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

12 In the Matter of the Accusation Against:

Case No. 79/26-2432

13 **CARLOS ALBERTO MARTINEZ-**
14 **OWNER/RESPONSIBLE MANAGING**
15 **EMPLOYEE DBA ALPHA SMOG**
16 **7708 Sepulveda Boulevard A5**
17 **Van Nuys, CA 91405**
18 **Automotive Repair Dealer Registration No.**
19 **ARD 312502**
20 **Smog Check, Test-Only, Station License No.**
21 **TC 312502**

ACCUSATION

22 **and**

23 **CARLOS ALBERTO MARTINEZ**
24 **37002 Elmira Street**
25 **Palmdale, CA 93552**
26 **Smog Check Station Inspector No.**
27 **EO 644708**

28 Respondents.

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.

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1 **Carlos Alberto Martinez-Owner/Responsible Managing Employee dba Alpha Smog**

2 **Automotive Repair Dealer Registration**

3 2. On or about April 24, 2025, the Bureau issued Automotive Repair Dealer Registration
4 Number ARD 312502 to Carlos Alberto Martinez-Owner/Responsible Managing Employee dba
5 Alpha Smog ("Respondent Alpha Smog"). The Automotive Repair Dealer Registration was in
6 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
7 2027, unless renewed.

8 **Smog Check, Test-Only, Station License**

9 3. On or about May 30, 2025, the Bureau issued Smog Check, Test-Only, Station
10 License Number TC 312502 to Respondent Alpha Smog. The Smog Check, Test-Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on April 30, 2027, unless renewed.

13 **STAR Station Certification**

14 4. Respondent Alpha Smog is also certified as a STAR Station. The certification was
15 issued on or about July 24, 2025, and was suspended on January 14, 2026.

16 **Carlos Alberto Martinez**

17 **Smog Check Inspector License**

18 5. On or about November 30, 2023, the Bureau issued Smog Check Inspector License
19 Number EO 644708 to Carlos Alberto Martinez ("Respondent Martinez"). The Smog Check
20 Inspector License was in full force and effect at all times relevant to the charges brought herein
21 and will expire on May 31, 2027, unless renewed.

22 **JURISDICTION**

23 6. Business and Professions Code ("Code") section 9884.7 provides that the Director
24 may revoke an automotive repair dealer registration.

25 7. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
26 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
27 proceeding against an automotive repair dealer or to render a decision invalidating a registration
28 temporarily or permanently.

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

9. 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 any investigation of, or action or disciplinary proceedings against the licensee, or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

10. Section 9884.7 of the Code states:

(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.

• • • •

(4) Any other conduct that constitutes fraud.

• • • •

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

• • • •

(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.

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

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

1 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or
2 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no
3 earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,
4 beginning no earlier than January 1, 2025. However, the department, in consultation
5 with the state board, may prescribe alternative test procedures that include loaded
6 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic
7 systems that the department and the state board determine exhibit operational
8 problems. The department shall ensure, as appropriate to the test method, the
9 following:

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

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

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

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

25 (e) For diesel-powered vehicles, a visual inspection is made of emission
26 control devices and the vehicle's exhaust emissions are tested in accordance with
27 procedures prescribed by the department, that may include, but are not limited to,
28 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.

12. Section 44015 of the Health and Safety Code states:

....

(b) 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.

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

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 smog check technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

14. Section 44059 of the Health and Safety Code states:

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.

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

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.

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

When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

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

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

(1) Clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department.

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

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

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

REGULATORY PROVISIONS

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

....

(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

19. California Code of Regulations, title 16, section 3340.30, states:

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

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

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

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

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

....

(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.

22. 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.

23. 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(f) 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

24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

25. During the course of regular duties, a Bureau Representative accessed the Vehicle Information Database (“VID”) and reviewed Smog Check data transmitted from Respondent Alpha Smog. Additionally, the Bureau Representative accessed the VID to produce copies of Smog Check Vehicle Inspection Reports (“VIR”), OIS Test Details, and Certificate Sales relating to the vehicles mentioned in this investigation report.

