

1 ROB BONTA
Attorney General of California
2 NICOLE R. TRAMA
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
600 West Broadway, Suite 1800
5 San Diego, CA 92101
Telephone: (619) 738-9431
6 Facsimile: (916) 732-7920
E-mail: Gregory.Salute@doj.ca.gov
7 *Attorneys for Complainant*

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. 79/26-15737

13 **ROSEMARY MONTGOMERY – OWNER,**
14 **dba 215 SMOG CHECK**
13978 Old 215 Frontage Road Suite C,
Moreno Valley, CA 92553

ACCUSATION

15 **Automotive Repair Dealer Registration**
16 **Number ARD 310294, Smog Check, Test-**
17 **Only, Station License Number TC 310294**

18 **-and-**

19 **MIGUEL ANGEL RAMIREZ**
25306 Chicago Ave
Hemet, CA 92544

20 **Smog Check Inspector License Number EO**
21 **639424**

22 **-and-**

23 **JONATHAN NOVOA**
1121 33rd Street
San Bernardino, CA 92404

24 **Smog Check Inspector License Number EO**
25 **645803**

26
27 Respondents.
28

PARTIES

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

2. On or about September 27, 2024, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 310294 to Rosemary Montgomery dba 215 Smog Check (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2027, unless renewed.

3. On or about February 18, 2025, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 310294 to Rosemary Montgomery dba 215 Smog Check (Respondent). 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 September 30, 2027, unless renewed.

4. Respondent was also certified as a STAR station. The certification was issued on June 13, 2025, and was suspended on May 5, 2026.

5. On or about July 5, 2016, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 639424 to Miguel Angel Ramirez (Respondent Ramirez). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2028, unless renewed.

6. On or about July 16, 2025, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 645803 to Jonathan Novoa (Respondent Novoa). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2027, unless renewed.

JURISDICTION

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

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

9. 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.

10. 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.

11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

STATUTORY PROVISIONS

12. Section 9884.7 of the Code states:

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

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

• • •

(4) Any other conduct which constitutes fraud.

• • •

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

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

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

4 . . .

5 17. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

6

7 (c) A licensed station shall issue a certificate of compliance or noncompliance
8 to the owner or operator of any vehicle that has been inspected in accordance with the
9 procedures specified in section 3340.42 of this article and has all the required
10 emission control equipment and devices installed and functioning correctly. . . .

11 18. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions
12 test methods and procedures which apply to all vehicles inspected in the State of California.

13 **COST RECOVERY**

14 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
19 included in a stipulated settlement.

20 **VID DATA REVIEW**

21 20. Beginning March 9, 2015, California's Smog Check Program was updated to require
22 the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check
23 equipment required in all areas of the State when inspecting most model-year 2000 and newer
24 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a
25 certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD
26 is an On-Board Diagnostic ("OBD") scan tool that, when requested by the California OIS
27 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it
28 supports is requested by the California OIS software and will be retrieved. The DAD connects
between the OIS computer and the vehicle's DLC. The California OIS software requires a
continuous Internet connection when performing a Smog Check inspection and the OIS software

communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number ("VIN"), and DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

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

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

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

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

1 measured in degrees Before Top Dead Center (BTDC).

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

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

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

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

1 test type, also prints a Vehicle Inspection Report (“VIR”), which is a physical record of the test
2 results and shows the Certificate of Compliance number that was issued if the vehicle passed the
3 smog inspection.

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

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

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

Clean Plug # 1

29. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog Check. The review shows that on April 7, 2025, a 2000 Ford F150, VIN# 1FTZX1723YNC33224, CA License # 7F26021 was tested and smog certificate # JD741044C was issued by 215 Smog Check under licensed Smog Check Inspector #EO 641445, Norman Miguel Mejia Avila, a previously revoked licensee⁴.

30. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Ford F150 shows that between time stamp 18 and 18045, the engine RPM remains relatively steady at around 730 RPM. During this time, the data shows the throttle is fluctuating between 19.6 % opening and 23.9 % opening, and the MAF is fluctuating between 2.83 gram/sec and 5.01 gram/sec. After time stamp 18045, the data shows that the engine RPM increases and is ultimately held steady at around 2000 RPM.

