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

11 In the Matter of the Accusation Against:

Case No. 79/08-49

12 **THE SMOG SHOP**
25845 San Fernando Road, Unit 20
13 **Santa Clarita, California 91350**
MOHANNAD ELHILU, a.k.a. ELHILU
14 **MOHANNAD, a.k.a. MOHANNAD**
EMANUEL ELHILU, OWNER

O.A.H. No.

FIRST AMENDED
A C C U S A T I O N

[SMOG]

15 Automotive Repair Dealer Registration
16 No. AM 236874
Smog Check Test Only Station License
17 No. TM 236874,

18 and

19 **MOHANNAD EMANUEL ELHILU, a.k.a.**
MOHANNAD ELHILU, a.k.a. ELHILU
20 **MOHANNAD**
22525 Barbacoa Drive
21 Santa Clarita, California 91350

22 Advanced Emission Specialist Technician License
No. EA 149889

23
24 Respondents.

25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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

1 **Automotive Repair Dealer Registration**

2 2. On or about December 23, 2004, the Bureau issued Automotive Repair
3 Dealer Registration Number AM 236874 ("registration") to Mohannad Elhilu, a.k.a. Mohannad
4 Emanuel Elhilu, a.k.a. Elhilu Mohannad doing business as The Smog Shop ("Respondent Smog
5 Shop"). The registration will expire on December 31, 2008, unless renewed.

6 **Smog Check Test Only Station License**

7 3. On or about January 28, 2005, the Bureau issued Smog Check Test Only
8 Station License Number TM 236874 ("station license") to Respondent Smog Shop. The station
9 license will expire on December 31, 2008, unless renewed.

10 **Advanced Emission Specialist Technician License**

11 4. On or about December 1, 2004, the Bureau issued Advanced Emission
12 Specialist Technician License Number EA 149889 ("technician license") to Mohannad Emanuel
13 Elhilu, a.k.a. Elhilu Mohannad ("Respondent Elhilu"). The technician license will expire on
14 June 30, 2008, unless renewed.

15 **STATUTORY PROVISIONS**

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

18 (a) The director, where the automotive repair dealer cannot show there was
19 a bona fide error, may refuse to validate, or may invalidate temporarily or
20 permanently, the registration of an automotive repair dealer for any of the
21 following acts or omissions related to the conduct of the business of the
22 automotive repair dealer, which are done by the automotive repair dealer or any
23 automotive technician, employee, partner, officer, or member of the automotive
24 repair dealer.

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

(4) Any other conduct which constitutes fraud.

(b) Except as provided for in subdivision (c), if an automotive repair
dealer operates more than one place of business in this state, the director pursuant
to subdivision (a) shall only invalidate temporarily or permanently 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

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1 the right of the automotive repair dealer to operate his or her other places of
2 business.

3 (c) Notwithstanding subdivision (b), the director may invalidate
4 temporarily or permanently, the registration for all places of business operated in
5 this state by an automotive repair dealer upon a finding that the automotive repair
6 dealer has, or is, engaged in a course of repeated and willful violations of this
7 chapter, or regulations adopted pursuant to it.

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

12 7. Code section 477 provides, in pertinent part, that "Board" includes
13 "bureau," "commission," "committee," "department," "division," "examining committee,"
14 "program," and "agency." "License" includes certificate, registration or other means to engage
15 in a business or profession regulated by the Code.

16 8. Section 44002 of the Health and Safety Code provides, in pertinent part,
17 that the Director has all the powers and authority granted under the Automotive Repair Act for
18 enforcing the Motor Vehicle Inspection Program.

19 9. Section 44072.2 of the Health and Safety Code states:

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

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

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

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

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

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11. Section 44072.8 of the Health and Safety Code 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.”

COST RECOVERY

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

SURVEILLANCE OPERATION - SEPTEMBER 17, 2007

13. On or about September 17, 2007, Bureau personnel performed a videotaped surveillance at Respondent Smog Shop’s facility. The surveillance operation and information obtained from the Bureau’s Vehicle Information Database (“VID”) revealed that between 0843 hours and 1713 hours, Respondent Elhilu performed three (3) smog inspections that resulted in the issuance of the electronic certificates of compliance set forth in Table One, below, certifying that he had tested and inspected those vehicles and that the vehicles were in compliance with applicable laws and regulations. In fact, Respondent Elhilu performed the smog inspections using the clean-piping¹ method by using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the certificates of compliance. The vehicles certified were not in the test bay at the time of the smog inspections.

