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7

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

11 In the Matter of the Accusation Against:  
12 BISHEH INC., AIRPORT SMOG; POUYA  
MOALEJ, PRESIDENT, ET AL.  
13 1225 S. Oxnard Blvd.  
Oxnard, California 93030  
14 Automotive Repair Dealer License No.  
AD221086  
15 Smog Check Test Only Station License No.  
TD221086  
16 MOHAMMED MOALEJ  
17 15651 Crown Ridge Place  
Sherman Oaks, California 91403  
18 Advanced Emission Specialist Technician  
No. EA045409,  
19  
20 and  
21 CHARLES WILLIAM PROCTOR  
1400 California Street  
Oxnard, California 93030  
22 Advanced Emission Specialist Technician No.  
EA041149  
23

Respondents.

Case No. 79/09-15

**DEFAULT DECISION  
AND ORDER AS TO CHARLES  
WILLIAM PROCTOR ONLY**

[Gov. Code, §11520]

24  
25 FINDINGS OF FACT

26 1. On or about September 3, 2008, Complainant Sherry Mehl, in her official  
27 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
28 Affairs, filed Accusation No. 79/09-15 against Bisheh Inc., Airport Smog; Pouya Moalej,

1 President, et al. (Respondents) before the Director of Consumer Affairs.

2 **Automotive Repair Dealer Registration**

3 2. On a date uncertain in 2002, the Bureau issued Automotive Repair Dealer  
4 Registration Number AD 221086 ("registration") to Bisheh, Inc. doing business as Airport Smog,  
5 with Pouya Moalej as President. The registration will expire on April 30, 2009, unless renewed.

6 **Smog Check, Test Only Station License**

7 3. On or about May 16, 2002, the Bureau issued Smog Check, Test Only  
8 Station License Number TD 221086 ("station license") to Respondent Airport Smog. The station  
9 license will expire on April 30, 2009, unless renewed.

10 **Advanced Emission Specialist Technician License**

11 4. On a date uncertain in 1996, the Bureau issued Advanced Emission  
12 Specialist Technician Number EA 041149 ("technician license") to Charles William Proctor  
13 ("Respondent Proctor"). The technician license expired on November 30, 2008, and has not  
14 been renewed.

15 **Advanced Emission Specialist Technician License**

16 5. On a date uncertain in 1997, the Bureau Advanced Emission Specialist  
17 Technician License Number EA 045309 ("technician license") to Mohammad Moalej. The  
18 technician license expired on February 28, 2009 and has not been renewed.

19 6. On or about December 11, 2008, Rebeca Garcia, an employee of the  
20 Office of the Attorney General, served by certified mail, a copy of the Accusation No. 79/09-15,  
21 Statement to Respondent; Notice of Defense (2); Request for Discovery; and Discovery Statutes  
22 to Respondents' addresses of record with the Bureau, which were and are 1225 S. Oxnard Blvd.,  
23 Oxnard, California 93030 and 15651 Crown Ridge Place, Sherman Oaks, California 91403.  
24 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

25 7. Service of the Accusation was effective as a matter of law under the  
26 provisions of Government Code section 11505(c).

27 8. None of the aforementioned documents were returned by the U.S. Postal  
28 Service.

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9. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10. Respondent Proctor failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 79/09-15.

11. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

12. Pursuant to its authority under Government Code section 11520, the Director finds Respondent Proctor is in default. The Director will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 79/09-15 are true.

13. The total cost for investigation and enforcement in connection with the Accusation are \$16,324.43.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Proctor has subjected his Advanced Emission Specialist Technician Licenses to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Bureau is authorized to revoke Respondent Proctor's Advanced Emission Specialist Technician License based upon the following violations alleged in the Accusation:

1. Respondent Proctor has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about August 1, 2007, regarding the 1983 LAZYD motor home, he violated sections of that Code, as follows:

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

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

7 c. **Section 44059:** Respondent made false entries for electronic Certificate  
8 of Compliance No. MU016599C by certifying that the vehicle had been inspected as required  
9 when, in fact, it had not.

10 2. Respondent Proctor has subjected his technician license to discipline under  
11 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 1, 2007,  
12 regarding the 1983 LAZYD motor home, he violated sections of the California Code of  
13 Regulations, title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent Proctor falsely or  
15 fraudulently issued electronic Certificate of Compliance No. MU016599C for that vehicle  
16 without performing a bona fide inspection of the emission control devices and systems on the  
17 vehicle as required by Health and Safety Code section 44012.

18 b. **Section 3340.30, subdivision (a):** Respondent Proctor failed to inspect  
19 and test the vehicle in accordance with Health and Safety Code section 44012.

20 c. **Section 3340.41, subdivision (c):** Respondent Proctor entered false  
21 information into the Emission Inspection System ("EIS") for electronic Certificate of  
22 Compliance No. MU016599C by entering vehicle identification information or emission control  
23 information for a vehicle other than the vehicle being certified.

