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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against**:** **ARLAIN JASSO, DBA SMOG DEPT** 481 East Laurel Street Ste B Colton, CA 92324 **Mailing Address:** 3825 Crestmore Road Spc 485 Riverside, CA 92509 Automotive Repair Dealer Registration No. ARD 310455 Smog Check, Test-Only, Station No. TC 310455, **and** **ARLAIN JASSO** 3825 Crestmore Rd Spc 485 Riverside, CA 92509 Smog Check Inspector License No. EO 645202 Respondents.	Case No. 79/25-6698 **ACCUSATION**

PARTIES

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

2. On or about October 9, 2024, the Bureau issued Automotive Repair Dealer Registration Number ARD 310455 to Arlain Jasso ("Respondent"), doing business as Smog Dept. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2025, unless renewed.

3. On or about November 13, 2024, the Bureau issued Smog Check, Test Only, Station Number TC 310455 to Respondent, doing business as Smog Dept. The Smog Check, Test Only, Station was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2025, unless renewed.

4. On or about September 6, 2024, the Bureau issued Smog Check Inspector License Number EO 645202 to Respondent. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2026, unless renewed.

JURISDICTION

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

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

7. Business and Professions Code section 477 provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Business and Professions Code.

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

9. Health and Safety Code section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

10. Health and Safety Code section 44072.6 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 any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

11. Business and Professions Code section 9884.7 states, in pertinent part:

> (a) The director, if 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.
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> . . .
>
> (4) Any other conduct that constitutes fraud.
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> . . .
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . .
>
> (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate the automotive repair dealer's other places of business.
>
> (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

. . .

(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.

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

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

12. Health and Safety Code section 44012 provides:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

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

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

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

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

(e) For diesel-powered vehicles, a visual inspection is made of emission control devices and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the department, that may include, but are not limited to, onboard diagnostic testing. The test may include testing of emissions of any or all of the pollutants 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) An analysis of pass and fail rates of vehicles subject to an onboard diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles failing their onboard diagnostic test have or would have passed a tailpipe test.

(i) 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.

13. Health and Safety Code section 44014, subdivision (a), provides:

Except as otherwise provided in this chapter, the testing and repair portion of the program shall be conducted by smog check stations licensed by the department, and by smog check technicians who have qualified pursuant to this chapter.

14. Health and Safety Code section 44015, subdivision (b), provides:

If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

15. Health and Safety Code section 44032 provides:

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

16. Health and Safety Code section 44059 provides:

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

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

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

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

. . .

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

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

. . .

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

18. Health & Safety Code section 44072.10 states, in pertinent part:

. . .

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, 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.

19. Health and Safety Code section 44072.8 states that "[w]hen 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

20. California Code of Regulations, title 16, section 3340.24, subdivision (c), states that 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."

21. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

> 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.
>
> . . .

22. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a licensed smog check station "shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly."

23. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

> . . .
>
> (b) No person shall enter any access or qualification number other than as authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or OIS.
>
> (c) No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

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

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

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

(1) A loaded-mode test shall be the test method used to inspect 1976-1999 model-year vehicle, except diesel-powered, registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, 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.

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

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

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

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

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

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

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

(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.

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

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

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

26. California Code of Regulations, title 16, section 3373 states:

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where

the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

COST RECOVERY

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

CALIFORNIA'S SMOG CHECK PROGRAM

28. California's Smog Check Program requires most vehicles in the State to undergo a smog check inspection every two years when renewing their registration and when the vehicle's title is transferred. The Smog Check Program is designed and intended to reduce air pollution by identifying and requiring the repair of polluting motor vehicles.

29. A smog check inspection in certain Enhanced areas of the State is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC), Carbon Monoxide (CO), Oxides of Nitrogen (NO_x), Carbon Dioxide (CO_2) and Oxygen (O_2). The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer. The vehicle's drive wheels are placed on rollers and the vehicle is driven to simulate driving conditions while the emissions are sampled by the EIS.

30. In Basic areas of the State, or depending on a vehicle's configuration, a similar test called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions of HC, CO, O_2, and CO_2 at idle as well as 2500 revolutions per minute (rpm).