26. During a Board Diagnostic Inspection System inspection (“OIS”), 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 Data Acquisition Device (“DAD”) into the vehicle’s Diagnostic Link Connector (“DLC”) when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- Engine speed in revolutions per minute (“RPM”).
- The throttle position is measured by a throttle position sensor (“TPS”) mounted onto the throttle shaft. It is measured in a percentage of opening from at or near 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 are 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 airflow as measured by a mass air flow sensor (“MAF”) mounted in the engine’s air intake tract and measured in grams per second (“gps”).

27. During normal engine operation at idle, the 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 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 corresponding increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases in RPM and/or MAF along with changes in MAP.

28. 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

1 with the engine idling and, when requested by the OIS analyzer, at an elevated or increased
2 engine speed. The increase in engine speed is performed by the smog check inspector by
3 stepping on the throttle pedal or manually opening the throttle, resulting in a corresponding
4 increase in engine RPMs by allowing an increase in airflow into the engine.

5 29. The Bureau Representative conducted a detailed review of the VID data for the Smog
6 Check inspections performed at Respondent Alpha Smog's facility. The review showed a pattern
7 of vehicles being certified with improbable engine operating parameters not corresponding to
8 normal engine operation. The review showed a pattern of vehicles being certified with engine
9 operating parameters not corresponding to normal engine operation, that confirmed the vehicles
10 that received smog certificates were not tested during the OBD II functional test, which
11 constituted clean plugging¹. The Bureau Representative's comprehensive review confirmed that
12 nine (9) Smog Check Certificates of Compliance were fraudulently issued to vehicles by
13 Respondents Alpha Smog and Martinez.

14 **Fraudulent Inspection No. 1-2007 Chevrolet Silverado C1500 Classic Crew Cab**

15 30. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog.
16 The review showed that on or about August 18, 2025, a 2007 Chevrolet Silverado C1500 Classic
17 Crew Cab was tested, and Certificate of Compliance Number JF721044C was issued by
18 Respondent Martinez.

19 31. The Dynamic PID charts and data for the 2007 Chevrolet Silverado C1500 Classic
20 Crew Cab showed that between timestamps 383 and 29480, the engine RPM was steady at around
21 790 RPM. During this time, the data showed that the throttle dropped from 16.5% to 12.9% then
22 rose to 16.1 % opening, the MAP dropped from 24 kPa to 16 kPa then rose to 20 kPa, and the
23 MAF ultimately rose from 3.44 gps to 4.60 gps. After timestamp 29480, the engine RPM was
24 increased and then held steady above 1715 RPM. From the time the engine RPM rose to the
25 higher RPMs, the data showed that the throttle rose from 12.9% to 14.1 %, then dropped to 13.3%

26
27 ¹ Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,
28 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing
fraudulent Smog Check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for
testing.

opening, the MAP dropped from 26 kPa to 22 kPa, then rose to 23 kPa, and the MAF ultimately dropped from 4.13 gps to 3.06 gps.

32. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions, MAP, and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly at idle and remain at values equivalent to idle at the elevated engine RPM. The MAF readings should not rise at idle unexpectedly and drop below idle values at elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM, not drop, and rise unexpectedly at idle and rise above or equivalent to idle values at the elevated engine RPM. These readings were not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2007 Chevrolet Silverado C1500 Classic Crew Cab being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 2-2004 Chevrolet Silverado C1500

33. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog. The review showed that on or about September 11, 2025, a 2004 Chevrolet Silverado C1500 was tested, and Certificate of Compliance Number US965939C was issued by Respondent Martinez.

34. The Dynamic PID charts and data for the 2004 Chevrolet Silverado C1500 showed that between timestamps 382 and 26111, the engine RPM was steady at around 700 RPM. During this time, the data showed that the throttle dropped from 2.0% to 1.6%, then rose to 3.1 % opening, the MAP dropped from 44 kPa to 35 kPa, then rose to 42 kPa, and the MAF ultimately dropped from 7.66 gps to 6.61 gps. After timestamp 26111, the engine RPM was increased and then held steady above 2128 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle dropped from 3.1 % to 1.6%, then rose to 2. 7% opening, the MAP ultimately dropped from 43 kPa to 35 kPa, and the MAF dropped from 5.59 gps to 5.37 gps, then rose to 6.74 gps.

