

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

In the Matter of the Accusation Against:

SIGNAL HILL ONE STOP SMOG;
MOHAMMED AJUMMA AZZAM, Owner
2340 Orange Avenue, Unit #5
Signal Hill, CA 90755

12551 Wayne E. Circle
Cerritos, CA 90703

Automotive Repair Dealer Registration No.
ARD 277695
Smog Check, Test Only, Station License
No. TC 277695

and

KALEIL MOHAMMED ABUQALBIN
7035 Santa Irene #36
Buena Park, CA 90620

Smog Check Inspector License No. EO
637322

Respondents.

Case No. 79/15-138

OAH No. 2015080144

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 May 11, 2016.

DATED:

April 10, 2016



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
3 ZACHARY T. FANSELOW
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **SIGNAL HILL ONE STOP SMOG;**
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13 **2340 Orange Avenue, Unit #5**
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15 **12551 Wayne E. Circle**
Cerritos, CA 90703
16 **Automotive Repair Dealer Registration No.**
ARD 277695
17 **Smog Check, Test Only, Station License No.**
TC 277695
18
19 and
20 **KALEIL MOHAMMED ABUQALBIN**
7035 Santa Irene #36
Buena Park, CA 90620
21
22 **Smog Check Inspector License No. EO**
637322

23 Respondents.
24

Case No. 79/15-138

OAH No. 2015080144

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

25
26
27 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
28 entitled proceedings that the following matters are true:

1 **PARTIES**

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Zachary T. Fanselow, Deputy Attorney
5 General.

6 2. Respondent Signal Hill One Stop Smog, with Mohammed Ajumma Azzam as the
7 owner, and Respondent Kaleil Mohammed Abuqalbin are represented in this proceeding by
8 attorney James C. Kim, whose address is: 3600 Wilshire Blvd., #720, Los Angeles, CA 90010.

9 3. On or about August 28, 2014, the Bureau of Automotive Repair issued Automotive
10 Repair Dealer Registration Number ARD 277695 to Signal Hill One Stop Smog with Mohammed
11 Ajumma Azzam as the owner ("Respondent Signal Hill.") The Automotive Repair Dealer
12 Registration was in full force and effect at all times relevant to the charges brought in Accusation
13 No. 79/15-138, expired on August 31, 2015, and has not been renewed.

14 4. On or about September 18, 2014, the Bureau of Automotive Repair issued Smog
15 Check, Test Only, Station License Number TC 277695 to Respondent Signal Hill. The Smog
16 Check, Test Only, Station License was in full force and effect at all times relevant to the charges
17 brought in Accusation No. 79/15-138, expired on August 31, 2015, and has not been renewed.

18 5. On or about September 18, 2014, the Bureau of Automotive Repair issued Smog
19 Check Inspector License Number EO 637322 to Kaleil Mohammed Abuqalbin ("Respondent
20 Abuqalbin.") The Smog Check Inspector License was in full force and effect at all times relevant
21 to the charges brought in Accusation No. 79/15-138 and will expire on June 30, 2016, unless
22 renewed.

23 **JURISDICTION**

24 6. Accusation No. 79/15-138 was filed before the Director of Consumer Affairs
25 ("Director"), for the Bureau of Automotive Repair ("Bureau") on June 30, 2015. The Accusation
26 and all other statutorily required documents were properly served on Respondent Signal Hill and
27 Respondent Abuqalbin (collectively, "Respondents") on July 8, 2015. The First Amended
28 Accusation in Case No. 79/15-138 was filed before the Director for the Bureau on November 18,

1 2015, and is currently pending against Respondents. The First Amended Accusation and all other
2 statutorily required documents were properly served on Respondents on December 4, 2015.
3 Respondents timely filed their Notice of Defense contesting the Accusation.

4 7. A copy of the First Amended Accusation in Case No. 79/15-138 is attached as
5 Exhibit A and incorporated herein by reference.

6 ADVISEMENT AND WAIVERS

7 8. Respondents have carefully read, fully discussed with counsel, and understand the
8 charges and allegations in the First Amended Accusation in Case No. 79/15-138. Respondents
9 have also carefully read, fully discussed with counsel, and understand the effects of this
10 Stipulated Settlement and Disciplinary Order.

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

18 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
19 every right set forth above.

20 CULPABILITY

21 11. Respondents admit the truth of each and every charge and allegation in the First
22 Amended Accusation in Case No. 79/15-138.