24 d. **Section 3340.42:** Respondent Proctor failed to conduct the required  
25 smog tests and inspections on the vehicle in accordance with the Bureau's specifications.

26 3. Respondent Proctor has subjected his technician license to discipline under  
27 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 1, 2007, he  
28 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing

1 electronic Certificate of Compliance No. MU016599C for the 1983 LAZYD motor home without  
2 performing a bona fide inspection of the emission control devices and systems on that vehicle,  
3 thereby depriving the People of the State of California of the protection afforded by the Motor  
4 Vehicle Inspection Program.

5           4.       Respondent Proctor has subjected his technician license to discipline under  
6 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 2, 2007,  
7 regarding the vehicles set forth in Table 1, above, he violated sections of that Code, as follows:

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

11           b.       **Section 44032:** Respondent Proctor failed to perform tests of the  
12 emission control devices and systems on those vehicles in accordance with section 44012 of that  
13 Code.

14           c.       **Section 44059:** Respondent Proctor entered false information for the  
15 electronic certificates of compliance by certifying that those vehicles had been inspected as  
16 required when, in fact, they had not.

17           5.       Respondent Proctor has subjected his technician license to discipline under  
18 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 2, 2007,  
19 regarding the vehicles set forth in Accusation No. 79/09-15, he violated sections of the California  
20 Code of Regulations, title 16, as follows:

21           a.       **Section 3340.24, subdivision (c):** Respondent Proctor falsely or  
22 fraudulently issued the electronic certificates of compliance for those vehicles without  
23 performing bona fide inspections of the emission control devices and systems on the vehicles as  
24 required by Health and Safety Code section 44012.

25           b.       **Section 3340.30, subdivision (a):** Respondent Proctor failed to inspect  
26 and test those vehicles in accordance with Health and Safety Code section 44012.

27           c.       **Section 3340.41, subdivision (c):** Respondent Proctor entered false  
28 information into the EIS for those vehicles by entering "Pass" for the functional fuel cap test

1 when, in fact, he failed to perform that test on those vehicles.

2 d. **Section 3340.42:** Respondent Proctor failed to conduct the required  
3 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

4 6. Respondent Proctor has subjected his technician license to discipline under  
5 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 2, 2007, he  
6 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
7 electronic certificates of compliance for the vehicles set forth in Accusation No. 79/09-15,  
8 without performing bona fide inspections of the emission control devices and systems on those  
9 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
10 Motor Vehicle Inspection Program.

11 7. Respondent Proctor has subjected his technician license to discipline under  
12 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 13, 2007,  
13 regarding the vehicles set forth in Accusation No. 79/09-15, he violated sections of that Code, as  
14 follows:

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

18 b. **Section 44032:** Respondent Proctor failed to perform tests of the  
19 emission control devices and systems on those vehicles in accordance with section 44012 of that  
20 Code.

21 c. **Section 44059:** Respondent Proctor entered false information for the  
22 electronic certificates of compliance, by certifying that those vehicles had been inspected as  
23 required when, in fact, they had not.

24 8. Respondent Proctor has subjected his technician license to discipline under  
25 Health and Safety Code section 44072.2, subdivision (e), in that on or about August 13, 2007,  
26 regarding the vehicles set forth in Accusation No. 79/09-15, above, he violated sections of the  
27 California Code of Regulations, title 16, as follows:

28 a. **Section 3340.24, subdivision (c):** Respondent Proctor falsely or

1 fraudulently issued the electronic certificates of compliance for the vehicles set forth in  
2 Accusation No. 79/09-15, above, without performing bona fide inspections of the emission  
3 control devices and systems on those vehicles as required by Health and Safety Code section  
4 44012.

5           b.     **Section 3340.30, subdivision (a):** Respondent Proctor failed to inspect  
6 and test those vehicles in accordance with Health and Safety Code section 44012.

7           c.     **Section 3340.41, subdivision (c):** Respondent Proctor entered false  
8 information into the EIS for those vehicles by entering "Pass" for the functional fuel cap test  
9 when, in fact, he failed to perform that test on those vehicles.

10          d.     **Section 3340.42:** Respondent Proctor failed to conduct the required  
11 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

12          9.     Respondent Proctor has subjected his technician license to discipline under  
13 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 13, 2007, he  
14 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
15 electronic certificates of compliance for the vehicles set forth in Accusation No. 79/09-15,  
16 without performing bona fide inspections of the emission control devices and systems on those  
17 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
18 Motor Vehicle Inspection Program.