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35. The steady idle and steady elevated engine RPM data, along with the improbable throttle positions, MAP, and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly at idle and remain at values equivalent to idle at the elevated engine RPM. The MAF readings should not drop at idle unexpectedly and drop below or equivalent to idle values at the elevated engine RPM. The MAP readings are expected to be stable at idle and decrease with the elevated engine RPM, not drop unexpectedly, and remain at values equivalent to idle at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2004 Chevrolet Silverado C1500 certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 3-2004 GMC Yukon

36. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog. The review showed that on or about October 2, 2025, a 2004 GMC Yukon was tested, and Certificate of Compliance Number UU332750C was issued by Respondent Martinez.

37. The Dynamic PID charts and data for the 2004 GMC Yukon showed that between timestamps 411 and 26151, the engine RPM was steady at around 625 RPM. During this time, the data showed that the throttle rose from 6.7% to 11.8% opening, the MAP rose from 35 kPa to 42 kPa then dropped to 39 kPa, and the MAF ultimately dropped from 7.39 gps to 5.46 gps. After timestamp 26151, the engine RPM was increased and then held steady above 1683 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle dropped from 8.6% to 6.7%, then rose to 11.8% opening, the MAP ultimately rose from 32 kPa to 44 kPa, and the MAF rose from 6.66 gps to 7.33 gps, then dropped to 5.36 gps.

38. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions, MAP, and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not rise at idle unexpectedly and

1 remain at values equivalent to idle at the elevated engine RPM. The MAF readings should not
2 drop at idle unexpectedly and then rise and drop to below idle values at elevated engine RPM.
3 The MAP readings were expected to be stable at idle and decrease with the elevated engine RPM,
4 not rise and drop unexpectedly at idle and rise above idle values at the elevated engine RPM.
5 These readings are not characteristic or expected for normal engine operation. The discrepancies
6 in the OIS Test Data proved that the OIS DAD was not connected to the 2004 GMC Yukon being
7 certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

8 **Fraudulent Inspection No. 4-2001 Dodge Dakota**

9 39. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog.
10 The review showed that on or about October 3, 2025, a 2001 Dodge Dakota was tested, and
11 Certificate of Compliance Number UU539002C was issued by Respondent Martinez.

12 40. The Dynamic PID charts and data for the 2001 Dodge Dakota showed that between
13 timestamps 381 and 25533, the engine RPM was steady at around 700 RPM. During this time,
14 the data showed that the throttle dropped from 9.8% to 8.6%, then rose to 11.4% opening, and the
15 MAP rose from 33 kPa to 46 kPa then ultimately dropped to 41 kPa. After timestamp 25533, the
16 engine RPM was increased and then held steady above 1812 RPM. From the time the engine
17 RPM rose to the higher RPMs, the data showed that the throttle rose from 7.5% to 8.2%, then
18 dropped to 7.5% opening, and the MAP dropped from a fixed 43 kPa to 35 kPa, then rose to 36
19 kPa

20 41. The steady idle and steady elevated engine RPMs, along with the improbable throttle
21 positions and MAP readings, were not characteristic or expected for normal engine operation.
22 The throttle position readings were expected to be stable at idle and increase with the elevated
23 engine RPM. The throttle positions should not drop and rise unexpectedly at idle and remain at
24 values equivalent to or below idle at the elevated engine RPM. The MAP readings were expected
25 to be stable at idle and decrease with the elevated engine RPM, not rise and drop unexpectedly at
26 idle and remain at idle values at the elevated engine RPM. These readings are not characteristic
27 or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the
28

OIS DAD was not connected to the 2001 Dodge Dakota being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 5-2002 Ford Mustang

42. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog. The review showed that on or about November 10, 2025, a 2002 Ford Mustang was tested, and Certificate of Compliance Number UW423874C was issued by Respondent Martinez.