23 12. Respondent Signal Hill agrees that its Automotive Repair Dealer Registration and
24 Smog Check, Test Only, Station License are subject to discipline and it agrees to be bound by the
25 Director's imposition of discipline as set forth in the Disciplinary Order below.

26 13. Respondent Abuqalbin agrees that his Smog Check Inspector License is subject to
27 discipline and he agrees to be bound by the Director's imposition of discipline as set forth in the
28 Disciplinary Order below.

1 Hill are revoked.

2 1. The revocation of Respondent Signal Hill's Automotive Repair Dealer Registration
3 and Smog Check, Test Only, Station License shall constitute the imposition of discipline against
4 Respondent Signal Hill. This stipulation constitutes a record of the discipline and shall become a
5 part of Respondent Signal Hill's license history with the Bureau of Automotive Repair.

6 2. Respondent Signal Hill shall lose all rights and privileges as an Automotive Repair
7 Dealer and Smog Check, Test Only, Station in California as of the effective date of the Director's
8 Decision and Order.

9 3. Respondent Signal Hill shall cause to be delivered to the Bureau its pocket license
10 and, if one was issued, its wall certificate on or before the effective date of the Decision and
11 Order.

12 4. If Respondent Signal Hill ever applies for licensure or petitions for reinstatement in
13 the State of California, the Bureau shall treat is as a new application for licensure. Respondent
14 Signal Hill must comply with all the laws, regulations, and procedures for licensure in effect at
15 the time the application or petition is filed, and all of the charges and allegations contained in the
16 First Amended Accusation in Case No. 79/15-138 shall be deemed to be true, correct, and
17 admitted by Respondent Signal Hill when the Director determines whether to grant or deny the
18 application or petition.

19 5. Respondent Signal Hill shall pay the Bureau, pursuant to Business and Professions
20 Code section 125.3, the costs of investigation and enforcement in this matter in the amount of
21 \$13,455.86 before applying for a new or reinstated license. These costs are the same costs
22 referenced in the disciplinary order as to Respondent Abuqalbin. Respondent Signal Hill and
23 Respondent Abuqalbin are jointly and severally liable for these costs.

24 **AS TO RESPONDENT ABUQALBIN**

25 IT IS HEREBY ORDERED that Smog Check Inspector License Number EO 637322 issued
26 to Respondent Abuqalbin is revoked.

27 1. The revocation of Respondent Abuqalbin's Smog Check Inspector License shall
28 constitute the imposition of discipline against Respondent Abuqalbin. This stipulation constitutes

1 a record of the discipline and shall become a part of Respondent Abuqalbin's license history with
2 the Bureau of Automotive Repair.

3 2. Respondent Abuqalbin shall lose all rights and privileges as a Smog Check Inspector
4 in California as of the effective date of the Director's Decision and Order.

5 3. Respondent Abuqalbin shall cause to be delivered to the Bureau his pocket license
6 and, if one was issued, his wall certificate on or before the effective date of the Decision and
7 Order.

8 4. If Respondent Abuqalbin ever applies for licensure or petitions for reinstatement in
9 the State of California, the Bureau shall treat is as a new application for licensure. Respondent
10 Abuqalbin must comply with all the laws, regulations, and procedures for licensure in effect at the
11 time the application or petition is filed, and all of the charges and allegations contained in the
12 First Amended Accusation in Case No. 79/15-138 shall be deemed to be true, correct, and
13 admitted by Respondent Abuqalbin when the Director determines whether to grant or deny the
14 application or petition.

15 5. Respondent Abuqalbin shall pay the Bureau, pursuant to Business and Professions
16 Code section 125.3, the costs of investigation and enforcement in this matter in the amount of
17 \$13,455.86 before applying for a new or reinstated license. These costs are the same costs
18 referenced in the disciplinary order as to Respondent Signal Hill. Respondent Signal Hill and
19 Respondent Abuqalbin are jointly and severally liable for these costs.

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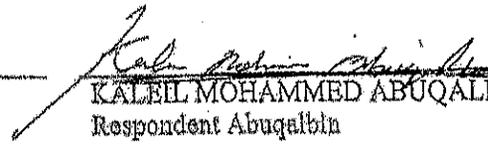
ACCEPTANCE

1
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, James C. Kim. I understand the stipulation and the effect it will
4 have on my Automotive Repair Dealer Registration and Smog Check Test Only Station License.
5 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
6 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer
7 Affairs.

