

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

JEHAD M. EL-ABED

Smog Check Inspector License Applicant

Respondent.

Case No.: 79/18-12047S

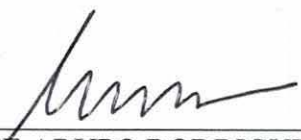
OAH No.: 2019011049

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on June 11, 2019.

DATED: April 29, 2019



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Supervising Deputy Attorney General
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10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
11 **STATE OF CALIFORNIA**
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14 In the Matter of the Statement of Issues
Against:
15 **JEHAD M. EL-ABED**
16 **Smog Check Inspector License Applicant**
17 Respondent.
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Case No. 79/18-12047S

OAH No. 2019011049

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
23 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by David E. Hausfeld, Deputy
25 Attorney General.

26 2. Respondent Jehad M. El-Abed (Respondent) is represented in this proceeding by
27 attorney Michael B. Levin, Esq., whose address is: 3727 Camino del Rio South, Suite 200
28 San Diego, CA 92108.

1 3. On or about July 18, 2018, Respondent filed an application dated May 1, 2018, with
2 the Bureau to obtain a Smog Check Inspector License.

3 4. The application was denied by the Bureau on August 7, 2018.

4 **JURISDICTION**

5 5. Statement of Issues No. 79/18-12047S was filed before the Director, and is currently
6 pending against Respondent. The Statement of Issues and all other statutorily required
7 documents were properly served on Respondent on December 19, 2018.

8 6. A copy of Statement of Issues No. 79/18-12047S is attached as Exhibit A and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 7. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Statement of Issues No. 79/18-12047S. Respondent has also carefully
13 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 8. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-
17 examine the witnesses against him; the right to present evidence and to testify on his own behalf;
18 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 10. Respondent admits the truth of each and every charge and allegation in Statement of
25 Issues No. 79/18-12047S.

26 11. Respondent agrees that his Application for a Smog Check Inspector License is subject
27 to denial and he agrees to be bound by the Director's probationary terms as set forth in the
28 Disciplinary Order below.

1 **CONTINGENCY**

2 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or
3 the Director's designee. Respondent understands and agrees that counsel for Complainant and the
4 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
5 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
6 or participation by Respondent or his counsel. By signing the stipulation, Respondent
7 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
8 prior to the time the Director considers and acts upon it. If the Director fails to adopt this
9 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
10 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
11 the parties, and the Director shall not be disqualified from further action by having considered
12 this matter.

13 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
14 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
15 signatures thereto, shall have the same force and effect as the originals.

16 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
17 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
19 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
20 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
21 writing executed by an authorized representative of each of the parties.

22 15. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Director may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that upon meeting all pre-licensure requirements, including but
27 not limited to, taking and passing the licensing exam, a Smog Check Inspector License will be
28 issued to Respondent, Jehad M. El-Abed, and immediately revoked. The revocation will be

1 stayed and Respondent shall be placed on three (3) years probation on the following terms and
2 conditions.

3 1. **Obey All Laws.** Respondent shall comply with all federal and state statutes,
4 regulations and rules governing all Bureau registrations and licenses held by Respondent.

5 2. **Quarterly Reporting.** During the period of probation, Respondent shall report either
6 by personal appearance or in writing as determined by Bureau on a schedule set by the Bureau,
7 but no more frequently than once each calendar quarter, on the methods used and success
8 achieved in maintaining compliance with the terms and conditions of probation.

9 3. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
10 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
11 of California, Respondent shall notify the Bureau in writing within 10 days of the dates of
12 departure and return, and of the dates of cessation and resumption of business in California. All
13 provisions of probation other than cost reimbursement requirements, restitution requirements,
14 training requirements, and that Respondent obey all laws, shall be held in abeyance during any
15 period of time of 30 days or more in which Respondent is not residing or engaging in business
16 within the jurisdiction of California. All provisions of probation shall recommence on the
17 effective date of resumption of business in California. Any period of time of 30 days or more in
18 which Respondent is not residing or engaging in business within the jurisdiction of California
19 shall not apply to the reduction of this probationary period or to any period of actual suspension
20 not previously completed. Tolling is not available if business or work relevant to the probationary
21 license or registration is conducted or performed during the tolling period.

22 4. **Violation of Probation.** If Respondent violates or fails to comply with the terms and
23 conditions of probation in any respect, the Director, after giving notice and opportunity to be
24 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
25 Once Respondent is served notice of Bureau's intent to set aside the stay, the Director shall
26 maintain jurisdiction, and the period of probation shall be extended until final resolution of the
27 matter.

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1 5. **Maintain Valid License.** Respondent shall, at all times while on probation, maintain
2 a current and active license with the Bureau, including any period during which suspension or
3 probation is tolled. If Respondent's license is expired at the time the decision becomes effective,
4 the license must be renewed by Respondent within 30 days of that date. If Respondent's license
5 expires during a term of probation, by operation of law or otherwise, then upon renewal
6 Respondent's license shall be subject to any and all terms and conditions of probation not
7 previously satisfied. Failure to maintain a current and active license during the period of
8 probation shall also constitute a violation of probation.

9 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
10 affected license will be fully restored or issued without restriction, if Respondent meets all current
11 requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or
12 cost recovery owed to Bureau.

13 7. **License Surrender.** Following the effective date of a decision that orders a stay of
14 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
15 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
16 Such request shall be made in writing to the Bureau. The Director and the Bureau Chief reserve
17 the right to evaluate the Respondent's request and to exercise discretion whether to grant the
18 request or take any other action deemed appropriate or reasonable under the circumstances. Upon
19 formal granting of the request, the Director will vacate the stay order and carry out the
20 disciplinary order provided in the decision. Respondent may not petition the Director for
21 reinstatement of the surrendered license, or apply for a new registration or license under the
22 jurisdiction of the Bureau at any time before the date of the originally scheduled completion of
23 probation. If Respondent applies to the Bureau for a registration or license at any time after that
24 date, Respondent must meet all current requirements for registration or licensure and pay all
25 outstanding fees or cost recovery owed to the Bureau and left outstanding at the time of surrender.

26 8. **Notification to Employer.** When performing services that fall within the scope of
27 his license, Respondent shall provide each of his current or future employers a copy of the
28 decision and the underlying Accusation or Statement of Issues before commencing employment.

1. Notification to Respondent's current employer shall occur no later than the effective date of the
2. decision. Respondent shall submit to the Bureau, upon request, satisfactory evidence of
3. compliance with this term of probation.

5. **ACCEPTANCE**

6. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
7. discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect
8. it will have on my Smog Check Inspector License. I enter into this Stipulated Settlement and
9. Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
10. Decision and Order of the Director of Consumer Affairs.

11. DATED: 04/03/19

12. 
13. JEHAD M. EL-ABED
14. Respondent

15. I have read and fully discussed with Respondent Jehad M. El-Abed the terms and
16. conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
17. I approve its form and content.

18. DATED: 4/4/19

19. 
20. MICHAEL B. LEVIN, ESQ.
21. Attorney for Respondent

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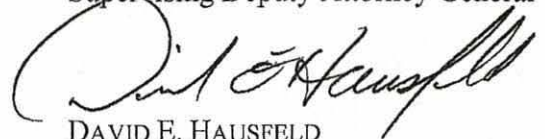
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 4/8/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

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