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

11 In the Matter of the Accusation Against:

Case No. 79/17-6931

12 **TAMARA ADEL HADDAD-OWNER DBA**
13 **A V SMOG STATION**
14 **43607 Sierra Hwy**
Lancaster, CA 93534
15 **Automotive Repair Dealer Registration No.**
ARD 280471
16 **Smog Check, Test Only, Station License No.**
TC 280471

A C C U S A T I O N

17 **JAMAL AYED HADDAD**
18 **2028 Krystal Ave.**
Lancaster, CA 93536
19 **Smog Check Inspector License No. EO**
622447
20 **Smog Check Repair Technician License**
Number EI 622447

21 **IBRAHIM ISSA HADDAD**
22 **2435 Carolyn Dr.**
Palmdale, CA 93551
23 **Smog Check Inspector License No. EO**
638988

24 **ALAA MUDAR HADDAD**
25 **39333 Carolside Ave.**
Palmdale, CA 93550
26 **MAILING ADDRESS**
45243 17th Street W
27 **Lancaster, CA 93534**
Smog Check Inspector License No. EO
28 **637736**

1 **and**

2 **ISSA HADDAD**
3 **2037 Krystal Ave.**
4 **Lancaster, CA 93536**
5 **Smog Check Inspector License No. EO**
6 **639164**

7 Respondents.

8 Complainant alleges:

9 **PARTIES**

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

12 **Tamara Adel Haddad-Owner dba A V Smog Station**

13 **Automotive Repair Dealer Registration**

14 2. On or about June 5, 2015, the Bureau issued Automotive Repair Dealer Registration
15 Number ARD 280471 (“registration”) to Tamara Adel Haddad-Owner dba A V Smog Station
16 (“Respondent A V Smog”). The Automotive Repair Dealer Registration was in full force and
17 effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless
18 renewed.

19 **Smog Check, Test Only, Station License**

20 3. On or about July 1, 2015, the Bureau issued Smog Check, Test Only, Station License
21 Number TC 280471 to Respondent A V Smog. The Smog Check, Test Only, Station License was
22 in full force and effect at all times relevant to the charges brought herein and will expire on June
23 30, 2018, unless renewed.

24 **STAR Station Certification**

25 4. On or about October 30, 2015, the Bureau certified A V Smog Station as a STAR
26 Station. The certification will remain active unless ARD 280471 and/or TC 280471 is revoked,
27 canceled, become delinquent, or the certification is invalidated.

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1 **Jamal Ayed Haddad**

2 **Technician License/Inspector License**

3 **(formerly Advanced Emission Specialist Technician License Number EA 622447)**

4 5. In or about 1997, the Bureau issued Advanced Emission Specialist Technician
5 License Number EA 622447 to Jamal Ayed Haddad ("Respondent Ayed"). Respondent Ayed's
6 Advanced Emission Specialist Technician License was cancelled on November 13, 2012.
7 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e)¹, the license
8 was renewed, pursuant to Respondent Ayed's election, as Smog Check Inspector License Number
9 EO 622447 ("inspector license") and Smog Check Repair Technician License Number EI 622447
10 ("repair technician license"), effective November 13, 2012. Respondent Ayed's inspector license
11 and repair technician license were in full force and effect at all times relevant to the charges
12 brought herein and will expire on December 31, 2018, unless renewed.

13 **Ibrahim Issa Haddad**

14 **Smog Check Inspector License**

15 6. On or about February 11, 2016, the Bureau issued Smog Check Inspector License No.
16 EO 638988 ("inspector license") to Ibrahim Issa Haddad ("Respondent Issa"). The Smog Check
17 Inspector License was in full force and effect at all times relevant to the charges brought herein
18 and will expire on January 31, 2020, unless renewed.

19 **Alaa Mudar Haddad**

20 **Smog Check Inspector License**

21 7. On or about January 12, 2015, the Bureau issued Smog Check Inspector License No.
22 EO 637736 ("inspector license") to Alaa Mudar Haddad ("Respondent Mudar"). The Smog
23 Check Inspector License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on September 30, 2018, unless renewed.