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9
10 DATED: Feb-7-16 

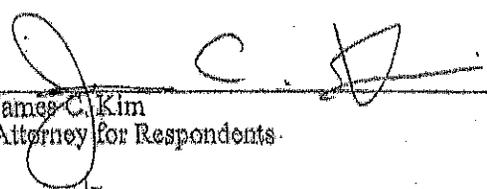
SIGNAL HILL ONE STOP SMOG
MOHAMMED AJUMMA AZZAM, OWNER
Respondent Signal Hill

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

17
18 DATED: Feb-7-2016 

KALEIL MOHAMMED ABUQALBIN
Respondent Abuqalbin

19
20
21 I have read and fully discussed with Respondent Signal Hill One Stop Smog, with
22 Mohammed Ajumma Azzam as the owner, and Respondent Kaleil Mohammed Abuqalbin the
23 terms and conditions and other matters contained in the above Stipulated Settlement and
24 Disciplinary Order. I approve its form and content.

25
26 DATED: 2-9-16 

James C. Kim
Attorney for Respondents

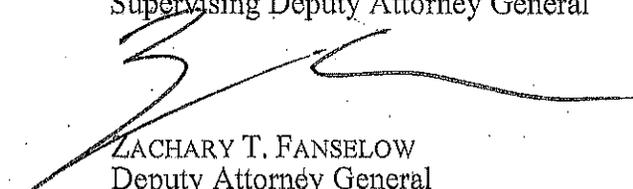
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ENDORSEMENT

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

Dated: 2/9/14

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



ZACHARY T. FANSELOW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation in Case No. 79/15-138

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2 MARC D. GREENBAUM
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13 **MOHAMMED AJUMMA AZZAM, Owner**
2340 Orange Avenue, Unit #5
Signal Hill, CA 90755

FIRST AMENDED ACCUSATION

14
15 **12551 Wayne E. Circle**
Cerritos, CA 90703

16 **Automotive Repair Dealer Registration No.**
ARD 277695
17 **Smog Check, Test Only, Station License No.**
TC 277695

18 and

19
20 **KALEIL MOHAMMED ABUQALBIN**
7035 Santa Irene #36
Buena Park, CA 90620

21
22 **Smog Check Inspector License No. EO**
637322

23 Respondents.

24
25 Complainant alleges:

26 **PARTIES**

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

1 8. Health and Safety Code section 44002, provides, in pertinent part, that the Director
2 has all the powers and authority granted under the Automotive Repair Act for enforcing the
3 Motor Vehicle Inspection Program.

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

8 STATUTORY PROVISIONS

9 10. Section 477 states, in pertinent part:

10 (a) "Board" includes "bureau," "commission," "committee," "department,"
11 "division," "examining committee," "program," and "agency."

12 (b) "License" includes certificate, registration or other means to engage in a
13 business or profession regulated by the Code.

14 11. Section 9884.7 states, in pertinent part:

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

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

24

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 [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or
regulations adopted pursuant to it.

12. Health and Safety Code Section 44012 states:

The test at the smog check stations shall be performed in accordance with procedures
prescribed by the department and may require loaded mode dynamometer testing in
enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic
system, or other appropriate test procedures as determined by the department in
consultation with the state board. The department shall implement testing using

1 onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle
2 testing, on model year 2000 and newer vehicles only, beginning no earlier than
3 January 1, 2013. However, the department, in consultation with the state board, may
4 prescribe alternative test procedures that include loaded mode dynamometer or two-
5 speed idle testing for vehicles with onboard diagnostic systems that the department
6 and the state board determine exhibit operational problems. The department shall
7 ensure, as appropriate to the test method, the following:

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

11

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

18 13. Health and Safety Code Section 44015 states, in pertinent part:

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

22 14. Health and Safety Code Section 44032 states, in pertinent part:

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

28 15. Health and Safety Code Section 44059 states:

The willful making of any false statement or entry with regard to a material matter in
any oath, affidavit, certificate of compliance or noncompliance, or application form
which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of
Division 3 of the Business and Professions Code, constitutes perjury and is
punishable as provided in the Penal Code.

16. Health and Safety Code section 44072.2 states:

The director may suspend, revoke, or take other disciplinary action against a 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 Safety Code, § 44000, et seq.)] and the regulations adopted pursuant to it,
which related to the licensed activities.

. . . .

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

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

4

5 (h) Violates or attempts to violate the provisions of this chapter relating to the
6 particular activity for which he or she is licensed.

7 17. Health and Safety Code section 44072.8 states:

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

11 **REGULATORY PROVISIONS**

12 18. California Code of Regulations, title 16, section 3340.24, subdivision (c), provides
13 that "[t]he bureau may suspend or revoke the license of or pursue other legal action against a
14 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
15 certificate of noncompliance."

