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7

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

10  
11 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

Case No. **79/15-5918**

12 **D AND D AUTO REPAIR & SERVICE;**  
13 **SALEH ISAM ABUHIJLEH; AMEEN**  
**MUSA RIZK**  
14 **15015 Leffingwell Rd.**  
**Whittier, CA 90604**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 275534**  
16 **Smog Check Station License No. RC 275534**  
**Lamp Station License LS 275534, Class A**  
17 **Brake Station License No. BS 275534,**  
**Class C**

**ACCUSATION AND PETITION TO**  
**REVOKE PROBATION**

18 and

19  
20 **SALEH ISAM ABUHIJLEH**  
**11863 Abington St.**  
21 **Riverside, CA 92503**  
**Smog Check Inspector License No. EO**  
22 **31680 (formerly Advanced Emission**  
**Specialist Technician EA 31680)**  
23 **Smog Check Repair Technician License No.**  
**EI 31680 (formerly Advanced Emission**  
24 **Specialist Technician EA 31680)**  
**Brake Adjuster License No. BA 31680,**  
25 **Class C,**  
**Lamp Adjuster License No. LA 31680,**  
26 **Class A**

27 Respondents.  
28

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais (Complainant) brings this Accusation and Petition to Revoke  
4 Probation solely in his official capacity as the Chief of the Bureau of Automotive Repair,  
5 Department of Consumer Affairs.

6 2. On or about February 14, 2014, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 275534 to Saleh Isam Abuhijleh and Ameen Musa  
8 Rizk, partners, dba D and D Auto Repair & Service ("Respondent D and D Auto). The  
9 Automotive Repair Dealer Registration was set to expire on February 28, 2017, but was canceled  
10 by Respondent D and D Auto on November 14, 2016.

11 3. On or about March 4, 2014, the Bureau of Automotive Repair issued Smog Check  
12 Station License Number RC 275534 to Respondent D and D Auto. The Smog Check Station  
13 License was set to expire on February 28, 2017, but was canceled by Respondent D and D Auto  
14 on November 14, 2016.

15 4. On or about March 4, 2014, the Bureau of Automotive Repair issued Lamp Station  
16 License No. LS 275534, class A, and Brake Station License No. BS 275534, class C, to  
17 Respondent D and D Auto. The Lamp Station License and Brake Station License expired on  
18 February 28, 2017, and have not been renewed.

19 5. Respondent Saleh Isam Abuhijleh (Respondent Abuhijleh) previously held Advanced  
20 Emission Specialist Technician EA 31680, which was scheduled to expire on April 30, 2013.  
21 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), upon  
22 Respondent's election, said license was renewed by the Bureau of Automotive Repair on April  
23 10, 2013, as Smog Check Inspector License Number EO 31680 and Smog Check Repair  
24 Technician License Number EI 31680. The Smog Check Inspector License and Smog Check  
25 Repair Technician License were in effect at all times relevant to the charges brought herein and  
26 will expire on April 30, 2019, unless renewed.

27 6. In 2011, the Bureau of Automotive Repair issued Brake Adjuster License Number BA  
28 31680, class C, and Lamp Adjuster License Number LA 31680, class A, to Respondent

1 Abuhijleh. The licenses were in full force and effect at all times relevant to the charges brought  
2 herein. The Brake Adjuster License will expire on April 30, 2019, and the Lamp Adjuster  
3 License will expire on April 30, 2018, unless renewed.

4 7. In a disciplinary action entitled "*In the Matter of Accusation Against D and D Auto*  
5 *Repair & Service; Saleh Isam Abuhijleh; Ameen Musa Rizk, et al.*" Case No. 79/15-64, the Bureau  
6 of Automotive Repair issued a Decision and Order, effective October 1, 2015, in which the  
7 following licenses formerly held by Respondent D and D Auto were revoked: Automotive Repair  
8 Dealer Registration No. 219654, Smog Test and Repair Station License No. RC No. 219654,  
9 Brake Station License No. 219654 and Lamp Station License No. 219654.

