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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:

Case No. 79/17-6911

13 **SAMER REAF DALLOUL, DBA GREEN**
14 **SMOG TEST ONLY**

ACCUSATION

15 10585 Limonite Ave.
16 Mira Loma, CA 91752

17 **Automotive Repair Dealer Registration No.**
18 **ARD 267478**
19 **Smog Check Test Only Station License No. TC**
20 **267478**

21 And

22 **GURJEET SINGH TAKHAR**

23 8002 Sorrento St.
24 Fontana, CA 92336

25 **Smog Check Inspector License No. EO 635097**

26 And

27 **GEORGE JAY DAVIS**

28 9004 Baseline Rd.
Alta Loma, CA 91701

Smog Check Inspector License No. EO 634951

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 (Bureau), Department of Consumer Affairs.

5
6 **A. Automotive Repair Dealer Registration No. ARD 267478**

7 2. On or about December 19, 2011, the Bureau issued Automotive Repair Dealer
8 Registration No. ARD 267478 to Samer Reaf Dalloul, doing business as Green Smog Test Only
9 (Respondent Dalloul or Green Smog). Said registration was in full force and effect at all times
10 relevant to the charges brought herein, and will expire on December 31, 2019, unless it is
11 renewed.

12 **B. Smog Check Test Only Station License No. TC 267478**

13 3. On or about January 19, 2012, the Bureau issued Smog Check Test Only Station
14 License No. TC 267478 to Respondent Green Smog. Said license was in full force and effect at
15 all times relevant to the charges brought herein, and will expire on December 31, 2019, unless it
16 is renewed.

17 **C. STAR Certification**

18 4. On or about July 28, 2015, the Bureau certified Respondent Green Smog as a STAR
19 Station. The certification has no expiration date and will remain active unless Respondent Green
20 Smog's Automotive Repair Dealer registration and/or Smog Check Test Only Station license is
21 revoked, canceled, or becomes delinquent.

22 **D. Smog Check Inspector License No. EO 635097**

23 5. On or about January 7, 2013, the Bureau issued Smog Check Inspector license
24 number EO 635097 to Gurjeet Singh Takhar (Respondent Takhar). Said license was in full force
25 and effect at all times relevant to the charges brought herein, and will expire on February 28,
26 2019, unless it is renewed.

27 **E. Smog Check Inspector License No. EO 634951**

28 6. On or about November 14, 2012, the Bureau of Automotive Repair issued Advanced

1 Emission Specialist (EA) Technician License No. 634951 to George Jay Davis (Respondent
2 Davis). License Number EA 634951 was due to expire on May 31, 2014 and was cancelled on or
3 about May 28, 2014. Pursuant to California Code of Regulations, title 16 section 3340.28,
4 subdivision (e), said license was renewed pursuant to Respondent Davis' election as Smog Check
5 Inspector License No. EO 634951¹, effective on or about May 28, 2014. Said license was in full
6 force and effect at all times relevant to the charges brought herein and will expire on May 31,
7 2020, unless it is renewed.

8 JURISDICTION

9 7. Business and Professions Code section 9884.7 provides that the Director may revoke
10 an automotive repair dealer registration.

11 8. Business and Professions Code section 9884.13 provides, in pertinent part, that the
12 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a
13 disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or
14 permanently invalidating (suspending or revoking) a registration.

15 9. Health and Safety Code section 44002 provides, in pertinent part, that the Director
16 has all the powers and authority granted under the Automotive Repair Act for enforcing the
17 Motor Vehicle Inspection Program.

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

22 STATUTES

23 11. Business and Professions Code section 9884.7 states, in pertinent part:

24 (a) The director, where the automotive repair dealer cannot show there was a
25 bona fide error, may refuse to validate, or may invalidate temporarily or permanently,
26 the registration of an automotive repair dealer for any of the following acts or
omissions related to the conduct of the business of the automotive repair dealer,

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

1 which are done by the automotive repair dealer or any automotive technician,
2 employee, partner, officer, or member of the automotive repair dealer.

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

6

7 (4) Any other conduct that constitutes fraud.

