

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

In the Matter of the Accusation Against:

NAS MESHAL
3702 Del Amo Blvd. #2
Torrance, CA 90503
Smog Check Inspector License No. EO
635662

Respondent.

Case No. 79/15-54

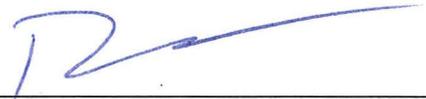
OAH No. 2014120339

DECISION

The attached Stipulated Settlement and Disciplinary 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 December 16, 2015.

DATED: November 10, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
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Attorneys for Complainant
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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/15-54

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3702 Del Amo Blvd. #2
13 Torrance, CA 90503
Smog Check Inspector License No. EO
14 635662

OAH No. 2014120339

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.
16

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

19 PARTIES

20 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
21 brought this action solely in his official capacity and is represented in this matter by Kamala D.
22 Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Supervising Deputy
23 Attorney General.

24 2. Respondent Nas Meshal ("Respondent") is represented in this proceeding by attorney
25 James C. Kim, whose address is: 3600 Wilshire Blvd., Suite 1220 Los Angeles, CA 90010

26 3. On or about June 21, 2013, the Bureau of Automotive Repair issued Smog Check
27 Inspector License No. EO 635662 to Respondent. The Smog Check Inspector License was in full
28

1 force and effect at all times relevant to the charges brought in Accusation No. 79/15-54 and will
2 expire on May 31, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 79/15-54 was filed before the Director of Consumer Affairs
5 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on October 17, 2014. Respondent timely filed his Notice of Defense contesting
8 the Accusation.

9 5. A copy of Accusation No. 79/15-54 is attached as exhibit A and incorporated herein
10 by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 79/15-54. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 79/15-54.

DISCIPLINARY ORDER

1
2 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 635662 issued to
3 Respondent Nas Meshal (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

5 1. **Actual Suspension.** Smog Check Inspector License No. EO 635662 issued to
6 Respondent Nas Meshal is suspended for thirty days beginning on the effective date of Director's
7 decision adopting this stipulation.

8 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
9 automotive inspections, estimates and repairs.

10 3. **Reporting.** Respondent or Respondent's authorized representative must report in
11 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
12 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
13 maintaining compliance with the terms and conditions of probation.

14 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report
15 any financial interest which any partners, officers, or owners of the Respondent facility may have
16 in any other business required to be registered pursuant to Section 9884.6 of the Business and
17 Professions Code.

18 5. **Jurisdiction.** If an accusation is filed against Respondent during the term of
19 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
20 until the final decision on the accusation, and the period of probation shall be extended until such
21 decision.

22 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
23 Respondent has failed to comply with the terms and conditions of probation, the Department may,
24 after giving notice and opportunity to be heard suspend Respondent's Smog Check Inspector
25 License.

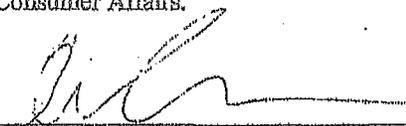
26 7. **Continuing Education Courses.** During the period of probation, Respondent shall
27 attend and successfully complete a Bureau certified Level II smog check procedures training
28 course (28 hours). Said course shall be completed and proof of completion submitted to the

1 Bureau within 180 days of the effective date of this decision and order. If proof of completion of
2 the course is not furnished to the Bureau within the 180-day period, Respondents' license shall be
3 immediately suspended until such proof is received.

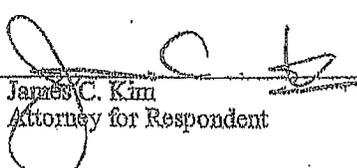
4 8. Cost Recovery. Payment to the Bureau cost recovery in the amount of \$2,600 which
5 shall be received no later than 12 months before probation terminates. Failure to complete
6 payment of cost recovery within this time frame shall constitute a violation of probation which
7 may subject Respondent's smog check inspector license to outright revocation; however, the
8 Director or the Director's Bureau of Automotive Repair designee may elect to continue probation
9 until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, James C. Kim. I understand the stipulation and the effect it will
13 have on my Smog Check Inspector License. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Director of Consumer Affairs.

16
17 DATED: 5/22/2013 
18 NAS MESHAL
Respondent

19 I have read and fully discussed with Respondent Nas Meshal the terms and conditions and
20 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
21 form and content.

22 DATED: 5-21-15 
23 James C. Kim
Attorney for Respondent

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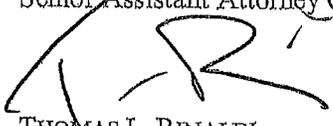
ENDORSEMENT

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

Dated: 5-22-2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General



THOMAS L. RINALDI
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-54

1 KAMALA D. HARRIS
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2 GREGORY J. SALUTE
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7 *Attorneys for Complainant*

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12 In the Matter of the Accusation Against:

13 **NAS MESHAL**
14 **3702 Del Amo Boulevard, #2**
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15 **Smog Check Inspector License No. EO 635662**

16 Respondent.

Case No. *79/15-54*

A C C U S A T I O N

(Smog Check)

17 Complainant alleges:

18 **PARTIES**

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

21 **Nas Meshal**

22 2. On or about June 21, 2013, the Director issued Smog Check Inspector License
23 Number EO 635662 ("inspector license") to Respondent Nas Meshal ("Respondent Meshal").
24 Respondent Meshal's inspector license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on May 31, 2015, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
28 the Director may revoke an automotive repair dealer registration.

