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

10
11 In the Matter of the Accusation Against:

Case No. 79/18-1079

12 **SMOG ALL, ISSA S. MAYMOUN**
(OWNER)

13 3505 East Palmdale Blvd.
Palmdale, CA 93550
14 Automotive Repair Dealer Registration No.
ARD 225167
15 Smog Check Station License No. TC 225167

A C C U S A T I O N

16 **ISSA SALLBA MAYMOUN**

17 3505 East Palmdale Blvd.
Palmdale, CA 93550

18 Smog Check Inspector License No. EO 145531
Smog Check Repair License No. EI 145531

19 **and**

20 **JALAL ISSA HADDAD**

21 2037 Krystal Avenue
Lancaster, CA 93536

22 Smog Check Inspector License No. EO 637761

23 **OTHER RELATED LICENSES**

24 Automotive Repair Dealer Registration No.
ARD 227311

25 Smog Check Station License No. TC 227311

26 Automotive Repair Dealer Registration No.
ARD 279248

27 Smog Check Station License No. TC 279248

28 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 2. In 2002, the Bureau issued Automotive Repair Dealer Registration Number ARD
6 225167 to Issa S. Maymoun dba Smog All ("Respondent Smog All"). The Automotive Repair
7 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
8 and will expire on December 31, 2018, unless renewed.

9 3. On or about December 23, 2002, the Bureau issued Smog Check, Test Only, Station
10 License Number TC 225167 to Respondent Smog All. The Smog Check, Test Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on December 31, 2018, unless renewed.

13 4. On or about June 6, 2013, the Bureau issued STAR Certification to Respondent Smog
14 All. The STAR Station Certification was in full force and effect at all times relevant to the
15 charges brought herein and will remain active unless the ARD registration and/or the Smog
16 Check Station license is revoked, cancelled, or the licenses become delinquent or certification is
17 invalidated.

18 5. In 2002, the Bureau issued Advanced Emission Specialist License No. EA 145531 to
19 Issa Sallba Maymoun¹ ("Respondent Maymoun"). Said license was renewed pursuant to
20 Respondent Maymoun's election as a Smog Check Inspector (EO) License No. 145531 and Smog
21 Check Repair Technician (EI) License No. 145531, effective November 9, 2012.² The Smog
22 Check Inspector license was in full force and effect at all times relevant to the charges brought
23 herein, and will expire on December 31, 2018, unless renewed. The Smog Check Repair
24 Technician License expired on December 31, 2014, and has not been renewed.

25
26 ¹ Respondent Maymoun was issued ARD 227311 in 2003 and Smog Check Station License No.
27 TC 227311 on or about March 12, 2004, for his other smog station, Smog All II, located at 1104 E.
28 Palmdale Blvd., Palmdale CA 93550. Both registration and license will expire on April 30, 2019, unless
renewed.

² Pursuant to California Code of Regulations, title 16 section 3340.28, subdivision (e).

1 6. On or about January 10, 2015, the Bureau issued Smog Check Inspector License No.
2 EO 637761 to Jalal Issa Haddad³ (“Respondent Haddad”). Said license was in full force and
3 effect at all times relevant to the charges brought herein, and will expire on August 31, 2018,
4 unless renewed.

5 JURISDICTION

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

8 8. Business and Professions Code (“Bus. & Prof. Code”) section 9884.13 provides, in
9 pertinent part, that the expiration of a valid registration shall not deprive the Director of
10 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to
11 render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

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

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

19 STATUTORY PROVISIONS

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

21 (a) The director, where the automotive repair dealer cannot show there
22 was a bona fide error, may refuse to validate, or may invalidate temporarily or
23 permanently, the registration of an automotive repair dealer for any of the following
24 acts or omissions related to the conduct of the business of the automotive repair
25 dealer, which are done by the automotive repair dealer or any automotive technician,
26 employee, partner, officer, or member of the automotive repair dealer.

26 ³ Respondent Haddad was issued ARD 279248 on or about February 17, 2015 and Smog Check
27 Station License No. TC 279248 on or about March 10, 2015, for his smog station, Smog Quick, located at
28 400 W. Palmdale Blvd. Unit A, Palmdale, CA 93551. Both registration and license expired on February
29, 2016, and have not been renewed.

