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8  
9 **BEFORE THE**  
**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. 79/15-61

13 **LEILA S. SASSINE, OWNER, DBA**  
**JOJOS TEST ONLY**  
14 **10557 1/2 Magnolia Avenue**  
**Riverside, CA 92505**  
15 **Automotive Repair Dealer**  
**Reg. No. ARD 266225**  
16 **Smog Check-Test Only Station License No.**  
**TC 266225**

**ACCUSATION**

*(SMOG CHECK)*

17 **WISSAM ATALLAH**  
18 **1729 Manitoba Circle**  
**Corona, CA 92882**  
19 **Smog Check Inspector**  
**License No. EO 631269**

20 **JAMAL DANTE COULTER**  
21 **P.O. Box 3003**  
**Anaheim, CA 92803**  
22 **Smog Check Inspector**  
**License No. EO 633359**  
23 **Smog Check Repair Technician License No.**  
**EI 633359**

24 **ABDULATIF GHASSAN HARB**  
25 **24827 Kentman Court**  
**Wildomar, CA 92595**  
26 **Smog Check Inspector**  
**License No. EO 635520**

27 Respondents.  
28

1 Complainant alleges:

2 **PARTIES**

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

5 **Automotive Repair Dealer Registration No. ARD 266225**

6 2. On or about August 12, 2011, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 266225 (registration) to Leila S. Sassine, Owner, doing business as  
8 JoJos Test Only (Respondent JoJos Test Only). The registration was in full force and effect at all  
9 times relevant to the charges brought herein and expired on August 31, 2014. The registration  
10 has not been renewed.

11 **Smog Check Test Only Station License No. TC 266225**

12 3. On or about September 8, 2011, the Bureau issued Smog Check-Test Only Station  
13 License Number TC 266225 (station license) to Respondent JoJos Test Only. The station license  
14 was in full force and effect at all times relevant to the charges brought herein and expired on  
15 August 31, 2014. The license has not been renewed.

16 **Smog Check Inspector License No. EO 631269**

17 4. On or about August 17, 2009, the Bureau issued Advanced Emission Specialist  
18 Technician License (technician license) Number EA 631269 to Wissam Atallah (Respondent  
19 Atallah). The technician license was in full force and effect at all times relevant to the charges  
20 brought herein. Respondent Atallah's technician license was due to expire on January 31, 2014,  
21 but instead was cancelled on January 30, 2014. Pursuant to Respondent Atallah's election said  
22 license was renewed as Smog Check Inspector License (inspector license) Number EO 631269,  
23 effective January 30, 2014. The inspector license will expire on January 31, 2016.<sup>1</sup>

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26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced  
28 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.





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

8  
9 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or  
10 place on probation the registration for all places of business operated in this state  
11 by an automotive repair dealer upon a finding that the automotive repair dealer  
12 has, or is, engaged in a course of repeated and willful violations of this chapter, or  
13 regulations adopted pursuant to it.

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16 16. Health and Safety Code Section 44012 provides, in pertinent part:

17 The test at the smog check stations shall be performed in accordance with  
18 procedures prescribed by the department and may require loaded mode  
19 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a  
20 vehicle's onboard diagnostic system, or other appropriate test procedures as  
21 determined by the department in consultation with the state board. The department  
22 shall implement testing using onboard diagnostic systems, in lieu of loaded mode  
23 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles  
24 only, beginning no earlier than January 1, 2013. However, the department, in  
25 consultation with the state board, may prescribe alternative test procedures that  
26 include loaded mode dynamometer or two-speed idle testing for vehicles with  
27 onboard diagnostic systems that the department and the state board determine  
28 exhibit operational problems. The department shall ensure, as appropriate to the  
test method, the following:

(a) Emission control systems required by state and federal law are reducing  
excess emissions in accordance with the standards adopted pursuant to  
subdivisions (a) and (c) of Section 44013.

(b) Motor vehicles are preconditioned to ensure representative and stabilized  
operation of the vehicle's emission control system.

(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions  
of hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an  
idle mode or loaded mode are tested in accordance with procedures prescribed by  
the department. In determining how loaded mode and evaporative emissions  
testing shall be conducted, the department shall ensure that the emission reduction  
targets for the enhanced program are met.

(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative  
system and crankcase ventilation system are tested to reduce any nonexhaust  
sources of volatile organic compound emissions, in accordance with procedures  
prescribed by the department.