16 19. California Code of Regulations, title 16, section 3340.30, subdivision (a), provides, in
17 pertinent part, that a licensed technician shall inspect, test and repair vehicles in accordance with
18 section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and
19 section 3340.42 of the California Code of Regulations.

20 20. California Code of Regulations, title 16, section 3340.35, subdivision (c), provides, in
21 pertinent part, that a licensed station shall issue a certificate of compliance or noncompliance to
22 the owner or operator of any vehicle that has been inspected in accordance with the procedures
23 specified in section 3340.42 of the California Code of Regulations and have all the required
24 emission control equipment and devices installed and functioning correctly.

25 21. California Code of Regulations, title 16, section 3340.41, subdivision (c), provides
26 that no person shall enter into the emissions inspection system any vehicle identification
27 information or emission control system identification data for any vehicle other than the one
28 being tested. Nor shall any person knowingly enter any false information about the vehicle being
tested into the emissions inspection system.

///

1 certificates of compliance certified that Respondent Signal Hill and Respondent Abuqalbin
 2 (collectively, "Respondents") had tested and inspected those vehicles and that the vehicles were
 3 in compliance with applicable laws and regulations. In fact, Respondents performed the smog
 4 inspections using the clean piping³ method by utilizing the tail pipe emissions of the 1996 Lexus
 5 LS400 owned by Respondent Abuqalbin instead of the vehicles being certified in order to issue
 6 the electronic certificates of compliance.

Test Date	Test Times	Vehicle in EIS Data (License Plate #)	Vehicle Tested (License Plate #)	Certificate Issued
2/20/15	1035-1041	2001 Toyota Tundra (6S91695)	1996 Lexus LS400 (6HSA066)	YP134253
2/20/15	1049-1053	2003 Dodge Durango (6FNM357)	1996 Lexus LS400 (6HSA066)	YP134254
2/20/15	1102-1109	1993 Ford Ranger (7L76614)	1996 Lexus LS400 (6HSA066)	YP134255
2/20/15	1114-1118	1982 Toyota Pickup (7N36249)	1996 Lexus LS400 (6HSA066)	None
2/20/15	1122-1129	1990 Chevrolet C1500 (92306G1)	1996 Lexus LS400 (6HSA066)	YP134256
2/20/15	1133-1204	1999 Infiniti G20 (5EOA612)	1996 Lexus LS400 (6HSA066)	YP134257

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

19 25. Respondent Signal Hill's automotive repair dealer registration is subject to discipline
 20 pursuant to section 9884.7, subdivision (a)(1), in that on or about February 20, 2015, Respondent
 21 Signal Hill made statements which it knew or which by exercise of reasonable care should have
 22 known to be untrue or misleading, as follows: Respondent Signal Hill's smog check inspector,
 23 Respondent Abuqalbin, certified that the vehicles identified in the table attached to paragraph 24
 24 above had passed inspection and were in compliance with applicable laws and regulations. In
 25 fact, Respondent Abuqalbin used the clean piping method in order to issue certificates for those

26
 27 ³ Pursuant to California Code of Regulations, title 16, section 3340.1, "clean piping"
 28 means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to
 issue a certificate of compliance for another vehicle.

1 vehicles and did not test or inspect the vehicles as required by Health and Safety Code § 44012.
2 Complainant refers to, and by this reference incorporates, the information contained in paragraph
3 24, and the attached table, as though set forth fully.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 26. Respondent Signal Hill's automotive repair dealer registration is subject to discipline
7 pursuant to section 9884.7, subdivision (a)(4), in that on or about February 20, 2015, Respondent
8 Signal Hill committed acts constituting fraud by issuing certificates of compliance for vehicles it
9 did not inspect. Respondent Signal Hill issued certificates of compliance to the vehicles
10 identified in the table attached to paragraph 24 above without performing a bona fide inspection
11 of the emission control devices and systems on the vehicles, thereby depriving the People of the
12 State of California of the protection afforded by the Motor Vehicle Inspection Program.
13 Complainant refers to, and by this reference incorporates, the information contained in paragraph
14 24, and the attached table, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

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

17 27. Respondent Signal Hill's smog check station license is subject to discipline pursuant
18 to Health & Safety Code section 44072.2, subdivision (a), in that on or about February 20, 2015,
19 Respondent Signal Hill failed to comply with the following sections of the Health & Safety Code:

20 a. **Section 44012:** Respondent Signal Hill failed to perform the emission control tests
21 on the vehicles identified in the table attached to paragraph 24 above in accordance with
22 procedures prescribed by the department.