31. During this time, the data shows that the throttle continues to fluctuate between 19.2 % opening and 23.5 % opening, and the MAF continues to fluctuate between 2.82 gram/sec and 5.09 gram/sec.

32. The OIS Test Data collected during the Smog Check inspection for the 2000 Ford F150 showed anomalies inconsistent with genuine engine operation. The steady idle and elevated engine RPMs, along with the improbable throttle position and MAF readings, are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and at elevated engine RPM, not dropping and rising unexpectedly. Additionally, during the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings. The discrepancies in the OIS Test Data prove that the Data Acquisition Device was not connected as required to the 2000 Ford F150 being certified, resulting in the issuance of a fraudulent Smog Check Certificate of Compliance.

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⁴ Former licensee Norman Miguel Mejia Avila's license EO 641445 was revoked on March 5, 2026.

Clean Plug # 2

33. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog Check. The review shows that on April 21, 2025, a 2000 Chevrolet Silverado C1500, VIN# 2GCEC19V9Y1302839, CA License # 7R47146 was tested and smog certificate # UM432033C was issued by 215 Smog Check under licensed Smog Check Inspector #EO 641445, Norman Miguel Mejia Avila, a previously revoked licensee.

34. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Chevrolet Silverado C1500 shows that between time stamp 27 and 19105, the engine RPM is relatively steady at around 755 RPM. During this time, the data shows the throttle is fluctuating between 0 % opening and 4.7 % opening, the MAF is fluctuating between 3.65 gram/sec and 4.84 gram/sec, and the MAP ultimately drops from 43 kPa to 32 kPa and ultimately rises to 46 kPa. After time stamp 19105, the data shows that the engine RPM increases and is ultimately held at no less than 1482 RPM.

35. During this time, the data shows that the throttle continues to fluctuate between 0 % opening and 2.7 % opening, the MAF continues to fluctuate between 2.76 gram/sec and 4.4 gram/sec, and the MAP is fluctuating between 32 kPa and 45 kPa.

36. The OIS Test Data collected during the Smog Check inspection for the 2000 Chevrolet Silverado C1500 showed anomalies inconsistent with genuine engine operation. The steady idle and elevated engine RPMs along with the improbable throttle positions, MAF and MAP readings are not characteristic or expected for normal engine operation. The throttle position, MAF, and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly. Additionally, during the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings, and the MAP readings are expected to decrease, not increase to above idle readings. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2000 Chevrolet Silverado C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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Clean Plug # 3

37. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog Check. The review shows that on July 8, 2025, a 2000 Ford F150, VIN# 1FTZF1724YNB38349, CA License # 92651B3 was tested and smog certificate # JF141249C was issued by 215 Smog Check under licensed Smog Check Inspector License #EO 644493, Jose Angel Novoa Gutierrez, a previously revoked licensee⁵.

38. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Ford F150 shows that between time stamp 354 and 18594, the engine RPM is relatively steady at around 800 RPM. During this time, the data shows the throttle is fluctuating between 19.6 % opening and 24.3 % opening, and the MAF is fluctuating between 4.09 gram/sec and 5.06 gram/sec. After time stamp 18594, the data shows that the engine RPM increases and is ultimately held steady at around 1710 RPM.

39. During this time, the data shows that throttle is at 21.6 % opening and then ultimately drops to an 18.8 % opening before ultimately rising to a 22.7 % opening, and the MAF continues to fluctuate between 3.15 gram/sec and 4.36 gram/sec.

40. The OIS Test Data collected during the Smog Check inspection for the 2000 Ford F150 showed anomalies inconsistent with genuine engine operation. The steady idle and steady elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, during the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2000 Ford F150 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

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⁵ Former licensee Jose Angel Novoa Gutierrez's license EO 644493 was revoked on February 6, 2026.

Prior Smog Check Inspection

41. On June 2, 2025, another Smog Check Station performed a Smog Check Inspection on the same 2000 Ford F150, VIN# 1FTZF1724YNB38349, CA License # 92651B3, during which the vehicle failed the inspection, and the OIS Test Details showed two confirmed Diagnostic Trouble Codes, P0171 (System too lean Bank 1) and P0174 (System too lean Bank 2), during this inspection.