8

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

11

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

17 12. Business and Professions Code section 477 provides, in pertinent part, that "Board"
18 includes "bureau," "commission," "committee," "department," "division," "examining
19 committee," "program," and "agency." "License" includes certificate, registration or other means
20 to engage in a business or profession regulated by the Bus. & Prof. Code.

21 13. Health and Safety Code section 44012 provides, in pertinent part, that tests at smog
22 check stations shall be performed in accordance with procedures prescribed by the department.

23 14. Health and Safety Code section 44015, subdivision (b), provides that a certificate of
24 compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
25 40012.

26 15. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

(c)

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

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

2 16. Health and Safety Code section 44072.10 states, in pertinent part:

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

6 . . .
7 (4) Intentional or willful violation of this chapter or any regulation, standard,
or procedure of the department implementing this chapter . . .

8 17. Health and Safety Code section 44072.8 states that when a license has been revoked
9 or suspended following a hearing under this article, any additional license issued under this
10 chapter in the name of the licensee may be likewise revoked or suspended by the Director.

11 REGULATIONS

12 18. California Code of Regulations, title 16, section 3373 states:

13 No automotive repair dealer or individual in charge shall, in filling out an estimate,
14 invoice, or work order, or record required to be maintained by section 3340.15(e) of this
15 chapter, withhold therefrom or insert therein any statement or information which will
16 cause any such document to be false or misleading, or where the tendency or effect
thereby would be to mislead or deceive customers, prospective customers, or the public.

17 19. California Code of Regulations, title 16, section 3340.15, subdivision (e), requires
18 licensed smog check stations to maintain records of all certificates of compliance and
19 noncompliance in stock and/or issued, repair orders relating to inspection and repair activities,
20 and vehicle inspection reports generated either manually or by the emissions inspection system.

21 20. California Code of Regulations, title 16, section 3340.15, subdivision (h), prohibits a
22 licensed smog check station from subletting inspections or repairs required as part of the Smog
23 Check Program.

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

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

28 22. California Code of Regulations, title 16, section 3340.30, subdivision (a), states that a

1 licensed smog technician shall at all times:

2 [i]nspect, test and repair vehicles, as applicable, in accordance with section
3 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and
4 section 3340.42 of this article.

5 23. California Code of Regulations, title 16, section 3340.35, subdivision (c), states that a
6 licensed smog check station:

7 shall issue a certificate of compliance or noncompliance to the owner or operator of
8 any vehicle that has been inspected in accordance with the procedures specified in section
9 3340.42 of this article and has all the required emission control equipment and devices
10 installed and functioning correctly.

11 24. California Code of Regulations, title 16, section 3340.41, subdivision (c), states that:

12 [n]o person shall enter into the emissions inspection system any vehicle
13 identification information or emission control system identification data for any
14 vehicle other than the one being tested. Nor shall any person knowingly enter into
15 the emissions inspection system any false information about the vehicle being tested.

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

18 **COST RECOVERY**

19 26. Business and Professions Code section 125.3 provides, in pertinent part, that the
20 Bureau may request the administrative law judge to direct a licentiate found to have committed a
21 violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 **VID DATA REVIEW**

24 27. On March 9, 2015, the Bureau implemented a policy change requiring the use of
25 an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas
26 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998 and newer
27 diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in
28 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in
addition to communication protocol (the language used to communicate) and Parameter ID (PID)
differences with vehicles that have been certified correctly that are the same make and model
vehicles.

28. On or about May 2, 2017, Bureau representative Andrew Nyborg initiated an investigation in which he reviewed OIS test data for Respondent Green Smog. Representative Andrew Nyborg's investigation revealed that the data related to certain vehicles certified by Respondent Green Smog contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the subject vehicles. Specifically, representative Andrew Nyborg compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from the nine certified vehicles contained two or more of the following unmistakable discrepancies: (1) missing or incorrect eVINs; (2) incorrect vehicle communication protocols; and (3) incorrect PID counts. These documented discrepancies confirm that the vehicles receiving smog certificates from Respondent Green Smog were fraudulently tested during the smog inspection using the clean plugging method. Clean plugging refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance or were not present for testing.

