

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (858) 899-5512
6 Facsimile: (415) 703-1107
E-mail: Justin.Surber@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 77/26-4409

13 **QUOC ANH NGUYEN**
14 **DBA AUTO SMOG CHECK TEST ONLY**
1611 Monterey Road B
San Jose, CA 95112

ACCUSATION

15 **Automotive Repair Dealer Registration No. ARD 312602**
16 **Smog Check Test Only Station License No. TC 312602**

17 **QUOC ANH NGUYEN**
2529 Story Road
San Jose, CA 95112

18 **Smog Check Inspector License No. EO 635468**

19 Respondent.
20

21
22 **PARTIES**

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

25 2. On or about May 5, 2025, the Bureau of Automotive Repair issued Automotive
26 Repair Dealer Registration Number ARD 312602 to Quoc Anh Nguyen (Respondent) dba Auto
27 Smog Check Test Only. The Automotive Repair Dealer Registration was in full force and effect
28

1 at all times relevant to the charges brought herein and will expire on May 31, 2027, unless
2 renewed.

3 3. On or about June 3, 2025, the Bureau of Automotive Repair issued Smog Check Test
4 Only Station License Number TC 312602 to Respondent. The Smog Check Test Only Station
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on May 31, 2027, unless renewed. On or about July 16, 2025, the Smog Station was
7 certified as a STAR station.

8 4. On or about May 1, 2013, the Bureau of Automotive Repair issued Smog Check
9 Inspector License Number EO 635468 to Respondent. The Smog Check Inspector License was in
10 full force and effect at all times relevant to the charges brought herein and will expire on
11 December 31, 2026, unless renewed.

12 **JURISDICTION**

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

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

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

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

26 9. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
27 expiration or suspension of a license by operation of law, or by order or decision of the Director
28 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive

1 the Director of jurisdiction to proceed with any investigation of, or action or disciplinary
2 proceedings against the licensee, or to render a decision suspending or revoking the license.

3 **STATUTORY PROVISIONS**

4 10. Section 9884.7 of the Code states:

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

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

14 . . .

15 (4) Any other conduct that constitutes fraud.

16 . . .

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

19 . . .

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

25 . . .

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

28 (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.

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, pursuant to Section 44013, shall require, at a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas, and shall ensure all of the following:

...

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

13. 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.

...

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

14. 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.

15. Section 44072.10, of the Health and Safety Code 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.

...

REGULATORY PROVISIONS

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

...

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

...

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

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

...

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

...

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

A smog check technician shall comply with the following requirements at all times while licensed.

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

...

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

2 ...

3 (c) No person shall enter any vehicle identification information or emission
4 control system identification data for any vehicle other than the one being tested
5 into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false
6 information about the vehicle being tested.

7 ...

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

13 ...

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

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

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

19 ...

20 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
21 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
22 model-year and newer. The OBD test failure criteria are specified in section
23 3340.42.2.

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

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

28 (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.

21. 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.

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1 **COST RECOVERY**

2 22. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS**

9 23. California's Smog Check Program identifies motor vehicles with excess emissions so
10 they can be properly repaired or retired. The program has greatly reduced air pollution and
11 helped improve the health of many Californians.

12 24. California's Smog Check Program requires the owners of most motor vehicles in
13 California to take and pass a Smog Check inspection and receive a Certificate of Compliance
14 every two years when renewing their registration and also when the vehicle's title is transferred.
15 These inspections are performed by Smog Check Inspectors at Smog Check Stations, both of
16 which are licensed by BAR.

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

26 26. The inspector also performs visual and functional tests on the vehicle as outlined in
27 the Smog Check Manual. The visual inspection of the emission control components verifies the
28 required emission control devices are present and properly connected. Functional tests are also

1 performed which, depending on the vehicle, may include checking the ignition timing,
2 malfunction indicator light (MIL), exhaust gas recirculation (EGR) system, a low-pressure test of
3 the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
4 cap.

5 27. BAR implemented a statewide change requiring the use of the On-Board Diagnostic
6 Inspection System (BAR-OIS) instead of the EIS for the smog testing of 2000 model year and
7 newer gas powered and 1998 and newer diesel vehicles.

