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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. 77/25-20329

13 **ANTONIO MANALASTAS**
14 **DBA AGM SMOG**
1298 East St. John Street, Unit B
San Jose, CA 95116

ACCUSATION

15 Automotive Repair Dealer No. ARD 313774
16 Smog Check Station, Test Only, License No.
17 TC 313774

18 **ANTONIO MANALASTAS**
4345 Victoria Ave.
19 Union City, CA 94587

20 Smog Check Inspector License No. EO 640890

21 Respondent.

22 **PARTIES**

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

26 2. On or about August 20, 2025, the Bureau of Automotive Repair (Bureau) issued
27 Automotive Repair Dealer Registration Number ARD 313774 to Antonio Manalastas; dba AGM
28

1 Smog (Respondent). The Automotive Repair Dealer Registration was always in full force and
2 effect relevant to the charges brought herein and will expire on August 31, 2026, unless renewed.

3 3. On or about September 25, 2025, the Bureau issued Smog Check Station, Test Only,
4 License Number TC 313774 to Respondent, dba AGM Smog. The Smog Check Station License
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 August 31, 2026, unless renewed.

7 4. On or about January 29, 2018, the Bureau issued Smog Check Inspector License
8 Number EO 640890 to Antonio Manalastas (Respondent). The Smog Check Inspector License
9 was in full force and effect at all times relevant to the charges brought herein and will expire on
10 February 29, 2028, unless renewed.

11 **JURISDICTION**

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

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

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

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

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

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, in pertinent part:

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.

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11. Section 44012 of the Health and Safety Code states, in pertinent part:

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 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.

14. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

...

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

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

...

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

15. 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.

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

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

6 (1) Clean piping, as defined by the department.

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

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

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

12 **REGULATORY PROVISIONS**

13 17. California Code of Regulations, title 16, section 3340.24, states, in pertinent part:

14 (a) Any disciplinary or reinstatement proceeding under this article involving
15 licensed stations, licensed technicians, or fleet owners licensed pursuant to section
16 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5
17 (commencing with section 11500) of division 3, Title 2 of the Government Code.

18 ...

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

22 ...

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

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

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

...

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

...

(b) A licensed station shall not sell or otherwise transfer unused certificates to
another licensed station, to a new owner of the business, or to any person other than a
customer whose vehicle has been inspected in accordance with the procedures

1 specified in section 3340.42 of this article.

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

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

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

10 ...

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

12 ...

13 (c) No person shall enter any vehicle identification information or emission
14 control system identification data for any vehicle other than the one being tested into
15 the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information
16 about the vehicle being tested.

17 ...

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

23 ...

24 21. California Code of Regulations, title 16, section 3340.42, states, in pertinent part:

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

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

...

(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

1 test, to verify their proper operation.

2 22. California Code of Regulations, title 16, section 3340.45, states, "All Smog Check
3 inspections shall be performed in accordance with requirements and procedures prescribed in the
4 Smog Check Manual, dated January 2021, which is hereby incorporated by reference.

5 23. California Code of Regulations, title 16, section 3371, states, in pertinent part:

6 No dealer shall publish, utter, or make or cause to be published, uttered, or
7 made any false or misleading statement or advertisement which is known to be false
8 or misleading, or which by the exercise of reasonable care should be known to be
9 false or misleading. Advertisements and advertising signs shall clearly show the
10 following:

11 ...

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

13 No automotive repair dealer or individual in charge shall, in filling out an
14 estimate, invoice, or work order, or record required to be maintained by section
15 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
16 information which will cause any such document to be false or misleading, or where
17 the tendency or effect thereby would be to mislead or deceive customers, prospective
18 customers, or the public.

19 **COST RECOVERY**

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

26 **SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS**

27 **AT AGM SMOG**

28 26. California's Smog Check Program requires the owners of most motor vehicles in
California to take and pass a Smog Check inspection and receive a Certificate of Compliance
every two years when renewing their registration and also when the vehicle's title is transferred.
These inspections are performed by Smog Check inspectors at Smog Check Stations, both of
which are licensed by the Bureau of Automotive Repair (BAR).

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

10 28. The inspector also performs visual and functional tests on the vehicle as outlined in
11 the Smog Check Manual. The visual inspection of the emission control components verifies the
12 required emission control devices are present and properly connected. Functional tests are also
13 performed which, depending on the vehicle, may include checking the ignition timing,
14 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low pressure test
15 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
16 cap.

