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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 79/25-14535

12 **STARZZ SMOG LLC.**
13 **CALVIN LE, Member**
703 SOUTH WOLFE ROAD
SUNNYVALE, CA 94086

ACCUSATION

14 **Automotive Repair Dealer Registration No. ARD 309099**
15 **Smog Check Station License No. TC 309099**

16 **and**

17 **SON NGUYEN**
18 **2701 Aida Ave**
San Jose, CA 95122

19 **Mailing Address**
20 **1200 Clear Lake CT**
Milpitas, CA 95135

21 **Smog Check Inspector License No. EO 642958**

22 Respondents.

23
24
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, Department of Consumer Affairs.
28

2. On or about May 30, 2024, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration Number ARD 309099 to Starzz Smog LLC. (Respondent Starzz). Calvin Le is a member and responsible managing employee of Respondent Starzz. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2026, unless renewed.

3. On or about September 18, 2024, the Bureau issued Smog Check Test Only Station License Number TC 309099 to Respondent Starzz. The Smog Check Test Only Station License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2026, unless renewed. On or about June 6, 2025, Respondent Starzz's Smog Check Station license was STAR certified.

4. On or about March 16, 2021, the Bureau issued Smog Check Inspector License Number EO 642958 to Son Nguyen (Respondent Nguyen). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.

JURISDICTION

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

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

7. 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.

8. 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.

1 9. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
2 expiration or suspension of a license by operation of law, or by order or decision of the Director
3 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
4 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
5 proceedings against the licensee, or to render a decision suspending or revoking the license.

6 **STATUTORY PROVISIONS**

7 10. Section 9884.7 of the Code states:

8 (a) The director, if the automotive repair dealer cannot show there was a bona
9 fide error, may deny, suspend, revoke, or place on probation the registration of an
10 automotive repair dealer for any of the following acts or omissions related to the
11 conduct of the business of the automotive repair dealer, which are done by the
12 automotive repair dealer or any automotive technician, employee, partner, officer, or
13 member of the automotive repair dealer:

14 (1) Making or authorizing in any manner or by any means whatever any
15 statement written or oral which is untrue or misleading, and which is known, or which
16 by the exercise of reasonable care should be known, to be untrue or misleading.

17 ...

18 (4) Any other conduct that constitutes fraud.

19 ...

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

22 ...

23 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
24 on probation the registration for all places of business operated in this state by an
25 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
26 engaged in a course of repeated and willful violations of this chapter, or regulations
27 adopted pursuant to it.

28 ...

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

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

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

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

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

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

3 11. Section 44012 of the Health and Safety Code states:

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

8 (a) Emission control systems required by state and federal law are reducing
9 excess emissions in accordance with the standards adopted pursuant to subdivisions
10 (a) and (c) of Section 44013.

11 (b) Motor vehicles are preconditioned to ensure representative and stabilized
12 operation of the vehicle's emission control system.

13 (c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
14 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle
15 mode or loaded mode are tested in accordance with procedures prescribed by the
16 department. In determining how loaded mode and evaporative emissions testing
17 shall be conducted, the department shall ensure that the emission reduction targets for
18 the enhanced program are met.

19 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative
20 system and crankcase ventilation system are tested to reduce any nonexhaust sources
21 of volatile organic compound emissions, in accordance with procedures prescribed by
22 the department.

23 (e) For diesel-powered vehicles, if the department determines that the inclusion
24 of those vehicles is technologically and economically feasible, a visual inspection is
25 made of emission control devices and the vehicle's exhaust emissions in an idle mode
26 or loaded mode are tested in accordance with procedures prescribed by the
27 department. The test may include testing of emissions of any or all of the pollutants
28 specified in subdivision (c) and, upon the adoption of applicable standards,
measurement of emissions of smoke or particulates, or both.

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

(g) A determination as to whether the motor vehicle complies with the
emission standards for that vehicle's class and model-year as prescribed by the
department.

(h) The test procedures may authorize smog check stations to refuse the testing
of a vehicle that would be unsafe to test, or that cannot physically be inspected, as
specified by the department by regulation. The refusal to test a vehicle for those
reasons shall not excuse or exempt the vehicle from compliance with all applicable
requirements of this chapter.