25 **Issa Haddad**

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

1 **Smog Check Inspector License**

2 8. On or about April 11, 2016, the Bureau issued Smog Check Inspector License No.
3 EO 639164 ("inspector license") to Issa Haddad ("Respondent Haddad"). The Smog Check
4 Inspector License was in full force and effect at all times relevant to the charges brought herein
5 and will expire on June 30, 2018, unless renewed.

6 **JURISDICTION**

7 9. Business and Professions Code ("Code") section 9884.7 provides that the Director
8 may revoke an automotive repair dealer registration.

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

13 11. Health and Safety Code section 44002 provides, in pertinent part, that the Director
14 has all the powers and authority granted under the Automotive Repair Act for enforcing the
15 Motor Vehicle Inspection Program.

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

20 **STATUTORY PROVISIONS**

21 13. Section 9884.7 of the Code states:

22 "(a) The director, where the automotive repair dealer cannot show there was a bona fide
23 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
24 dealer for any of the following acts or omissions related to the conduct of the business of the
25 automotive repair dealer, which are done by the automotive repair dealer or any automotive
26 technician, employee, partner, officer, or member of the automotive repair dealer.

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

4 ...

5 “(4) Any other conduct which constitutes fraud.

6 ...

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

11 14. Section 44012 of the Health and Safety Code states:

12 “The test at the smog check stations shall be performed in accordance with procedures
13 prescribed by the department and may require loaded mode dynamometer testing in enhanced
14 areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other
15 appropriate test procedures as determined by the department in consultation with the state board.
16 The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode
17 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning
18 no earlier than January 1, 2013. However, the department, in consultation with the state board,
19 may prescribe alternative test procedures that include loaded mode dynamometer or two-speed
20 idle testing for vehicles with onboard diagnostic systems that the department and the state board
21 determine exhibit operational problems. The department shall ensure, as appropriate to the test
22 method, the following:

23 “(a) Emission control systems required by state and federal law are reducing excess
24 emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of
25 Section 44013.

26 “(b) Motor vehicles are preconditioned to ensure representative and stabilized operation of
27 the vehicle's emission control system.

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1 “(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
2 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded
3 mode are tested in accordance with procedures prescribed by the department. In determining how
4 loaded mode and evaporative emissions testing shall be conducted, the department shall ensure
5 that the emission reduction targets for the enhanced program are met.

6 “(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and
7 crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic
8 compound emissions, in accordance with procedures prescribed by the department.

9 “(e) For diesel-powered vehicles, a visual inspection is made of emission control devices
10 and the vehicle's exhaust emissions are tested in accordance with procedures prescribed by the
11 department that may include, but are not limited to, onboard diagnostic testing. The test may
12 include testing of emissions of any or all of the pollutants specified in subdivision (c) and, upon
13 the adoption of applicable standards, measurement of emissions of smoke or particulates, or both.

14 “(f) A visual or functional check is made of emission control devices specified by the
15 department, including the catalytic converter in those instances in which the department
16 determines it to be necessary to meet the findings of Section 44001. The visual or functional
17 check shall be performed in accordance with procedures prescribed by the department.

18 “(g) A determination as to whether the motor vehicle complies with the emission standards
19 for that vehicle's class and model-year as prescribed by the department.

20 “(h) An analysis of pass and fail rates of vehicles subject to an onboard diagnostic test and
21 a tailpipe test to assess whether any vehicles passing their onboard diagnostic test have, or would
22 have, failed a tailpipe test, and whether any vehicles failing their onboard diagnostic test have or
23 would have passed a tailpipe test.

24 “(i) The test procedures may authorize smog check stations to refuse the testing of a vehicle
25 that would be unsafe to test, or that cannot physically be inspected, as specified by the department
26 by regulation. The refusal to test a vehicle for those reasons shall not excuse or exempt the
27 vehicle from compliance with all applicable requirements of this chapter.”

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1 15. Section 44015 of the Health and Safety Code states:

2 “(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to
3 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.”