43. The Dynamic PID charts and data for the 2002 Ford Mustang showed that between timestamps 392 and 27285, the engine RPM was steady at around 730 RPM. During this time, the data shows that the throttle ultimately dropped from 18.0% to 13.3% opening, and the MAF ultimately rose from 3.22 gps to 4.82 gps, then dropped to 4.37 gps. After timestamp 27285, the engine RPM was increased and then held steady above 1691 RPM. From the time the engine RPM rose to the higher RPMs, the data showed that the throttle was fluctuating between 12.5% and 17.3% opening, and the MAF ultimately rose from 3.39 gps to 4.81 gps.

44. The steady idle and steady elevated engine RPMs, along with the improbable throttle positions and MAF readings, were not characteristic or expected for normal engine operation. The throttle positions and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop at idle unexpectedly and remain at values equivalent to or below idle while fluctuating at the elevated engine RPM. The MAF readings should not rise at idle unexpectedly and remain at or below idle values at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2002 Ford Mustang being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 6-2012 Chevrolet Camaro 2SS

45. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog. The review showed that on or about November 12, 2025, a 2012 Chevrolet Camaro 2SS was tested, and Certificate of Compliance Number UW423882C was issued by Respondent Martinez.

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1 46. The Dynamic PID charts and data for the 2012 Chevrolet Camaro 2SS showed that
2 between timestamps 5144 and 29095, the engine RPM was steady at around 725 RPM. During
3 this time, the data showed that the throttle was fixed at 16.5% opening, the MAP was fixed at 37
4 kPa, and the MAF was fixed at 3.01 gps. After timestamp 29095, the engine RPM was increased
5 and then held steady above 1975 RPM. From the time the engine RPM rose to the higher RPMs,
6 the data showed that the throttle continued to stay fixed at 16.5% opening, the MAP continued to
7 stay fixed at 37 kPa, and the MAF continued to stay fixed at 3.01 gps.

8 47. The steady idle and steady elevated engine RPMs, along with the improbable throttle
9 positions, MAP, and MAF readings, were not characteristic or expected for normal engine
10 operation. The throttle position and MAF readings were expected to be stable at idle and increase
11 with the elevated engine RPM. The throttle positions and MAF readings were not to remain
12 at values equivalent to idle at the elevated engine RPM. The MAP readings were expected
13 to be stable at idle and decrease with the elevated engine RPM, not remain at values equivalent to
14 idle at the elevated engine RPM. These readings were not characteristic or expected for normal
15 engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not
16 connected to the 2012 Chevrolet Camaro 2SS being certified, which caused the issuance of a
17 fraudulent Smog Check Certificate of Compliance.

18 **Fraudulent Inspection No. 7-2006 Pontiac Grand Prix**

19 48. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog.
20 The review showed that on or about December 1, 2025, a 2006 Pontiac Grand Prix was tested,
21 and Certificate of Compliance Number UY127708C was issued by Respondent Martinez.

22 49. The Dynamic PID charts and data for the 2006 Pontiac Grand Prix showed that
23 between timestamps 406 and 26574, the engine RPM was steady at around 700 RPM. During
24 this time, the data showed that the throttle rose from 3.1% to 4.3%, then dropped to 3.1%
25 opening, the MAP rose from 38 kPa to 42 kPa, then dropped to 36 kPa, and the MAF ultimately
26 dropped from 4.34 gps to 3.10 gps. After timestamp 26574, the engine RPM was increased and
27 then held steady above 2084 RPM. From the time the engine RPM rose to the higher RPMs, the
28 data showed that the throttle dropped from 2.0% to 0.0%, then rose to 0.4% opening, the MAP

1 dropped from 38 kPa to 32 kPa, then rose to 44 kPa, and the MAF rose from 3.28 gps to 4.25 gps,
2 then dropped to 4.0 gps.

3 50. The steady idle and steady elevated engine RPMs, along with the improbable throttle
4 positions, MAP, and MAF readings, were not characteristic or expected for normal engine
5 operation. The throttle position and MAF readings were expected to be stable at idle and increase
6 with the elevated engine RPM. The throttle positions should not drop unexpectedly below idle
7 values at the elevated engine RPM. The MAF readings should not drop at idle unexpectedly and
8 remain at idle values at the elevated engine RPM. The MAP readings were expected to be stable
9 at idle and decrease with the elevated engine RPM, not rise and drop unexpectedly at idle and rise
10 above idle values at the elevated engine RPM. These readings are not characteristic or expected
11 for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD
12 was not connected to the 2006 Pontiac Grand Prix being certified, which caused the issuance of a
13 fraudulent Smog Check Certificate of Compliance.

