

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

In the Matter of the Accusation Against:

RECO SMOG
MOHAMMED SALEEM KHAN, Owner
1645 Tully Road
San Jose, CA 95122
Automotive Repair Dealer Registration No.
ARD 241095
Smog Check, Test Only, Station License No.
TC 241095

and

MOHAMMED SALEEM KHAM
4192 Crescendo Ave.
San Jose, CA 95136
Smog Check Inspector License No. 146101

Respondents.

Case No. 79/14-115

OAH No. 2014070750

In the Matter of Citation No. C2014-0084 Against:

RECO SMOG
MOHAMMED SALEEM KHAN, Owner

In the Matter of Citation No. M2014-0085 Against:

MOHAMMED SALEEM KHAN

DECISION

The attached Stipulated Settlement of Accusation and Citations, 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; except that the following typographical error is corrected as follows:

1. Page 2, line 26: The expiration date of "February 28, 2015" is corrected to "February 28, 2017."

This Decision shall become effective

February 25, 2015

DATED: February 5, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
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:**
12 **RECO SMOG**
13 **MOHAMMED SALEEM KHAN, Owner**
14 **1645 Tully Road**
15 **San Jose, CA 95122**
16 **Automotive Repair Dealer Registration No.**
17 **ARD 241095**
18 **Smog Check, Test Only, Station License No.**
19 **TC 241095**

20 **And**

21 **MOHAMMED SALEEM KHAN**
22 **4192 Crescendo Ave.**
23 **San Jose, CA 95136**
24 **Smog Check Inspector License No. 146101**

25 Respondents.

26 **In the Matter of Citation No. C2014-0084**
27 **Against:**
28 **RECO SMOG**
29 **MOHAMMED SALEEM KHAN, Owner**

30 **In the Matter of Citation No. M2014-0085**
31 **Against:**
32 **MOHAMMED SALEEM KHAN**

Case No. 79/14-115

OAH No. 2014070750

**STIPULATED SETTLEMENT OF
ACCUSATION AND CITATIONS, AND
DISCIPLINARY ORDER**

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

3 **PARTIES**

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Jonathan D. Cooper, Deputy Attorney
7 General.

8 2. Respondents Reco Smog and Mohammed Salecm Khan (hereinafter collectively
9 "Respondent") are represented in this proceeding by attorney Michael B. Levin, whose address is:
10 3727 Camino del Rio South, Suite 200, San Diego, CA, 92108.

11 **Automotive Repair Dealer Registration**

12 3. On or about September 29, 2005, the Bureau issued Automotive Repair Dealer
13 Registration Number ARD 241095 ("registration") to Reco Smog, Mohammed Saleem Khan,
14 Owner ("Respondent"). The registration was in full force and effect at all times relevant to the
15 charges brought herein and will expire on August 31, 2015, unless renewed.

16 **Smog Check Test Only Station License**

17 4. On or about October 3, 2005, the Bureau issued Smog Check, Test Only Station
18 License Number TC 241095 ("station license") to Respondent. The station license was in full
19 force and effect at all times relevant to the charges brought herein and will expire on August 31,
20 2015, unless renewed.

21 **Smog Check Inspector (EO) License**

22 5. In 2003, the Bureau issued Advanced Emission Specialist (EA) Technician License
23 Number 146101 ("technician license") to Mohammed Saleem Khan ("Respondent Mohammad
24 Khan"). Effective February 28, 2013, the technician license was renewed as Smog Check
25 Inspector (EO) License Number 146101. The technician license was in full force and effect at all
26 times relevant to the charges brought herein and will expire on February 28, 2015, unless
27 renewed.

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JURISDICTION

6. Accusation No. 79/14-115 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 18, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 79/14-115 is attached as exhibit A and incorporated herein by reference.

7. Citation No. C2014-0084 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The Citation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his request to appeal the citation. A copy of Citation No. C2014-0084 is attached as Exhibit B and incorporated herein by reference.