(e) For diesel-powered vehicles, a visual inspection is made of emission  
control devices and the vehicle's exhaust emissions are tested in accordance with  
procedures prescribed by the department, that may include, but are not limited to,  
onboard diagnostic testing. The test may include testing of emissions of any or all

1 of the pollutants specified in subdivision (c) and, upon the adoption of applicable  
standards, measurement of emissions of smoke or particulates, or both.

2 (f) A visual or functional check is made of emission control devices  
3 specified by the department, including the catalytic converter in those instances in  
4 which the department determines it to be necessary to meet the findings of Section  
44001. The visual or functional check shall be performed in accordance with  
procedures prescribed by the department.

5 (g) A determination as to whether the motor vehicle complies with the  
6 emission standards for that vehicle's class and model-year as prescribed by the  
department.

7 (h) An analysis of pass and fail rates of vehicles subject to an onboard  
8 diagnostic test and a tailpipe test to assess whether any vehicles passing their  
onboard diagnostic test have, or would have, failed a tailpipe test, and whether any  
9 vehicles failing their onboard diagnostic test have or would have passed a tailpipe  
test.

10 (i) The test procedures may authorize smog check stations to refuse the  
11 testing of a vehicle that would be unsafe to test, or that cannot physically be  
inspected, as specified by the department by regulation. The refusal to test a  
12 vehicle for those reasons shall not excuse or exempt the vehicle from compliance  
with all applicable requirements of this chapter.

13 17. Health and Safety Code Section 44015 states:

14 ...

15 (b) If a vehicle meets the requirements of Section 44012, a smog check  
16 station licensed to issue certificates shall issue a certificate of compliance or a  
certificate of noncompliance.

17 ...

18 18. Health and Safety Code Section 44032 states:

19 No person shall perform, for compensation, tests or repairs of emission  
20 control devices or systems of motor vehicles required by this chapter unless the  
person performing the test or repair is a qualified smog check technician and the  
21 test or repair is performed at a licensed smog check station. Qualified technicians  
shall perform tests of emission control devices and systems in accordance with  
22 Section 44012.

23 19. Health and Safety Code Section 44072.2 states:

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

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

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(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.

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**REGULATORY PROVISIONS**

20. California Code of Regulations, title 16, section 3340.1 states:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

...

21. California Code of Regulations, title 16, section 3340.3 states:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

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22. California Code of Regulations, title 16, section 3340.35 states:

...

(c) A licensed station shall issue a certificate of compliance or noncompliance 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. . . .

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23. California Code of Regulations, title 16, section 3340.41 states:

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(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

...

24. California Code of Regulations, title 16, section 3340.42 states:

Smog check stations and smog check technicians shall conduct tests and inspections in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in subsections (a) and (b) of Section 3340.17 and the following:

(a) There shall be two test procedures as follows:

(1) The loaded-mode test method shall be the primary test method used in the enhanced program areas of the state. The loaded-mode test method shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions. The loaded-mode test equipment shall be Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau. The loaded-mode test procedures, including the preconditioning procedure, shall only be conducted according to the bureau approved procedures specified in this section and include the following:

(A) Place the vehicle's driving wheels on a chassis dynamometer and properly restrain the vehicle prior to commencing the test.

(B) Exhaust emissions shall be tested and compared to the emission standards set forth in this section and as shown in Table I or Table II, as applicable.

(C) With the vehicle operating, sample the exhaust system in the following sequence:

1. Accelerate the vehicle to the cruise condition as specified by the test procedures.

2. Operate the vehicle long enough to stabilize emission levels.

3. Measure and record emissions (hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen).

(2) The two-speed idle mode test method shall be used in all program areas of the state, other than the enhanced program areas. The two-speed idle mode test method shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article.

1 Exhaust emissions from a vehicle subject to inspection shall be tested and  
2 compared to the emission standards set forth in this section and as shown in Table  
3 III.

4 (3) All tests shall be performed with the engine at its normal operating  
5 temperature.

6 (4) All loaded mode testing shall be conducted in a manner which does not  
7 induce excess emissions to the test.

8 (b) There shall be a liquid fuel leak inspection as follows:

9 (1) As used in this section, "Liquid fuel leak" means any fuel emanating  
10 from a vehicle's fuel delivery, metering, or evaporation systems in liquid form that  
11 has created a visible drop or more of fuel on a component of a vehicle's fuel  
12 delivery, metering, or evaporation system or has created a fuel puddle on, around,  
13 or under a component of a vehicle's fuel delivery, metering, or evaporation system.