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

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

28

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

6 32. PIDs are data points reported by the vehicle on-board computer to a scan tool or
7 BAR-OIS. Examples of PIDs are engine speed, vehicle speed, engine temperature, and other
8 input and output values utilized by the vehicle's on-board computer.

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

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

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

- 27 a. Engine speed in revolutions per minute (RPM),
28

1 b. Throttle position as measured by a throttle position sensor (TPS) mounted onto the
2 throttle shaft. The throttle position is measured in a percentage of opening from 0% at idle to up
3 to 100% at full throttle.

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

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

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

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

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

22 39. On or about November 13, 2025, a Bureau representative began a detailed review of
23 the VID data for the Smog Check inspections performed at AGM Smog from September 26,
24 2025, through November 14, 2025. The review showed a pattern of vehicles being certified with
25 engine operating parameters not corresponding to normal engine operation. Those vehicles
26 received smog certificates but were not tested during the OBD II functional test. They were clean
27 plugged.
28

1 40. Respondent clean plugged and issued certificates of compliance to 10 vehicles. None
2 of the 10 vehicles that were issued a certificate of compliance were legitimately inspected. All of
3 the “inspections” were performed at Respondent’s smog check station AGM Smog. All 10 of the
4 vehicles were tested and certified under Respondent’s Inspector license.

5 **Clean Plug 1:**

6 41. On or about September 26, 2025, Respondent issued smog certificate # JH461701C to
7 a 2002 Ford Explorer XLT, VIN 1FMDU73W52ZC18444. Respondent performed the
8 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

9 42. The Dynamic PID charts and data for the 2002 Ford Explorer XLT show that,
10 between time stamp 18 and 16171, the engine RPM was steady at around 750 RPM. During this
11 time, the data shows the TPS reading varied between 12.9% and 18% opening, and the MAF
12 varied between 5.31 grams/sec and 7.37 grams/sec. After time stamp 16399, the engine RPM
13 increased and then held steady at around 1450 RPM. During this time, the TPS varied between
14 12.5% and 18% opening, and the MAF varied between 5.33 grams/sec and 7.28 grams/sec.

15 43. The TPS and MAF should rise when the RPM is increased. The readings should be
16 stable at idle and at the higher RPM, not erratic. The TPS and MAF readings were not
17 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
18 indicate that the OIS Data Acquisition Device (DAD) was not connected to the 2002 Ford
19 Explorer XLT being certified, causing the issuance of a fraudulent Smog Certificate of
20 Compliance.

21 **Clean Plug 2:**

22 44. On or about September 26, 2025, Respondent issued smog certificate #JH461702C to
23 a 2003 Chevrolet Tahoe K1500, VIN 1GNEK13Z83R115243. Respondent performed the
24 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

25 45. The Dynamic PID charts and data for the 2003 Chevrolet Tahoe K1500 show that,
26 between time stamp 27 and 20942, the engine RPM was steady around 700 RPM. During this
27 time, the TPS varied between 0.4% and 5.1% opening, the MAF varied between 2.95 grams/sec
28 and 4.69 grams/sec, and the MAP varied between 32kPa and 44kPa. After time stamp 21170, the

1 engine RPM increased and then held steady at around 1420 RPM. During this time, the TPS
2 varied between 0.4% and 5.1% opening, the MAF varied between 3.22 grams/sec and 5.05
3 grams/sec, and the MAP varied between 37 kPa and 46 kPa.

4 46. The TPS and MAF readings should rise as the RPM is increased. The MAP reading
5 should drop as the RPM is increased. The readings should be stable at idle and at the higher
6 RPM, not erratic. The TPS, MAF, and MAP readings are not characteristic or expected for
7 normal engine operation. The discrepancies in the OIS Test Data indicate that the OIS Data
8 Acquisition Device (DAD) was not connected to the 2003 Chevrolet Tahoe K1500 being
9 certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

10 **Clean Plug 3:**

11 47. On or about September 26, 2025, Respondent issued smog certificate # JH461707C to
12 a 2004 Toyota Camry LE, VIN 4T1BE32K74U334952. Respondent performed the inspection.
13 However, he did not perform a legitimate smog inspection on the vehicle.

