

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

In the Matter of the Accusation Against:

**STAR SMOG CHECK**  
**FAHD RAMADAN ATSHAN, Owner**  
13500 Inglewood Ave.  
Hawthorne, CA 90250  
12912 Roselle Ave., #B  
Hawthorne, CA 92050  
Automotive Repair Dealer Registration  
No. ARD 264885  
Smog Check, Test Only, Station License  
No. TC 264885

Case No. 79/14-125

and

**FAHD RAMADAN ATSHAN**  
12912 Roselle Ave., #B  
Hawthorne, CA 90250

Smog Check Repair Technician License  
No. EI 633389 (formerly Advanced  
Emission Specialist Technician  
License No. EA 633389)

Smog Check Inspector License  
No. EO 633389 (formerly Advanced  
Emission Specialist Technician  
License No. EA 633389)

Respondents.

**DECISION**

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

This Decision shall become effective July 3, 2015.

DATED: June 16, 2015

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
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20 **ARD 264885**  
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23 and

24 **FAHD RAMADAN ATSHAN**  
25 **12912 Roselle Ave., #B**  
26 **Hawthorne, CA 90250**  
27 **Smog Check Repair Technician License No.**  
28 **EI633389 (formerly Advanced Emission**  
**Specialist Technician License No.**  
**EA633389)**  
**Smog Check Inspector License No.**  
**EO633389 (formerly Advanced Emission**  
**Specialist Technician License No.**  
**EA633389)**

Respondents.

Case No. 79/14-125

**STIPULATED REVOCATION OF  
LICENSE AND ORDER**



1 Check Inspector (EO) License No. 633389 and Smog Check Repair Technician (EI) License No.  
2 633389 ("technician licenses"). Both licenses will expire on March 31, 2015.

3 **JURISDICTION**

4 6. Accusation No. 79/14-125 was filed before the Director of Consumer Affairs  
5 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against both  
6 respondents. The Accusation and all other statutorily required documents were properly served  
7 on the respondents on May 5, 2014. Respondents timely filed their Notice of Defense contesting  
8 the Accusation. A copy of Accusation No. 79/14-125 is attached as Exhibit A and incorporated  
9 by reference.

10 **ADVISEMENT AND WAIVERS**

11 7. Respondents have carefully read, fully discussed with counsel, and understand the  
12 charges and allegations in Accusation No. 79/14-125. Respondents also has carefully read, fully  
13 discussed with counsel, and understand the effects of this Stipulated Revocation of License and  
14 Order.

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

22 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
23 every right set forth above.

24 **CULPABILITY**

25 10. Respondent Star Smog Check understands and agrees that the charges and allegations  
26 in Accusation No. 79/14-125, if proven at a hearing, constitute cause for imposing discipline  
27 upon its Smog Check Test Only Station License.  
28



1 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon  
2 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated  
3 Revocation and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall  
4 be inadmissible in any legal action between the parties, and the Director shall not be disqualified  
5 from further action by having considered this matter.

6 18. The parties understand and agree that Portable Document Format (PDF) and facsimile  
7 copies of this Stipulated Revocation of License and Order, including Portable Document Format  
8 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

15 20. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Director may, without further notice or formal proceeding, issue and enter the following  
17 Order:

18 **ORDER**

19 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. ARD  
20 264885, and Smog Check Test Only Station License No. TC 264885 issued to Respondent Star  
21 Smog Check are revoked and accepted by the Director of Consumer Affairs.

22 1. The revocation of Respondent Star Smog Check's Automotive Repair Dealer  
23 Registration and Smog Check Test Only Station License and the acceptance of the revoked  
24 license by the Bureau shall constitute the imposition of discipline against Respondent. This  
25 stipulation constitutes a record of the discipline and shall become a part of Respondent Star Smog  
26 Check's license history with the Bureau of Automotive Repair.

27 2. Respondent Star Smog Check shall lose all rights and privileges as a smog check  
28 technician in California as of the effective date of the Director's Decision and Order.

1           3.     Respondent Star Smog Check shall cause to be delivered to the Bureau its pocket  
2 licenses and, if one was issued, its wall certificates on or before the effective date of the Decision  
3 and Order.

4           4.     If Respondent Star Smog Check ever applies for licensure or petitions for  
5 reinstatement in the State of California, the Bureau shall treat it as a new application for licensure.

6 Respondent Star Smog Check must comply with all the laws, regulations and procedures for  
7 licensure in effect at the time the application or petition is filed, and all of the charges and  
8 allegations contained in Accusation No. 79/14-125 shall be deemed to be true, correct and  
9 admitted by Respondent when the Director determines whether to grant or deny the application or  
10 petition.