12. Section 44032 of the Health and Safety Code states:

1 No person shall perform, for compensation, tests or repairs of emission control
2 devices or systems of motor vehicles required by this chapter unless the person
3 performing the test or repair is a qualified smog check technician and the test or
4 repair is performed at a licensed smog check station. Qualified technicians shall
5 perform tests of emission control devices and systems in accordance with Section
6 44012.

7
8
9 13. Section 44059 of the Health and Safety Code states:

10 The willful making of any false statement or entry with regard to a material
11 matter in any oath, affidavit, certificate of compliance or noncompliance, or
12 application form which is required by this chapter or Chapter 20.3 (commencing with
13 Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury
14 and is punishable as provided in the Penal Code.

15 14. Section 44072.2 of the Health and Safety Code states:

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

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

22 . . .

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

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

27 . . .

28 (h) Violates or attempts to violate the provisions of this chapter relating to the
particular activity for which he or she is licensed.

15. Section 44072.10, subdivision (c), of the Health and Safety Code states:

(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, clean plugging, clean glassing, clean tanking, or any other
fraudulent inspection practice, 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.

16. Section 44072.8 of the Health and Safety Code states:

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

17. California Code of Regulations, title 16, section 3340.1, states:

...

"Clean plugging" means using a substitute vehicle's OBD system, or another source, to generate data readings or diagnostic information in order to cause the OIS to issue a certificate of compliance for the test vehicle.

...

18. California Code of Regulations, title 16, section 3340.24, states:

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5 (commencing with section 11500) of division 3, Title 2 of the Government Code.

...

(c) 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.

...

19. 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.

...

20. California Code of Regulations, title 16, section 3340.35, states:

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required

1 emission control equipment and devices installed and functioning correctly. The
2 following conditions shall apply:

3 (1) Customers shall be charged the same price for certificates as that paid by
4 the licensed station; and

5 (2) Sales tax shall not be assessed on the price of certificates.

6 . . .

7 21. California Code of Regulations, title 16, section 3340.41, states:

8 . . .

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

13 . . .

14 (h) No licensed station shall have in the approved testing area at any time any
15 electronic device or software capable of simulating the OBD data stream from a
16 vehicle or manipulating OBD VIN, calibration identification, calibration verification
17 number, MIL-status, readiness, or diagnostic trouble codes collected from a vehicle
18 during a Smog Check Inspection

19 . . .

20 22. California Code of Regulations, title 16, section 3340.42, states:

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

23 (a) All vehicles subject to a smog check inspection, shall receive one of the
24 following test methods:

25 (1) A loaded-mode test shall be the test method used to inspect 1976 - 1999
26 model-year vehicle, except diesel-powered, registered in the enhanced program areas
27 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,
28 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's
specifications referenced in subsection (a) of Section 3340.17 of this article. The
loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,
including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this
inspection shall be measured and compared to the emissions standards shown in the
Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,
dated March 2010, which is hereby incorporated by reference. If the emissions
standards for a specific vehicle are not included in this table then the exhaust
emissions shall be compared to the emissions standards set forth in TABLE I or
TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured
emissions are less than or equal to the applicable emission standards specified in the
applicable table.

1 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -
2 1999 model-year vehicles, except diesel-powered, registered in all program areas of
3 the state, except in those areas of the state where the enhanced program has been
4 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
5 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
6 contained in the bureau's specifications referenced in subsection (a) of Section
7 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
8 shall be measured and compared to the emission standards set forth in this section and
9 as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
10 measured emissions are less than or equal to the applicable emissions standards
11 specified in Table III.

12 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
13 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
14 model-year and newer. The OBD test failure criteria are specified in section
15 3340.42.2.

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

18 (1) A visual inspection of emission control components and systems to verify
19 the vehicle's emission control systems are properly installed.

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

23 (c) The bureau may require any combination of the inspection methods in
24 sections (a) and (b) under any of the following circumstances:

25 (1) Vehicles that the department randomly selects pursuant to Health and Safety
26 Code section 44014.7 as a means of identifying potential operational problems with
27 vehicle OBD systems.

28 (2) Vehicles identified by the bureau as being operationally or physically
incompatible with inspection equipment.

(3) Vehicles with OBD systems that have demonstrated operational problems.

(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter
standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon
monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions
standards included in the tables described in subsection (a), as applicable.

