. OIS Test Data for We Smoggin Smogs indicates that on or about April 2, 2025, a
24 2003 Ford Econoline E350 Super Duty Van, California license number 7K30382 (2003 Ford
25 Econoline E350 Super Duty Van) was tested and Smog Certificate of Compliance number
26 UM268711C was issued under respondent Lamas' Smog Check Inspector License.

27 48. The Dynamic PID chart for the 2003 Ford Econoline E350 Super Duty Van shows
28 that between time stamp 342 and 22176, the engine RPM is steady at around 585 RPM. During

1 this time, the data shows that the throttle is fluctuating erratically between 21.6% and 24.3%
2 opening and the MAF is fluctuating erratically between 5.46gps and 7.42gps. After time stamp
3 22176, the data shows the engine RPM is increased and held steady at around 1415 RPM. During
4 the elevated engine RPM, the data shows the throttle is fixed at 18.8% opening and the MAF is
5 fixed at 5.2gps.

6 49. The steady idle and steady elevated engine RPM data along with the improbable
7 throttle positions and MAF readings are not characteristic or expected for normal engine
8 operation. The throttle positions and MAF readings are expected to be stable during the steady
9 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
10 readings, the throttle and MAF had data points during the elevated engine RPM that never
11 increased past the data points at idle. The discrepancies in the OIS test data show the DAD was
12 not connected as required to the 2003 Ford Econoline E350 Super Duty Van being certified,
13 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

14 **Fraudulent Inspection #4 — 2000 Ford F150**

15 50. OIS Test Data for We Smoggin Smogs indicates that on or about April 8, 2025, a
16 2000 Ford F150, California license number 93153F3 (2000 Ford F150) was tested and Smog
17 Certificate of Compliance number UM386218C was issued under respondent Lamas' Smog
18 Check Inspector License.

19 51. The Dynamic PID chart for the 2000 Ford F150 shows that between time stamp 361
20 and 21726, the engine RPM is steady at around 700 RPM. During this time, the data shows that
21 the throttle is varying between 21.6% and 24.3% opening and the MAF is varying between
22 5.81gps and 7.56gps. After time stamp 21726, the data shows the engine RPM is increased and
23 held steady at around 1610 RPM. During the elevated engine RPM, the data shows the throttle is
24 fixed at 18.8% opening and the MAF is fixed at 5.37gps.

25 52. The steady idle and steady elevated engine RPM data along with the improbable
26 throttle positions and MAF readings are not characteristic or expected for normal engine
27 operation. The throttle positions and MAF readings are expected to be stable during the steady
28 idle and subsequently raised and stable during the elevated engine RPM. During the improbable

1 readings, the throttle and MAF had data points during the elevated engine RPM that never
2 increased past the data points at idle. The discrepancies in the OIS test data show the DAD was
3 not connected as required to the 2000 Ford F150 being certified, causing the issuance of a
4 fraudulent Smog Check Certificate of Compliance.

5 **Fraudulent Inspection #5 — 2004 Ford F150 Heritage Classic**

6 53. OIS Test Data for We Smoggin Smogs indicates that on or about April 30, 2025, a
7 2004 Ford F150 Heritage Classic, California license number 7L47817 (2004 Ford F150 Heritage
8 Classic) was tested and Smog Certificate of Compliance number UO071884C was issued under
9 respondent Lamas' Smog Check Inspector License.

10 54. The Dynamic PID chart for the 2004 Ford F-150 Heritage Classic shows that between
11 time stamp 332 and 19149, the engine RPM is steady at around 790 RPM. During this time, the
12 data shows that the throttle is fluctuating between 19.2% and 21.2% opening and the MAF drops
13 from 4.95gps to 3.27gps, then rises to 4.89gps. After time stamp 19149, the data shows the engine
14 RPM is increased and held steady at around 1825 RPM. During the elevated engine RPM, the
15 data shows the throttle is fixed at 18.8% opening and the MAF is fixed at 3.32gps.

