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

13 In the Matter of the Accusation Against:

Case No. 79/24-9506

14 **ADEL S. ATALLAH; DBA ADELINOS**  
15 **AUTO CLINIC**  
16 **3300 Harrison St., Suite 3**  
17 **Riverside, CA 92503**

**ACCUSATION**

18 **Automotive Repair Dealer Registration No.**  
19 **ARD 209927**  
20 **Smog Check, Test and Repair Station**  
21 **License No. RC 209927,**

22 **and**

23 **ADEL S. ATALLAH**  
24 **3300 Harrison St., Suite 3**  
25 **Riverside, CA 92503**

26 **Smog Check Inspector License No. EO**  
27 **136532**  
28 **Smog Check Repair Technician License No.**  
**EI 136532**

Respondents.

1 **PARTIES**

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

4 2. On or about January 1, 2000, the Bureau of Automotive Repair issued Automotive  
5 Repair Dealer Registration Number ARD 209927 to Adel S. Atallah dba Adelinos Auto Clinic  
6 (Respondents). The Automotive Repair Dealer Registration was in full force and effect at all  
7 times relevant to the charges brought herein and will expire on March 31, 2025, unless renewed.

8 3. On or about November 6, 2001, the Bureau of Automotive Repair issued Smog  
9 Check, Test and Repair Station License Number RC 209927 to Adel S. Atallah; dba Adelinos  
10 Auto Clinic (Respondents). The Smog Check, Test and Repair Station license was in full force  
11 and effect at all times relevant to the charges brought herein and will expire on March 31, 2025,  
12 unless renewed.

13 4. On or about July 15, 2013, the Bureau of Automotive Repair issued Smog Check  
14 Inspector License Number EO 136532 to Adel S. Atallah (Respondents). The Smog Check  
15 Inspector license was in full force and effect at all times relevant to the charges brought herein  
16 and will expire on August 31, 2025, unless renewed.

17 5. On or about July 15, 2013, the Bureau of Automotive Repair issued Smog Check  
18 Repair Technician License Number EI 136532 to Adel S. Atallah (Respondents). The Smog  
19 Check Repair Technician license was in full force and effect at all times relevant to the charges  
20 brought herein and will expire on August 31, 2025, unless renewed.

21 **JURISDICTION**

22 6. This Accusation is brought before the Director of the Department of Consumer  
23 Affairs (“Director”) for the Bureau, under the authority of the following laws.

24 7. Section 9884.7 of the Business and Professions Code<sup>1</sup> provides that the Director may  
25 revoke an ARD registration.

26  
27 \_\_\_\_\_  
28 <sup>1</sup> All statutory references herein shall be to the Business and Professions Code unless  
specifically stated otherwise.



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 another is  
4 injured. . . .

5 13. Section 44072.10 of the Health and Safety Code states, in pertinent part:

6 . . .

7 (c) The department shall revoke the license of any smog check technician or  
8 station license who fraudulently certifies vehicles or participates in the fraudulent  
9 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of  
10 the following:

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

12 (4) Intentional or willful violation of this chapter or any regulation, standard, or  
13 procedure of the department implementing this chapter. . . .”

14 **REGULATORY PROVISIONS**

15 14. California Code of Regulations, title 16, section 3340.24, subdivision (c), states:

16 The bureau may suspend or revoke the license of or pursue other legal action  
17 against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate  
18 of compliance or a certificate of noncompliance.

19 15. California Code of Regulations, title 16, section 3340.30, states:

20 A smog check technician shall comply with the following requirements at all  
21 times while licensed.

22 (a) A licensed technician shall inspect, test and repair vehicles in accordance  
23 with section 44012 of the Health and Safety Code, section 44035 of the Health and  
24 Safety Code, and section 3340.42 of this article. . . .”

25 16. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

26 . . . .

27 (c) A licensed station shall issue a certificate of compliance or noncompliance  
28 to the owner or operator of any vehicle that has been inspected in accordance with the  
procedures specified in section 3340.42 of this article and has all the required  
emission control equipment and devices installed and functioning correctly. . . .

17. California Code of Regulations, title 16, section 3340.42, sets forth specific emissions  
test methods and procedures which apply to all vehicles inspected in the State of California.

