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

In the Matter of the Accusation Against:

ADELINOS AUTO CLINIC ADEL S. ATALLAH, Owner 10302 Wells Avenue Riverside, CA 92505

Automotive Repair Dealer Registration No. ARD 209927 Smog Check, Test Only, Station License No. RC 209927

and

ADEL S. ATALLAH 8028 Citricado Lane Riverside, CA 92508

Advanced Emission Specialist Technician License No. EA 136532

Respondents.

### 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 \_\_\_\_\_

5/3/11

DATED: 2011 27, 2011

DOREATHEA JOHNSON Deputy Director, Legal Affairs Department of Consumer Affairs

Case No. 79/11-17

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1 2 3 4 5 6 7 8 9 10 11	DEPARTMENT OF C FOR THE BUREAU OF	RE THE CONSUMER AFFAIRS AUTOMOTIVE REPAIR CALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 79/11-17
13	ADELINOS AUTO CLINIC	STIPULATED SETTLEMENT AND
14	ADEL S. ATALLAH, OWNER 10302 Wells Avenue	DISCIPLINARY ORDER AS TO ALL LICENSES
15	Riverside, CA 92505 Automotive Repair Dealer Reg. No. ARD	
16 17	209927 Smog Check, Test and Repair, Station License No. RC 209927	
18	and	
19	ADEL S. ATALLAH	
20	8028 Citricado Lane Riverside, CA 92508 Advanad Emission Specialist Technician	
21	Advanced Emission Specialist Technician License No. EA 136532	
22	Respondents.	
23		]
24	In the interest of a prompt and speedy settl	lement of this matter, consistent with the public
25	interest and the responsibilities of the Director o	f Consumer Affairs and the Bureau of
26	Automotive Repair the parties hereby agree to the	e following Stipulated Settlement and
27	Disciplinary Order which will be submitted to the Director for his approval and adoption as the	
28	final disposition of the Accusation.	
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		STIPULATED SETTLEMENT (79/11-17)

1	PARTIES	
2	1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She	
3	brought this action solely in her official capacity and is represented in this matter by Kamala D.	
4	Harris, Attorney General of the State of California, by Ron Espinoza, Deputy Attorney General.	
5	2. Adel S. Atallah and Adelinos Auto Clinic (Respondents) are represented in this	
6	proceeding by attorney Michael B. Levin, Esq., whose address is: 3727 Camino del Rio South,	
7	Suite 200, San Diego, CA 92108.	
8	Adelinos Auto Clinic; Adel S. Atallah, Owner	
9	3. In or about 2000, the Bureau of Automotive Repair issued Automotive Repair Dealer	
10	Registration Number ARD 209927 to Adel S. Atallah, doing business as and owner of Adelinos	
11	Auto Clinic. The registration was in full force and effect at all times relevant to the charges	
12	brought in Accusation No. 79/11-17, and will expire on March 31, 2012, unless renewed.	
13	4. On or about November 6, 2001, the Bureau of Automotive Repair issued Smog	
14	Check, Test and Repair, Station License Number RC 209927 to Adel S. Atallah, doing business	
15	as and owner of Adelinos Auto Clinic. The smog check station license was in full force and	
16	effect at all times relevant to the charges brought in Accusation No. 79/11-17, and will expire on	
17	March 31, 2012, unless renewed.	
18	Adel S. Atallah	
19	5. In or about 1997, the Bureau of Automotive Repair issued Advanced Emission	
20	Specialist Technician License Number EA 136532 to Adel S. Atallah. The technician license was	
21	in full force and effect at all times relevant to the charges brought in Accusation No. 79/11-17,	
22	and will expire on August 31, 2011, unless renewed.	
23	JURISDICTION	
24	6. Accusation No. 79/11-17 was filed before the Director of Consumer Affairs	
25	(Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against	
26	Respondents. The Accusation and all other statutorily required documents were properly served	
27	on Respondents on September 15, 2010. Respondents timely filed their Notice of Defense	
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	2 STIPULATED SETTLEMENT (79/11-17)	