16 55. The steady idle and steady elevated engine RPM data along with the improbable
17 throttle positions and MAF readings are not characteristic or expected for normal engine
18 operation. The throttle positions and MAF readings are expected to be stable during the steady
19 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
20 readings, the throttle and MAF had data points during the elevated engine RPM which never
21 increased past the highest data points at idle. The discrepancies in the OIS test data show the
22 DAD was not connected as required to the 2004 Ford F-150 Heritage Classic being certified,
23 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

24 **Fraudulent Inspection #6 — 2003 Chevrolet Silverado C1500**

25 56. OIS Test Data for We Smoggin Smogs indicates that on or about on May 8, 2025, a
26 2003 Chevrolet Silverado C1500, California license number 92287A2 (2003 Chevrolet Silverado
27 C1500) was tested and Smog Certificate of Compliance number UO350729C was issued under
28 respondent Lamas' Smog Check Inspector License.

1 57. The Dynamic PID chart for the 2003 Chevrolet Silverado C1500 shows that between
2 time stamp 342 and 25847, the engine RPM is steady at around 770 RPM. During this time, the
3 data shows that the throttle is varying between 14.1% and 15.7% opening, the MAF rises from
4 7.4gps to 7.5gps then drops to 5.37gps and ultimately increases to 7.49gps and the MAP is
5 varying between 100kPa and 104kPa. After time stamp 25847, the data shows the engine RPM is
6 increased and held steady at around 1930 RPM. During the elevated engine RPM, the data shows
7 the throttle is fixed at 18.4% opening and the MAF is fixed at 5.84gps and the MAP is fixed at
8 98kPa.

9 58. The steady idle and steady elevated engine RPM data along with the improbable
10 throttle positions, MAF and MAP readings are not characteristic or expected for normal engine
11 operation. The throttle positions and MAF readings are expected to be stable during the steady
12 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
13 readings, the MAF had data points during the elevated engine RPM which never increased past
14 the highest data points at idle. The discrepancies in the OIS test data show the DAD was not
15 connected as required to the 2003 Chevrolet Silverado C1500 being certified, causing the
16 issuance of a fraudulent Smog Check Certificate of Compliance.

17 **Fraudulent Inspection #7 — 2001 Lincoln Navigator**

18 59. OIS Test Data for We Smoggin Smogs indicates that on or about June 3, 2025, a 2001
19 Lincoln Navigator, California license number 7CQE442 (2001 Lincoln Navigator) was tested and
20 Smog Certificate of Compliance number UQ138389C was issued under respondent Lamas' Smog
21 Check Inspector License.

22 60. The Dynamic PID chart for the 2001 Lincoln Navigator shows that between time
23 stamp 350 and 19321, the engine RPM is steady at around 715 RPM. During this time, the data
24 shows that the throttle is fluctuating between 18.8% and 24.3% opening and the MAF is
25 fluctuating between 3.17gps and 4.6gps. After time stamp 19321, the data shows the engine RPM
26 is increased and stays elevated at no less than 1455 RPM. During the elevated engine RPM, the
27 data shows the throttle is fixed at 19.2% opening and the MAF is fixed at 4.2gps.

28 61. The steady idle and elevated engine RPM data along with the improbable throttle

1 positions and MAF readings are not characteristic or expected for normal engine operation. The
2 throttle positions and MAF readings are expected to be stable during the steady idle and
3 subsequently raised during the elevated engine RPM. During the improbable readings, the throttle
4 and MAF had data points during the elevated engine RPM which never increased past the highest
5 data points at idle. The discrepancies in the OIS test data show the DAD was not connected as
6 required to the 2001 Lincoln Navigator being certified, causing the issuance of a fraudulent Smog
7 Check Certificate of Compliance.

8 **Fraudulent Inspection #8 — 2001 Ford Expedition XLT**

9 62. OIS Test Data for We Smoggin Smogs indicates that on or about June 4, 2025, a 2001
10 Ford Expedition XLT, California license number 8YQM811 (2001 Ford Expedition XLT) was
11 tested and Smog Certificate of Compliance number UQ301152C was issued under respondent
12 Lamas' Smog Check Inspector License.