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

32. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector from the vehicle's on-board computer about its ability to communicate, the status of the I/M

readiness monitors and the MIL light command. The I/M readiness monitors tell whether or not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine control systems. A failure of one or more of the OBD II functional criteria, depending on model year, will result in the vehicle failing its smog check inspection. In addition to reporting the outcome of the OBD II functional test, the smog check inspection results also show Diagnostic Trouble Codes if there are any in the vehicle's on-board computer memory.

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

34. The EIS is connected by internet connection to Bureau's Vehicle Information Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.

35. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device, computer, bar code scanner, and printer. The Data Acquisition Device is an OBD scan tool that, when requested by the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the BAR-OIS software and will be retrieved. The Data Acquisition Device connects between the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used to input inspector information, the vehicle identification number (VIN), and Department of Motor Vehicles 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.

36. During an OIS inspection, engine operating parameters (PIDs) 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 Data Acquisition Device into the

vehicle's diagnostic link connector 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, 25 to 45 kpa 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).
- Ignition timing is when the spark plug is ignited in relation to the position of the engine's moving pistons. It is measured in degrees before top dead center (BTDC). The ignition timing will constantly change based on engine operating conditions such as RPM, engine load, and throttle position.

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

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

engine speed. The increase in engine speed is performed by the inspector by stepping on the throttle pedal or manually opening the throttle resulting in a corresponding increase in engine RPMs by allowing an increase in airflow into the engine.

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

NOVEMBER 13, 2024 STATION INSPECTION

40. On November 13, 2024, a Bureau Representative visited Smog Dept and met with Respondent to perform an inspection to initialize the station for the Smog Check program. The Bureau Representative informed Respondent that all Smog Check inspections shall be performed by licensed technicians using their own access code, that no false information about the vehicles being tested will be entered in the analyzer, that tests and inspections shall be conducted in accordance with the Bureau's Smog Check Manual, and that compliance with the Automotive Repair Act is mandatory.

APRIL 17, 2025 VID DATA REVIEW

41. On or about April 17, 2025, a Bureau Representative conducted a detailed review of the VID data for smog check inspections performed at Smog Dept, which showed a pattern of vehicles being certified with engine operating parameters that did not correspond to normal engine operation. The Bureau's review of the smog check activities at Smog Dept confirmed 10 smog check Certificates of Compliance were fraudulently issued to vehicles after inspections performed at Smog Dept.

Clean Plug Number 1 – 2002 Toyota Camry LE

42. OIS Test data for Smog Dept indicated that on November 26, 2024, a 2002 Toyota Camry LE, no CA license, VIN 4T1BE32K52U596210, was tested and Smog Certificate of Compliance #UG363634C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

43. The Dynamic Data Charts for the 2002 Toyota Camry LE show that between time stamp 134 and 17150, the engine RPM is steady at around 680 RPM. During this time, the data shows that the throttle is fixed at 14.5% opening and the MAF is fixed at 2.07 gps. After time stamp 17150, the engine RPM is increased and then held above 1753 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 14.5% opening and the MAF continues to stay fixed at the same 2.07 gps.

44. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2002 Toyota Camry LE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 2 – 2005 GMC New Sierra C1500

45. OIS Test data for Smog Dept indicated that on December 4, 2024, a 2005 GMC New Sierra C1500, no CA license, VIN 2GTEC13TX51185923, was tested and Smog Certificate of Compliance #UG841615C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

46. The Dynamic Data Charts for the 2005 GMC New Sierra C1500 show that between time stamp 33 and 17148, the engine RPM is steady at around 575 RPM. During this time, the data shows that the throttle is fixed at 13.3% opening, the MAP is fixed at 36 kPa, and MAF is fixed at 5.39 gps. After time stamp 17148, the engine RPM is increased and then held above 1836 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows

that the throttle continues to stay fixed at the same 13.3% opening, the MAP continues to stay fixed at the same 36 kPa, and the MAF continues to stay fixed at the same 5.39 gps.

47. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2005 GMC New Sierra C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 3 – 2002 Chevrolet Silverado C2500 Heavy Duty

48. OIS Test data for Smog Dept indicated that on December 7, 2024, a 2002 Chevrolet Silverado C2500 Heavy Duty, CA license 6W86551, VIN 1GBHC24U12E199752, was tested and Smog Certificate of Compliance #UG841629C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

49. The Dynamic Data Charts for the 2002 Chevrolet Silverado C2500 Heavy Duty show that between time stamp 34 and 17368, the engine RPM is steady at around 585 RPM. During this time, the data shows that the throttle is fixed at 0.0% opening, the MAP is fixed at 34 kPa and the MAF is fixed at 6.24 gps. After time stamp 17368, the engine RPM is increased and then held above 1702 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 0.0% opening, the MAP continues to stay fixed at the same 34 kPa, and the MAF continues to stay fixed at the same 6.24 gps.

50. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and MAF, readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2002 Chevrolet Silverado C2500 Heavy Duty being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.[1]

[1] On August 29, 2022, a prior Smog Check inspection was performed on the 2002 Chevrolet Silverado C2500 Heavy Duty, CA license 6W86551, VIN 1GBHC24U12E199752, and Smog (continued…)

Clean Plug Number 4 – 2002 Ford Expedition Eddie Bauer

51. OIS Test data for Smog Dept indicated that on December 7, 2024, a 2002 Ford Expedition Eddie Bauer, CA license 8JSZ301, VIN 1FMPU18L02LA41801, was tested and Smog Certificate of Compliance #UG841630C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

52. The Dynamic Data Charts for the 2002 Ford Expedition Eddie Bauer show that between time stamp 18 and 16717, the engine RPM is steady at around 780 RPM. During this time, the data shows that the throttle is fixed at 19.6% opening and the MAF is fixed at 4.31 gps. After time stamp 16717, the engine RPM is increased and then held above 1774. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 19.6% opening and the MAF continues to stay fixed at the same 4.31 gps.

53. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2002 Ford Expedition Eddie Bauer being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.[2]

Clean Plug Number 5 – 2004 Toyota Tacoma Prerunner

54. OIS Test data for Smog Dept indicated that on December 11, 2024, a 2004 Toyota Tacoma Prerunner, CA license 67495W3, VIN 5TENM92N54Z323943, was tested and Smog Certificate of Compliance #UG841647C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

Certificate of Compliance #SW270194C was issued. The Dynamic data collected during the test shows the expected change in throttle, MAP, and MAF, consistent with normal engine operation.

[2] On November 30, 2023, a prior Smog Check inspection was performed on the 2002 Ford Expedition Eddie Bauer, CA license 8JSZ301, VIN 1FMPU18L02LA41801, and Smog Certificate of Compliance #IX625102 was issued. The Dynamic data collected during the test shows the expected change in throttle and MAF, consistent with normal engine operation.

55. The Dynamic Data Charts for the 2004 Toyota Tacoma Prerunner shows that time stamp 132 and 16558, the engine RPM is steady at around 785 RPM. During this time, the data shows that the throttle is fixed at 10.2% opening and the MAF is fixed at 4.17 gps. After time stamp 16558, the engine RPM is increased and then held above 1719. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 10.2% opening and the MAF continues to stay fixed at the same 4.17 gps.

56. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2004 Toyota Tacoma Prerunner being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.[3]

Clean Plug Number 6 – 2001 Toyota Tacoma Xtracab

57. OIS Test data for Smog Dept indicated that on December 11, 2024, a 2001 Toyota Tacoma Xtracab, CA license 39494S2, VIN 5TEVL52N31Z804801, was tested and Smog Certificate of Compliance #UG841649C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

58. The Dynamic Data Charts for the 2001 Toyota Tacoma Xtracab show that between time stamp 284 and 16731, the engine RPM is steady at around 695 RPM. During this time, the data shows that the throttle is fixed at 10.2% opening and the MAF is fixed at 4.76 gps. After time stamp 16731, the engine RPM is increased and then held above 1934 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 10.2% opening and the MAF continues to stay fixed at the same 4.76 gps.