(2) Vehicles with emission levels exceeding the emission standards for gross
polluters during an initial inspection will be considered gross polluters and the
provisions pertaining to gross polluting vehicles will apply, including, but not limited
to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of
compliance until the vehicle's emissions are reduced to or below the applicable
emissions standards for the vehicle included in the tables described in subsection (a),
as applicable. However, the provisions described in section 44017 of the Health and
Safety Code may apply.

1 (4) This subsection applies in all program areas statewide to vehicles requiring
2 inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

3 23. California Code of Regulations, title 16, section 3340.45, states:

4 All Smog Check inspections shall be performed in accordance with
5 requirements and procedures prescribed in the Smog Check Manual, dated January
6 2021, which is hereby incorporated by reference.

7 **COST RECOVERY**

8 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **SMOG PROGRAM AND FACTUAL ALLEGATIONS**

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

21 26. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration
22 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
23 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon
24 Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of
25 the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a
26 vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed
27 Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a
28 dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute

1 (RPM).

2 27. The inspector also performs visual and functional tests on the vehicle as outlined in
3 the Smog Check Manual. The visual inspection of the emission control components verifies the
4 required emission control devices are present and properly connected. Functional tests are also
5 performed which, depending on the vehicle, may include checking the ignition timing,
6 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low pressure test
7 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
8 cap.

9 28. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
10 the use of the On Board Diagnostic Inspection System (OIS) instead of the EIS for the smog
11 testing of 2000 model year and newer gas powered and 1998 and newer diesel vehicles. Most
12 older vehicles require the ASM or TSI test on the EIS. Gas powered vehicles with a gross vehicle
13 weight rating over 14,000 pounds require an inspection on the EIS.

14 29. The newer OIS smog inspection uses a Data Acquisition Device (DAD), a computer,
15 a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a vehicle's On
16 Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR OIS computer
17 to the vehicle's diagnostic link connector (DLC) to retrieve the data from the vehicle. The bar
18 code scanner is used to input technician information, the vehicle identification number (VIN), and
19 DMV renewal information. The printer is used to print Vehicle Inspection Reports.

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

25 31. PIDs are data points reported by the vehicle on-board computer to a scan tool or
26 BAR-OIS. Examples of PIDs are engine speed, vehicle speed, engine temperature, and other
27 input and output values utilized by the vehicle's on-board computer.
28

1 32. As part of the OIS smog inspections, the technician also performs a visual and
2 functional test on the vehicle being inspected. The visual inspection of the emission control
3 components verifies the required emission control devices are present and properly connected and
4 a functional test is performed of the malfunction indicator light (MIL). The OIS software makes
5 the determination whether or not the vehicle passes the inspection based on the results of the
6 OBD, visual and functional tests. If the vehicle passes the inspection a certificate of compliance
7 is issued. The information from the smog inspection is then transmitted to the Vehicle
8 Information Data (VID).

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

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

- 19 a. Engine speed in revolutions per minute (RPM),
- 20 b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the
21 throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up
22 to 100% at full throttle.
- 23 c. Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
24 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
25 normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle,
26 and 101 kpa at full throttle (atmospheric pressure at sea level).
- 27 d. Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
28 air intake tract. Air flow is measured in grams per second (gps).

1 35. The Bureau has become aware of methods some Smog Check stations and Smog
2 Check inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test
3 on their own, or in some instances, are not even present during the time the test is performed.

4 36. One method is known as "clean plugging." "Clean plugging" is the act of using one
5 vehicle's properly functioning OBDII system, or another source such as an electronic defeat
6 device, to generate passing data readings or diagnostic information for the purpose of issuing a
7 smog certificate of compliance to a vehicle that is not in smog compliance and/or not being
8 tested. The vehicle being certified is not being tested.

9 37. Defeat devices attempt to simulate engine operation during a Smog Check inspection
10 by transmitting OBD II data to the VID which has been modified or replaced entirely for the
11 purportedly inspected vehicle during the functional portion of the OIS inspection. The use of a
12 defeat device during a Smog Check inspection is clean plugging and is strictly prohibited.