42. The Dynamic PID charts and data for the 2000 Ford F150 show that between time stamp 320 and 21217, the engine RPM is relatively held steady at around 810 RPM. During this time, the data shows that the throttle is at 20.4 % opening and the MAF is between 4.85 gram/sec and 4.96 gram/sec. After time stamp 21217, the engine RPM is increased and is then held steady at no less than 1819 RPM. During this time, the data shows that the throttle increases and is now at 26.7 % opening and the MAF increases to 6.12 grams/sec and then increases to between 11.56 grams/sec and 11.61 grams/sec.

43. The OIS Test Data collected during the Smog Check inspection for the 2000 Ford F150 showed values that were consistent with genuine engine operation and reflected the expected patterns seen during a proper Smog Check inspection. The steady idle and elevated engine RPMs, along with the associated throttle positions and MAF readings, are characteristic and expected for normal engine operation. The throttle position and MAF readings are expected to remain stable at idle and increase with elevated engine RPM. These expected results were all present during this inspection.

Clean Plug # 4

44. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog Check. The review shows that on July 17, 2025, a 2000 Mercury Grand Marquis LS, VIN# 2MEFM75W2YX722019, CA License # 6UHK634 was tested and smog certificate # JF247700C was issued by 215 Smog Check under licensed Smog Check Inspector #EO 644493, Jose Angel Novoa Gutierrez, a former licensee whose license was revoked.

45. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Mercury Grand Marquis LS show that between time stamp 356 and 18457, the engine RPM is relatively steady at

1 around 750 RPM. During this time, the data shows that the throttle is at 18 % opening, and then
2 ultimately drops to a 15.7 % opening, and the MAF is fluctuating between 5.41 gram/sec and 7.45
3 gram/sec.

4 46. After time stamp 18457, the data shows that the engine RPM increases and is
5 ultimately held steady at around 2000 RPM. During this time, the data shows that the throttle is
6 fluctuating between 12.9 % opening and 17.3 % opening, and the MAF continues to fluctuate
7 between 5.32 gram/sec and 6.68 gram/sec.

8 47. The OIS Test Data collected during the Smog Check inspection for the 2000 Mercury
9 Grand Marquis LS showed anomalies inconsistent with genuine engine operation. The steady idle
10 and steady elevated engine RPMs, along with the improbable throttle positions and MAF
11 readings, are not characteristic or expected for normal engine operation. The throttle position and
12 MAF readings are expected to be stable at idle and at the elevated engine RPM, not dropping and
13 rising unexpectedly. Additionally, during the elevated engine RPM, the throttle position and MAF
14 readings are expected to increase, not decrease to values lower than idle readings. The
15 discrepancies in the OIS Test Data prove that the Data Acquisition Device was not connected as
16 required to the 2000 Mercury Grand Marquis LS being certified, causing the issuance of a
17 fraudulent Smog Check Certificate of Compliance.

18 **Clean Plug # 5**

19 48. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog
20 Check. The review shows that on August 13, 2025, a 2003 Ford F150 Supercrew, VIN#
21 1FTRW07L03KD80648, CA License # 7G26914 was tested and smog certificate # UQ656394C
22 was issued by 215 Smog Check under licensed Smog Check Inspector #EO 635186, Valentin V
23 Valencia, a former licensee whose license was revoked⁶.

24 49. The OBD Data (Dynamic) and Dynamic Data Charts for the 2003 Ford F150
25 Supercrew show that between time stamp 368 and 20055, the engine RPM is relatively steady at
26 around 690 RPM. During this time, the data shows that the throttle ultimately rises from 18.8 %
27

28 ⁶ Former licensee Valentin V Valencia's license EO 635186 was revoked on March 24, 2026.

opening to 23.9 % opening, then drops to 21.6 % opening, and the MAF is fluctuating between 2.89 gram/sec and 4.78 gram/sec. After time stamp 20055, the data shows that the engine RPM increases and is ultimately held steady at around 1550 RPM. During this time, the data shows that the throttle is at 22.4 % opening, and then ultimately drops to a 19.6 % opening, and the MAF continues to fluctuate between 3.32 gram/sec and 4.82 gram/sec.

