



Bureau of Automotive Repair

Case Management & Enforcement Statistics
10949 North Mather Blvd.
Rancho Cordova, CA 95670
916.403-8060 Telephone
916.464-2879 Fax

www.smogcheck.ca.gov



October 2, 2014

CHARBEL ELKHOURY
5623 AVENIDA CLASSICA
PALMDALE, CA 93551

Re: Stipulated Decision and Order
79/12-46

Dear Mr. Elkhoury:

As a condition of probation in the matter of Stipulated Decision and Order, No. 79/12-46, you are required to attend, successfully complete and provide proof of completion for a 68-hour Bureau approved Smog Check Inspector Course (Level 1) within 180 days of the effective date of the Decision. The decision is effective October 17, 2014, therefore, the training is to be completed no later than April 17, 2015. If you fail to provide proof of completion of the training by that date, a lock out will be placed on your license.

A listing of BAR approved training schools can be found at the following website:

<http://www.bar.ca.gov/SchoolSearch/>

Sincerely,

A handwritten signature in cursive script that reads 'Rebecca Harris'.

Rebecca Harris
Associate Governmental Program Analyst

cc: Valencia Field Office
Fran Worden

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

In the Matter of the Accusation Against:

M & M TEST ONLY;
CHARBEL ELKHOURY,
aka CHARBEL EL KHOURY, Owner
6810 Hayvenhurst Avenue, #A
Van Nuys, CA 91406
Automotive Repair Dealer Registration No.
ARD 229547
Smog Check Test Only Station License No.
TC 229547

and

CHARBEL ELKHOURY
aka CHARBEL EL KHOURY
5623 Avenida Classica
Palmdale, CA 93551
Smog Check Inspector License No.
EO 142229
Smog Check Repair Technician License No.
EI 142229 (Previously designated as
Advanced Emission Specialist Technician
License No. EA 142229),

Respondents.

Case No. 79/12-46

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 October 17, 2014.

DATED: September 29, 2014


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 TERRENCE M. MASON
Deputy Attorney General
4 State Bar No. 158935
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6294
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10
11 In the Matter of the Accusation Against:

Case No. 79/12-46

12 **M & M TEST ONLY;**
13 **CHARBEL ELKHOURY,**
aka CHARBEL EL KHOURY, Owner
14 6810 Hayvenhurst Avenue, #A
Van Nuys, CA 91406
Automotive Repair Dealer Registration No. ARD
15 229547
Smog Check Test Only Station License No. TC 229547
16

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

(Smog Check)

17 **and**

18 **CHARBEL ELKHOURY**
aka Charbel El Khoury
19 5623 Avenida Classica
Palmdale, CA 93551
Smog Check Inspector License No. EO 142229
20 Smog Check Repair Technician License No. EI 142229
(Previously designated as Advanced Emission
21 Specialist Technician License No. EA 142229),

22 Respondents.
23

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

26 ////
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28

1 142229.¹ These licenses became effective on March 11, 2013, and are set to expire on March 31,
2 2015, unless renewed.

3 JURISDICTION

4 6. Accusation No. 79/12-46 was filed before the Director of Consumer Affairs
5 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
6 Respondents. The Accusation and all other statutorily required documents were properly served
7 on Respondents on December 9, 2011. Respondents timely filed their Notice of Defense
8 contesting the Accusation.

9 7. A copy of Accusation No. 79/12-46 is attached as Exhibit A and incorporated herein
10 by reference.

11 ADVISEMENT AND WAIVERS

12 8. Respondents have carefully read, fully discussed with counsel, and understand the
13 charges and allegations in Accusation No. 79/12-46. Respondents have also carefully read, fully
14 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
15 Order.

16 9. Respondents are fully aware of their legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 their own expense; the right to confront and cross-examine the witnesses against them; the right
19 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents; the right to reconsideration
21 and court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
24 every right set forth above.

25 ///

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

1 CULPABILITY

2 11. Respondents admit the truth of each and every charge and allegation in Accusation
3 No. 79/12-46. Any admissions, be they general or specific, express or implied, do not constitute
4 admissions for any other purpose or proceeding to which the Department of Consumer Affairs or
5 the Bureau of Automotive Repair are not a party, including third party civil, criminal, or
6 administrative proceedings.