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1 **COST RECOVERY**

2 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **VID DATA REVIEW**

9 19. Beginning March 9, 2015, California’s Smog Check Program was updated to require  
10 the use of an On-Board Diagnostic Inspection System (“OIS”). OIS is the Smog Check  
11 equipment required in all areas of the State when inspecting most model-year 2000 and newer  
12 gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a  
13 certified Data Acquisition Device (“DAD”), computer, bar code scanner, and printer. The DAD  
14 is an On Board Diagnostic (“OBD”) scan tool that, when requested by the California OIS  
15 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it  
16 supports is requested by the California OIS software and will be retrieved. The DAD connects  
17 between the OIS computer and the vehicle’s DLC. The California OIS software requires a  
18 continuous Internet connection when performing a Smog Check inspection and the OIS software  
19 communicates with BAR’s central database through the Internet connection. The bar code  
20 scanner is used to input technician information, the vehicles identification number (“VIN”), and  
21 DMV renewal information. The printer provides a Vehicle Inspection Report (“VIR”) containing  
22 inspection results for motorists and a Smog Check Certificate of Compliance number for passing  
23 vehicles.

24 20. During an OIS inspection, engine operating parameters are retrieved from the  
25 vehicle’s OBD II system and recorded to the VID. This is accomplished during the functional  
26 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle’s DLC when  
27 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 28
  - Engine speed in revolutions per minute (RPM)

1 • Throttle position as measured by a throttle position sensor (TPS) mounted onto  
2 the throttle shaft. Measured in a percentage of opening from 0% at idle and near  
3 or up to 100% at full throttle.

4 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)  
5 connected to an intake manifold source, measured in kilo pascals (kpa). Typical  
6 readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum,  
7 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at  
8 sea level.

9 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the  
10 engine's air intake tract. Measured in grams per second (gps).<sup>2</sup>

11 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is  
12 measured in degrees Before Top Dead Center (BTDC).

13 21. During normal engine operation at idle, engine speed is relatively steady around its  
14 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or  
15 MAF readings are also steady. For the engine speed to increase, the throttle would have to be  
16 opened to increase airflow through the engine. The engine's management systems supply fuel and  
17 spark timing appropriate to any changes in throttle position and engine speed. An increase in  
18 throttle, measured by the TPS, which increases engine RPM, would result in corresponding  
19 increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle  
20 from the idle position will result in an increase of airflow through the engine with corresponding  
21 increases RPM and/or MAF along with changes in MAP.

22 22. During an OIS Smog Check inspection, along with other visual and functional  
23 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed  
24 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased  
25 engine speed.

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26 <sup>2</sup> Not all vehicles include both MAP and MAF parameters. Many vehicles will have either  
27 MAP or MAF parameters separately.  
28

1           23. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is  
2 the digitally stored VIN programmed into the vehicle’s Powertrain Control Module (“PCM”); the  
3 communication protocol, which is the manufacturer/vehicle specific language the PCM uses to  
4 relay information; and the number of Parameter Identifications (“PIDs”), which is the number of  
5 specific data values each PCM uses related to emissions controls.

6           24. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall  
7 inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle  
8 Information Database (“VID”). These Certificates of Compliance are purchased in blocks of fifty  
9 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit  
10 system or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of  
11 Compliance has a unique control number so that it can be tracked to determine which Smog  
12 Check Station purchased the Certificate of Compliance and to which vehicle it was issued.

13           25. The VID contains registration data from Department of Motor Vehicles (“DMV”)  
14 plus emission standards, vehicle smog check inspections, smog check stations and technicians,  
15 and Certificates of Compliance. The VID receives the passing smog check results immediately  
16 following the inspection. During the vehicle registration process, the DMV accesses the VID to  
17 verify that the vehicle has been tested and certified. The Bureau can also access the VID to view  
18 test data on smog check inspections performed at any Smog Check Station, or search for, retrieve,  
19 and print a test record for a particular vehicle which has been tested. The EIS or OIS, depending  
20 on the test type, also prints a Vehicle Inspection Report (“VIR”), which is a physical record of the  
21 test results and shows the Certificate of Compliance number that was issued if the vehicle passed  
22 the smog inspection.