1 consent of the board, shall not, during any period in which it may be renewed,
2 restored, reissued, or reinstated, deprive the board of its authority to institute or
3 continue a disciplinary proceeding against the licensee upon any ground provided by
4 law or to enter an order suspending or revoking the license or otherwise taking
5 disciplinary action against the licensee on any such ground.

6
7
8 9. Bus. & Prof. Code section 22, subdivision (a), states:

9 "Board" as used in any provision of this Code, refers to the board in
10 which the administration of the provision is vested, and unless otherwise expressly
11 provided, shall include "bureau," "commission," "committee," "department,"
12 "division," "examining committee," "program," and "agency."

13
14 10. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
15 "license" includes "registration" and "certificate."

16 11. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

23

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

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

28 12. Health & Saf. Code section 44072.10 states, in pertinent part:

. . . .

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

(1) Clean piping, as defined by the department.

. . . .

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

1 **COST RECOVERY**

2 20. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **VIDEO SURVEILLANCE OPERATION OF NOVEMBER 22, 2013**

7 21. On or about November 22, 2013, representatives of the Bureau conducted a video
8 surveillance operation of Long Beach Smog Station. During the course of the surveillance, the
9 representatives reviewed information from the Bureau's vehicle identification database ("VID")
10 which revealed that Respondent Meshal issued electronic smog certificates of compliance for the
11 vehicles identified in Table 1 below, certifying that he had tested and inspected those vehicles and
12 that they were in compliance with applicable laws and regulations. In fact, Respondent Meshal
13 conducted the inspections using the clean piping method¹, as the vehicles certified were not in the
14 test bay at the time of the purported smog inspections.

15 **TABLE 1**

16 Time of Inspection	Vehicle Certified & License No.	Vehicle Actually Tested	Certificate No.
17 1. 1250-1258	1979 Ford F100 Pickup, License #6H29020	Unknown	YB099691C
18 2. 1304-1312	1993 Buick Regal, License # 4GKU151	Unknown	YB099692C
19 3. 1316-1328	1991 Volkswagen Passat Pickup, License #5DYH307	Unknown	YB099693C

21 **FIRST CAUSE FOR DISCIPLINE**

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

23
24 22. Respondent Meshal's inspector license is subject to disciplinary action pursuant to
25 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Meshal failed to comply

26
27 ¹ Pursuant to California Code of Regulations, title 16, section 3340.1, "clean piping"
28 means the use of a substitute exhaust emissions sample in place of the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of compliance for the test vehicle.

1 with section 44012 of that Code by failing to perform emission control tests on the vehicles
2 identified in Table 1 in accordance with procedures prescribed by the department.

3 **SECOND CAUSE FOR DISCIPLINE**

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

6 23. Respondent Meshal's inspector license is subject to disciplinary action pursuant to
7 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Meshal failed to comply
8 with provisions of California Code of Regulations, title 16, as follows:

9 a. **Section 3340.30, subdivision (a):** Respondent Meshal failed to inspect and test the
10 vehicles identified in Table 1 in accordance with Health & Saf. Code sections 44012 and 44035,
11 and California Code of Regulations, title 16, section 3340.42.

12 b. **Section 3340.41, subdivision (c):** Respondent Meshal entered false information into
13 the EIS by entering vehicle identification information or emission control system identification
14 data for vehicles other than the ones being tested.

15 c. **Section 3340.42:** Respondent Meshal failed to conduct the required smog tests on
16 the vehicles identified in Table 1 in accordance with the Bureau's specifications.

17 **THIRD CAUSE FOR DISCIPLINE**

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

19 24. Respondent Meshal's inspector license is subject to disciplinary action pursuant to
20 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Meshal committed
21 dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic smog
22 certificates of compliance for the vehicles identified in Table 1 without performing bona fide
23 inspections of the emission control devices and systems on the vehicles, thereby depriving the
24 People of the State of California of the protection afforded by the Motor Vehicle Inspection
25 Program.

26 **OTHER MATTERS**

27 25. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
28 Number EO 635662 issued to Respondent Nas Meshal is revoked or suspended, any additional

1 license issued under this chapter in the name of said licensee may be likewise revoked or
2 suspended by the Director.

3 **PRAYER**

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

6 1. ~~Revoking or suspending Smog Check Inspector License Number EO 635662, issued~~
7 to Nas Meshal;

8 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
9 and Safety Code in the name of Nas Meshal;

10 3. Ordering Nas Meshal to pay the Bureau of Automotive Repair the reasonable costs of
11 the investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: October 7, 2014



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

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