8. Citation No. M2014-0085 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The Citation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his request to appeal the citation. A copy of Citation No. M2014-0085 is attached as Exhibit C and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

9. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 79/14-115, Citation No. C2014-0084 and Citation No. M2014-0085. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

10. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Citations; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the

1 California Administrative Procedure Act and other applicable laws.

2 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
3 every right set forth above.

4 **CULPABILITY**

5 12. Respondent admits the truth of each and every charge and allegation in Accusation
6 No. 79/14-115, Citation No. C2014-0084 and Citation No. M2014-0085.

7 13. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check,
8 Test Only Station License and his Smog Check Inspector License are subject to discipline and he
9 agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order
10 below.

11 **RESERVATION**

12 14. The admissions made by Respondent herein are only for the purposes of this
13 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of
14 Automotive Repair, or other professional licensing agency is involved, and shall not be
15 admissible in any other criminal or civil proceeding.

16 **CONTINGENCY**

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

28 16. The parties understand and agree that Portable Document Format (PDF) and facsimile

1 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
2 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

9 18. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Director may, without further notice or formal proceeding, issue and enter the following
11 Disciplinary Order and Citation Orders:

12 **CITATION ORDER**

13 Respondent hereby withdraws his appeal of Citation No. C2014-0084 and Citation No.
14 M2014-0085. Respondent shall pay the full amount of the citations within ninety (90) days of the
15 effective date of this Stipulated Settlement and Disciplinary Order. The 28-hour BAR Certified
16 training course shall be completed within 180 days of the effective date of this Stipulated
17 Settlement and Disciplinary Order. Failure to comply with this Citation Order shall be treated as
18 a violation of the Disciplinary Order, below, and shall constitute cause for revocation of
19 Respondent's probation.

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 241095,
22 issued to Reco Smog, Mohammed Saleem Khan, Owner; Smog Check, Test Only Station
23 Number TC 241095, issued to Reco Smog, Mohammed Saleem Khan, Owner; and Smog Check
24 Inspector (EO) License Number 146101, issued to Mohammed Saleem Khan, are revoked.
25 However, the revocation is stayed and Respondent is placed on probation for three (3) years on
26 the following terms and conditions.

27 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing
28 automotive inspections, estimates and repairs.

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

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

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

11 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
12 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
13 until the final decision on the accusation, and the period of probation shall be extended until such
14 decision.

15 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
16 Respondent has failed to comply with the terms and conditions of probation, or with the Citation
17 Order set forth hereinabove, the Department may, after giving notice and opportunity to be heard,
18 revoke this probationary order and impose the stayed revocation of Respondent's
19 licenses/registrations.

20 7. **False and Misleading Advertising.** If the accusation involves false and misleading
21 advertising, during the period of probation, Respondent shall submit any proposed advertising
22 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

23 8. **Continuing Education Courses.** During the period of probation, Respondent
24 Mohammed Saleem Khan shall attend and successfully complete a Bureau certified Smog
25 Inspector Training Course (68 hours, Level I). Said course shall be completed and proof of
26 completion submitted to the Bureau within 180 days of the effective date of this decision and
27 order. If proof of completion of the course is not furnished to the Bureau within the 180-day
28 period, Respondent's license shall be immediately suspended until such proof is received.

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ENDORSEMENT

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

Dated: 12/15/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



JONATHAN D. COOPER
Deputy Attorney General
Attorneys for Complainant

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
6 Facsimile: (415) 703-5480
Attorneys for Complainant
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8 **BEFORE THE**
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **79/14-115**

12 **RECO SMOG**
13 **MOHAMMED SALEEM KHAN, Owner**
14 **1645 Tully Road**
San Jose, CA 95122
15 **Automotive Repair Dealer Registration No. ARD**
241095
16 **Smog Check, Test Only, Station License No. TC**
241095

ACCUSATION

17 And

18 **MOHAMMED SALEEM KHAN**
19 **4192 Crescendo Ave.**
20 **San Jose, CA 95136**
Smog Check Inspector License No. 146101

21 Respondents.
22

23
24 Patrick Dorais ("Complainant") alleges:

25 **PARTIES**

26 1. Complainant Patrick Dorais brings this Accusation solely in his official capacity as
27 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
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(4) Any other conduct that constitutes fraud.

