

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

Received in BAR EPO
SEP 14 2015

In the Matter of the Accusation Against:

**D AND D AUTO REPAIR & SERVICE;
SALEH ISAM ABUHIJLEH; AMEEN MUSA
RIZK**

15015 Leffingwell Rd.
Whittier, CA 90604
Automotive Repair Dealer Registration
No. ARD 219654
Smog Check Station License
No. RC 219654
Lamp Station License No. LS 219654
Brake Station License No. BS 219654,

and

SALEH ISAM ABUHIJLEH

11863 Abington St.
Riverside, CA 92503
Smog Check Inspector License
No. EO 31680
Smog Check Repair Technician License
No. EI 31680
Lamp Adjuster License No. LA 31680
Brake Adjuster License No. BA 31680

Respondents.

Case No. 79/15-64


OAH No. 2015030770

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective October 1, 2015.

DATED: September 9, 2015


TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against;
12 **D AND D AUTO REPAIR & SERVICE;**
13 **SALEH ISAM ABUHIJLEH; AMEEN**
14 **MUSA RIZK**
15 **15015 Leffingwell Rd.**
16 **Whittier, CA 90604**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 219654**
19 **Smog Check Station License No. RC 219654**
20 **Lamp Station License No. LS 219654**
21 **Brake Station License No. BS 219654,**

17 and

18 **SALEH ISAM ABUHIJLEH**
19 **11863 Abington St.**
20 **Riverside, CA 92503**
21 **Smog Check Inspector License No. EO**
22 **31680**
23 **Smog Check Repair Technician License No.**
24 **EI 31680**
25 **Lamp Adjuster License No. LA 31680**
26 **Brake Adjuster License No. BA 31680**

23 Respondents.

Case No. 79/15-64

OAH No. 2015030770

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
26 entitled proceedings that the following matters are true:
27

28 ///

1 PARTIES

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney
5 General.

6 2. Respondents Saleh Isam AbuHijleh and Ameen Musa Rizk, partners, dba D and D
7 Auto Repair & Service and respondent Saleh Isam Abuhijleh, individually, (collectively,
8 "Respondents") are represented in this proceeding by attorney Michael B. Levin, whose address
9 is: 3727 Camino del Rio South, Suite 200, San Diego, CA 92108.

10 ARD & STATION LICENSES

11 3. On or about February 20, 2002, the Bureau of Automotive Repair ("Bureau") issued
12 Automotive Repair Dealer Registration Number ARD 219654 to Saleh Isam Abu Hijleh and
13 Ameen Musa Rizk, partners, dba D and D Auto Repair & Service ("D and D Auto"). The
14 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
15 charges brought herein, expired on January 31, 2015, and was canceled on March 3, 2015.

16 4. On or about February 26, 2002, the Bureau issued Smog Check Station License
17 Number RC 219654 to D and D Auto. The Smog Check Station License was in full force and
18 effect at all times relevant to the charges brought herein, expired on January 31, 2015, and was
19 canceled on March 3, 2015.

20 5. On or about May 20, 2011, the Bureau issued Brake Station License Number BS
21 219654 to D and D Auto. The Brake Station License was in full force and effect at all times
22 relevant to the charges brought herein, expired on January 31, 2015, and was canceled on March
23 3, 2015.

24 6. On or about May 20, 2011, the Bureau issued Lamp Station License Number LS
25 219654 to D and D Auto. The Lamp Station License was in full force and effect at all times
26 relevant to the charges brought herein, expired on January 31, 2015, and was canceled on March
27 3, 2015.

28 ///

1 INSPECTOR AND ADJUSTER LICENSES

2 7. In 1997, the Bureau issued Advanced Emission Specialist Technician License
3 Number EA 31680 to Saleh Isam Abuhijleh. Pursuant to California Code of Regulations, title 16,
4 section 3340.28, subdivision (e), said license was renewed in 2013 as Smog Inspector License
5 No. EO 31680 and Smog Check Repair Technician License No. EI 31680. Respondent's
6 licenses were in full force and effect at all times relevant to the charges brought herein and will
7 expire on April 30, 2017, unless renewed.¹

8 8. On or about April 18, 2011, the Bureau of Automotive Repair issued Brake Adjuster
9 License Number BA 31680 to Saleh Isam Abuhijleh. The Brake Adjuster License was in full
10 force and effect at all times relevant to the charges brought herein and will expire on April 30,
11 2019, unless renewed.

