

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

In the Matter of the Accusation Against:

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

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

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

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

Respondents.

Case No. 79/15-61

DECISION

The attached Stipulated Revocation of License and Order as to Respondent Jamal Dante Coulter Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent Jamal Dante Coulter, Smog Check Inspector License No. EO 633359, and Smog Check Repair Technician License No. EI 633359.

This Decision shall become effective

July 17, 2015

DATED: June 25, 2015


TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ERIN M. SUNSERI
Deputy Attorney General
4 State Bar No. 207031
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Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:

Case No. 79/15-61

13 **LEILA S. SASSINE, OWNER, DBA**
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15 Automotive Repair Dealer
Reg. No. ARD 266225
16 Smog Check-Test Only Station
License No. TC 266225

STIPULATED REVOCATION OF
LICENSE AND ORDER AS TO
RESPONDENT JAMAL DANTE COULTER
ONLY

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Erin M. Sunseri, Deputy Attorney General.

7 2. Jamal Dante Coulter (Respondent Coulter) is representing himself in this proceeding
8 and has chosen not to exercise his right to be represented by counsel.

9 3. On or about July 11, 2011, the Bureau of Automotive Repair issued Advanced
10 Emission Specialist Technician License No. EA 633359 to Respondent Coulter. The technician
11 license was due to expire on February 28, 2013, but instead was cancelled on January 11, 2013.
12 Pursuant to Respondent Coulter's election said license was renewed as Smog Check Inspector
13 License No. EO 633359 and Smog Check Repair Technician License No. EI 633359, effective
14 January 11, 2013. The inspector license and repair technician license will expire on February 28,
15 2015, unless renewed. The licenses were in full force and effect at all times relevant to the
16 charges brought in Accusation No. 79/15-61.

17 **JURISDICTION**

18 4. Accusation No. 79/15-61 was filed before the Director of Consumer Affairs
19 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
20 Respondent Coulter. The Accusation and all other statutorily required documents were properly
21 served on Respondent Coulter on October 31, 2014. Respondent Coulter timely filed his Notice
22 of Defense contesting the Accusation. A copy of Accusation No. 79/15-61 is attached as Exhibit
23 A and incorporated by reference.

24 **ADVISEMENT AND WAIVERS**

25 5. Respondent Coulter has carefully read, and understands the charges and allegations in
26 Accusation No. 79/15-61. Respondent Coulter also has carefully read, and understands the
27 effects of this Stipulated Revocation of License and Order.

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1 license. Respondent must comply with all the laws, regulations and procedures for application of
2 a new license in effect at the time the application is filed, and all of the charges and allegations
3 contained in Accusation No. 79/15-61 shall be deemed to be true, correct and admitted by
4 Respondent Coulter when the Director determines whether to grant or deny the application.

5 5. Respondent Coulter shall pay the agency its costs of investigation and enforcement in
6 the amount of \$3,805.96 prior to reapplication for any registration or license the Bureau issues.

7 ACCEPTANCE

8 I have carefully read the Stipulated Revocation of License and Order. I understand the
9 stipulation and the effect it will have on my Advanced Emission Specialist Technician, and Smog
10 Check Inspector, and Smog Check Repair Technician. I enter into this Stipulated Revocation of
11 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Director of Consumer Affairs.

13
14 DATED:

3-23-15


JAMAL DANTE COULTER
Respondent

16
17 ENDORSEMENT

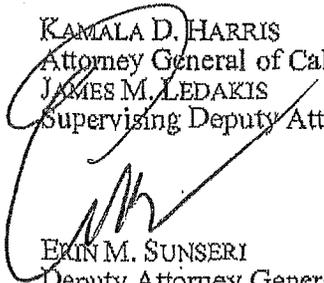
18 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
19 for consideration by the Director of Consumer Affairs.

20 Dated:

4/3/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


ERIN M. SUNSERI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-61

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ERIN M. SUNSERI
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19 **Smog Check Inspector**
License No. EO 631269
20
21 **JAMAL DANTE COULTER**
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Anaheim, CA 92803
22 **Smog Check Inspector**
License No. EO 633359
23 **Smog Check Repair Technician License No.**
EI 633359
24
25 **ABDULATIF GHASSAN HARB**
24827 Kentman Court
Wildomar, CA 92595
26 **Smog Check Inspector**
License No. EO 635520
27

Case No. 79/15-61

ACCUSATION
(SMOG CHECK)

28 Respondents.

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Complainant alleges:

PARTIES

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

Automotive Repair Dealer Registration No. ARD 266225

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

Smog Check Test Only Station License No. TC 266225

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

Smog Check Inspector License No. EO 631269

4. On or about August 17, 2009, the Bureau issued Advanced Emission Specialist Technician License (technician license) Number EA 631269 to Wissam Atallah (Respondent Atallah). The technician license was in full force and effect at all times relevant to the charges brought herein. Respondent Atallah's technician license was due to expire on January 31, 2014, but instead was cancelled on January 30, 2014. Pursuant to Respondent Atallah's election said license was renewed as Smog Check Inspector License (inspector license) Number EO 631269, effective January 30, 2014. The inspector license will expire on January 31, 2016.¹

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

1 11. Health & Safety Code section 44072.6 provides, in pertinent part, that the expiration
2 or suspension of a license by operation of law, or by order or decision of the Director of
3 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the
4 Director of jurisdiction to proceed with disciplinary action.