14 (2) With the engine running, the smog check technician shall visually  
15 inspect the following components of the vehicle, if they are exposed and visually  
16 accessible, for liquid fuel leaks:

17 (A) Gasoline fuel tanks.

18 (B) Gasoline fill pipes, associated hoses and fuel tank connections.

19 (C) Gas caps. . . .

20 . . .

21 (4) This subsection applies in all program areas statewide to vehicles requiring  
22 inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

### 23 COST RECOVERY

24 25. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

### 28 FACTS

29 26. The Bureau performed a detailed review of the Vehicle Information Database (VID)  
30 data for all smog check inspections requiring an On Board Diagnostics II (OBDII) functional test  
31 that were performed at JoJo's Test Only shop for the period of November 1, 2012 through  
32 October 1, 2013. That review showed an unusual pattern of OBDII codes being stored in the  
33 Powertrain Control Module (PCM) memory of different makes and models of vehicles over the  
34 testing period. 15 vehicles were looked at and determined that the vehicles did not support the

1 code that was stored in the vehicle's PCM. The vehicles were certified with pending codes stored  
2 in the PCM memory that the Original Equipment Manufacturer (OEM) service information,  
3 Alldata and Mitchell On Demand, shows that these codes do not apply to these vehicles. The  
4 vehicles receiving smog certificates were not tested during the OBDII functional test and another  
5 vehicle was used instead, which constitutes clean plugging.<sup>2</sup> The technicians entered false  
6 information into the State owned computer database through the Emissions Inspection System  
7 (EIS) to issue fraudulent Smog Certificates of Compliance to at least 15 different vehicles without  
8 performing the required On Board Diagnostic II (OBD II) functional test.

9 **FRAUDULENT INSPECTIONS BY RESPONDENT ATALLAH:**

10 **FRAUDULENT INSPECTION NO. 1 ON DECEMBER 26, 2012**

11 27. On or about December 26, 2012, a 1996 Honda Accord was tested and a Certification  
12 of Compliance No. XP283224C was issued under license smog check technician No. EA 631269  
13 (Respondent Atallah). The BAR97 Test Detail shows Code P1258 was stored in the PCM  
14 memory at the time of certification. Service information shows code P1258 does not apply to a  
15 1996 Honda Accord.

16 **FRAUDULENT INSPECTION NO. 2 ON JANUARY 3, 2013**

17 28. On or about January 3, 2013, a 1998 Chevrolet S10 pickup was tested and a  
18 Certification of Compliance No. XP283249C was issued under license smog check technician  
19 No. EA 631269 (Respondent Atallah). The BAR97 Test Detail shows Code P1258 was stored in  
20 the PCM memory at the time of certification. Service information shows code P1258 does not  
21 apply to a 1998 Chevrolet S10 pickup.

22 **FRAUDULENT INSPECTION NO. 3 ON JANUARY 3, 2013**

23 29. On or about January 3, 2013, a 2001 Toyota Sienna was tested and a Certification of  
24 Compliance No. XP432053C was issued under license smog check technician No. EA 631269  
25 (Respondent Atallah). The BAR97 Test Detail shows Code P1258 was stored in the PCM

26 <sup>2</sup> Clean plugging involves using another vehicle's properly functioning On Board  
27 Diagnostic, generation II system to generate passing diagnostic readings for the purpose of  
28 fraudulently issuing smog certificates to vehicles that are not in smog compliance and/or not  
present for testing at the shop.

1 memory at the time of certification. Service information shows code P1258 does not apply to a  
2 2001 Toyota Sienna.

3 **FRAUDULENT INSPECTION NO. 4 ON JANUARY 15, 2013**

4 30. On or about January 15, 2013, a 1996 Honda Civic was tested and a Certification of  
5 Compliance No. XP432090C was issued under license smog check technician No. EA 631269  
6 (Respondent Atallah). The BAR97 Test Detail shows Code P1258 was stored in the PCM  
7 memory at the time of certification. Service information shows code P1258 does not apply to a  
8 1996 Honda Civic.

9 **FRAUDULENT INSPECTION NO. 5 ON JANUARY 16, 2013**

10 31. On or about January 16, 2013, a 1998 Chevrolet S10 pickup was tested and a  
11 Certification of Compliance No. XP432093C was issued under license smog check technician  
12 No. EA 631269 (Respondent Atallah). The BAR97 Test Detail shows Code P1258 was stored in  
13 the PCM memory at the time of certification. Service information shows code P1258 does not  
14 apply to a 1998 Chevrolet S10 pickup.

