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8
9 **BEFORE THE**
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. 79/23-13828

13 **JUAN CARLOS GUERRERO JR.**
14 **DBA 502 SMOG CHECK**
15 **11903 Washington Blvd**
Whittier, CA 90606

ACCUSATION

16 **Automotive Repair Dealer Registration No.**
ARD 302210
17 **Smog Check Test Only Station License No.**
TC 302210,

18 **ALEJANDRO MORONES MAGDALENO**
19 **2228 E. Lizbeth Ct**
Anaheim, CA 92806

20 **Smog Check Inspector License No.**
21 **EO 644033**

22 **ALFONSO ALEXZANDER ROMAN**
23 **23698 David Ln #A**
Moreno Valley, CA 92557

24 **Smog Check Inspector License No.**
25 **EO 641441**

26 **VICTOR M ZERMENO**
8666 Lake Ashere Drive Apt #136
San Diego, CA 92119

27 **Smog Check Inspector License No. EO**
28 **641442**

1 **JUAN CARLOS MIRANDA**
2 **17510 S Figueroa St**
3 **Gardena, CA 90248**

4 **Mailing Address:**
5 **356 W Maple St**
6 **Compton, CA 90220**

7 **Smog Check Inspector License No.**
8 **EO 644218**

9 **WILLIAM ANTONIO HERNANDEZ**
10 **5018 ½ S Harvard Blvd**
11 **Los Angeles, CA 90062**

12 **Smog Check Inspector License No.**
13 **EO 641783**

14 Respondents.

15 **PARTIES**

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

18 2. On or about April 11, 2022, the Bureau issued Automotive Repair Dealer Registration
19 Number ARD 302210 to Juan Carolos Guerrero Jr dba 5O2 Smog Check (Respondent Guerrero).
20 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
21 charges brought herein and expired on April 30, 2024.

22 3. On or about October 12, 2022, the Bureau issued Smog Check Test Only Station
23 License Number TC 302210 to Respondent Guerrero. The Smog Check Test Only Station
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on April 30, 2024, unless renewed.

26 4. On or about November 18, 2022, the Bureau issued Smog Check Inspector License
27 Number EO 644033 to Alejandro Morones Magdaleno (Respondent Magdaleno). The Smog
28 Check Inspector License was in full force and effect at all times relevant to the charges brought
herein and will expire on March 31, 2025, unless renewed.

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1 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
2 invalidating (suspending or revoking) a registration.

3 13. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent
4 part, that the Director has all the powers and authority granted under the Automotive Repair Act
5 for enforcing the Motor Vehicle Inspection Program.

6 14. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
7 suspension of a license by operation of law, or by order or decision of the Director of Consumer
8 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
9 of jurisdiction to proceed with disciplinary action.

10 **STATUTORY PROVISIONS**

11 15. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

21

22 (4) Any other conduct that constitutes fraud.

23

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

26

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

. . . .

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

1 (1) Any act or omission that is included within the definition of either “actual
2 fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573
3 of the Civil Code.

4 (2) A misrepresentation in any manner, whether intentionally false or due to
5 gross negligence, of a material fact.

6 (3) A promise or representation not made honestly and in good faith.

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

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

9 16. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes
10 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
11 “program,” and “agency.” “License” includes certificate, registration or other means to engage in
12 a business or profession regulated by the Bus. & Prof. Code.

13 17. Health & Saf. Code section 44012 provides, in pertinent part, that tests at smog check
14 stations shall be performed in accordance with procedures prescribed by the department.

15 18. Health & Saf. Code section 44015, subdivision (b), provides that a certificate of
16 compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
17 40012.

18 19. Health & Saf. Code section 44032 provides that qualified technicians shall perform
19 tests of emissions control devices and systems in accordance with Health & Saf. Code section
20 40012.

21 20. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

28

(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 . . .

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1 21. Health & Saf. Code section 44072.10 states, in pertinent part:

2

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

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

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

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

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

13 22. Health & Saf. Code section 44072.8 states that when a license has been revoked or
14 suspended following a hearing under this article, any additional license issued under this chapter
15 in the name of the licensee may be likewise revoked or suspended by the director.

16 **REGULATORY PROVISIONS**

17 23. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c),
18 states:

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

22 24. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
23 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
24 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
25 of this article.”

26 25. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
27 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
28 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.”

1 26. CCR, title 16, section 3340.41 states, in pertinent part:

2

3 (b) No person shall enter any access or qualification number other than as
4 authorized by the Bureau into the EIS or OIS, nor in any way tamper with the EIS or
OIS.