19          10.    Respondent Proctor has subjected his technician license to discipline under  
20 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 14, 2007,  
21 regarding the vehicles set forth in Accusation No. 79/09-15, he violated sections of that Code, as  
22 follows:

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

26           b.     **Section 44032:** Respondent Proctor failed to perform tests of the  
27 emission control devices and systems on those vehicles in accordance with section 44012 of that  
28 Code.

1 c. **Section 44059:** Respondent Proctor entered false information for the  
2 electronic certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4 11. Respondent Proctor has subjected his technician license to discipline under  
5 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 14, 2007,  
6 regarding the vehicles set forth in Accusation No. 79/09-15, he violated sections of the California  
7 Code of Regulations, title 16, as follows:

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

12 b. **Section 3340.30, subdivision (a):** Respondent Proctor failed to inspect  
13 and test those vehicles in accordance with Health and Safety Code section 44012.

14 c. **Section 3340.41, subdivision (c):** Respondent Proctor entered false  
15 information into the EIS for those vehicles by entering "Pass" for the functional fuel cap test  
16 when, in fact, he failed to perform that test on those vehicles.

17 d. **Section 3340.42:** Respondent Proctor failed to conduct the required  
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 12. Respondent Proctor has subjected his technician license to discipline under  
20 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 14, 2007, he  
21 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
22 electronic certificates of compliance for the vehicles set forth in Accusation No. 79/09-15,  
23 without performing bona fide inspections of the emission control devices and systems on those  
24 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
25 Motor Vehicle Inspection Program.

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ORDER

IT IS SO ORDERED that Advanced Emission Specialist Technician Number EA 041149 ("technician license") issued to Charles William Proctor is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 5/8/09.

It is so ORDERED May 5, 2009

P. J. Harris

PATRICIA HARRIS  
Acting Chief Deputy Director  
Department of Consumer Affairs

60398731.wpd  
DOJ docket number: LA2008900070

Attachment:

Exhibit A: Accusation No.79/09-15

**Exhibit A**  
**Accusation No. 79/09-15**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 79/09-15

11 **BISHEH, INC., dba**  
**AIRPORT SMOG**  
12 1225 S. Oxnard Boulevard  
Oxnard, California 93030  
13 **POUYA MOALEJ, PRESIDENT**

**A C C U S A T I O N**  
**[SMOG CHECK]**

14 Automotive Repair Dealer Registration  
No. AD 221086  
15 Smog Check, Test Only Station License  
No. TD 221086,

16 and

17 **CHARLES WILLIAM PROCTOR**  
18 1400 California Street  
Oxnard, California 93033  
19 Advanced Emission Specialist Technician  
20 No. EA 041149,

21 and

22 **MOHAMMAD MOALEJ**  
15651 Crown Ridge Place  
23 Sherman Oaks, California 91403

24 Advanced Emission Specialist Technician  
License No. EA 045409

25 Respondents.  
26

27  
28 Sherry Mehl ("Complainant") alleges:

1 **PARTIES**

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

4 **Automotive Repair Dealer Registration**

5 2. On a date uncertain in 2002, the Bureau issued Automotive Repair Dealer  
6 Registration Number AD 221086 ("registration") to Bisheh, Inc. ("Respondent Airport Smog"),  
7 doing business as Airport Smog, with Pouya Moalej as President. The registration will expire on  
8 April 30, 2009, unless renewed.

9 **Smog Check, Test Only Station License**

10 3. On or about May 16, 2002, the Bureau issued Smog Check, Test Only  
11 Station License Number TD 221086 ("station license") to Respondent Airport Smog. The station  
12 license will expire on April 30, 2009, unless renewed.

13 **Advanced Emission Specialist Technician License**

14 4. On a date uncertain in 1996, the Bureau issued Advanced Emission  
15 Specialist Technician Number EA 041149 ("technician license") to Charles William Proctor  
16 ("Respondent Proctor"). The technician license will expire on November 30, 2008, unless  
17 renewed.

18 **Advanced Emission Specialist Technician License**

19 5. On a date uncertain in 1997, the Bureau Advanced Emission Specialist  
20 Technician License Number EA 045309 ("technician license") to Mohammad Moalej  
21 ("Respondent Moalej"). The technician license will expire on February 28, 2009.

22 **STATUTORY PROVISIONS**

23 6. Section 9884.7 of the Business and Professions Code ("Code") states, in  
24 pertinent part:

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

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

(4) Any other conduct which constitutes fraud.

5 (b) Except as provided for in subdivision (c), if an automotive repair  
6 dealer operates more than one place of business in this state, the director pursuant  
7 to subdivision (a) shall only invalidate temporarily or permanently the registration  
8 of the specific place of business which has violated any of the provisions of this  
9 chapter. This violation, or action by the director, shall not affect in any manner  
10 the right of the automotive repair dealer to operate his or her other places of  
11 business.

(c) Notwithstanding subdivision (b), the director may invalidate  
temporarily or permanently, 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.