Table One

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
9/17/2007 0843 hours to 0851 hours	1985 Chevrolet C30 pickup Lic. No. 3B92247	1986 Honda Accord sedan Lic. No. 5GHE520	VJ873509C

1. “Clean-piping” is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification.

1 2 3	9/17/2007 1627 hours to 1634 hours	1985 Ford Bronco II Lic. No. 2LEM564	1996 Mazda 626 Lic. No. 3NYJ396	VJ873516C
4 5 6	9/17/2007 1706 hours to 1713 hours	1996 Nissan Maxima Lic. No. 4JIS311	1996 Ford F250 pickup Lic. No. 5L16054	VJ873517C

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Misleading Statements)**

9 14. Respondent Smog Shop has subjected his registration to discipline under
10 Code section 9884.7, subdivision (a)(1), in that on or about September 17, 2007, he made
11 statements which he knew or which by exercise of reasonable care he should have known were
12 untrue or misleading when he issued the electronic certificates of compliance for the vehicles set
13 forth in Table One, above, certifying that those vehicles were in compliance with applicable laws
14 and regulations when, in fact, the vehicles had been clean-piped.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 15. Respondent Smog Shop has subjected his registration to discipline under
18 Code section 9884.7, subdivision (a)(4), in that on or about September 17, 2007, he committed
19 acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set
20 forth in Table One, above, without performing bona fide inspections of the emission control
21 devices and systems on those vehicles, thereby depriving the People of the State of California of
22 the protection afforded by the Motor Vehicle Inspection Program.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of the Motor Vehicle Inspection Program)**

25 16. Respondent Smog Shop has subjected his station license to discipline
26 under Health and Safety Code section 44072.2, subdivision (a), in that on or about September 17,
27 2007, regarding the vehicles and certificates of compliance set forth in Table One, above, he
28 violated sections of that Code, as follows:

1 a. **Section 44012, subdivision (f):** Respondent Smog Shop failed to
2 perform emission control tests on the vehicles in accordance with procedures prescribed by the
3 department.

4 b. **Section 44015, subdivision (b):** Respondent Smog Shop issued the
5 electronic certificates of compliance for those vehicles without properly testing and inspecting
6 the vehicles to determine if they were in compliance with section 44012 of that Code.

7 c. **Section 44059:** Respondent Smog Shop willfully made false entries for
8 the electronic certificates of compliance by certifying that the vehicles had been inspected as
9 required when, in fact, they had not.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

12 17. Respondent Smog Shop has subjected his station license to discipline
13 under Health and Safety Code section 44072.2, subdivision (c), in that on or about September 17,
14 2007, regarding the vehicles and certificates of compliance set forth in Table One, above, he
15 violated sections of the California Code of Regulations, title 16, as follows:

16 a. **Section 3340.24, subdivision (c):** Respondent Smog Shop falsely or
17 fraudulently issued the electronic certificates of compliance for the vehicles without performing
18 bona fide inspections of the emission control devices and systems on those vehicles as required
19 by Health and Safety Code section 44012.

20 b. **Section 3340.35, subdivision (c):** Respondent Smog Shop issued the
21 electronic certificates of compliance for those vehicles even though the vehicles had not been
22 inspected in accordance with section 3340.42 of that Code.

23 c. **Section 3340.42:** Respondent Smog Shop failed to conduct the required
24 smog tests and inspections on the vehicles in accordance with the Bureau's specifications.

25 **FIFTH CAUSE FOR DISCIPLINE**

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

27 18. Respondent Smog Shop subjected his station license to discipline under
28 Health and Safety Code section 44072.2, subdivision (d), in that on or about September 17, 2007,

1 regarding the vehicles set forth in Table One, above, he committed acts involving dishonesty,
2 fraud or deceit whereby another was injured by issuing the electronic certificates of compliance
3 for those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
4 depriving the People of the State of California of the protection afforded by the Motor Vehicle
5 Inspection Program.