12 9. On or about February 18, 2011, the Bureau of Automotive Repair issued Lamp
13 Adjuster License Number LA 31680 to Saleh Isam Abuhijleh. The Lamp Adjuster License was
14 in full force and effect at all times relevant to the charges brought herein and will expire on April
15 30, 2018, unless renewed.

16 JURISDICTION

17
18 10. Accusation No. 79/15-64 was filed before the Director of Consumer Affairs
19 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
20 Respondents. The Accusation and all other statutorily required documents were properly served
21 on Respondents on December 1, 2014. Respondents timely filed their Notice of Defense
22 contesting the Accusation.

23 11. A copy of Accusation No. 79/15-64 is attached as exhibit A and incorporated herein
24 by reference.

25 ///

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 3340.29 and
27 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist
28 Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license
and and/or Smog Check Repair Technician (EI) license.

1 Number BA 31680 and his Lamp Adjuster License Number LA 31680 are subject to discipline,
2 and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary
3 Order below.

4 CONTINGENCY

5 18. This stipulation shall be subject to approval by the Director of Consumer Affairs or
6 his designee. Respondents understand and agree that counsel for Complainant and the staff of the
7 Bureau of Automotive Repair may communicate directly with the Director and staff of the
8 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
9 participation by Respondents or their counsel. By signing the stipulation, Respondents
10 understand and agree that they may not withdraw their agreement or seek to rescind the
11 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
12 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall
13 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
14 between the parties, and the Director shall not be disqualified from further action by having
15 considered this matter.

16 19. The parties understand and agree that facsimile copies of this Stipulated Settlement
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
18 effect as the originals.

19 20. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
24 writing executed by an authorized representative of each of the parties.

25 21. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Director may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

1 ///
2 ///
3 ///

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED** that the following licenses are revoked and accepted by the
6 Director of Consumer Affairs: Automotive Repair Dealer Registration Number ARD 219654;
7 Smog Check Station License Number RC 219654; Brake Station License Number BS 219654;
8 and Lamp Station License Number LS 219654.

9 1. The voluntary revocation of Respondents' Automotive Repair Dealer Registration,
10 Smog Check Station License, Lamp Station License and Brake Station License, and the
11 acceptance of the revoked licenses by the Bureau shall constitute the imposition of discipline
12 against Respondents. This stipulation constitutes a record of the discipline and shall become a
13 part of Respondents' license history with the Bureau of Automotive Repair.

14 2. Respondents shall lose all rights and privileges as an Automotive Repair Dealer,
15 Smog Check Station, Lamp Station and Brake Station in the State of California as of the effective
16 date of the Director's Decision and Order.

17 3. Respondents shall cause to be delivered to the Bureau their pocket licenses and, if
18 issued, their wall certificates on or before the effective date of the Decision and Order.

19 4. If Respondents ever file an application for licensure or a petition for reinstatement in
20 the State of California, the Bureau shall treat it as an application for new licensure. Respondents
21 must comply with all the laws, regulations and procedures for new licensure in effect at the time
22 the application is filed, and all of the charges and allegations contained in Accusation No. 79/15-
23 64 shall be deemed to be true, correct and admitted by Respondents when the Director determines
24 whether to grant or deny any such application.

25 **IT IS FURTHER ORDERED** that Smog Check Inspector License No. EO 31680, Smog
26 Check Repair Technician License No. EI 31680, Brake Adjuster License Number BA 31680 and
27 Lamp Adjuster License Number LA 31680 issued to Saleh Isam Abuhijleh are revoked.