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

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

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

23 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

///

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

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

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

9 12. Section 44072.8 of the Health and Safety Code states:

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

### 13 COST RECOVERY

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

### 18 SURVEILLANCE OPERATION - AUGUST 1, 2007

19 14. On or about August 1, 2007, the Bureau performed a videotaped  
20 surveillance at Respondent Airport Smog's facility. The surveillance operation and information  
21 obtained from the Bureau's Vehicle Information Database ("VID") revealed that from  
22 approximately 1721 hours to 1726 hours, Respondent Proctor performed a smog inspection that  
23 resulted in the issuance of electronic Certificate of Compliance No. MU016599C, certifying that  
24 he had tested and inspected a 1983 LAZYD motor home, California License Plate No. 5GSB765,  
25 and that the vehicle was in compliance with applicable laws and regulations. In fact, Respondent  
26 Proctor performed the smog inspection using the clean-piping<sup>1</sup> method by using the tail pipe

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

1 emissions of a vehicle other than the vehicle being certified in order to issue the certificate of  
2 compliance. The vehicle certified was not in the test bay at the time of the smog inspection.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Misleading Statements)**

5 15. Respondent Airport Smog has subjected its registration to discipline under  
6 Code section 9884.7, subdivision (a)(1), in that on or about August 1, 2007, it made statements  
7 which it knew or which by exercise of reasonable care it should have known were untrue or  
8 misleading when it issued electronic Certificate of Compliance No. MU016599C for the 1983  
9 LAZYD motor home, certifying that the vehicle was in compliance with applicable laws and  
10 regulations when, in fact, the vehicle had been clean-piped.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 16. Respondent Airport Smog has subjected its registration to discipline under  
14 Code section 9884.7, subdivision (a)(4), in that on or about August 1, 2007, it committed acts  
15 which constitute fraud by issuing electronic Certificate of Compliance No. MU016599C for the  
16 1983 LAZYD motor home without performing a bona fide inspection of the emission control  
17 devices and systems on that vehicle, thereby depriving the People of the State of California of the  
18 protection afforded by the Motor Vehicle Inspection Program.

19 **THIRD CAUSE FOR DISCIPLINE**

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

21 17. Respondent Airport Smog has subjected its station license to discipline  
22 under Health and Safety Code section 44072.2, subdivision (a), in that on or about August 1,  
23 2007, regarding the 1983 LAZYD motor home, it violated sections of that Code, as follows:

24 a. **Section 44012, subdivision (f):** Respondent Airport Smog failed to  
25 perform emission control tests on the vehicle in accordance with procedures prescribed by the  
26 department.

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1 for the vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby  
2 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
3 Inspection Program.

4 **SIXTH CAUSE FOR DISCIPLINE**

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

6 20. Respondent Proctor has subjected his technician license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 1, 2007,  
8 regarding the 1983 LAZYD motor home, he violated sections of that Code, as follows:

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

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

15 c. **Section 44059:** Respondent made false entries for electronic Certificate  
16 of Compliance No. MU016599C by certifying that the vehicle had been inspected as required  
17 when, in fact, it had not.

18 **SEVENTH CAUSE FOR DISCIPLINE**

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

20 21. Respondent Proctor has subjected his technician license to discipline under  
21 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 1, 2007,  
22 regarding the 1983 LAZYD motor home, he violated sections of the California Code of  
23 Regulations, title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Proctor falsely or  
25 fraudulently issued electronic Certificate of Compliance No. MU016599C for that vehicle  
26 without performing a bona fide inspection of the emission control devices and systems on the  
27 vehicle as required by Health and Safety Code section 44012.

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**Table 1**

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Certificate No.</b>	<b>Details</b>
8/2/2007 1049 hours to 1053 hours	1999 Chevrolet Lic. No. 6B39225	MU016600C	No functional fuel cap test performed.
8/2/2007 1136 hours to 1141 hours	1990 Ford Lic. No. 4D26599	MU133503C	No functional fuel cap test performed.
8/2/2007 1624 hours to 1629 hours	2001 Ford Lic. No. 4TYX619	No Certificate Issued	No functional fuel cap test performed.
8/2/2007 1653 hours to 1659 hours	1999 Honda Lic. No. 4HBR533	MU133506C	No functional fuel cap test performed.

**NINTH CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

24. Respondent Airport Smog has subjected its registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about August 2, 2007, it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading by issuing the electronic certificates of compliance for the vehicles, set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, Respondent's technician, Respondent Proctor, failed to properly inspect the vehicles by failing to perform a functional fuel cap test on those vehicles.