1	contesting the Accusation. A copy of Accusation No. 79/11-17 is attached as Exhibit A and	
2	incorporated herein by reference.	
3	7. Adel S. Atallah has been and is authorized to enter into this stipulated settlement on	
4	behalf of Adelinos Auto Clinic.	
5	ADVISEMENT AND WAIVERS	
6	8. Adel S. Atallah has carefully read, fully discussed with counsel, and understands the	
7	charges and allegations in Accusation No. 79/11-17. Adel S. Atallah has also carefully read, fully	
8	discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary	
9	Order.	
10	9. Respondents are fully aware of their legal rights in this matter, including the right to a	
11	hearing on the charges and allegations in the Accusation; the right to confront and cross-examine	
12	the witnesses against them; the right to present evidence and to testify on their own behalf; the	
13	right to the issuance of subpoenas to compel the attendance of witnesses and the production of	
14	documents; the right to reconsideration and court review of an adverse decision; and all other	
15	rights accorded by the California Administrative Procedure Act and other applicable laws.	
16	10. Respondents voluntarily, knowingly, and intelligently waive and give up each and	
17	every right set forth above.	
18	CULPABILITY	
19	11. Respondents admit the truth of each and every charge and allegation in Accusation	
20	No. 79/11-17.	
21	12. Respondents agree that Automotive Repair Dealer Registration Number ARD	
22	209927, Smog Check, Test and Repair, Station License Number RC 209927, and Advanced	
23	Emission Specialist Technician License Number EA 136532 are subject to discipline, and they	
24	agree to be bound by the Director's imposition of discipline and probationary terms as set forth in	
25	the Disciplinary Order below.	
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ļ	STIPULATED SETTLEMENT (79/11-17)	

1	RESERVATION	
2	13. The admissions made by Respondents herein are only for the purposes of this	
3	proceeding, or any other proceedings in which the Bureau of Automotive Repair is involved, and	
4	shall not be admissible in any other criminal or civil proceeding.	
5	CONTINGENCY	
6	14. This stipulation shall be subject to approval by the Director of Consumer Affairs or	
7	his designee. Respondents understand and agree that counsel for Complainant and the staff of the	
8	Bureau of Automotive Repair may communicate directly with the Director and staff of the	
9	Department of Consumer Affairs regarding this stipulation and settlement, without notice to or	
10	participation by Respondents or their counsel. By signing the stipulation, Adel S. Atallah	
11	understands and agrees that Respondents may not withdraw their agreement or seek to rescind the	
12	stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt	
13	this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall	
14	be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action	
15	between the parties, and the Director shall not be disqualified from further action by having	
16	considered this matter.	
17	15. The parties understand and agree that copies of this Stipulated Settlement and	
18	Disciplinary Order, including the signatures thereto, shall have the same force and effect as the	
19	originals.	
20	16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an	
21	integrated writing representing the complete, final, and exclusive embodiment of their agreement.	
22	It supersedes any and all prior or contemporaneous agreements, understandings, discussions,	
23	negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary	
24	Order may not be altered, amended, modified, supplemented, or otherwise changed except by a	
25	writing executed by an authorized representative of each of the parties.	
26	17. In consideration of the foregoing admissions and stipulations, the parties agree that	
27	the Director may, without further notice or formal proceeding, issue and enter the following	
28	Disciplinary Order:	
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	STIPULATED SETTLEMENT (79/11-17)	