5 (c) No person shall enter any vehicle identification information or emission
6 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
7 about the vehicle being tested

8 27. CCR, title 16, section 3340.42, sets forth specific emissions test methods and
9 procedures which apply to all vehicles inspected in the State of California.

10 **COST RECOVERY**

11 28. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
12 the administrative law judge to direct a licentiate found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **CALIFORNIA'S SMOG CHECK PROGRAM**

16 29. California's Smog Check Program requires most vehicles in the State to undergo a
17 smog check inspection every two years or when the vehicle's title is transferred.

18 30. A smog check inspection in certain Enhanced areas of the State is an Acceleration
19 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
20 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
21 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
22 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
23 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to
24 simulate driving conditions while the emissions are sampled by the EIS.

25 31. In Basic areas of the State, or depending on a vehicle's configuration, a similar test
26 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
27 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
28 well as 2500 revolutions per minute (rpm).

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

4 33. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
5 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
6 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
7 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether or
8 not the OBD II system has run a sufficient number of self-tests on the vehicle's emission and
9 engine control systems. A failure of one or more of the OBD II functional criteria, depending on
10 model year, will result in the vehicle failing its smog check inspection. In addition to reporting
11 the outcome of the OBD II functional test, the smog check inspection results also show
12 Diagnostic Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

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

16 35. The EIS is connected by internet connection to Bureau's Vehicle Information
17 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
18 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
19 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
20 inspection, is transmitted to and retained in the VID.

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

1 input inspector information, the vehicle identification number (VIN), and Department of Motor
2 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
3 containing inspection results for motorists and a Smog Check Certificate of Compliance number
4 for passing vehicles.

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

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

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

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1 ***Investigation***

2 42. On or about August 2, 2023, a Bureau Representative conducted a detailed review of
3 the VID data for Smog Check inspections performed at 5O2 Smog Check which showed a pattern
4 of vehicles being certified with engine operating parameters that did not correspond to normal
5 engine operation, confirming the vehicles receiving smog certifications were not tested during the
6 OBD II functional test, which constitutes clean plugging. The Bureau's review of the Smog
7 Check activities at 5O2 Smog Check confirmed fourteen (14) Smog Check Certificates of
8 Compliance were fraudulently issued to vehicles.

9 **Clean Plug Number 1 – 2001 Toyota Sienna LE**

10 43. OIS Test Data for 5O2 Smog Check indicated that on January 27, 2023, a 2001
11 Toyota Sienna LE, VIN #4T3ZF13C81U351768, CA License #4RMS119 (2001 Sienna), was
12 tested and Smog Certificate of Compliance #TC184124C was issued by 5O2 Smog Check, under
13 Respondent Hernandez's Smog Check Inspector License. The OIS Test Data also show that
14 between time stamps 2807 and 34298 engine speed is steady at around 745 RPM. During this
15 time the throttle is at a 10.6% opening. The MAF is also at 3.26gps. Between time stamps 35507
16 and 55623 the engine speed is accelerated then held steady at around 1565 RPM. During the
17 steady elevated engine RPM, the throttle is at a 10.6% opening. The MAF is also fixed at
18 3.26gps. The fixed throttle positions and subsequent fixed MAF readings across both idle and
19 elevated engine speeds are not characteristic and therefore not expected for normal engine
20 operation. These discrepancies confirm that the OIS DAD was not connected to the 2001 Sienna
21 during the certification process as required, thereby rendering this a fraudulent inspection by way
22 of Clean Plugging.

23 **Clean Plug Number 2 – 2002 Mercedes-Benz C240**

24 44. OIS Test Data for 5O2 Smog Check indicated that on February 9, 2023, a 2002
25 Mercedes-Benz C240, VIN #WDBRF61J02E003663 (2002 C240), was tested and smog
26 certificate #IT129009C was issued by 5O2 Smog Check, under Respondent Zermeno's Smog
27 Check Inspector License. The OIS Test Data also show that between time stamps 1047 and
28 23521 engine speed is steady at around 860 RPM. During this time the throttle is at a 3.1%

1 opening. The MAP is fixed at 36kpa. The MAF is also fixed at 3.19gps. Between time stamps
2 24707 and 27052 the engine speed is accelerated then held steady at around 1841 RPM. During
3 the steady elevated engine RPM, the throttle is at a 3.1% opening. The MAP is fixed at 36kpa.
4 The MAF is also fixed at 3.19gps. The fixed throttle positions and subsequent fixed MAP and
5 MAF readings across both idle and elevated engine speeds are not characteristic and therefore not
6 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
7 connected to the 2002 C240 during the certification process as required, thereby rendering this a
8 fraudulent inspection by way of Clean Plugging.