10 8. Also pursuant to the Decision and Order in the disciplinary action entitled "*In the*  
11 *Matter of Accusation Against D and D Auto Repair & Service; Saleh Isam Abuhijleh; Ameen*  
12 *Musa Rizk, et al.*" Case No. 79/15-64, Smog Check Inspector License Number EO 31680, Smog  
13 Check Repair Technician License Number EI 31680, Brake Adjuster License Number BA 31680,  
14 class C, and Lamp Adjuster License Number LA 31680, class A, issued to Respondent Abuhijleh  
15 were revoked. However, the revocation of Respondent Abuhijleh's licenses was stayed, and all of  
16 the above-referenced licenses issued to Respondent Abuhijleh were placed on probation for a  
17 period of three (3) years with certain terms and conditions. A copy of that Decision and Order is  
18 attached as Exhibit A and is incorporated by reference.

19 **JURISDICTION AND STATUTORY PROVISIONS FOR**  
20 **ACCUSATION**

21 9. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that  
22 the Director may revoke an automotive repair dealer registration.

23 10. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the cancellation or  
24 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a  
25 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or  
26 permanently invalidating (suspending or revoking) a registration.

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1 11. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may  
2 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of  
3 the Automotive Repair Act.

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

7 13. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the cancelation,  
8 expiration or suspension of a license by operation of law or by order or decision of the Director or  
9 a court of law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction  
10 to proceed with any disciplinary proceedings.

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

12 (a) The director, where 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  
25 chapter or regulations adopted pursuant to it.

26 .....

27 (c) Notwithstanding subdivision (b), the director may suspend, revoke or place on  
28 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.

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15. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Business and Professions Code which relates to his or her licensed activities.

....

(c) Violates any of the regulations promulgated 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 . . .

16. Bus. & Prof. Code section 9889.16 states:

Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

17. Bus. & Prof. Code section 9889.22 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 [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

**COST RECOVERY**

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

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1 **BUREAU UNDERCOVER OPERATION**

2 19. On April 8, 2016, an undercover operator of the Bureau ("operator") took the  
3 Bureau's 2008 Toyota to Respondent's facility and requested brake, lamp, and smog inspections  
4 on the vehicle. Respondent charged \$160.00 for the inspections, which the operator paid.  
5 Respondent failed to provide a written estimate to the operator before commencing work on the  
6 vehicle. Prior to being taken to Respondent's facility, a Bureau program representative, working  
7 in one of the Bureau's vehicle documentation laboratories, had documented a variety of brake and  
8 lamp issues that rendered the vehicle unable to pass legitimate brake and lamp inspections  
9 without correction. For example: (1) the left front brake rotor was undersized and outside of  
10 manufacturer specifications; (2) the rear brake drum was oversized and outside of manufacturer  
11 specifications; (3) the right front headlight was misadjusted such that its aim was beyond  
12 inspection limits; and (4) the vehicle's license plate lights were inoperable.

13 20. While at Respondent's facility, the Bureau operator positioned himself in a way that  
14 allowed him to observe the vehicle clearly at all times during the various inspections. Although  
15 an unidentified employee of Respondent's located and repaired the inoperable license plate lights,  
16 at no time did Respondent even look at the vehicle's headlights, much less utilize any head light  
17 aiming equipment or other appropriate headlight inspection procedures. Nonetheless, Respondent  
18 issued Lamp Certificate of Compliance [REDACTED], certifying under penalty of perjury that  
19 he had performed an appropriate inspection of the headlights and that the headlights were aimed  
20 within proper inspection limits. Moreover, Respondent also issued Brake Certificate of  
21 Compliance [REDACTED], certifying under penalty perjury that, among other things, he had  
22 performed a proper inspection of the brake drums and rotors and had also road-tested the brakes,  
23 when in fact Respondent never even removed the wheels from the vehicle in order to inspect the  
24 brake drums and rotors, and the vehicle was never road tested.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 21. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
28 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he