7 12. Respondents M & M Test Only and Charbel Elkhoury, aka Charbel El Khoury, agree
8 that their Automotive Repair Dealer Registration, Smog Check Test Only Station License, Smog
9 Check Inspector License, and Smog Check Repair Technician License are each subject to
10 discipline and they agree to be bound by the Director's probationary terms as set forth in the
11 Disciplinary Order below.

12 CONTINGENCY

13 13. This stipulation shall be subject to approval by the Director of Consumer Affairs or
14 his designee. Respondents understand and agree that counsel for Complainant and the staff of the
15 Bureau of Automotive Repair may communicate directly with the Director and staff of the
16 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
17 participation by Respondent or their counsel. By signing the stipulation, Respondents understand
18 and agree that they may not withdraw this agreement or seek to rescind the stipulation prior to the
19 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
20 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
21 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
22 and the Director shall not be disqualified from further action by having considered this matter.

23 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
25 effect as the originals.

26 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 16. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Director may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 229547
9 and Smog Check Test Only Station License No. TC 229547 issued to Respondent M & M Test
10 Only and Smog Check Inspector License No. EO 142229 and Smog Check Repair Technician
11 License No. EI 142229 issued to Respondent Charbel Elkhoury, aka Charbel El Khoury, are each
12 revoked. However, the revocations of the Smog Check Inspector License and Smog Check
13 Repair Technician License are stayed and Respondent Charbel Elkhoury, aka Charbel El Khoury,
14 is placed on probation for two (2) years on the following terms and conditions.

15 1. **Actual Suspension.** Smog Check Inspector License No. EO 142229 and Smog
16 Check Repair Technician License No. EI 142229 issued to Respondent Charbel Elkhoury, aka
17 Charbel El Khoury are each suspended for five (5) consecutive days to begin on the effective date
18 of the decision.

19 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
20 automotive inspections, estimates and repairs.

21 3. **Reporting.** Respondents or Respondents' authorized representative must report in
22 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
23 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
24 maintaining compliance with the terms and conditions of probation.

25 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report
26 any financial interest which any partners, officers, or owners of the Respondent facility may have
27 in any other business required to be registered pursuant to Section 9884.6 of the Business and
28 Professions Code.

1 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
2 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

3 6. **Jurisdiction.** If an accusation is filed against either Respondent during the terms of
4 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
5 until the final decision on the accusation, and the period of probation shall be extended until such
6 decision.

7 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that
8 either Respondent has failed to comply with the terms and conditions of probation, the
9 Department may, after giving notice and opportunity to be heard, temporarily or permanently
10 invalidate the registration and/ or suspend or revoke the license.

11 8. **Training Course.** Within one hundred eighty (180) days of the effective date of the
12 decision, Respondent Charbel Elkhoury, aka Charbel El Khoury, shall attend and successfully
13 complete a 68-hour Bureau Certified Licensed Inspector Training Course (Level I), and submit
14 proof of successful completion to the Bureau. If proof of completion of the course is not furnished
15 to the Bureau within the 180-day period, Respondent Charbel Elkhoury's, aka Charbel El
16 Khoury's, Smog Check Inspector and Smog Check Repair Technician License shall each be
17 immediately suspended until such proof is received.

18 9. **Cost Recovery.** Payment to the Bureau of the full amount of cost recovery in the
19 amount of \$5132.00 shall be received no later than twelve (12) months before probation
20 terminates. Respondents shall be jointly and severally responsible for full cost recovery. Failure
21 to complete payment of cost recovery within the 12-month time frame shall constitute a violation
22 of probation which may subject Respondents' registration and licenses to outright revocation;
23 however, the Director or the Director's Bureau of Automotive Repair designee may elect to
24 continue probation until such time as reimbursement of the entire cost recovery amount has been
25 made to the Bureau. Respondents will be permitted to make twelve (12) equal monthly
26 installments of \$427.67.

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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, Smog Check Test Only Station License, Smog Check Inspector License, and Smog Check Repair Technician 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 Consumer Affairs.