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

15 29. As part of the BAR-OIS smog inspections, the technician also performs a visual and
16 functional test on the vehicle being inspected. The visual inspection of the emission control
17 components verifies the required emission control devices are present and properly connected and
18 a functional test is performed of the malfunction indicator light (MIL). The BAR-OIS software
19 makes the determination whether or not the vehicle passes the inspection based on the results of
20 the OBD, visual and functional tests. If the vehicle passes the inspection a certificate of
21 compliance is issued. The information from the smog inspection is then transmitted to the
22 Vehicle Information Data (VID).

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

1 31. PIDs are data points reported by the vehicle on-board computer to a scan tool or
2 BAR-OIS. Examples of PIDs are engine speed, mass air flow, manifold absolute pressure, engine
3 temperature, and other input and output values utilized by the vehicle's on-board computer.

4 32. eVINs may be identified multiple times during the BAR-OIS smog inspection. A
5 vehicle's eVin is identified by the BAR-OIS during both the static portion of the OBD II test and
6 during the dynamic portion of the OBD II test. A vehicle's eVIN will not change between the
7 static and dynamic portion of the OBD II test.

8 33. BAR can access the VID to view test data on smog check inspections performed at
9 any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle
10 which has been tested.

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

15 a. Engine speed in revolutions per minute (RPM),
16 b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the
17 throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up
18 to 100% at full throttle.

19 c. Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
20 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
21 normally aspirated vehicle are as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle,
22 and 101 kpa at full throttle (atmospheric pressure at sea level).

23 d. Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
24 air intake tract. Air flow is measured in grams per second (gps).

25 35. During normal engine operation at idle, engine speed is relatively steady around its
26 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
27 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
28 opened to increase airflow through the engine. The engine's management systems supply fuel and

1 spark timing appropriate to any changes in throttle position and engine speed. An increase in
2 throttle, measured by the TPS, which increases engine RPM, would result in a corresponding
3 increase in MAF as well as a change in MAP.

4 36. BAR has become aware of methods some Smog Check stations and Smog Check
5 inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test on their
6 own, or in some instances, are not even present during the time the test is performed.

7 37. One method is known as “clean plugging.” “Clean plugging” is the act of using one
8 vehicle’s properly functioning OBD II system, or another source such as an electronic defeat
9 device, to generate passing data readings or diagnostic information for the purpose of issuing a
10 smog certificate of compliance to a vehicle that is not in smog compliance and/or not being
11 tested.

12 38. The BAR initiated an investigation of Respondent’s smog check station. The
13 investigation revealed Respondent personally performed 10 smog inspections using clean-
14 plugging methods. Respondent issued 10 certificates of compliance to the clean plugged
15 vehicles.

16 39. A BAR representative closely reviewed data for the clean-plugged vehicles inspected
17 and certified by Respondents. The data revealed that vehicles that were purportedly tested by
18 Respondents were not and could not have been connected to the DAD during the entire portion of
19 the OBD II inspection.

20 40. The review showed a pattern of vehicles being certified with engine operating
21 parameters not corresponding to normal engine operation. Those vehicles received smog
22 certificates but were not tested during the OBD II functional test. The results of those inspections
23 are as follows.

24 **Clean Plug 1:**

25 41. On or about January 26, 2026, Respondent issued smog certificate #VA167934C to a
26 2002 Honda Accord EX. Respondent did not perform a legitimate smog inspection on the
27 vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
28 certificate of compliance to this vehicle.

42. The Dynamic PID charts and data for the 2002 Honda Accord EX show that between time stamp 1168 and 30725 the engine RPM is steady at around 610 RPM. During this time the data shows the TPS reading is fixed at 10.2% opening, and the MAP is fixed at 25kPa. After time stamp 30725 the engine RPM is increased and then held steady at around 2010 RPM. During this time the TPS fluctuates between 6.7% opening and 11.8% opening and the MAP fluctuates between 19kPa and 30kPa. The TPS should rise when the RPM is increased. The MAP should decrease as the RPM is increased. The readings should be stable at idle and at the higher RPM and not erratic. The TPS had data points at the higher RPM that were lower than data points at idle. The TPS and MAP readings are not characteristic or expected for normal engine operation.