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

4

5 (4) Any other conduct that constitutes fraud.

6

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

9

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

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

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

21 14. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate
22 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
23 40012.

24 15. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

. . . .

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

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

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

2

3 (c) The department shall revoke the license of any smog check technician
4 or 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:

6

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

8 17. Health & Saf. Code section 44072.8 states that when a license has been revoked or
9 suspended following a hearing under this article, any additional license issued under this chapter
10 in the name of the licensee may be likewise revoked or suspended by the Director.

11 **REGULATORY PROVISIONS**

12 18. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),
13 states:

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

17 19. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
18 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
19 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
20 of this article.”

21 20. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check
22 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any
23 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
24 this article and has all the required emission control equipment and devices installed and
25 functioning correctly.”

26 21. CCR, title 16, section 3340.41, subdivision (c), states that “[n]o person shall enter
27 into the emissions inspection system any vehicle identification information or emission control
28 system identification data for any vehicle other than the one being tested. Nor shall any person

1 knowingly enter into the emissions inspection system any false information about the vehicle
2 being tested.”

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

5 **COST RECOVERY**

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

10 **STATEMENT OF FACTS**

11 24. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
12 the use of an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and
13 newer gas powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998
14 and newer diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists
15 differences in Vehicle Identification Numbers (VIN) for vehicles that have received smog
16 inspections, in addition to communication protocol (the language used to communicate) and
17 Parameter ID (PID) differences with vehicles that have been certified correctly that are the same
18 make and model vehicles.

19 25. A Bureau representative initiated an investigation and reviewed OIS test data for
20 Respondent Smog All. The investigation revealed that the data related to certain vehicles
21 certified by Respondent Smog All contained a pattern of unmistakable discrepancies between the
22 information transmitted during the inspections and documented information known about the
23 subject vehicles. Specifically, a comparison of the data received from the certified vehicles to
24 data from vehicles of the same year, make, and model and/or prior transmitted inspections for the
25 same certified vehicle determined that the data from at least four (4) of the certified vehicles
26 contained the following unmistakable discrepancies: (1) incorrect vehicle communication
27 protocols and/or (2) incorrect PID counts. Also, discrepancies were found with respect to the

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transmitted eVINS (digitally stored VIN number in the vehicle's Power Control Module and identified by the OIS). These documented discrepancies confirm that the vehicles receiving smog certificates from Respondent Smog All were fraudulently tested during the smog inspection using the "clean plugging" method.⁴

26. Moreover, the OIS test data showed that Smog Check Technicians Respondent Haddad (EO 637761) and Respondent Maymoun (EO 145531) performed three and one of the four (4) fraudulent inspections, respectively. Respondent Maymoun performed fraudulent inspections on July 31, 2017, December 6, 2017, and January 9, 2018. Respondent Haddad performed a fraudulent inspection on May 23, 2017.

27. The following chart illustrates the documented clean plugging activities of Respondents Smog All, Maymoun, and Haddad between May 23, 2017 and January 9, 2018:

Table					
	Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
1	5/23/17	2006 Toyota Sienna CE ⁵ 7MEE831	ZV598742C	eVIN: Not Reported	eVIN: 5TDZA23C26S479114 (Expected)
				Comm. Protocol: JPWM	Comm. Protocol: I914
				PID Count: 20	PID Count: 21

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⁴ "Clean plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

⁵ This vehicle was previously tested at another station on May 21, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 5TDZA23C26S479114 and had the expected communication protocol as I914 and transmitted a PID count of 21.

	Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
2	7/31/17	2004 Chevrolet Silverado C1500 ⁶ 7N69953	HD029468C	eVIN: 1GNFC13017R221445 ⁷	eVIN: 1GCECI9V04Z339411
				Comm. Protocol: ICAN11bt5	Comm. Protocol: JVPW
				PID Count: 44/7	PID Count: 22
3	12/6/17	2007 Honda Accord EX ⁸ 5XNN001	HJ873753C	eVIN: 1HGCR2F51FA233973 ⁹	eVIN: 1HGCM82617A001276
				Comm. Protocol: ICAN29bt5	Comm. Protocol: I914
				PID Count: 39	PID Count: 24
4	1/9/18	2005 Chevrolet Silverado C1500 ¹⁰ 7X76059	HL642487C	eVIN: 1FTPF12556NA86610 ¹¹	eVIN: 1GCEC14V15Z324053
				Comm. Protocol: ICAN11bt5	Comm. Protocol: JVPW
				PID Count: 44	PID Count: 22

⁶ This vehicle was previously tested at another station on July 28, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1GCECI9V04Z339411 and had the expected communication protocol as JVPW and transmitted a PID count of 22.

⁷ OIS Test Data shows that a 2007 Chevrolet Tahoe C1500 VIN 1GNFC13017R221445 was used to generate the fraudulent Smog Certificate of Compliance for the 2004 Chevrolet Silverado C1500.

⁸ This vehicle was previously tested at another station on December 8, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1HGCM82617A001276 and had the expected communication protocol as I914 and transmitted a PID count of 24.

⁹ OIS Test Data shows that a 2015 Honda Accord Sport, VIN 1HGCR2F51FA233973 was used to generate the fraudulent Smog Certificate of Compliance for the 2007 Honda Accord EX.

¹⁰ This vehicle was previously tested at another station on November 13, 2017. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1GCEC14V15Z324053 and had the expected communication protocol as JVPW and transmitted a PID count of 22.

¹¹ OIS Test Data shows that a 2006 Ford F150, VIN 1FTPF12556NA866103 was used to generate the fraudulent Smog Certificate of Compliance for the 2005 Chevrolet Silverado C1500.

1 28. The data analysis conducted on Respondent Smog All shows that Respondents
2 participated in a scheme to perform at least four (4) fraudulent Smog Check inspections resulting
3 in the issuance of four (4)) fraudulent electronic Smog Check Certificates of Compliance between
4 May 23, 2017 and January 9, 2018.

5 **CAUSES FOR DISCIPLINE SUBJECTING ARD REGISTRATION TO DISCIPLINARY**

6 **ACTION:**

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 29. Respondent Smog All's Automotive Repair Dealer Registration is subject to
10 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
11 Respondent Smog All made or authorized statements which Respondent Smog All knew or in the
12 exercise of reasonable care should have known to be untrue or misleading, as follows:
13 Respondent certified that the four (4) vehicles identified in paragraph 27 above had passed smog
14 inspection and were in compliance with applicable laws and regulations. In fact, Respondent
15 used clean plugging methods for the four (4) vehicles identified in paragraph 27 above.
16 Respondent substituted or used a different vehicle(s), or another source, during the OBD II
17 functional tests in order to issue smog certificates of compliance for the vehicles. Respondent did
18 not properly test or inspect any of the four (4) vehicles as required by Health & Saf. Code section
19 44012. Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 24 through 28, above, as though set forth fully herein.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 30. Respondent Smog All's Automotive Repair Dealer Registration is subject to
24 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
25 Respondent Smog All committed acts that constitute fraud by issuing electronic smog certificates
26 of compliance for the four (4) vehicles identified in paragraph 27 above, without performing bona
27 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
28 the People of the State of California of the protection afforded by the Motor Vehicle Inspection

1 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 24 through 28, above, as though set forth fully herein.

3 **THIRD CAUSE FOR DISCIPLINE**

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

5 31. Respondent Smog All's Automotive Repair Dealer Registration is subject to
6 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
7 Respondent Smog All failed in a material respect to comply with the provisions of this chapter or
8 regulations adopted pursuant to it when he issued electronic certificates of compliance for the
9 four (4) vehicles identified in paragraph 27 above, without performing bona fide inspections of
10 the emission control devices and systems on those vehicles, thereby depriving the People of the
11 State of California of the protection afforded by the Motor Vehicle Inspection Program.
12 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
13 24 through 28, above, as though set forth fully herein.

