

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

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

MAHMOUD A. KWARA, dba XPRESS SMOG AND TEST ONLY

4624 Telephone Road

Ventura, CA 93003

Mailing Address:

4234 Avenida Simi

Simi Valley, CA 93063

Automotive Repair Dealer Registration No. ARD 259932

Smog Check Test Only Station License No. TC 259932

Respondent.

Case No. 79/21-10711

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OAH No. 2022020801

DECISION

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

This Decision shall become effective on JUL 28 2022.

DATED: June 22, 2022 
GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 KEVIN J. SCHETTIG
Deputy Attorney General
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7 *Attorneys for Complainant*

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

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13 In the Matter of the Accusation/Petition to
14 Revoke Probation Against:

15 **MAHMOUD A. KWARA, DBA XPRESS**
16 **SMOG AND TEST ONLY**
4624 Telephone Road
Ventura, CA 93003

17 **Mailing:**
18 4234 Avenida Simi
Simi Valley, CA 93063

19 **Automotive Repair Dealer Registration No.**
20 **ARD 259932**
21 **Smog Check, Test Only, Station License No.**
TC 259932

22 Respondent.

Case No. 79/21-10711

OAH No. 2022020801

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Kevin J. Schettig, Deputy Attorney
7 General.

8 2. Respondent Mahmoud A. Kwara, dba Xpress Smog and Test Only (Respondent) is
9 represented in this proceeding by attorney Michael B. Levin, whose address is: 3727 Camino del
10 Rio South, Suite 200, San Diego, CA 92108.

11 3. On or about November 12, 2009, the Bureau issued Automotive Repair Dealer
12 Registration No. ARD 259932 to Respondent. The Automotive Repair Dealer Registration was
13 in full force and effect at all times relevant to the charges brought in Accusation/Petition to
14 Revoke Probation No. 79/21-10711, and will expire on August 31, 2022, unless renewed.

15 4. On or about February 22, 2010, the Bureau issued Smog Check, Test Only, Station
16 License No. TC 259932 to Respondent. The Smog Check, Test Only, Station License was in full
17 force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke
18 Probation No. 79/21-10711, and will expire on August 31, 2022, unless renewed.

19 **JURISDICTION**

20 5. Accusation/Petition to Revoke Probation No. 79/21-10711 was filed before the
21 Director of the Department of Consumer Affairs (Director), and is currently pending against
22 Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required
23 documents were properly served on Respondent on December 9, 2021. Respondent timely filed
24 his Notice of Defense contesting the Accusation/Petition to Revoke Probation.

25 6. A copy of Accusation/Petition to Revoke Probation No. 79/21-10711 is attached as
26 Exhibit A and incorporated herein by reference.

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1 **ADVISEMENT AND WAIVERS**

2 7. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in Accusation/Petition to Revoke Probation No. 79/21-10711.
4 Respondent has also carefully read, fully discussed with counsel, and understands the effects of
5 this Stipulated Settlement and Disciplinary Order.

6 8. Respondent is fully aware of his legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right
8 to confront and cross-examine the witnesses against him; the right to present evidence and to
9 testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of
10 witnesses and the production of documents; the right to reconsideration and court review of an
11 adverse decision; and all other rights accorded by the California Administrative Procedure Act
12 and other applicable laws.

13 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
14 every right set forth above.

15 **CULPABILITY**

16 10. Respondent admits the truth of each and every charge and allegation in
17 Accusation/Petition to Revoke Probation No. 79/21-10711.

18 11. Respondent agrees that his Automotive Repair Dealer Registration and Smog Check,
19 Test Only, Station License are subject to discipline and he agrees to be bound by the Director's
20 probationary terms as set forth in the Disciplinary Order below.

21 **CONTINGENCY**

22 12. This stipulation shall be subject to approval by the Director or the Director's
23 designee. Respondent understands and agrees that counsel for Complainant and the staff of the
24 Bureau of Automotive Repair may communicate directly with the Director and staff of the
25 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
26 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
27 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
28 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the

1 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
2 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
3 and the Director shall not be disqualified from further action by having considered this matter.

4 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

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

13 15. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Director may, without further notice or formal proceeding, issue and enter the following
15 Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 259932
18 and Smog Check, Test Only, Station License No. TC 259932 issued to Respondent Mahmoud A.
19 Kwara, dba Xpress Smog and Test Only shall remain on probation and subject to all terms and
20 conditions of the Decision and Order in the disciplinary action titled *In the Matter of the*
21 *Accusation Against Xpress Smog and Test Only – Mahmoud A. Kwara, Sole Owner*, Case No.
22 79/17-9157 for an additional period of two (2) years, commencing on the effective date of the
23 Decision and Order in Case No. 79/21-10711. A copy of the Decision and Order in the
24 disciplinary action titled *In the Matter of the Accusation Against Xpress Smog and Test Only –*
25 *Mahmoud A. Kwara, Sole Owner*, Case No. 79/17-9157 is attached as Exhibit B and is
26 incorporated herein by reference.

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1 IT IS HEREBY ORDERED that Respondent shall pay the Bureau of Automotive Repair
2 \$4,059.78 for the reasonable costs of the investigation and enforcement of Case No. 79/21-10711.
3 Respondent shall make such payment over the course of the first eighteen (18) months of
4 probation. Any agreement for a scheduled payment plan shall require full payment to be
5 completed no later than six (6) months before probation terminates. Respondent shall make
6 payment by check or money order payable to the Bureau of Automotive Repair and shall indicate
7 on the check or money order that it is for cost recovery payment for Case No. 79/21-10711. Any
8 order for payment of cost recovery shall remain in effect whether or not probation is tolled.
9 Probation shall not terminate until full cost recovery payment has been made. The Bureau of
10 Automotive Repair reserves the right to pursue any other lawful measures in collecting on the
11 costs ordered and past due, in addition to taking action based upon the violation of probation.

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ACCEPTANCE

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

DATED: 5/25/2022

Signature on File
MAHMOUD A. KWARA, DBA XPRESS SMOG
AND TEST ONLY
Respondent

I have read and fully discussed with Respondent Mahmoud A. Kwara, dba Xpress Smog and Test Only the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/26/2022

Signature on File
MICHAEL B. LEVIN
Attorney for Respondent

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ENDORSEMENT

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

DATED: 5/26/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Signature on File

KEVIN J. SCHETTIG
Deputy Attorney General
Attorneys for Complainant

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