13 63. The Dynamic PID chart for the 2001 Ford Expedition XLT shows that between time
14 stamp 344 and 17371, the engine RPM is steady at around 700 RPM. During this time, the data
15 shows that the throttle drops from 24.3% to ultimately 18.8%, then rises to 21.6% before
16 dropping to 20.8% opening, and the MAF rises from 3.97gps to 4.71gps before ultimately
17 dropping to 2.73gps. After time stamp 17371, the data shows the engine RPM is increased and
18 held steady at around 2075 RPM. During the elevated engine RPM, the data shows the throttle is
19 fixed at 20.8% opening and the MAF is fixed at 4.43gps.

20 64. The steady idle and steady elevated engine RPM data along with the improbable
21 throttle positions and MAF readings are not characteristic or expected for normal engine
22 operation. The throttle positions and MAF readings are expected to be stable during the steady
23 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
24 readings, the throttle and MAF had data points during the elevated engine RPM which never
25 increased past the highest data points at idle. The discrepancies in the OIS test data show the
26 DAD was not connected as required to the 2001 Ford Expedition XLT being certified, causing the
27 issuance of a fraudulent Smog Check Certificate of Compliance.

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1 **Fraudulent Inspection #9 — 2001 Ford F150 Supercrew**

2 65. OIS Test Data for We Smoggin Smogs indicates that on or about June 7, 2025, a 2001
3 Ford F150 Supercrew, California license number 73357E2 (2001 Ford F150 Supercrew) was
4 tested and Smog Certificate of Compliance number UQ301179C was issued under respondent
5 Lamas' Smog Check Inspector License.

6 66. The Dynamic PID chart for the 2001 Ford F150 Supercrew shows that between time
7 stamp 345 and 28934, the engine RPM is steady at around 715 RPM. During this time, the data
8 shows that the throttle rises from 18.8% to 23.9%, then drops back to 18.8% opening and the
9 MAF is fluctuating between 5.54gps and 7.55gps. After time stamp 28934, the data shows the
10 engine RPM is increased and held steady at around 1960 RPM. During the elevated engine RPM,
11 the data shows the throttle is fixed at 20% opening and the MAF is fixed at 5.49gps.

12 67. The steady idle and steady elevated engine RPM data along with the improbable
13 throttle positions and MAF readings are not characteristic or expected for normal engine
14 operation. The throttle positions and MAF readings are expected to be stable during the steady
15 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
16 readings, the throttle and MAF had data points during the elevated engine RPM which never
17 increased past the highest data points at idle. The discrepancies in the OIS test data show the
18 DAD was not connected as required to the 2001 Ford F150 Supercrew being certified, causing the
19 issuance of a fraudulent Smog Check Certificate of Compliance.

20 **Fraudulent Inspection #10 — 2004 Ford F150 Heritage Classic 2**

21 68. OIS Test Data for We Smoggin Smogs indicates that on or about June 12, 2025, a
22 2004 Ford F150 Heritage Classic, California license number 14488L1 (2004 Ford F150 Heritage
23 Classic 2) was tested and Smog Certificate of Compliance number UQ301200C was issued under
24 respondent Lamas' Smog Check Inspector License.

25 69. The Dynamic PID chart for the 2004 Ford F150 Heritage Classic 2 shows that
26 between time stamp 344 and 19020, the engine RPM is steady at around 815 RPM. During this
27 time, the data shows that the throttle is varying between 19.6% and 23.1% opening and the MAF
28 drops from 3.94gps to ultimately 2.85gps, before rising to ultimately 4.74gps. After time stamp

1 19020, the data shows the engine RPM is increased and held steady at around 2105 RPM. During
2 the elevated engine RPM, the data shows the throttle is fixed at 19.6% opening and the MAF is
3 fixed at 4.17gps.