14 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK STATION LICENSE TO**
15 **DISCIPLINARY ACTION:**

16 **FOURTH CAUSE FOR DISCIPLINE**

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

18 32. Respondent Smog All's Smog Check Station License is subject to disciplinary action
19 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Smog All
20 failed to comply with the following sections of that Code:

21 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
22 performed on the four (4) vehicles identified in paragraph 27 above, in accordance with
23 procedures prescribed by the department.

24 b. **Section 44015:** Respondent issued electronic smog certificates of compliance for the
25 four (4) vehicles identified in paragraph 27 above, without ensuring that the vehicles were
26 properly tested and inspected to determine if they were in compliance with Health & Saf. Code
27 section 44012.

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1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 24 through 28, above, as though set forth fully herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant**
5 **to the Motor Vehicle Inspection Program)**

6 33. Respondent Smog All's Smog Check Station License is subject to disciplinary action
7 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Smog All
8 failed to comply with provisions of California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued
10 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27
11 above.

12 b. **Section 3340.35, subdivision (c)**: Respondent issued electronic smog certificates of
13 compliance for the four (4) vehicles identified in paragraph 27 above, even though the vehicles
14 had not been inspected in accordance with section 3340.42.

15 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
16 into the emissions inspection system for the four (4) vehicles identified in paragraph 27 above.

17 d. **Section 3340.42**: Respondent failed to ensure that the required smog tests were
18 conducted on the four (4) vehicles identified in paragraph 27 above, in accordance with the
19 Bureau's specifications.

20 Complainant refers to, and by this reference incorporates, the allegations contained in
21 paragraphs 24 through 28, above, as though set forth fully herein.

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 34. Respondent Smog All's Smog Check Station License is subject to disciplinary action
25 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Smog All
26 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
27 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27

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1 above, without performing bona fide inspections of the emission control devices and systems on
2 the vehicles, thereby depriving the People of the State of California of the protection afforded by
3 the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates,
4 the allegations contained in paragraphs 24 through 28, above, as though set forth fully herein.

5 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK INSPECTOR LICENSE**
6 **AND SMOG CHECK REPAIR TECHNICIAN LICENSE TO DISCIPLINARY ACTION:**

7 **SEVENTH CAUSE FOR DISCIPLINE**

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

9 35. Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,
10 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
11 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that they
12 failed to comply with section 44012 of that Code in a material respect, as follows: Respondents
13 Maymoun and Haddad each failed to perform the emission control tests for one or more of the
14 four (4) vehicles identified in paragraphs 27 above, in accordance with procedures prescribed by
15 the department. Complainant refers to, and by this reference incorporates, the allegations
16 contained in paragraphs 24 through 28, above, as though set forth fully herein.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant**
19 **to the Motor Vehicle Inspection Program)**

20 36. Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,
21 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
22 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that they
23 failed to comply with provisions of California Code of Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondents Maymoun and Haddad falsely or
25 fraudulently issued one or more electronic smog certificates of compliance for the four (4)
26 vehicles identified in paragraph 27 above.

27 b. **Section 3340.30, subdivision (a):** Respondents Maymoun and Haddad each failed to
28 inspect and one or more of the four (4) vehicles identified in paragraph 27 above, in accordance

1 with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16,
2 section 3340.42.

3 c. **Section 3340.41, subdivision (c):** Respondents Maymoun and Haddad each
4 knowingly entered false information into the emissions inspection system for one or more of the
5 four (4) vehicles identified in paragraph 27 above.

6 d. **Section 3340.42:** Respondents Maymoun and Haddad each failed to conduct the
7 required smog tests on one or more of the four (4) vehicles identified in paragraph 27 above, in
8 accordance with the Bureau's specifications.

9 Complainant refers to, and by this reference incorporates, the allegations contained in
10 paragraphs 24 through 28, above, as though set forth fully herein.

11 **NINTH CAUSE FOR DISCIPLINE**

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

13 37. Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,
14 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
15 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that
16 Respondents Maymoun and Haddad committed dishonest, fraudulent, or deceitful acts whereby
17 another was injured by issuing electronic smog certificates of compliance for one or more of the
18 four (4) vehicles identified in paragraph 27 above, without performing bona fide inspections of
19 the emission control devices and systems on the vehicles, thereby depriving the People of the
20 State of California of the protection afforded by the Motor Vehicle Inspection Program.

