

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

In the Matter of the First Amended Accusation
Against:

**FLORIDA N. ZEIT
DBA Z AND T TEST ONLY**
6094 Mission Blvd #A
Riverside, CA 92509

Automotive Repair Dealer Registration No.
ARD 234019
Smog Check, Test Only, Station License No.
TC 234019

and

JEHAD M. EL-ABED
21307 Shakespeare Court
Moreno Valley, CA 92557

Smog Check Inspector License No. EO 24535
(formerly Advanced Emission Specialist
Technician License No. EA 24535)

Respondents.

Case No. 79/13-04

OAH No. 2013020136

DECISION

The attached Stipulation for Revocation of License and Order as to Florida N. Zeit DBA Z and T Test Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Florida N. Zeit, dba Z and T Test Only, Automotive Repair Dealer Registration No. ARD 234019 and Smog Check, Test Only, Station License No. TC 243019.

This Decision shall become effective 12/27/13.

DATED: November 27, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
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6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the First Amended Accusation
Against:

Case No. 79/13-04

13 **FLORIDA N. ZEIT**
14 **DBA Z AND T TEST ONLY**
15 **6094 Mission Blvd #A**
Riverside, CA 92509

OAH No. 2013020136

STIPULATION FOR REVOCATION OF
LICENSE AND ORDER AS TO
FLORIDA N. ZEIT
DBA Z AND T TEST ONLY

16 **Automotive Repair Dealer Registration No.**
ARD 234019
17 **Smog Check, Test Only Station License No.**
TC 234019

18 and

19 **JEHAD M. EL-ABED**
20 **21307 Shakespeare Court**
Moreno Valley, CA 92557

21 **Smog Check Inspector License No. EO**
22 **24535 (formerly Advanced Emission**
23 **Specialist Technician License No. EA 24535)**

24 Respondents.

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

28 ///

1 **PARTIES**

2 1. Patrick Dorais (Complainant) is the Acting Chief of the Bureau of Automotive Repair
3 (BAR). He brought this action solely in his official capacity and is represented in this matter by
4 Kamala D. Harris, Attorney General of the State of California, by David E. Hausfeld, Deputy
5 Attorney General.

6 2. Florida N. Zeit, dba Z and T Test Only (Respondent) is represented in this proceeding
7 by attorney Michael B. Levin, whose address is: Michael B. Levin, Law Offices of Michael B.
8 Levin, 3727 Camino del Rio South, Suite 200, San Diego, CA 92108-4035.

9 3. On a date uncertain in 2004, the BAR issued Automotive Repair Dealer Registration
10 Number ARD 234019 to Florida N. Zeit, dba Z and T Test Only (Respondent). The Registration
11 was in full force and effect at all times relevant to the charges brought herein and expired on June
12 30, 2013, and has not been renewed.

13 4. On or about August 3, 2004, the BAR issued Smog Check, Test Only, Station License
14 Number TC 234019 to Florida N. Zeit, dba Z and T Test Only (Respondent). The Smog Check,
15 Test Only Station License was in full force and effect at all times relevant to the charges brought
16 herein and expired on June 30, 2013, and has not been renewed.

17 **JURISDICTION**

18 5. Accusation No. 79/13-04 was filed before the Director of Consumer Affairs
19 (Director), for the BAR. The Accusation and all other statutorily required documents were
20 properly served on Respondent on July 26, 2012. Respondent timely filed her Notice of Defense,
21 through counsel, contesting the Accusation.

22 6. First Amended Accusation No. 79/13-04 was filed before the Director, for the BAR,
23 and is currently pending against Respondent. The First Amended Accusation and all other
24 statutorily required documents were properly served on Respondent and her attorney on October
25 2, 2013.

26 7. A copy of First Amended Accusation No. 79/13-04 is attached as Exhibit A and
27 incorporated herein by reference.

28 ///

1 **ADVISEMENT AND WAIVERS**

2 8. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in First Amended Accusation No. 79/13-04. Respondent has also
4 carefully read, fully discussed with counsel, and understands the effects of this Stipulation for
5 Revocation of License and Order.