9 **Clean Plug Number 3 – 2002 BMW 525 I**

10 45. OIS Test Data for 5O2 Smog Check indicated that on February 14, 2023, a 2002
11 BMW 525 I, VIN #WBADT43432GY44233, CA License #5RYX005 (2002 525 I), was tested
12 and smog certificate #IT129027C was issued by 5O2 Smog Check, under Respondent Zermeno's
13 Smog Check Inspector License. The OIS Test Data also show that between time stamps 1110 and
14 23334 engine speed is steady at around 860 RPM. During this time the throttle is at 0% opening.
15 The MAF is also fixed at 3.78gps. Between time stamps 24613 and 29737 the engine speed is
16 accelerated then held steady at around 1900 RPM. During the steady elevated engine RPM, the
17 throttle is at a 0% opening. The MAF is also fixed at 3.78gps. The fixed throttle positions and
18 subsequent fixed MAF readings across both idle and elevated engine speeds are not characteristic
19 and therefore not expected for normal engine operation. These discrepancies confirm that the
20 OIS DAD was not connected to the 2002 525 I during the certification process as required,
21 thereby rendering this a fraudulent inspection by way of Clean Plugging.

22 **Clean Plug Number 4 – 2006 Nissan Titan XE**

23 46. OIS Test Data for 5O2 Smog Check indicated that on February 24, 2023, a 2006
24 Nissan Titan XE, VIN #1N6AA07A46N542694, CA License #42879X1 (2006 Titan), was tested
25 and smog certificate #IT167006C was issued by 5O2 Smog Check, under Respondent Zermeno's
26 Smog Check Inspector License. The OIS Test Data also show that between time stamps 1122 and
27 28347 engine speed is steady at around 890 RPM. During this time the throttle is at a 2.4%
28 opening. The MAF is also fixed at 4.97gps. Between time stamps 29632 and 34835 the engine

1 speed is accelerated then held steady at around 1340 RPM. During the steady elevated engine
2 RPM, the throttle is at a 2.4% opening. The MAF is also fixed at 4.97gps. The fixed throttle
3 positions and subsequent fixed MAF readings across both idle and elevated engine speeds are not
4 characteristic and therefore not expected for normal engine operation. These discrepancies
5 confirm that the OIS DAD was not connected to the 2006 Titan during the certification process as
6 required, thereby rendering this a fraudulent inspection by way of Clean Plugging.

7 **Clean Plug Number 5 – 2005 Subaru Impreza WRX**

8 47. OIS Test Data for 5O2 Smog Check indicated that on March 2, 2023, a 2005 Subaru
9 Impreza WRX, VIN #JF1GD29665H514553, CA License #6TEH133 (2005 Impreza), was tested
10 and smog certificate #IT372504C was issued by 5O2 Smog Check, under Respondent Roman's
11 Smog Check Inspector License. The OIS Test Data also show that between time stamps 880 and
12 25162 engine speed is steady at around 950 RPM. During this time the throttle is at a 10.6%
13 opening. The MAP is fixed at 102kpa. The MAF is also fixed at 1.16gps. Between time stamps
14 26104 and 27002 the engine speed is accelerated then held steady at around 1736 RPM. During
15 the steady elevated engine RPM, the throttle is at a 10.6% opening. The MAP is fixed at 102kpa.
16 The MAF is also fixed at 1.16gps. The fixed throttle positions and subsequent fixed MAP and
17 MAF readings across both idle and elevated engine speeds are not characteristic and therefore not
18 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
19 connected to the 2005 Impreza during the certification process as required, thereby rendering this
20 a fraudulent inspection by way of Clean Plugging.

21 **Clean Plug Number 6 – 2005 Honda Accord LX**

22 48. OIS Test Data for 5O2 Smog Check indicated that on March 6, 2023, a 2005 Honda
23 Accord LX, VIN #1HGCM56435A012204 (2005 Accord), was tested and smog certificate
24 #IT372538C was issued by 5O2 Smog Check, under Respondent Roman's Smog Check Inspector
25 License. The OIS Test Data also show that between time stamps 861 and 24082 engine speed is
26 steady at around 840 RPM. During this time the throttle is at a 9.4% opening. The MAP is fixed
27 at 101kpa. The MAF is also fixed at .13gps. Between time stamps 24977 and 26757 the engine
28 speed is accelerated then held steady at around 2580 RPM. During the steady elevated engine

1 RPM, the throttle is at a 9.4% opening. The MAP is fixed at 101kpa. The MAF is also fixed at
2 .13gps. The fixed throttle positions and subsequent fixed MAP and MAF readings across both
3 idle and elevated engine speeds are not characteristic and therefore not expected for normal
4 engine operation. These discrepancies confirm that the OIS DAD was not connected to the 2005
5 Accord during the certification process as required, thereby rendering this a fraudulent inspection
6 by way of Clean Plugging.