28 However, the revocations are stayed and Respondent's Smog Check Inspector License, Smog

1 Check Repair Technician License, Brake Adjuster License and Lamp Adjuster License are placed
2 on probation for three (3) years on the following terms and conditions.

3 1. **Actual Suspension.** Smog Check Inspector License No. EO 31680, Smog Check
4 Repair Technician License No. EI 31680, Brake Adjuster License Number BA 31680 and Lamp
5 Adjuster License Number LA 31680 issued to Respondent Saleh Isam Abuhijleh are suspended
6 for fifteen (15) days, as of the effective date of this Decision and Order. During the time of
7 suspension, Respondent shall not provide any services for which a Smog Check Inspector
8 License, Smog Check Repair Technician License, Brake Adjuster License or a Lamp Adjuster
9 License is required.

10 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
11 automotive inspections, estimates and repairs.

12 3. **Reporting.** Respondent or Respondent's authorized representative must report in
13 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
14 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
15 maintaining compliance with the terms and conditions of probation.

16 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report
17 any financial interest which any partners, officers, or owners of the Respondent facility may have
18 in any other business required to be registered pursuant to Section 9884.6 of the Business and
19 Professions Code.

20 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
21 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

22 6. **Jurisdiction.** If an accusation is filed against Respondent during the term of
23 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
24 until the final decision on the accusation, and the period of probation shall be extended until such
25 decision.

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

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 2 discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will
 3 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
 4 License and Brake Station License, I enter into this Stipulated Settlement and Disciplinary
 5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
 6 of the Director of Consumer Affairs.

7 DATED:

6/3/15

Ameen Rizk
 AMEEN MUSA RIZK
 Respondent

10 I have read and fully discussed with Respondents Saleh Isam AbuHijleh and Ameen Musa
 11 Rizk, partners, dba D and D Auto Repair & Service and Saleh Isam Abuhijleh, individually, the
 12 terms and conditions and other matters contained in the above Stipulated Settlement and
 13 Disciplinary Order. I approve its form and content.

14 DATED:

 Michael B. Levin
 Attorney for Respondents

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
 19 submitted for consideration by the Director of Consumer Affairs

21 Dated:

Respectfully submitted,
 KAMALA D. HARRIS
 Attorney General of California
 ARMANDO ZAMBRANO
 Supervising Deputy Attorney General

WILLIAM D. GARDNER
 Deputy Attorney General
 Attorneys for Complainant

27 LA2014511305
 28 51796113.docx

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
2 discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will
3 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
4 License and Brake Station License, I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Director of Consumer Affairs.

7 DATED: _____

8 AMEEN MUSA RIZK
9 Respondent

10 I have read and fully discussed with Respondents Saleh Isam AbuHijleh and Ameen Musa
11 Rizk, partners, dba D and D Auto Repair & Service and Saleh Isam Abuhijleh, individually, the
12 terms and conditions and other matters contained in the above Stipulated Settlement and
13 Disciplinary Order. I approve its form and content.

14 DATED: 6/3/15

15 
16 Michael B. Levin
17 Attorney for Respondents

18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Director of Consumer Affairs

21 Dated:

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 ARMANDO ZAMBRANO
25 Supervising Deputy Attorney General

26 WILLIAM D. GARDNER
27 Deputy Attorney General
28 *Attorneys for Complainant*

LA2014511305
51796113.docx

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
2 discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will
3 have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station
4 License and Brake Station License, I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Director of Consumer Affairs.

7 DATED: _____

8 AMEEN MUSA RIZK
9 Respondent

10 I have read and fully discussed with Respondents Saleh Isam AbuHijleh and Ameen Musa
11 Rizk, partners, dba D and D Auto Repair & Service and Saleh Isam Abuhijleh, individually, the
12 terms and conditions and other matters contained in the above Stipulated Settlement and
13 Disciplinary Order. I approve its form and content.