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

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

15 **CULPABILITY**

16 11. Respondent admits the truth of each and every charge and allegation in First
17 Amended Accusation No. 79/13-04, agrees that cause exists for discipline and hereby stipulates to
18 the revocation of her Automotive Repair Dealer Registration No. ARD 234019, and her Smog
19 Check, Test Only Station License No. TC 234019.

20 12. Any admissions made by Respondent herein, whether general or specific, express or
21 implied, do not constitute admissions for any other purpose or proceeding to which the
22 Department of Consumer Affairs or Bureau of Automotive Repair are not a party, including third
23 party civil, criminal or administrative proceedings.

24 13. Respondent understands that by signing this stipulation she enables the Director to
25 issue an order revoking her Automotive Repair Dealer Registration No. ARD 234019, and her
26 Smog Check, Test Only Station License No. TC 234019, without further process.

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and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10-23-13 Florida N. Zeit
FLORIDA N. ZEIT,
DBA Z AND T TEST ONLY
Respondent

I have read and fully discussed with Respondent Florida N. Zeit, dba Z and T Test Only the terms and conditions and other matters contained in the above Stipulation for Revocation of License and Order. I approve its form and content.

DATED: _____
MICHAEL B. LEVIN,
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulation for Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: _____
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

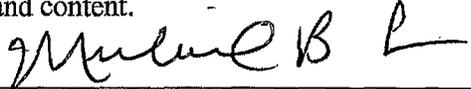
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and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: _____
FLORIDA N. ZEIT,
DBA Z AND T TEST ONLY
Respondent

I have read and fully discussed with Respondent Florida N. Zeit, dba Z and T Test Only the terms and conditions and other matters contained in the above Stipulation for Revocation of License and Order. I approve its form and content.

DATED: 10/23/13 
MICHAEL B. LEVIN,
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulation for Revocation of License and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: _____
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

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1 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
2 Order of the Director of Consumer Affairs.

3 DATED: _____

4 FLORIDA N. ZEIT,
5 DBA Z AND T TEST ONLY
6 Respondent

7 I have read and fully discussed with Respondent Florida N. Zeit, dba Z and T Test Only the
8 terms and conditions and other matters contained in the above Stipulation for Revocation of
9 License and Order. I approve its form and content.

10 DATED: _____

11 MICHAEL B. LEVIN,
12 Attorney for Respondent

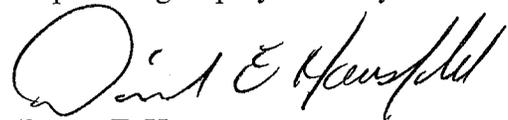
13 **ENDORSEMENT**

14 The foregoing Stipulation for Revocation of License and Order is hereby respectfully
15 submitted for consideration by the Director of Consumer Affairs

16 Dated: 10/23/10

17 Respectfully submitted,

18 KAMALA D. HARRIS
19 Attorney General of California
20 JAMES M. LEDAKIS
21 Supervising Deputy Attorney General



22 DAVID E. HAUSFELD
23 Deputy Attorney General
24 *Attorneys for Complainant*

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Exhibit A

First Amended Accusation No. 79/13-04

1 KAMALA D. HARRIS
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2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
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Telephone: (619) 645-2025
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **Z AND T TEST ONLY**
13 **FLORIDA N. ZEIT, OWNER**
6094 Mission Blvd #A
Riverside, CA 92509

Case No. 79/13-04

FIRST AMENDED ACCUSATION

14 Automotive Repair Dealer Registration No.
15 **ARD 234019**
16 Smog Check, Test Only, Station License No.
TC 234019

17 **and**

18 **JEHAD M. EL-ABED**
21307 Shakespeare Court
19 Moreno Valley, CA 92557

20 Smog Check Inspector License No. **EO**
21 **24535 (formerly Advanced Emission**
Specialist Technician License No. EA 24535)

22 Respondents.

23
24 Complainant alleges:

25 **PARTIES**

26 1. Patrick Dorais (Complainant) brings this First Amended Accusation solely in his
27 official capacity as the Acting Chief of the Bureau of Automotive Repair (BAR), Department of
28 Consumer Affairs.