13 38. Another method some Smog Check stations and Smog Check inspectors use to issue
14 smog certificates to vehicles that will not pass a Smog Check test on their own, or in some
15 instances, are not even present during the time the test is performed is known as "Clean Piping."
16 "Clean piping" is the act of using the emission sample of a known clean vehicle to substitute for
17 the emissions of a vehicle that will not pass a smog inspection or is not present at the time of the
18 test. The vehicle being certified is not being tested.

19 **Clean Plugging Allegations**

20 39. A Bureau representative performed a detailed review of the VID data for the Smog
21 Check inspections performed at Respondent Starzz's Smog Check Station. The review showed a
22 pattern of vehicles being certified with engine operating parameters not corresponding to normal
23 engine operation. Those vehicles received smog certificates but were not tested during the OBD
24 II functional test. They were clean plugged.

25 40. Respondent Nguyen personally performed 10 clean plugs at Respondent Starzz's
26 Smog check station. Respondent Starzz issued all 10 certificates of compliance. None of the 10
27 vehicles that were issued a certificate of compliance were legitimately inspected. An electronic
28 defeat device was used to clean plug the vehicles.

Clean Plug 1:

41. On or about July 23, 2025, Respondents issued smog certificate #US496262C to a 2000 Ford Expedition XLT. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

42. The Dynamic data PID charts for the 2000 Ford Expedition XLT, show between time stamps 328 and 23975, the engine RPM is steady at around 750 RPM. During this time, the data shows the TPS reading varies between 14.9% and 18% opening and the MAF reading varies between 0.35 grams/sec. and 2.27 grams/sec. Between time stamp 24341 and 41135, the data shows the engine RPM begins increasing and then held steady around 1550 RPM. During this time, the data shows the TPS reading varies between 14.9% and 16.5% opening and the MAF reading varies between 0.69 grams/sec. and 2.18 grams/sec. The steady idle and steady elevated engine RPMs with the improbable TPS and MAF readings are not characteristic or expected for normal engine operation. The TPS and MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

Clean Plug 2:

43. On or about July 23, 2025, Respondents issued smog certificate #US496274C to a 2004 Isuzu Rodeo S. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

44. The Dynamic data PID charts for the 2004 Isuzu Rodeo S shows between time stamps 344 and 41600, the engine RPM is steady around 830 RPM. During this time, the data shows the TPS reading varies between 2.0% and 5.1% opening, the MAP reading varies between 17 kPa and 27 kPa, and the MAF reading varies between 3.06 grams/sec. and 3.7 grams/sec. Between time stamp 41971 and 58153, the RPM begins increasing and is held steady around 1630 RPM. During this time, the TPS reading varies between 0% and 4.3% opening, the MAF reading increases to 4.15 grams/sec. then slopes down to 3.3 grams/sec. The MAP reading varies between 19 kPa and 29 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS,

1 MAP, and MAF readings are not characteristic or expected for normal engine operation. The
2 TPS, MAP, and MAF readings are expected to be stable at idle and at the elevated engine RPMs,
3 not erratic and fluctuating along with a steady engine RPM.

4 **Clean Plug 3:**

5 45. On or about July 24, 2025, Respondents issued smog certificate # US496288C
6 to a 2001 Chevrolet Silverado K1500. Respondents did not perform a legitimate smog inspection
7 on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a
8 fraudulent certificate of compliance to this vehicle.

9 46. The Dynamic data PID charts for the 2001 Chevrolet Silverado K1500, shows
10 between time stamps 336 and 50760, the engine RPM is steady around 500 RPM. During this
11 time, the TPS reading varies between 2.4% and 4.3% opening, the MAP reading varies between
12 36 kPa and 44 kPa, and the MAF reading varies between 2.86 grams/sec. and 4.42 grams/sec.
13 Between time stamp 51135 and 81321, the RPM begins increasing and is held steady around
14 1330 RPM. During this time the MAP varies between 38 kPa and 46 kPa, the MAF varies
15 between 3.23 grams/sec. and 4.98 grams/sec, and the TPS varies between 0% and 4.7% opening.
16 The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF
17 readings are not characteristic or expected for normal engine operation. The TPS, MAP, and
18 MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and
19 fluctuating along with a steady engine RPM.

20 **Clean Plug 4:**

21 47. On or about July 24, 2025, Respondents issued smog certificate #US496299C to a
22 2003 GMC New Sierra C1500. Respondents did not perform a legitimate smog inspection on the
23 vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent
24 certificate of compliance to this vehicle.