50. The OIS Test Data collected during the Smog Check inspection for the 2003 Ford F150 Supercrew showed anomalies inconsistent with genuine engine operation. The steady idle and steady elevated engine RPMs, along with the improbable throttle position and MAF readings, are not characteristic or expected for normal engine operation. The throttle position and MAF readings are expected to be stable at idle and at elevated engine RPM, not dropping and rising unexpectedly or varying abnormally. Additionally, during elevated engine RPM, the throttle position readings are expected to increase, not decrease to values lower than idle readings. The discrepancies in the OIS Test Data prove that the Data Acquisition Device was not connected as required to the 2003 Ford F150 Supercrew being certified, resulting in the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 6

51. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog Check. The review shows that on November 25, 2025, a 2001 Chevrolet Silverado C1500, VIN# 2GCEC19T611281145, CA License # 49318H3 was tested and smog certificate # UW879250C was issued by 215 Smog Check under licensed Smog Check Inspector #EO 644493, Jose Angel Novoa Gutierrez.

52. The OBD Data (Dynamic) and Dynamic Data Charts for the 2001 Chevrolet Silverado C1500 show that between time stamp 364 and 19521, the engine RPM is relatively steady at around 620 RPM. During this time, the data shows that the throttle is at a 5.1 % opening, and then ultimately drops to a 4.3 % opening, the MAF rises from 3.31 gram/sec to 4.33 gram/sec, then drops to 3.37 gram/sec, and the MAP ultimately rises from 37 kPa to 43 kPa, then drops to 42 kPa. After time stamp 19521, the data shows that the engine RPM increases and is ultimately held steady at around 2175 RPM. During this time, the data shows that the throttle is at

1 a 5.5 % opening, and then ultimately drops to a 0 % opening, the MAF drops from 4.76 gram/sec
2 to 3.37 gram/sec, then rises to 4.14 gram/sec, and the MAP ultimately rises from 32 kPa to 45
3 kPa, then drops to 40 kPa.

4 53. The OIS Test Data collected during the Smog Check inspection for the 2001
5 Chevrolet Silverado C1500 showed anomalies inconsistent with genuine engine operation. The
6 steady idle and steady elevated engine RPMs along with the improbable throttle positions, MAF
7 and MAP readings are not characteristic or expected for normal engine operation. The throttle
8 position, MAF, and MAP readings are expected to be stable at idle and at the elevated engine
9 RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, during the elevated
10 engine RPM, the throttle position and MAF readings are expected to increase, not decrease to
11 values lower than idle readings, and the MAP readings are expected to decrease, not increase to
12 above idle readings. The discrepancies in the OIS Test Data prove the Data Acquisition Device
13 was not connected as required to the 2001 Chevrolet Silverado C1500 being certified, causing the
14 issuance of a fraudulent Smog Check Certificate of Compliance.

15 **Clean Plug # 7**

16 54. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog
17 Check. The review shows that on December 31, 2025, a 2001 Dodge Dakota, VIN#
18 1B7GL22Z01S213453, CA License # 14211N1 was tested and smog certificate # UY556532C
19 was issued by 215 Smog Check under licensed Smog Check Inspector #EO 644493, Jose Angel
20 Novoa Gutierrez, a former licensee whose license was revoked.

21 55. The OBD Data (Dynamic) and Dynamic Data Charts for the 2001 Dodge Dakota
22 show that between time stamp 353 and 18861, the engine RPM is relatively steady at around 560
23 RPM. During this time, the data shows that the throttle is fluctuating between 13.7 % opening and
24 18 % opening, and the MAP is at 23 kPa and then ultimately drops to 16 kPa. After time stamp
25 18861, the data shows that the engine RPM increases and is ultimately held steady at around 1460
26 RPM. During this time, the data shows that the throttle continues to fluctuate between 12.9 %
27 opening and 18 % opening and the MAP is fluctuating between 16 kPa and 29 kPa.

1 56. The OIS Test Data collected during the Smog Check inspection for the 2001 Dodge
2 Dakota showed anomalies inconsistent with genuine engine operation. The steady idle and steady
3 elevated engine RPMs along with the improbable throttle positions and MAP readings are not
4 characteristic or expected for normal engine operation. The throttle position and MAP readings
5 are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly
6 and/or vary abnormally. Additionally, during the elevated engine RPM, the throttle position
7 readings are expected to increase, not decrease to values lower than idle readings, and the MAP
8 readings are expected to decrease, not increase to above idle readings. The discrepancies in the
9 OIS Test Data prove the Data Acquisition Device was not connected as required to the 2001
10 Dodge Dakota being certified, causing the issuance of a fraudulent Smog Check Certificate of
11 Compliance.