1 7. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent
2 part, that the Director has all the powers and authority granted under the Automotive Repair Act
3 for enforcing the Motor Vehicle Inspection Program.

4 8. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
5 suspension of a license by operation of law, or by order or decision of the Director of Consumer
6 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
7 of jurisdiction to proceed with disciplinary action.

8 9. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board" includes
9 "bureau," "commission," "committee," "department," "division," "examining committee,"
10 "program," and "agency." "License" includes certificate, registration or other means to engage in
11 a business or profession regulated by the Bus. & Prof. Code.

12 10. Section 9884.7 of the Code states:

13
14 (a) The director, where the automotive repair dealer cannot show there was a
15 bona fide error, may deny, suspend, revoke, or place on probation the registration
16 of an automotive repair dealer for any of the following acts or omissions 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.

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

20

21 (4) Any other conduct that constitutes fraud.

22

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

25

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

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11. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

....

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

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

....

12. Health & Saf. Code section 44072.8 states:

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

13. California Code of Regulations, title 16, section 3340.28, subdivision (e), states:

"Upon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

STATUTORY PROVISIONS

14. Health & Saf. Code section 44072.10 states, in pertinent part:

....

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

....

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

1 accordance with the bureau's BAR 97 Emissions Inspection System Specifications referenced in
2 subsections (a) and (b) of Section 3340.17.

3 COSTS

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

8 VID DATA REVIEW

9 22. In or about January 2012, the BAR initiated an investigation of Respondents based on
10 a review of information from the BAR's vehicle information database (VID), which indicated that
11 Respondents may be engaging in fraudulent smog check inspections.

12 23. Beginning in January of 2012, a representative of the BAR conducted a detailed
13 review of VID data for all smog inspections performed at Respondent's automotive repair
14 dealership for the period of October 13, 2011, through January 13, 2012. The review showed a
15 pattern of OBD II test² diagnostic trouble codes stored in the memory of the power train control
16 module (PCM) on different vehicles that received smog certificates in the four month period. The
17 BAR specifically examined the VID data, in detail, for five of the vehicles that were certified
18 from December 12, 2011 to December 29, 2011 and it was determined that none of them support
19 the OBD II code. Vehicles 1 through 5, set forth in Table 1 in paragraph 23 below, were all
20 certified with various pending codes stored in the PCM memory while the original equipment
21 manufacturer (OEM) service information shows these vehicles do not support the pending codes
22 stored in the PCM memory.

23 ² The On Board Diagnostic, generation II ("OBD II"), functional test is an automated
24 function of the BAR-97 Emissions Inspection System analyzer ("EIS"). The EIS includes a
25 computer based, five-gas analyzer that tests vehicles under simulated driving conditions to detect
26 oxides of nitrogen, hydrocarbons, and carbon monoxide emissions. During the OBD II functional
27 test, the technician is required to connect an interface cable from the EIS to a Diagnostic Link
28 Connector (DLC) which is located inside the vehicle. Through the DLC, the EIS automatically
retrieves information from the vehicle's on-board computer about the status of the readiness
indicators, trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD
II functional test, it will fail the overall inspection.

23. The BAR representative obtained information indicating that none of these codes were applicable to the five vehicles. The VID data also showed that the inspections on all of the vehicles were performed under the technician license of Respondent El-Abed. The BAR concluded that Respondents performed the smog inspections on the vehicles using a different vehicle(s) during the OBD II tests, a method known as "clean plugging,"³ resulting in the issuance of fraudulent certificates of compliance for the vehicles that were tested as outlined in the following table.

TABLE 1

Date & Time of Inspection	Vehicle Certified & License or VIN No.	Certificate No.
1. 12/12/2011 14:34 – 14:43	2000 Toyota Echo; License No. 4KCE443	XB569741C
2. 12/14/2011 16:02 – 16:10	2002 Toyota Corolla; License No. 4VQA296	XB668656C
3. 12/15/2011 14:08 – 14:17	1997 Toyota 4Runner; License No. 3UBY980	XB668662C
4. 12/21/2011 14:44 – 14:51	2003 Toyota Corolla; License No. 5AIF595	XB767158C
5. 12/29/2011 16:42 – 16:49	1997 Hyundai Elantra; License No. 5BLD177	XB853671C