25 48. The Dynamic data PID charts for the 2003 GMC New Sierra C1500 shows between
26 time stamps 341 and 18306, the engine RPM is steady around 730 RPM. During this time, the
27 data shows the MAP reading varies between 32 kPa and 43 kPa, the MAF reading varies between
28 3.39 grams/sec. and 5.1 grams/sec, and the TPS reading varies between 0.8% and 5.1% opening.

Between time stamp 18681 and 35165, the RPM begins increasing and is held steady around 1550 RPM. During this time, the TPS reading varies between 0.0% and 5.1% opening, the MAF readings varies between 3.57 grams/sec. and 4.47 grams/sec, and the MAP varies 34 kPa and 46 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

Clean Plug 5:

49. On or about July 29, 2025, Respondents issued smog certificate # JF356137C to a 2003 Chevrolet Silverado C1500. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

50. The Dynamic data PID charts for the 2003 Chevrolet Silverado C1500 shows between time stamps 336 and 32040, the engine RPM is steady around 630 RPM. During this time the MAP reading varies between 96 kPa and 107 kPa, the MAF reading varies between 8.51 grams/sec. and 10.22 grams/sec, and the TPS reading varies between 19.6% and 23.9% opening. Between time stamp 32400 and 48199, the RPM begins increasing and is held steady around 1600 RPM. During this time, the data shows the TPS varies between 18.8% and 20.8% opening, the MAF varies 8.33 grams/sec. and 9.56 grams/sec, and the MAP varies between 96 kPa and 107 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

Clean Plug 6:

51. On or about August 5, 2025, Respondents issued smog certificate #JF611324C to a 2004 Cadillac CTS-V. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

52. The Dynamic data PID charts for the 2004 Cadillac CTS-V shows between time stamps 370 and 22554, the engine RPM is steady around 800 RPM. During this time, the MAP reading varies between 34 kPa and 46 kPa, the MAF reading varies between 6.2 grams/sec. and 7.56 grams/sec, and the TPS reading varies between 7.1% and 11.8% opening. Between time stamp 22898 and 39719, the RPM begins increasing and is held steady around 1750 RPM. During this time the TPS reading varies between 9% and 11.8% opening, the MAF reading varies between 5.42 grams/sec. and 7.52 grams/sec, and the MAP reading varies 32 kPa and 44 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

Clean Plug 7:

53. On or about August 5, 2025, Respondents issued smog certificate #JF611325C to a 2003 Chevrolet Silverado C1500. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

54. The Dynamic data PID charts for the 2003 Chevrolet Silverado C1500 shows between time stamps 356 and 25355, the engine RPM is steady around 900 RPM. During this time the MAP reading varies between 37 kPa and 44 kPa, the MAF reading varies between 6.48 grams/sec. and 6.89 grams/sec, and the TPS reading varies between 2.0% and 4.7% opening. Between time stamp 25721 and 41900, the RPM begins increasing and is held steady around 2250 RPM. During this time the TPS reading varies between 0.8% and 2.0% opening, the MAF reading varies between 6.16 grams/sec. and 7.66 grams/sec, and the MAP reading varies between 34 kPa and 45 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal engine operation. The TPS and MAF should increase with the elevated RPM and are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM. The MAP reading should decrease with the elevated RPM and be stable, not erratic.

Clean Plug 8:

55. On or about August 5, 2025, Respondents issued smog certificate #JF611327C to a 2005 Chevrolet Silverado K2500. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

56. The Dynamic data PID charts for the 2005 Chevrolet Silverado K2500 shows between time stamps 341 and 21145, the engine RPM is steady around 950 RPM. During this time, the MAP reading varies between 37 kPa and 43 kPa, the MAF reading varies between 5.43 grams/sec. and 7.02 grams/sec, and the TPS reading varies between 12.9% and 18% opening. Between time stamp 21528 and 37593, the RPM begins increasing and is held steady around 1700 RPM. During this time, the TPS reading varies between 12.9% and 18.0% opening, the MAF reading varies between 5.42 grams/sec. and 7.52 grams/sec, and MAP reading varies between 32 kPa and 43 kPa. The steady idle and steady elevated engine RPMs with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

Clean Plug 9:

57. On or about August 5, 2025, Respondents issued smog certificate # JF611331C to a 2003 Chevrolet Tahoe K1500. Respondents did not perform a legitimate smog inspection on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

58. The Dynamic data PID charts for the 2003 Chevrolet Tahoe K1500 shows between time stamps 341 and 26520, the engine RPM is steady around 800 RPM. During this time the MAP reading varies between 37 kPa and 44 kPa, the MAF reading varies between 6.48 grams/sec. and 6.89 grams/sec, and the TPS reading varies between 8.2% and 11% opening. Between time stamp 26904 and 43320, the data shows the engine RPM begins increasing and is held steady around 1450 RPM. During this time, the TPS reading varies between 6.7% and 9.0% opening, the MAF reading varies between 5.82 grams/sec. and 7.51 grams/sec, and the MAP

1 reading varies between 33 kPa and 43 kPa. The steady idle and steady elevated engine RPMs
2 with the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal
3 engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the
4 elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

5 **Clean Plug 10:**

6 59. On or about August 7, 2025, Respondents issued smog certificate # JF688968C
7 to a 2006 Chevrolet Trailblazer LS. Respondents did not perform a legitimate smog inspection
8 on the vehicle. Respondents used an electronic defeat device to cause the OIS to issue a
9 fraudulent certificate of compliance to this vehicle.

10 60. The Dynamic data PID charts for the 2006 Chevrolet Trailblazer LS shows between
11 time stamps 364 and 25961, the engine RPM is steady around 800 RPM. During this time the
12 MAP reading varies between 21 kPa and 26 kPa, the MAF reading varies between 2.78
13 grams/sec. and 4.21 grams/sec, and the TPS reading varies between 13.3% and 16.9% opening.
14 Between time stamp 26704 and 42894, the data shows the engine RPM begins increasing and is
15 held steady around 1600 RPM. During this time, the data shows the TPS reading varies between
16 12.5% and 16.5% opening, the MAF varies from 4.03 grams/sec. and 4.47 grams/sec, and the
17 MAP varies between 19 kPa and 27 kPa. The steady idle and steady elevated engine RPMs with
18 the improbable TPS, MAP, and MAF readings are not characteristic or expected for normal
19 engine operation. The TPS, MAP, and MAF readings are expected to be stable at idle and at the
20 elevated engine RPMs, not erratic and fluctuating along with a steady engine RPM.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements - Registration)**

23 61. Respondent Starzz has subjected his Automotive Repair Dealer Registration to
24 discipline under Code section 9884.7, subdivision (a)(1), in that Respondent Starzz made
25 statements which it knew or which by exercise of reasonable care should have known were untrue
26 or misleading, as set forth above in the Smog Program and Clean Plugging Allegations.
27 Respondent Starzz purported to test vehicles, and certified that the vehicles passed inspection and
28

1 were in compliance with applicable laws and regulations. In fact, Respondent conducted the
2 inspections on those vehicles using clean-plugging methods.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud - Registration)**

5 62. Respondent Starzz has subjected its Automotive Repair Dealer Registration to
6 discipline under Code section 9884.7, subdivision (a)(4), in that it committed acts which
7 constitute fraud, as set forth above in the Smog Program and Clean Plugging Allegations.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(False or Misleading Records-Registration)**

10 63. Respondent has Starzz subjected its Automotive Repair Dealer Registration to
11 discipline under Code section 9884.7, subdivision (a)(6), in that it violated California Code of
12 Regulations, title 16, section 3373, by creating and issuing false or misleading certificates of
13 compliance and vehicle inspection reports for the vehicles that were clean plugged as set forth
14 above in the Smog Program and Clean Plugging Allegations. The certificates and inspection
15 reports indicated the vehicles were tested in accordance with all Bureau requirements and the
16 vehicles were qualified to receive certificates of compliance. This was false as the vehicles were
17 clean plugged.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit – Smog Station License)**

20 64. Respondent Starzz has subjected its Smog Check Station License to discipline under
21 Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that it committed
22 acts involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic
23 certificates of compliance for vehicles without performing bona fide inspections of the emission
24 control devices and systems on the vehicles, thereby depriving the People of the State of
25 California of the protection afforded by the Motor Vehicle Inspection Program. The
26 circumstances are more fully described in the Smog Program and Clean Plugging Allegations
27 above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program- Smog Station License)**