4 16. Section 44059 of the Health and Safety Code states:

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

9 17. Section 44072.2 of the Health and Safety Code states:

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

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

16 ...

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

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

19 18. Section 44072.8 of the Health and Safety Code states:

20 “When a license has been revoked or suspended following a hearing under this article, any
21 additional license issued under this chapter in the name of the licensee may be likewise revoked
22 or suspended by the director.”

23 **REGULATORY PROVISIONS**

24 19. California Code of Regulations, title 16, section 3340.24, subdivision (c) states:

25 ...

26 “(c) The bureau may suspend or revoke the license of or pursue other legal action against a
27 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
28 certificate of noncompliance.”

1 20. California Code of Regulations, title 16, section 3340.30, subdivision (a) states:

2 “A licensed smog check inspector and/or repair technician shall comply with the following
3 requirements at all times while licensed:

4 “(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
5 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
6 article.”

7 21. California Code of Regulations, title 16, section 3340.35, subdivision (c) states:

8 “A licensed station shall issue a certificate of compliance or noncompliance to the owner or
9 operator of any vehicle that has been inspected in accordance with the procedures specified in
10 section 3340.42 of this article and has all the required emission control equipment and devices
11 installed and functioning correctly.”

12 22. California Code of Regulations, title 16, section 3340.42, states:

13 “Smog check inspection methods are prescribed in the Smog Check Manual, referenced by
14 section 3340.45.

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

17 “(1) A loaded-mode test shall be the test method used to inspect 1976 - 1999 model-year
18 vehicle, except diesel-powered, registered in the enhanced program areas of the state. The
19 loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of
20 nitrogen emissions, as contained in the bureau's specifications referenced in subsection (a) of
21 Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode
22 (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

23 “On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection
24 shall be measured and compared to the emissions standards shown in the Vehicle Look-up Table
25 (VLT) Row Specific Emissions Standards (Cutpoints) Table, dated March 2010, which is hereby
26 incorporated by reference. If the emissions standards for a specific vehicle are not included in
27 this table then the exhaust emissions shall be compared to the emissions standards set forth in
28 TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its

1 measured emissions are less than or equal to the applicable emission standards specified in the
2 applicable table.

3 “(2) A two-speed idle mode test shall be the test method used to inspect 1976 - 1999
4 model-year vehicles, except diesel-powered, registered in all program areas of the state, except in
5 those areas of the state where the enhanced program has been implemented. The two-speed idle
6 mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high
7 RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection
8 (a) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
9 shall be measured and compared to the emission standards set forth in this section and as shown
10 in TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are
11 less than or equal to the applicable emissions standards specified in Table III.

12 “(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered
13 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.
14 The OBD test failure criteria are specified in section 3340.42.2.

15 “(b) In addition to subsection (a), all vehicles subject to the smog check program shall
16 receive the following:

17 “(1) A visual inspection of emission control components and systems to verify the vehicle's
18 emission control systems are properly installed.

19 “(2) A functional inspection of emission control systems as specified in the Smog Check
20 Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper
21 operation.

22 “(c) The bureau may require any combination of the inspection methods in sections (a) and
23 (b) under any of the following circumstances:

24 “(1) Vehicles that the department randomly selects pursuant to Health and Safety Code
25 section 44014.7 as a means of identifying potential operational problems with vehicle OBD
26 systems.

27 “(2) Vehicles identified by the bureau as being operationally or physically incompatible
28 with inspection equipment.

1 “(3) Vehicles with OBD systems that have demonstrated operational problems.

2 “(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards
3 are as follows:

4 “(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides
5 of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables
6 described in subsection (a), as applicable.

7 “(2) Vehicles with emission levels exceeding the emission standards for gross polluters
8 during an initial inspection will be considered gross polluters and the provisions pertaining to
9 gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and
10 44081 of the Health and Safety Code.

11 “(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until
12 the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle
13 included in the tables described in subsection (a), as applicable. However, the provisions
14 described in section 44017 of the Health and Safety Code may apply.