1	DISCIPLINARY ORDER
2	IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD
3	209927, Smog Check, Test and Repair, Station License Number RC 209927, and Advanced
4	Emission Specialist Technician License Number EA 136532 are revoked. However, the
5	revocations are stayed and Respondents are placed on probation for five (5) years on the
6	following terms and conditions.
7	1. Actual Suspension. Automotive Repair Dealer Registration Number ARD 209927,
8	Smog Check, Test and Repair, Station License Number RC 209927, and Advanced Emission
9	Specialist Technician License Number EA 136532 are concurrently suspended for fifteen (15)
10	consecutive days, starting on the effective date of the Decision and Order.
11	2. <b>Obey All Laws.</b> Respondents shall comply with all statutes, regulations and rules
12	governing automotive inspections, estimates and repairs.
13	3. <b>Post Sign.</b> Adel S. Atallah shall post a prominent sign, provided by the Bureau,
14	indicating the beginning and ending dates of the suspensions and indicating the reason(s) for the
15	suspensions. The sign shall be conspicuously displayed in a location open to and frequented by
16	customers and shall remain posted during the entire period of actual suspensions.
17	4. <b>Reporting.</b> Respondents or Respondents' authorized representative must report in
18	person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
19	Bureau, but no more frequently than each quarter, on the methods used and success achieved in
20	maintaining compliance with the terms and conditions of probation.
21	5. <b>Report Financial Interest.</b> Within 30 days of the effective date of this action, Adel
22	S. Atallah shall report any financial interest which any partners, officers, or owners of
23	Respondents' facility (Adelinos Auto Clinic) may have in any other business required to be
24	registered pursuant to Section 9884.6 of the Business and Professions Code.
25	6. <b>Random Inspections.</b> Respondents shall provide Bureau representatives unrestricted
26	access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of
27	completion.
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	STIPULATED SETTLEMENT (79/11-17)

Jurisdiction. If an accusation or petition to revoke probation is filed against
 Respondent(s) during the term of probation, the Director of Consumer Affairs shall have
 continuing jurisdiction over this matter until the final decision on the accusation or petition, and
 the period of probation shall be extended until such decision.

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8. **Violation of Probation.** Should the Director of Consumer Affairs determine that either or both Respondents have failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, temporarily or permanently invalidate their registrations or suspend or revoke their licenses.

9 9. Restrictions. During the period of probation, Respondents shall not perform any
10 form of smog inspection, or emission system diagnosis or repair, until Respondents have
11 purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR
12 necessary to properly perform such work, and BAR has been given 10 days notice of the
13 availability of the equipment for inspection by a BAR representative.

10. **Cost Recovery.** Respondents shall pay the Bureau a portion of its costs of 14 investigation and enforcement of this matter in the amount of \$4,563.80, paid as follows: 15 Respondents shall make minimum monthly payments to the Bureau of \$84.51 per month, 16 beginning the month of the effective date of the Decision and Order. Payment in full to the 17 Bureau of the \$4,563.80 shall be received no later than 6 months before probation terminates. 18 All payments shall be in the form of a certified check, cashier's check or money order, payable to 19 the Bureau of Automotive Repair, and shall be mailed or delivered to the Bureau of Automotive 20 Repair, 10240 Systems Parkway, Sacramento, California, 95827, Attention: Enforcement 21 Planning & Oversight. Failure to complete payment of cost recovery within this time frame shall 22 constitute a violation of probation which may subject the registrations and licenses of 23 Respondents to outright revocation; however, the Director or the Director's Bureau of 24 Automotive Repair designee may elect to continue probation until such time as reimbursement of 25 the entire cost recovery amount has been made to the Bureau. 2627 ///

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#### ACCEPTANCE

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully 2 discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect Ż it will have on Automotive Repair Dealer Registration Number ARD 209927, Smog Check, Test •4 and Repair, Station License Number RC 209927, and Advanced Emission Specialist Technician 5 License Number EA 136532. I enter into this Stipulated Settlement and Disciplinary Order 6 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the 7 Director of Consumer Affairs. 8 DATED: 9 ABEL S. ATALLAH, Individually and as Owner of 10 ADELINOS AUTO CLINIC Respondents 11 I have read and fully discussed with Adel S. Atallah the terms and conditions and other 12 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form 13 14 and content. 15 DATED: MICHAEL B. LEVIN, ESO. 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: March 14, 2011 Respectfully submitted, KAMALA D. HARRIS 21 Attorney General of California JAMES M. LEDAKIS 22 Supervising Deputy Attorney General 23 24 RON ESPINOZA 25 Deputy Attorney General Attorneys for Complainant 26 27 SD2010701691 28 7 STIPULATED SETTLEMENT (79/11-17)