6 **SIXTH CAUSE FOR DISCIPLINE**

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

8 19. Respondent Elhilu has subjected his technician license to discipline under
9 Health and Safety Code section 44072.2, subdivision (a), in that on or about September 17, 2007,
10 regarding the vehicles and certificates of compliance set forth in Table One, above, he violated
11 sections of that Code, as follows:

12 a. **Section 44012, subdivision (f):** Respondent Elhilu failed to determine
13 that all emission control devices and systems required by law were installed and functioning
14 correctly on those vehicles in accordance with test procedures.

15 b. **Section 44032:** Respondent Elhilu failed to perform tests of the emission
16 control devices and systems on those vehicles in accordance with section 44012 of that Code, in
17 that the vehicle had been clean-piped.

18 c. **Section 44059:** Respondent Elhilu entered false information into the
19 Emission Inspection System ("EIS") for the electronic certificates of compliance, by certifying
20 that those vehicles had been inspected as required when, in fact, they had not.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

23 20. Respondent Elhilu has subjected his technician license to discipline under
24 Health and Safety Code section 44072.2, subdivision (c), in that on or about September 17, 2007,
25 regarding the vehicles and certificates of compliance set forth in Table One, above, he violated
26 sections of the California Code of Regulations, title 16, as follows:

27 a. **Section 3340.30, subdivision (a):** Respondent Elhilu failed to inspect
28 and test those vehicles in accordance with Health and Safety Code section 44012.

1 b. Section 3340.41, subdivision (c): Respondent Elhilu entered false
2 information for the electronic certificates of compliance for those vehicles by entering vehicle
3 identification information or emission control information for vehicles other than the vehicles
4 being tested.

5 c. Section 3340.42: Respondent Elhilu failed to conduct the required smog
6 tests and inspections on the vehicles in accordance with the Bureau's specifications.

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Elhilu has subjected his technician license to discipline under
10 Health and Safety Code section 44072.2, subdivision (d), in that on or about September 17, 2007,
11 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
12 the electronic certificates of compliance set forth in Table One, above, for those vehicles, without
13 performing bona fide inspections of the emission control devices and systems on the vehicles,
14 thereby depriving the People of the State of California of the protection afforded by the Motor
15 Vehicle Inspection Program.

16 **SEARCH WARRANT EXECUTION - MARCH 13, 2008**

17 22. On or about March 13, 2008, Investigators with the Los Angeles County
18 District Attorney's Office (LADAI) and Bureau personnel served a duly issued search warrant on
19 Respondent Smog Shop's facility. Respondent Elhilu voluntarily admitted to Bureau personnel
20 that he is the owner of Respondent Smog Shop. Respondent stated that he had conducted "a
21 few" clean-pipe smog certifications and that he knew this was illegal.

22 23. Respondent Elhilu identified Respondent Smog Shop's invoice #20020,
23 dated February 28, 2008, involving a smog test that he performed that resulted in the issuance of
24 an electronic certificate of compliance set forth in Table Two, below, certifying that he had tested
25 and inspected the vehicle and that the vehicle was in compliance with applicable laws and
26 regulations. In fact, Respondent Elhilu admitted that he performed the smog inspections using
27 the clean-piping method by using the tail pipe emissions of a vehicle other than the vehicle being
28 certified in order to issue the certificates of compliance.

1 Table Two

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Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
02/28/2008 1748 hours	1989 Chevrolet Caprice Passenger Lic. No. 5LGF301	Respondent admitted to clean-piping this vehicle	VN845460

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6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Misleading Statements)**

8 24. Respondent Smog Shop has subjected his registration to discipline under
9 Code section 9884.7, subdivision (a)(1), in that on or about February 28, 2008, he made
10 statements which he knew or which by exercise of reasonable care he should have known were
11 untrue or misleading when he issued the electronic certificate of compliance for the vehicle set
12 forth in Table Two, above, certifying that the vehicle was in compliance with applicable laws and
13 regulations when, in fact, the vehicle had been clean-piped.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 25. Respondent Smog Shop has subjected his registration to discipline under
17 Code section 9884.7, subdivision (a)(4), in that on or about February 28, 2008, he committed acts
18 which constitute fraud by issuing the electronic certificate of compliance for the vehicle set forth
19 in Table Two, above, without performing a bona fide inspection of the emission control devices
20 and systems on the vehicle, thereby depriving the People of the State of California of the
21 protection afforded by the Motor Vehicle Inspection Program.

