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

12 In the Matter of the Accusation Against:

Case No. 79/12-165

13 **AMIGOS #2**  
14 **SAMER IBRAHIM ALHSINAT AZIZ,**  
15 **aka SAMER IBRAHIM AZIZ ALHSINAT, OWNER**  
16 **4727 Brooks Street E**  
17 **Montclair, CA 91763**

**A C C U S A T I O N**

Smog Check

18 **Automotive Repair Dealer Reg. No. ARD 264643**  
19 **Smog Check, Test Only, Station License No.**  
20 **TC 264643,**

21 **SAMER IBRAHIM AZIZ ALHSINAT**  
22 **7879 Rhein Court**  
23 **Rancho Cucamonga, CA 91739**

24 **Advanced Emission Specialist Technician License No.**  
25 **EA 633006,**

26 **and**

27 **SERGIO CARLOS HERMOSILLO**  
28 **12025 McGirk**  
**El Monte, CA 91732**

**Advanced Emission Specialist Technician License No.**  
**EA 150181**

Respondents.

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1 Complainant alleges:

2 **PARTIES**

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

5 **Amigos #2; Samer Ibrahim Alhsinat Aziz, Owner**

6 2. On or about April 18, 2011, the Director of Consumer Affairs ("Director") issued  
7 Automotive Repair Dealer Registration Number ARD 264643 ("registration") to Samer Ibrahim  
8 Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat ("Respondent Aziz"), owner of  
9 Amigos #2. Respondent's registration was in full force and effect at all times relevant to the  
10 charges brought herein and will expire on April 30, 2013, unless renewed.

11 3. On or about April 20, 2011, the Director issued Smog Check, Test Only, Station  
12 License Number TC 264643 ("smog check station license") to Respondent Aziz. Respondent's  
13 smog check station license was in full force and effect at all times relevant to the charges brought  
14 herein and will expire on April 30, 2013, unless renewed.

15 **Samer Ibrahim Aziz Alhsinat**

16 4. On or about April 15, 2011, the Director issued Advanced Emission Specialist  
17 Technician License Number EA 633006 ("technician license") to Respondent Aziz. Respondent's  
18 technician license was in full force and effect at all times relevant to the charges brought herein  
19 and will expire on September 30, 2013, unless renewed.

20 **Sergio Carlos Hermosillo**

21 5. In or about 2004, the Director issued Advanced Emission Specialist Technician  
22 License Number EA 150181 ("technician license") to Sergio Carlos Hermosillo ("Respondent  
23 Hermosillo"). Respondent's technician license was in full force and effect at all times relevant to  
24 the charges brought herein and will expire on November 30, 2012, unless renewed.

25 **JURISDICTION**

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

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1 11. Bus. & Prof. Code section 22, subdivision (a), states:

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

5 12. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
6 "license" includes "registration" and "certificate."

7 13. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

12 . . . .

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

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

16 14. Health & Saf. Code section 44072.10 states, in pertinent part:

17 . . . .

18 (c) The department shall revoke the license of any smog check technician  
19 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  
20 the following:

21 (1) Clean piping, as defined by the department . . .

22 15. Health & Saf. Code section 44072.8 states that when a license has been revoked or  
23 suspended following a hearing under this article, any additional license issued under this chapter  
24 in the name of the licensee may be likewise revoked or suspended by the director.

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1 16. California Code of Regulations, title 16, section 3340.1 states, in pertinent:

2 . . . .

3 "Clean piping," for the purposes of Health and Safety Code section  
4 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of  
5 the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of  
6 compliance for the test vehicle . . .