Clean Plug 2:

43. On or about January 26, 2026, Respondent issued smog certificate #VA167937C to a 2004 Toyota Camry LE. Respondent did not perform a legitimate smog inspection on the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

44. The Dynamic PID charts and data for the 2004 Toyota Camry LE show that between time stamp 1284 and 16361, the engine RPM is steady around 790 RPM. During this time the data shows the TPS reading is fixed at 16.1% opening and the MAF is fixed at 2.39 grams/sec. After time stamp 16361, the engine RPM is increased and then held steady at around 1980 RPM. During this time, the TPS fluctuates between 12.9% opening and 18% opening and the MAF fluctuates between 0.16 grams/sec and 2.30 grams/sec. The TPS and MAF readings should rise when the RPM increases. The readings should be stable at idle and at the higher RPM and not erratic. The TPS and MAF had data points at the higher RPM that were lower than data points at idle. The TPS and MAF readings are not characteristic or expected for normal engine operation.

Clean Plug 3:

45. On or about January 29, 2026, Respondent issued smog certificate #VA482287C to a 2002 Toyota Corolla CE. Respondent did not perform a legitimate smog inspection on the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

1 46. The Dynamic PID charts and data for the 2002 Toyota Corolla CE show that between
2 time stamp 1250 and 16474, the engine RPM is steady at around 980 RPM. During this time the
3 data shows the TPS reading is fixed at 10.2% opening and the MAF is fixed at about 1.89
4 grams/sec. After time stamp 16474 the engine RPM initially dips then is increased then held
5 steady around 1780 RPM. During this time, the TPS fluctuates between 7.1% opening and 11%
6 opening and the MAF fluctuates between from 0.23 grams/sec and 2.42 grams/sec. The TPS and
7 MAF should rise as the RPM is increased. The readings should be stable at idle and at the higher
8 RPM and not erratic. The TPS and MAF had data points at the higher RPM that were lower than
9 data points at idle. The TPS and MAF readings are not characteristic or expected for normal
10 engine operation.

11 **Clean Plug 4:**

12 47. On or about January 31, 2026, Respondents issued smog certificate #VA611966C to a
13 2006 Toyota Sienna CE. Respondent did not perform a legitimate smog inspection on the
14 vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
15 certificate of compliance to this vehicle.

16 48. The Dynamic PID charts and data for the 2006 Toyota Sienna CE show that between
17 time stamp 1343 and 19151, the engine RPM is steady at around 750 RPM. During this time the
18 data shows the TPS is fixed at 17.3% opening and the MAF is fixed at 4.9 grams/sec. After time
19 stamp 19151 the RPM is increased then held steady at around 1580 RPM. During this time, the
20 TPS fluctuates between 12.9% opening and 16.9% opening and the MAF fluctuates between 3.25
21 grams/sec and 4.89 grams/sec. The TPS and MAF readings should increase when the RPM is
22 increased. The readings should be stable at idle and at the higher RPM and not erratic. The TPS
23 and MAF had data points at the higher RPM that were lower than data points at idle. The TPS
24 and MAF readings are not characteristic or expected for normal engine operation.

25 **Clean Plug 5:**

26 49. On or about February 2, 2026, Respondents issued smog certificate #VA673904C to a
27 2005 Chevrolet Silverado C1500. Respondent did not perform a legitimate smog inspection on
28

1 the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
2 certificate of compliance to this vehicle.