14 DATED: _____

15 Michael B. Levin
16 Attorney for Respondents

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Director of Consumer Affairs

20 Dated: 6/3/15

21 Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 ARMANDO ZAMBRANO
25 Supervising Deputy Attorney General



26 WILLIAM D. GARDNER
27 Deputy Attorney General
28 Attorneys for Complainant

LA2014511305
51796113.docx

Exhibit A

Accusation No. 79/15-64

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 79/15-64

13 **SALEH ISAM ABU HIJLEH and AMEEN**
14 **MUSA RIZK, PARTNERS, dba D AND D**
15 **AUTO REPAIR & SERVICE**
16 **15015 Leffingwell Rd.**
17 **Whittier, CA 90604**

ACCUSATION

18 **Automotive Repair Dealer Registration No.**
19 **ARD 219654**
20 **Smog Check Station License No. RC 219654**
21 **Brake Station License No. BS 219654**
22 **Lamp Station License No. LS 219654,**

23 and

24 **SALEH ISAM ABUHIJLEH aka SALEH**
25 **ISAM ABU HIJLEH**
26 **11863 Abington St.**
27 **Riverside, CA 92503**

28 **Smog Check Inspector License No. EO**
31680 (formerly Advanced Emission
Specialist Technician License Number EA
31680)
Smog Check Repair Technician License No.
EI 31680 (formerly Advanced Emission
Specialist Technician License Number EA
31680
Brake Adjuster License No. BA 31680
Lamp Adjuster License No. LA 31680

Respondent.

1 Complainant alleges:
2

3 **PARTIES**

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

6 **ARD & STATION LICENSES**

7 2. On or about February 20, 2002, the Bureau of Automotive Repair ("Bureau") issued
8 Automotive Repair Dealer Registration Number ARD 219654 to Saleh Isam Abu Hijleh and
9 Ameen Musa Rizk, partners, dba D and D Auto Repair & Service. The Automotive Repair Dealer
10 Registration was in full force and effect at all times relevant to the charges brought herein and will
11 expire on January 31, 2015.

12 3. On or about February 26, 2002, the Bureau issued Smog Check Station License
13 Number RC 219654 to Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto
14 Repair & Service. The Smog Check Station License was in full force and effect at all times
15 relevant to the charges brought herein and will expire on January 31, 2015.

16 4. On or about May 20, 2011, the Bureau issued Brake Station License Number BS
17 219654 to Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair &
18 Service. The Lamp Station License was in full force and effect at all times relevant to the charges
19 brought herein and will expire on January 31, 2015.

20 5. On or about May 20, 2011, the Bureau issued Lamp Station License Number LS
21 219654 to Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair &
22 Service. The Lamp Station License was in full force and effect at all times relevant to the charges
23 brought herein and will expire on January 31, 2015.

24 **INSPECTOR AND ADJUSTER LICENSES**

25 6. In 1997, the Bureau issued Advanced Emission Specialist Technician License Number
26 EA 31680 to Saleh Isam Abuhijleh. Pursuant to California Code of Regulations, title 16, section
27 3340.28, subdivision (e), said license was renewed in 2013 as Smog Inspector License No. EO
28 31680 and Smog Check Repair Technician License No. EI 31680. Respondent's

1 licenses were in full force and effect at all times relevant to the charges brought herein and will
2 expire on April 30, 2015, unless renewed.¹

3 7. On or about April 18, 2011, the Bureau of Automotive Repair issued Brake Adjuster
4 License Number BA 31680 to Saleh Isam Abuhijleh. The Brake Adjuster License was in full force
5 and effect at all times relevant to the charges brought herein and will expire on April 30, 2015,
6 unless renewed.

7 8. On or about February 18, 2011, the Bureau of Automotive Repair issued Lamp
8 Adjuster License Number LA 31680 to Saleh Isam Abuhijleh ("Respondent Abuhijleh"). The
9 Brake Adjuster License was in full force and effect at all times relevant to the charges brought
10 herein and will expire on April 30, 2018, unless renewed.

11 JURISDICTION

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

14 10. Section 9884.13 of the Business and Professions Code ("BPC") provides, in pertinent
15 part, that "[t]he expiration of a valid registration shall not deprive the director or chief of
16 jurisdiction to proceed with . . . [a] disciplinary proceeding against an automotive repair dealer or
17 to render a decision invalidating a registration temporarily or permanently."