6 **COST RECOVERY**

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

11 **RECORDED UNDERCOVER OPERATION #1: 1992 BUICK SKYLARK**

12 18. On June 14, 2011, a representative of the Bureau, acting in an undercover capacity  
13 ("operator"), took the Bureau's 1992 Buick Skylark to Respondent Aziz's facility. A defect had  
14 been created in the oxygen sensor circuit on the Bureau-documented vehicle, causing the vehicle  
15 to fail a smog test due to excessive tailpipe emissions. The operator met with a male employee  
16 and requested a smog inspection. The employee drove the vehicle into the testing bay while the  
17 operator waited in the office. The operator signed a written estimate, which the employee had  
18 given him earlier. Later, the employee informed the operator that the vehicle would not pass the  
19 smog test. The operator asked the employee what the vehicle needed. The employee told the  
20 operator that he had a mechanic who could fix the vehicle. The operator stated that he wanted the  
21 vehicle to pass the test and that he needed a certificate. The employee told the operator that he  
22 could make the vehicle pass, but it would cost the operator \$125. The operator agreed to pay the  
23 employee \$125 to certify the vehicle. The employee asked the operator if he was a state inspector  
24 and asked to see his identification. The operator stated that he did not have his identification with  
25 him. After making a telephone call, the employee agreed to pass the vehicle. The operator paid  
26 the employee \$130 and was given \$10 in change. The employee asked the operator to wait in the  
27 office with the door to the testing bay closed. Approximately 20 minutes later, the employee

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1 came back into the office and gave the operator an invoice and a vehicle inspection report  
2 (“VIR”).

3 19. The Bureau’s VID (vehicle information database) data indicated that the vehicle  
4 passed the inspection, resulting in the issuance of electronic smog Certificate of Compliance No.  
5 WV770970C. The videotape of the undercover operation and the VID data showed that  
6 Respondent Hermosillo performed the smog inspection on the vehicle.

7 20. On June 15, 2011, the Bureau inspected the vehicle and found that the defective  
8 oxygen sensor circuit was still in place. A smog inspection was then performed on the vehicle.  
9 The vehicle failed the inspection due to excessive tailpipe emissions. The Bureau concluded that  
10 Respondent Hermosillo performed the smog inspection on the vehicle using clean piping  
11 methods, resulting in the issuance of a fraudulent smog certificate of compliance.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

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

18 a. Respondent Aziz’s technician, Respondent Hermosillo, certified under penalty of  
19 perjury on the VIR that he performed the smog inspection on the Bureau’s 1992 Buick Skylark in  
20 accordance with all Bureau requirements and that the vehicle had passed the inspection and was  
21 in compliance with applicable laws and regulations. In fact, Hermosillo used clean piping  
22 methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle as  
23 required by Health & Saf. Code section 44012. Further, the oxygen sensor circuit was defective  
24 and as such, the vehicle would not pass the inspection required by Health & Saf. Code section  
25 44012.

26 b. Respondent Aziz or his agents, employees, and/or representatives documented on the  
27 invoice that the price for the smog inspection on the Bureau’s 1992 Buick Skylark was \$18.75  
28 when, in fact, the operator paid Respondent’s employee \$120 for the inspection.





1 **SEVENTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the Bureau's  
8 1992 Buick Skylark in accordance with Health & Saf. Code sections 44012 and 44035, and  
9 California Code of Regulations, title 16, section 3340.42.

10 b. **Section 3340.41, subdivision (c)**: Respondent entered false information into the EIS  
11 by entering vehicle identification information or emission control system identification data for a  
12 vehicle other than the one being tested.

13 c. **Section 3340.42**: Respondent failed to conduct the required smog tests on the  
14 Bureau's 1992 Buick Skylark in accordance with the Bureau's specifications.

15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 28. Respondent Hermosillo's technician license is subject to disciplinary action pursuant  
18 to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
19 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
20 certificate of compliance for the Bureau's 1992 Buick Skylark without performing a bona fide  
21 inspection of the emission control devices and systems on the vehicle, thereby depriving the  
22 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
23 Program.