3 50. The Dynamic PID charts and data for the 2005 Chevrolet Silverado C1500 show that
4 between time stamp 946 and 40442, the engine RPM is steady at around 590 RPM. During this
5 time the data shows the TPS is fixed at 3.5% opening, the MAP is fixed at 38kpa and the MAF is
6 fixed at 4.53 grams/sec. After time stamp 40442 the engine RPM is increased then held steady at
7 around 1750 RPM. During this time, the TPS fluctuates between 0% opening and 5.1% opening,
8 the MAF fluctuates between 2.97 grams/sec and 4.98 grams/sec. The MAP fluctuates between
9 32kpa and 45kpa. The TPS and MAF readings should increase as the RPM is increased. The
10 MAP should decrease as the RPM is increased. The readings should be stable at idle and at the
11 higher RPM and not erratic. The TPS and MAF had data points at the higher RPM that were
12 lower than data points at idle. The TPS, MAF, and MAP readings are not characteristic or
13 expected for normal engine operation.

14 **Clean Plug 6:**

15 51. On or about February 5, 2026, Respondent issued smog certificate #VA766762C to a
16 2015 Jeep Grand Cherokee SRT-8. Respondent did not perform a legitimate smog inspection on
17 the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
18 certificate of compliance to this vehicle.

19 52. The Dynamic PID charts and data for the 2015 Jeep Grand Cherokee SRT-8 show
20 that between time stamp 3165 and 19034, the engine RPM is steady at around 700 RPM. During
21 this time the data shows the TPS fluctuates between 13.3% opening and 18% opening. The MAP
22 fluctuates between 19kpa and 29kpa. Between time stamp 19034 and 37745 the RPM is
23 increased to around 1680 RPM. During this time, the TPS fluctuates between 12.5% opening and
24 17.3% opening. The MAP fluctuates between 17kpa and 30kpa. The TPS readings should
25 increase as the RPM is increased. The MAP should decrease as the RPM is increased. The
26 readings should be stable at idle and at the higher RPM and not erratic. The TPS had data points
27 at the higher RPM that were lower than data points at idle. The TPS and MAP readings are not
28 characteristic or expected for normal engine operation.

Clean Plug 7:

53. On or about February 13, 2026, Respondent issued smog certificate #VA943092C to a 2016 Chevrolet Malibu Limited LTZ. Respondent did not perform a legitimate smog inspection on the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

54. The Dynamic PID charts and data for the 2016 Chevrolet Malibu Limited LTZ show that between time stamp 2259 and 19273, the engine RPM is steady at around 725 RPM. During this time the data shows the TPS fluctuates between 12.9% opening and 17.6% opening. The MAP fluctuates between 17kpa and 27kpa. The MAF is steady between 2.58 grams/sec and 2.7 grams/sec. Between time stamp 19273 and 35957 the RPM is increased and is steady around 1860 RPM. During this time the TPS fluctuates between 13.3% opening and 18% opening. The MAP fluctuates between 17kpa and 29kpa. The MAF is still steady between 2.57 grams/sec and 2.69 grams/sec. The TPS and MAF readings should increase as the RPM is increased. The MAP should decrease as the RPM is increased. The readings should be stable at idle and at the higher RPM and not erratic. The TPS and MAF had data points at the higher RPM that were lower than data points at idle. The TPS, MAF, and MAP readings are not characteristic or expected for normal engine operation.

Clean Plug 8:

55. On or about February 15, 2026, Respondents issued smog certificate #VC029784C to a 2008 GMC Sierra C1500. Respondent did not perform a legitimate smog inspection on the vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent certificate of compliance to this vehicle.

56. The Dynamic PID charts and data for the 2008 GMC Sierra C1500 show that between time stamp 2227 and 25393, the engine RPM is steady at around 600 RPM. During this time the data shows the TPS fluctuates between 18.8% opening and 24.3% opening. The MAP fluctuates between 32kpa and 46kpa. The MAF is steady between 4.81 grams/sec and 4.91 grams/sec. Between time stamp 25393 and 42710 the RPM is increased and held around 1460 RPM. During this time the TPS fluctuates between 18.8% opening and 23.1% opening. The

1 MAP fluctuates between 34kpa and 46kpa. The MAF is still steady between 4.82 grams/sec and
2 4.94 grams/sec. The TPS and MAF readings should increase as the RPM is increased. The MAP
3 should decrease as the RPM is increased. The readings should be stable at idle and at the higher
4 RPM and not erratic. The TPS and MAF had data points at the higher RPM that were lower than
5 data points at idle. The TPS, MAF, and MAP readings are not characteristic or expected for
6 normal engine operation.