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## Exhibit A

Accusation No. 79/11-17

1	Edmund G. Brown Jr.		
2	Attorney General of California ALFREDO TERRAZAS		
3	Senior Assistant Attorney General LINDA K. SCHNEIDER		
4	Supervising Deputy Attorney General State Bar No. 101336		
5	110 West "A" Street, Suite 1100 San Diego, CA 92101		
6	P.O. Box 85266 San Diego, CA 92186-5266		
7	Telephone: (619) 645-3037 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
9	BEFORE T		
10	DEPARTMENT OF CONS FOR THE BUREAU OF AUT	<b>COMOTIVE REPAIR</b>	
11	STATE OF CALI	IFURNIA	
12		79/11-17	
13	In the Matter of the Accusation Against:	Case No.	
14	ADELINOS AUTO CLINIC ADEL S. ATALLAH, OWNER		
15	10302 Wells Avenue Riverside, CA 92505	ACCUSATION	
16	Automotive Repair Dealer Reg. No. ARD 209927 Smog Check, Test and Repair, Station License No. RC 209927	(Smog Check)	
17	_		
18	and ADEL S. ATALLAH		
19	8028 Citricado Lane Riverside, CA 92508		
20	Advanced Emission Specialist Technician License No. EA 136532		
21	Respondents.		
22			
23	Complainant alleges:		
24	PARTIE	<u>S</u>	
25	1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as		
26	the Chief of the Bureau of Automotive Repair ("Bure	eau"), Department of Consumer Affairs.	
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	1	Accusation	
	11	Accusation	

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1	Adelinos Auto Clinic; Adel S. Atallah, Owner	
2	2. In or about 2000, the Director of Consumer Affairs ("Director") issued Automotive	
3	Repair Dealer Registration Number ARD 209927 (hereinafter "registration") to Adel S. Atallah	
4	("Respondent"), owner of Adelinos Auto Clinic. Respondent's registration was in full force and	
5	effect at all times relevant to the charges brought herein and will expire on March 31, 2011,	
6	unless renewed.	
7	3. On or about November 6, 2001, the Director issued Smog Check, Test and Repair,	
8	Station License Number RC 209927 (hereinafter "smog check station license") to Respondent.	
9	Respondent's smog check station license was in full force and effect at all times relevant to the	
10	charges brought herein and will expire on March 31, 2011, unless renewed.	
11	Adel S. Atallah	
12	4. In or about 1997, the Director issued Advanced Emission Specialist Technician	
13	License Number EA 136532 (hereinafter "technician license") to Respondent. Respondent's	
14	technician license was in full force and effect at all times relevant to the charges brought herein	
15	and will expire on August 31, 2011, unless renewed.	
16	JURISDICTION	
17	5. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that	
18	the Director may revoke an automotive repair dealer registration.	
19	6. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a	
20	valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary	
21	proceeding against an automotive repair dealer or to render a decision temporarily or permanently	
22	invalidating (revoking or suspending) a registration.	
23	7. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent	
24	part, that the Director has all the powers and authority granted under the Automotive Repair Act	
25	for enforcing the Motor Vehicle Inspection Program.	
26	8. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or	
27	suspension of a license by operation of law, or by order or decision of the Director of Consumer	
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Accusation