23           26. The smog check technician must sign the VIR under penalty of perjury to indicate  
24 that the inspection was done within Bureau guidelines. Smog Check Stations are required by law  
25 to maintain a copy of the VIR along with a copy of the repair invoice for three years. The  
26 consumer’s VIR serves as a receipt and proof that the VID was updated and a Certificate of  
27 Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by  
28 the Bureau to perform official inspections. They are issued a personal access code and a license,

1 which are used to gain access to the EIS and OIS to perform smog check inspections.

2 Unauthorized use of another technician’s access code or license is prohibited.

3 27. Respondents have engaged in numerous acts or omissions constituting violations of  
4 the Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor  
5 Vehicle Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice  
6 of “clean plugging.”<sup>3</sup> Respondent Atallah’s OIS Test Data available on the State database  
7 indicates that Respondent Atallah is involved in fraudulent smog inspection activities. A Bureau  
8 representative initiated an investigation based on information transmitted to the VID for smog  
9 check inspections performed by Respondent Atallah. The investigation revealed that the data  
10 related to certain vehicles certified by Respondent Atallah contained a pattern of unmistakable  
11 discrepancies between the information transmitted during the inspections and documented  
12 information known about the vehicles at issue. Specifically, the representative compared the data  
13 received from the certified vehicles to data from vehicles of the same year, make, and model and  
14 determined that the data from at least ten (10) of the certified vehicles were fraudulently tested by  
15 Respondent Atallah during the smog inspection using the “clean plugging” method as follows:

16 **Fraudulent Inspection #1**

17 28. Steven Koch (Koch) reviewed the OIS Test Data for Adelinos Auto Clinic. The  
18 review indicates on June 26, 2023, a 2000 Chevrolet Silverado C1500, CA license 51937A1, VIN  
19 1GCEC14V6YZ284198 (2000 Silverado), was tested and smog certificate # TI730695C was  
20 issued under licensed Smog Check Technician #EO136532, Atallah.

21 29. The Dynamic PID Chart for the 2000 Silverado shows between time stamp 456 and  
22 18049 engine speed is steady at approximately 725 RPM. During this time the throttle is fixed at  
23 0% opening, the MAF is fixed at 5.32 gps, MAP is fixed at 37 kPa, and the ignition timing  
24 advance for #1 cylinder is fixed at 19.5 degrees BTDC. After time stamp 18049 the engine speed  
25 accelerates to approximately 1800 RPM. From the time the engine RPM increases off idle to the

26 <sup>3</sup> “Clean plugging” refers to the use of another vehicle’s properly functioning On Board  
27 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic  
28 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that  
are not in smog compliance and/or not present for testing.

1 higher RPMs, the throttle is fixed at the same 0% opening, the MAF is fixed at the same 5.32 gps,  
2 the MAP is fixed at the same 37 kPa, and the ignition timing advance for #1 cylinder is also still  
3 fixed at the same 19.5 degrees BTDC.

4 30. During the entire period the dynamic data was collected, the only parameter that  
5 changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance  
6 readings remained unchanged even though the engine speed was increased. These readings are  
7 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test  
8 Data prove the Data Acquisition Device was not connected to the 2000 Silverado being certified,  
9 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 10 **Previous Failing Test: 2000 Silverado**

11 31. A failing test was performed on the 2000 Silverado at Adelinos Auto Clinic on July  
12 23, 2021. The 2000 Silverado failed the inspection for an illuminated MIL and confirmed DTC's  
13 P0161 and P0442. No dynamic data was collected during the inspection.

#### 14 **Fraudulent Inspection #2**

15 32. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
16 August 22, 2023, a 2001 Chevrolet Silverado C1500, CA license 6K37778, VIN  
17 1GCEC19V11Z134322 (2001 Silverado), was tested and smog certificate # IV172350C was  
18 issued under licensed Smog Check Technician #EO136532, Atallah.

19 33. The Dynamic PID Chart for the 2001 Silverado shows between time stamp 382 and  
20 17930 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at  
21 0.4% opening, the MAF is fixed at 5.87 gps, MAP is fixed at 44 kPa, and the ignition timing  
22 advance for #1 cylinder is fixed at 16.5 degrees BTDC. After time stamp 17930 the engine speed  
23 accelerates to approximately 1650 RPM. From the time the engine RPM increases off idle to the  
24 higher RPMs, the throttle is fixed at the same 0.4% opening, the MAF is fixed at the same 5.87  
25 gps, the MAP is fixed at the same 44 kPa, and the ignition timing advance for #1 cylinder is also  
26 still fixed at the same 16.5 degrees BTDC.