15 “(4) This subsection applies in all program areas statewide to vehicles requiring inspection
16 pursuant to sections 44005 and 44011 of the Health and Safety Code.”

17 COST RECOVERY

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

24 FACTUAL BACKGROUND

25 24. A Bureau Representative conducted a review of A V Smog Station BAR-OIS smog
26 check inspection records from the Vehicle Identification Database ("VID"). The review showed
27 numerous vehicle that have been certified at A V Smog Station with different e-VINs, different
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1 vehicle communication protocol and different Parameter Identification² (PID) count. All of the
 2 following inspections were performed by Respondents Ayed, Issa, Mudar and Haddad. The data
 3 from the certified vehicles were compared to the OIS test data of similar vehicles of the same
 4 year, make and model that received passing Smog Check inspections and received smog
 5 certificates. The data comparison showed multiple discrepancies with six (6) vehicles that were
 6 all certified with different e-VINs, different vehicle communication protocols³ and different PID
 7 count, which confirms the vehicles receiving smog certificates were fraudulently tested during the
 8 smog inspection using the clean plugging method⁴. The following chart illustrates the clean
 9 plugging activities of Respondents A V Smog, Ayed, Issa, Mudar and Haddad between April 13,
 10 2016 to September 17, 2016. All of the following inspections were performed by Respondents
 11 Ayed, Issa, Mudar and Haddad.

12 **TABLE 1**

13 Test No.	14 Test Date	15 Vehicle Certified & License No.	16 Certificate No.	17 Technician License No.	18 OIS Test Data Details
19 1.	20 04/13/2016	21 2006 Honda Ridgeline 22 RTL T8TUM	ZB783311C	EO 622447 (Respondent Ayed)	Comm. Protocol: ICAN11bt5 (expected I914) PID Count: 39/7 (expected 24) VIN No.: 2G1WT57N491 153071 (Expected e-VIN- 2HJYK16596H 512085)

23 ² Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR
 24 OIS.

25 ³ Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a
 26 communication interface. This automated determination of the communication interface, or protocol, is built into the
 Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles
 manufactured and sold in the United States that are subject to the Smog Check program.

27 ⁴ 'Clean Plugging' refers to the use of another vehicle's properly functioning On Board Diagnostic,
 28 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.

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2.	06/28/2016	2006 Ford Econoline E150 8D09611	QC883438C	EO 638988 (Respondent Issa)	Comm. Protocol: JVPW (expected ICAN11bt5) PID Count: 18 (expected 47) VIN No.: 3C4FY48B54T 314266 (Expected e-VIN- 1FTRE14W86 DA70490)
3.	07/18/2016	2006 Mercedes Benz S350 DP099JD	ZH146923C	EO 637736 (Respondent Mudar)	Comm. Protocol: I914 (expected KWPF) PID Count: 18 (expected 24) VIN No.: Not Transmitted (Expected e-VIN- WDBNF67J46 A478493)
4.	08/05/2016	2008 Lincoln MKX AWD 6GGL182	ZH633240C	EO 639164 (Respondent Haddad)	Comm. Protocol: I914 (expected ICAN11bt5) PID Count: 18 (expected 43) VIN No.: 1NXBR32E26Z 595259 (Expected e-VIN- 2LMDU88C98 BJ30145)

1	5.	08/20/2016	2007 Lexus ES 350 6ADY948	ZJ298765C	EO 622447 (Respondent Ayed)	Comm. Protocol: JVPW (expected ICAN11bt5) PID Count: 19 (expected 46/16 or 46/17 or 46/20) VIN No.: 2G1WW15E42 9125720 (Not Expected e-VIN- JTHBJ46G4721 31804)
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10	6.	09/17/2016	2002 Lincoln Town Car Executive 5VGW828	QE237456C	EO 622447 (Respondent Ayed)	Comm. Protocol: I914 (expected JPWM) PID Count: 16 (expected 20) VIN No.: Not Transmitted (Expected e-VIN- Not Expected)
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19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 25. Respondent A V Smog's registration is subject to discipline pursuant to Code section