11           **IT IS HEREBY FURTHER ORDERED** that Smog Check Inspector (EO) License No.  
12 633389 and Smog Check Repair Technician (EI) License No. 633389 issued to Respondent  
13 Atshan, are revoked and accepted by the Director of Consumer Affairs.

14           5.     The revocation of Respondent Atshan's Smog Check Inspector (EO) License and  
15 Smog Check Repair Technician (EI) License and the acceptance of the revoked license by the  
16 Bureau shall constitute the imposition of discipline against Respondent. This stipulation  
17 constitutes a record of the discipline and shall become a part of Respondent Atshan's license  
18 history with the Bureau of Automotive Repair.

19           6.     Respondent Atshan shall lose all rights and privileges as a smog check technician in  
20 California as of the effective date of the Director's Decision and Order.

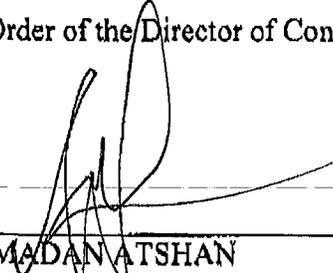
21           7.     Respondent Atshan shall cause to be delivered to the Bureau his pocket licenses and,  
22 if one was issued, his wall certificates on or before the effective date of the Decision and Order.

23           8.     If Respondent Atshan ever applies for licensure or petitions for reinstatement in the  
24 State of California, the Bureau shall treat it as a new application for licensure. Respondent  
25 Atshan must comply with all the laws, regulations and procedures for licensure in effect at the  
26 time the application or petition is filed, and all of the charges and allegations contained in  
27 Accusation No. 79/14-125 shall be deemed to be true, correct and admitted by Respondent when  
28 the Director determines whether to grant or deny the application or petition.



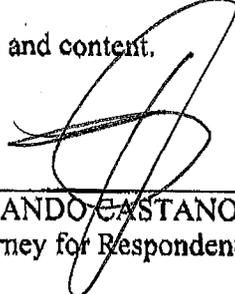
1 have on my Automotive Repair Dealer Registration, and Smog Check Test Only Station License.  
 2 I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and  
 3 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
 4 Affairs.

5  
 6 DATED: 6.9.14

  
 7 FAHD RAMADAN ATSHAN  
 8 Respondent Fahd Ramadan Atshan

9  
 10 I have read and fully discussed with Respondent Star Smog Check and Respondent Fahd  
 11 Ramadan Atshan the terms and conditions and other matters contained in this Stipulated  
 12 Revocation of License and Order. I approve its form and content.

13  
 14 DATED: 6-9-2014

  
 15 ORLANDO CASTANO  
 16 Attorney for Respondent

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ENDORSEMENT

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

Dated: 6/2/15

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General



MORGAN MALEK  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/14-125**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MORGAN MALEK  
Deputy Attorney General  
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20 **ARD 264885**  
21 **Smog Check Test Only Station License No.**  
22 **TC 264885**

Case No. *79/14-125*

**ACCUSATION**  
*(SMOG CHECK)*

18 and

20 **FAHD RAMADAN ATSHAN**  
21 **12912 Roselle Ave., #B**  
22 **Hawthorne, CA 90250**  
23 **Smog Check Repair Technician License No.**  
24 **EI633389 (formerly Advanced Emission**  
25 **Specialist Technician License No.**  
26 **EA633389)**  
27 **Smog Check Inspector License No.**  
28 **EO633389 (formerly Advanced Emission**  
**Specialist Technician License No.**  
**EA633389)**

Respondents.

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, Department of Consumer Affairs.

5 **Star Smog Check**

6 2. On or about May 3, 2011, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 264885 to Fahd Ramadan Atshan, owner, doing  
8 business as Star Smog Check (Respondent Star Smog Check). The Automotive Repair Dealer  
9 Registration was in full force and effect at all times relevant to the charges brought herein and  
10 will expire on May 31, 2014, unless renewed.

11 3. On or about July 19, 2011, the Bureau of Automotive Repair issued Smog Check  
12 Test Only Station License Number TC 264885 ("station license") to Respondent Star Smog  
13 Check. The station license was in full force and effect at all times relevant to the charges brought  
14 herein and will expire on May 31, 2014, unless renewed.