**TENTH CAUSE FOR DISCIPLINE**

**(Fraud)**

25. Respondent Airport Smog has subjected its registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about August 2, 2007, it committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in Table 1, above, without performing bona fide inspections of the emission control devices

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

3 **ELEVENTH CAUSE FOR DISCIPLINE**

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

5 26. Respondent Airport Smog has subjected its station license to discipline  
6 under Health and Safety Code section 44072.2, subdivision (a), in that on or about August 2,  
7 2007, regarding the vehicles set forth in Table 1, above, it violated sections of that Code, as  
8 follows:

9 a. **Section 44012, subdivision (f):** Respondent Airport Smog failed to  
10 perform emission control tests on those vehicles in accordance with procedures prescribed by the  
11 department.

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

15 c. **Section 44059:** Respondent Airport willfully made false entries for the  
16 electronic certificates of compliance by certifying that those vehicles had been inspected as  
17 required when, in fact, they had not.

18 **TWELFTH CAUSE FOR DISCIPLINE**

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

20 27. Respondent Airport Smog has subjected its station license to discipline  
21 under Health and Safety Code section 44072.2, subdivision (c), in that on or about August 2,  
22 2007, regarding the vehicles set forth in Table 1, above, it violated sections of the California  
23 Code of Regulations, title 16, as follows:

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

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1           b.     Section 3340.35, subdivision (c): Respondent Airport Smog issued the  
2 electronic certificates of compliance for those vehicles even though the vehicles had not been  
3 inspected in accordance with section 3340.42 of that Code.

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

7                                   **THIRTEENTH CAUSE FOR DISCIPLINE**

8   **(Dishonesty, Fraud or Deceit)**

9           28.     Respondent Airport Smog has subjected its station license to discipline  
10 under Health and Safety Code section 44072.2, subdivision (d), in that on or about August 2,  
11 2007, regarding the vehicles set forth in Table 1, above, it committed acts involving dishonesty,  
12 fraud or deceit whereby another was injured by issuing the electronic certificates of compliance  
13 for those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program.

16                                   **FOURTEENTH CAUSE FOR DISCIPLINE**

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

18           29.     Respondent Proctor has subjected his technician license to discipline under  
19 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 2, 2007,  
20 regarding the vehicles set forth in Table 1, above, he violated sections of that Code, as follows:

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

24           b.     Section 44032: Respondent Proctor failed to perform tests of the  
25 emission control devices and systems on those vehicles in accordance with section 44012 of that  
26 Code.

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

3 **SURVEILLANCE OPERATION - AUGUST 13, 2007**

4 32. On or about August 13, 2007, the Bureau performed a videotaped  
5 surveillance at Respondent Airport Smog's facility. The surveillance operation and information  
6 obtained from the Bureau's VID revealed that from approximately 1053 hours and 1658 hours,  
7 Respondent Proctor performed seven (7) smog inspections that resulted in the issuance of  
8 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set  
9 forth in Table 2, below, and that those vehicles were in compliance with applicable laws and  
10 regulations. In fact, Respondent Proctor failed to perform a functional fuel cap test on those  
11 vehicles.

12 **Table 2**

13

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Certificate No.</b>	<b>Details</b>
14 8/13/2007 15 1053 hours 16 to 1058 hours	1990 Chevrolet Lic. No. 6T12995	MU253616C	No functional fuel cap test performed.
17 8/13/2007 18 1311 hours 19 to 1317 hours	1996 Toyota Lic. No. 5K53945	MU253618C	No functional fuel cap test performed.
20 8/13/2007 21 1439 hours to 1449 hours	1997 Chevrolet Lic. No. 4HIL341	MU253620C	No functional fuel cap test performed.
22 8/13/2007 23 1528 hours to 1538 hours	1996 GMC Lic. No. 5HYN541	MU253622C	No functional fuel cap test performed.
24 8/13/2007 25 1556 hours to 1604 hours	1998 Ford Lic. No. 4CUW453	MU253624C	No functional fuel cap test performed.
26 8/13/2007 27 1647 hours to 28 1652	1994 Plymouth Lic. No. 3JYF127	MU253625C	No functional fuel cap test performed.

1 8/13/2007 2 1658 hours 3 to 3 1703 hours	1996 Honda Lic. No. 4CNJ486	MU253626C	No functional fuel cap test performed.
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4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

5 **(Misleading Statements)**

6 33. Respondent Airport Smog has subjected its registration to  
 7 discipline under Code section 9884.7, subdivision (a)(1), in that on or about August 13, 2007, it  
 8 made statements which it knew or which by exercise of reasonable care it should have known  
 9 were untrue or misleading by issuing the electronic certificates of compliance for the vehicles, set  
 10 forth in Table 2, above, certifying that those vehicles were in compliance with applicable laws  
 11 and regulations when, in fact, Respondent's technician, Respondent Proctor failed to properly  
 12 inspect the vehicles by failing to perform a functional fuel cap test on those vehicles.