29. The following table illustrates the documented clean plugging activities of Respondents from October 11, 2016 through August 11, 2017.

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
1.	10/11/16	2001 Volvo S60 2.4T VIN: YV1RS58D012029391	QG032302C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: I914) PID Count: 7 (Expected: 15 or 18 1) eVIN: Reported, But Not Expected

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
2.	10/29/16	2004 Hyundai Santa Fe GLS/LX VIN: KM8SC13E04U662684	QG436469C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: KWPF) PID Count: 7 (Expected: 20) eVIN: Reported, But Not Expected
3.	11/5/16	2006 Chrysler Sebring Touring VIN: 1C3EL56RX6N188557	QG436487C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: JVPW) PID Count: 7 (Expected: 22 3) eVIN: Reported as Expected
4.	11/14/16	2001 GMC New Sierra K1500 VIN: 2GTEK19T611237794	ZJ989865C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: JVPW) PID Count: 8 (Expected: 22 or 23) eVIN: Reported as Expected
5.	12/2/16	2003 Chevrolet Silverado C1500 VIN: 2GCEC19TX31169659	ZL305021C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: JVPW) PID Count: 8 (Expected: 22) eVIN: Reported as Expected
8					

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
6.	3/22/17	2002 Honda CR-V EX VIN: JHLRD78872C015761	ZR615753C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: I914) PID Count: 7 (Expected: 16 or 17) eVIN: Reported, But Not Expected
7.	3/30/17	2005 Toyota Sequoia Limited VIN: 5TDZT38A85S256596	ZR615800C	Respondent Gurjeet Singh Takhar (EO 635097)	Comm. Protocol: I914 (Expected: ICAN11bt5) PID Count: 7 (Expected: 45) eVIN: Reported as Expected
8.	4/26/17	2005 Ford Ranger Super Cab VIN: 1FTYR14UX5PA41925	ZT827305C	Respondent George Jay Davis (EO 634951)	Comm. Protocol: I914 (Expected: JPWM) PID Count: 7 (Expected: 22) eVIN: Reported as Expected
9.	8/11/17	2003 Chrysler PT Cruiser Classic VIN: 3C4FY48B53T604733	HD302860CC	Respondent George Jay Davis (EO 634951)	Comm. Protocol: I914 (Expected: JVPW) PID Count: 5 (Expected: 18 or 18 3) eVIN: Reported as Expected

30. The data analysis conducted on Respondent Green Smog (covering a period from

1 October 11, 2016 through August 11, 2017) shows that Respondents participated in a scheme to
2 perform nine fraudulent Smog Check inspections resulting in the issuance of nine fraudulent
3 electronic Smog Check Certificates of Compliance.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Untrue or Misleading Statements)**

6 **(As to Automotive Repair Dealer Registration No. ARD 267478)**

7 31. Respondent Dalloul has subjected his Automotive Repair Dealer Registration to
8 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1),
9 in that Respondent Dalloul and/or his employees or agents made statements which were known to
10 be untrue or misleading or, which by exercise of reasonable care should have been known to be
11 untrue or misleading, when issuing electronic smog certificates of compliance for the vehicles set
12 forth in paragraph 29, above.

13 32. Respondent Dalloul and/or his employees or agents certified that the nine vehicles
14 identified in paragraph 29 above had passed inspection and were in compliance with applicable
15 laws and regulations. In fact, Respondent Dalloul and/or his employees or agents conducted the
16 inspections of the nine vehicles identified in paragraph 29 above using clean-plugging methods in
17 that Respondent Dalloul and/or his employees or agents substituted or used a different vehicle(s),
18 or another source, during the OBD II functional tests in order to issue smog certificates of
19 compliance for the vehicles. Respondent Dalloul and/or his employees or agents did not test or
20 inspect any of the nine vehicles as required by Health and Safety Code section 44012.