15 **FRAUDULENT INSPECTIONS BY RESPONDENT COULTER:**

16 **FRAUDULENT INSPECTION NO. 6 ON DECEMBER 8, 2012**

17 32. On or about December 8, 2012, a 1998 Honda Accord was tested and a Certification  
18 of Compliance No. XN936350C was issued under license smog check technician No. EA 633359  
19 (Respondent Coulter). The BAR97 Test Detail shows Code P0705 was stored in the PCM  
20 memory at the time of certification. Service information shows code P0705 does not apply to a  
21 1998 Honda Accord.

22 **FRAUDULENT INSPECTION NO. 7 ON DECEMBER 8, 2012**

23 33. On or about December 8, 2012, a 2004 Dodge Ram 1500 was tested and a  
24 Certification of Compliance No. XP127054C was issued under license smog check technician  
25 No. EA 633359 (Respondent Coulter). The BAR97 Test Detail shows Code P0705 was stored in  
26 the PCM memory at the time of certification. Service information shows code P0705 does not  
27 apply to a 2004 Dodge Ram 1500.

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1 **FRAUDULENT INSPECTION NO. 12 ON JUNE 26, 2013**

2 38. On or about June 26, 2013, a 1999 Mitsubishi Galant was tested and a Certification of  
3 Compliance No. XV643104C was issued under license smog check inspector No. EO 635520  
4 (Respondent Harb). The BAR97 Test Detail shows Code P0410 was stored in the PCM memory  
5 at the time of certification. Service information shows code P0410 does not apply to a 1999  
6 Mitsubishi Galant.

7 **FRAUDULENT INSPECTION NO. 13 ON JULY 2, 2013**

8 39. On or about July 2, 2013, a 2001 Mitsubishi Galant was tested and a Certification of  
9 Compliance No. XV643145C was issued under license smog check inspector No. EO 635520  
10 (Respondent Harb). The BAR97 Test Detail shows Code P0410 was stored in the PCM memory  
11 at the time of certification. Service information shows code P0410 does not apply to a 2001  
12 Mitsubishi Galant.

13 **FRAUDULENT INSPECTION NO. 14 ON JULY 18, 2013**

14 40. On or about July 18, 2013, a 1998 Toyota Avalon was tested and a Certification of  
15 Compliance No. XV972818C was issued under license smog check inspector No. EO 635520  
16 (Respondent Harb). The BAR97 Test Detail shows Code P0410 was stored in the PCM memory  
17 at the time of certification. Service information shows code P0410 does not apply to a 1998  
18 Toyota Avalon.

19 **FRAUDULENT INSPECTION NO. 15 ON JULY 30, 2013**

20 41. On or about July 30, 2013, a 1998 Honda Accord was tested and a Certification of  
21 Compliance No. XX208451C was issued under license smog check inspector No. EO 635520  
22 (Respondent Harb). The BAR97 Test Detail shows Code P0410 was stored in the PCM memory  
23 at the time of certification. Service information shows code P0410 does not apply to a 1998  
24 Honda Accord.

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**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

42. Respondent JoJos Test Only Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in that on or about December 8, 2012 through July 30, 2013, Respondent made or authorized statements which it knew, or in the exercise of reasonable care should have known, to be untrue or misleading, as follows: Respondent certified that the vehicles in inspections 1 through 15, identified above, had passed inspection and were in compliance with applicable laws and regulations. In fact, the inspections on the vehicles were unlawfully conducted using the clean plugging method.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

43. Respondent JoJos Test Only Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that on or about December 8, 2012 through July 30, 2013, Respondent committed acts which constitute fraud, by issuing electronic smog certificates of compliance for the vehicles in inspections 1 through 15 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**

**(Failure to Comply with Code)**

44. Respondent JoJos Test Only Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that on or about December 8, 2012 through July 30, 2013, Respondent failed to comply with the following Health and Safety Code sections:

a. **Section 44012:** Respondent failed to perform the emission control tests on the vehicles in inspections 1 through 15, identified above, in accordance with procedures prescribed by the Department, pursuant to Health and Safety Code section 44013.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 46. Respondent JoJos Test Only Smog Check Station License is subject to disciplinary  
4 action pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
5 December 8, 2012 through July 30, 2013, Respondent committed dishonest, fraudulent or  
6 deceitful acts whereby another is injured by issuing electronic smog certificates of compliance for  
7 the vehicles in inspections 1 through 15, identified above, without performing bona fide  
8 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
9 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
10 Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 47. Respondent Atallah's Smog Check Inspector License No. EO 631269 is subject to  
14 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on  
15 or about December 26, 2012 through January 16, 2013, regarding the vehicles listed in  
16 inspections 1 through 5, identified above, he violated sections of that Code, as follows:

17 a. **Section 44012**: Respondent Atallah failed to perform the smog check  
18 inspections on the vehicles in inspections 1 through 5, identified above, in accordance with  
19 procedures prescribed by the Department, pursuant to Health and Safety Code section 44013.