13 **EIGHTEENTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 34. Respondent Airport Smog has subjected its registration to discipline under  
 16 Code section 9884.7, subdivision (a)(4), in that on or about August 13, 2007, it committed acts  
 17 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set  
 18 forth in Table 2, above, without performing bona fide inspections of the emission control devices  
 19 and systems on those vehicles, thereby depriving the People of the State of California of the  
 20 protection afforded by the Motor Vehicle Inspection Program.

21 **NINETEENTH CAUSE FOR DISCIPLINE**

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

23 35. Respondent Airport Smog has subjected its station license to discipline  
 24 under Health and Safety Code section 44072.2, subdivision (a), in that on or about August 13,  
 25 2007, regarding the vehicles set forth in Table 2, above, it violated sections of that Code, as  
 26 follows:

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

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

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

10 **TWENTIETH CAUSE FOR DISCIPLINE**

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

12 36. Respondent Airport Smog has subjected its station license to discipline  
13 under Health and Safety Code section 44072.2, subdivision (c), in that on or about August 13,  
14 2007, regarding the vehicles set forth in Table 2, above, it violated sections of the California  
15 Code of Regulations, title 16, as follows:

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

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

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

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1 regarding the vehicles set forth in Table 2, above, he violated sections of the California Code of  
2 Regulations, title 16, as follows:

3 a. Section 3340.24, subdivision (c): Respondent Proctor falsely or  
4 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 2,  
5 above, without performing bona fide inspections of the emission control devices and systems on  
6 those vehicles as required by Health and Safety Code section 44012.

7 b. Section 3340.30, subdivision (a): Respondent Proctor failed to inspect  
8 and test those vehicles in accordance with Health and Safety Code section 44012.

9 c. Section 3340.41, subdivision (c): Respondent Proctor entered false  
10 information into the EIS for those vehicles by entering "Pass" for the functional fuel cap test  
11 when, in fact, he failed to perform that test on those vehicles.

12 d. Section 3340.42: Respondent Proctor failed to conduct the required  
13 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

14 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

16 40. Respondent Proctor has subjected his technician license to discipline under  
17 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 13, 2007, he  
18 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
19 electronic certificates of compliance for the vehicles set forth in Table 2, above, without  
20 performing bona fide inspections of the emission control devices and systems on those vehicles,  
21 thereby depriving the People of the State of California of the protection afforded by the Motor  
22 Vehicle Inspection Program.

23 **SURVEILLANCE OPERATION - AUGUST 14, 2007**

24 41. On or about August 14, 2007, the Bureau performed a videotaped  
25 surveillance at Respondent Airport Smog's facility. The surveillance operation and information  
26 obtained from the Bureau's VID revealed that from approximately 0823 hours and 1710 hours,  
27 Respondent Proctor performed five (5) smog inspections that resulted in the issuance of  
28 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set

1 forth in Table 3, below, and that those vehicles were in compliance with applicable laws and  
2 regulations. In fact, Respondent Proctor failed to perform a functional fuel cap test on those  
3 vehicles.

4 Table 3

5

Date and Test Times	Vehicle Certified	Certificate No.	Details
8/14/2007 0823 hours to 0828 hours	1990 Toyota Lic. No. 3Y95158	MU253627C	No functional fuel cap test performed.
8/14/2007 0910 hours to 0914 hours	1990 Toyota Lic. No. 2NUU462	MU253628C	No functional fuel cap test performed.
8/14/2007 1111 hours to 1117 hours	2001 Chevrolet Lic. No. 4UBX446	MU253630C	No functional fuel cap test performed.
8/14/2007 1548 hours to 1552 hours	1998 Dodge Lic. No. 5W57282	MU253633C	No functional fuel cap test performed.
8/14/2007 1710 hours to 1714 hours	1998 Ford Lic. No. 4XVV483	MU253636C	No functional fuel cap test performed.

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19 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

20 **(Misleading Statements)**

21 42. Respondent Airport Smog has subjected its registration to discipline under  
22 Code section 9884.7, subdivision (a)(1), in that on or about August 14, 2007, it made statements  
23 which it knew or which by exercise of reasonable care it should have known were untrue or  
24 misleading by issuing the electronic certificates of compliance for the vehicles, set forth in Table  
25 3, above, certifying that those vehicles were in compliance with applicable laws and regulations  
26 when, in fact, Respondent's technician, Respondent Proctor, failed to properly inspect the  
27 vehicles by failing to perform a functional fuel cap test on those vehicles.

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1 TWENTY-SIXTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 43. Respondent Airport Smog has subjected its registration to discipline under  
4 Code section 9884.7, subdivision (a)(4), in that on or about August 14, 2007, it committed acts  
5 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set  
6 forth in Table 3, above, without performing bona fide inspections of the emission control devices  
7 and systems on those vehicles, thereby depriving the People of the State of California of the  
8 protection afforded by the Motor Vehicle Inspection Program.