[3] On February 23, 2024, a prior Smog Check inspection was performed on the 2004 Toyota Tacoma Prerunner, VIN 5TENM92N54Z323943, CA license 11310E3, and Smog Certificate of Compliance #IX656882Cwas issued. The Dynamic data collected during the test shows the expected change in throttle and MAF, consistent with normal engine operation.

59. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2001 Toyota Tacoma Xtracab being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 7 – 2002 Chevrolet Tahoe C1500

60. OIS Test data for Smog Dept indicated that on December 12, 2024, a 2002 Chevrolet Tahoe C1500, CA license 4XUJ522, VIN 1GNEC13V42R300527, was tested and Smog Certificate of Compliance #UG841650C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

61. The Dynamic Data Charts for the 2002 Chevrolet Tahoe C1500 show that between time stamp 35 and 17080, the engine RPM is steady at around 535 RPM. During this time, the data shows that the throttle is fixed at 0.0% opening, the MAP is fixed at 37 kPa, and the MAF is fixed at 4.71 gps. After time stamp 17080, the engine RPM is increased and then held above 1842 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 0.0% opening, the MAP continues to stay fixed at the same 37 kPa, and the MAF continues to stay fixed at the same 4.71 gps.

62. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position, MAP, and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2002 Chevrolet Tahoe C1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 8 – 2002 Toyota Tacoma Double Cab Prerunner

63. OIS Test data for Smog Dept indicated that on December 13, 2024, a 2002 Toyota Tacoma Double Cab Prerunner, license 6V20854, VIN 5TEGN92N72Z013814, was tested and

Smog Certificate of Compliance #UI180557C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

64. The Dynamic Data Charts for the 2002 Toyota Tacoma Double Cab Prerunner show that between time stamp 136 and 17016, the engine RPM is steady at around 780 RPM. During this time, the data shows that the throttle is fixed at 9.8% opening and the MAF is fixed at 5.62 gps. After time stamp 17016, the engine RPM is increased and then held above 1892 RPM. From the time the engine RPM increases from off idle to the higher RPMs, the data shows that the throttle continues to stay fixed at the same 9.8% opening and the MAF continues to stay fixed at the same 5.62 gps.

65. During the entire period the dynamic data was collected, the only parameter that changed was engine RPM. The throttle position and MAF readings remained unchanged even though the engine RPM was increased. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data prove the Data Acquisition Device was not connected as required to the 2002 Toyota Tacoma Double Cab Prerunner being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug Number 9 – 2004 Toyota Sienna XLE

66. OIS Test data for Smog Dept indicated that on March 31, 2025, a 2004 Toyota Sienna XLE, no CA license, VIN 5TDZA22C74S128472, was tested and Smog Certificate of Compliance #UM157054C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

67. The Dynamic PID Charts for the 2004 Toyota Sienna XLE show that between time stamp 264 and 16790, the engine RPM is steady at around 600 RPM. During this time, the data shows that the throttle is fluctuating erratically between 12.5% and 17.3% opening and the MAF fluctuating between 2.93 and 5.05gps. After time stamp 16790, the engine RPM is increased and then held above 1653 RPM. During this time, the data shows that the throttle is fluctuating erratically between 12.5% and 16.5% and the MAF is varying between 2.82 and 4.03 gps.

68. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The

throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not dropping and rising unexpectedly. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2004 Toyota Sienna XLE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance. [4]

Clean Plug Number 10 – 2000 Toyota Sienna LE

69. OIS Test data for Smog Dept indicated that on April 7, 2025, a 2000 Toyota Sienna LE, no CA license, VIN 4T3ZF13C1YU268502, was tested and Smog Certificate of Compliance #UM157089C was issued by Smog Dept under Respondent's Smog Check Inspector License Number EO 645202.

