

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 79/11-30

13 **SERVICE ISLAND, INC.,**
14 **dba ESCONDIDO TEST ONLY**
15 **GHADA K. ABUAMOUNEH,**
a.k.a. GHADA WALID ABUAMOUNEH, PRES.
16 **615 W. El Norte Parkway, #320**
Escondido, CA 92026
17 **Automotive Repair Dealer Reg. No. ARD 233965**
Smog Check, Test Only, Station License No. TC
233965,

18 **A C C U S A T I O N**
(Smog Check)

19 **SCOTT ALAN MILLER**
8373 A Summerdale Road
San Diego, CA 92126
20 **Advanced Emission Specialist Technician License**
No. EA 145097,

21 **and**

22 **MOHAMAD WALID ABUAMOUNEH**
23 **P.O. Box 461287**
Escondido, CA 92046
24 **Advanced Emission Specialist Technician License**
25 **No. EA 152453**

26 Respondents.

27 ///

28 ///

1 Complainant alleges:

2 **PARTIES**

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

5 **Service Island dba Escondido Test Only**

6 2. On or about February 9, 2005, the Director of Consumer Affairs ("Director") issued
7 Automotive Repair Dealer Registration Number ARD 233965 (hereinafter "registration") to
8 Service Island, Inc. ("Respondent Service Island"), doing business as Escondido Test Only, with
9 Ghada K. Abuamouneh, also known as Ghada Walid Abuamouneh, as president. Respondent's
10 registration was in full force and effect at all times relevant to the charges brought herein and will
11 expire on May 31, 2011, unless renewed.

12 3. On or about March 3, 2005, the Director issued Smog Check, Test Only, Station
13 License Number TC 233965 (hereinafter "smog check station license") to Respondent Service
14 Island. Respondent's smog check station license was in full force and effect at all times relevant
15 to the charges brought herein and will expire on May 31, 2011, unless renewed.

16 **Scott Alan Miller**

17 4. In or about 2002, the Director issued Advanced Emission Specialist Technician
18 License Number EA 145097 (hereinafter "technician license") to Scott Alan Miller ("Respondent
19 Miller" or "Miller"). Respondent's technician license was in full force and effect at all times
20 relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

21 **Mohamad Walid Abuamouneh**

22 5. In or about 2005, the Director issued Advanced Emission Specialist Technician
23 License Number EA 152453 (hereinafter "technician license") to Mohamad Walid Abuamouneh
24 ("Respondent Abuamouneh" or "Abuamouneh"). Respondent's technician license was in full
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,
26 2012, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

2 6. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
3 the Director may revoke an automotive repair dealer registration.

4 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
5 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
6 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
7 invalidating (suspending or revoking) a registration.

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

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

15 **STATUTORY PROVISIONS**

16 10. Bus. & Prof. Code section 9884.7 states, in pertinent part:

17 (a) The director, where the automotive repair dealer cannot show there
18 was a bona fide error, may deny, suspend, revoke, or place on probation the
19 registration of an automotive repair dealer for any of the following acts or omissions
20 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.

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

23

24 (3) Failing or refusing to give to a customer a copy of any document
requiring his or her signature, as soon as the customer signs the document.

25 (4) Any other conduct which constitutes fraud.

26

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

....

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(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.

11. Bus. & Prof. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

12. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost . . .

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

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14. 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 Saf. 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 . . .

15. 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 . . .

16. Health & Saf. Code section 44072.8 states that 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

17. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee 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.

///
///
///
///

1 completed, the operator paid Sam \$69. Sam wrote an "S" on the second page of the vehicle
2 inspection report ("VIR") at the technician signature block and provided the operator with copies
3 of the VIR and an invoice. The operator left the facility at approximately 1046 hours. That same
4 day, electronic smog Certificate of Compliance No. WD833288C was issued for the vehicle.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 22. Respondent Service Island's registration is subject to disciplinary action pursuant to
8 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
9 statements which it knew or in the exercise of reasonable care should have known to be untrue or
10 misleading, as follows: Respondent Service Island's technician, Respondent Miller, certified that
11 the Bureau's 1991 Toyota pickup truck had passed the functional ignition timing check, the visual
12 fuel cap check, the functional fuel cap integrity test, and the functional LPFET check. In fact,
13 Miller failed to perform those tests on the vehicle.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Provide Customer with Copy of Signed Document)**

16 23. Respondent Service Island's registration is subject to disciplinary action pursuant to
17 Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that Respondent's employee, Sam, failed
18 to provide the operator with a copy of the estimate as soon as the operator signed the document.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Fraud)**

21 24. Respondent Service Island's registration is subject to disciplinary action pursuant to
22 Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act which
23 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1991
24 Toyota pickup truck without performing a bona fide inspection of the emission control devices
25 and systems on the vehicle, thereby depriving the People of the State of California of the
26 protection afforded by the Motor Vehicle Inspection Program.