27 34. During the entire period the dynamic data was collected, the only parameter that  
28 changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance

1 readings remained unchanged even though the engine speed was increased. These readings are  
2 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test  
3 Data prove the Data Acquisition Device was not connected to the 2001 Silverado being certified,  
4 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

5 **Fraudulent Inspection #3**

6 35. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
7 September 18, 2023, a 2004 Toyota Corolla CE, CA license 6NXZ432, VIN  
8 1NXBR32E84Z251318 (2004 Corolla), was tested and smog certificate # TO098662C was issued  
9 under licensed Smog Check Technician #EO136532, Atallah.

10 36. The Dynamic PID Chart for the 2004 Corolla shows between time stamp 1001 and  
11 32914 engine speed is steady at approximately 675 RPM. During this time the throttle is fixed at  
12 11% opening, the MAF is fixed at 5.04 gps, and the ignition timing advance for #1 cylinder is  
13 fixed at 15 degrees BTDC. After time stamp 32914 the engine speed accelerates to approximately  
14 1900 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is  
15 fixed at the same 11% opening, the MAF is fixed at the same 5.04 gps, and the ignition timing  
16 advance for #1 cylinder is also still fixed at the same 15 degrees BTDC.

17 37. During the entire period the dynamic data was collected, the only parameter that  
18 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
19 remained unchanged even though the engine speed was increased. These readings are not  
20 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
21 prove the Data Acquisition Device was not connected to the 2004 Corolla being certified, causing  
22 the issuance of a fraudulent Smog Check Certificate of Compliance.

23 **Fraudulent Inspection #4**

24 38. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
25 November 28, 2023, a 2004 Chevrolet Tahoe C1500, CA license 9CFA196, VIN  
26 1GNEC13Z14R169661 (2004 Tahoe), was tested and smog certificate # TO828138C was issued  
27 under licensed Smog Check Technician #EO136532, Atallah.

28

1           39. The Dynamic PID Chart for the 2004 Tahoe shows between time stamp 372 and  
2 18689 engine speed is steady at approximately 775 RPM. During this time the throttle is fixed at  
3 4.7% opening, the MAF is fixed at 5.86 gps, MAP is fixed at 37 kPa, and the ignition timing  
4 advance for #1 cylinder is fixed at 17.5 degrees BTDC. After time stamp 18689 the engine speed  
5 accelerates to approximately 1700 RPM. From the time the engine RPM increases off idle to the  
6 higher RPMs, the throttle is fixed at the same 4.7% opening, the MAF is fixed at the same 5.86  
7 gps, the MAP is fixed at the same 37 kPa, and the ignition timing advance for #1 cylinder is also  
8 still fixed at the same 17.5 degrees BTDC.

9           40. During the entire period the dynamic data was collected, the only parameter that  
10 changed was engine RPM. The throttle position, MAF, MAP, and ignition timing advance  
11 readings remained unchanged even though the engine speed was increased. These readings are  
12 not characteristic or expected for normal engine operation. The discrepancies in the OIS Test  
13 Data prove the Data Acquisition Device was not connected to the 2004 Tahoe being certified,  
14 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 15           **Fraudulent Inspection #5**

16           41. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
17 December 5, 2023, a 2002 Oldsmobile Bravada, CA license 6ZDS913, VIN  
18 1GHDT13S522115450 (2002 Bravada), was tested and smog certificate # IX676904C was issued  
19 under licensed Smog Check Technician #EO136532, Atallah.

20           42. The Dynamic PID Chart for the 2002 Bravada shows between time stamp 382 and  
21 22490 engine speed is steady at approximately 775 RPM. During this time the throttle is fixed at  
22 10.2% opening, MAP is fixed at 28 kPa, and the ignition timing advance for #1 cylinder is fixed  
23 at 11 degrees BTDC. After time stamp 22490 the engine speed accelerates to approximately 1650  
24 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at  
25 the same 10.2% opening, the MAP is fixed at the same 28 kPa, and the ignition timing advance  
26 for #1 cylinder is also still fixed at the same 11 degrees BTDC.

