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

12 In the Matter of the Petition for Interim Order
of Suspension Against:

Case Numbers 79/11-76; 79/11-77

13 SMOG KING
14 NAYFA MOHMUOD ISBEIH, Owner
1468 North Texas Street, Unit A
15 Fairfield, CA 94533
Automotive Repair Dealer Reg. No.
16 ARD260654
Smog Check, Test Only License No.
17 TC260654

OAH No. 2011031173

**INTERIM ORDER SUSPENDING
LICENSES**

[Bus. & Prof. Code § 49-4]

18 ASHRAF MOHAMMAD ISBEIH,
1301 Lois Lane
19 Suisun City, CA 94585
Advanced Emission Specialist Technician
20 License No. EA149148

21 RENE TINOCO SERVIN
70 Curvason Lane
22 American Canyon, CA 94503
Advanced Emission Specialist Technician
23 License No. EA632042

24 SMOG KING
25 KHALED JARADA, Owner
807-L Davis Street
Vacaville, CA 95688
26 Automotive Repair Dealer Reg. No.
27 ARD261857
Smog Check, Test Only License No.
28 TC261857

INTERIM ORDER SUSPENDING LICENSES (CASE NUMBERS 79/11-76; 79/11-77)

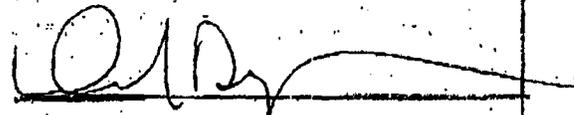
1 **KHALED JARADA,**
 2 2901 Montclair Way
 3 Fairfield, CA 94534
 4 Advanced Emission Specialist Technician
 5 License No. EA632536

6 Respondents.

7 Pursuant to California Business and Professions Code section 494, the following licenses
 8 are hereby suspended, effective immediately, until such time as the Accosations in these matters
 9 have proceeded to a full hearing and/or the Director of the Department of Consumer Affairs has
 10 adopted a Decision and Order and the Decision and Order has become final:

- 11 1. Automotive Repair Dealer Registration Number ARD260654 issued to Nayfa
 12 Mohamed Isbeih, dba Smog King.
- 13 2. Smog Check, Test Only License Number TC260654 issued to Nayfa Mohamed
 14 Isbeih, dba Smog King.
- 15 3. Advanced Emission Specialist Technician License Number EA632042 issued to Rene
 16 Tinoco Servin.
- 17 4. Automotive Repair Dealer Registration Number ARD261857 issued to Khaled
 18 Jarada, dba Smog King.
- 19 5. Smog Check, Test Only License Number TC261857 issued to Khaled Jarada, dba
 20 Smog King.

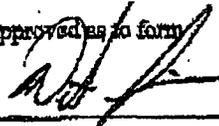
21 Dated: April 12, 2011

22 
 23 Administrative Law Judge

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Approved as to form



William D. Ferreira
Attorney for Respondents
Nayfa Mohmuod Isbeih, dba Smog King
Asraf Mohammad Isbeih
Khaled Jarada, dba Smog King

Approved as to form



Rene Tinoco Servin

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Case Numbers 79/11-76; 79/11-77

14 SMOG KING
NAYFA MOHMUOD ISBEIH, Owner
1468 North Texas Street, Unit A
15 Fairfield, CA 94533
Automotive Repair Dealer Reg. No.
16 ARD260654
Smog Check, Test Only License No.
17 TC260654

OAH No.

**PETITION FOR INTERIM ORDER OF
SUSPENSION**

[Bus. & Prof. Code § 494]

18 ASHRAF MOHAMMAD ISBEIH,
1301 Lois Lane
19 Suisun City, CA 94585
Advanced Emission Specialist Technician
20 License No. EA149148

21 RENE TINOCO SERVIN
70 Cuvaision Lane
22 American Canyon, CA 94503
Advanced Emission Specialist Technician
23 License No. EA632042

24 SMOG KING
KHALED JARADA, Owner
25 807-L Davis Street
Vacaville, CA 95688
26 Automotive Repair Dealer Reg. No.
ARD261857
27 Smog Check, Test Only License No.
TC261857
28

1 KHALED JARADA,
2 2901 Montclair Way
3 Fairfield, CA 94534
4 Advanced Emission Specialist Technician
5 License No. EA632536

Respondents.