18 11. Section 9889.9 of the BPC states that "[w]hen any license has been revoked or
19 suspended following a hearing under the provisions of this article, any additional license issued
20 under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or
21 suspended by the director.

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

25 ///

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28, 3340.29 and
27 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist Technician
28 (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license and and/or Smog
Check Repair Technician (EI) license.

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

2

3 16. Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations
4 shall be performed in accordance with procedures prescribed by the department.

5 17. Section 44015, subdivision (b), of the HSC provides that a certificate of compliance
6 shall be issued if a vehicle meets the requirements of HSC section 40012.

7 18. Section 44032 of the HSC provides, in pertinent part, that “[q]ualified technicians shall
8 perform tests of emission control devices and systems in accordance with Section 44012.”

9 19. Section 44059 of the HSC provides:

10 “The willful making of any false statement or entry with regard to a material matter in any
11 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
12 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and
13 Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

14 20. Section 44072.2 of the HSC states, in pertinent part:

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

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

21 . . .

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

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

25 **REGULATORY PROVISIONS**

26 21. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
27 states:

28 ///

1 Specifically, the undercover vehicle was unable to pass the functional portion of the smog
2 inspection program as required by state law.

3 27. On or about November 26, 2013, an undercover Bureau operator drove the
4 undercover vehicle to the D and D Auto Repair & Service station and requested a smog
5 inspection. At that time, the undercover vehicle was still not in compliance with the requirements
6 of the Motor Vehicle Inspection Program due to the setting of its ignition timing system.
7 Nonetheless, Respondent Abuhijleh performed a smog inspection on the undercover vehicle and
8 issued electronic Certificate of Compliance No. [REDACTED], thereby falsely certifying that the
9 vehicle had passed the requirements of the Motor Vehicle Inspection Program.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Misleading Statements)**

12 28. Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair &
13 Service, ("Respondent Partners"), have subjected their ARD to discipline under BPC section
14 9884.7, subdivision (a)(1), in that Respondents made statements which they knew or which by
15 exercise of reasonable care should have known were untrue or misleading when Respondent
16 Abuhijleh issued an electronic certificate of compliance for an undercover Bureau vehicle.
17 Complainant refers to, and by this reference incorporates, the allegations set forth above in
18 paragraphs 26 and 27, inclusive, as though set forth fully herein.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Fraud)**

21 29. Respondent Partners have subjected their ARD to discipline under BPC section
22 9884.7, subdivision (a)(4), in that they committed an act constituting fraud by issuing an electronic
23 certificate of compliance for an undercover Bureau vehicle without performing a bona fide
24 inspection of the emission control devices and systems on that vehicle, thereby depriving the
25 People of the State of California of the protection afforded by the Motor Vehicle Inspection
26 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
27 in paragraphs 26 and 27, inclusive, as though set forth fully herein.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

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

3 30. Respondent Partners have subjected their ARD to discipline under BPC section
4 9884.7, subdivision (a)(6), in that they failed in a "material respect to comply with the provisions
5 of this chapter or regulations adopted pursuant to it" by issuing an electronic certificate of
6 compliance for an undercover Bureau vehicle without performing a bona fide inspection of the
7 emission control devices and systems on that vehicle, thereby depriving the People of the State of
8 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
9 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 and
10 27, inclusive, as though set forth fully herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Violation of the Motor Vehicle Inspection Program)**

13 31. Respondent Partners have subjected their station license to discipline under HSC
14 section 44072.2, subdivision (a), in that Respondents violated the following sections of the HSC
15 with respect to the inspection of an undercover Bureau vehicle:

16 a. **Section 44012:** Respondents failed to ensure that the emission control tests were
17 performed in accordance with procedures prescribed by the department.

18 b. **Section 44015, subdivision (b):** Respondents issued an electronic certificate of
19 compliance without properly testing and inspecting the vehicle to determine if it was in compliance
20 with section 44012 of the HSC.

