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

In the Matter of the Accusation Against: **SMOG STOP TEST ONLY** **ABE I. RABADI, OWNER** **3186 Madison Street** **Riverside, CA 92505** **Automotive Repair Dealer Reg. No. ARD 259545** **Smog Check, Test Only, Station License No. TC 259545,** **ABE I. RABADI** **P.O. Box 70435** **Riverside, CA 92513** **Smog Check Inspector License No. EO 631177 (formerly Advanced Emission Specialist Technician License No. EA 631177)** **and** **YOUSEF K. ZEIT** **3845 Polk St., Apt. 57** **Riverside, CA 92505** **Advanced Emission Specialist Technician License No. EA 632736 (to be redesignated upon renewal as EO 632736 and/or EI 632736)** Respondent.	Case No. 79/12-75 OAH No. 2013020155 **DEFAULT DECISION AND ORDER FOR RESPONDENT YOUSEF K. ZEIT, ONLY** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 17, 2013, Complainant Patrick Dorais, in his official capacity as the Acting Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed First Amended Accusation No. 79/12-75 against Yousef K. Zeit (Respondent) before the Director of Consumer Affairs. (First Amended Accusation attached as Exhibit A.)

2. On or about September 18, 2013, Respondent was served by Certified and First Class Mail copies of the First Amended Accusation No. 79/12-75 and Supplemental Statement to Respondent's addresses of record which, pursuant to Business and Professions Code section 136, are required to be reported and maintained with the Bureau. Respondent's addresses of record were and are: 3845 Polk St., Apt. 57, Riverside, CA 92505.

3. On or about December 10, 2010, the Director issued Advanced Emission Specialist Technician License Number EA 632736 to Yousef K. Zeit (Respondent Zeit). Respondent's technician license expired on December 31, 2012, and has not been renewed. Upon renewal of the license, the license will be redesignated as EO 632736 and/or El 632736. This lapse in licensure, however, pursuant to Health & Safety Code 44072.6, does not deprive the Director of her authority to institute or continue this disciplinary proceeding.

4. On or about February 3, 2012, Complainant Sherry Mehl, in her official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/12-75 against Yousef K. Zeit (Respondent) before the Director of Consumer Affairs.

5. On or about February 21, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 79/12-75, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: 3845 Polk St., Apt. 57, Riverside, CA 92505.

6. Service of the First Amended Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

7. On or about February 29, 2012, Respondent, through counsel, signed and returned a Notice of Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's addresses of record and upon his attorney and it informed them that an administrative hearing in this matter was scheduled for September 25, 2013. Respondent and his attorney failed to appear at that hearing.

8. 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.

9. 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.

10. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated February 21, 2012, signed by Juana Mejia, finds Respondent is in default. The Director will take action without further hearing and, based on Accusation, No. 79/12-75, proof of service and on the Affidavit of Bureau Representative Brian Maclean, finds that the allegations in Accusation are true.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $10,272.50 as of September 23, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Yousef K. Zeit has subjected his Advanced Emission Specialist Technician License Number EA 632736 to discipline.

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

3. The Director of Consumer Affairs is authorized to revoke Respondent's Advanced Emission Specialist Technician License based upon the following violations alleged in the

Accusation which are supported by the evidence contained in the affidavit of Bureau Representative Brian Maclean in this case:

a. Respondent committed multiple violations of Business & Professions Code section 9884.7 and Health & Safety Code section 44072.2 in that a total of four vehicles were clean plugged by Respondent using his technician license between April 1, 2011 and May 31, 2011.

ORDER

IT IS SO ORDERED that Advanced Emission Specialist Technician License Number EA 632736, heretofore issued to Respondent Yousef K. Zeit, 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 motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Boulevard, Rancho Cordova, CA 95670. 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 NOV 20 2013.

It is so ORDERED November 1, 2013

DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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DOJ Matter ID:SD2011801841

Attachment:
Exhibit A: First Amended Accusation

Exhibit A

First Amended Accusation

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BEFORE THE
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In the Matter of the Accusation Against: **SMOG STOP TEST ONLY** **ABE I. RABADI, OWNER** **3186 Madison Street** **Riverside, CA 92505** **Automotive Repair Dealer Reg. No. ARD 259545** **Smog Check, Test Only, Station License No. TC 259545,** **ABE I. RABADI** **P.O. Box 70435** **Riverside, CA 92513** **Smog Check Inspector License No. EO 631177 (formerly Advanced Emission Specialist Technician License No. EA 631177)** **and** **YOUSEF K. ZEIT** **3845 Polk St., Apt. 57** **Riverside, CA 92505** **Advanced Emission Specialist Technician License No. EA 632736 (to be redesignated upon renewal as EO 632736 and/or EI 632736)** Respondents.	Case No. 79/12-75 **FIRST AMENDED ACCUSATION** **(Smog Check)**