6
7 Petitioner Sherry Mehl ("Petitioner") petitions the Office of Administrative Hearings for an
8 Interim Order of Suspension under Business and Professions Code section 494, subdivision (a)
9 suspending Respondents from the practice of automotive repair and smog check inspection
10 pending the outcome of these proceedings and/or putting restrictions on Respondents'
11 Registrations, and respectfully advises the Administrative Law Judge as follows:

12 **PARTIES**

13 1. Petitioner is the Chief of the Bureau of Automotive Repair ("Bureau"), Department of
14 Consumer Affairs, State of California, and files this Petition solely in her official capacity.

15 2. On or about February 2, 2010, the Director of Consumer Affairs ("Director") issued
16 Automotive Repair Dealer Registration Number ARD260654 to Nayfa Mohmoud Isbeih ("Nayfa
17 Isbeih"), dba Smog King (hereinafter referred to as "Smog King Fairfield"). The Smog King
18 Fairfield automotive repair dealer registration was in full force and effect at all times relevant to
19 this proceeding and will expire on December 31, 2011, unless renewed. On or about March 17,
20 2010, the Director issued Smog Check, Test Only License Number TC260654 to Nayfa Isbeih,
21 dba Smog King (hereinafter referred to as "Smog King Fairfield"). The Smog King Fairfield
22 smog check, test only license was in full force and effect at all times relevant to this proceeding
23 and will expire on December 31, 2011, unless renewed.

24 3. In 2004, the Director issued Advanced Emission Specialist Technician License
25 Number EA149148 to Ashraf Mohammad Isbeih ("Ashraf Isbeih"). Ashraf Isbeih's advanced
26 emission specialist technician license was in full force and effect at all times relevant to this
27 proceeding and will expire on November 30, 2012, unless renewed.
28

1 has been convicted of a crime substantially related to the licensed activity; and (2) permitting the
2 licensee to continue in the licensed activity, or without restrictions, would endanger the public
3 health, safety, or welfare.

4 9. Section 494 allows Petitioner to seek this order on 15 days' notice and provides
5 that Petitioner has the burden to prove the need for the order by a preponderance of the evidence.
6 Petitioner has notified Respondents of her intent to seek this interim suspension order. (See
7 Declaration of Proof of Service, filed herein.)

8
9 10. If the Court grants the interim order, Petitioner will file an accusation against
10 Respondents within 15 days of the issuance of the order. (Bus. & Prof. Code § 494(f).)

11 STATUTORY AND REGULATORY PROVISIONS

12 11. Business and Professions Code section 9884.7 states in pertinent part:

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

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

22 ...
23 (4) Any other conduct that constitutes fraud.
24 ...

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

28 12. Business and Professions Code section 9884.13 provides that the expiration of a
valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
proceeding against an automotive repair dealer or to render a decision invalidating a registration
temporarily or permanently.

1 13. Business and Professions Code section 9889.22 provides as follows: "The willful
2 making of any false statement or entry with regard to a material matter in any oath, affidavit,
3 certificate of compliance or noncompliance, or application form which is required by this chapter
4 or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety
5 Code constitutes perjury and is punishable as provided in the Penal Code."

6 14. Health and Safety Code section 44012 states in pertinent part:

7
8 The test at the smog check stations shall be performed in accordance with
9 procedures prescribed by the department and may require loaded mode
10 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a
11 vehicle's onboard diagnostic system, or other appropriate test procedures as
12 determined by the department in consultation with the state board. The
13 department shall implement testing using onboard diagnostic systems, in lieu of
14 loaded mode dynamometer or two-speed idle testing, on model year 2000 and
15 newer vehicles only, beginning no earlier than January 1, 2013. However, the
16 department, in consultation with the state board, may prescribe alternative test
17 procedures that include loaded mode dynamometer or two-speed idle testing for
18 vehicles with onboard diagnostic systems that the department and the state board
19 determine exhibit operational problems. The department shall ensure, as
20 appropriate to the test method, the following:

21 ...

22 (f) A visual or functional check is made of emission control devices specified by
23 the department, including the catalytic converter in those instances in which the
24 department determines it to be necessary to meet the findings of Section 44001.
25 The visual or functional check shall be performed in accordance with procedures
26 prescribed by the department.

27 15. Health and Safety Code section 44032 provides as follows:

28 No person shall perform, for compensation, tests or repairs of emission control
devices or systems of motor vehicles required by this chapter unless the person
performing the test or repair is a qualified smog check technician and the test or
repair is performed at a licensed smog check station. Qualified technicians shall
perform tests of emission control devices and systems in accordance with Section
44012.