4 70. The steady idle and steady elevated engine RPM data along with the improbable
5 throttle positions and MAF readings are not characteristic or expected for normal engine
6 operation. The throttle positions and MAF readings are expected to be stable during the steady
7 idle and subsequently raised and stable during the elevated engine RPM. During the improbable
8 readings, the throttle and MAF had data points during the elevated engine RPM which never
9 increased past the highest data points at idle. The discrepancies in the OIS test data show the
10 DAD was not connected as required to the 2004 Ford F150 Heritage Classic 2 being certified,
11 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue of Misleading Statements — Respondent Macias)**

14 71. Respondent Macias' Automotive Repair Dealer Registration is subject to disciplinary
15 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that he
16 made statements which were known to be untrue or misleading or, which by exercise of
17 reasonable care should have been known to be untrue or misleading, by issuing electronic smog
18 certificates of compliance for the 10 vehicles set forth in paragraphs 40–70, certifying that those
19 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles
20 had not been so inspected. Complainant realleges paragraphs 40–70.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Fraud — Respondent Macias)**

23 72. Respondent Macias' Automotive Repair Dealer Registration is subject to disciplinary
24 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that he
25 committed acts that constitute fraud by issuing electronic certificates of compliance to the 10
26 vehicles set forth in paragraphs 40–70 without performing bone fide inspections of the emission
27 control devices and systems on those vehicles, thereby depriving the People of the State of
28 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant

1 realleges paragraphs 40–70.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Material Violation of Automotive Repair Act — Respondent Macias)**

4 73. Respondent Macias’ Automotive Repair Dealer Registration is subject to disciplinary
5 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that he
6 failed in a material respect to comply with the provisions of this chapter or regulations adopted
7 pursuant to it when he issued electronic certificates of compliance for the 10 vehicles set forth in
8 paragraphs 40–70 without performing bona fide inspections of the emission control devices and
9 systems on those vehicles, thereby depriving the People of the State of California of the
10 protection afforded by the Motor Vehicle Inspection Program. Complainant realleges paragraphs
11 40–70.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program — Respondent Macias)**

14 74. Respondent Macias’ Smog Check Test Only Station License is subject to disciplinary
15 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to
16 comply with the following sections of that Code:

17 a. **Section 44012:** Respondent Macias failed to ensure that the emission control tests
18 were performed on the 10 vehicles set forth in paragraphs 40–70 in accordance with procedures
19 prescribed by the department.

20 b. **Section 44015, subdivision (b):** Respondent Macias issued electronic smog
21 certificates of compliance to the 10 vehicles set forth in paragraphs 40–70 without properly
22 testing and inspecting those vehicles to determine if they were in compliance with Health and
23 Safety Code section 44012.

24 Complainant realleges paragraphs 40–70.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Regulations Pursuant**

27 **to the Motor Vehicle Inspection Program — Respondent Macias)**

28 75. Respondent Macias’ Smog Check Test Only Station License is subject to disciplinary

1 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to
2 comply with provisions of California Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Macias falsely or fraudulently issued
4 electronic smog certificates of compliance for the 10 vehicles identified in paragraphs 40–70.

5 b. **Section 3340.30, subdivision (a):** Respondent Macias failed to inspect and test the 10
6 vehicles identified in paragraphs 40–70 in accordance with Health and Safety Code sections
7 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

8 ///

9 c. **Section 3340.35, subdivision (c):** Respondent Macias issued electronic smog
10 certificates of compliance 10 vehicles identified in paragraphs 40–70 even though those vehicles
11 had not been inspected in accordance with section 3340.42.

12 d. **Section 3340.42:** Respondent Macias failed to ensure that the smog inspections
13 conducted on the 10 vehicles identified in paragraphs 40–70 were done in accordance with the
14 Bureau’s specifications.