...

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

...

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state 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.

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

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

8. Section **44012** of the Health and Safety Code requires that tests at smog check stations be performed in accordance with procedures prescribed by the department.

9. Section **44015(b)** of the Health and Safety Code states:

If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

10. Section **44059** of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

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1 with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code,
2 and section 3340.42 of this article.

3 . . .

4 16. California Code of Regulations, Title 16, section **3340.35(c)**, states, in pertinent part:

5 (c) A licensed station shall issue a certificate of compliance or noncompliance to the owner
6 or operator of any vehicle that has been inspected in accordance with the procedures specified in
7 section 3340.42 of this article and has all the required emission control equipment and devices
8 installed and functioning correctly.

9 . . .

10 17. California Code of Regulations, Title 16, section **3340.41(c)**, states:

11 No person shall enter into the emissions inspection system any vehicle identification
12 information or emission control system identification data for any vehicle other than the one
13 being tested. Nor shall any person knowingly enter into the emissions inspection system any false
14 information about the vehicle being tested.

15 **COST RECOVERY**

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

20 **UNDERCOVER OPERATION**

21 19. On or about December 20, 2013, a Bureau undercover operator ("operator") drove a
22 1999 Chevrolet to Respondent's smog check station and requested a smog inspection. As part of
23 the Bureau's documentation of the vehicle, the vehicle's positive crankcase ventilation ("PCV")
24 system was missing, rendering the vehicle incapable of passing the visual portion of the smog
25 inspection. Respondent Mohammed Khan began the smog inspection on the vehicle and another
26 individual completed the inspection, and issued electronic Certificate of Compliance Number
27 [REDACTED], certifying that Mohammed Khan had tested and inspected the vehicle and that it was
28 in compliance with applicable laws and regulations. In fact, the vehicle could not have passed the

1 visual portion of the smog inspection because the vehicle's PCV system was missing.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Untrue or Misleading Statements -- Registration)**

4 20. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in
5 that Respondent made or authorized statements which it knew or in the exercise of reasonable
6 care should have known to be untrue or misleading by issuing electronic Certificate of
7 Compliance Number [REDACTED] for the 1999 Chevrolet, certifying that the vehicle was in
8 compliance with applicable laws and regulations, when, in fact, the vehicle could not have passed
9 the visual portion of the smog inspection because the vehicle's PCV system was missing.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud -- Registration)**

12 21. Respondent's registration is subject to discipline under Code section 9884.7(a)(4), in
13 that Respondent committed acts which constitute fraud by issuing electronic Certificate of
14 Compliance Number [REDACTED] for the 1999 Chevrolet without performing a bona fide
15 inspection of the emission control devices and systems on the vehicle, thereby depriving the
16 People of the State of California of the protection afforded by the Motor Vehicle Inspection
17 Program.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Failure to Comply With Chapter - Registration)**

20 22. Respondent's registration is subject to discipline under Code section 9884.7,
21 subdivision (a)(6), in that Respondent failed to comply with laws and regulations pertaining to the
22 performance of smog checks, as set forth above in paragraph 19.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violation of the Motor Vehicle Inspection Program -- Station License)**

25 23. Respondent's station license is subject to discipline under Health and Safety Code
26 section 44072.2, subdivisions (a) and (c), in that Respondent violated sections of that Code and
27 applicable regulations, as set forth above in paragraph 19, as follows:

28 a. **Section 44012:** Respondent failed to ensure that the emission control tests were

1 performed on the vehicle in accordance with procedures prescribed by the department.

2 b. **Section 44015:** Respondent issued an electronic certificate of compliance for the
3 vehicle without ensuring that the vehicle was properly tested and inspected to determine if it was
4 in compliance with Health and Safety Code section 44012.

5 c. **Section 44059:** Respondent willfully made false entries for the electronic certificate
6 of compliance by certifying that the vehicle had been inspected as required when, in fact, it had
7 not.