 16. Health and Safety Code section 44059 provides as follows: "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.”

1
2 17. Vehicle Code section 20 states as follows: “It is unlawful to use a false or fictitious
3 name, or to knowingly make any false statement or knowingly conceal any material fact in any
4 document filed with the Department of Motor Vehicles or the Department of the California
5 Highway Patrol.”

6 18. California Code of Regulations, title 16, section 3340.30 provides in pertinent part:
7 “A smog check technician shall comply with the following requirements at all times while
8 licensed. (a) A licensed technician shall inspect, test and repair vehicles in accordance with
9 section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and
10 section 3340.42 of this article.”

11
12 19. California Code of Regulations, title 16, section 3340.41, subdivision (c) provides
13 as follows: “No person shall enter into the emissions inspection system any vehicle identification
14 information or emission control system identification data for any vehicle other than the one
15 being tested. Nor shall any person knowingly enter into the emissions inspection system any
16 false information about the vehicle being tested.”

17
18 20. California Code of Regulations, title 16, section 3373 provides as follows:

19 No automotive repair dealer or individual in charge shall, in filling out an
20 estimate, invoice, or work order, or record required to be maintained by section
21 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
22 information which will cause any such document to be false or misleading, or
where the tendency or effect thereby would be to mislead or deceive customers,
prospective customers, or the public.

23 21. Penal Code section 115, subdivision (a) provides as follows: “Every person who
24 knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in
25 any public office within this state, which instrument, if genuine, might be filed, registered, or
26 recorded under any law of this state or of the United States, is guilty of a felony.”

27
28 22. Penal Code section 118 states in pertinent part:

1 (a) Every person who, having taken an oath that he or she will testify, declare,
2 depose, or certify truly before any competent tribunal, officer, or person, in any of
3 the cases in which the oath may by law of the State of California be administered,
4 willfully and contrary to the oath, states as true any material matter which he or
5 she knows to be false, and every person who testifies, declares, deposes, or
6 certifies under penalty of perjury in any of the cases in which the testimony,
7 declarations, depositions, or certification is permitted by law of the State of
8 California under penalty of perjury and willfully states as true any material matter
9 which he or she knows to be false, is guilty of perjury.

10 23. Penal Code section 502 states in pertinent part:

11 (c) Except as provided in subdivision (h), any person who commits any of the
12 following acts is guilty of a public offense:

13 (1) Knowingly accesses and without permission alters, damages, deletes, destroys,
14 or otherwise uses any data, computer, computer system, or computer network in
15 order to either (A) devise or execute any scheme or artifice to defraud, deceive, or
16 extort, or (B) wrongfully control or obtain money, property, or data.

17 **FACTUAL BACKGROUND**

18 24. California's Smog Test program requires motorists to submit their vehicles for a
19 Smog Check inspection every two years. Licensed Smog Check technicians at licensed Smog
20 Check stations perform these inspections. A Smog Check inspection consists of the following
21 three components: an emissions sample test using a dynamometer; a visual inspection of the
22 vehicle's emissions control components; and a functional test of certain components of the
23 emissions system. The functional portion of the test includes, among other things, a test of the
24 On Board Diagnostic, Generation II ("OBD II") system on 1996 and newer vehicles. (See
25 February 17, 2011, Declaration of Joseph B. Cheung, 1:22-2:3.)

26 25. Smog Check inspections are performed using a BAR97 Emissions Inspection
27 System ("EIS"), which is a computer-based five-gas analyzer that samples exhaust emissions
28 from the tailpipe of the vehicle being tested. Licensed technicians also enter the results of the
functional and visual components of the inspection into the EIS, as well as information specific to
the vehicle being tested (e.g., year, make, model, and license plate number). The EIS determines
whether or not the vehicle passes the inspection and electronically transmits the results to the

1 Bureau and the Department of Motor Vehicles (“DMV”). The EIS also prints a Vehicle
2 Inspection Report (“VIR”), which serves as a printed record of the test results. The test
3 information is stored on the EIS hard drive and then transmitted to a Vehicle Information
4 Database (“VID”). The VID contains a complete summary of the date and time of a given smog
5 test, the vehicle tested, the emissions readings of the vehicle, the technician who performed the
6 test, and the electronic certificate of compliance number if one was issued. (See February 17,
7 2011, Declaration of Joseph B. Cheung, 2:16-3:9.)
8