7 **Clean Plug Number 7 – 2003 Chevrolet Corvette Z06**

8 49. OIS Test Data for 5O2 Smog Check indicated that on March 25, 2023, a 2003
9 Chevrolet Corvette Z06, VIN #1G1YY12SX35105628, CA License #8ROS950 (2003 Corvette),
10 was tested and smog certificate #TE825963C was issued by 5O2 Smog Check, under Respondent
11 Roman's Smog Check Inspector License. The OIS Test Data also show that between time stamps
12 361 and 36862 engine speed is steady at around 770 RPM. During this time the throttle is at a
13 6.7% opening. The MAP is fixed at 34kpa. The MAF is also fixed at 6.45gps. Between time
14 stamps 37674 and 40025 the engine speed is accelerated then held steady at around 1750 RPM.
15 During the steady elevated engine RPM, the throttle is at a 6.7% opening. The MAP is fixed at
16 34kpa. The MAF is also fixed at 6.45gps. The fixed throttle positions and subsequent fixed
17 MAP and MAF readings across both idle and elevated engine speeds are not characteristic and
18 therefore not expected for normal engine operation. These discrepancies confirm that the OIS
19 DAD was not connected to the 2003 Corvette during the certification process as required, thereby
20 rendering this a fraudulent inspection by way of Clean Plugging.

21 **Clean Plug Number 8 – 2004 Nissan Frontier Crew Cab XE**

22 50. OIS Test Data for 5O2 Smog Check indicated that on April 1, 2023, a 2004 Nissan
23 Frontier Crew Cab XE VIN #1N6ED27TX4C429962 (2004 Frontier), was tested and smog
24 certificate #TG018379C was issued by 5O2 Smog Check, under Respondent Miranda's Smog
25 Check Inspector License. The OIS Test Data also show that between time stamps 974 and 18974
26 engine speed is steady at around 850 RPM. During this time the throttle is at a 0% opening. The
27 MAF is also fixed at 5.26gps. Between time stamps 20958 and 23005 the engine speed is
28 accelerated then held steady at around 1868 RPM. During the steady elevated engine RPM, the

1 throttle is at a 0% opening. The MAF is also fixed at 5.26gps. The fixed throttle positions and
2 subsequent fixed MAF readings across both idle and elevated engine speeds are not characteristic
3 and therefore not expected for normal engine operation. These discrepancies confirm that the
4 OIS DAD was not connected to the 2004 Frontier during the certification process as required,
5 thereby rendering this a fraudulent inspection by way of Clean Plugging.

6 **Clean Plug Number 9 – 2000 GMC Sierra C1500**

7 51. OIS Test Data for 5O2 Smog Check indicated that on April 17, 2023, a 2000 GMC
8 Sierra C1500, VIN #1GTEC14WXYZ361082, CA License #98529J3 (2000 Sierra), was tested
9 and smog certificate #TG295039C was issued by 5O2 Smog Check, under Respondent Miranda's
10 Smog Check Inspector License. The OIS Test Data also show that between time stamps 351 and
11 85322 engine speed is steady at around 500 RPM. During this time the throttle is at a 0%
12 opening. The MAP is fixed at 33 kpa. The MAF is also fixed at 5.44 gps. Between time stamps
13 85704 and 90746 the engine speed is accelerated then held steady at around 1650 RPM. During
14 the steady elevated engine RPM, the throttle is at a 0% opening. The MAP is fixed at 33kpa. The
15 MAF is also fixed at 5.44gps. The fixed throttle positions and subsequent fixed MAP and MAF
16 readings across both idle and elevated engine speeds are not characteristic and therefore not
17 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
18 connected to the 2000 Sierra during the certification process as required, thereby rendering this a
19 fraudulent inspection by way of Clean Plugging.