70. The Dynamic PID Charts for the 2000 Toyota Sienna LE show that between time stamp 137 and 16623, the engine RPM is steady at around 675 RPM. During this time, the data shows that the throttle is fluctuating erratically between 6.7% and 10.6% opening and the MAF is fluctuating erratically between 3.26 gps and 4.87gps. After time stamp 16623, the engine RPM is increased and then held elevated at no less than 1697 RPM. During this time, the data shows that the throttle is fluctuating erratically between 6.7% and 10.2% and the MAF is fluctuating erratically between 3.53 gps and 4.45 gps.

71. The steady idle and elevated engine RPMs along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable at idle and increase with the elevated engine RPM, not dropping and rising unexpectedly. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Sienna LE being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

[4] On August 25, 2023, a prior Smog Check inspection was performed on the 2004 Toyota Sienna XLE, CA license 7TOE734, VIN 5TDZA22C74S128472, and Smog Certificate of Compliance #TM484099C was issued. The Dynamic data collected during the test shows the expected change in throttle and MAF, consistent with normal engine operation.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

72. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(1), in that he made statements which were known to be untrue or misleading or, which by exercise of reasonable care, should have been known to be untrue or misleading, by issuing electronic smog certificates of compliance for the vehicles identified above certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, as though fully set forth here.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

73. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that he committed acts that constitute fraud by issuing electronic certificates of compliance to the vehicles identified above without performing bone fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

74. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that he failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it when she issued electronic certificates of compliance for the vehicles identified above without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor

Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

75. Respondent's Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that Code:

a. **Section 44012:** Respondent failed to ensure that the emission control tests were performed on the vehicles identified above in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance to the vehicles identified above without properly testing and inspecting those vehicles to determine if they were in compliance with Health & Safety Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)

76. Respondent's Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of Regulations, title 16, as follows:

a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of compliance for the vehicles identified above even though those vehicles had not been inspected in accordance with section 3340.42.

d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information into the emissions inspection system for the vehicles identified above.

e. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

e. **Section 3373:** Respondent withheld or inserted statements or information in an estimate, invoice, work order, or record required to be maintained by California Code of Regulations, title 16, section 3340.15, subdivision (e), which caused the document to be false or misleading for the vehicles identified above.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit – Respondent)

77. Respondent's Smog Check, Test Only, Station License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified above without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

78. Respondent's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that he failed to comply with the following sections of that code:

a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission control devices and systems required by law were installed and functioning correctly on the vehicles identified above in accordance with test procedures prescribed by the Bureau.

b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests on the vehicles identified above in accordance with procedures prescribed by the Bureau.

a. **Section 44032:** Respondent failed to perform tests of emission control devices and systems of the vehicles identified above in accordance with Health & Safety Code section 44012.

b. **Section 44015, subdivision (b):** Respondent caused electronic smog certificates of compliance to be issued for the subject vehicles identified above without ensuring that they were properly tested and inspected to determine if they were in compliance with Health & Safety Code section 44012.

e. **Section 44059:** Respondent willfully made false entries for the electronic certificates of compliance by certifying that the vehicles identified above had been inspected as required when, in fact, they had not.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)

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

a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic smog certificates of compliance for the vehicles identified above.

b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the vehicles identified above in accordance with Health & Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information into the emissions inspection system for the vehicles identified above.

d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted on the vehicles identified above were done in accordance with the Bureau's specifications.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

80. Respondent's Smog Check Inspector License is subject to disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in conjunction with Health & Safety Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the vehicles identified above without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 40 through 71, above, as though set forth fully herein.

OTHER MATTERS

81. Pursuant to Business and 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, upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

82. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only, Station License No. TC 310455, issued to Respondent, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code 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 No. EO 645202, issued to Respondent, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code 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 310455, issued to Arlain Jasso;

2. Revoking or suspending any other automotive repair dealer registration issued to Arlain Jasso;

3. Revoking or suspending Smog Check, Test Only, Station Number TC 310455, issued to Arlain Jasso;

4. Revoking or suspending Smog Check Inspector License Number EO 645202, issued to Arlain Jasso;

5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Arlain Jasso;

6. Ordering Arlain Jasso 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,

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

DATED: As of digital signature date

Dorais, Patrick@DCA
Digitally signed by Dorais, Patrick@DCA
Date: 2025.08.16 10:46:59 -07'00'

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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