9 26. During the test of the OBD II system, the EIS creates a data communications link
10 with the vehicle’s Power Train Control Module (“PCM”). The PCM is a computer in the vehicle
11 responsible for electronic engine and emissions controls. The data link accesses the internal
12 memory of the PCM to determine if the vehicle’s OBD II is functioning properly. The OBD II
13 continuously performs self-diagnostic tests (also referred to as “monitors”) on the PCM to
14 confirm that the PCM is able to properly control the operation of the engine and emissions control
15 devices. Malfunctions within these systems can lead to elevated emissions. There can be as
16 many as twelve different monitors on OBD II-equipped vehicles. If a monitor detects a
17 malfunction in one of the systems, a Diagnostic Trouble Code (“DTC” or “code”) will be stored
18 in the PCM’s memory. (See February 17, 2011, Declaration of Joseph B. Cheung, 3:10-23.)
19

20 27. One type of DTC is a “Type B” code. A Type B code requires a malfunction to be
21 detected during two consecutive monitor cycles. If a system fails the first cycle, a pending DTC
22 is stored in the PCM’s memory. If the system fails the second cycle, a “matured” or “hard” DTC
23 is stored in the PCM’s memory. These matured DTCs are displayed in a specific format. All
24 OBD II DTCs are five digits long with an alpha character followed by four numbers. For PCM
25 codes, the alpha character is the letter “P.” The P is followed by a 0 (zero) or a 1 (one). Zero
26 indicates generic codes utilized by all automotive manufacturers, and one indicates manufacturer
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1 specific codes. Under this format, there is the potential for up to 1,000 different, manufacturer
2 specific DTCs. These DTCs are often used by only a few manufacturers. (See February 17,
3 2011, Declaration of Joseph B. Cheung, 3:28-4:10.)

4 28. The Bureau has become aware of several methods used by some Smog Check
5 stations and Smog Check technicians to issue improper or fraudulent smog certificates. One of
6 these methods is known as "clean plugging." To clean plug, the technician either (1) enters
7 vehicle information into the EIS for the vehicle the technician wishes to certify and then performs
8 a complete smog inspection on a different, properly functioning vehicle; or (2) performs an
9 incomplete smog inspection on the vehicle the technician wishes to certify and then plugs the
10 OBD II connector from the EIS into a vehicle believed to have a properly functioning OBD II
11 system. (See February 17, 2011, Declaration of Joseph B. Cheung, 4:28-5:7.)

13 29. On or about February 2, 2011, the Bureau began an investigation of the Smog
14 Check inspection practices of Nayfa Mohmoud Isbeih, Ashraf Mohammad Isbeih, and Rene
15 Tinoco Servin at Smog King Fairfield. The Bureau conducted a detailed review of the VID data
16 for all Smog Check inspections performed at this location between November 3, 2010, and
17 February 3, 2011. The review showed a pattern of OBD II code P1298 being stored in the PCM
18 memory of eight (8) different vehicles that received smog certificates. (See Attachments 8-22 to
19 the February 17, 2011, Declaration of Joseph B. Cheung, 10:12-16.) The Original Equipment
20 Manufacturer service information for these vehicles shows that they do not support OBD II code
21 P1298. (See Appendices A, B, and C in Case No. IN20111784.) The presence of OBD II code
22 P1298 in the PCM memory of these vehicles indicates that another vehicle was used for the OBD
23 II portion of the vehicles' Smog Check inspection. As discussed above, using another vehicle in
24 this manner constitutes clean plugging. (See February 17, 2011, Declaration of Joseph B.
25 Cheung, 6:7-19.)
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1 30. Of the eight (8) fraudulent smog certificates issued at Smog King Fairfield
2 between November 3, 2010, and February 3, 2011, one (1) was issued using the Smog Check
3 Technician License of Ashraf Isbeih, and seven (7) were issued using the Smog Check
4 Technician License of Servin. (See February 17, 2011, Declaration of Joseph B. Cheung, 10:12-
5 16.)