12 **Clean Plug # 8-Respondent Ramirez**

13 57. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog
14 Check. The review shows that on March 6, 2026, a 2000 Chevrolet S Truck S10, VIN#
15 1GCCS19W6Y8191067, CA License # 6E83040 was tested and smog certificate # VA756943C
16 was issued by 215 Smog Check under licensed Smog Check Inspector #EO 639424, Miguel
17 Angel Ramirez.

18 58. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Chevrolet S Truck
19 S10 shows that between time stamp 440 and 20564, the engine RPM is relatively steady at around
20 724 RPM.

21 59. During this time, the data shows that the throttle rises from a 3.1 % opening to a 3.5
22 % opening, and then drops to a 2.7 % opening, the MAF rises from 6.59 gram/sec to 7.09
23 gram/sec, then drops to 6.52 gram/sec, and the MAP ultimately drops from 41 kPa to 32 kPa, then
24 rises to 39 kPa. After time stamp 20564, the data shows that the engine RPM increases and is
25 ultimately held steady at no less than 1401 RPM. During this time, the data shows that the throttle
26 rises from 0.4 % opening to a 3.9 % opening, and then drops to a 2.7 % opening, the MAF is at
27 6.98 gram/sec, and then ultimately drops to 5.54 gram/sec, and the MAP drops from 43 kPa to 32
28 kPa, then rises to 40 kPa.

60. The OIS Test Data collected during the Smog Check inspection for the 2000 Chevrolet S Truck S10 showed anomalies inconsistent with genuine engine operation. The steady idle and elevated engine RPMs along with the improbable throttle positions, MAF and MAP readings are not characteristic or expected for normal engine operation. The throttle position, MAF, and MAP readings are expected to be stable at idle and at the elevated engine RPM, not drop and rise unexpectedly and/or vary abnormally. Additionally, during the elevated engine RPM, the throttle position and MAF readings are expected to increase, not decrease to values lower than idle readings, and the MAP readings are expected to decrease, not increase to above idle readings. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2000 Chevrolet S Truck S10 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug # 9-Respondent Ramirez

61. Bureau Program Representative M.A reviewed the OIS Test Data for 215 Smog Check. The review shows that on March 7, 2026, a 2000 Ford Explore Eddie Bauer, VIN# 1FMZU64P0YZB95526, CA License # 4PZV828 was tested and smog certificate # VA756946C was issued by 215 Smog Check under licensed Smog Check Inspector #EO 639424, Miguel Angel Ramirez.

62. The OBD Data (Dynamic) and Dynamic Data Charts for the 2000 Ford Explorer Eddie Bauer show that between time stamp 433 and 20517, the engine RPM is relatively steady at around 540 RPM.

63. During this time, the data shows that the throttle is fluctuating between 21.6 % opening and a 24.3 % opening, and the MAF is fluctuating between 5.68 gram/sec and 7.56 gram/sec. After time stamp 20517, the data shows that the engine RPM increases and is ultimately held steady at around 1600 RPM. During this time, the data shows that the throttle drops from a 20 % opening to a fixed 18.8 % opening, then rises back to a 20 % opening, and the MAF continues to fluctuate between 5.44 gram/sec and 7.52 gram/sec.

64. The OIS Test Data collected during the Smog Check inspection for the 2000 Ford Explore Eddie Bauer showed anomalies inconsistent with genuine engine operation. The steady

1 idle and steady elevated engine RPMs, along with the improbable throttle position and MAF
2 readings, are not characteristic or expected for normal engine operation. The throttle position and
3 MAF readings are expected to be stable at idle and at elevated engine RPM, not dropping and
4 rising unexpectedly or varying abnormally. Additionally, during the elevated engine RPM, the
5 throttle position and MAF readings are expected to increase, not decrease to values lower than
6 idle readings. The discrepancies in the OIS Test Data prove that the Data Acquisition Device was
7 not connected as required to the 2000 Ford Explorer Eddie Bauer being certified, resulting in the
8 issuance of a fraudulent Smog Check Certificate of Compliance.