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

24. Respondent Zeit's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that they made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading as

³ Clean-plugging is the use of the OBD II readiness monitor status and stored code status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is not in compliance due to the noncompliant vehicle's failure to complete the minimum number of self tests, known as monitors, or due to the presence of a stored code that indicates an emission control system or component failure. Clean plugging occurs during the inspection of a vehicle that has an OBD II system. To clean plug a vehicle, the smog technician enters information into the EIS for the vehicle the technician wishes to certify and then plugs the OBD II system connection from the EIS into another vehicle that has a properly functioning OBD II system, rather than plugging the connection into the vehicle that was originally identified for testing.

1 follows: Respondent certified that vehicles 1 through 5, identified in Table 1 above, had passed
2 inspection and were in compliance with applicable laws and regulations. In fact, Respondent
3 conducted the inspections on the vehicles using clean-plugging methods in that, a different
4 vehicle(s) was substituted during the OBD II functional tests in order to issue smog certificates of
5 compliance for the vehicles, and the vehicles were not tested or inspected, as required by Health
6 and Safety Code section 44012.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 25. Respondent Zeit's registration is subject to disciplinary action under pursuant to Bus.
10 & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute
11 fraud by issuing electronic smog certificates of compliance for the vehicles 1 through 5, identified
12 in Table 1 above, without performing bona fide inspections of the emission control devices and
13 systems on the vehicles, thereby depriving the People of the State of California of the protection
14 afforded by the Motor Vehicle Inspection Program.

15 **THIRD CAUSE FOR DISCIPLINE**

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

17 26. Respondent Zeit's smog check station license is subject to disciplinary action
18 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
19 comply with the following sections of that Code:

20 a. **Section 44012, subdivision (a):** Respondent failed to ensure that all emission control
21 devices and systems required by law for vehicles 1 through 5, identified in Table 1 above, were
22 installed and functioning correctly in accordance with test procedures.

23 b. **Section 44012, subdivision (f):** Respondent failed to ensure that the emission
24 control tests were performed on vehicles 1 through 5, identified in Table 1 above, in accordance
25 with procedures prescribed by the department.

26 c. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
27 compliance for vehicles 1 through 5, identified in Table 1 above, without ensuring that the
28

1 vehicles were properly tested and inspected to determine if they were in compliance with Health
2 & Saf. Code section 44012.

3 d. **Section 44059:** Respondent willfully made false entries for electronic certificates of
4 compliance for vehicles 1 through 5, identified in Table 1 above, by certifying that the vehicles
5 had been inspected as required when, in fact, they had not.

6 **FOURTH CAUSE FOR DISCIPLINE**

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

8 27. Respondent Zeit's smog check station license is subject to disciplinary action
9 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
10 comply with provisions of California Code of Regulations, title 16, as follows:

11 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
12 electronic smog certificates of compliance for vehicles 1 through 5, identified in Table 1 above.

13 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
14 compliance for vehicles 1 through 5, identified in Table 1 above, even though the vehicles had
15 not been inspected in accordance with section 3340.42.

16 c. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
17 conducted on vehicles 1 through 5, identified in Table 1 above, in accordance with the BAR's
18 specifications.

19 **FIFTH CAUSE FOR DISCIPLINE**

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

21 28. Respondent Zeit's smog check station license is subject to disciplinary action
22 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
23 dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog
24 certificates of compliance for the vehicles 1 through 5, identified in Table 1 above, 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.

28 ///

1 SIXTH CAUSE FOR DISCIPLINE

2 (Violations of the Motor Vehicle Inspection Program)

3 29. Respondent El-Abed's technician license is subject to disciplinary action pursuant to
4 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with the
5 following sections of that Code:

6 a. **Section 44012, subdivision (a):** Respondent failed to ensure that all emission control
7 devices and systems required by law for vehicles 1 through 5, identified in Table 1 above, were
8 installed and functioning correctly in accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent failed to perform the emission control
10 tests on vehicles 1 through 5, identified in Table 1 above, in accordance with procedures
11 prescribed by the department.