21 Complainant realleges paragraphs 27 through 30.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 **(As to Automotive Repair Dealer Registration No. ARD 267478)**

25 33. Respondent Dalloul has subjected his Automotive Repair Dealer Registration to
26 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),
27 in that Respondent Dalloul and/or his employees or agents committed acts that constitute fraud by
28 issuing electronic smog certificates of compliance for the nine vehicles identified in paragraph 29

1 above, without performing bona fide inspections of the emission control devices and systems on
2 the vehicles, thereby depriving the People of the State of California of the protection afforded by
3 the Motor Vehicle Inspection Program. Complainant realleges paragraphs 27 through 30

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Material Violation of Automotive Repair Act)**

6 **(As to Automotive Repair Dealer Registration No. ARD 267478)**

7 34. Respondent Dalloul has subjected his Automotive Repair Dealer Registration to
8 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),
9 in that Respondent Dalloul and/or his employees or agents failed in a material respect to comply
10 with the provisions of this chapter or regulations adopted pursuant to it when Respondent Dalloul
11 and/or his employees or agents issued electronic certificates of compliance for the nine vehicles
12 identified in paragraph 29 above, without performing bona fide inspections of the emission
13 control devices and systems on those vehicles, thereby depriving the People of the State of
14 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
15 realleges paragraphs 27 through 30.

16 **FOURTH CAUSE FOR DISCIPLINE**

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

18 **(As to Smog Check Test Only Station License No. TC 267478)**

19 35. Respondent Dalloul has subjected his Smog Check Test Only Station License to
20 disciplinary action pursuant to Health and Safety Code section 44072.10, subdivision (c), and
21 Health and Safety Code section 44072.2, subdivision (a), in that Respondent Dalloul and/or his
22 employees or agents violated the following sections of that Code:

23 a. **Section 44012:** Respondent Dalloul and/or his employees or agents failed to ensure
24 that the emission control tests were performed on the nine vehicles identified in paragraph 29
25 above, in accordance with procedures prescribed by the department.

26 b. **Section 44015:** Respondent Dalloul and/or his employees or agents issued electronic
27 smog certificates of compliance for the nine vehicles identified in paragraph 29 above, without
28 ensuring that the vehicles were properly tested and inspected to determine if they were in

1 compliance with Health and Safety Code section 44012.

2 Complainant realleges paragraphs 27 through 30.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

5 **(As to Smog Check Test Only Station License No. TC 267478)**

6 36. Respondent Dalloul has subjected his Smog Check Test Only Station License to
7 disciplinary action pursuant to Health and Safety Code section 44072.10, subdivision (c), and
8 Health and Safety Code section 44072.2, subdivision (c), in that Respondent Dalloul and/or his
9 employees or agents violated provisions of California Code of Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Dalloul and/or his employees or agents
11 falsely or fraudulently issued electronic smog certificates of compliance for the nine vehicles
12 identified in paragraph 29 above.

13 b. **Section 3340.35, subdivision (c):** Respondent Dalloul and/or his employees or agents
14 issued electronic smog certificates of compliance for the nine vehicles identified in paragraph 29
15 above, even though the vehicles had not been inspected in accordance with section 3340.42.

16 c. **Section 3340.41, subdivision (c):** Respondent Dalloul and/or his employees or agents
17 knowingly entered false information into the emissions inspection system for the nine vehicles
18 identified in paragraph 29 above.

19 d. **Section 3340.42:** Respondent Dalloul and/or his employees or agents failed to ensure
20 that the required smog tests were conducted on the nine vehicles identified in paragraph 29 above,
21 in accordance with the Bureau's specifications.

22 e. **Section 3373:** Respondent Dalloul and/or his employees or agents inserted statements
23 or information in records required to be maintained by California Code of Regulations, title 16,
24 section 3340.15, subdivision (e), that would cause said records to be false or misleading or would
25 tend to mislead or deceive customers, prospective customers, or the public.

26 Complainant realleges paragraphs 27 through 30.

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1 electronic smog certificates of compliance for two of the vehicles identified in paragraph 29
2 above.

3 b. **Section 3340.30, subdivision (a):** Respondent Davis failed to inspect and test two of
4 the vehicles identified in paragraph 29 above, in accordance with Health and Safety Code sections
5 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

6 c. **Section 3340.41, subdivision (c):** Respondent Davis knowingly entered false
7 information into the emissions inspection system for two of the vehicles identified in paragraph
8 29 above.