20 b. **Section 44012(f)**: Respondent Atallah failed to perform the visual or functional test  
21 on the vehicles in inspections 1 through 5, identified above, in accordance with procedures  
22 prescribed by the Department, pursuant to Health and Safety Code section 44013.

23 c. **Section 44032**: Respondent Atallah failed to perform tests of the emission  
24 control devices and systems on the vehicles in inspections 1 through 5, identified above, in  
25 accordance with section 44012 of that Code, in that the vehicles had been clean plugged.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 48. Respondent Atallah's Smog Check Inspector License No. EO 631269 is subject to  
4 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on  
5 or about December 26, 2012 through January 16, 2013, Respondent violated regulations of the  
6 Motor Vehicle Inspection program regarding California Code of Regulations, title 16, as follows:

7 a. **Section 3340.30(a)**: Respondent Atallah failed to inspect and test the vehicles  
8 listed in inspections 1 through 5, identified above, in accordance with Health & Safety Code  
9 section 44012.

10 b **Section 3340.41(c)**: Respondent Atallah entered information into the  
11 Emissions Inspection System vehicle identification information and/or emission control system  
12 identification data for vehicles other than the one being tested on the vehicles listed in inspections  
13 1 through 5, identified above, in accordance with the Bureau's specifications.

14 **EIGHTH CAUSE FOR DISCIPLINE**

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

16 49. Respondent Atallah's Smog Check Inspector License No. EO 631269 is subject to  
17 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on  
18 or about December 26, 2012 through January 16, 2013, he committed dishonest, fraudulent, or  
19 deceitful acts whereby another is injured, by issuing electronic smog certificates of compliance  
20 for the vehicles listed in inspections 1 through 5, identified above, without performing bona fide  
21 inspections of the emission control devices and systems on the vehicles, 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 **NINTH CAUSE FOR DISCIPLINE**

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

3 50. Respondent Coulter's Smog Check Inspector License No. EO 633359 and his Smog  
4 Check Repair Technician License No. EI 633359 are subject to disciplinary action pursuant to  
5 Health & Safety Code section 44072.2, subdivision (a), in that on or about December 8, 2012  
6 through February 1, 2013, regarding the vehicles listed in inspections 6 through 10, identified  
7 above, he violated sections of that Code, as follows:

8 a. **Section 44012:** Respondent Coulter failed to ensure that the emission control  
9 tests were performed on the vehicles in inspections 6 through 10, identified above, in accordance  
10 with procedures prescribed by the Department, pursuant to Health and Safety Code section  
11 44013.

12 b. **Section 44012(f):** Respondent Coulter failed to perform the visual or  
13 functional test on the vehicles in inspections 6 through 10, identified above, in accordance with  
14 procedures prescribed by the Department, pursuant to Health and Safety Code section 44013.

15 c. **Section 44032:** Respondent Coulter failed to perform tests of the emission  
16 control devices and systems on the vehicles in inspections 6 through 10, identified above, in  
17 accordance with Health and Safety Code section 44012, in that the vehicles had been clean  
18 plugged.

19 **TENTH CAUSE FOR DISCIPLINE**

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

21 51. Respondent Coulter's Smog Check Inspector License No. EO 633359 and his Smog  
22 Check Repair Technician License No. EI 633359 are subject to disciplinary action pursuant to  
23 Health & Safety Code section 44072.2, subdivision (c), in that on or about December 8, 2012  
24 through February 1, 2013, regarding the vehicles listed in inspections 6 through 10, he failed to  
25 comply with provisions of California Code of Regulations, title 16, as follows:

26 a. **Section 3340.30(a):** Respondent Coulter failed to inspect and test the vehicles listed  
27 in inspections 6 through 10, identified above, in accordance with Health & Safety Code section  
28 44012.



1 c. **Section 44032:** Respondent Harb failed to perform tests of the emission  
2 control devices and systems on the vehicles in accordance with section 44012 of that Code, in that  
3 the vehicles had been clean plugged.