3 65. Respondent Starzz has subjected its Smog Check Station License to discipline under
4 Health and Safety Code sections 44072.10 and/or 44072.2, subdivisions (a) and (c), in that it
5 violated sections of that Code and applicable regulations, through conduct described in the Smog
6 Program and Clean Plugging Allegations, as follows:

- 7 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
8 on vehicles in accordance with procedures prescribed by the department.
- 9 b. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
10 electronic certificates of compliance to certain vehicles without performing bona fide
11 inspections of the emission control devices and systems on those vehicles.
- 12 c. **Section 3340.41, subdivision (c):** Respondent entered false information about
13 vehicles being tested into OIS.
- 14 d. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software
15 capable of simulating the OBD data stream from a vehicle or manipulating OBD
16 VIN, calibration identification, calibration verification number, MIL status, readiness,
17 or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection
18 in the approved testing area of the station.
- 19 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
20 inspections on certain vehicles in accordance with the Bureau's specifications.
- 21 f. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
22 Manual by entering vehicle identification information for a vehicle that was not being
23 tested.

24 **SIXTH CAUSE FOR DISCIPLINE**

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

26 66. Respondent Nguyen has subjected his Smog Check Inspector License to discipline
27 under Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he
28 committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing

1 electronic certificates of compliance for vehicles without performing bona fide inspections of the
2 emission control devices and systems on the vehicles, thereby depriving the People of the State of
3 California of the protection afforded by the Motor Vehicle Inspection Program. Respondent
4 participated in clean-plugging as set forth above in the Smog Program and Clean Plugging
5 Allegations above.

6 **SEVENTH CAUSE FOR DISCIPLINE**

7 **(Violation of the Motor Vehicle Inspection Program- Smog Check Inspector License)**

8 67. Respondent Nguyen has subjected his Smog Check Inspector License to discipline
9 under Health and Safety Code sections 44072.10 and/or 44072.2, subdivisions (a) and (c), in that
10 he violated sections of that Code and applicable regulations, through conduct described in the
11 Smog Program and Clean Plugging Allegations, as follows:

- 12 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
13 on vehicles in accordance with procedures prescribed by the department.
- 14 b. **Section 44032:** Respondent failed to ensure that smog inspections were performed
15 on vehicles in accordance with procedures prescribed in Section 44012.
- 16 c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
17 electronic certificates of compliance to certain vehicles without performing bona fide
18 inspections of the emission control devices and systems on those vehicles.
- 19 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
20 accordance with Health and Safety Code section 44012 and California Code of
21 Regulations, title 16, section 3340.42.
- 22 e. **Section 3340.41, subdivision (c):** Respondent entered false information about
23 vehicles being tested into OIS.
- 24 f. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software
25 capable of simulating the OBD data stream from a vehicle or manipulating OBD
26 VIN, calibration identification, calibration verification number, MIL status, readiness,
27 or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection
28 in the approved testing area of the station.

- 1 g. **Section 3340.42:** Respondent failed to conduct the required smog tests and
2 inspections on certain vehicles in accordance with the Bureau's specifications.
- 3 h. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
4 Manual by entering vehicle identification information for a vehicle that was not being
5 tested.
- 6 i. **Section 44059:** Respondent willfully made false statements in issuing the Smog
7 Certificates of compliance and on the Vehicle Inspection Reports.

8 **OTHER MATTERS**

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

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

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

22 **PRAYER**

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

26 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
27 309099, issued to Starzz Smog LLC;
28

2. Revoking or suspending Smog Check Test Only Station License Number TC 309099,
issued to Starzz Smog LLC;

3. Revoking or suspending any additional Automotive Repair Dealer Registration(s)
issued to Starzz Smog LLC;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
Division 26 of the Health and Safety Code to Starzz Smog LLC;

5. Revoking or suspending Smog Check Inspector License Number EO 642958, issued
to Son Nguyen;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
Division 26 of the Health and Safety Code to Son Nguyen;

7. Ordering Starzz Smog LLC. 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;

8. Ordering Son Nguyen 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,

9. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais,

Patrick@DCA

PATRICK DORAIS

Chief

Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.03.06 14:23:37
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