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Complainant alleges:

PARTIES/LICENSE INFORMATION

1. Patrick Dorais (Complainant) brings this First Amended Accusation solely in his official capacity as the Acting Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

Smog Stop Test Only; Abe I. Rabadi, Owner

2. On or about September 25, 2009, the Director of Consumer Affairs (Director) issued Automotive Repair Dealer Registration Number ARD 259545 (registration) to Abe I. Rabadi (Respondent Rabadi), owner of Smog Stop Test Only. On February 6, 2012, Respondent's registration was revoked; however, the revocation was stayed and Respondent was placed on probation for three (3) years on terms and conditions, as set forth in paragraph 33 below. Respondent's registration expired on September 30, 2012, and has not been renewed.

3. On or about September 29, 2009, the Director issued Smog Check, Test Only, Station License Number TC 259545 (smog check station license) to Respondent Rabadi. On February 6, 2012, Respondent's smog check station license was revoked; however, the revocation was stayed and Respondent was placed on probation for three (3) years on terms and conditions, as set forth in paragraph 33 below. Respondent's smog check station license expired on September 30, 2012, and has not been renewed.

A & Z Smog Test Only; Abe I. Rabadi, Owner

4. On or about March 2, 2010, the Director issued Automotive Repair Dealer Registration Number ARD 261018 to Respondent Rabadi, owner of A & Z Smog Test Only. On February 6, 2012, Respondent's registration was revoked, as set forth in paragraph 33 below.

5. On or about April 22, 2010, the Director issued Smog Check, Test Only, Station License Number TC 261018 to Respondent Rabadi, owner of A & Z Smog Test Only. On February 6, 2012, Respondent's smog check station license was revoked, as set forth in paragraph 33 below.

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Abe I. Rabadi

6. In or about July 15, 2009, the Director issued Advanced Emission Specialist License Number EA 631177 to Respondent Rabadi. Respondent's advanced emission specialist technician license was due to expire on April 30, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision(e), the license was renewed, pursuant to Respondent's election, as Smog Check Inspector License No. EO 631177, effective May 3, 2013. Respondent's smog check inspector license will expire on April 30, 2015.[1]

Yousef K. Zeit

7. On or about December 10, 2010, the Director issued Advanced Emission Specialist Technician License Number EA 632736 (technician license) to Yousef K. Zeit (Respondent Zeit). Respondent's technician license expired on December 31, 2012, and has not been renewed. Upon renewal of the license, the license will be redesignated as EO 632736 and/or EI 632736.

JURISDICTION

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

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

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

11. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer

[1] Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

12. California Code of Regulations, title 16, section 3340.28, subdivision (e), states:

"Upon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

STATUTORY PROVISIONS

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

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke or place on probation the registration of an automotive repair dealer for any of the 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) Making or authorizing in any manner or by any means whatever any 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.
>
> . . . .
>
> (4) Any other conduct that constitutes fraud.
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> . . . .
>
> (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.

14. Code section 22, subdivision (a), states:

> "Board" as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

15. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes "registration" and "certificate."

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16. 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
>
> . . .

17. 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 . . .

18. 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

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

BACKGROUND

20. In or about May 2011, the Bureau initiated an investigation of Respondent Rabadi's smog check station, Smog Stop Test Only, based on a review of information from the Bureau's

Vehicle Information Database (VID) which indicated that Rabadi and/or his employees may be engaging in fraudulent smog check inspections.

21. On May 31, 2011, a representative of the Bureau conducted a detailed review of the VID data for all smog inspections performed at Rabadi's facility for the period of April 1, 2011, through May 31, 2011. The representative found that the VID recorded the same two diagnostic trouble codes (code) during the OBD II test[2] on the 20 vehicles identified below regardless of the make or model of the vehicle. The Bureau obtained information indicating that the codes were not applicable to the vehicles. Respondent Rabadi performed the smog inspections on vehicles 1 through 16; Respondent Zeit performed the inspections on vehicles 17 through 20. The Bureau concluded that Respondent Rabadi and Respondent Zeit performed the smog inspections on the vehicles using a method known as "clean plugging",[3] resulting in the issuance of fraudulent certificates of compliance for the vehicles.