22 9884.7, subdivision (a)(1), in that between April 13, 2016, through September 17, 2016,

23 Respondent A V Smog made or authorized statements which she knew or in the exercise of

24 reasonable care should have known to be untrue or misleading, as follows: Respondent A V

25 Smog certified that vehicles 1 through 6, set forth above in Table 1, had passed inspection and

26 were in compliance with applicable laws and regulations. In fact, Respondent A V Smog

27 conducted the inspections on the vehicles using the clean plugging method by substituting or

28 using different vehicles or another source during the OBD II functional tests in order to issue

1 smog certificates of compliance for the 6 vehicles, and did not test or inspect the 6 vehicles as
2 required by Health and Safety Code section 44012.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 26. Respondent A V Smog's registration is subject to discipline pursuant to Code section
6 9884.7, subdivision (a)(4), in that between April 13, 2016, through September 17, 2016,
7 Respondent A V Smog committed acts which constitute fraud by issuing electronic smog
8 certificates of compliance for vehicles 1 through 6, set forth above in Table 1, without performing
9 bona fide inspections of the emission control devices and systems on those vehicles, thereby
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Motor Vehicle Inspection Program)**

14 27. Respondent A V Smog's registration and smog check station license are subject to
15 discipline pursuant to Code section, subdivision 9884.7(a)(6) and Health and Safety Code section
16 44072.2, subdivision (a), in that between April 13, 2016, through September 17, 2016, regarding
17 vehicles 1 through 6, set forth above in Table 1, Respondent A V Smog failed to comply with the
18 following sections of that Code:

19 a. **Section 44012:** Respondent A V Smog failed to ensure that the emission control tests
20 were performed on vehicles 1 through 6, in accordance with procedures prescribed by the
21 department.

22 b. **Section 44015:** Respondent A V Smog issued electronic smog certificates of
23 compliance for vehicles 1 through 6, without ensuring that the vehicles were properly tested and
24 inspected to determine if they were in compliance with Health and Safety Code section 44012.

25 c. **Section 44059:** Respondent A V Smog willfully made false entries for the electronic
26 smog certificates of compliance by certifying that those vehicles had been inspected as required
27 when, in fact, they had not.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

4 28. Respondent A V Smog's smog check, test only, station license is subject to discipline
5 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between April 13,
6 2016, through September 17, 2016, regarding vehicles 1 through 6, set forth above in Table 1,
7 Respondent A V Smog failed to comply with provisions of California Code of Regulations, title
8 16, as follows:

9 a. **Section 3340.24, subdivision (c)**: Respondent A V Smog falsely or fraudulently issued
10 electronic smog certificates of compliance for those vehicles without performing bona fide
11 inspections of the emission control devices and systems on the vehicles as required by Health and
12 Safety Code section 44012.

13 b. **Section 3340.35, subdivision (c)**: Respondent A V Smog issued electronic smog
14 certificates of compliance even though those vehicles had not been inspected in accordance with
15 section 3340.42 of that Code.

16 c. **Section 3340.42**: Respondent A V Smog failed to conduct the required smog tests and
17 inspections on those vehicles in accordance with the Bureau's specifications.

18 **FIFTH CAUSE FOR DISCIPLINE**

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

20 29. Respondent A V Smog's smog check, test only, station license is subject to discipline
21 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that between April 13,
22 2016, through September 17, 2016, regarding vehicles 1 through 6, set forth above in Table 1,
23 Respondent A V Smog committed acts involving dishonesty, fraud or deceit whereby another was
24 injured by issuing electronic smog certificates of compliance for those vehicles without
25 performing bona fide inspections of the emission control devices and systems on the vehicles,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 30. Respondent Ayed's smog check inspector license and repair technician license are
4 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
5 between April 13, 2016, through September 17, 2016, regarding vehicles number 1, 5 and 6, set
6 forth above in Table 1, he failed to comply with section 44012 of that Code in a material respect,
7 as follows: Respondent Ayed failed to perform the emission control tests on those vehicles in
8 accordance with procedures prescribed by the department.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to the**
11 **Motor Vehicle Inspection Program)**