9 **Clean Plug # 10-Respondent Novoa**

10 65. Bureau Program Representative M.A. reviewed the OIS Test Data for 215 Smog
11 Check. The review shows that on March 7, 2026, a 2002 Ford Mustang, VIN#
12 1FAFP40432F243002, CA License # 9MBY566 was tested and smog certificate # VA151540C
13 was issued by 215 Smog Check under licensed Smog Check Inspector #EO 645803, Jonathan
14 Novoa.

15 66. The OBD Data (Dynamic) and Dynamic Data Charts for the 2002 Ford Mustang
16 show that between time stamp 332 and 18855, the engine RPM is relatively steady at around 675
17 RPM.

18 67. During this time, the data shows the throttle rises from a 22.7 % opening to 23.9 %
19 opening, and then ultimately drops to an 18.8 % opening, and the MAF is fluctuating between
20 3.15 gram/sec and 4.76 gram/sec. After time stamp 18855, the data shows that the engine RPM
21 increases and is ultimately held steady at around 1960 RPM. During this time, the data shows that
22 the throttle is fluctuating between 18.8 % opening and a 23.5 % opening, and the MAF continues
23 to fluctuate between 3.05 gram/sec and 4.9 gram/sec.

24 68. The OIS Test Data collected during the Smog Check inspection for the 2002 Ford
25 Mustang showed anomalies inconsistent with genuine engine operation. The steady idle and
26 steady elevated engine RPMs, along with the improbable throttle position and MAF readings, are
27 not characteristic or expected for normal engine operation. The throttle position and MAF
28 readings are expected to be stable at idle and at elevated engine RPM, not dropping and rising

1 unexpectedly or varying abnormally. Additionally, during the elevated engine RPM, the throttle
2 position and MAF readings are expected to increase, not decrease to values lower than idle
3 readings. The discrepancies in the OIS Test Data prove that the Data Acquisition Device was not
4 connected as required to the 2002 Ford Mustang being certified, resulting in the issuance of a
5 fraudulent Smog Check Certificate of Compliance.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements - Respondent 215 Smog Check)**

8 69. Respondent 215 Smog Check's registration is subject to disciplinary action pursuant
9 to section 9884.7, subdivision (a)(1), in that Respondent's employees made or authorized
10 statements which they knew or in the exercise of reasonable care should have known to be untrue
11 or misleading, as follows: Respondent's employees certified that the vehicles set forth above in
12 paragraphs 29-68, had passed inspection and were in compliance with applicable laws and
13 regulations. In fact, Respondent's employees conducted the inspections on those vehicles using
14 the clean plugging method in order to issue smog certificates of compliance, and did not test or
15 inspect the vehicles as required by Health and Safety Code section 44012.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Fraud - Respondent 215 Smog Check)**

18 70. Respondent 215 Smog Check's registration is subject to disciplinary action pursuant
19 to section 9884.7, subdivision (a)(4), in that Respondent 215 Smog Check's employees
20 committed acts which constitute fraud by issuing electronic certificates of compliance for the
21 vehicles set forth above in paragraphs 29-68, without performing bona fide inspections of the
22 emission control devices and systems on those vehicles, thereby depriving the People of the State
23 of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Motor Vehicle Inspection Program –**

3 **Respondent 215 Smog Check)**

4 71. Respondent 215 Smog Check's smog station license is subject to disciplinary action
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health
6 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
7 paragraphs 29-68, Respondent 215 Smog Check failed to comply with the following sections of
8 the Health and Safety Code:

9 (a) **Section 44012**: Respondent 215 Smog Check's employees failed to ensure that the
10 emission control tests were performed on the vehicles, in accordance with procedures prescribed
11 by the department.

12 (b) **Section 44015**: Respondent 215 Smog Check's employees issued electronic
13 certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested
14 and inspected to determine if they were in compliance with Health and Safety Code section
15 44012.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**

18 **Respondent 215 Smog Check)**

19 72. Respondent 215 Smog Check's smog station license is subject to disciplinary action
20 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the
21 vehicles set forth above in paragraphs 29-68, Respondent's employees failed to comply with the
22 following provisions of the California Code of Regulations, Title 16, as follows:

23 (a) **Section 3340.35, subdivision (c)**: Respondent 215 Smog Check's employees issued
24 electronic certificates of compliance even though those vehicles had not been inspected in
25 accordance with section 3340.42, Title 16, of the California Code of Regulations.