20 **Clean Plug Number 10 – 2004 Chevrolet Silverado K1500**

21 52. OIS Test Data for 5O2 Smog Check indicated that on April 21, 2023, a 2004
22 Chevrolet Silverado K1500, VIN #1GCEK14T84Z291956, CA License #GMMGSS (2004
23 Silverado), was tested and smog certificate #TG606064C was issued by 5O2 Smog Check, under
24 Respondent Miranda's Smog Check Inspector License. The OIS Test Data also show that
25 between time stamps 368 and 19504 engine speed is steady at around 650 RPM. During this time
26 the throttle is at a 12.2% opening. The MAP is fixed at 54kpa. The MAF is also fixed at 8.42gps.
27 Between time stamps 19892 and 22711 the engine speed is accelerated then held steady at around
28 1730 RPM. During the steady elevated engine RPM, the throttle is at a 12.2% opening. The

1 MAP is fixed at 54kpa. The MAF is also fixed at 8.42gps. The fixed throttle positions and
2 subsequent fixed MAP and MAF readings across both idle and elevated engine speeds are not
3 characteristic and therefore not expected for normal engine operation. These discrepancies
4 confirm that the OIS DAD was not connected to the 2004 Silverado during the certification
5 process as required, thereby rendering this a fraudulent inspection by way of Clean Plugging.

6 **Clean Plug Number 11 – 2004 Subaru Impreza WRX**

7 53. OIS Test Data for 5O2 Smog Check indicated that on April 22, 2023, a 2004 Subaru
8 Impreza WRX, VIN #JF1GG29604G810048, CA License #8KIT840 (2004 Impreza), was tested
9 and smog certificate #TG606088C was issued by 5O2 Smog Check, under Respondent Miranda's
10 Smog Check Inspector License. The OIS Test Data also show that between time stamps 870 and
11 23167 engine speed is steady at around 730 RPM. During this time the throttle is at an 11.4%
12 opening. The MAP is fixed at 47kpa. The MAF is also fixed at 4.09gps. Between time stamps
13 24063 and 27728 the engine speed is accelerated then held steady at around 1550 RPM. During
14 the steady elevated engine RPM, the throttle is at an 11.4% opening. The MAP is fixed at 47kpa.
15 The MAF is also fixed at 4.09gps. The fixed throttle positions and subsequent fixed MAP and
16 MAF readings across both idle and elevated engine speeds are not characteristic and therefore not
17 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
18 connected to the 2004 Impreza during the certification process as required, thereby rendering this
19 a fraudulent inspection by way of Clean Plugging.

20 **Clean Plug Number 12 – 2005 Honda Accord LX**

21 54. OIS Test Data for 5O2 Smog Check indicated that on August 3, 2023, a 2005 Honda
22 Accord LX, VIN #1HGCM56445A049360, CA License #5UQH527 (2005 Accord), was tested
23 and smog certificate #IV212103C was issued by 5O2 Smog Check, under Respondent
24 Magdaleno's Smog Check Inspector License. The OIS Test Data also show that between time
25 stamps 897 and 24019 engine speed is steady at around 900 RPM. During this time the throttle is
26 at a 9.8% opening. The MAP is fixed at 40 kpa. The MAF is also fixed at 4.98 gps. Between
27 time stamps 24905 and 28532 the engine speed is accelerated then held steady at around 2000
28 RPM. During the steady elevated engine RPM, the throttle is at a 9.8% opening. The MAP is

1 fixed at 40kpa. The MAF is also fixed at 4.98gps. The fixed throttle positions and subsequent
2 fixed MAP and MAF readings across both idle and elevated engine speeds are not characteristic
3 and therefore not expected for normal engine operation. These discrepancies confirm that the
4 OIS DAD was not connected to the 2005 Accord during the certification process as required,
5 thereby rendering this a fraudulent inspection by way of Clean Plugging.

6 **Clean Plug Number 13 – 2007 Honda Accord EX**

7 55. OIS Test Data for 5O2 Smog Check indicated that on August 5, 2023, a 2007 Honda
8 Accord EX, VIN #1HGCM56887A100235, CA License #7ZRW293 (2007 Accord), was tested
9 and smog certificate #IV212125C was issued by 5O2 Smog Check, under Respondent
10 Magdaleno's Smog Check Inspector License. The OIS Test Data also show that between time
11 stamps 866 and 23113 engine speed is steady at around 750 RPM. During this time the throttle is
12 at a 14.9% opening. The MAP is fixed at 36 kpa. The MAF is also fixed at 3.44 gps. Between
13 time stamps 24039 and 26749 the engine speed is accelerated then held steady at around 2000
14 RPM. During the steady elevated engine RPM, the throttle is at a 14.9% opening. The MAP is
15 fixed at 36kpa. The MAF is also fixed at 3.44gps. The fixed throttle positions and subsequent
16 fixed MAP and MAF readings across both idle and elevated engine speeds are not characteristic
17 and therefore not expected for normal engine operation. These discrepancies confirm that the
18 OIS DAD was not connected to the 2007 Accord during the certification process as required,
19 thereby rendering this a fraudulent inspection by way of Clean Plugging.