27 ///

28 ///

1 1214 hours. That same day, electronic smog Certificate of Compliance No. WD833294C was
2 issued for the vehicle.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 33. Respondent Service Island's registration is subject to disciplinary action pursuant to
6 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
7 statements which it knew or in the exercise of reasonable care should have known to be untrue or
8 misleading, as follows: Respondent Service Island's technician, Respondent Miller, certified that
9 the Bureau's 1989 Chevrolet Corsica had passed the visual fuel cap check, the functional fuel cap
10 integrity test, and the functional LPFET check. In fact, Miller failed to perform those tests on the
11 vehicle.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide Customer with Copy of Signed Document)**

14 34. Respondent Service Island's registration is subject to disciplinary action pursuant to
15 Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that Respondent's employee, Sam, failed
16 to provide the operator with a copy of the estimate as soon as the operator signed the document.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 35. Respondent Service Island's registration is subject to disciplinary action pursuant to
20 Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act which
21 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1989
22 Chevrolet Corsica without performing a bona fide inspection of the emission control devices and
23 systems on the vehicle, thereby depriving the People of the State of California of the protection
24 afforded by the Motor Vehicle Inspection Program.

25 ///

26 ///

27 ///

28 ///

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 38. Respondent Service Island's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
5 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an
6 electronic smog certificate of compliance for the Bureau's 1989 Chevrolet Corsica without
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,
8 thereby depriving the People of the State of California of the protection afforded by the Motor
9 Vehicle Inspection Program.

10 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

12 39. Respondent Miller's technician license is subject to disciplinary action pursuant to
13 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
14 provisions of that Code in the following material respects:

15 a. **Section 44012:** Respondent failed to perform the emission control tests on the
16 Bureau's 1989 Chevrolet Corsica in accordance with procedures prescribed by the department.

17 b. **Section 44059:** Respondent willfully made false entries in the EIS, resulting in the
18 issuance of an electronic smog certificate of compliance for the Bureau's 1989 Chevrolet Corsica.

19 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

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

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
26 electronic smog certificate of compliance for the Bureau's 1989 Chevrolet Corsica.

27 ///

28 ///

1 b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the Bureau's
2 1989 Chevrolet Corsica in accordance with Health & Saf. Code sections 44012 and 44035, and
3 California Code of Regulations, title 16, section 3340.42.

4 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered into the EIS false
5 information about the Bureau's 1989 Chevrolet Corsica.

6 d. **Section 3340.42**: Respondent failed to conduct the required smog tests on the
7 Bureau's 1989 Chevrolet Corsica in accordance with the Bureau's specifications.

8 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

10 41. Respondent Miller's technician license is subject to disciplinary action pursuant to
11 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest,
12 fraudulent, or deceitful act whereby another is injured by issuing an electronic smog certificate of
13 compliance for the Bureau's 1989 Chevrolet Corsica without performing a bona fide inspection of
14 the emission control devices and systems on the vehicle, thereby depriving the People of the State
15 of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **UNDERCOVER OPERATION #3: 1995 CHEVROLET LUMINA**

17 42. Complainant incorporates by reference as though fully set forth herein the allegations
18 contained in paragraphs 18 through 20 above.

19 43. On October 24, 2009, at approximately 1342 hours, the operator involved in the first
20 and second undercover operations took the Bureau's 1995 Chevrolet Lumina to Escondido Test
21 Only and met with Sam. The operator requested a smog inspection on the Bureau-documented
22 vehicle. Sam had the operator sign an estimate for the inspection, but did not provide him with a
23 copy. The operator observed Respondent Miller perform the inspection on the vehicle. Miller
24 did not conduct the required visual fuel cap check, the functional fuel cap integrity test, or the
25 functional LPFET check on the vehicle. After the inspection was completed, the operator paid
26 Sam \$50. Sam wrote an "S" on the second page of the VIR at the technician signature block and
27 provided the operator with copies of the VIR and an invoice. The operator left the facility at

28 ///

1 approximately 1352 hours. That same day, electronic smog Certificate of Compliance No.
2 WD880801C was issued for the vehicle.

3 **NINETEENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 44. Respondent Service Island's registration is subject to disciplinary action pursuant to
6 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
7 statements which it knew or in the exercise of reasonable care should have known to be untrue or
8 misleading, as follows: Respondent Service Island's technician, Respondent Miller, certified that
9 the Bureau's 1995 Chevrolet Lumina had passed the visual fuel cap check, the functional fuel cap
10 integrity test, and the functional LPFET check. In fact, Miller failed to perform those tests on the
11 vehicle.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide Customer with Copy of Signed Document)**

14 45. Respondent Service Island's registration is subject to disciplinary action pursuant to
15 Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that Respondent's employee, Sam, failed
16 to provide the operator with a copy of the estimate as soon as the operator signed the document.