12 c. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of
13 compliance for vehicles 1 through 5, identified in Table 1 above, without properly testing and
14 inspecting the vehicles to determine if they were in compliance with Health & Saf. Code section
15 44012.

16 d. **Section 44059:** Respondent willfully made false entries for electronic certificates of
17 compliance for vehicles 1 through 5, identified in Table 1 above, by certifying that the vehicles
18 had been inspected as required when, in fact, they had not.

19 SEVENTH CAUSE FOR DISCIPLINE

20 (Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)

21 30. Respondent El-Abed's technician license is subject to disciplinary action pursuant to
22 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with
23 provisions of California Code of Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
25 electronic smog certificates of compliance for vehicles 1 through 5, identified in Table 1 above.

26 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test vehicles 1
27 through 5, identified in Table 1 above, in accordance with Health & Saf. Code sections 44012 and
28 44035, and California Code of Regulations, title 16, section 3340.42.

1 c. **Section 3340.41, subdivision (c):** Respondent entered into the emissions inspection
2 system vehicle identification information or emission control system identification data for a
3 vehicle other than the one being tested for vehicles 1 through 5, identified in Table 1 above.

4 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on vehicles 1
5 through 5, identified in Table 1 above, in accordance with the Bureau's specifications.

6 **EIGHTH CAUSE FOR DISCIPLINE**

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

8 31. Respondent El-Abed's technician license is subject to disciplinary action pursuant to
9 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,
10 fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of
11 compliance for the vehicles 1 through 5, identified in Table 1 above, without performing bona
12 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
13 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
14 Program.

15 **OTHER MATTERS**

16 32. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
17 suspend, revoke or place on probation the registration for all places of business operated in this
18 state by Respondent, Florida N. Zeit, owner of Z and T Test Only, upon a finding that Respondent
19 has, or is, engaged in a course of repeated and willful violations of the laws and regulations
20 pertaining to an automotive repair dealer.

21 33. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station
22 License Number TC 234019, issued to Respondent, Florida N. Zeit, owner of Z and T Test Only,
23 is revoked or suspended, any additional license issued under the same chapter in the name of said
24 licensee may be likewise revoked or suspended by the Director.

25 34. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
26 Number EO 24535, (formerly Advanced Emission Specialist Technician License Number EA
27 24535), issued to Respondent Jehad M. El-Abed, is revoked or suspended, any additional license
28

1 issued under this chapter in the name of said licensee may be likewise revoked or suspended by
2 the director.

3 DISCIPLINARY CONSIDERATIONS

4 35. To determine the degree of discipline, if any, to be imposed on Respondent Zeit,
5 Complainant alleges that on or about April 13, 2010, Citation No. C2010-1080 was issued to
6 Respondent Zeit in the amount of \$500.00 for a violation of Health and Safety Code section
7 44012, subdivision (f). The Citation was paid on May 20, 2010.

8 36. Complainant further alleges that on or about April 13, 2010, Citation No. M2010-
9 1081 was issued to Respondent El-Abed, which ordered him to enroll in and complete an eight
10 hour training class for a violation of Health and Safety Code section 44032. Proof of completion
11 of the class was submitted on May 20, 2010.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Director issue a decision:

- 15 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
16 234019, issued to Florida N. Zeit, Owner of Z and T Test Only;
- 17 2. Revoking or suspending Smog Check, Test Only, Station License Number TC
18 234019, issued to Florida N. Zeit, Owner of Z and T Test Only;
- 19 3. Revoking or suspending any additional license issued under Chapter 5 of the Health
20 and Safety Code in the name of Florida N. Zeit;
- 21 4. Revoking or suspending Smog Check Inspector License Number EO 24535,
22 (formerly Advanced Emission Specialist Technician License Number EA 24535), issued to Jihad
23 M. El-Abed;
- 24 5. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Jihad M. El-Abed;
- 26 6. Ordering Respondents Florida N. Zeit, Owner of Z and T Test Only and Jihad M. El-
27 Abed to pay the Director the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Business and Professions Code section 125.3; and

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

DATED: 9-30-13

Pat Dorais by Doug Balatti
PATRICK DORAIS
Acting Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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