20 **Clean Plug Number 14 – 2001 BMW 325 CI**

21 56. OIS Test Data for 5O2 Smog Check indicated that on August 14, 2023, a 2001 BMW
22 325 CI, VIN #WBABN33401JW47632, CA License #5LLG517 (2001 325 CI), was tested and
23 smog certificate #IV470226C was issued by 5O2 Smog Check, under Respondent Magdaleno's
24 Smog Check Inspector License. The OIS Test Data also show that between time stamps 981 and
25 24102 engine speed is steady at around 700 RPM. During this time the throttle is at a 0%
26 opening. The MAF is also fixed at 3.71gps. Between time stamps 25098 and 34280 the engine
27 speed is accelerated then held steady at around 2376 RPM. During the steady elevated engine
28 RPM, the throttle is at a 0% opening. The MAF is also fixed at 3.71gps. The fixed throttle

1 positions and subsequent fixed MAF readings across both idle and elevated engine speeds are not
2 characteristic and therefore not expected for normal engine operation. These discrepancies
3 confirm that the OIS DAD was not connected to the 2001 325 CI during the certification process
4 as required, thereby rendering this a fraudulent inspection by way of Clean Plugging.

5 ***Respondent Guerrero***

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Untrue of Misleading Statements)**

8 57. Respondent Guerrero's Automotive Repair Dealer Registration is subject to
9 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he
10 made statements which were known to be untrue or misleading or, which by exercise of
11 reasonable care should have been known to be untrue or misleading, by issuing electronic smog
12 certificates of compliance for the fourteen (14) vehicles set forth in paragraphs 43-56, above,
13 certifying that those vehicles were in compliance with applicable laws and regulations when, in
14 fact, those vehicles had not been so inspected. Complainant refers to, and by this reference
15 incorporates, the allegations contained in paragraphs 42 through 56, above, as though set forth
16 fully herein.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 58. Respondent Guerrero's Automotive Repair Dealer Registration is subject to
20 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he
21 committed acts that constitute fraud by issuing electronic certificates of compliance to the
22 fourteen (14) vehicles set forth in paragraphs 43-56, above, without performing bone fide
23 inspections of the emission control devices and systems on those vehicles, thereby depriving the
24 People of the State of California of the protection afforded by the Motor Vehicle Inspection
25 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 42 through 56, above, as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Material Violation of Automotive Repair Act)

59. Respondent Guerrero’s Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he failed in a material respect to comply with the provisions of this chapter or regulations adopted pursuant to it when he issued electronic certificates of compliance for the fourteen (14) vehicles set forth in paragraphs 43-56, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 56, above, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

a. **Section 44012:** Respondent failed to ensure that the emission control tests were performed on the fourteen (14) vehicles identified in paragraphs 43-56, above, in accordance with procedures prescribed by the department.

b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of compliance to the fourteen (14) vehicles identified in paragraphs 43-56, above, without properly testing and inspecting those vehicles to determine if they were in compliance with Health & Saf. Code section 44012.

Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 42 through 56, above, as though set forth fully herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the fourteen (14) vehicles identified in paragraphs
9 43-56, above.

10 b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the fourteen
11 (14) vehicles identified in paragraphs 43-56, above, in accordance with Health & Saf. Code
12 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

13 c. **Section 3340.35, subdivision (c)**: Respondent issued electronic smog certificates of
14 compliance for the fourteen (14) vehicles identified in paragraphs 43-56, above, even though
15 those vehicles had not been inspected in accordance with section 3340.42.

16 d. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
17 into the emissions inspection system for the fourteen (14) vehicles identified in paragraphs 43-56,
18 above.

19 e. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
20 on the fourteen (14) vehicles identified in paragraphs 43-56, above, were done in accordance with
21 the Bureau’s specifications.

22 Complainant refers to, and by this reference incorporates, the allegations contained in
23 paragraphs 42 through 56, above, as though set forth fully herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

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

26 62. Respondent Guerrero’s Smog Check Test Only Station License is subject to
27 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
28 conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that he committed

1 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog
2 certificates of compliance for the fourteen (14) vehicles described in paragraphs 43-56, above,
3 without performing bona fide inspections of the emission control devices and systems on those
4 vehicles, thereby depriving the People of the State of California of the protection afforded by the
5 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
6 allegations contained in paragraphs 42 through 56, above, as though set forth fully herein.