14 **Fraudulent Inspection No. 8-2001 Cadillac Seville STS**

15 51. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog.
16 The review showed that on or about December 29, 2025, a 2001 Cadillac Seville STS was tested,
17 and Certificate of Compliance Number UY581452C was issued by Respondent Martinez.

18 52. The Dynamic PID charts and data for the 2001 Cadillac Seville STS showed that
19 between timestamps 377 and 26415, the engine RPM was steady at around 660 RPM. During
20 this time, the data showed that the throttle rose from 2.0% to 5.5%, then dropped to 2.0%
21 opening, the MAP ultimately dropped from 28 kPa to 19 kPa, and the MAF dropped from 4.29
22 gps to 2.76 gps, then rose to 4.20 gps. After timestamp 26415, the engine RPM increased and
23 then held above 1390 RPM. From the time the engine RPM rose to the higher steady RPMs the
24 data showed that the throttle ultimately dropped from 5.1 % to 0.0% opening, the MAP was
25 fluctuating between 18 kPa and 24 kPa, and the MAF ultimately dropped from 5.02 gps to
26 3.76 gps.

27 ///

28 ///

53. The steady idle and elevated engine RPMs, along with the improbable throttle positions, MAP, and MAF readings, were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop and rise unexpectedly at idle and remain at or below idle values at the elevated engine RPM. The MAF readings should not drop and rise unexpectedly at idle and drop to idle values at the elevated engine RPM. The MAP readings were expected to be stable at idle and decrease with the elevated engine RPM, not fluctuating at and below idle values at the elevated engine RPM. These readings are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was not connected to the 2001 Cadillac Seville STS being certified, which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

Fraudulent Inspection No. 9-2001 Honda Passport EX

54. A Bureau Representative reviewed the OIS Test Data for Respondent Alpha Smog. The review showed that on or about January 8, 2026, a 2001 Honda Passport EX was tested, and Certificate of Compliance Number UY887205C was issued by Respondent Martinez.

55. The Dynamic PID charts and data for the 2001 Honda Passport EX showed that between timestamps 360 and 25241, the engine RPM was steady at around 700 RPM. During this time, the data showed that the throttle rose from a fixed 3.9% to 5.5% opening, the MAP was fluctuating between 19 kPa to 23 kPa, and the MAF rose from 2.92 gps to 5.07 gps, then dropped to 4.88 gps. After timestamp 25241, the engine RPM increased and then held above 1836 RPM. From the time the engine RPM rose to the higher steady RPMs, the data showed that the throttle dropped from 2.7% to 0.8%, then rose to 1.6% opening, the MAP ultimately rose from 16 kPa to 28 kPa, then dropped to 25 kPa, and the MAF dropped from 4.84 gps to 2.76 gps, then rose to 3.37 gps.

56. The steady idle and elevated engine RPMs along improbable throttle positions, MAP, and MAF readings were not characteristic or expected for normal engine operation. The throttle position and MAF readings were expected to be stable at idle and increase with the elevated engine RPM. The throttle positions should not drop unexpectedly to values below idle at the