14 48. The Dynamic PID charts and data for the 2004 Toyota Camry LE shows that,
15 between time stamp 141 and 16936, the engine RPM was steady at around 740 RPM. During this
16 time, the TPS varied between 12.5% and 17.3% opening, and the MAF varied between 3.15
17 grams/sec and 5.07 grams/sec. After time stamp 17203, the engine RPM increased then held
18 steady around 1400 RPM. During this time, the TPS varied between 13.3% and 18% opening,
19 and the MAF varied between 2.88 grams/sec and 5.06 grams/sec.

20 49. The TPS and MAF readings should rise as the RPM is increased. The readings
21 should be stable at idle and at the higher RPM, not erratic. The TPS, and MAF readings are not
22 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
23 indicate that the OIS Data Acquisition Device (DAD) was not connected to the 2004 Toyota
24 Camry LE, causing the issuance of a fraudulent Smog Certificate of Compliance.

25 **Clean Plug 4:**

26 50. On or about September 26, 2025, Respondent issued smog certificate # JH461710C to
27 a 2000 Ford F150, VIN 1FTRX17W7YKA54463. Respondent performed the inspection.
28 However, he did not perform a legitimate smog inspection on the vehicle.

1 51. The Dynamic PID charts and data for the 2000 Ford F150 shows that, between time
2 stamp 18 and 16461, the engine RPM was steady at around 730 RPM. During this time, the TPS
3 varied between 19.6% and 24.3% opening, and the MAF varied between 5.36 grams/sec and 7.56
4 grams/sec. After time stamp 16698, the RPM increased then held steady at around 1390 RPM.
5 During this time, the TPS varied between 18.8% and 23.1% opening, and the MAF varied
6 between 5.99 grams/sec and 6.85 grams/sec.

7 52. The TPS and MAF readings should increase when the RPM is increased. The
8 readings should be stable at idle and at the higher RPM, not erratic. The TPS and MAF readings
9 are not characteristic or expected for normal engine operation. The discrepancies in the OIS Test
10 Data indicate that the OIS Data Acquisition Device (DAD) was not connected to the 2000 Ford
11 F150 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

12 **Clean Plug 5:**

13 53. On or about September 27, 2025, Respondent issued smog certificate # JH461716C to
14 a 2002 Cadillac Deville DTS, VIN 1G6KF57962U198753. Respondent performed the
15 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

16 54. The Dynamic PID charts and data for the 2002 Cadillac Deville DTS show that,
17 between time stamp 24 and 16362, the engine RPM was steady at around 710 RPM. During this
18 time, the TPS varied between 0.8% and 4.7% opening, the MAF varied between 3.14 grams/sec
19 and 4.7 grams/sec, and the MAP varied between 20kPa and 29 kPa. After time stamp 16593, the
20 engine RPM increased then held steady at around 1430 RPM. During this time, the TPS varied
21 between 0% and 5.5% opening, the MAF varied between 2.74 grams/se. and 4.97 grams/sec, and
22 the MAP varied between 17 kPa and 29 kPa.

23 55. The TPS and MAF readings should rise as the RPM is increased. The MAP reading
24 should drop as the RPM is increased. The readings should be stable at idle and at the higher
25 RPM, not erratic. The TPS, MAF, and MAP readings are not characteristic or expected for
26 normal engine operation. The discrepancies in the OIS Test Data indicate that the OIS Data
27 Acquisition Device (DAD) was not connected to the 2002 Cadillac Deville DTS being certified,
28 causing the issuance of a fraudulent Smog Certificate of Compliance.

1 **Clean Plug 6:**

2 56. On or about September 27, 2025, Respondent issued smog certificate # JH461717C to
3 a 2005 Chevrolet Silverado K1500, VIN 2GCEK13TX51132092. Respondent performed the
4 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

5 57. The Dynamic PID charts and data for the 2005 Chevrolet Silverado K1500 show that,
6 between time stamp 25 and 19409, the engine RPM was steady at around 650 RPM. During this
7 time, the TPS varied between 1.6% and 5.1% opening, the MAF varied between 2.97 grams/sec
8 and 4.44 grams/sec, and the MAP varied between 34 kPa and 46 kPa. After time stamp 19638,
9 the RPM increased and was steady around 1400 RPM. During this time, the TPS varied between
10 0.4% and 5.5% opening, the MAF varied between 3.25 grams/sec and 5.05 grams/sec, and the
11 MAP varied between 35 kPa and 45 kPa.