26 (b) **Section 3340.42**: Respondent 215 Smog Check's employees failed to conduct the
27 required smog tests and inspections on those vehicles in accordance with the Bureau's
28 specifications.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit - Respondent 215 Smog Check)**

3 73. Respondent 215 Smog Check's smog station license is subject to disciplinary action
4 pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
5 and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
6 paragraphs 29-68, Respondent 215 Smog Check's employee's committed acts involving
7 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of
8 compliance for those vehicles without performing bona fide inspections of the emission control
9 devices and systems on the vehicles, thereby depriving the People of the State of California of the
10 protection afforded by the Motor Vehicle Inspection Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 74. Respondent Ramirez's smog check inspector license is subject to discipline pursuant
14 to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
15 above in paragraphs 57-64, Respondent Ramirez failed to comply with sections 44012 and 44032
16 of the Health and Safety Code in a material respect, as follows: Respondent Ramirez failed to
17 perform the emission control tests on those vehicles in accordance with procedures prescribed by
18 the department.

19 **SEVENTH CAUSE FOR DISCIPLINE**

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

22 75. Respondent Ramirez's smog check inspector license is subject to discipline pursuant
23 to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
24 above in paragraphs 57-64, Respondent Ramirez failed to comply with provisions of the
25 California Code of Regulations, title 16, as follows:

26 (a) **Section 3340.30, subdivision (a):** Respondent Ramirez failed to inspect and test
27 those vehicles in accordance with Health and Safety Code sections 44012 and 44032.
28

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

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

5 **EIGHTH CAUSE FOR DISCIPLINE**

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

7 76. Respondent Ramirez's smog check inspector license is subject to discipline pursuant
8 to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and
9 Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in
10 paragraphs 57-64, Respondent Ramirez committed acts involving dishonesty, fraud or deceit
11 whereby another was injured by issuing electronic certificates of compliance for those vehicles
12 without performing bona fide inspections of the emission control devices and systems on the
13 vehicles, thereby depriving the People of the State of California of the protection afforded by the
14 Motor Vehicle Inspection Program.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program – Respondent Novoa)**

17 77. Respondent Novoa's smog check inspector license is subject to discipline pursuant to
18 Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth
19 above in paragraphs 65-68, Respondent Novoa failed to comply with sections 44012 and 44032
20 of the Health and Safety Code in a material respect, as follows: Respondent Novoa failed to
21 perform the emission control tests on those vehicles in accordance with procedures prescribed by
22 the department.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**
25 **Respondent Novoa)**

26 78. Respondent Novoa's smog check inspector license is subject to discipline pursuant to
27 Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth
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above in paragraphs 65-68, Respondent Novoa failed to comply with provisions of the California Code of Regulations, title 16, as follows:

(a) **Section 3340.30, subdivision (a)**: Respondent Novoa failed to inspect and test those vehicles in accordance with Health and Safety Code sections 44012 and 44032.

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

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

ELEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent Novoa)

79. Respondent Novoa's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 65-68, Respondent Novoa committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

OTHER MATTERS

80. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this State by Respondent 215 Smog Check upon a finding that Respondent 215 Smog Check has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

81. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station License Number TC 310294 issued to Respondent 215 Smog Check is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

82. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 639424 issued to Respondent Ramirez, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

83. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 645803 issued to Respondent Novoa, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 310294, issued to Rosemary Montgomery dba 215 Smog Check;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Rosemary Montgomery;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 310294, issued to Rosemary Montgomery dba 215 Smog Check;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Rosemary Montgomery;

5. Revoking or suspending Smog Check Inspector License Number EO 639424, issued to Miguel Angel Ramirez;

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 of Respondent Miguel Angel Ramirez;

7. Revoking or suspending Smog Check Inspector License Number EO 645803, issued to Jonathan Novoa;

8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Jonathan Novoa;

1 9. Ordering Rosemary Montgomery, Miguel Angel Ramirez and Jonathan Novoa to pay
2 the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of
3 this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the
4 costs of probation monitoring; and,

5 10. Taking such other and further action as deemed necessary and proper.

6
7 DATED: As of digital signature date

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.10.09 14:29:18
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PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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