17 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 46. Respondent Service Island's registration is subject to disciplinary action pursuant to
20 Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act which
21 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1995
22 Chevrolet Lumina without performing a bona fide inspection of the emission control devices and
23 systems on the vehicle, thereby depriving the People of the State of California of the protection
24 afforded by the Motor Vehicle Inspection Program.

25 ///

26 ///

27 ///

28 ///

1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

3 47. Respondent Service Island's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
5 to comply with the following sections of that Code:

6 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
7 performed on the Bureau's 1995 Chevrolet Lumina in accordance with procedures prescribed by
8 the department.

9 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
10 the Bureau's 1995 Chevrolet Lumina without properly testing and inspecting the vehicle to
11 determine if it was in compliance with Health & Saf. Code section 44012.

12 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

15 48. Respondent Service Island's smog check station license is subject to disciplinary
16 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
17 to comply with provisions of California Code of Regulations, title 16, as follows:

18 a. **Section 3340.24, subdivision (c):** Respondent Service Island falsely or fraudulently
19 issued an electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Lumina.

20 b. **Section 3340.35, subdivision (c):** Respondent Service Island issued an electronic
21 smog certificate of compliance for the Bureau's 1995 Chevrolet Lumina even though the vehicle
22 had not been inspected in accordance with section 3340.42.

23 c. **Section 3340.41, subdivision (c):** Respondent Service Island authorized or permitted
24 its technician, Respondent Miller, to knowingly enter into the EIS false information about the
25 Bureau's 1995 Chevrolet Lumina.

26 d. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
27 conducted on the Bureau's 1995 Chevrolet Lumina in accordance with the Bureau's
28 specifications.

1 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

3 49. Respondent Service Island's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
5 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an
6 electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Lumina without
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,
8 thereby depriving the People of the State of California of the protection afforded by the Motor
9 Vehicle Inspection Program.

10 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

12 50. Respondent Miller's technician license is subject to disciplinary action pursuant to
13 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
14 provisions of that Code in the following material respects:

15 a. **Section 44012:** Respondent failed to perform the emission control tests on the
16 Bureau's 1995 Chevrolet Lumina in accordance with procedures prescribed by the department.

17 b. **Section 44059:** Respondent willfully made false entries in the EIS, resulting in the
18 issuance of an electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Lumina.

19 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

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

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
26 electronic smog certificate of compliance for the Bureau's 1995 Chevrolet Lumina.

27 ///

28 ///

1 b. Section 3340.30, subdivision (a): Respondent failed to inspect and test the Bureau's
2 1995 Chevrolet Lumina in accordance with Health & Saf. Code sections 44012 and 44035, and
3 California Code of Regulations, title 16, section 3340.42.

4 c. Section 3340.41, subdivision (c): Respondent knowingly entered into the EIS false
5 information about the Bureau's 1995 Chevrolet Lumina.

6 d. Section 3340.42: Respondent failed to conduct the required smog tests on the
7 Bureau's 1995 Chevrolet Lumina in accordance with the Bureau's specifications.

8 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

10 52. Respondent Miller's technician license is subject to disciplinary action pursuant to
11 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest,
12 fraudulent, or deceitful act whereby another is injured by issuing an electronic smog certificate of
13 compliance for the Bureau's 1995 Chevrolet Lumina without performing a bona fide inspection
14 of the emission control devices and systems on the vehicle, thereby depriving the People of the
15 State of California of the protection afforded by the Motor Vehicle Inspection Program.

16 **UNDERCOVER OPERATION #4: 1979 BUICK LE SABRE**

17 53. Complainant incorporates by reference as though fully set forth herein the allegations
18 contained in paragraphs 18 through 20 above.

19 54. On October 25, 2009, the operator involved in the first, second, and third undercover
20 operations took the Bureau's 1979 Buick Le Sabre to Escondido Test Only and requested a smog
21 inspection. The internal components of the carburetor on the Bureau-documented vehicle had
22 been misadjusted, causing excessive tailpipe emissions. Respondent Abuamouneh had the
23 operator sign an estimate for the inspection, but did not provide him with a copy. The operator
24 observed Abuamouneh perform the inspection on the vehicle. Abuamouneh did not conduct the
25 required functional fuel cap integrity test or the functional LPFET check on the vehicle. After the
26 inspection was completed, the operator paid Abuamouneh \$49.90 and received copies of an
27 invoice and VIR. The VIR indicated that the vehicle failed the inspection.