4 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

6 54. Respondent Harb's Smog Check Inspector License No. EO 635520 is subject to  
7 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on  
8 or about June 20, 2013 through July 30, 2013, regarding the vehicles listed in inspections 11  
9 through 15, identified above, he failed to comply with provisions of California Code of  
10 Regulations, title 16, as follows:

11 a. **Section 3340.30(a):** Respondent Harb failed to inspect and test the vehicles listed in  
12 inspections 11 through 15, identified above, in accordance with Health & Safety Code section  
13 44012.

14 b. **Section 3340.41(c):** Respondent Harb entered information into the Emissions  
15 Inspection System vehicle identification information and/or emission control system  
16 identification data for vehicles other than the one being tested on the vehicles listed in inspections  
17 11 through 15, identified above, in accordance with the Bureau's specifications.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

20 55. Respondent Harb's Smog Check Inspector License No. EO 635520 is subject to  
21 disciplinary action pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on  
22 or about June 20, 2013 through July 30, 2013, regarding the vehicles listed in inspections 11  
23 through 15, he committed dishonest, fraudulent, or deceitful acts whereby another is injured, by  
24 issuing electronic smog certificates of compliance for the vehicles listed in inspections 11 through  
25 15, identified above, without performing bona fide inspections of the emission control devices  
26 and systems on the vehicles, thereby depriving the People of the State of California of the  
27 protection afforded by the Motor Vehicle Inspection Program.

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**OTHER MATTERS**

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2           56. Pursuant to Code section 9884.7, subdivision (c), the Director may deny, suspend,  
3 revoke, or place on probation the registration for all places of business operated in this state by  
4 Leila A. Sassine, upon a finding that she has, or is, engaged in a course of repeated and willful  
5 violations of the laws and regulations pertaining to an automotive repair dealer.

6           57. Pursuant to Health & Safety Code section 44072.8, if Leila A. Sassine's Smog  
7 Check-Test Only Station License No. TC 266225 issued to her, doing business as JoJos Test  
8 Only, is revoked or suspended, any additional license issued under Chapter 5 of the Health and  
9 Safety Code (Motor Vehicle Inspection Program) in the name of said licensee may be likewise  
10 revoked or suspended by the Director.

11           58. Pursuant to Health and Safety Code section 44072.8, if Respondent Atallah's  
12 inspector license, currently designated as Smog Check Inspector License No. EO 631269 is  
13 revoked or suspended, any additional license issued under this chapter in the name of said  
14 licensee may be likewise revoked or suspended by the Director.

15           59. Pursuant to Health and Safety Code section 44072.8, if Respondent Coulter's  
16 technician licenses, currently designated as Smog Check Inspector License No. EO 633359 and  
17 Smog Check Repair Technician License No. EI633359, are revoked or suspended, any additional  
18 license issued under this chapter in the name of said licensee may be likewise revoked or  
19 suspended by the Director.

20           60. Pursuant to Health and Safety Code section 44072.8, if Respondent Harb's inspector  
21 license, currently designated as Smog Check Inspector License No. EO 635520 is revoked or  
22 suspended, any additional license issued under this chapter in the name of said licensee may be  
23 likewise revoked or suspended by the Director.

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1 **PRAYER**

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

- 4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
5 266225 issued to JoJos Test Only, Leila S. Sassine, Owner.
- 6 2. Revoking or suspending Smog Check-Test Only Station License Number TC 266225  
7 issued to JoJos Test Only, Leila S. Sassine, Owner;
- 8 3. Ordering Leila S. Sassine to pay the Bureau of Automotive Repair the reasonable  
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
10 Code section 125.3;
- 11 4. Revoking or suspending Smog Check Inspector License Number EO 631269 issued  
12 to Wissam Atallah;
- 13 5. Revoking or suspending Smog Check Inspector License Number EO 633359 issued  
14 to Jamal Dante Coulter;
- 15 6. Revoking or suspending Smog Check Repair Technician License Number EI 633359  
16 issued to Jamal Dante Coulter;
- 17 7. Revoking or suspending Smog Check Inspector License Number EO 635520 issued  
18 to Abdulatif Ghassan Harb; and
- 19 8. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: October 29, 2014 

22 PATRICK DORAIS  
23 Chief  
24 Bureau of Automotive Repair  
25 Department of Consumer Affairs  
26 State of California  
27 *Complainant*

28 SD2014707044  
JoJo's Accusation.pdf.docx