6 31. On or about November 17, 2010, the Bureau began an investigation of the Smog
7 Check inspection practices of Khaled Jarada and Servin at Smog King Vacaville. The Bureau
8 conducted a detailed review of the VID data for all Smog Check inspections performed at this
9 location between August 17, 2010, and November 17, 2010. The review showed a pattern of
10 OBD II code P1298 being stored in the memory of the PCM on thirty-four (34) different vehicles
11 that received smog certificates. The review also showed a combination pattern of OBD II codes
12 P1298 and P0600 being stored in the memory of the PCM on four (4) other vehicles. (See
13 Attachments 6-73 to the February 15, 2011, Declaration of Joseph B. Cheung.) The Original
14 Equipment Manufacturer service information for all of the 38 vehicles shows that they do not
15 support OBD II codes P1298 and/or P0600. (See Appendices A, B, and C in Case No.
16 IN201018942.) The presence of OBD II codes P1298 and P0600 in the PCM memory of these
17 vehicles indicates that another vehicle was used for the OBD II portion of the vehicles' Smog
18 Check inspection. As discussed above, using another vehicle in this manner constitutes clean
19 plugging. (See February 15, 2011, Declaration of Joseph B. Cheung, 6:6-22.)

20 32. Of the thirty-eight (38) fraudulent smog certificates issued at Smog King Vacaville
21 between August 17, 2010, and November 17, 2010, one (1) was issued using the Smog Check
22 Technician License of Jarada, and thirty-seven (37) were issued using the Smog Check
23 Technician License of Servin. (See February 15, 2011, Declaration of Joseph B. Cheung, 21:25-
24 22:1.)

CAUSES FOR SUSPENSION

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2 33. Respondents Smog King Fairfield and Smog King Vacaville are subject to
3 disciplinary action under Business and Professions Code section 9884.7, subdivisions (a)(1),
4 (a)(4), and (a)(6) in that by engaging in clean plugging as described above, they knowingly made
5 and/or authorized an untrue and/or misleading statement, engaged in fraudulent conduct, and/or
6 failed to comply with the Automotive Repair Act and regulations adopted pursuant to it.

7
8 34. Respondents Smog King Fairfield, Smog King Vacaville, Rene Tinoco Servin,
9 Khaled Jarada, and Ashraf Mohammad Isbeih are subject to disciplinary action under Business
10 and Professions Code section 9889.22 in that by engaging in clean plugging as described above,
11 they willfully made a false statement and/or entry with regard to a material matter in an oath,
12 affidavit, certificate of compliance or noncompliance, or application form required by the
13 Automotive Repair Act.

14
15 35. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
16 are subject to disciplinary action under Health and Safety Code section 44012, subdivision (f) in
17 that by engaging in clean plugging as described above, they failed to perform a functional check
18 of emission control devices of various vehicles in accordance with procedures prescribed by the
19 Department of Consumer Affairs.

20
21 36. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
22 are subject to disciplinary action under Health and Safety Code section 44032 in that by engaging
23 in clean plugging as described above, they failed to perform tests of emission control devices and
24 systems in accordance with Health and Safety Code section 44012.

25
26 37. Respondents Smog King Fairfield, Smog King Vacaville, Rene Tinoco Servin,
27 Khaled Jarada, and Ashraf Mohammad Isbeih are subject to disciplinary action under Health and
28 Safety Code section 44059 in that by engaging in clean plugging as described above, they

1 willfully made a false statement and/or entry with regard to a material matter in an oath, affidavit,
2 certificate of compliance or noncompliance, or application form required by the Automotive
3 Repair Act.

4 38. Respondents Smog King Fairfield, Smog King Vacaville, Rene Tinoco Servin,
5 Khaled Jarada, and Ashraf Mohammad Isbeih are subject to disciplinary action under Vehicle
6 Code section 20 in that by engaging in clean plugging as described above, they knowingly made a
7 false statement and/or knowingly concealed a material fact in documents filed with the
8 Department of Motor Vehicles.

9
10 39. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
11 are subject to disciplinary action under California Code of Regulations, title 16, section 3340.30,
12 subdivision (a) in that by engaging in clean plugging as described above, they failed to inspect
13 and/or test vehicles in accordance with Health and Safety Code section 44012 and California
14 Code of Regulations, title 16, section 3340.42.

15
16 40. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
17 are subject to disciplinary action under California Code of Regulations, title 16, section 3340.41,
18 subdivision (c) in that by engaging in clean plugging as described above, they (1) entered into the
19 emissions inspection system of various vehicles the vehicle identification information and/or
20 emission control system identification of vehicles other than the one being tested; and (2) entered
21 into the emissions inspection system of various vehicles false information about the vehicle being
22 tested.