Date & Time of Inspection	Vehicle Certified & License/VIN No.	Certificate No.
1. 04/05/2011 14:22 - 14:28	2000 Mazda Protégé; License No. 6CFW587	WT774621C
2. 04/08/2011 12:05 - 12:11	2001 Chevrolet Astro; License No. 5LMR721	WT841014C
3. 04/09/2011 10:15 - 10:23	2001 Ford Focus; License No. 5CJA509	WT841023C
4. 04/11/2011 11:12 - 11:23	1999 Chevrolet Astro; License No. 5JET363	WT841039C
5. 04/13/2011 15:59 - 16:09	2002 Ford Focus; License No. 4XHM617	WT916726C

[2] The On Board Diagnostic, generation II (OBD II), functional test is an automated function of the BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves information from the vehicle's on-board computer about the status of the readiness indicators, trouble codes, and the MIL (malfunction indicator light). If the vehicle fails the OBD II functional test, it will fail the overall inspection.

[3] Clean-plugging is the use of the OBD II readiness monitor status and stored fault code (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is not in compliance due to a failure to complete the minimum number of self tests, known as monitors, or due to the presence of a stored fault code that indicates an emission control system or component failure.

6. 04/15/2011 12:12 - 12:20	2001 Mazda Tribute; License No. 5GQT919	WT916738C
7. 04/16/2011 11:54 - 12:00	2001 Ford Explorer Sport Trac; License No. 6G68344	WT987503C
8. 04/22/2011 12:37 - 12:52	2000 Mitsubishi Eclipse; License No. 6GXJ802	WV044232C
9. 05/02/2011 14:20 - 14:35	2000 Ford Mustang; License No. 4LLX613	WV208496C
10. 05/03/2011 16:33 - 16:49	2000 Mitsubishi Mirage; License No. 5FNK752	WV262114C
11. 05/07/2011 10:46 - 10:56	2001 Mazda MPV; License No. 4SNG686	WV262131C
12. 05/09/2011 09:29 - 09:37	1996 Nissan pickup; License No. 5J38943	WV262140C
13. 05/10/2011 14:11 - 14:27	1997 Toyota Camry; License No. 5FLM545	WV361558C
14. 05/11/2011 12:11 - 12:21	1998 Toyota Camry; VIN #4T1BF28K4WU045142	WV361563C
15. 05/13/2011 12:31 - 12:42	1997 Toyota Camry; License No. 3TSP759	WV361582C
16. 05/14/2011 12:06 - 12:13	2001 Chevrolet Suburban; License No. 6CNT415	WV361592C
17. 04/28/2011 11:40 - 11:48	1997 Ford F-150; VIN #1FTDX1726VKC65270	WV097989C
18. 04/28/2011 13:18 - 13:29	2001 Acura MDX; License No. 4SEC999	WV097993C
19. 04/29/2011 10:12 - 10:34	1999 Chevrolet C1500 pickup; License No. 8X11320	WV208456C
20. 05/03/2011 09:08 - 09:16	2001 Ford F-150; License No. 7R97396	WV208500C

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

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

a. Respondent Rabadi certified that vehicles 1 through 16, identified in paragraph 21 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on the vehicles using clean-plugging methods in that he substituted or used a different vehicle (s) during the OBD II functional tests in order to issue

smog certificates of compliance for the vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

b. Respondent Rabadi's technician, Respondent Zeit, certified that vehicles 17 through 20, identified in paragraph 21 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Zeit conducted the inspections on the vehicles using clean-plugging methods in that he substituted or used a different vehicle (s) during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles, and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

23. Respondent Rabadi's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud by issuing electronic smog certificates of compliance for vehicles 1 through 20, identified in paragraph 21 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

a. **Section 44012**: Respondent failed to ensure that the emission control tests were performed on vehicles 1 through 20, identified in paragraph 21 above, in accordance with procedures prescribed by the department.

b. **Section 44015**: Respondent issued electronic smog certificates of compliance for vehicles 1 through 20, identified in paragraph 21 above, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health & Saf. Code section 44012.

FOURTH CAUSE FOR DISCIPLINE

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

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

a. **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of compliance for vehicles 1 through 20, identified in paragraph 21 above, even though the vehicles had not been inspected in accordance with section 3340.42.

b. **Section 3340.42**: Respondent failed to ensure that the required smog tests were conducted on vehicles 1 through 20, identified in paragraph 21 above, in accordance with the Bureau's specifications.

FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

26. Respondent Rabadi's smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance for vehicles 1 through 20, identified in paragraph 21 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SIXTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

27. Respondent Rabadi's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section 44012 of that Code in a material respect, as follows: Respondent failed to perform the emission control tests on vehicles 1 through 16, identified in paragraph 21 above, in accordance with procedures prescribed by the department.

SEVENTH CAUSE FOR DISCIPLINE

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

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

a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test vehicles 1 through 16, identified in paragraph 21 above, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.42:** Respondent failed to conduct the required smog tests on vehicles 1 through 16, identified in paragraph 21 above, in accordance with the Bureau's specifications.