5 12. Health & Safety Code section 44072.8 provides that when a license has been revoked
6 or suspended following a hearing under this article, any additional license issued under this
7 chapter in the name of the licensee may be likewise revoked or suspended by the Director.

8 13. California Code of Regulations, title 16, section 3340.28, subdivision (e), provides
9 that "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission
10 Specialist Technician license issued prior to the effective date of this regulation, the licensee may
11 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

12 STATUTORY PROVISIONS

13 14. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau,"
14 "commission," "committee," "department," "division," "examining committee," "program," and
15 "agency." "License" includes certificate, registration or other means to engage in a business or
16 profession regulated by the Code.

17 15. Section 9884.7 of the Code states:

18 (a) The director, where the automotive repair dealer cannot show there was a
19 bona fide error, may deny, suspend, revoke, or place on probation the registration
20 of an automotive repair dealer for any of the following acts or omissions related to
21 the conduct of the business of the automotive repair dealer, which are done by the
22 automotive repair dealer or any automotive technician, employee, partner, officer,
23 or member of the automotive repair dealer.

22 (1) Making or authorizing in any manner or by any means whatever any
23 statement written or oral which is untrue or misleading, and which is known, or
24 which by the exercise of reasonable care should be known, to be untrue or
25 misleading.

25 (4) Any other conduct that constitutes fraud.

26 ...
27 (6) Failure in any material respect to comply with the provisions of this
28 chapter or regulations adopted pursuant to it.

1
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.

14
15 16. Health and Safety Code Section 44012 provides, in pertinent part:

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

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

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

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

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

26 (e) For diesel-powered vehicles, a visual inspection is made of emission
27 control devices and the vehicle's exhaust emissions are tested in accordance with
28 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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23. California Code of Regulations, title 16, section 3340.41 states:

...

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

22 COST RECOVERY

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

27 FACTS

28 26. The Bureau performed a detailed review of the Vehicle Information Database (VID)
data for all smog check inspections requiring an On Board Diagnostics II (OBDII) functional test
that were performed at JoJo's Test Only shop for the period of November 1, 2012 through
October 1, 2013. That review showed an unusual pattern of OBDII codes being stored in the
Powertrain Control Module (PCM) memory of different makes and models of vehicles over the
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.² 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 ² 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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FRAUDULENT INSPECTION NO. 8 ON JANUARY 5, 2013

34. On or about January 5, 2013, a 2002 Isuzu Rodeo was tested and a Certification of Compliance No. XP432059C was issued under license smog check technician No. EA 633359 (Respondent Coulter). The BAR97 Test Detail shows Code P1258 was stored in the PCM memory at the time of certification. Service information shows code P1258 does not apply to a 2002 Isuzu Rodeo.

FRAUDULENT INSPECTION NO. 9 ON JANUARY 5, 2013

35. On or about January 5, 2013, a 2000 Audi A4 was tested and a Certification of Compliance No. XP432061C was issued under license smog check technician No. EA 633359 (Respondent Coulter). The BAR97 Test Detail shows Code P1296 was stored in the PCM memory at the time of certification. Service information shows code P1296 does not apply to a 2000 Audi A4.

FRAUDULENT INSPECTION NO. 10 ON FEBRUARY 1, 2013

36. On or about February 1, 2013, a 1999 Mitsubishi Eclipse was tested and a Certification of Compliance No. XP981001C was issued under license smog check inspector No. EO 633359 (Respondent Coulter). The BAR97 Test Detail shows Code P1258 was stored in the PCM memory at the time of certification. Service information shows code P1258 does not apply to a 1999 Mitsubishi Eclipse.

FRAUDULENT INSPECTIONS BY RESPONDENT HARB:

FRAUDULENT INSPECTION NO. 11 ON JUNE 20, 2013

37. On or about June 20, 2013, a 2006 Mercedes Benz E350 was tested and a Certification of Compliance No. XV470563C was issued under license smog check inspector No. EO 635520 (Respondent Harb). The BAR97 Test Detail shows Code P1404 was stored in the PCM memory at the time of certification. Service information shows code P1404 does not apply to a 2006 Mercedes Benz E350.

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FRAUDULENT INSPECTION NO. 12 ON JUNE 26, 2013

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

FRAUDULENT INSPECTION NO. 13 ON JULY 2, 2013

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

FRAUDULENT INSPECTION NO. 14 ON JULY 18, 2013

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

FRAUDULENT INSPECTION NO. 15 ON JULY 30, 2013

41. On or about July 30, 2013, a 1998 Honda Accord was tested and a Certification of Compliance No. XX208451C was issued under license smog check inspector No. EO 635520 (Respondent Harb). The BAR97 Test Detail shows Code P0410 was stored in the PCM memory at the time of certification. Service information shows code P0410 does not apply to a 1998 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 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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56. Pursuant to Code section 9884.7, subdivision (c), the Director may deny, suspend, revoke, or place on probation the registration for all places of business operated in this state by Leila A. Sassine, upon a finding that she has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

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

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

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

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

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PRAYER

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

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

DATED: October 29, 2014 

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

SD2014707044
JoJo's Accusation.pdf.docx