12 31. Respondent Ayed's smog check inspector license and repair technician license are
13 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
14 between April 13, 2016, through September 17, 2016, regarding vehicles number 1, 5 and 6, set
15 forth above in Table 1, he failed to comply with provisions of California Code of Regulations,
16 title 16, as follows:

17 a. **Section 3340.24, subdivision (c)**: Respondent Ayed falsely or fraudulently issued
18 electronic smog certificates of compliance without performing bona fide inspections of the
19 emission control devices and systems on those vehicles as required by Health and Safety Code
20 section 44012.

21 b. **Section 3340.30 subdivision (a)**: Respondent Ayed failed to inspect and test those
22 vehicles in accordance with Health and Safety Code sections 44012.

23 c. **Section 3340.42**: Respondent Ayed failed to conduct the required smog tests and
24 inspections on those vehicles in accordance with the Bureau's specifications.

25 **EIGHTH CAUSE FOR DISCIPLINE**

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

27 32. Respondent Ayed's smog check inspector license and repair technician license are
28 subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in that

1 between April 13, 2016, through September 17, 2016, regarding vehicles number 1, 5 and 6, set
2 forth above in Table 1, he committed acts involving dishonesty, fraud or deceit whereby another
3 was injured by issuing electronic smog certificates of compliance without performing bona fide
4 inspections of the emission control devices and systems on those vehicles, thereby depriving the
5 People of the State of California of the protection afforded by the Motor Vehicle Inspection
6 Program.

7 **NINTH CAUSE FOR DISCIPLINE**

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

9 33. Respondent Issa's smog check inspector license is subject to discipline pursuant to
10 Health and Safety Code section 44072.2, subdivision (a), in that on June 28, 2016, regarding
11 vehicle number 2, set forth above in Table 1, he failed to comply with section 44012 of that Code
12 in a material respect, as follows: Respondent Issa failed to perform the emission control tests on
13 the vehicle in accordance with procedures prescribed by the department.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant to the
16 Motor Vehicle Inspection Program)**

17 34. Respondent Issa's smog check inspector license is subject to discipline pursuant to
18 Health and Safety Code section 44072.2, subdivision (c), in that on June 28, 2016, regarding
19 vehicle number 2, set forth above in Table 1, he failed to comply with provisions of California
20 Code of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c)**: Respondent Issa falsely or fraudulently issued an
22 electronic smog certificate of compliance without performing bona fide inspections of the
23 emission control devices and systems on the vehicle as required by Health and Safety Code
24 section 44012.

25 b. **Section 3340.30 subdivision (a)**: Respondent Issa failed to inspect and test the vehicle
26 in accordance with Health and Safety Code sections 44012.

27 c. **Section 3340.42**: Respondent Issa failed to conduct the required smog test and
28 inspection on the vehicle in accordance with the Bureau's specifications.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

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

3 35. Respondent Issa's smog check inspector license is subject to discipline pursuant to
4 Health and Safety Code section 44072.2, subdivision (d), in that on June 28, 2016, regarding
5 vehicle number 2, set forth above in Table 1, he committed acts involving dishonesty, fraud or
6 deceit whereby another was injured by issuing an electronic smog certificate of compliance
7 without performing a bona fide inspection of the emission control devices and systems on the
8 vehicle, thereby depriving the People of the State of California of the protection afforded by the
9 Motor Vehicle Inspection Program.

10 **TWELVTH CAUSE FOR DISCIPLINE**

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

12 36. Respondent Mudar's smog check inspector license is subject to discipline pursuant to
13 Health and Safety Code section 44072.2, subdivision (a), in that on July 18, 2016, regarding
14 vehicle number 3, set forth above in Table 1, he failed to comply with section 44012 of that Code
15 in a material respect, as follows: Respondent Mudar failed to perform the emission control tests
16 on the vehicle in accordance with procedures prescribed by the department.