8 d. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
9 electronic certificate of compliance for the vehicle without a performing bona fide inspection of
10 the emission control devices and systems on the vehicle as required by Health and Safety Code
11 section 44012.

12 e. **Section 3340.35, subdivision (c):** Respondent issued an electronic certificate of
13 compliance even though the vehicle had not been inspected in accordance with section 3340.42.

14 f. **Section 3340.41, subdivision (c):** Respondent entered false information into the EIS.

15 g. **Section 3340.42:** Respondent failed to conduct the required smog tests and
16 inspections on the vehicle in accordance with the Bureau's specifications.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Dishonesty, Fraud or Deceit – Station License)**

19 24. Respondent's station license is subject to discipline under Health and Safety Code
20 section 44072.2, subdivision (d), in that Respondent committed acts involving dishonesty, fraud
21 or deceit, whereby another was injured by issuing an electronic certificate of compliance for the
22 vehicle without performing bona fide inspections of the emission control devices and system on
23 the vehicle, thereby depriving the People of the State of California of the protection afforded by
24 the Motor Vehicle Inspection Program, as set forth above in paragraph 19.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 **(Violations of the Motor Vehicle Inspection Program – Inspector License)**

27 25. Respondent Mohammed Khan's inspector license is to discipline under Health and
28 Safety Code section 44072.2, subdivisions (a) and (c), in that he violated sections of that Code

1 and applicable regulations, as set forth above in paragraph 19, as follows:

2 a. **Section 44012:** Respondent Mohammed Khan failed to ensure that the emission
3 control tests were performed on the vehicle in accordance with procedures prescribed by the
4 department.

5 b. **Section 44015:** Respondent Mohammed Khan issued an electronic certificate of
6 compliance for the vehicle without ensuring that the vehicle was properly tested and inspected to
7 determine if they were in compliance with Health and Safety Code section 44012.

8 c. **Section 44059:** Respondent Mohammed Khan willfully made false entries for the
9 electronic certificate of compliance by certifying that the vehicle had been inspected as required
10 when, in fact, it had not.

11 d. **Section 3340.24, subdivision (c):** Respondent Mohammed Khan falsely or
12 fraudulently issued an electronic certificate of compliance for the vehicle without performing
13 bona fide inspections of the emission control devices and systems on the vehicle as required by
14 Health and Safety Code section 44012.

15 e. **Section 3340.30, subdivision (a):** Respondent Mohammed Khan failed to inspect
16 and test the vehicle in accordance with Health and Safety Code section 44012.

17 f. **Section 3340.35, subdivision (c):** Respondent Mohammed Khan issued an electronic
18 certificate of compliance even though the vehicle had not been inspected in accordance with
19 section 3340.42.

20 g. **Section 3340.41, subdivision (c):** Respondent Mohammed Khan entered false
21 information into the EIS.

22 h. **Section 3340.42:** Respondent Mohammed Khan failed to conduct the required smog
23 tests and inspections on the vehicle in accordance with the Bureau's specifications.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Dishonesty, Fraud or Deceit – Inspector License)**

26 26. Respondent Mohammed Khan's inspector license is to discipline under Health and
27 Safety Code section 44072.2, subdivision (d), in that he committed acts involving dishonesty,
28 fraud or deceit, whereby another was injured by issuing an electronic certificate of compliance for

1 the vehicle without performing bona fide inspections of the emission control devices and systems
2 on the vehicle, thereby depriving the People of the State of California of the protection afforded
3 by the Motor Vehicle Inspection Program, as set forth above in paragraph 19.

4 **DISCIPLINARY CONSIDERATIONS**

5 27. To determine the degree of discipline, if any, to be imposed on Respondent,
6 Complainant alleges aggravating circumstances as follows:

7 October 5, 2009 Citations:

8 28. On or about October 5, 2009, Respondent Reco Smog was issued Citation No.
9 C2010-0324 based on Respondent's failure to perform a visual/functional check of emission
10 control devices during a vehicle inspection, in violation of California Health and Safety Code
11 section 44012(f), and based on Respondent's issuance of a Certificate of Compliance to a vehicle
12 which had not been properly tested, in violation of California Code of Regulation, Title 16,
13 section 3340.35(c).