15 **Fahd Ramadan Atshan**

16 4. On or about July 15, 2011, the Bureau of Automotive Repair issued Advanced  
17 Emission Specialist Technician License Number EA633389 to Fahd Ramadan Atshan  
18 (Respondent Atshan). Respondent Atshan's Advanced Emission Specialist Technician License  
19 expired on March 31, 2013. Pursuant to California Code of regulations, title 16 section 3340.28,  
20 subdivision (e)<sup>1</sup>, said license was renewed pursuant to Respondent Atshan's election as Smog  
21 Check Inspector (EO) License No. 633389 and Smog Check Repair Technician (EI) License No.  
22 633389 ("technician licenses"). Both licenses will expire on March 31, 2015.

23 **JURISDICTION**

24 5. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
25 Bureau of Automotive Repair, under the authority of the following laws.

26  
27 <sup>1</sup> Effective August 1, 2012, an Amendment to Sections 3340.28, 3340.29 and 3340.30, of Article 2, Chapter  
28 1, Division 33, Title 16, CCR implemented a License restructure of Smog Check Technician (EA/EB) license types  
to Smog Check Inspector (EO) license and Smog Check Repair Technician (EI) license.



1 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

9 11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
10 expiration or suspension of a license by operation of law, or by order or decision of the Director  
11 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
12 the Director of jurisdiction to proceed with disciplinary action.

13 12. Section 44072.8 of the Health and Safety Code states:

14 When a license has been revoked or suspended following a hearing under this article,  
15 any additional license issued under this chapter in the name of the licensee may be  
16 likewise revoked or suspended by the director.

### 16 REGULATORY PROVISIONS

17 13. California Code of Regulations ("CCR"), title 16, section 3340.24, subdivision (c),  
18 states that the bureau may suspend or revoke the license of or pursue other legal action against a  
19 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
20 certificate of noncompliance.

21 14. CCR, title 16, section 3340.28, subdivision (e) states that upon renewal of an  
22 unexpired Basic Area Technician License or an Advanced Emission Specialist License issued  
23 prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check  
24 Inspector, Smog Check Repair Technician, or both.

25 15. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
26 shall at all times inspect, test and repair vehicles, as applicable, in accordance with section 44012  
27 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42  
28 of this article.



1 laws and regulations. In fact, Respondent Atshan performed the smog inspections using the clean  
 2 piping method<sup>2</sup> by using the tail pipe emissions of vehicles other than the vehicles being certified  
 3 in order to issue the electronic certificates of compliance. The vehicles certified were not in the  
 4 test bay at the time of the smog inspections.

5  
 6 **Table 1**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
6/5/2013 12:43 hours to 13:21 hours	2002 Nissan Altima, VIN# 1N4BL11D42C240344	Silver Lexus LS400	XV229467C
6/5/2013 13:26 hours to 13:31 hours	2008 Nissan Altima VIN# 1N4AL21E08N478201	White Ford Windstar	XV229468C
6/5/2013 13:47 hours to 13:59 hours	2005 Chrysler 300 License #89022H1	Silver Lexus LS400	XV229469C
6/5/2013 14:07 hours to 14:14 hours	1998 Mercedes-Benz ML320 VIN# 4JGAB54E4WA045457	Black Chevrolet C1500 Pickup	XV229470C
6/5/2013 14:22 hours To 14:37 hours	1987 Toyota Camry License #6NKF423	Silver Lexus LS400	XV229471C
6/5/2013 14:42 hours to 14:52 hours	2004 Hyundai Santa Fe VIN# KM8SC13D74U698220	Silver Lexus LS400	XV229472C
6/5/2013 14:56 hours to 15:05 hours	2009 Nissan Frontier License #8U56104	Silver Lexus LS400	XV229473C

26 <sup>2</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
 27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
 28 compliance or are not present in the smog check area during the time of the certification.

6/5/2013 15:09 hours to 15:19 hours	2000 Volkswagen Jetta VIN# 3VWSD29M0YM164028	Black Chevrolet CI500 Pickup	XV229474C
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**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

22. Respondent Star Smog Check has subjected its registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about the dates specified in Table 1 above, it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading when its employee issued electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

23. Respondent Star Smog Check has subjected its registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about the dates listed above in Table 1, it committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**THIRD CAUSE FOR DISCIPLINE**

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

24. Respondent Star Smog Check has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in Table 1, above, it violated sections of that Code, as follows:

a. **Section 44012, subdivision (a):** Respondent Star Smog Check failed to perform in accordance with procedures prescribed by the department. Respondent Star Smog Check's smog technician failed to determine that all emission control devices and systems required by law were installed and functioning correctly in accordance with test procedures.