DATED: 8-20-14 Charbel El Khoury
CHARBEL ELKHOURY,
aka CHARBEL EL KHOURY, Owner
M & M TEST ONLY
Respondent(s)

I have read and fully discussed with Respondents M & M Test Only and Charbel Elkhoury, aka Charbel El Khoury, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/20/14 Michael B. Levin
MICHAEL B. LEVIN
Attorney for Respondent(s)

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

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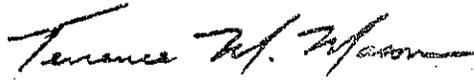
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submitted for consideration by the Director of Consumer Affairs.

DATED: August 21, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



TERRENCE M. MASON
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 79/12-46

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 TERRENCE M. MASON
Deputy Attorney General
4 State Bar No. 158935
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6294
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 79/12-46

11 **M & M TEST ONLY**
12 **CHARBEL ELKHOURY**
13 **aka CHARBEL EL KHOURY, Owner**
14 **6810 Hayvenhurst Avenue, #A**
Van Nuys, CA 91406
15 **Automotive Repair Dealer Registration No. ARD**
229547
16 **Smog Check Test Only Station License No. TC**
229547

ACCUSATION

SMOG CHECK

17 **CHARBEL ELKHOURY**
18 **aka CHARBEL EL KHOURY**
19 **5623 Avenida Classica**
20 **Palmdale, CA 93551**
Advanced Emission Specialist Technician No. EA
142229

21 Respondent.

22
23 Sherry Mehl ("Complainant") alleges:

24 **PARTIES**

25 1. Complainant brings this Accusation solely in her official capacity as the Chief of
26 the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

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1 **Automotive Repair Dealer Registration**

2 2. On or about October 13, 2004, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 229547 ("registration") to Charbel El Khoury, also known as Charbel
4 Elkhoury ("Respondent"), doing business as M & M Test Only. The registration was in full force
5 and effect at all times relevant to the charges brought herein and will expire on
6 September 30, 2011, unless renewed.

7 **Smog Check Test Only Station License**

8 3. On or about December 5, 2003, the Bureau issued Smog Check Test Only Station
9 License Number TC 229547 ("station license") to Respondent doing business as M & M Test
10 Only. The station license was in full force and effect at all times relevant to the charges brought
11 herein and will expire on September 30, 2011, unless renewed.

12 **Advanced Emission Specialist Technician License**

13 4. In or about 2000, the Bureau issued Advanced Emission Specialist Technician
14 License Number EA 142229 ("technician license") to Respondent. The technician license was in
15 full force and effect at all times relevant to the charges brought herein and will expire on
16 March 31, 2013, unless renewed.

17 **STATUTORY PROVISIONS**

18 5. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
19 part:

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

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

26 (4) Any other conduct which constitutes fraud.

27 (6) Failure in any material respect to comply with the provisions of this
28 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or
regulations adopted pursuant to it.

1 (b) Except as provided for in subdivision (c), if an automotive repair
2 dealer operates more than one place of business in this state, the director pursuant to
3 subdivision (a) shall only suspend, revoke, or place on probation the registration of
the specific place of business which has violated any of the provisions of this chapter.
This violation, or action by the director, shall not affect in any manner the right of the
automotive repair dealer to operate his or her other places of business.

4 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
5 place on probation the registration for all places of business operated in this state by
6 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
adopted pursuant to it.

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

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

14 8. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

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

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1 10. Section 44072.8 of the Health and Safety Code states:

2 When a license has been revoked or suspended following a hearing under
3 this article, any additional license issued under this chapter in the name of the
4 licensee may be likewise revoked or suspended by the director.