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1 **UNDERCOVER OPERATION #2: 1995 ACURA INTEGRA**

2 29. On August 11, 2011, two undercover operators of the Bureau, M. L. and G. Z., took  
3 the Bureau's 1995 Acura Integra to Respondent Aziz's ("Aziz") facility. The positive crankcase  
4 ventilation ("PCV") system on the Bureau-documented vehicle was modified, the three-way  
5 catalytic converter ("TWC") was missing, certain emission related components were  
6 disconnected, illegal adjustable camshaft gears had been installed on the vehicle, and the vehicle  
7 had failed a smog test as a "gross polluter". M. L. and G. Z. went into the office and were met by  
8 Aziz. M. L. requested a smog test on the vehicle. Aziz told M. L. that he would need to wait  
9 about an hour. Approximately one hour later, Aziz came into the office and asked for the keys to  
10 the vehicle. Aziz walked outside to the vehicle and opened the hood. Aziz had M. L. come  
11 outside, then pointed at various parts in the engine compartment. Aziz told M. L. that the vehicle  
12 would not pass the smog test because of some of the parts. Aziz offered to pass the vehicle for  
13 \$150, and stated that he normally charged \$200. M. L. paid Aziz \$150 in cash to have the vehicle  
14 certified. A male employee drove the vehicle into the testing bay. M. L. observed Aziz hook up  
15 various cables to the vehicle while the male employee entered information into the EIS. Several  
16 minutes later, Aziz drove the vehicle to the front of the building. M. L. was given copies of an  
17 invoice and VIR. At approximately 1425 hours, M. L. and G. Z. left the facility.

18 30. At approximately 1500 hours that same day, a representative of the Bureau went to  
19 the facility to perform a station inspection. When the representative arrived at the station, he  
20 entered the front office, but the door to the testing bay was locked. The representative heard a  
21 vehicle running on the dynamometer. A few minutes later, a vehicle pulled up in front of the  
22 office and the door to the testing bay was opened. The representative met with Aziz and  
23 Respondent Hermosillo ("Hermosillo"), and saw a 1998 Ford Taurus in the testing bay parked  
24 next to the dynamometer. The representative noted that the vehicle was very dusty, as if it had  
25 been parked without being driven for a period of time. The representative asked Aziz about the  
26 Ford Taurus. Aziz stated that the vehicle was his, and claimed that he had not registered it yet  
27 and was storing it at the shop. The representative put his hand on the hood and the tailpipe and  
28 noted that they were hot to the touch. The representative inspected the tailpipe and noted that it

1 had several scratch marks similar to an exhaust sample probe being inserted into it multiple times.  
2 Later, the representative obtained data from the Bureau's VID. The VID data indicated that the  
3 Bureau's 1995 Acura Integra had passed the smog inspection, resulting in the issuance of  
4 electronic smog Certificate of Compliance No. WX687777C, and that the inspection was  
5 performed by Hermosillo.

6 31. On August 16, 2011, the Bureau performed a smog inspection on the vehicle. The  
7 vehicle failed the inspection due to the modified PCV system, the missing TWC, the disconnected  
8 emission related components, the illegal adjustable camshaft gears, and excessive tailpipe  
9 emissions, which were at gross polluter levels. The Bureau concluded that Hermosillo had  
10 performed the smog inspection on the vehicle using clean piping methods, resulting in the  
11 issuance of a fraudulent smog certificate of compliance.

#### 12 NINTH CAUSE FOR DISCIPLINE

#### 13 (Untrue or Misleading Statements)

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

18 a. Respondent Aziz's technician, Respondent Hermosillo, certified under penalty of  
19 perjury on the VIR that he performed the smog inspection on the Bureau's 1995 Acura Integra in  
20 accordance with all Bureau requirements and that the vehicle had passed the inspection and was  
21 in compliance with applicable laws and regulations. In fact, Hermosillo used clean piping  
22 methods in order to issue a certificate for the vehicle and did not test or inspect the vehicle as  
23 required by Health & Saf. Code section 44012. Further, the PCV system was modified, the TWC  
24 was missing, certain emission related components were disconnected, illegal adjustable camshaft  
25 gears had been installed on the vehicle, and the vehicle's tailpipe emissions were at gross polluter  
26 levels. As such, the vehicle would not pass the inspection required by Health & Saf. Code section  
27 44012.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.35, subdivision (c)**: Respondent Aziz issued an electronic smog  
8 certificate of compliance for the Bureau's 1995 Acura Integra even though the vehicle had not  
9 been inspected in accordance with Health & Saf. Code section 3340.42.