7 **Clean Plug 9:**

8 57. On or about February 20, 2026, Respondents issued smog certificate #VC180079C to a
9 2005 Dodge Durango SLT. Respondent did not perform a legitimate smog inspection on the
10 vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
11 certificate of compliance to this vehicle.

12 58. The Dynamic PID charts and data for the 2005 Dodge Durango show that between
13 time stamp 2247 and 20041, the engine RPM is steady at around 650 RPM. During this time the
14 data shows the TPS fluctuates between 7.1% opening and 11.8% opening. The MAP fluctuates
15 between 32kpa and 43kpa. Between time stamp 20041 and 36992 the RPM is increased and held
16 around 1600 RPM. During this time the TPS fluctuates between 6.7% opening and 11.8%
17 opening. The MAP fluctuates between 32kpa to 43kpa. The TPS readings are expected to rise as
18 the RPM is increased. The MAP readings should drop as the RPM is increased. The readings
19 should be stable at idle and at the higher RPM, not erratic. The TPS had data points at the higher
20 RPM that were lower than data points at idle. The erratic TPS and MAP readings are not
21 characteristic or expected for normal engine operation.

22 **Clean Plug 10:**

23 59. On or about February 23, 2026, Respondents issued smog certificate #VC229690C to
24 a 2005 Ford Focus ZX5. Respondent did not perform a legitimate smog inspection on the
25 vehicle. Respondent used an electronic defeat device to cause the OIS to issue a fraudulent
26 certificate of compliance to this vehicle.

27 60. The Dynamic PID charts and data for the 2005 Ford Focus ZX5 show that between
28 time stamp 2286 and 21227 the engine RPM is steady at around 750 RPM. During this time the

1 data shows the TPS fluctuates between 12.9% opening and 18% opening. The MAP fluctuates
2 between 20kpa and 30kpa. The MAF is steady between 2.89 grams/sec and 3.03 grams/sec.
3 After time stamp 21227 the RPM is increased and held around 1725 RPM. During this time the
4 TPS fluctuates between 12.5% opening and 18% opening. The MAP fluctuates between 18kpa
5 and 30kpa. The MAF is still steady between 2.93 grams/sec and 3.00 grams/sec. The TPS and
6 MAF readings should increase as the RPM is increased. The MAP should decrease as the RPM is
7 increased. The readings should be stable at idle and at the higher RPM and not erratic. The TPS
8 and MAF had data points at the higher RPM that were lower than data points at idle. The TPS,
9 MAF, and MAP readings are not characteristic or expected for normal engine operation.

10 **FIRST CAUSE FOR DISCIPLINE**

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

12 61. Respondent has subjected his Automotive Repair Dealer Registration to discipline
13 under Code section 9884.7, subdivision (a)(1), in that Respondent made statements which he
14 knew or which by exercise of reasonable care should have known were untrue or misleading, as
15 set forth above in the Smog Program and Clean Plugging Allegations. Respondent purported to
16 test vehicles, and certified that the vehicles passed inspection and were in compliance with
17 applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles
18 using clean-plugging methods.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Fraud - Registration)**

21 62. Respondent has subjected his Automotive Repair Dealer Registration to discipline
22 under Code section 9884.7, subdivision (a)(4), in that he committed acts which constitute fraud,
23 as set forth above in the Smog Program and Clean Plugging Allegations.

24 **THIRD CAUSE FOR DISCIPLINE**

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

26 63. Respondent has subjected his Automotive Repair Dealer Registration to discipline
27 under Code section 9884.7, subdivision (a)(6), in that he violated California Code of Regulations,
28 title 16, section 3373, by creating and issuing false or misleading certificates of compliance and

1 vehicle inspection reports for the vehicles that were clean plugged as set forth above in the Smog
2 Program and Clean Plugging Allegations. The certificates and inspection reports indicated the
3 vehicles were tested in accordance with all Bureau requirements and the vehicles were qualified
4 to receive certificates of compliance. This was false as the vehicles were clean plugged.