28 ///

1 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 55. Respondent Service Island's registration is subject to disciplinary action pursuant to
4 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
5 statements which it knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows: Respondent Service Island's technician, Respondent Abuamouneh,
7 certified under penalty of perjury on the VIR that he performed the inspection on the Bureau's
8 1979 Buick Le Sabre in accordance with all Bureau requirements. In fact, Respondent
9 Abuamouneh failed to perform the required functional fuel cap integrity test and functional
10 LPFET check on the vehicle.

11 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

12 **(Failure to Provide Customer with Copy of Signed Document)**

13 56. Respondent Service Island's registration is subject to disciplinary action pursuant to
14 Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that Respondent Service Island's
15 technician, Respondent Abuamouneh, failed to provide the operator with a copy of the estimate as
16 soon as the operator signed the document.

17 **THIRTIETH CAUSE FOR DISCIPLINE**

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

19 57. Respondent Service Island's smog check station license is subject to disciplinary
20 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
21 to comply with section 44012 of that Code in a material respect, as follows: Respondent failed to
22 ensure that the emission control tests were performed on the Bureau's 1979 Buick Le Sabre in
23 accordance with procedures prescribed by the department.

24 ///

25 ///

26 ///

27 ///

28 ///

1 b. Section 3340.41, subdivision (c): Respondent knowingly entered into the EIS false
2 information about the Bureau's 1979 Buick Le Sabre.

3 c. Section 3340.42: Respondent failed to conduct the required smog tests on the
4 Bureau's 1979 Buick Le Sabre in accordance with the Bureau's specifications.

5 UNDERCOVER OPERATION #5: 1988 TOYOTA TERCEL

6 61. On November 17, 2009, an undercover operator with the Bureau (hereinafter
7 "operator") took the Bureau's 1988 Toyota Tercel to Escondido Test Only. The ignition timing
8 on the Bureau-documented vehicle was not adjusted to manufacturer's specifications, the fuel cap
9 was defective, the fuel evaporative upstream hose was disconnected from the charcoal canister,
10 and the vacuum hose line to the vacuum sensor at the bi-metallic vacuum switching valve
11 ("BVSV") was disconnected, causing excessive tailpipe emissions. The operator told the service
12 manager, "Scott", she wanted a smog inspection on the vehicle at the facility's advertised price of
13 \$38 and presented Scott with a *PennySaver* coupon for Escondido Test Only. Scott stated that it
14 would cost \$38 for the inspection plus \$8 for the smog certificate. Scott asked the operator to go
15 to Precision Tune Auto Care ("PTAC")'s office, which was located next door, and wait while the
16 inspection was conducted. Scott did not provide the operator with a written estimate. The
17 operator waited at PTAC. Later, Scott met with the operator at PTAC and told her that the
18 vehicle failed the inspection. The operator authorized Scott to diagnose the smog check failure
19 on the vehicle. Scott did not provide the operator with a written estimate for the diagnosis. The
20 operator returned to Escondido Test Only and paid Respondent Miller \$38. Miller did not
21 provide the operator with an invoice or a VIR. The operator told Miller that PTAC would be
22 repairing the vehicle and that she wanted a free retest as advertised in PTAC's *PennySaver*
23 advertisement. Scott returned to Escondido Test Only and asked the operator to wait at PTAC's
24 office. Scott drove the vehicle into one of the service bays at PTAC. A short while later, Scott
25 met with the operator at PTAC and told her that the vehicle needed a new catalytic converter at a
26 cost of \$398 plus tax. The operator asked Scott if the vehicle needed a new catalytic converter to
27 pass the smog check. Scott said, "Yes." The operator authorized Scott to proceed with the work.
28 The operator left PTAC.

1 statements which it knew or in the exercise of reasonable care should have known to be untrue or
2 misleading, as follows:

3 a. Respondent Service Island's technician, Respondent Miller, certified that the Bureau's
4 1988 Toyota Tercel had passed the functional ignition timing test and functional fuel cap integrity
5 test during the initial smog inspection on the vehicle. In fact, the ignition timing was not adjusted
6 to manufacturer's specifications and the fuel cap was defective.

7 b. Respondent Service Island's technician, Respondent Miller, certified that the Bureau's
8 1988 Toyota Tercel had passed inspection and was in compliance with applicable laws and
9 regulations. In fact, the ignition timing was not adjusted to manufacturer's specifications and the
10 fuel cap was defective. As such, the vehicle would not pass the inspection required by Health &
11 Saf. Code section 44012.