5 **COST RECOVERY**

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

10 **UNDERCOVER OPERATION – SEPTEMBER 20, 2010**

11 12. On or about September 20, 2010, a Bureau undercover operator (“operator”) drove
12 a Bureau-documented 1995 Ford Econoline-350 (“vehicle”) to Respondent’s facility and
13 requested a smog inspection. The vehicle could not pass a smog inspection because the vehicle’s
14 air injection pump was missing. The operator signed a work order and received a copy.
15 Respondent performed the smog inspection and issued electronic Certificate of Compliance No.
16 [REDACTED] certifying that he had tested and inspected the vehicle and that the vehicle was in
17 compliance with applicable laws and regulations. In fact, the vehicle could not have passed the
18 visual portion of the smog inspection because the vehicle’s air injection pump was missing.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 13. Respondent’s registration is subject to discipline pursuant to Code section 9884.7,
22 subdivision (a)(1), in that on or about September 20, 2010, he made or authorized statements
23 which he knew or in the exercise of reasonable care he should have known to be untrue or
24 misleading by issuing electronic Certificate of Compliance No. [REDACTED] for the vehicle,
25 certifying that the vehicle was in compliance with applicable laws and regulations. In fact, the
26 vehicle could not have passed the visual portion of the smog inspection because the vehicle’s air
27 injection pump was missing.

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1 a. **Section 3340.35, subdivision (c):** Respondent issued electronic Certificate of
2 Compliance No. [REDACTED] for the vehicle even though the vehicle had not been inspected in
3 accordance with section 3340.42.

4 b. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
5 vehicle in accordance with the Bureau's specifications.

6 **FIFTH CAUSE FOR DISCIPLINE**

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

8 17. Respondent's station license is subject to discipline pursuant to Health & Safety
9 Code section 44072.2, subdivision (d), in that on or about September 20, 2010, he committed
10 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic Certificate
11 of Compliance No. [REDACTED] for the vehicle without performing a bona fide inspection of the
12 emission control devices and systems on the vehicle, thereby depriving the People of the State of
13 California of the protection afforded by the Motor Vehicle Inspection Program.

14 **SIXTH CAUSE FOR DISCIPLINE**

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

16 18. Respondent's technician license is subject to discipline pursuant to Health and
17 Safety Code section 44072.2, subdivision (a), in that on or about September 20, 2010, he violated
18 the following sections of that Code:

19 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission
20 control devices and systems required by law were installed and functioning correctly in
21 accordance with test procedures.

22 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control
23 tests on the vehicle in accordance with procedures prescribed by the department.

24 c. **Section 44032:** Respondent failed to perform tests of the emission control devices
25 and systems on the vehicle in accordance with section 44012 of that Code.

26 ///

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1 3340.35(c) (issuing a certificate of compliance to a vehicle that was improperly tested), for
2 issuing a certificate of compliance to a Bureau undercover vehicle that was missing the positive
3 crankcase ventilation system. The Bureau assessed civil penalties totaling \$500 against
4 Respondent for the violations. Respondent paid the Citation on June 2, 2008.

5 b. On or about May 20, 2008, the Bureau issued Citation No. C08-1028 against
6 Respondent's registration and station licenses for violations of Health and Safety Code section
7 44012(f) (failure to perform a visual/functional check of emission control devices according to
8 procedures prescribed by the department), and California Code of Regulations, title 16, section
9 3340.35(c) (issuing a certificate of compliance to a vehicle that was improperly tested), for
10 issuing a certificate of compliance to a Bureau undercover vehicle that was missing a fuel
11 evaporative canister. The Bureau assessed civil penalties totaling \$1000 against Respondent for
12 the violations. On or about July 31, 2008, Respondent appealed the Citation. On or about
13 August 4, 2009, a hearing was held regarding the appeal. On or about October 21, 2009, the
14 Citation was affirmed. Respondent paid the Citation on February 1, 2010.

15 c. On or about October 21, 2008, the Bureau issued Citation No. C09-0394 against
16 Respondent's registration and station licenses for violations of Health and Safety Code section
17 44012(f) (failure to perform a visual/functional check of emission control devices according to
18 procedures prescribed by the department), in that Respondent performed an improper inspection.
19 The Bureau assessed civil penalties totaling \$2,000 against Respondent for the violations. On or
20 about December 24, 2008, Respondent appealed the Citation. On or about August 4, 2009, a
21 hearing was held regarding the appeal. On or about October 21, 2009, the Citation was affirmed.
22 Respondent paid the Citation on February 1, 2010.