22 **ELEVENTH CAUSE FOR DISCIPLINE**

23 **(Violation of the Motor Vehicle Inspection Program)**

24 26. Respondent Smog Shop has subjected his station license to discipline
25 under Health and Safety Code section 44072.2, subdivision (a), in that on or about February 28,
26 2008, regarding the vehicle and certificate of compliance set forth in Table Two, above, he
27 violated sections of that Code, as follows:

28 a. **Section 44012, subdivision (f):** Respondent Smog Shop failed to

1 fraud or deceit whereby another was injured by issuing the electronic certificates of compliance
2 for the vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby
3 depriving the People of the State of California of the protection afforded by the Motor Vehicle
4 Inspection Program.

5 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

7 29. Respondent Elhilu has subjected his technician license to discipline under
8 Health and Safety Code section 44072.2, subdivision (a), in that on or about February 28, 2008,
9 regarding the vehicle and certificate of compliance set forth in Table Two, above, he violated
10 sections of that Code, as follows:

11 a. **Section 44012, subdivision (f):** Respondent Elhilu failed to determine
12 that all emission control devices and systems required by law were installed and functioning
13 correctly on the vehicle in accordance with test procedures.

14 b. **Section 44032:** Respondent Elhilu failed to perform tests of the emission
15 control devices and systems on the vehicle in accordance with section 44012 of that Code, in that
16 the vehicle had been clean-piped.

17 c. **Section 44059:** Respondent Elhilu entered false information into the
18 Emission Inspection System ("EIS") for the electronic certificates of compliance, by certifying
19 that the vehicle had been inspected as required when, in fact, it had not.

20 **FIFTEENTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 30. Respondent Elhilu has subjected his technician license to discipline under
23 Health and Safety Code section 44072.2, subdivision (c), in that on or about February 28, 2008,
24 regarding the vehicle and certificate of compliance set forth in Table Two, above, he violated
25 sections of the California Code of Regulations, title 16, as follows:

26 a. **Section 3340.30, subdivision (a):** Respondent Elhilu failed to inspect
27 and test the vehicle in accordance with Health and Safety Code section 44012.

28 b. **Section 3340.41, subdivision (c):** Respondent Elhilu entered false

1 information for the electronic certificate of compliance for the vehicle by entering vehicle
2 identification information or emission control information for a vehicle other than the vehicle
3 being tested.

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

6 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

8 31. Respondent Elhilu has subjected his technician license to discipline under
9 Health and Safety Code section 44072.2, subdivision (d), in that on or about February 28, 2008,
10 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
11 the electronic certificates of compliance set forth in Table Two, above, for the vehicle, without
12 performing a bona fide inspection of the emission control devices and systems on the vehicle,
13 thereby depriving the People of the State of California of the protection afforded by the Motor
14 Vehicle Inspection Program.

15 **OTHER MATTERS**

16 32. Under Code section 9884.7, subdivision (c), the director may invalidate
17 temporarily or permanently or refuse to validate, the registrations for all places of business
18 operated in this state by Mohannad Elhilu, also known as Mohannad Emanuel Elhilu, or Elhilu
19 Mohannad, doing business as The Smog Shop, upon a finding that he has, or is, engaged in a
20 course of repeated and willful violations of the laws and regulations pertaining to an automotive
21 repair dealer.

22 33. Under Health and Safety Code section 44072.8, if Smog Check Test Only
23 Station License Number TM 236874, issued to Mohannad Elhilu, also known as
24 Mohannad Emanuel Elhilu, or Elhilu Mohannad, doing business as The Smog Shop, is revoked
25 or suspended, any additional license issued under this chapter in the name of said licensee may
26 be likewise revoked or suspended by the director.

27 34. Under Health and Safety Code section 44072.8, if Advanced Emission
28 Specialist Technician License Number EA 149889, issued to Mohannad Emanuel Elhilu, also

1 known as Mohannad Elhilu, or Elhilu Mohannad, revoked or suspended, any additional license
2 issued under this chapter in the name of said licensee may be likewise revoked or suspended by
3 the director.