12 58. The TPS and MAF readings should increase as the RPM is increased. The MAP
13 reading should drop as the RPM is increased. The readings should be stable at idle and at the
14 higher RPM, not erratic. The readings are not characteristic or expected for normal engine
15 operation. The discrepancies in the OIS Test Data indicate that the OIS Data Acquisition Device
16 (DAD) was not connected to the 2005 Chevrolet Silverado K1500 being certified, causing the
17 issuance of a fraudulent Smog Certificate of Compliance.

18 **Clean Plug 7:**

19 59. On or about September 27, 2025, Respondent issued smog certificate # JH461719C to
20 a 2004 Volkswagen Jetta GL, VIN 3VWRA69MX4M048098. Respondent performed the
21 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

22 60. The Dynamic PID charts and data for the 2004 Volkswagen Jetta GL show that,
23 between time stamp 110 and 16385, the engine RPM was steady at around 810 RPM. During this
24 time, the TPS varied between 6.7% and 11.8% opening, and the MAF varied between 3.22
25 grams/sec and 4.95 grams/sec. After time stamp 16697, the RPM increased and was steady
26 around 1375 RPM. During this time, the TPS varied between from 6.3% and 11.8% opening, and
27 the MAF varied between 2.87 grams/sec and 5.09 grams/sec.

1 61. The TPS and MAF readings should rise as the RPM is increased. The readings
2 should be stable at idle and at the higher RPM, not erratic. The TPS and MAF readings are not
3 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
4 indicate that the OIS Data Acquisition Device (DAD) was not connected to the 2004 Volkswagen
5 Jetta GL being certified, causing the issuance of a fraudulent Smog Certificate of Compliance.

6 **Clean Plug 8:**

7 62. On or about September 27, 2025, Respondent issued smog certificate # JH461720C to
8 a 2000 Ford F150, VIN 1FTRX18L0YKA70363. Respondent performed the inspection.
9 However, he did not perform a legitimate smog inspection on the vehicle.

10 63. The Dynamic PID charts and data for the 2000 Ford F150 show that, between time
11 stamp 19 and 16376, the engine RPM was steady at around 720 RPM. During this time, the TPS
12 varied between 12.5% and 18% opening, and the MAF varied between 7.63 grams/sec and 5.42
13 grams/sec. After time stamp 16608, the RPM increased and held around 1420 RPM. During this
14 time, the TPS varied between 12.9% and 18% opening, and the MAF varied between 5.3
15 grams/sec and 7.32 grams/sec.

16 64. The TPS and MAF readings should rise as the RPM is increased. The readings
17 should be stable at idle and at the higher RPM, not erratic. The TPS and MAF readings are not
18 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data
19 indicate that the OIS Data Acquisition Device (DAD) was not connected to the 2000 Ford F150
20 being certified, causing the issuance of a fraudulent Smog Certificate of Compliance

21 **Clean Plug 9:**

22 65. On or about October 22, 2025, Respondent issued smog certificate # UU927018C to a
23 2004 Ford Mustang GT, VIN 1FAFP42XX4F190311. Respondent performed the inspection.
24 However, he did not perform a legitimate smog inspection on the vehicle.

25 66. The Dynamic PID charts and data for the 2004 Ford Mustang GT show that, between
26 time stamp 3940 and 20118, the engine RPM was steady at around 675 RPM. During this time,
27 the TPS was fixed at 19.6% opening, and the MAF was fixed at 5.03 grams/sec. After time stamp
28

1 20341, the RPM increased and held around 1330 RPM. During this time, the TPS was still fixed
2 at 19.6% opening, and the MAF was still fixed at 5.03 grams/sec.

3 67. The TPS and MAF readings should rise as the RPM is increased. The readings
4 should be stable at idle then increase and remain stable at the higher RPM. The TPS and MAF
5 readings are improbable and not characteristic or expected for normal engine operation. The
6 discrepancies in the OIS Test Data indicate that the OIS Data Acquisition Device (DAD) was not
7 connected to the 2004 Ford Mustang GT being certified, causing the issuance of a fraudulent
8 Smog Certificate of Compliance.

9 **Clean Plug 10:**

10 68. On or about October 22, 2025, Respondent issued smog certificate # UU927019C to a
11 2003 Mercedes-Benz S 500, VIN WDBNG75J63A360222. Respondent performed the
12 inspection. However, he did not perform a legitimate smog inspection on the vehicle.

13 69. The Dynamic PID charts and data for the 2003 Mercedes-Benz S500 show that,
14 between time stamp 160 and 17151, the engine RPM was steady at around 680 RPM. During this
15 time, the TPS was fixed at 2% opening, and the MAF was fixed at 3.61 gram/sec. After time
16 stamp 17568, the RPM increased and held around 1710 RPM. During this time, the TPS was still
17 fixed at 2% opening, and the MAF was still fixed at 3.61 grams/sec.