10 b. **3340.41, subdivision (c)**: Respondent Aziz permitted his technician, Respondent  
11 Hermosillo, to enter false information into the EIS unit by entering vehicle identification  
12 information or emission control system identification data for a vehicle other than the one being  
13 tested.

14 c. **Section 3340.42**: Respondent Aziz failed to ensure that the required smog tests were  
15 conducted on the Bureau's 1995 Acura Integra in accordance with the Bureau's specifications.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

18 36. Respondent Aziz's smog check station license is subject to disciplinary action  
19 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
20 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
21 certificate of compliance for the Bureau's 1995 Acura Integra without ensuring that a bona fide  
22 inspection was performed of the emission control devices and systems on the vehicle, thereby  
23 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
24 Inspection Program.

25 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

27 37. Respondent Hermosillo's technician license is subject to disciplinary action pursuant  
28 to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with

1 section 44012 of that Code in a material respect, as follows: Respondent failed to perform the  
2 emission control tests on the Bureau's 1995 Acura Integra in accordance with procedures  
3 prescribed by the department.

4 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

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

10 a. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the Bureau's  
11 1995 Acura Integra in accordance with Health & Saf. Code sections 44012 and 44035, and  
12 California Code of Regulations, title 16, section 3340.42.

13 b. **Section 3340.41, subdivision (c)**: Respondent entered false information into the EIS  
14 by entering vehicle identification information or emission control system identification data for a  
15 vehicle other than the one being tested.

16 c. **Section 3340.42**: Respondent failed to conduct the required smog tests on the  
17 Bureau's 1995 Acura Integra in accordance with the Bureau's specifications.

18 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

20 39. Respondent Hermosillo's technician license is subject to disciplinary action pursuant  
21 to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
22 dishonest, fraudulent or deceitful act whereby another is injured by issuing an electronic smog  
23 certificate of compliance for the Bureau's 1995 Acura Integra without performing a bona fide  
24 inspection of the emission control devices and systems on the vehicle, thereby depriving the  
25 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
26 Program.

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1 **OTHER MATTERS**

2 40. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke or place on probation the registration for all places of business operated in this  
4 state by Respondent Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat,  
5 owner of Amigos #2, upon a finding that Respondent has, or is, engaged in a course of repeated  
6 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

7 41. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station  
8 License Number TC 264643, issued to Respondent Samer Ibrahim Alhsinat Aziz, also known as  
9 Samer Ibrahim Aziz Alhsinat, owner of Amigos #2, is revoked or suspended, any additional  
10 license issued under this chapter in the name of said licensee, including, but not limited to,  
11 Advanced Emission Specialist Technician License No. EA 633006, may be likewise revoked or  
12 suspended by the Director.

13 42. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist  
14 Technician License Number EA 150181, issued to Respondent Sergio Carlos Hermosillo, is  
15 revoked or suspended, any additional license issued under this chapter in the name of said  
16 licensee may be likewise revoked or suspended by the Director.

17 **PRAAYER**

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

20 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
21 264643, issued to Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat,  
22 owner of Amigos #2;

23 2. Revoking or suspending any other automotive repair dealer registration issued to  
24 Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat;

25 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
26 264643, issued to Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat,  
27 owner of Amigos #2;

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1           4.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
2 and Safety Code in the name of Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz  
3 Alhsinat, including, but not limited to, Advanced Emission Specialist Technician License  
4 Number EA 633006;

5           5.    Revoking or suspending Advanced Emission Specialist Technician License Number  
6 EA 150181, issued to Sergio Carlos Herмосillo;

7           6.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
8 and Safety Code in the name of Sergio Carlos Herмосillo;

9           7.    Ordering Samer Ibrahim Alhsinat Aziz, also known as Samer Ibrahim Aziz Alhsinat,  
10 owner of Amigos #2, and Sergio Carlos Herмосillo to pay the Director of Consumer Affairs the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3;

13           8.    Taking such other and further action as deemed necessary and proper.

14  
15 DATED: June 13 2012

  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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