12 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Provisions of the Bus. & Prof. Code)**

14 66. Respondent Service Island's registration is subject to disciplinary action pursuant to
15 Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
16 provisions of that Code in the following material respects:

17 a. **Section 9884.8:** Respondent recorded on Invoice No. RO36838 an \$8.25 charge for
18 the smog certificate on the Bureau's 1988 Toyota Tercel, but did not describe the service work
19 performed on the vehicle, i.e., the smog inspection.

20 b. **Section 9884.9, subdivision (a):** Respondent failed to provide the operator with a
21 written estimate for parts and/or labor necessary for the smog inspection on the Bureau's 1988
22 Toyota Tercel.

23 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 67. Respondent Service Island's registration is subject to disciplinary action pursuant to
26 Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act which
27 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1988
28 Toyota Tercel without performing a bona fide inspection of the emission control devices and

1 systems on the vehicle, thereby depriving the People of the State of California of the protection
2 afforded by the Motor Vehicle Inspection Program.

3 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

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

5 68. Respondent Service Island's smog check station license is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
7 to comply with the following sections of that Code:

8 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
9 performed on the Bureau's 1988 Toyota Tercel in accordance with procedures prescribed by the
10 department.

11 b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for
12 the Bureau's 1988 Toyota Tercel without properly testing and inspecting the vehicle to determine
13 if it was in compliance with Health & Saf. Code section 44012.

14 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

17 69. Respondent Service Island's smog check station license is subject to disciplinary
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
19 to comply with provisions of California Code of Regulations, title 16, as follows:

20 a. **Section 3340.24, subdivision (c):** Respondent Service Island falsely or fraudulently
21 issued an electronic smog certificate of compliance for the Bureau's 1988 Toyota Tercel.

22 b. **Section 3340.35, subdivision (c):** Respondent Service Island issued an electronic
23 smog certificate of compliance for the Bureau's 1988 Toyota Tercel even though the vehicle had
24 not been inspected in accordance with section 3340.42.

25 c. **Section 3340.41, subdivision (a):** Respondent Service Island failed to give the
26 operator a copy of the VIR for the initial smog inspection on the Bureau's 1988 Toyota Tercel.

27 ///

28 ///

1 d. **Section 3340.41, subdivision (c)**: Respondent Service Island authorized or permitted
2 its technician, Respondent Miller, to knowingly enter into the EIS false information about the
3 Bureau's 1988 Toyota Tercel.

4 e. **Section 3340.42**: Respondent failed to ensure that the required smog tests were
5 conducted on the Bureau's 1988 Toyota Tercel in accordance with the Bureau's specifications.

6 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

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

8 70. Respondent Service Island's smog check station license is subject to disciplinary
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
10 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an
11 electronic smog certificate of compliance for the Bureau's 1988 Toyota Tercel 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 **FORTIETH CAUSE FOR DISCIPLINE**

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

17 71. Respondent Miller's technician license is subject to disciplinary action pursuant to
18 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
19 provisions of that Code in the following material respects:

20 a. **Section 44012**: Respondent failed to perform the emission control tests on the
21 Bureau's 1988 Toyota Tercel in accordance with procedures prescribed by the department.

22 b. **Section 44059**: Respondent willfully made false entries in the EIS, resulting in the
23 issuance of an electronic smog certificate of compliance for the Bureau's 1988 Toyota Tercel.

24 ///

25 ///

26 ///

27 ///

28 ///

1 **FORTY-FIRST CAUSE FOR DISCIPLINE**

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

4 72. Respondent Miller's technician license is subject to disciplinary action pursuant to
5 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with
6 provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
8 electronic smog certificate of compliance for the Bureau's 1988 Toyota Tercel.

9 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test the Bureau's
10 1988 Toyota Tercel in accordance with Health & Saf. Code sections 44012 and 44035, and
11 California Code of Regulations, title 16, section 3340.42.

12 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered into the EIS false
13 information about the Bureau's 1988 Toyota Tercel.

14 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
15 Bureau's 1988 Toyota Tercel in accordance with the Bureau's specifications.

16 **FORTY-SECOND CAUSE FOR DISCIPLINE**

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

18 73. Respondent Miller's technician license is subject to disciplinary action pursuant to
19 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest,
20 fraudulent, or deceitful act whereby another is injured by issuing an electronic smog certificate of
21 compliance for the Bureau's 1988 Toyota Tercel without performing a bona fide inspection of the
22 emission control devices and systems on the vehicle, thereby depriving the People of the State of
23 California of the protection afforded by the Motor Vehicle Inspection Program.