27           43. During the entire period the dynamic data was collected, the only parameter that  
28 changed was engine RPM. The throttle position, MAP, and ignition timing advance readings

1 remained unchanged even though the engine speed was increased. These readings are not  
2 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
3 prove the Data Acquisition Device was not connected to the 2002 Bravada being certified,  
4 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

5 **Fraudulent Inspection #6**

6 44. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
7 December 5, 2023, a 2003 Ford F150, CA license 69419U1, VIN 2FTRX17W13CB04013 (2003  
8 F150), was tested and smog certificate # IX676905C was issued under licensed Smog Check  
9 Technician #EO136532, Atallah.

10 45. The Dynamic PID Chart for the 2003 F150 shows between time stamp 438 and 18045  
11 engine speed is steady at approximately 650 RPM. During this time the throttle is fixed at 22%  
12 opening, MAF is fixed at 8.13 gps, and the ignition timing advance for #1 cylinder is fixed at 8  
13 degrees BTDC. After time stamp 18045 the engine speed accelerates to approximately 1950  
14 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at  
15 the same 22% opening, the MAF is fixed at the same 8.13 gps, and the ignition timing advance  
16 for #1 cylinder is also still fixed at the same 8 degrees BTDC.

17 46. During the entire period the dynamic data was collected, the only parameter that  
18 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
19 remained unchanged even though the engine speed was increased. These readings are not  
20 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
21 prove the Data Acquisition Device was not connected to the 2003 F150 being certified, causing  
22 the issuance of a fraudulent Smog Check Certificate of Compliance.

23 **Fraudulent Inspection #7**

24 47. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
25 December 11, 2023, a 2005 Honda Odyssey EX, CA license 5LRA056, VIN  
26 5FNRL38415B031368 (2005 Odyssey), was tested and smog certificate # IX676918C was issued  
27 under licensed Smog Check Technician #EO136532, Atallah.

28

1           48. The Dynamic PID Chart for the 2005 Odyssey shows between time stamp 961 and  
2 23451 engine speed is steady at approximately 775 RPM. During this time the throttle is fixed at  
3 13.7% opening, MAP is fixed at 27 kPa, and the ignition timing advance for #1 cylinder is fixed  
4 at 8.5 degrees BTDC. After time stamp 23451 the engine speed accelerates to approximately  
5 1775 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is  
6 fixed at the same 13.7% opening, the MAP is fixed at the same 27 kPa, and the ignition timing  
7 advance for #1 cylinder is also still fixed at the same 8.5 degrees BTDC.

8           49. During the entire period the dynamic data was collected, the only parameter that  
9 changed was engine RPM. The throttle position, MAP, and ignition timing advance readings  
10 remained unchanged even though the engine speed was increased. These readings are not  
11 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
12 prove the Data Acquisition Device was not connected to the 2005 Odyssey being certified,  
13 causing the issuance of a fraudulent Smog Check Certificate of Compliance.

14           **Fraudulent Inspection #8**

15           50. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
16 December 18, 2023, a 2000 Toyota Celica GT, CA license 6NHD305, VIN  
17 JTDDR32T3Y0019752 (2000 Celica), was tested and smog certificate # IX676932C was issued  
18 under licensed Smog Check Technician #EO136532, Atallah.

19           51. The Dynamic PID Chart for the 2000 Celica shows between time stamp 973 and  
20 20057 engine speed is steady at approximately 650 RPM. During this time the throttle is fixed at  
21 11.8% opening, MAF is fixed at .54 gps, and the ignition timing advance for #1 cylinder is fixed  
22 at 5 degrees BTDC. After time stamp 20057 the engine speed accelerates to approximately 1600  
23 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at  
24 the same 11.8% opening, the MAF is fixed at the same .54 gps, and the ignition timing advance  
25 for #1 cylinder is also still fixed at the same 5 degrees BTDC.

26           52. During the entire period the dynamic data was collected, the only parameter that  
27 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
28 remained unchanged even though the engine speed was increased. These readings are not

1 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
2 prove the Data Acquisition Device was not connected to the 2000 Celica being certified, causing  
3 the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 4 **Fraudulent Inspection #9**

5 53. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
6 December 20, 2023, a 2005 Honda Civic EX, CA license 5RJJ343, VIN 2HGES25735H621271  
7 (2005 Civic), was tested and smog certificate # IX676939C was issued under licensed Smog  
8 Check Technician #EO136532, Atallah.