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

29. Respondent Rabadi's smog check inspector license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance for vehicles 1 through 16, identified in paragraph 21 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

NINTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

30. Respondent Zeit's technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with section 44012 of that Code in a material respect, as follows: Respondent failed to perform the emission control tests on vehicles 17 through 20, identified in paragraph 21 above, in accordance with procedures prescribed by the department.

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TENTH CAUSE FOR DISCIPLINE

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

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

a. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test vehicles 17 through 20, identified in paragraph 21 above, in accordance with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

b. **Section 3340.42**: Respondent failed to conduct the required smog tests on vehicles 17 through 20, identified in paragraph 21 above, in accordance with the Bureau's specifications.

ELEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

32. Respondent Zeit's technician license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog certificates of compliance for vehicles 17 through 20, identified in paragraph 21 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

MATTERS IN AGGRAVATION

33. To determine the degree of discipline, if any, to be imposed on Respondent Rabadi, Complainant alleges as follows: On or about December 30, 2011, pursuant to the Stipulated Settlement and Disciplinary Order Solely against Respondent Abe I. Rabadi, etc., adopted as the Decision of the Director in the disciplinary action titled "In the Matter of the Accusation Against: A & Z Smog Test Only", etc., Case No. 79-12-18, the Director revoked Automotive Repair Dealer Registration Number ARD 261018 and Smog Check Station License Number TC 261018 issued to Rabadi, owner of A & Z Smog Test Only, effective February 6, 2012. Rabadi's

Automotive Repair Dealer Registration Number ARD 259545 and Smog Check, Test Only, Station License Number TC 259545, issued to him as owner of Smog Stop Test Only, were also revoked[4]; however, the revocations were stayed and Rabadi was placed on probation for three (3) years on terms and conditions. Rabadi admitted that he "clean piped"[5] two Bureau undercover vehicles, in violation of Bus. & Prof. Code section 9884.7, subdivisions (a)(1) (untrue or misleading statements) and (a)(4) (fraud); and Health & Saf. Code sections 44072.2, subdivision (a) (violations of Health & Saf. Code sections 44012, subdivision (a), 44012, subdivision (f), 44015, subdivision (b, and 44059); 44072.2, subdivision (c) (violations of California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.35, subdivision (c), and 3340.42), and 44072.2, subdivision (d) (dishonesty, fraud or deceit). Rabadi also admitted that he allowed Respondent Samer George Zait to participate in the smog inspection of one of the undercover vehicles while Samer George Zait's technician license was expired, in violation of Health & Saf. Code sections 44072.2, subdivision (f) (aiding and abetting unlicensed activity), and 44072.2, subdivision (a) (violation of Health & Saf. Code section 44014, subdivision (a)).

OTHER MATTERS

34. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may suspend, revoke or place on probation the registration for all places of business operated in this state by Respondent Abe I. Rabadi, owner of Smog Stop Test Only, upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

35. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station License Number TC 259545, issued to Abe I. Rabadi, owner of Smog Stop Test Only, is revoked

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[4] Rabadi's Automotive Repair Dealer Registration Number ARD 259545 and Smog Check, Test Only, Station License Number TC 259545 were not Respondents in the matter, but were subject to discipline pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), due to the revocation of Automotive Repair Dealer Registration Number ARD 261018 and Smog Check Station License Number TC 261018 issued to Rabadi, as owner of A & Z Smog Test Only.

[5] Pursuant to California Code of Regulations, title 16, section 3340.1, subdivision (t), "clean piping" means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to issue a certificate of compliance for another vehicle.

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

36. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 631177, (formerly Advanced Emission Specialist Technician License Number EA 631177), issued to Abe I. Rabadi, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

37. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist Technician License Number EA 632736, upon renewal and redesignation as EO 632736 and/or EI 632736, issued to Yousef K. Zeit, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 259545, issued to Abe I. Rabadi, owner of Smog Stop Test Only;

2. Revoking or suspending any other automotive repair dealer registration issued to Abe I. Rabadi;

3. Revoking or suspending Smog Check, Test Only, Station License Number TC 259545, issued to Abe I. Rabadi, owner of Smog Stop Test Only;

4. Revoking or suspending Smog Check Inspector License Number EO 631177, (formerly Advanced Emission Specialist Technician License Number EA 631177), issued to Abe I. Rabadi;

5. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Abe I. Rabadi;

6. Revoking or suspending Advanced Emission Specialist Technician License Number EA 632736, as redesignated Smog Check Inspector License Number EO 632736 and/or Smog Check repair Technician License Number EI 632736, issued to Yousef K. Zeit;

7. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Yousef K. Zeit;

8. Ordering Respondents Abe I. Rabadi, owner of Smog Stop Test Only, and Yousef K. Zeit to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 9/17/13

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

SD2011801841