24 ///

25 ///

26 ///

27 ///

28 ///

UNDERCOVER OPERATION #6: 1989 HONDA ACCORD

1
2 74. On November 18, 2009, the operator involved in the fifth undercover operation took
3 the Bureau's 1989 Honda Accord to Escondido Test Only. The ignition timing on the Bureau-
4 documented vehicle was not adjusted to manufacturer's specifications, the vacuum hose to the
5 exhaust gas recirculation ("EGR") valve was disconnected, causing excessive tailpipe emissions,
6 and the fuel cap was defective. The operator told the service manager, Scott, that she wanted a
7 smog inspection on the vehicle at the facility's advertised price of \$38. Scott took the keys to the
8 vehicle along with the DMV registration billing notice, but did not provide the operator with an
9 estimate for the smog inspection. After the inspection was completed, the technician informed
10 the operator that the vehicle failed and that she needed to get it checked out by a mechanic. Later,
11 the operator met with Scott and told him that the vehicle failed the inspection. Scott asked the
12 operator if she had one of his coupons. The operator told Scott that she had a *PennySaver* coupon
13 from PTAC for a "guaranteed fixed smog." Scott obtained the VIR for the failed inspection, but
14 did not provide the operator with a copy, and went to PTAC. The operator paid the technician at
15 Escondido Test Only \$46 in cash for the inspection. The technician informed the operator that
16 the \$46 included \$38 for the inspection and \$8.00 for the smog certificate. The operator went to
17 PTAC and observed that the vehicle was already up on a hoist and that an employee was working
18 on the vehicle. A few minutes later, Scott told the operator that the vehicle "needed the same as
19 the other car"; i.e., the replacement of the catalytic converter. The operator asked Scott if that
20 was all the vehicle needed to pass the smog inspection and Scott replied, "Yes, I guarantee it."
21 Scott told the operator that he would show her the original catalytic converter on the vehicle
22 following the repairs. Scott did not provide the operator with a written estimate for the diagnosis
23 or the repairs. The operator left the facility.

24 75. At approximately 1300 hours, Scott called the operator and informed her that the
25 vehicle was ready. About ten minutes later, the operator went to PTAC, paid Scott \$464 in cash,
26 and received copies of an invoice and a VIR. The VIR indicated that the vehicle passed the
27 inspection, resulting in the issuance of electronic smog Certificate of Compliance No.
28 WF161968C, and that Respondent Abuamounh had performed the inspection. The operator

1 asked Scott for the old catalytic converter on the vehicle, which Scott provided. The operator
2 went to Escondido Test Only and asked Respondent Miller for a receipt on the vehicle. Miller
3 gave the operator a copy of a final invoice.

4 76. Information from the Bureau's VID indicated that Miller performed the initial smog
5 test on the vehicle. The vehicle had failed the emissions test, but passed the visual and functional
6 tests, including the functional ignition timing test and functional fuel cap integrity test.

7 77. On and between November 23, 2009, and December 2, 2009, the Bureau inspected
8 the vehicle and found that the hose to the EGR valve had been re-connected; however, the
9 ignition timing still was not adjusted to manufacturer's specifications and the defective fuel cap
10 was still in place on the vehicle. The Bureau also found that PTAC had performed an
11 unnecessary repair on the vehicle; i.e., the replacement of the catalytic converter.

12 **FORTY-THIRD CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 78. Respondent Service Island's registration is subject to disciplinary action pursuant to
15 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
16 statements which it knew or in the exercise of reasonable care should have known to be untrue or
17 misleading, as follows:

18 a. Respondent Service Island's technician, Respondent Miller, certified that the Bureau's
19 1989 Honda Accord had passed the functional ignition timing test and functional fuel cap
20 integrity test. In fact, the ignition timing was not adjusted to manufacturer's specifications and
21 the fuel cap was defective.

22 b. Respondent Service Island's technician, Respondent Abuamouneh, certified that the
23 Bureau's 1989 Honda Accord had passed inspection and was in compliance with applicable laws
24 and regulations. In fact, the ignition timing was not adjusted to manufacturer's specifications and
25 the fuel cap was defective. As such, the vehicle would not pass the inspection required by Health
26 & Saf. Code section 44012. Further, Abuamouneh certified that the LPFET functional check was
27 not applicable to the Bureau's 1989 Honda Accord when, in fact, that test was required on the
28 vehicle.

1 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

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

4 82. Respondent Service Island's smog check station license is subject to disciplinary
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
6 to comply with provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c)**: Respondent Service Island falsely or fraudulently
8 issued an electronic smog certificate of compliance for the Bureau's 1989 Honda Accord.

9 b. **Section 3340.35, subdivision (c)**: Respondent Service Island issued an electronic
10 smog certificate of compliance for the Bureau's 1989 Honda Accord even though the vehicle had
11 not been inspected in accordance with section 3340.42.