14 29. On or about October 5, 2009, Respondent Mohammed Khan was issued Citation No.
15 M2010-0325 based on his failure to perform a visual/functional check of emission control devices
16 during a vehicle inspection, in violation of California Health and Safety Code section 44012(f).

17 February 10, 2010 Citations:

18 30. On or about February 10, 2010, Respondent Reco Smog was issued Citation No.
19 C2010-0819 based on Respondent's failure to perform a functional check of emission control
20 devices during a vehicle inspection, in violation of California Health and Safety Code section
21 44012(f), and based on Respondent's issuance of a Certificate of Compliance to a vehicle which
22 had not been properly tested, in violation of California Code of Regulation, Title 16, section
23 3340.35(c).

24 31. On or about February 10, 2010, Respondent Mohammed Khan was issued Citation
25 No. M2010-0820 based on his failure to perform a functional check of emission control devices
26 during a vehicle inspection, in violation of California Health and Safety Code section 44012(f).

27 June 3, 2011 Citations:

28 32. On or about June 3, 2011, Respondent Reco Smog was issued Citation No. C2011-

1 1446 based on Respondent's failure to perform a visual/functional check of emission control
2 devices during a vehicle inspection, in violation of California Health and Safety Code section
3 44012(f).

4 33. On or about June 3, 2011, Respondent Mohammed Khan was issued Citation No.
5 M2011-1447 based on his failure to perform a visual/functional check of emission control devices
6 during a vehicle inspection, in violation of California Health and Safety Code section 44012(f).

7 August 2, 2013 Citations:

8 34. On or about August 2, 2013, Respondent Reco Smog was issued Citation No. C2014-
9 0084 based on Respondent's failure to perform a visual/functional check of emission control
10 devices during a vehicle inspection, in violation of California Health and Safety Code section
11 44012(f).

12 35. On or about August 2, 2011, Respondent Mohammed Khan was issued Citation No.
13 M2014-0085 based on his failure to perform a visual/functional check of emission control devices
14 during a vehicle inspection, in violation of California Health and Safety Code sections 44012(f),
15 44302 and 44040.

16 **OTHER MATTERS**

17 36. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
18 probation the registrations for all places of business operated in this state by Mohammed Khan,
19 upon a finding that Mohammed Khan has, or is, engaged in a course of repeated and willful
20 violation of the laws and regulations pertaining to an automotive repair dealer.

21 37. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only
22 Station License Number TC 241095, issued to Reco Smog, Mohammed Saleem Khan, Owner, is
23 revoked or suspended, any additional license issued under this chapter in the name of said
24 licensee may be likewise revoked or suspended by the director.

25 38. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
26 (EO) License Number 146101, issued to Mohammed Saleem Khan, is revoked or suspended, any
27 additional license issued under this chapter in the name of said licensee may be likewise revoked
28 or suspended by the director.

1 PRAYER

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

- 4 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
5 Registration No. ARD 241095, issued to Reco Smog, Mohammed Saleem Khan, Owner;
6 2. Revoking, suspending, or placing on probation any other automotive repair dealer
7 registration issued to Mohammed Saleem Khan;
8 3. Revoking, suspending, or placing on probation Smog Check, Test Only Station
9 License Number TC 241095, issued to Reco Smog, Mohammed Saleem Khan, Owner;
10 4. Revoking, suspending, or placing on probation Smog Check Inspector (EO)
11 License Number 146101, issued to Mohammed Saleem Khan;
12 5. Revoking, suspending, or placing on probation any additional license issued under
13 chapter 5, of the Health and Safety Code in the name Mohammed Saleem Khan;
14 6. Ordering Mohammed Saleem Khan to pay the Director of Consumer Affairs the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
16 125.3; and,
17 7. Taking such other and further action as deemed necessary and proper.

18
19 DATED: April 11, 2014


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