1 knew or in the exercise of reasonable care should have known to be untrue or misleading.  
2 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
3 paragraphs 19 and 20, inclusive, as though set forth fully herein.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 22. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
7 Code section 9884.7, subdivision (a)(4), Respondent committed acts that constitute fraud in that  
8 Respondent obtained payment from the operator for performing the applicable inspections,  
9 adjustments and/or repairs of the brake and lighting systems on the Bureau's 2008 Toyota as  
10 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to  
11 perform the necessary inspections, adjustments, and/or repairs in compliance with Bureau  
12 Regulations or the Vehicle Code. Complainant refers to, and by this reference incorporates, the  
13 allegations set forth above in paragraphs 19 and 20, inclusive, as though set forth fully herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with the Bus. & Prof. Code)**

16 23. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
17 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
18 that Code in the following material respects:

19 a. Section 9889.16: Respondent issued Brake Certificate of Compliance [REDACTED]  
20 [REDACTED] and Lamp Certificate of Compliance [REDACTED] for Bureau's 2008 Toyota when  
21 the vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle  
22 Code.

23 b. Section 9889.22: Respondent willfully made false statements or entries on Brake  
24 Certificate of Compliance [REDACTED] and Lamp Certificate of Compliance [REDACTED]  
25 [REDACTED].

26 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
27 paragraphs 19 and 20, inclusive, as though set forth fully herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 24. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
5 California Code of Regulations, title 16, in the following material respects:

6 a. Section 3305, subdivision (a): Respondent failed to perform the inspection of the  
7 brake system and inspection and adjustment of the lamp system on the Bureau's 2008 Toyota in  
8 accordance with the specifications, instructions, and directives issued by the Bureau and the  
9 vehicle manufacturer.

10 b. Section 3316, subdivision (d)(2): Respondent issued Lamp Certificate of Compliance  
11 [REDACTED] for Bureau's 2008 Toyota when all of the lamps, lighting equipment, and/or  
12 related electrical systems on the vehicle were not in compliance with Bureau regulations.

13 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate of Compliance  
14 [REDACTED] for the Bureau's 2008 Toyota when the brake system on the vehicle had not  
15 been completely tested or inspected.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Bus. & Prof. Code)**

18 25. Respondent's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
20 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and  
21 9889.22 relating to Respondent's licensed activities. Complainant refers to, and by this reference  
22 incorporates, the allegations set forth above in paragraphs 19 and 20, inclusive, as though set forth  
23 fully herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations)**

26 26. Respondent's brake and lamp station licenses are subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
28 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision



1 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2). Complainant refers to, and by this  
2 reference incorporates, the allegations set forth above in paragraphs 19 and 20, inclusive, as  
3 though set forth fully herein.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 27. Respondent's brake and lamp station licenses are subject to disciplinary action  
7 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
8 involving dishonesty, fraud, or deceit whereby another was injured. Complainant refers to, and by  
9 this reference incorporates, the allegations set forth above in paragraphs 19 and 20, inclusive, as  
10 though set forth fully herein.

11 **EIGHTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Bus. & Prof. Code)**

13 28. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
14 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated the  
15 provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and 9889.22 relating  
16 to his licensed activities. Complainant refers to, and by this reference incorporates, the  
17 allegations set forth above in paragraphs 19 and 20, inclusive, as though set forth fully herein.

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations)**

20 29. Respondent's brake and lamp adjuster licenses are subject to disciplinary action  
21 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
22 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
23 subdivision (d)(2), and 3321, subdivision (c)(2). Complainant refers to, and by this reference  
24 incorporates, the allegations set forth above in paragraphs 19 and 20, inclusive, as though set forth  
25 fully herein.

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**JURISDICTION AND GROUNDS**

**FOR**

**PETITION TO REVOKE PROBATION**

30. This Petition to Revoke Probation is brought before the Bureau under Probation Term and Condition 7 of the Decision and Order " *In the Matter of Accusation Against D and D Auto Repair & Service; Saleh Isam Abuhijleh; Ameen Musa Rizk, et al.*" Case No. 79/15-64. That term and condition states:

Violation of Probation

Should the Director of Consumer Affairs determine that Respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, suspend or revoke the license.