7 *Respondent Magdaleno*

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Violations of the Motor Vehicle Inspection Program)**

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

13 a. **Section 44032:** Respondent failed to perform tests of emission control devices and
14 systems of the three (3) vehicles identified in paragraphs 54-56, above, in accordance with Health
15 & Saf. Code section 44012.

16 b. **Section 44015, subdivision (b):** Respondent caused electronic smog certificates of
17 compliance to be issued for the three (3) vehicles identified in paragraphs 54-56, above, without
18 ensuring that they were properly tested and inspected to determine if they were in compliance
19 with Health & Saf. Code section 44012.

20 Complainant refers to, and by this reference incorporates, the allegations contained in
21 paragraphs 54 through 56, above, as though set forth fully herein.

22 **EIGHTH CAUSE FOR DISCIPLINE**

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

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

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1 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued
2 electronic smog certificates of compliance for the three (3) vehicles identified in paragraphs 54-
3 56, above.

4 b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the three (3)
5 vehicles identified in paragraphs 54-56, above, in accordance with Health & Saf. Code sections
6 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

7 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
8 into the emissions inspection system for the three (3) vehicles identified in paragraphs 54-56,
9 above.

10 d. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
11 on the three (3) vehicles identified in paragraphs 54-56, above, were done in accordance with the
12 Bureau's specifications.

13 Complainant refers to, and by this reference incorporates, the allegations contained in
14 paragraphs 54 through 56, above, as though set forth fully herein.

15 **NINTH CAUSE FOR DISCIPLINE**

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

17 65. Respondent Magdaleno's Smog Check Inspector License is subject to disciplinary
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
19 Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent,
20 or deceitful acts whereby another was injured by issuing electronic smog certificates of
21 compliance for the three (3) vehicles identified in paragraphs 54-56, above, without performing
22 bona fide inspections of the emission control devices and systems on those vehicles, thereby
23 depriving the People of the State of California of the protection afforded by the Motor Vehicle
24 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
25 contained in paragraphs 54 through 56, above, as though set forth fully herein.

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1 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
2 into the emissions inspection system for the three (3) vehicles identified in paragraphs 47-49,
3 above.

4 d. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
5 on the three (3) vehicles identified in paragraphs 47-49, above, were done in accordance with the
6 Bureau's specifications.

7 Complainant refers to, and by this reference incorporates, the allegations contained in
8 paragraphs 47 through 49, above, as though set forth fully herein.

9 **TWELFTH CAUSE FOR DISCIPLINE**

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

11 68. Respondent Roman's Smog Check Inspector License is subject to disciplinary action
12 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &
13 Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
14 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
15 for the three (3) vehicles identified in paragraphs 47-49, above, without performing bona fide
16 inspections of the emission control devices and systems on those vehicles, thereby depriving the
17 People of the State of California of the protection afforded by the Motor Vehicle Inspection
18 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
19 paragraphs 47 through 49, above, as though set forth fully herein.

20 ***Respondent Zermeno***

21 **THIRTEENTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program)**

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

26 a. **Section 44032**: Respondent failed to perform tests of emission control devices and
27 systems of the three (3) vehicles identified in paragraphs 44-46, above, in accordance with Health
28 & Saf. Code section 44012.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 71. Respondent Zermeno’s Smog Check Inspector License is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with
5 Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent,
6 or deceitful acts whereby another was injured by issuing electronic smog certificates of
7 compliance for the three (3) vehicles identified in paragraphs 44-46, above, without performing
8 bona fide inspections of the emission control devices and systems on those vehicles, thereby
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle
10 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations
11 contained in paragraphs 44 through 46, above, as though set forth fully herein.

12 ***Respondent Miranda***

13 **SIXTEENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program)**

15 72. Respondent Miranda’s Smog Check Inspector License is subject to disciplinary action
16 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with
17 the following sections of that code:

18 a. **Section 44032**: Respondent failed to perform tests of emission control devices and
19 systems of the four (4) vehicles identified in paragraphs 50-53, above, in accordance with Health
20 & Saf. Code section 44012.

21 b. **Section 44015, subdivision (b)**: Respondent caused electronic smog certificates of
22 compliance to be issued for the four (4) vehicles identified in paragraphs 50-53, above, without
23 ensuring that they were properly tested and inspected to determine if they were in compliance
24 with Health & Saf. Code section 44012.