9 d. **Section 3340.42:** Respondent Davis failed to conduct the required smog tests on two
10 of the vehicles identified in paragraph 29 above, in accordance with the Bureau's specifications.

11 e. **Section 3373:** Respondent Davis inserted statements or information in records
12 required to be maintained by California Code of Regulations, title 16, section 3340.15,
13 subdivision (e), that would cause said records to be false or misleading or would tend to mislead
14 or deceive customers, prospective customers, or the public.

15 Complainant realleges paragraphs 27 through 30.

16 **NINTH CAUSE FOR DISCIPLINE**

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

18 **(As to Smog Check Inspector License No. EO 634951)**

19 40. Respondent Davis' Smog Check Inspector License is subject to disciplinary action
20 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Davis
21 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
22 electronic smog certificates of compliance for two of the vehicles identified in in paragraph 29
23 above, without performing bona fide inspections of the emission control devices and systems on
24 the vehicles, thereby depriving the People of the State of California of the protection afforded by
25 the Motor Vehicle Inspection Program. Complainant realleges paragraphs 27 through 30.

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1 **TENTH CAUSE FOR DISCIPLINE**

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

3 **(As to Smog Check Inspector License No. EO 635097)**

4 41. Respondent Takhar's Smog Check Inspector License is subject to disciplinary action
5 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Takhar
6 failed to comply with section 44012 of that Code in a material respect, as follows: Respondent
7 Takhar failed to perform the emission control tests on seven of the vehicles identified in
8 paragraph 29 above, in accordance with procedures prescribed by the department. Complainant
9 realleges paragraphs 27 through 30.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program)**

12 **(As to Smog Check Inspector License No. EO 635097)**

13 42. Respondent Takhar's Smog Check Inspector License is subject to disciplinary action
14 pursuant to Health and Safety Code section 44072.10, subdivision (c), and Health and Safety
15 Code section 44072.2, subdivision (c), in that Respondent Takhar violated provisions of
16 California Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent Takhar falsely or fraudulently issued
18 electronic smog certificates of compliance for seven of the vehicles identified in paragraph 29
19 above.

20 b. **Section 3340.30, subdivision (a):** Respondent Takhar failed to inspect and test seven
21 of the vehicles identified in paragraph 29 above, in accordance with Health and Safety Code
22 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

23 c. **Section 3340.41, subdivision (c):** Respondent Takhar knowingly entered false
24 information into the emissions inspection system for seven of the vehicles identified in paragraph
25 29 above.

26 d. **Section 3340.42:** Respondent Takhar failed to conduct the required smog tests on
27 seven of the vehicles identified in paragraph 29 above, in accordance with the Bureau's
28 specifications.

1 e. **Section 3373:** Respondent Takhar inserted statements or information in records
2 required to be maintained by California Code of Regulations, title 16, section 3340.15,
3 subdivision (e), that would cause said records to be false or misleading or would tend to mislead
4 or deceive customers, prospective customers, or the public.

5 Complainant realleges paragraphs 27 through 30.

6 **TWELFTH CAUSE FOR DISCIPLINE**

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

8 **(As to Smog Check Inspector License No. EO 635097)**

9 43. Respondent Takhar's Smog Check Inspector License is subject to disciplinary action
10 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Takhar
11 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
12 electronic smog certificates of compliance for seven of the vehicles identified in in paragraph 29
13 above, without performing bona fide inspections of the emission control devices and systems on
14 the vehicles, thereby depriving the People of the State of California of the protection afforded by
15 the Motor Vehicle Inspection Program. Complainant realleges paragraphs 27 through 30.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Pay Fine/Comply with an Order of Abatement)**

18 44. Respondent Takhar's Smog Check Inspector License is subject to disciplinary action
19 pursuant to Health and Safety Code section 44050, subdivision (e), in that Respondent failed to
20 comply with the following citation:

21 a. On or about August 12, 2016, the Bureau issued Citation No. M2016-1562 to
22 Respondent Takhar for violation of Health and Safety Code section 44032. On or about August
23 25, 2016, the Bureau served Respondent Takhar with Citation No. M2016-1562. Citation No.
24 M2016-1562 contained an Order of Abatement and required that Respondent Takhar pay a five
25 hundred dollar (\$500) administrative fine and complete an eight (8) hour BAR certified retraining
26 course. Respondent Takhar requested an informal appeal of Citation No. M2016-1562. Citation
27 No. M2016-1562 was affirmed on or about September 30, 2016 and was reissued on or about
28 October 10, 2016. On or about November 10, 2016, Respondent Takhar formally appealed

1 Citation No. M2016-1562, but he withdrew his appeal on or about October 10, 2017. Respondent
2 Takhar has not paid the administrative fine or completed the training required by Citation No.
3 M2016-1562.