9 54. The Dynamic PID Chart for the 2005 Civic shows between time stamp 977 and  
10 20260 engine speed is steady at approximately 800 RPM. During this time the throttle is fixed at  
11 9% opening, MAP is fixed at 35 kPa, and the ignition timing advance for #1 cylinder is fixed at 7  
12 degrees BTDC. After time stamp 20260 the engine speed accelerates to approximately 1825  
13 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is fixed at  
14 the same 9% opening, the MAP is fixed at the same 35 kPa, and the ignition timing advance for  
15 #1 cylinder is also still fixed at the same 7 degrees BTDC.

16 55. During the entire period the dynamic data was collected, the only parameter that  
17 changed was engine RPM. The throttle position, MAP, and ignition timing advance readings  
18 remained unchanged even though the engine speed was increased. These readings are not  
19 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
20 prove the Data Acquisition Device was not connected to the 2005 Civic being certified, causing  
21 the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 22 **Fraudulent Inspection #10**

23 56. Koch reviewed the OIS Test Data for Adelinos Auto Clinic. The review indicates on  
24 December 20, 2023, a 2003 Toyota Tundra Access Cab SR5, CA license 7B37831, VIN  
25 5TBRN34193S336172 (2003 Tundra), was tested and smog certificate # IX676940C was issued  
26 under licensed Smog Check Technician #EO136532, Atallah.

27 57. The Dynamic PID Chart for the 2003 Tundra shows between time stamp 1087 and  
28 20912 engine speed is steady at approximately 700 RPM. During this time the throttle is fixed at

1 14.1% opening, MAF is fixed at 4.07 gps, and the ignition timing advance for #1 cylinder is fixed  
2 at 13.5 degrees BTDC. After time stamp 20912 the engine speed accelerates to approximately  
3 1575 RPM. From the time the engine RPM increases off idle to the higher RPMs, the throttle is  
4 fixed at the same 14.1% opening, the MAF is fixed at the same 4.07 gps, and the ignition timing  
5 advance for #1 cylinder is also still fixed at the same 13.5 degrees BTDC.

6 58. During the entire period the dynamic data was collected, the only parameter that  
7 changed was engine RPM. The throttle position, MAF, and ignition timing advance readings  
8 remained unchanged even though the engine speed was increased. These readings are not  
9 characteristic or expected for normal engine operation. The discrepancies in the OIS Test Data  
10 prove the Data Acquisition Device was not connected to the 2003 Tundra being certified, causing  
11 the issuance of a fraudulent Smog Check Certificate of Compliance.

#### 12 **FIRST CAUSE FOR DISCIPLINE**

##### 13 **(Untrue or Misleading Statements - Respondent Adelinos Auto Clinic)**

14 59. Respondent Adelinos Auto Clinic's registration is subject to disciplinary action  
15 pursuant to section 9884.7, subdivision (a)(1), in that Respondent Atallah made or authorized  
16 statements which he knew or in the exercise of reasonable care should have known to be untrue or  
17 misleading, as follows: Respondent Atallah certified that the vehicles set forth above in  
18 paragraphs 28-58, had passed inspection and were in compliance with applicable laws and  
19 regulations. In fact, Respondent Atallah conducted the inspections on those vehicles using the  
20 clean plugging method in order to issue smog certificates of compliance and did not test or inspect  
21 the vehicles as required by Health and Safety Code section 44012.

#### 22 **SECOND CAUSE FOR DISCIPLINE**

##### 23 **(Fraud - Respondent Adelinos Auto Clinic)**

24 60. Respondent Adelinos Auto Clinic's registration is subject to disciplinary action  
25 pursuant to section 9884.7, subdivision (a)(4), in that Respondent Adelinos Auto Clinic's  
26 employee Respondent Atallah committed acts which constitute fraud by issuing electronic  
27 certificates of compliance for the vehicles set forth above in paragraphs 28-58, without  
28 performing bona fide inspections of the emission control devices and systems on those vehicles,

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

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Motor Vehicle Inspection Program –**  
5 **Respondent Adelinos Auto Clinic)**

6 61. Respondent Adelinos Auto Clinic’s smog station license is subject to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with  
8 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth  
9 above in paragraphs 28-58, Respondent Adelinos Auto Clinic failed to comply with the following  
10 sections of the Health and Safety Code:

11 (a) **Section 44012**: Respondent Adelinos Auto Clinic’s employee Respondent Atallah  
12 failed to ensure that the emission control tests were performed on the vehicles, in accordance with  
13 procedures prescribed by the department.