21 c. **Section 44059:** Respondent willfully made false entries for the electronic certificate of
22 compliance by certifying that the vehicle had been inspected as required when, in fact, it had not.

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

25 ///

26 ///

27 ///

28 **FIFTH CAUSE FOR DISCIPLINE**

1 d. **Section 3340.42:** Respondent failed to conduct the required smog test and inspection
2 on the vehicle in accordance with the Bureau's specifications.

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

5 **NINTH CAUSE FOR DISCIPLINE**

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

7 36. Respondent Abuhijleh has subjected his smog check inspector and smog check
8 repair technician licenses to discipline under HSC section 44072.2, subdivision (d), in that he
9 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing an
10 electronic certificate of compliance for an undercover Bureau vehicle without performing a bona
11 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
12 People of the State of California of the protection afforded by the Motor Vehicle Inspection
13 Program. Complainant refers to, and by this reference incorporates, the allegations set forth above
14 in paragraphs 26 and 27, inclusive, as though set forth fully herein.

15 **PRIOR CITATIONS**

16 37. To determine the degree of penalty, if any, to be imposed upon Respondent Partners
17 and Respondent Abuhijleh, Complainant alleges as follows:

18 a. On April 21, 1999, the Bureau issued Citation No. M99-0414 against Respondent
19 Abuhijleh's technician license for violations of the Motor Vehicle Inspection Program.
20 Respondent was ordered to complete an 8-hour training course. That Citation is now final.

21 b. On August 17, 2010, the Bureau issued Citation Number C2011-0186 against
22 Respondent Partners' registration and station license and Citation No. M2011-0187 against
23 Respondent Abuhijleh's technician license for violations of the Motor Vehicle Inspection Program.
24 Respondent Partners were fined \$1000.00 and Respondent Abuhijleh was ordered to complete an
25 8-hour training course. Those Citations are now final.

26 c. On April 26, 2012, the Bureau issued Citation Number C2012-1441 against
27 Respondent Partners' registration and station license and Citation No. M2012-1442 against
28 Respondent Abuhijleh's technician license for violations of the Motor Vehicle Inspection Program.

1 Respondent Partners were fined \$1500.00 and Respondent Abuhijleh was ordered to complete an
2 16-hour training course. Those Citations are now final.

3 d. On June 24, 2013, the Bureau issued Citation Number C2013-0734 against
4 Respondent Partners' registration and station license and Citation No. M2013-0735 against
5 Respondent Abuhijleh's inspector license for violations of the Motor Vehicle Inspection Program.
6 Respondent Partners were fined \$3000.00. Respondent Abuhijleh was fined \$1000.00 and ordered
7 to complete an 68-hour training course. Those Citations are now final.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Director of Consumer Affairs issue a decision:

11 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
12 219654, issued to Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto
13 Repair & Service;

14 2. Revoking or suspending Smog Check Station License Number RC 219654, issued to
15 Saleh Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

16 3. Revoking or suspending Brake Station License Number BS 219654, issued to Saleh
17 Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

18 4. Revoking or suspending Lamp Station License Number LS 219654, issued to Saleh
19 Isam Abu Hijleh and Ameen Musa Rizk, partners, dba D and D Auto Repair & Service;

20 5. Revoking or suspending Smog Check Inspector License Number EO 31680, issued to
21 Saleh Isam Abuhijleh (formerly Advanced Emission Specialist Technician License Number EA
22 31680);

23 6. Revoking or suspending Smog Check Repair Technician License Number EI 31680,
24 issued to Saleh Isam Abuhijleh (formerly Advanced Emission Specialist Technician License
25 Number EA 31680);

26 7. Revoking or suspending Brake Adjuster License Number BA 31680, issued to Saleh
27 Isam Abuhijleh;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Revoking or suspending Lamp Adjuster License Number LA 31680, issued to Saleh Isam Abuhijleh;

9. Ordering Saleh Isam Abuhijleh (aka Saleh Isam Abu Hijleh) and Ameen Musa Rizk to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: October 29, 2014



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

LA2014511305
51598279.doc