23 d. On or about February 28, 2008, the Bureau issued Citation No. M08-0729 against
24 Respondent's technician license for violations of Health and Safety Code section 44032 (failure
25 to perform tests and inspections in accordance with Health and Safety Code section 44012), and
26 California Code of Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in
27 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
28 Regulations, title 16, section 3340.42) for issuing a certificate of compliance to a Bureau

1 undercover vehicle with a missing positive crankcase ventilation system. Respondent was
2 required to attend an 8-hour training course. On or about May 30, 2008, Respondent completed
3 the required training course.

4 e. On or about May 30, 2008, the Bureau issued Citation No. M08-1029 against
5 Respondent's technician license for violations of Health and Safety Code section 44032 (failure
6 to perform tests and inspections in accordance with Health and Safety Code section 44012), and
7 California Code of Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in
8 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
9 Regulations, title 16, section 3340.42) for issuing a certificate of compliance to a Bureau
10 undercover vehicle that was missing a fuel evaporative canister. Respondent was required to take
11 a 16-hour training course. On or about July 31, 2008, Respondent appealed the Citation. On or
12 about August 4, 2009, a hearing was held regarding the appeal. On or about October 21, 2009,
13 the Citation was affirmed. Respondent completed the training course on March 3, 2010.

14 f. On or about October 21, 2008, the Bureau issued Citation No. M09-0395 against
15 Respondent's technician license for violations of Health and Safety Code section 44032 (failure
16 to perform tests and inspections in accordance with Health and Safety Code section 44012), and
17 California Code of Regulations, title 16, section 3340.30(a) (inspect, test, and repair vehicles in
18 accordance with Health and Safety Code sections 44012 and 44035, and California Code of
19 Regulations, title 16, section 3340.42) in that Respondent performed an improper inspection.
20 Respondent was required to take a 68-hour Clean Air Car training course. On or about
21 December 24, 2008, Respondent appealed the Citation. On or about August 4, 2009, a hearing
22 was held regarding the appeal. On or about October 21, 2009, the Citation was affirmed.
23 Respondent completed the training course on February 12, 2010.

24 OTHER MATTERS

25 22. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
26 probation the registrations for all places of business operated in this state by Charbel Elkhoury,
27 also known as Charbel El Khoury, upon a finding that he has, or is, engaged in a course of
28

1 repeated and willful violation of the laws and regulations pertaining to an automotive repair
2 dealer.

3 23. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
4 Station License Number TC 229547, issued to Charbel Elkhoury, also known as Charbel El
5 Khoury, is revoked or suspended, any additional license issued under this chapter in the name of
6 said licensee may be likewise revoked or suspended by the director.

7 24. Pursuant to Health and Safety Code section 44072.8, if Advanced Emission Specialist
8 Technician License Number EA 142229, issued to Charbel Elkhoury, also known as Charbel El
9 Khoury, is revoked or suspended, any additional license issued under this chapter in the name of
10 said licensee may be likewise revoked or suspended by the director.

11 **PRAYER**

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

14 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD
15 229547, issued to Charbel Elkhoury, also known as Charbel El Khoury, doing business as M & M
16 Test Only;

17 2. Revoking or suspending any other automotive repair dealer registration issued to
18 Charbel Elkhoury, also known as Charbel El Khoury;

19 3. Revoking or suspending Smog Check Test Only Station License Number TC
20 229547, issued to Charbel Elkhoury, also known as Charbel El Khoury, doing business as M & M
21 Test Only;

22 4. Revoking or suspending Advanced Emission Specialist Technician License
23 Number EA 142229, issued to Charbel Elkhoury, also known as Charbel El Khoury;

24 5. Revoking or suspending any additional license issued under Chapter 5 of the
25 Health and Safety Code in the name of Charbel Elkhoury, also known as Charbel El Khoury;

26 6. Ordering Charbel Elkhoury, also known as Charbel El Khoury to pay the Director
27 of Consumer Affairs the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Code section 125.3; and,

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7. Taking such other and further action as deemed necessary and proper.

DATED: 10/11/11

Sherry Mehl by Doug Balatti
SHERRY MEHL DOUG BALATTI
Chief Asst. Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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