4 **PRAYER**

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

7 1. Temporarily or permanently invalidating Automotive Repair Dealer
8 Registration Number AM 236874, issued to Mohannad Elhilu, also known as
9 Mohannad Emanuel Elhilu, or Elhilu Mohannad, doing business as The Smog Shop;

10 2. Temporarily or permanently invalidating any other automotive repair
11 dealer registration issued to Mohannad Elhilu, also known as Mohannad Emanuel Elhilu, or
12 Elhilu Mohannad, doing business as The Smog Shop;

13 3. Revoking or suspending Smog Check Test Only Station License Number
14 TM 236874, issued to Mohannad Elhilu, also known as Mohannad Emanuel Elhilu, or Elhilu
15 Mohannad, doing business as The Smog Shop;

16 4. Revoking or suspending any additional license issued under Chapter 5 of
17 the Health and Safety Code in the name of Mohannad Elhilu, also known as Mohannad Emanuel
18 Elhilu, or Elhilu Mohannad, doing business as The Smog Shop;

19 5. Revoking or suspending Advanced Emission Specialist Technician
20 License Number EA 149889, issued to Mohannad Emanuel Elhilu, also known as
21 Mohannad Emanuel Elhilu, or Elhilu Mohannad;

22 6. Revoking or suspending any additional license issued under Chapter 5 of
23 the Health and Safety Code in the name of Mohannad Emanuel Elhilu, also known as Mohannad
24 Emanuel Elhilu, or Elhilu Mohannad;

25 7. Ordering Mohannad Elhilu, also known as Mohannad Emanuel Elhilu, or
26 Elhilu Mohannad, to pay the Bureau of Automotive Repair the reasonable costs of the
27 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 6/12/08



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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ps (1/22/08)

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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 **THE SMOG SHOP**
25845 San Fernando Road, Unit 20
Santa Clarita, California 91350
14 **MOHANNAD ELHILU, a.k.a. ELHILU**
MOHANNAD, a.k.a. MOHANNAD
EMANUEL ELHILU, OWNER

15 Automotive Repair Dealer Registration
16 No. AM 236874
Smog Check Test Only Station License
17 No. TM 236874,

18 and

19 **MOHANNAD EMANUEL ELHILU, a.k.a.**
MOHANNAD ELHILU, a.k.a. ELHILU
20 **MOHANNAD**
22525 Barbacoa Drive
21 Santa Clarita, California 91350

22 Advanced Emission Specialist Technician License
23 No. EA 149889

24 Respondents.

Case No. 79/08-49

O.A.H. No.

SUPPLEMENT TO FIRST
AMENDED ACCUSATION

[SMOG]

25 Sherry Mehl ("Complainant") in her official capacity only, as the Chief of the
26 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs, files this
27 Supplement to the First Amended Accusation in case no. 79/08-49 that was previously filed on
28 June 12, 2008. Except as indicated below, all other allegations remain unchanged.

1 Complainant supplements and adds at page 12, line 15 of the First Amended Accusation,
2 the following:

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

4 **(Substantially Related Conviction)**

5 32. Respondent Elhilu has subjected his registration, station license and
6 technician license to discipline under Business and Professions Code section 490 in that on or
7 about September 16, 2008, Respondent Elhilu was convicted by the Court on a plea of guilty to
8 one (1) count of violating Penal Code sec. 502, subd. (c)(1) "knowingly accessing a computer
9 with intent to defraud", in the Superior Court of the State of California, County of Los Angeles,
10 Case No. BA339377, entitled *The People of the State of California v. Mohannad Emanuel*
11 *Elhilu*.

- 12 a. The circumstances surrounding the conviction are that Respondent Elhilu
13 performed a smog inspection that resulted in the issuance of an electronic
14 certificate of compliance certifying that he had tested and inspected the
15 vehicle and that the vehicle was in compliance with applicable laws and
16 regulations, when in fact he had performed the inspection by the clean-
17 piping method by using the tail pipe emissions of a vehicle other than the
18 vehicle being certified in order to issue the certificate of compliance.

19
20 DATED: 2/23/09

21 
22 SHERRY MEHL
23 Chief
24 Bureau of Automotive Repair
25 Department of Consumer Affairs
26 State of California
27 Complainant

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25 LA2008900312

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