31. Grounds exist to revoke the probation Respondent Abuhijleh and reimpose the order revoking Respondent Abuhijleh's Smog Check Inspector License, Smog Check Repair Technician License, Brake Adjuster License, and his Lamp Adjuster License in that Respondent has violated a term and condition of his probation as follows.

**FIRST CAUSE TO REVOKE PROBATION**

**(Failure to Comply with all Statutes, Regulations, and Rules Governing Automotive Inspections, Estimates, and Repairs)**

32. At all times after the effective date of Respondents' probation, Condition 2 stated:

Obey all Laws

Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

33. The probation Respondent Abuhijleh is subject to revocation in that Respondent failed to comply all statutes, regulations and rules governing automotive inspections, estimates and repairs. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 19 through 29, inclusive, as though set forth fully herein.

///

1 OTHER MATTERS

2 34. Section 9889.9 of the BPC states that “[w]hen any license has been revoked or  
3 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
4 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and  
5 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the  
6 director.”

7 35. Section 44072.8 of the HSC states that when a license has been revoked or suspended  
8 following a hearing under this article, any additional license issued under this chapter in the name  
9 of the licensee may be likewise revoked or suspended by the director.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
12 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of  
13 Consumer Affairs issue a decision:

14 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case  
15 No. 79/15-64 and imposing the disciplinary order that was stayed thereby revoking the following  
16 licenses:

- 17 a. Smog Check Inspector License No. EO 31680 issued to Saleh Isam Abuhijleh;
- 18 b. Smog Check Repair Technician License No. EI 31680 issued to Saleh Isam  
19 Abuhijleh;
- 20 c. Brake Adjuster License No. BA 31680, Class C, issued to Saleh Isam  
21 Abuhijleh; and
- 22 d. Lamp Adjuster License No. LA 31680, Class A, issued to Saleh Isam  
23 Abuhijleh;

24 2. Revoking or suspending the following licenses pursuant to the violations set forth in  
25 the Accusation:

- 26 a. Automotive Repair Dealer Registration Number 275534 issued to Saleh Isam  
27 Abuhijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

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1           b.    Smog Check Station License No. RC 275534 issued to Saleh Isam Abuhijleh  
2           and Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

3           c.    Lamp Station License No. LS 275534 issued to Saleh Isam Abuhijleh and  
4           Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

5           d.    Brake Station License No. BS 275534 issued to Saleh Isam Abuhijleh and  
6           Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

7           e.    Smog Check Inspector License No. EO 31680 issued to Saleh Isam Abuhijleh;

8           f.    Smog Check Repair Technician License No. EI 31680 issued to Saleh Isam  
9           Abuhijleh;

10          g.    Brake Adjuster License No. BA 31680 issued to Saleh Isam Abuhijleh; and

11          h.    Lamp Adjuster License No. LA 31680 issued to Saleh Isam Abuhijleh;


12          3.    Revoking or suspending any and all licenses issued under Articles 5 and 6 of the  
13          Automotive Repair Act in the names of Saleh Isam Abuhijleh and/or Ameen Musa Rizk pursuant  
14          to section 9889.9 of the Business and Professions Code;

15          4.    Revoking or suspending any and all licenses issued under the Motor Vehicle  
16          Inspection Program in the names of Saleh Isam Abuhijleh and/or Ameen Musa Rizk pursuant to  
17          section 44072.8 of the Health and Safety Code;

18          5.    Ordering Saleh Isam Abuhijleh and Ameen Musa Rizk, partners, dba D and D Auto  
19          Repair & Service and Saleh Isam Abuhijleh, individually, to pay the Director of Consumer Affairs  
20          the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
21          Professions Code section 125.3; and

22          6.    Taking such other and further action as deemed necessary and proper.

23  
24          DATED: May 22, 2017

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

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# **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 79/15-64**