9 TWENTY-SEVENTH CAUSE FOR DISCIPLINE

10 (Violation of the Motor Vehicle Inspection Program)

11 44. Respondent Airport Smog has subjected its station license to discipline  
12 under Health and Safety Code section 44072.2, subdivision (a), in that on or about August 14,  
13 2007, regarding the vehicles set forth in Table 3, above, it violated sections of that Code, as  
14 follows:

15 a. Section 44012, subdivision (f): Respondent Airport Smog failed to  
16 perform emission control tests on those vehicles in accordance with procedures prescribed by the  
17 department.

18 b. Section 44015, subdivision (b): Respondent Airport Smog issued the  
19 electronic certificates of compliance for those vehicles without properly testing and inspecting  
20 them to determine if they were in compliance with section 44012 of that Code.

21 c. Section 44059: Respondent Airport willfully made false entries for the  
22 electronic certificates of compliance by certifying that those vehicles had been inspected as  
23 required when, in fact, they had not.

24 TWENTY-EIGHTH CAUSE FOR DISCIPLINE

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

26 45. Respondent Airport Smog has subjected its station license to discipline  
27 under Health and Safety Code section 44072.2, subdivision (c), in that on or about August 14,

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1 2007, regarding the vehicles set forth in Table 3, above, it violated sections of the California  
2 Code of Regulations, title 16, as follows:

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

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

10 c. **Section 3340.42:** Respondent Airport Smog failed to conduct the  
11 required smog tests and inspections on those vehicles in accordance with the Bureau's  
12 specifications.

13 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

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

15 46. Respondent Airport Smog has subjected its station license to discipline  
16 under Health and Safety Code section 44072.2, subdivision (d), in that on or about August 14,  
17 2007, regarding the vehicles set forth in Table 3, above, it committed acts involving dishonesty,  
18 fraud or deceit whereby another was injured by issuing the electronic certificates of compliance  
19 for those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
20 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
21 Inspection Program.

22 **THIRTIETH CAUSE FOR DISCIPLINE**

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

24 47. Respondent Proctor has subjected his technician license to discipline under  
25 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 14, 2007,  
26 regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

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

4 b. Section 44032: Respondent Proctor failed to perform tests of the  
5 emission control devices and systems on those vehicles in accordance with section 44012 of that  
6 Code.

7 c. Section 44059: Respondent Proctor entered false information for the  
8 electronic certificates of compliance by certifying that those vehicles had been inspected as  
9 required when, in fact, they had not.

10 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

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

12 48. Respondent Proctor has subjected his technician license to discipline under  
13 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 14, 2007,  
14 regarding the vehicles set forth in Table 3, above, he violated sections of the California Code of  
15 Regulations, title 16, as follows:

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

20 b. Section 3340.30, subdivision (a): Respondent Proctor failed to inspect  
21 and test those vehicles in accordance with Health and Safety Code section 44012.

22 c. Section 3340.41, subdivision (c): Respondent Proctor entered false  
23 information into the EIS for those vehicles by entering "Pass" for the functional fuel cap test  
24 when, in fact, he failed to perform that test on those vehicles.

25 d. Section 3340.42: Respondent Proctor failed to conduct the required  
26 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

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1 a. Section 3340.24, subdivision (c): Respondent Airport Smog falsely or  
2 fraudulently issued electronic Certificate of Compliance No. MW166607C for that vehicle  
3 without performing a bona fide inspection of the emission control devices and systems on that  
4 vehicle as required by Health and Safety Code section 44012.

5 b. Section 3340.35, subdivision (c): Respondent Airport Smog issued  
6 electronic Certificate of Compliance No. MW166607C for that vehicle even though the vehicle  
7 had not been inspected in accordance with section 3340.42 of that Code.

8 c. Section 3340.42: Respondent Airport Smog failed to conduct the  
9 required smog tests and inspections on that vehicle in accordance with the Bureau's  
10 specifications.

11 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

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

13 55. Respondent Airport Smog has subjected its station license to discipline  
14 under Health and Safety Code section 44072.2, subdivision (d), in that on or about October 24,  
15 2007, regarding the 1995 Toyota Corolla, it committed acts involving dishonesty, fraud or deceit  
16 whereby another was injured by issuing electronic Certificate of Compliance No. MW166607C  
17 for that vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby  
18 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
19 Inspection Program.

20 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

22 56. Respondent Moalej has subjected his technician license to discipline under  
23 Health and Safety Code section 44072.2, subdivision (a), in that on or about October 24, 2007,  
24 regarding the 1995 Toyota Corolla, he violated sections of that Code, as follows:

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

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1           b.     Section 44032: Respondent Moalej failed to perform tests of the  
2 emission control devices and systems on the vehicle in accordance with section 44012 of that  
3 Code.