23
24 41. Respondents Smog King Fairfield and Smog King Vacaville are subject to
25 disciplinary action under California Code of Regulations, title 16, section 3373 in that by
26 engaging in clean plugging as described above, they filled out a record required to be maintained
27 by California Code of Regulations, title 16, section 3340.15(f), from which they withheld or into
28

1 which they inserted a statement and/or information that caused the record to be false or
2 misleading.

3 42. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
4 are subject to disciplinary action under Penal Code section 115, subdivision (a) in that by
5 engaging in clean plugging as described above, they knowingly procured and/or offered a false or
6 forged instrument to be filed, registered, and/or recorded in any public office within this state.

7 43. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
8 are subject to disciplinary action under Penal Code section 118 in that by engaging in clean
9 plugging as described above, they willfully stated as true under penalty of perjury a material
10 matter that they knew to be false.

11 44. Respondents Khaled Jarada, Rene Tinoco Servin, and Ashraf Mohammad Isbeih
12 are subject to disciplinary action under Penal Code section 502, subdivision (c)(1) in that by
13 engaging in clean plugging as described above, they knowingly accessed a computer system or
14 computer network in order to devise or execute a scheme or artifice to defraud or deceive, and/or
15 to wrongfully control data.

16 45. California's Smog Check Inspection Program was created to improve the air
17 quality in California and to protect the public from the harmful effects of air pollution caused by
18 motor vehicles. The bypassing of any portion of the Program—including the OBD II test—
19 creates a serious health and safety threat to the public and negatively impacts the air quality in
20 California. (See Attachment 76 to the February 15, 2011, Declaration of Joseph B. Cheung.)

21 46. Respondents, by engaging in clean plugging and violating the statutory and
22 regulatory provisions set forth above, endangered the public health, safety, and welfare.
23 Currently, there are no restrictions on Respondents' ability to practice automotive repair and
24 perform Smog Check inspections. As a result, Respondents, through their employment as
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1 automotive repair dealers and Smog Check technicians, may continue to issue false and
2 fraudulent smog certificates, thereby further endangering the public health, safety, and welfare.

3 WHEREFORE, Petitioner prays that an Administrative Law Judge issue an order:

4 1. Temporarily suspending Automotive Repair Dealer Registration Number
5 ARD260654 and Smog Check, Test Only License No. TC260654 issued to Nayfa Mohmoud
6 Isbeih, dba Smog King, and prohibiting Nayfa Isbeih from directly or indirectly practicing or
7 profiting from the practice of automotive repair or smog inspection in California until an
8 administrative hearing can be held, the charges in the accusation can be heard, and a decision
9 issues and becomes effective from the Bureau determining whether Nayfa Isbeih should continue
10 to hold a license to practice and, if so, under what circumstances.

11 2. Temporarily suspending Advanced Emission Specialist Technician License Number
12 EA149148 issued to Ashraf Mohammad Isbeih, and prohibiting Ashraf Isbeih from directly or
13 indirectly practicing or profiting from the practice of smog inspection in California until an
14 administrative hearing can be held, the charges in the accusation can be heard, and a decision
15 issues and becomes effective from the Bureau determining whether Ashraf Isbeih should continue
16 to hold a license to practice and, if so, under what circumstances.

17 3. Temporarily suspending Advanced Emission Specialist Technician License Number
18 EA632042 issued to Rene Tinoco Servin, and prohibiting Rene Tinoco Servin from directly or
19 indirectly practicing or profiting from the practice of smog inspection in California until an
20 administrative hearing can be held, the charges in the accusation can be heard, and a decision
21 issues and becomes effective from the Bureau determining whether Rene Tinoco Servin should
22 continue to hold a license to practice and, if so, under what circumstances.

23 4. Temporarily suspending Automotive Repair Dealer Registration Number
24 ARD261857, Smog Check, Test Only License No. TC261857, and Advanced Emission Specialist
25 Technician License Number EA632536 issued to Khaled Jarada, dba Smog King, and prohibiting
26 Khaled Jarada from directly or indirectly practicing or profiting from the practice of automotive
27 repair or smog inspection in California until an administrative hearing can be held, the charges in
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the accusation can be heard, and a decision issues and becomes effective from the Bureau determining whether Khaled Jarada should continue to hold a license to practice and, if so, under what circumstances.

5. Granting Petitioner such other and further relief as may be deemed appropriate.

Dated: 3/22/11



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

Complainant