4 **FOURTEENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Complete Training)**

6 45. Respondent Takhar's Smog Check Inspector License is subject to disciplinary action
7 pursuant to Health and Safety Code section 44072.2, in conjunction with Health and Safety Code
8 section 44045.6, subdivision (c) and California Code of Regulations, title 16, section 3340.24,
9 subdivision (d), in that Respondent failed to complete the training required by Citation No.
10 M2016-1562. Complainant realleges paragraph 44a.

11 **CITATION HISTORY**

12 46. To determine the degree of discipline, if any, to be imposed on Respondent Green
13 Smog, Complainant alleges that, on or about on or about August 12, 2016, the Bureau issued
14 Citation No. C2016-1561 to Respondent Green Smog and ordered Respondent Green Smog to
15 pay a citation fine of \$1000. Respondent appealed the citation, and a hearing was held on
16 October 11, 2017. The Administrative Law Judge issued a Proposed Decision upholding the
17 citation but reducing the fine to \$500. On or about December 20, 2017, the Director of Consumer
18 Affairs adopted the Proposed Decision as the Decision in the matter, and it took effect on or about
19 February 9, 2018. Payment of \$500 was received on or about March 13, 2018.

20 **OTHER MATTERS**

21 47. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
22 Director may suspend, revoke, or place on probation the registration for all places of business
23 operated in this state by Respondent Samer Reaf Dalloul, doing business as Green Smog Test
24 Only, upon a finding that Respondent Dalloul has, or is, engaged in a course of repeated and
25 willful violations of the laws and regulations pertaining to an automotive repair dealer.

26 48. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only
27 Station License No. TC 267478, issued to Samer Reaf Dalloul, doing business as Green Smog
28 Test Only, is revoked or suspended following a hearing under this article, any additional license

1 issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
2 licensee may be likewise revoked or suspended by the Director.

3 49. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
4 License No. EO 635097, issued to Respondent Gurjeet Singh Takhar, is revoked or suspended
5 following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
7 or suspended by the Director.

8 50. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector
9 License No. EO 634951, issued to Respondent George Jay Davis, is revoked or suspended
10 following a hearing under this article, any additional license issued under Chapter 5 of Part 5 of
11 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
12 or suspended by the Director.

13 **PRAYER**

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

16 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 267478,
17 issued to Samer Reaf Dalloul, doing business as Green Smog Test Only;

18 2. Revoking or suspending any other automotive repair dealer registration issued to
19 Samer Reaf Dalloul;

20 3. Revoking or suspending Smog Check Test Only Station License No. TC 267478,
21 issued to Samer Reaf Dalloul, doing business as Green Smog Test Only;

22 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
23 Division 26 of the Health and Safety Code in the name of Samer Reaf Dalloul;

24 5. Revoking or suspending Smog Check Inspector License No. EO 634951, issued to
25 George Jay Davis;

26 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
27 Division 26 of the Health and Safety Code in the name of George Jay Davis;
28

1 7. Revoking or suspending Smog Check Inspector License No. EO 635097, issued to
2 Gurjeet Singh Takhar;

3 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
4 Division 26 of the Health and Safety Code in the name of Gurjeet Singh Takhar;

5
6 9. Ordering Samer Reaf Dalloul, doing business as Green Smog Test Only, George Jay
7 Davis, and Gurjeet Singh Takhar to pay the Director of Consumer Affairs the reasonable costs of
8 the investigation and enforcement of this case, pursuant to Business and Professions Code section
9 125.3; and,

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

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12
13
14 DATED:

May 16, 2019



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

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