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1	Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
2	of jurisdiction to proceed with disciplinary action.
3	STATUTORY PROVISIONS
4	9. Bus. & Prof. Code section 9884.7 states, in pertinent part:
5	(a) The director, where the automotive repair dealer cannot show there
6	was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions
7	related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
8	(1) Making or authorizing in any manner or by any means whatever any
9	statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
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11	(4) Any other conduct that constitutes fraud.
12	
13	(c) Notwithstanding subdivision (b), the director may suspend, revoke, or
14 15	place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations
16	adopted pursuant to it.
17	10. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board" includes
18	"bureau," "commission," "committee," "department," "division," "examining committee,"
19	"program," and "agency." "License" includes certificate, registration or other means to engage
20	in a business or profession regulated by the Bus. & Prof. Code.
21	11. Health & Saf. Code section 44072.2 states, in pertinent part:
22	The director may suspend, revoke, or take other disciplinary action
23	against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
24	(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted
25	pursuant to it, which related to the licensed activities.
26	
27	(c) Violates any of the regulations adopted by the director pursuant to this chapter.
28	
	3 Accusation

1	(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured	
2	12. Health & Saf. Code section 44072.8 states that when a license has been revoked or	
3	suspended following a hearing under this article, any additional license issued under this chapter	
4	in the name of the licensee may be likewise revoked or suspended by the director.	
5	COST RECOVERY	
6	13. 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	VID DATA REVIEW	
11	14. On or about April 12, 2010, the Bureau initiated an investigation against Respondent	
12	based on a review of information from the Bureau's Vehicle Information Database ("VID"),	
13	which indicated that Respondent may be engaging in fraudulent smog check activities.	
14	15. On or about April 14, 2010, a representative of the Bureau conducted a detailed	
15	review of VID data for all smog inspections performed at Respondent's facility for the period of	
16	January 1, 2009, through April 13, 2010. The representative found that the 11 vehicles identified	
17	below, all of which were tested by Respondent, recorded certain diagnostic trouble codes	
18	(hereinafter "code") during the OBD II tests <sup>1</sup> . The representative obtained information indicating	
19	that the codes were not applicable to the vehicles. The Bureau concluded that Respondent	
20	performed the smog inspections on the vehicles using a different vehicle(s) during the OBD II	
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22	· /// ·	
23	///	
24	The On Board Diagnostics (OBD II) functional test is an automated function of the	
25	BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is	
26	located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves information from the vehicle's on-board computer about the status of the readiness indicators,	
27	trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II functional test, it will fail the overall inspection.	
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tests, a method known as "clean plugging",<sup>2</sup> resulting in the issuance of fraudulent certificates of