25 Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 50 through 53, above, as though set forth fully herein.

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued
8 electronic smog certificates of compliance for the four (4) vehicles identified in paragraphs 50-53,
9 above.

10 b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the four (4)
11 vehicles identified in paragraphs 50-53, above, in accordance with Health & Saf. Code sections
12 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

13 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
14 into the emissions inspection system for the four (4) vehicles identified in paragraphs 50-53,
15 above.

16 d. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
17 on the four (4) vehicles identified in paragraphs 50-53, above, were done in accordance with the
18 Bureau's specifications.

19 Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 50 through 53, above, as though set forth fully herein.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

23 74. Respondent Miranda's Smog Check Inspector License is subject to disciplinary action
24 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &
25 Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
26 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
27 for the four (4) vehicles identified in paragraphs 50-53, above, without performing bona fide
28 inspections of the emission control devices and systems on those vehicles, thereby depriving the

1 People of the State of California of the protection afforded by the Motor Vehicle Inspection
2 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
3 paragraphs 50 through 53, above, as though set forth fully herein.

4 ***Respondent Hernandez***

5 **NINETEENTH CAUSE FOR DISCIPLINE**

6 **(Violations of the Motor Vehicle Inspection Program)**

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

10 a. **Section 44032:** Respondent failed to perform tests of emission control devices and
11 systems of the one (1) vehicle identified in paragraph 43, above, in accordance with Health & Saf.
12 Code section 44012.

13 b. **Section 44015, subdivision (b):** Respondent caused an electronic smog certificate of
14 compliance to be issued for the one (1) vehicle identified in paragraph 43, above, without
15 ensuring that it was properly tested and inspected to determine if it was in compliance with
16 Health & Saf. Code section 44012.

17 Complainant refers to, and by this reference incorporates, the allegations contained in
18 paragraph 43, above, as though set forth fully herein.

19 **TWENTIETH CAUSE FOR DISCIPLINE**

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

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

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
26 electronic smog certificate of compliance for the one (1) vehicle identified in paragraph 43,
27 above.

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1 refers to, and by this reference incorporates, the allegations contained in paragraph 41, above, as
2 though set forth fully herein.

3 **OTHER MATTERS**

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

8 80. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
9 License No. TC 302210, issued to Respondent Guerrero, is revoked or suspended, any additional
10 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of
11 said licensee may be likewise revoked or suspended by the director.

12 81. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
13 No. EO 644033, issued to Respondent Magdaleno, is revoked or suspended, any additional
14 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of
15 said licensee may be likewise revoked or suspended by the director.

16 82. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
17 No. EO 641441, issued to Respondent Roman, is revoked or suspended, any additional license
18 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
19 licensee may be likewise revoked or suspended by the director.

20 83. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
21 No. EO 641442, issued to Respondent Zermeno, is revoked or suspended, any additional license
22 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
23 licensee may be likewise revoked or suspended by the director.

24 84. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
25 No. EO 644218, issued to Respondent Miranda, is revoked or suspended, any additional license
26 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
27 licensee may be likewise revoked or suspended by the director.

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1 85. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
2 No. EO 641783, issued to Respondent Hernandez, is revoked or suspended, any additional license
3 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
4 licensee may be likewise revoked or suspended by the director.

5 **PRAYER**

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

- 9 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
10 302210, issued to Juan Carlos Guerrero Jr dba 5O2 Smog Check;
- 11 2. Revoking or suspending any other automotive repair dealer registration issued to Juan
12 Carolos Guerrero Jr;
- 13 3. Revoking or suspending Smog Check Test Only Station License Number TC 302210,
14 issued to Juan Carlos Guerrero Jr dba 5O2 Smog Check;
- 15 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
16 Division 26 of the Health & Saf. Code in the name of Juan Carlos Guerrero Jr;
- 17 5. Revoking or suspending Smog Check Inspector License Number EO 644033, issued
18 to Alejandro Morones Magdaleno;
- 19 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
20 Division 26 of the Health & Saf. Code in the name of Alejandro Morones Magdaleno;
- 21 7. Revoking or suspending Smog Check Inspector License Number EO 641441, issued
22 to Alfonso Alexzander Roman;
- 23 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
24 Division 26 of the Health & Saf. Code in the name of Alfonso Alexzander Roman;
- 25 9. Revoking or suspending Smog Check Inspector License Number EO 641442, issued
26 to Victor M Zermeno;
- 27 10. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
28 Division 26 of the Health & Saf. Code in the name of Victor M Zermeno;