12 c. **Section 3340.41, subdivision (a)**: Respondent Service Island failed to give the
13 operator a copy of the VIR for the initial smog inspection on the Bureau's 1989 Honda Accord.

14 d. **Section 3340.41, subdivision (c)**: Respondent Service Island authorized or permitted
15 its technicians, Respondents Miller and Abuamouneh, to knowingly enter into the EIS false
16 information about the Bureau's 1989 Honda Accord, as set forth in paragraph 78 above.

17 e. **Section 3340.42**: Respondent failed to ensure that the required smog tests were
18 conducted on the Bureau's 1989 Honda Accord in accordance with the Bureau's specifications.

19 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

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

21 83. Respondent Service Island's smog check station license is subject to disciplinary
22 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
23 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an
24 electronic smog certificate of compliance for the Bureau's 1989 Honda Accord without
25 performing a bona fide inspection of the emission control devices and systems on the vehicle,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

28 ///

1 smog failure on the vehicle and told the representative that the diagnosis would cost \$39.95. The
2 employee had the representative sign a written estimate for the diagnosis, but did not provide him
3 with a copy. Approximately 10 to 15 minutes later, Scott returned to the office and told the
4 representative that the diagnostic service was completed. Scott also stated that the catalytic
5 converter and oxygen sensor on the vehicle needed replacement, that the total repair costs on the
6 vehicle would be \$540, and that the smog retest would be free. The representative asked Scott if
7 the vehicle would pass the smog check once the catalytic converter and oxygen sensor were
8 replaced. Scott stated that if the repairs did not bring the numbers down and the vehicle did not
9 pass, the representative would not have to pay them (PTAC). Scott offered to give the
10 representative the old parts on the vehicle after the repairs were completed. The representative
11 authorized the repairs and told Scott that he was leaving the facility, but would return later. Scott
12 told the representative that he did not need to pay the smog technician (Miller) at Escondido Test
13 Only because he (Scott) would pay the technician himself. Scott gave the representative a revised
14 estimate price of \$632.48, including tax, for the repairs and the smog inspection. The
15 representative left the facility at approximately 1018 hours.

16 90. Between approximately 1450 and 1505 hours, the representative returned to the
17 PTAC office. At approximately 1630 hours, Scott informed the representative that the vehicle
18 was finished and showed the representative the VIR from the smog check retest. The
19 representative asked Scott if the repairs made the vehicle pass the smog check. Scott said "Yes."
20 The representative observed Scott sign and date the VIR. Scott gave the representative copies of
21 the VIR's for the initial smog inspection and smog check retest and a final invoice, issued by
22 PTAC, totaling \$632.48. The VIR for the smog check retest indicated that the vehicle passed the
23 inspection, resulting in the issuance of electronic smog Certificate of Compliance No.
24 WF578388C, and that Miller had performed the inspection. The representative paid Scott
25 \$632.50 in cash.

26 91. Information from the Bureau's VID indicated that Miller performed the initial smog
27 test on the vehicle. The vehicle had failed the emissions test as a gross polluter, but passed the

28 ///

1 visual and functional tests, including the functional ignition timing test, functional fuel cap
2 integrity test, and functional LPFET check.

3 92. On December 23, 2009, the representative returned to PTAC and picked up the old
4 catalytic converter and oxygen sensor on the vehicle. Later that same day, the Bureau inspected
5 the vehicle and found that the vacuum hose to the vacuum sensor had been re-connected;
6 however, the EVAP upstream hose was still disconnected from the charcoal canister, the ignition
7 timing still was not adjusted to manufacturer's specifications, and the defective fuel cap was still
8 in place on the vehicle. The Bureau also found that PTAC had performed unnecessary repairs on
9 the vehicle.

10 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

11 **(Untrue or Misleading Statements)**

12 93. Respondent Service Island's registration is subject to disciplinary action pursuant to
13 Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized
14 statements which it knew or in the exercise of reasonable care should have known to be untrue or
15 misleading, as follows:

16 a. Respondent Service Island's technician, Respondent Miller, certified that the Bureau's
17 1992 Toyota Corolla had passed the visual and functional tests during the initial smog inspection
18 on the vehicle. In fact, the ignition timing was not adjusted to manufacturer's specifications, the
19 fuel cap was defective, the EVAP upstream hose was disconnected from the charcoal canister,
20 and the vacuum hose line to the vacuum sensor was disconnected.

21 b. Respondent Service Island's technician, Respondent Miller, certified that the Bureau's
22 1992 Toyota Corolla had passed inspection and was in compliance with applicable laws and
23 regulations. In fact, the ignition timing was not adjusted to manufacturer's specifications, the
24 EVAP upstream hose was disconnected from the charcoal canister, and the fuel cap was
25 defective. As such, the vehicle would not pass the inspection required by Health & Saf. Code
26 section 44012.