14 (b) **Section 44015**: Respondent Adelinos Auto Clinic’s employee Respondent Atallah  
15 issued electronic certificates of compliance for the vehicles, without ensuring that the vehicles  
16 were properly tested and inspected to determine if they were in compliance with Health and  
17 Safety Code section 44012.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**  
20 **Respondent Adelinos Auto Clinic)**

21 62. Respondent Adelinos Auto Clinic’s smog station license is subject to disciplinary  
22 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the  
23 vehicles set forth above in paragraphs 28-58, Respondent Atallah failed to comply with the  
24 following provisions of the California Code of Regulations, Title 16, as follows:

25 (a) **Section 3340.35, subdivision (c)**: Respondent Adelinos Auto Clinic’s employee  
26 Respondent Atallah issued electronic certificates of compliance even though those vehicles had  
27 not been inspected in accordance with section 3340.42, Title 16, of the California Code of  
28 Regulations.

1 (b) **Section 3340.42**: Respondent Adelinos Auto Clinic’s employee Respondent Atallah  
2 failed to conduct the required smog tests and inspections on those vehicles in accordance with the  
3 Bureau’s specifications.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud or Deceit - Respondent Adelinos Auto Clinic)**

6 63. Respondent Adelinos Auto Clinic’s smog station license is subject to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with  
8 Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth  
9 above in paragraphs 28-58, Respondent Adelinos Auto Clinic’s employee Respondent Atallah  
10 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
11 electronic certificates of compliance for those vehicles without performing bona fide inspections  
12 of the emission control devices and systems on the vehicles, thereby depriving the People of the  
13 State of California of the protection afforded by the Motor Vehicle Inspection Program.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Violations of the Motor Vehicle Inspection Program – Respondent Atallah)**

16 64. Respondent Atallah’s Smog Check Inspector License and Smog Check Repair  
17 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,  
18 subdivision (a), in that regarding the vehicles set forth above in paragraphs 28-58, Respondent  
19 Atallah failed to comply with section 44012 of the Health and Safety Code in a material respect,  
20 as follows: Respondent Atallah failed to perform the emission control tests on those vehicles in  
21 accordance with procedures prescribed by the department.

22 **SEVENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
24 **Respondent Atallah)**

25 65. Respondent Atallah’s Smog Check Inspector License and Smog Check Repair  
26 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,  
27 subdivision (c), in that regarding the vehicles set forth above in paragraphs 28-58, Respondent  
28

1 Atallah failed to comply with provisions of the California Code of Regulations, title 16, as  
2 follows:

3 (a) **Section 3340.30, subdivision (a)**: Respondent Atallah failed to inspect and test those  
4 vehicles in accordance with Health and Safety Code section 44012.

5 (b) **Section 3340.41, subdivision (c)**: Respondent Atallah entered false information into  
6 the EIS.

7 (c) **Section 3340.42**: Respondent Atallah failed to conduct the required smog tests and  
8 inspections on those vehicles in accordance with the Bureau's specifications.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud or Deceit - Respondent Atallah)**

11 66. Respondent Atallah's Smog Check Inspector License and Smog Check Repair  
12 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,  
13 subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in  
14 that regarding the vehicles set forth above in paragraphs 28-58, Respondent Atallah committed  
15 acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic  
16 certificates of compliance for those vehicles without performing bona fide inspections of the  
17 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
18 California of the protection afforded by the Motor Vehicle Inspection Program.

19 **OTHER MATTERS**

20 67. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director  
21 may suspend, revoke, or place on probation the registration for all places of business operated in  
22 this State by Respondent Adelinos Auto Clinic upon a finding that Respondent Adelinos Auto  
23 Clinic has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
24 pertaining to an automotive repair dealer.

25 68. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station  
26 License Number RC 209927 issued to Respondent Adelinos Auto Clinic is revoked or suspended  
27 following a hearing under this article, any additional license issued under Chapter 5, Part 5,  
28 Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.



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

DATED: As of digital signature date

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

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