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

In the Matter of the Accusation Against:

**CYPRESS UNION 76,
MUSA S. SAMAWI, OWNER
4002 Ball Road
Cypress, CA 90630**

**Automotive Repair Dealer Registration No.
ARD 227419
Smog Check-Test Only Station License No.
TC 227419**

Respondent.

Case No. 79/15-51

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On October 7, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-51 against Musa S. Samawi, Owner of Cypress Union 76, (Respondent), before the Director of Consumer Affairs. (Accusation attached as Exhibit A)
2. On June 2, 2003, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 227419 to Respondent. The Automotive Repair Dealer Registration was due to expire on April 30, 2012, however, was cancelled on October 26, 2011.

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1 3. On June 11, 2003, the Bureau of Automotive Repair issued Smog Check-Test Only
2 Station License Number TC 227419 to Respondent. The Smog Check-Test Only Station License
3 was due to expire on April 30, 2012, however, was suspended on November 7, 2011.

4 4. On or about October 8, 2014, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 79/15-51, Statement to Respondent, Notice of Defense,
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
7 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
8 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
9 address of record was and is: 4002 Ball Road, Cypress, CA 90630.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
19 79/15-51.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Director after
25 having reviewed the proof of service dated October 8, 2014, signed by Maria G. Stawarz , finds
26 Respondent is in default. The Director will take action without further hearing and, based on
27 Accusation, No. 79/15-51, proof of service and on the Affidavit of Bureau Representative Joseph
28 B. Cheung, finds that the allegations in Accusation are true.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Musa S. Samawi, Owner of
3 Cypress Union 76, has subjected his Automotive Repair Dealer Registration No. ARD 227419
4 and his Smog Check-Test Only Station License Number TC 227419 to discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
7 Repair Dealer Registration based upon the following violations alleged in the Accusation which
8 are supported by the evidence contained in the affidavit of Bureau Representative Joseph B.
9 Cheung in this case.:

10 a. Respondent committed a violation of Health & Safety Code section 44050 in that he
11 failed to pay the administrative fine for Citation No. C2011-0508.

12 ORDER

13 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 227419 and
14 Smog Check-Test Only Station License Number TC 227419 heretofore issued to Respondent
15 Musa S. Samawi, Owner of Cypress Union 76 are revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
19 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Boulevard,
20 Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a
21 hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on January 23, 2015.

23 It is so ORDERED January 2, 2015

24
25 

26 TAMARA COLSON
27 Assistant General Counsel
28 Department of Consumer Affairs

70991235.DOC
DOJ Matter ID:SD2014707677
Attachment: Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

13 **CYPRESS UNION 76,
MUSA S. SAMAWI, OWNER
14 4002 Ball Road
Cypress, CA 90630**
15

16 **Automotive Repair Dealer Registration No. ARD 227419
Smog Check-Test Only Station License No. TC 227419**

17 Respondent.
18

Case No. 79/15-51
**ACCUSATION
(SMOG CHECK)**

19 Complainant alleges:

20 **PARTIES**

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

23 **Automotive Repair Dealer Registration**

24 2. On June 2, 2003, the Bureau of Automotive Repair issued Automotive Repair
25 Dealer Registration Number ARD-227419 to Musa S. Samawi (Respondent), Owner of Cypress
26 Union 76. The Automotive Repair Dealer Registration was due to expire on April 30, 2012,
27 however, was cancelled on October 26, 2011.

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
3 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
4 may be included in a stipulated settlement.

5 **CAUSE FOR DISCIPLINE**

6 **(Failure to Pay Administrative Fine)**

7 9. Respondent has subjected his station license to discipline pursuant to Health and
8 Safety Code section 44050, subdivision (e), for failure to pay an administrative fine. The
9 circumstances are that on October 27, 2010, the Bureau issued Citation No. C2011-0508 to
10 Respondent against his station license for violations of Health and Safety Code section 44012,
11 subdivision (f), failure to determine that emission control devices and systems required by the
12 state and federal law are installed and functioning correctly in accordance with test procedures
13 and California Code of Regulations, title 16, (Regulation), section 3340.35, subdivision (c),
14 issuing a certificate of compliance to a vehicle that was improperly tested. The Bureau assessed
15 an administrative fine in the amount of \$1,000.00. On November 10, 2010, the Bureau served
16 Respondent with the citation. On November 22, 2010, Respondent requested a timely appeal but
17 withdrew the appeal upon acceptance of a settlement on September 22, 2011. In the settlement,
18 Respondent agreed to pay the \$1,000.00 penalty by the stipulated deadline of November 6, 2011.
19 Respondent did not pay the administrative fine.

20 **OTHER MATTERS**

21 10. Under Health and Safety Code section 44072.8, if Smog Check Station License
22 Number TC 227419, issued to Musa S. Samawi, Owner of Cypress Union 76, is revoked or
23 suspended, any additional license issued under this chapter in the name of said licensee may be
24 likewise revoked or suspended by the director.

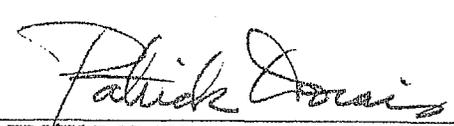
25 **PRAYER**

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

28 ///

- 1 1. Revoking Automotive Repair Dealer Registration Number ARD 227419, issued
- 2 to Musa S. Samawi, Owner of Cypress Union 76;
- 3 2. Revoking Smog Check-Test Only Station License Number TC 227419, issued to
- 4 Musa S. Samawi, Owner of Cypress Union 76;
- 5 3. Ordering Musa S. Samawi to pay the Bureau of Automotive Repair the reasonable
- 6 costs of the investigation and enforcement of this case, pursuant to Business and Professions
- 7 Code section 125.3;
- 8 4. Taking such other and further action as deemed necessary and proper.
- 9
- 10

11
12 DATED: October 7, 2014



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

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