27 ///

28 ///

1 c. Respondent Service Island's technician, Respondent Miller, certified that the LPFET
2 functional check was not applicable to the Bureau's 1992 Toyota Corolla during both smog
3 inspections on the vehicle when, in fact, the LPFET test was required on the vehicle.

4 **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Provisions of the Bus. & Prof. Code)**

6 94. Respondent Service Island's registration is subject to disciplinary action pursuant to
7 Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
8 provisions of that Code in the following material respects:

9 a. **Section 9884.8:** Respondent failed to provide the representative with an invoice for
10 the smog inspection on the Bureau's 1992 Toyota Corolla.

11 b. **Section 9884.9, subdivision (a):** Respondent failed to provide the representative
12 with a written estimate for parts and/or labor necessary for the smog inspection on the Bureau's
13 1992 Toyota Corolla.

14 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 95. Respondent Service Island's registration is subject to disciplinary action pursuant to
17 Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act which
18 constitutes fraud by issuing an electronic smog certificate of compliance for the Bureau's 1992
19 Toyota Corolla without performing a bona fide inspection of the emission control devices and
20 systems on the vehicle, thereby depriving the People of the State of California of the protection
21 afforded by the Motor Vehicle Inspection Program.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 e. **Section 3340.42:** Respondent failed to ensure that the required smog tests were
2 conducted on the Bureau's 1992 Toyota Corolla in accordance with the Bureau's specifications.

3 **FIFTY-NINTH CAUSE FOR DISCIPLINE**

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

5 98. Respondent Service Island's smog check station license is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
7 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an
8 electronic smog certificate of compliance for the Bureau's 1992 Toyota Corolla without
9 performing a bona fide inspection of the emission control devices and systems on the vehicle,
10 thereby depriving the People of the State of California of the protection afforded by the Motor
11 Vehicle Inspection Program.

12 **SIXTIETH CAUSE FOR DISCIPLINE**

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

14 99. Respondent Miller's technician license is subject to disciplinary action pursuant to
15 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
16 provisions of that Code in the following material respects:

17 a. **Section 44012:** Respondent failed to perform the emission control tests on the
18 Bureau's 1992 Toyota Corolla in accordance with procedures prescribed by the department.

19 b. **Section 44059:** Respondent willfully made false entries in the EIS, resulting in the
20 issuance of an electronic smog certificate of compliance for the Bureau's 1992 Toyota Corolla.

21 **SIXTY-FIRST CAUSE FOR DISCIPLINE**

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

24 100. Respondent Miller's technician license is subject to disciplinary action pursuant to
25 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with
26 provisions of California Code of Regulations, title 16, as follows:

27 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued an
28 electronic smog certificate of compliance for the Bureau's 1992 Toyota Corolla.

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

3 105. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
4 Technician License Number EA 152453, issued to Mohamad Walid Abuamounch, is revoked or
5 suspended, any additional license issued under this chapter in the name of said licensee may be
6 likewise revoked or suspended by the Director.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number
11 ARD 233965, issued to Service Island, Inc., doing business as Escondido Test Only;

12 2. Revoking or suspending any other automotive repair dealer registration issued to
13 Service Island, Inc.;

14 3. Revoking or suspending Smog Check, Test Only, Station License Number
15 TC 233965, issued to Service Island, Inc., doing business as Escondido Test Only;

16 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
17 and Safety Code in the name of Service Island, Inc.;

18 5. Revoking or suspending Advanced Emission Specialist Technician License Number
19 EA 145097, issued to Scott Alan Miller;

20 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
21 and Safety Code in the name of Scott Alan Miller;

22 7. Revoking or suspending Advanced Emission Specialist Technician License Number
23 EA 152453, issued to Mohamad Walid Abuamounch;

24 8. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Mohamad Walid Abuamounch;

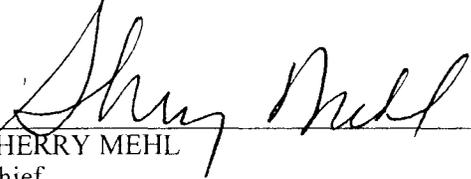
26 9. Ordering Respondents Service Island, Inc., doing business as Escondido Test Only,
27 Scott Alan Miller, and Mohamad Walid Abuamounch to pay the Director of Consumer Affairs

28 ///

1 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
2 Professions Code section 125.3;

3 10. Taking such other and further action as deemed necessary and proper.

4
5 DATED: 10/21/10


6 SHERRY MEHL
7 Chief
8 Bureau of Automotive Repair
9 Department of Consumer Affairs
10 State of California
11 *Complainant*

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SD2010701836
10610947.doc