15 Complainant realleges paragraphs 40–70.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit — Respondent Macias)**

18 76. Respondent Macias’ Smog Check Test Only Station License is subject to disciplinary
19 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with
20 Health and Safety Code section 44072.10, subdivision (c), in that he committed dishonest,
21 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
22 of compliance for the 10 vehicles described in paragraphs 40–70 without performing bona fide
23 inspections of the emission control devices and systems on those vehicles, thereby depriving the
24 People of the State of California of the protection afforded by the Motor Vehicle Inspection
25 Program. Complainant realleges paragraphs 40–70.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program — Respondent Lamas)**

3 77. Respondent Lamas' Smog Check Inspector License is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply
5 with the following sections of that code:

6 a. **Section 44032:** Respondent Lamas failed to perform tests of emission control devices
7 and systems of the 10 vehicles identified in paragraphs 40–70 in accordance with Health and
8 Safety Code section 44012.

9 b. **Section 44015, subdivision (b):** Respondent Lamas caused electronic smog
10 certificates of compliance to be issued for the 10 vehicles identified in paragraphs 40–70 without
11 ensuring that they were properly tested and inspected to determine if they were in compliance
12 with Health and Safety Code section 44012.

13 Complainant realleges paragraphs 40–70.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant**

16 **to the Motor Vehicle Inspection Program — Respondent Lamas)**

17 78. Respondent Lamas' Smog Check Inspector License is subject to disciplinary action
18 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that he failed to comply
19 with provisions of California Code of Regulations, title 16, as follows:

20 a. **Section 3340.24, subdivision (c):** Respondent Lamas falsely or fraudulently issued
21 electronic smog certificates of compliance for the 10 vehicles identified in paragraphs 40–70.

22 b. **Section 3340.30, subdivision (a):** Respondent Lamas failed to inspect and test the 10
23 vehicles identified in paragraphs 40–70 in accordance with Health and Safety Code sections
24 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

25 c. **Section 3340.41, subdivision (c):** Respondent Lamas knowingly entered false
26 information into the on-board diagnostics inspection system for the 10 vehicles identified in
27 paragraphs 40–70.

28 d. **Section 3340.42:** Respondent Lamas failed to ensure that the smog inspections

1 conducted on the 10 vehicles identified in paragraphs 40–70 were done in accordance with the
2 bureau’s specifications.

3 Complainant realleges paragraphs 40–70.

4 **NINTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud or Deceit — Respondent Lamas)**

6 79. Respondent Lamas’ Smog Check Inspector License is subject to disciplinary action
7 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
8 and Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
9 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
10 for the 10 vehicles identified in paragraphs 40–70 without performing bona fide inspections of the
11 emission control devices and systems on those vehicles, thereby depriving the People of the State
12 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
13 realleges paragraphs 40–70.

14 **OTHER MATTERS**

15 80. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
16 director of the Department of Consumer Affairs (director) may suspend, revoke, or place on
17 probation the registration for all places of business operated in this state by respondent Macias
18 upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws
19 and regulations pertaining to an automotive repair dealer.

20 81. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
21 Station License No. TC 309017, issued to respondent Macias, is revoked or suspended, any
22 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
23 in the name of said licensee may be likewise revoked or suspended by the director.

24 82. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
25 License No. EO 635831, issued to respondent Lamas, is revoked or suspended, any additional
26 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name
27 of said licensee may be likewise revoked or suspended by the director.

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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 309017, issued to Daniel Macias, doing business as We Smoggin Smogs;
- 2. Revoking or suspending any other automotive repair dealer registration issued to Daniel Macias, pursuant to Business and Professions Code section 9884.7, subdivision (c);
- 3. Revoking or suspending Smog Check Test Only Station License Number TC 309017, issued to Daniel Macias, doing business as We Smoggin Smogs;
- 4. Revoking or suspending any additional licenses under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Daniel Macias;
- 5. Revoking or suspending Smog Check Inspector License Number EO 635831, issued to Christopher Lamas;
- 6. 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 Christopher Lamas;
- 7. Ordering Daniel Macias, doing business as We Smoggin Smogs, and Christopher Lamas 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,
- 8. 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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