21 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
22 24 through 28, above, as though set forth fully herein.

23 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT SMOG ALL**

24 38. To determine the degree of discipline as to Respondent Smog All, Complainant
25 alleges that:

26 a. On or about November 5, 2009, the Bureau issued Respondent Smog All Citation #
27 C2010-0460, for violation of section 44012(f) of the Health and Safety Code, in that Respondent

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1 Smog All unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover
2 vehicle with missing Fuel Evaporative Canister. Payment was received January 14, 2010.

3 b. On or about March 15, 2010, the Bureau issued Respondent Smog All Citation #
4 C2010-0910, for violation of section 44012(f) of the Health and Safety Code, in that Respondent
5 Smog All unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover
6 vehicle with a missing PCV System. Payment was received on April 26, 2010.

7 c. On or about April 19, 2016, the Bureau issued Respondent Smog All Citation #
8 C2016-0823 with an order of Abatement, for violation of section 44012(f) of the Health and
9 Safety Code, in that Respondent Smog All unlawfully issued Certificate of Compliance
10 [REDACTED] to a vehicle using the BAR97 when an OBD Inspection System (OIS) was required.
11 The Decision became effective on August 23, 2016.

12 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT MAYMOUN**

13 39. To determine the degree of discipline as to Respondent Maymoun, Complainant
14 alleges that:

15 a. On or about November 5, 2009, the Bureau issued Respondent Maymoun Citation #
16 M2010-0461, for violation of section 44032 of the Health and Safety Code, in that Respondent
17 Maymoun unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover
18 vehicle with missing Fuel Evaporative Canister. Training was completed on January 7, 2010.

19 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT HADDAD**

20 40. To determine the degree of discipline as to Respondent Haddad, Complainant alleges
21 that:

22 a. On or about July 7, 2015, the Bureau issued Respondent Haddad Citation # M2015-
23 1652, for violation of section 44032 of the Health and Safety Code, in that Respondent Haddad
24 unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover vehicle with
25 missing Pulse Air Injection System. The decision became effective on October 25, 2015 and
26 training was completed on October 29, 2015.

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1 **OTHER MATTERS**

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

6 42. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.
7 TC 225167, issued to Issa S. Maymoun doing business as Smog All is revoked or suspended
8 following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the
9 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
10 Director.

11 43. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
12 No. EO 145531 and/or Smog Check Repair License No. EI 145531 issued to Issa Sallba
13 Maymoun is revoked or suspended following a hearing, any additional license issued under
14 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may
15 be likewise revoked or suspended by the Director.

16 44. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
17 No. EO 637761 issued to Jalal Issa Haddad is revoked or suspended following a hearing, any
18 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
19 in the name of said licensee may be likewise revoked or suspended by the Director.

20 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 225167 issued to Issa S. Maymoun dba Smog All;


25 2. Revoking or suspending any other automotive repair dealer registration issued to Issa
26 S. Maymoun;

27 3. Revoking or suspending Smog Check Station License No. TC 225167, issued to Issa
28 S. Maymoun dba Smog All;

- 1 4. Revoking or suspending Smog Check Inspector License No. EO 145531, issued to
- 2 Issa Sallba Maymoun;
- 3 5. Revoking or suspending Smog Check Repair License No. EI 145531, issued to Issa
- 4 Sallba Maymoun;
- 5 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 6 Division 26 of the Health and Safety Code in the name of Issa Sallba Maymoun;
- 7 7. Revoking or suspending Smog Check Inspector License No. EO 637761, issued to
- 8 Jalal Issa Haddad;
- 9 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 10 Division 26 of the Health and Safety Code in the name of Jalal Issa Haddad;
- 11 9. Ordering Respondents Issa S. Maymoun and Jalal Issa Haddad to pay the Bureau the
- 12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
- 13 Professions Code section 125.3; and
- 14 10. Taking such other and further action as deemed necessary and proper.

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DATED: July 3, 2018



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

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