18 70. The TPS and MAF readings should rise as the RPM is increased. The readings
19 should be stable at idle then increase and remain stable at the higher RPM. The TPS and MAF
20 readings are not characteristic or expected for normal engine operation. The discrepancies in the
21 OIS Test Data indicate that the OIS Data Acquisition Device (DAD) was not connected to the
22 2003 Mercedes Benz S500 being certified, causing the issuance of a fraudulent Smog Certificate
23 of Compliance.

24 **FIRST CAUSE FOR DISCIPLINE**

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

26 71. Respondent has subjected his Automotive Repair Dealer Registration to discipline
27 under Code section 9884.7, subdivision (a)(1), in that Respondent made statements which he
28 knew or which by exercise of reasonable care should have known were untrue or misleading.

1 Respondent purported to test vehicles, and certified that the vehicles passed inspection and were
2 in compliance with applicable laws and regulations. In fact, Respondent conducted the
3 inspections on those vehicles using clean-plugging methods. The facts in support of these
4 allegations are set forth above.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud – Registration)**

7 72. Respondent has subjected his Automotive Repair Dealer Registration to discipline
8 under Code section 9884.7, subdivision (a)(4), in that he committed acts which constitute fraud,
9 as set forth above.

10 **THIRD CAUSE FOR DISCIPLINE**

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

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

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit – Smog Licenses)**

21 74. Respondent has subjected his Smog Check Station and Smog Check Inspector
22 Licenses to discipline under Health and Safety Code sections 44072.10 and/or 44072.2,
23 subdivision (d), in that he committed acts involving dishonesty, fraud or deceit, whereby another
24 was injured by issuing electronic certificates of compliance for vehicles without performing bona
25 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
26 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
27 Program, as set forth above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 75. Respondent has subjected his Smog Check Station and Smog Check Inspector
4 Licenses to discipline under Health and Safety Code sections 44072.10 and/or 44072.2,
5 subdivisions (a) and (c), in that he violated sections of that Code and applicable regulations,
6 through conduct as set forth above, and as follows:

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

9 b. **Section 44032:** Respondent failed to ensure that smog inspections were performed
10 on vehicles in accordance with procedures prescribed in Section 44012.

11 c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
12 electronic certificates of compliance to certain vehicles without performing bona fide inspections
13 of the emission control devices and systems on those vehicles.

14 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
15 accordance with Health and Safety Code section 44012 and California Code of Regulations, title
16 16, section 3340.42.

17 e. **Section 3340.41, subdivision (c):** Respondent entered false information about
18 vehicles being tested into OIS.

19 f. **Section 3340.41, subdivision (h):** Respondent had electronic devices or software
20 capable of simulating the OBD data stream from a vehicle or manipulating OBD VIN, calibration
21 identification, calibration verification number, MIL status, readiness, or diagnostic trouble codes
22 collected from a vehicle during a Smog Check Inspection in the approved testing area of the
23 station.

24 g. **Section 3340.42:** Respondent failed to conduct the required smog tests and
25 inspections on certain vehicles in accordance with the Bureau's specifications.

26 h. **Section 3340.45:** Respondent violated the procedures contained in the Smog Check
27 Manual by entering vehicle identification information for a vehicle that was not being tested.

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1 **OTHER MATTERS**

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

6 77. Pursuant to Health & Safety Code section 44072.8, if Respondent's Station License
7 or Smog Check Inspector License is revoked or suspended, any additional license issued under
8 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may
9 be likewise revoked or suspended by the Director.

10 **PRAYER**

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

14 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
15 313774, issued to Antonio Manalastas, dba AGM Smog;

16 2. Revoking or suspending Smog Check, Test-Only, Station License Number TC
17 313774, issued to Antonio Manalastas, dba AGM Smog;

18 3. Revoking or suspending Smog Check Inspector License Number EO 640890, issued
19 to Antonio Manalastas;

20 4. Revoking or suspending any additional Automotive Repair Dealer Registration(s)
21 issued to Antonio Manalastas;

22 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
23 Division 26 of the Health and Safety Code to Antonio Manalastas;

24 6. Ordering Antonio Manalastas to pay the Bureau of Automotive Repair the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3; and,

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

DATED: As of Digital Signature Date

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

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