compliance for the vehicles. 2

Date & Time of Inspection	Vehicle Certified & License or VIN No.	Certificate No.
1. 01/20/2009	2001 Volkswagen Jetta; License No. 4SNC723	VV989507C
17:24 - 17:34		
2. 02/12/2009 16:39 – 16:51	2003 Toyota Tacoma; License No. 7C94318	VX249021C
3. 09/10/2009	1999 Honda Accord; License No. 6BCK175	WD225971C
13:02 - 13:18	, , , , , , , , , , , , , , , , , , ,	
4. 09/17/2009	1998 Chevrolet Tracker; License No. 5RIX065	WD225989C
$\frac{13:17 - 13:43}{5. \ 01/29/2010}$	2000 Toyota Celica; VIN #JTDDR32T6Y0026338	WF840049C
14:19 - 14:31		W1040049C
6. 01/29/2010	2002 Nissan Altima; License No. 4XAG043	WF840050C
14:34 - 15:05		
7. 01/29/2010 17:18 – 17:57	2004 Ford F350; License No. 7K04967	WH104051C
8. 02/15/2010	2002 Dodge Intrepid; VIN #2B3HD46R52H277263	WH308207C
15:27 - 15:40		
9. 02/17/2010	2002 Nissan Maxima; License No. 4WGF233	WH308217C
$\frac{14:44 - 14:58}{10.\ 02/18/2010}$	2002 Dodge Dakota: License No. 6W00475	WH308220C
10:02 - 10:24		1115002200
11. 04/09/2010	2007 BMW 325CI; VIN #WBABD33464JY98016	WJ103278C
11:08 - 11:14		
	FIRST CAUSE FOR DISCIPLINE	
(Untrue or Misleading Statements)		
16. Respon	dent's registration is subject to disciplinary action pursu	ant to Bus. & Prof.
Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which		
he knew or in the exercise of reasonable care should have known to be untrue or misleading, as		
follows: Respondent certified that vehicles 1 through 11, identified in paragraph 15 above, had		graph 15 above, had
passed inspection and were in compliance with applicable laws and regulations. In fact,		
<sup>2</sup> Clean-plus	gging is the use of the OBD II readiness monitor status a	and stored fault code
(trouble code) statu	s of a passing vehicle for the purpose of illegally issuing	g a smog certificate to
another vehicle that is not in compliance due to a failure to complete the minimum number of self tests, known as monitors, or due to the presence of a stored fault code that indicates an emission control system or component failure.		
i control system of co	omponent failure.	
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1	Respondent conducted the inspections on the vehicles using clean-plugging methods in that he
2	substituted or used a different vehicle(s) during the OBD II functional tests in order to issue smog
3	certificates of compliance for the vehicles, and did not test or inspect the vehicles as required by
4	Health & Saf. Code section 44012.
5	SECOND CAUSE FOR DISCIPLINE
6	(Fraud)
7	17. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
8	Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud
9	by issuing electronic smog certificates of compliance for vehicles 1 through 11, identified in
10	paragraph 15 above, without performing bona fide inspections of the emission control devices
11	and systems on the vehicles, thereby depriving the People of the State of California of the
12	protection afforded by the Motor Vehicle Inspection Program.
13	THIRD CAUSE FOR DISCIPLINE
14	(Violations of the Motor Vehicle Inspection Program)
15	18. Respondent's smog check station license is subject to disciplinary action pursuant to
16	Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the
17	following sections of that Code:
18	a. <u>Section 44012</u> : Respondent failed to perform the emission control tests on vehicles 1
19	through 11, identified in paragraph 15 above, in accordance with procedures prescribed by the
20	department.
21	b. <u>Section 44015</u> : Respondent issued electronic smog certificates of compliance for
22	vehicles 1 through 11, identified in paragraph 15 above, without ensuring that the vehicles were
23	properly tested and inspected to determine if they were in compliance with Health & Saf. Code
24	section 44012.
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1	FOURTH CAUSE FOR DISCIPLINE			
2	(Failure to Comply with Regulations Pursuant			
3	to the Motor Vehicle Inspection Program)			
4	19. Respondent's smog check station license is subject to disciplinary action pursuant to			
5	Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with			
6	provisions of California Code of Regulations, title 16, as follows:			
7	a. <u>Section 3340.24, subdivision (c)</u> : Respondent falsely or fraudulently issued			
8	electronic smog certificates of compliance for vehicles 1 through 11, identified in paragraph 15			
9	above.			
10	b. <u>Section 3340.35, subdivision (c)</u> : Respondent issued electronic smog certificates of			
11	compliance for vehicles 1 through 11, identified in paragraph 15 above, even though the vehicles			
12	had not been inspected in accordance with section 3340.42.			
13	c. <u>Section 3340.42</u> : Respondent failed to conduct the required smog tests on vehicles 1			
14	through 11, identified in paragraph 15 above, in accordance with the Bureau's specifications.			
15	FIFTH CAUSE FOR DISCIPLINE			
16	(Dishonesty, Fraud or Deceit)			
17	20. Respondent's smog check station license is subject to disciplinary action pursuant to			
18	Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,			
19	fraudulent or deceitful acts whereby another is injured by issuing electronic smog certificates of			
20	compliance for vehicles 1 through 11, identified in paragraph 15 above, without performing bona			
21	fide inspections of the emission control devices and systems on the vehicles, thereby depriving			
22	the People of the State of California of the protection afforded by the Motor Vehicle Inspection			
23	Program.			
24	SIXTH CAUSE FOR DISCIPLINE			
25	(Violations of the Motor Vehicle Inspection Program)			
26	21. Respondent's technician license is subject to disciplinary action pursuant to Health &			
27	Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section			
28	44012 of that Code, in a material respect, as follows: Respondent failed to perform the emission			
	7			
	Accusation			