1 elevated engine RPM. The MAF readings should not rise at idle unexpectedly and remain at or
2 drop below idle values at the elevated engine RPM. The MAP readings were expected to be
3 stable at idle and decrease with the elevated engine RPM, not fluctuate at idle and rise above idle
4 values at the elevated engine RPM. These readings were not characteristic or expected for
5 normal engine operation. The discrepancies in the OIS Test Data proved that the OIS DAD was
6 not connected to the 2001 Honda Passport EX being certified, which caused the issuance of a
7 fraudulent Smog Check Certificate of Compliance.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 57. Respondent Alpha Smog's Automotive Repair Registration is subject to discipline
11 pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16,
12 section 3373, in that between August 18, 2025, through January 8, 2026, Respondent Alpha
13 Smog made or authorized statements which he knew or in the exercise of reasonable care should
14 have known to be untrue or misleading, as follows: Respondent Alpha Smog certified that
15 vehicles 1 through 9, set forth above, had passed inspection and were in compliance with
16 applicable laws and regulations. Respondent Alpha Smog conducted the inspections on the
17 vehicles using the clean plugging method by substituting or using different vehicles or another
18 source during the OBD II functional tests to issue smog check certificates of compliance for the
19 nine (9) vehicles and did not test or inspect the nine (9) vehicles as required by Health and Safety
20 Code section 44012. Complainant refers to, and by this reference incorporates, the allegations set
21 forth above in paragraphs 25 through 56, as though fully set forth.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 58. Respondent Alpha Smog's Automotive Repair Registration is subject to discipline
25 pursuant to Code section 9884.7, subdivision (a)(4), in that between August 18, 2025, through
26 January 8, 2026, Respondent Alpha Smog committed acts that constitute fraud by issuing
27 electronic smog check certificates of compliance for vehicles 1 through 9, set forth above,
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the
2 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
3 allegations set forth above in paragraphs 25 through 56, as though fully set forth.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Material Violation of Automotive Repair Act)**

6 59. Respondent Alpha Smog's Automotive Repair Registration is subject to disciplinary
7 action under Code section 9884.7, subdivision (a)(6), in that between August 18, 2025, through
8 January 8, 2026, regarding vehicles 1 through 9, set forth above, Respondent Alpha Smog failed
9 in a material respect to comply with the provisions of this chapter or regulations adopted pursuant
10 to it by issuing electronic smog check certificates of compliance for the nine (9) vehicles without
11 performing bona fide inspections of the emissions control devices and systems on those vehicles,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
14 allegations set forth above in paragraphs 25 through 56, as though fully set forth.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Motor Vehicle Inspection Program)**

17 60. Respondent Alpha Smog's Smog Check, Test-Only Station License is subject to
18 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between
19 August 18, 2025, through January 8, 2026, regarding vehicles 1 through 9, set forth above,
20 Respondent Alpha Smog failed to comply with the following sections of that Code:

21 a. **Section 44012:** Respondent Alpha Smog failed to ensure that the emission control tests
22 were performed on vehicles 1 through 9, in accordance with procedures prescribed by the
23 department.

24 b. **Section 44015, subdivision (b):** Respondent Alpha Smog issued electronic smog check
25 certificates of compliance for vehicles 1 through 9, without ensuring that the vehicles were
26 properly tested and inspected to determine if they were in compliance with Health and Safety
27 Code section 44012.

28 ///

1 c. **Section 44059:** Respondent Alpha Smog willfully made false entries for the electronic
2 smog check certificates of compliance by certifying that those vehicles had been inspected as
3 required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 25 through 56, as though fully set forth.

6 **FIFTH CAUSE FOR DISCIPLINE**

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

9 61. Respondent Alpha Smog's Smog Check, Test-Only Station License is subject to
10 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between
11 August 18, 2025, through January 8, 2026, regarding vehicles 1 through 9, set forth above,
12 Respondent Alpha Smog failed to comply with provisions of California Code of Regulations, title
13 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent Alpha Smog falsely or fraudulently
15 issued electronic smog check certificates of compliance for those vehicles without performing
16 bona fide inspections of the emission control devices and systems on the vehicles as required by
17 Health and Safety Code section 44012.

18 b. **Section 3340.35, subdivision (c):** Respondent Alpha Smog issued electronic smog
19 check certificates of compliance even though those vehicles had not been inspected in accordance
20 with section 3340.42 of that Code.

21 c. **Section 3340.41, subdivision (c):** Respondent Alpha Smog knowingly entered false
22 information into the On-Board Diagnostic inspection system for the nine (9) vehicles identified
23 above.

24 d. **Section 3340.42:** Respondent Alpha Smog failed to conduct the required smog check
25 tests and inspections on those vehicles in accordance with the Bureau's specifications.