17 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

20 37. Respondent Mudar's smog check inspector license is subject to discipline pursuant to
21 Health and Safety Code section 44072.2, subdivision (c), in that on July 18, 2016, regarding
22 vehicle number 3, set forth above in Table 1, he failed to comply with provisions of California
23 Code of Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Mudar falsely or fraudulently issued an
25 electronic smog certificate of compliance without performing bona fide inspections of the
26 emission control devices and systems on those vehicles as required by Health and Safety Code
27 section 44012.

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1 b. **Section 3340.30 subdivision (a)**: Respondent Mudar failed to inspect and test the
2 vehicle in accordance with Health and Safety Code sections 44012.

3 c. **Section 3340.42**: Respondent Mudar failed to conduct the required smog tests and
4 inspections on the vehicle in accordance with the Bureau's specifications.

5 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

7 38. Respondent Mudar's smog check inspector license is subject to discipline pursuant to
8 Health and Safety Code section 44072.2, subdivision (d), in that on July 18, 2016, regarding
9 vehicle number 3, set forth above in Table 1, he committed acts involving dishonesty, fraud or
10 deceit whereby another was injured by issuing an electronic smog certificate of compliance
11 without performing bona fide inspections of the emission control devices and systems on the
12 vehicle, thereby depriving the People of the State of California of the protection afforded by the
13 Motor Vehicle Inspection Program.

14 **FIFTEEN CAUSE FOR DISCIPLINE**

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

16 39. Respondent Haddad's smog check inspector license is subject to discipline pursuant
17 to Health and Safety Code section 44072.2, subdivision (a), in that on August 5, 2016, regarding
18 vehicle number 4, set forth above in Table 1, he failed to comply with section 44012 of that Code
19 in a material respect, as follows: Respondent Haddad failed to perform the emission control tests
20 on the vehicle in accordance with procedures prescribed by the department.

21 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

24 40. Respondent Haddad's smog check inspector license is subject to discipline pursuant
25 to Health and Safety Code section 44072.2, subdivision (c), in that on August 5, 2016, regarding
26 vehicle number 4, set forth above in Table 1, he failed to comply with provisions of California
27 Code of Regulations, title 16, as follows:

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1 a. **Section 3340.24, subdivision (c)**: Respondent Haddad falsely or fraudulently issued an
2 electronic smog certificate of compliance without performing bona fide inspections of the
3 emission control devices and systems on the vehicle as required by Health and Safety Code
4 section 44012.

5 b. **Section 3340.30 subdivision (a)**: Respondent Haddad failed to inspect and test the
6 vehicle in accordance with Health and Safety Code sections 44012.

7 c. **Section 3340.42**: Respondent Haddad failed to conduct the required smog test and
8 inspection on the vehicle in accordance with the Bureau's specifications.

9 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

11 41. Respondent Haddad's smog check inspector license is subject to discipline pursuant
12 to Health and Safety Code section 44072.2, subdivision (d), in that on August 5, 2016, regarding
13 vehicle number 4, set forth above in Table 1, he committed acts involving dishonesty, fraud or
14 deceit whereby another was injured by issuing an electronic smog certificate of compliance
15 without performing a bona fide inspection of the emission control devices and systems on the
16 vehicle, thereby depriving the People of the State of California of the protection afforded by the
17 Motor Vehicle Inspection Program.

18 **PRIOR CITATIONS**

19 **Tamara Adel Haddad-Owner doing business as A V Smog Station**

20 42. To determine the degree of discipline, if any, to be imposed on Respondent A V
21 Smog, Complainant alleges that on or about October 25, 2016, in a prior action, the Bureau issued
22 Citation Number C2016-1863 and ordered A V Smog Station to pay a citation fine of \$1,000.00.
23 A Citation Service conference was held on November 16, 2016. A request for informal appeal of
24 Citation C2016-1863 was received on December 9, 2016. On January 12, 2017, Citation C2016-
25 1863 was affirmed and reissued. A request for formal appeal of Citation C2016-1863 was
26 received on January 24, 2017. The appeal is final and affirmed on March 13, 2018. The
27 \$1,000.00 fine was paid on March 22, 2018

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1 **Alaa Haddad**

2 43. To determine the degree of discipline, if any, to be imposed on Alaa Haddad,
3 Complainant alleges that Citation M2016-1864 was issued on October 25, 2016 and directed to
4 complete an 8-HOUR BAR CERTIFIED SMOG CHECK CITATION TRAINING COURSE. A
5 Citation Service Conference was held November 16, 2016. The training was completed on
6 December 15, 2016. The Decision became effective on December 17, 2016.