1 e. **Section 3340.42:** Respondent Star Smog Check's smog technician failed to conduct  
2 the required smog tests and inspections on those vehicles in accordance with the Bureau's  
3 specifications.

4 **FIFTH CAUSE FOR DISCIPLINE**

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

6 26. Respondent Atshan has subjected his technician licenses to discipline under Health  
7 and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth in Table  
8 1, above, he violated sections of that Code, as follows:

9 a. **Section 44012, subdivision (a):** Respondent Atshan failed to perform in accordance  
10 with the procedures prescribed by the department. Respondent Atshan failed to determine that all  
11 emission control devices and systems required by law were installed and functioning correctly in  
12 accordance with test procedures.

13 b. **Section 44012, subdivision (f):** Respondent Atshan failed to perform emission  
14 control tests on those vehicles in accordance with procedures prescribed by the department.

15 c. **Section 44032:** Respondent Atshan failed to perform tests of the emission control  
16 devices and systems on those vehicles in accordance with section 44012 of that Code, in that the  
17 vehicle had been clean piped.

18 d. **Section 44059:** Respondent Atshan willfully made false entries for the electronic  
19 certificates of compliance by certifying that those vehicles had been inspected as required when,  
20 in fact, they had not.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

23 27. Respondent Atshan has subjected his technician licenses to discipline under Health  
24 and Safety Code section 44072.2, subdivision (c), in that, regarding the vehicles set forth in Table  
25 1, above, he violated sections of the California Code of Regulations, title 16, as follows:

26 a. **Section 3340.24, subdivision (c):** Respondent Atshan falsely or fraudulently issued  
27 electronic certificates of compliance without performing bona fide inspections of the emission  
28

1 control devices and systems on those vehicles as required by Health and Safety Code section  
2 44012.

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

5 c. **Section 3340.41, subdivision (c):** Respondent Atshan entered false information into  
6 the Emission Inspection System for the electronic certificates of compliance by entering vehicle  
7 emission control information for vehicles other than the vehicles being certified.

8 d. **Section 3340.42:** Respondent Atshan failed to conduct the required smog tests and  
9 inspections on those vehicles in accordance with the Bureau's specifications.

10 **SEVENTH CAUSE FOR DISCIPLINE**

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

12 28. Respondent Atshan has subjected his technician licenses to discipline under Health  
13 and Safety Code section 44072.2, subdivision (d), in that regarding the vehicles set forth above in  
14 Table 1, he committed acts involving dishonesty, fraud or deceit whereby another was injured by  
15 issuing electronic certificates of compliance for the vehicles set forth in Table 1, above, without  
16 performing bona fide inspections of the emission control devices and systems on those vehicles,  
17 thereby depriving the People of the State of California of the protection afforded by the Motor  
18 Vehicle Inspection Program.

19 **OTHER MATTERS**

20 29. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,  
21 or may invalidate temporarily or permanently, the registrations for all places of business operated  
22 in this state by Respondent Star Smog Check and its owner, Respondent Atshan, upon a finding  
23 that either partner has, or is, engaged in a course of repeated and willful violations of the laws and  
24 regulations pertaining to an automotive repair dealer.

25 30. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
26 License Number TC 264885 to Respondent Star Smog Check is revoked or suspended, any  
27 additional license issued under this chapter in the name of said licensee may be likewise revoked  
28 or suspended by the director.

1 31. Pursuant to Health & Safety Code sections 44072.8, if Respondent Smog Check  
2 Repair Technician License Number EI633389 and/or Smog Check Inspector License Number  
3 EO633389 issued to Fahd Ramadan Atshan, is revoked or suspended, any additional license  
4 issued under this chapter in the name of said licensee may be likewise revoked or suspended by  
5 the director.

6 **PRAYER**

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

- 9 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
10 264885, issued to Star Smog Check;
- 11 2. Revoking or suspending Smog Check Test Only Station License Number TC 264885,  
12 issued to Star Smog Check;
- 13 3. Revoking or suspending Smog Check Inspector License No. EO633389, issued to  
14 Fahd Ramadan Atshan;
- 15 4. Revoking or suspending Smog Check Repair Technician License No. EI633389,  
16 issued to Fahd Ramadan Atshan;
- 17 5. Ordering Fahd Ramadan Atshan and/or Star Smog Check to pay the Bureau of  
18 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
19 pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21 ///

22 ///

23 DATED: April 24, 2014

  
PATRICK DORAIS

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

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