5 **FOURTH CAUSE FOR DISCIPLINE**

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

7 64. Respondent has subjected his Smog Check Station License to discipline under Health
8 and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed acts
9 involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic
10 certificates of compliance for vehicles without performing bona fide inspections of the emission
11 control devices and systems on the vehicles, thereby depriving the People of the State of
12 California of the protection afforded by the Motor Vehicle Inspection Program. Respondent
13 clean-plugged multiple vehicles as set forth above in the Smog Program and Clean Plugging
14 Allegations above.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Violation of the Motor Vehicle Inspection Program- Smog Station Licenses)**

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

- 21 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
22 on vehicles in accordance with procedures prescribed by the department.
- 23 b. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
24 electronic certificates of compliance to certain vehicles without performing bona fide
25 inspections of the emission control devices and systems on those vehicles.
- 26 c. **Section 3340.41, subdivision (c):** Respondent entered false information about
27 vehicles being tested into OIS.
28

- 1 d. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software
2 capable of simulating the OBD data stream from a vehicle or manipulating OBD
3 VIN, calibration identification, calibration verification number, MIL status, readiness,
4 or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection
5 in the approved testing area of the station.
- 6 e. **Section 3340.42:** Respondent failed to conduct the required smog tests and
7 inspections on certain vehicles in accordance with the Bureau's specifications.
- 8 f. **Section 3340.45:** Respondent violated the procedures contained in the Smog Check
9 Manual by entering vehicle identification information for a vehicle that was not being
10 tested.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 66. Respondent has subjected his Smog Check Inspector License to discipline under
14 Health and Safety Code sections 44072.10 and/or 44072.2, subdivision (d), in that he committed
15 acts involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic
16 certificates of compliance for vehicles without performing bona fide inspections of the emission
17 control devices and systems on the vehicles, thereby depriving the People of the State of
18 California of the protection afforded by the Motor Vehicle Inspection Program. Respondent
19 clean-plugged multiple vehicles as set forth above in the Smog Program and Clean Plugging
20 Allegations above.

21 **SEVENTH CAUSE FOR DISCIPLINE**

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

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

- 27 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
28 on vehicles in accordance with procedures prescribed by the department.

- b. **Section 44032:** Respondent failed to ensure that smog inspections were performed on vehicles in accordance with procedures prescribed in Section 44012.
- c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic certificates of compliance to certain vehicles without performing bona fide inspections of the emission control devices and systems on those vehicles.
- d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in accordance with Health and Safety Code section 44012 and California Code of Regulations, title 16, section 3340.42.
- e. **Section 3340.41, subdivision (c):** Respondent entered false information about vehicles being tested into OIS.
- f. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration identification, calibration verification number, MIL status, readiness, or diagnostic trouble codes collected from a vehicle during a Smog Check Inspection in the approved testing area of the station.
- g. **Section 3340.42:** Respondent failed to conduct the required smog tests and inspections on certain vehicles in accordance with the Bureau's specifications.
- h. **Section 3340.45** Respondent violated the procedures contained in the Smog Check Manual by entering vehicle identification information for a vehicle that was not being tested.
- i. **Section 44059:** Respondent willfully made false statements in issuing the Smog Certificates of compliance and on the Vehicle Inspection Reports.

OTHER MATTERS

68. Pursuant to 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 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

69. Pursuant to Health & Safety Code section 44072.8, if Respondent's Smog Check Station License or Smog Check Inspector License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and 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 312602, issued to Quoc Anh Nguyen dba Auto Smog Check Test Only;
 2. Revoking or suspending Smog Check Test Only Station License Number TC 312602, issued to Quoc Anh Nguyen dba Auto Smog Check Test Only;
 3. Revoking or suspending Smog Check Inspector License Number EO 635468, issued to Quoc Anh Nguyen;
 4. Revoking or suspending any additional Automotive Repair Dealer Registration(s) issued to Quoc Anh Nguyen;
 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to Quoc Anh Nguyen;
 6. Ordering Quoc Anh Nguyen to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring;
- and,
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: 2026.09.02 09:35:33
-07'00'

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