7 **OTHER MATTERS**

8 44. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,
9 or place on probation the registrations for all places of business operated in this state by Tamara
10 Adel Haddad-Owner doing business as A V Smog Station, upon a finding that she has, or is,
11 engaged in a course of repeated and willful violation of the laws and regulations pertaining to an
12 automotive repair dealer.

13 45. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station
14 License Number TC 280471, issued to Tamara Adel Haddad-Owner doing business as A V Smog
15 Station, is revoked or suspended, any additional license issued under this Chapter 5 of Part 5 of
16 Div 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or
17 suspended by the director.

18 46. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
19 License No. EO 622447 and Smog Check Repair Technician License Number EI 622447
20 (formerly Advanced Emission Specialist Technician License Number EA 622447), issued to
21 Jamal Ayed Haddad, is revoked or suspended, any additional license issued under this Chapter 5
22 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be likewise
23 revoked or suspended by the director.

24 47. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
25 License No. EO 638988, issued to Ibrahim Issa Haddad, is revoked or suspended, any additional
26 license issued under this Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name
27 of said licensee may be likewise revoked or suspended by the director.

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1 48. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
2 License No. EO 637736, issued to Alaa Mudar Haddad, is revoked or suspended, any additional
3 license issued under this Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name
4 of said licensee may be likewise revoked or suspended by the director.

5 49. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
6 License No. EO 639164, issued to Issa Haddad, is revoked or suspended, any additional license
7 issued under this Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said
8 licensee may be likewise revoked or suspended by the director.

9 **PRAYER**

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


- 12 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
13 280471, issued to Tamara Adel Haddad-Owner doing business as A V Smog Station;
- 14 2. Revoking, suspending, or placing on probation any other automotive repair dealer
15 registration issued to Tamara Adel Haddad-Owner;
- 16 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
17 280471, issued to Tamara Adel Haddad-Owner doing business as A V Smog Station;
- 18 4. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26
19 of the Health and Safety Code in the name of Tamara Adel Haddad;
- 20 5. Revoking or suspending Smog Check Inspector License Number EO 622447, issued
21 to Jamal Ayed Haddad;
- 22 6. Revoking or suspending Smog Check Repair Technician License Number EI 622447,
23 issued to Jamal Ayed Haddad;
- 24 7. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26
25 of the Health and Safety Code in the name of Jamal Ayed Haddad;
- 26 8. Revoking or suspending Smog Check Inspector License Number EO 638988, issued
27 to Ibrahim Issa Haddad;

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- 1 9. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26
- 2 of the Health and Safety Code in the name of Ibrahim Issa Haddad;
- 3 10. Revoking or suspending Smog Check Inspector License Number EO 637736, issued
- 4 to Alaa Mudar Haddad;
- 5 11. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26
- 6 of the Health and Safety Code in the name of Alaa Mudar Haddad;
- 7 12. Revoking or suspending Smog Check Inspector License Number EO 639164, issued
- 8 to Issa Haddad;
- 9 13. Revoking or suspending any additional license issued under Chapter 5, Part 5, Div 26
- 10 of the Health and Safety Code in the name of Issa Haddad;
- 11 14. Ordering Tamara Adel Haddad-Owner doing business as A V Smog Station, Jamal
- 12 Ayed Haddad, Ibrahim Issa Haddad, Alaa Mudar Haddad and Issa Haddad to pay the Bureau of
- 13 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
- 14 pursuant to Business and Professions Code section 125.3; and
- 15 15. Taking such other and further action as deemed necessary and proper.

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DATED: May 1, 2018


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

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