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1	control tests on vehicles 1 through 11, identified in paragraph 15 above, in accordance with				
2	procedures prescribed by the department.				
3	SEVENTH CAUSE FOR DISCIPLINE				
4	(Failure to Comply with Regulations Pursuant				
5	to the Motor Vehicle Inspection Program)				
6	22. Respondent's technician license is subject to disciplinary action pursuant to Health &				
.7	Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with provisions				
8	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 vehicles 1 through 11, identified in paragraph 15				
11	above.				
12	b. Section 3340.30, subdivision (a): Respondent failed to inspect and test vehicles 1				
13	through 11, identified in paragraph 15 above, in accordance with Health & Saf. Code sections				
14	44012 and 44035, and California Code of Regulations, title 16, section 3340.42.				
15	c. <u>Section 3340.42</u> : Respondent failed to conduct the required smog tests on vehicles 1				
16	through 11, identified in paragraph 15 above, in accordance with the Bureau's specifications.				
17	EIGHTH CAUSE FOR DISCIPLINE				
18	(Dishonesty, Fraud or Deceit)	ļ			
19	23. Respondent's technician license is subject to disciplinary action pursuant to Health &				
20	Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent,				
21	or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance				
22	for vehicles 1 through 11, identified in paragraph 15 above, without performing bona fide				
23	inspections of the emission control devices and systems on the vehicles, thereby depriving the				
24	People of the State of California of the protection afforded by the Motor Vehicle Inspection				
25	Program.				
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1	OTHER MATTERS				
2	24. 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 Respondent Adel S. Atallah, owner of Adelinos Auto Clinic, upon a finding that				
5	Respondent has, or is, engaged in a course of repeated and willful violations of the laws and				
6	regulations pertaining to an automotive repair dealer.				
7	25. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test and Repair,				
8	Station License Number RC 209927, issued to Adel S. Atallah, owner of Adelinos Auto Clinic, is				
9	revoked or suspended, any additional license issued under this chapter in the name of said				
10	licensee may be likewise revoked or suspended by the director.				
11	26. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist				
12	Technician License Number EA 136532, issued to Adel S. Atallah, is revoked or suspended, any				
13	additional license issued under this chapter in the name of said licensee may be likewise revoked				
14	or suspended by the director.				
15	PRAYER				
16	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,				
17	and that following the hearing, the Director of Consumer Affairs issue a decision:				
18	1. Revoking or suspending Automotive Repair Dealer Registration Number				
19	ARD 209927, issued to Adel S. Atallah, owner of Adelinos Auto Clinic;				
20	2. Revoking or suspending any other automotive repair dealer registration issued to				
21	Adel S. Atallah;				
22	3. Revoking or suspending Smog Check, Test and Repair, Station License Number				
23	RC 209927, issued to Adel S. Atallah, owner of Adelinos Auto Clinic;				
24	4. Revoking or suspending Advanced Emission Specialist Technician License Number				
25	EA 136532, issued to Adel S. Atallah;				
26	5. Revoking or suspending any additional license issued under Chapter 5 of the Health				
27	and Safety Code in the name of Adel S. Atallah;				
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1	6. Ordering Adel S. Atallah,	, individually, and as owner of Adelinos Auto Clinic, to pay			
2	the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this				
3	case, pursuant to Business and Professions Code section 125.3;				
4	7. Taking such other and further action as deemed necessary and proper.				
5		$\Delta h$ $n$ $n$			
6	DATED:	SHERRY MEHL			
7		Chief Bureau of Automotive Repair			
8		Department of Consumer Affairs State of California			
9		Complainant .			
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