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 25 through 56, as though fully set forth.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 62. Respondent Alpha Smog's Smog Check, Test-Only Station License is subject to
4 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction
5 with 44072.10, subdivision (c), in that between August 18, 2025, through January 8, 2026,
6 regarding vehicles 1 through 9, set forth above, Respondent Alpha Smog committed acts
7 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic smog
8 check certificates of compliance for those vehicles without performing bona fide inspections of
9 the emission control devices and systems on the vehicles, thereby depriving the People of the
10 State of California of the protection afforded by the Motor Vehicle Inspection Program.
11 Complainant refers to, and by this reference incorporates, the allegations set forth above in
12 paragraphs 25 through 56, as though fully set forth.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez)**

15 63. Respondent Martinez's Smog Check Inspector License is subject to disciplinary
16 action under Health and Safety Code section 44072.2, subdivision (a), in that between August 18,
17 2025, through January 8, 2026, regarding vehicles 1 through 9, set forth above, Respondent
18 Martinez violated the following Health and Safety Code sections:

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

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

25 c. **Section 44032:** Respondent Martinez failed to perform tests of the emission control
26 devices and systems on the vehicles identified above in accordance with section 44012 of the
27 Health and Safety Code, in that the vehicles had been clean plugged.

28 ///

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

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraphs 25 through 56, as though fully set forth.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the** 8 **Motor Vehicle Inspection Program – Respondent Martinez)**

9 64. Respondent Martinez's Smog Check Inspector License is subject to discipline
10 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between August 18,
11 2025, through January 8, 2026, regarding vehicles 1 through 9, set forth above, Respondent
12 Martinez failed to comply with provisions of California Code of Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Martinez falsely or fraudulently issued
14 electronic smog check certificates of compliance without performing bona fide inspections of the
15 emission control devices and systems on those vehicles as required by Health and Safety Code
16 section 44012.

17 b. **Section 3340.30 subdivision (a):** Respondent Martinez failed to inspect and test those
18 vehicles in accordance with Health and Safety Code sections 44012.

19 c. **Section 3340.41, subdivision (c):** Respondent Martinez knowingly entered false
20 information into the On-Board Diagnostic inspection system for the nine (9) vehicles identified.

21 d. **Section 3340.42:** Respondent Martinez failed to conduct the required smog check tests
22 and inspections on those vehicles in accordance with the Bureau's specifications.

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in
24 paragraphs 25 through 56, as though fully set forth.

25 **NINTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud, or Deceit – Respondent Martinez)**

27 65. Respondent Martinez's Smog Check Inspector License is subject to disciplinary
28 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health

1 and Safety Code section 44072.10, subdivision (c), in that between August 18, 2025, through
2 January 8, 2026, regarding vehicles 1 through 9, set forth above, Respondent Martinez committed
3 acts involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of
4 compliance for the vehicles without performing bona fide inspections of the emission control
5 devices and systems on those vehicles, thereby depriving the People of the State of California of
6 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
7 this reference incorporates, the allegations set forth above in paragraphs 25 through 56, as though
8 fully set forth.

9 **OTHER MATTERS**

10 66. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
11 or place on probation the registrations for all places of business operated in this state by Carlos
12 Alberto Martinez, upon a finding that said Respondent Alph Smog has, or is, engaged in a course
13 of repeated and willful violations of the laws and regulations pertaining to an automotive repair
14 dealer.

15 67. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-Only
16 Station License No. TC 312502, issued to Carlos Alberto Martinez-Owner/Responsible Managing
17 Employee dba Alpha Smog, is revoked or suspended, any additional license issued under Chapter
18 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise
19 revoked or suspended by the director.

20 68. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
21 License No. EO 644708, issued to Carlos Alberto Martinez, is revoked or suspended, any
22 additional license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the
23 name of said licensee may be likewise revoked or suspended by the director.

24 **PRAYER**

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

28 ///

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 312502, issued to Carlos Alberto Martinez-Owner/Responsible Managing Employee dba Alpha Smog;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Carlos Alberto Martinez;
3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 312502, issued to Carlos Alberto Martinez-Owner/Responsible Managing Employee dba Alpha Smog;
4. Revoking or suspending Smog Check Inspector License Number EO 644708, issued to Carlos Alberto Martinez;
5. 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 Carlos Alberto Martinez;
6. Ordering Carlos Alberto Martinez 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: 2026.05.11 15:37:45
-07'00'

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

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