4           c.     Section 44059: Respondent Moalej entered false information for  
5 electronic Certificate of Compliance No. MW166607C by certifying that the vehicle had been  
6 inspected as required when, in fact, it had not.

7                                   **THIRTY-NINTH CAUSE FOR DISCIPLINE**

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

9           57.     Respondent Moalej has subjected his technician license to discipline under  
10 Health and Safety Code section 44072.2, subdivision (c), in that on or about October 24, 2007,  
11 regarding the 1995 Toyota Corolla, he violated sections of the California Code of Regulations,  
12 title 16, as follows:

13           a.     Section 3340.24, subdivision (c): Respondent Moalej falsely or  
14 fraudulently issued electronic Certificate of Compliance No. MW166607C for that vehicle  
15 without performing a bona fide inspection of the emission control devices and systems on that  
16 vehicle as required by Health and Safety Code section 44012.

17           b.     Section 3340.30, subdivision (a): Respondent Moalej failed to inspect  
18 and test that vehicle in accordance with Health and Safety Code section 44012.

19           c.     Section 3340.41, subdivision (c): Respondent Moalej entered false  
20 information into the EIS for the vehicle by entering "Pass" for the functional fuel cap test when,  
21 in fact, he failed to perform that test on that vehicle.

22           d.     Section 3340.42: Respondent Moalej failed to conduct the required  
23 smog tests and inspections of that vehicle in accordance with the Bureau's specifications.

24                                   **FORTIETH CAUSE FOR DISCIPLINE**

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

26           58.     Respondent Moalej has subjected his technician license to discipline under  
27 Health and Safety Code section 44072.2, subdivision (d), in that on or about October 24, 2007,  
28 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing

1 electronic Certificate of Compliance No. MW166607C for the 1995 Toyota Corolla without  
2 performing a bona fide inspection of the emission control devices and systems on that vehicle,  
3 thereby depriving the People of the State of California of the protection afforded by the Motor  
4 Vehicle Inspection Program.

5 OTHER MATTERS

6 59. Under Code section 9884.7, subdivision (c), the director may invalidate  
7 temporarily or permanently or refuse to validate, the registrations for all places of business  
8 operated in this state by Bisheh, Inc., doing business as Airport Smog, upon a finding that it has,  
9 or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining  
10 to an automotive repair dealer.

11 60. Under Health and Safety Code section 44072.8, if Smog Check Test Only  
12 Station License Number TD 221086, issued to Bisheh, Inc., doing business as Airport Smog, is  
13 revoked or suspended, any additional license issued under this chapter in the name of said  
14 licensee may be likewise revoked or suspended by the director.

15 61. Under Health and Safety Code section 44072.8, if Advanced Emission  
16 Specialist Technician License Number EA 041149, issued to Charles William Proctor, is revoked  
17 or suspended, any additional license issued under this chapter in the name of said licensee may  
18 be likewise revoked or suspended by the director.

19 62. Under Health and Safety Code section 44072.8, if Advanced Emission  
20 Specialist Technician License Number EA 045409, issued to Mohammad Moalej, is revoked or  
21 suspended, any additional license issued under this chapter in the name of said licensee may be  
22 likewise revoked or suspended by the director.

23 PRAYER

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

26 1. Temporarily or permanently invalidating Automotive Repair Dealer  
27 Registration Number AD 221086, issued to Bisheh, Inc., doing business as Airport Smog;

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1                   2.     Temporarily or permanently invaliding any other automotive repair dealer  
2 registration issued to Bisheh, Inc., doing business as Airport Smog;

3                   3.     Revoking or suspending Smog Check, Test Only Station License Number  
4 TD 221086, issued to Bisheh, Inc., doing business as Airport Smog;

5                   4.     Revoking or suspending any additional license issued under this chapter in  
6 the name of Bisheh, Inc., doing business as Airport Smog;

7                   5.     Revoking or suspending Advanced Emission Specialist Technician  
8 Number EA 041149, issued to Charles William Proctor;

9                   6.     Revoking or suspending any additional license issued under this chapter in  
10 the name of Charles William Proctor;

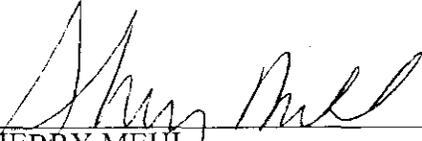
11                   7.     Revoking or suspending Advanced Emission Specialist Technician  
12 License Number EA 04509, issued to Mohammad Moalej;

13                   8.     Revoking or suspending any additional license issued under this chapter in  
14 the name of Mohammad Moalej;

15                   9.     Ordering Bisheh, Inc., Charles William Proctor and Mohammad Moalej to  
16 pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement  
17 of this case, pursuant to Code section 125.3; and,

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

19  
20 DATED: 9-3-08

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