23 b. **Section 44015:** Respondent Signal Hill issued electronic certificates of compliance
24 for the vehicles identified in the table attached to paragraph 24 above without properly inspecting
25 the vehicles to determine if they were in compliance with Health & Safety Code section 44012.

26 c. **Section 44059:** Respondent Signal Hill, through its inspector Respondent Abuqalbin,
27 willfully made false entries in the EIS, resulting in the issuance of fraudulent certificates of
28 compliance for the vehicles identified in paragraph 24 above.

1 into the EIS by entering vehicle identification information or emission control system
2 identification data for vehicles other than the ones being tested.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 32. Respondent Abuqalbin's smog check inspector license is subject to discipline
6 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about February
7 20, 2015, Respondent Abuqalbin committed acts involving dishonesty, fraud or deceit whereby
8 another was injured by issuing electronic certificate of compliance for the vehicles identified in
9 the table attached to paragraph 24 above without performing bona fide inspections of the
10 emission control devices and systems on the vehicles, thereby depriving the People of the State of
11 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
12 refers to, and by this reference incorporates, the information contained in paragraph 24 and the
13 attached table as though set forth fully.

14 **ON-BOARD DIAGNOSTIC INSPECTION SYSTEM TESTING REQUIREMENTS**

15 33. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
16 the use of the On-Board Diagnostic Inspection System ("OIS") to smog check 2000 model year
17 and newer gas powered vehicles as well as 1998 and newer diesel powered vehicles. As of
18 March 9, 2015, smog stations could no longer use the old BAR97 Emission Inspection System
19 ("EIS") analyzer to smog check the above referenced classes of vehicles.

20 34. The Bureau transmitted notifications of the change from the EIS analyzer to the OIS
21 on January 12, 2015; February 6, 2015; and, March 4, 2015.

22 35. Between March 11, 2015, and March 23, 2015, Respondent Signal Hill issued one-
23 hundred and thirty (130) certificates of compliance to 2000 and newer model year vehicles using
24 the EIS analyzer instead of the required OIS. Respondent Abuqalbin performed the inspections
25 on these vehicles.

26 ///

27 ///

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Signal Hill's smog check station license is subject to discipline pursuant
4 to Health & Safety Code section 44072.2, subdivision (a), in that between March 11 and March
5 23, 2015, Respondent Signal Hill failed to comply with Health & Safety Code section 44012 by
6 performing emissions inspections, and issuing one-hundred and thirty (130) certificates of
7 compliance, to 2000 and newer model year vehicles using the EIS analyzer instead of the required
8 OIS.

9 **TENTH CAUSE FOR DISCIPLINE**

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

11 37. Respondent Signal Hill's smog check station license is subject to discipline pursuant
12 to Health & Safety Code section 44072.2, subdivision (c), in that between March 11 and March
13 23, 2015, Respondent Signal Hill failed to comply with provisions of California Code of
14 Regulations, title 16, by issuing one-hundred and thirty (130) certificates of compliance to
15 vehicles using the outdated EIS analyzer instead of the required OIS, as follows:

16 a. **Section 3340.35, subdivision (c):** Respondent Signal Hill, through its inspector
17 Respondent Abuqalbin, issued certificates of compliance to vehicles that had not been inspected
18 in accordance with California Code of Regulations, title 16, section 3340.42.

19 b. **Section 3340.45, subdivision (a)(2):** Respondent Signal Hill, through its inspector
20 Respondent Abuqalbin, did not perform inspections in accordance with Bureau requirements and
21 procedures as prescribed in the 2013 Smog Check Manual.

22 **ELEVENTH CAUSE FOR DISCIPLINE**

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

24 38. Respondent Abuqalbin's smog check inspector license is subject to discipline
25 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that between March 11 and
26 March 23, 2015, Respondent Abuqalbin failed to comply with Health & Safety Code section
27 44012 by performing emissions inspections, and issuing one-hundred and thirty (130) certificates
28

1 of compliance, to 2000 and newer model year vehicles using the EIS analyzer instead of the
2 required OIS.

3 **TWELFTH CAUSE FOR DISCIPLINE**
4 **(Failure to Comply with Regulations Adopted**
5 **Pursuant to the Motor Vehicle Inspection Program)**

6 39. Respondent Abuqalbin's smog check inspector license is subject to discipline
7 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 11
8 and March 23, 2015, Respondent Abuqalbin violated the following sections of the California
9 Code of Regulations, title 16:

10 a. **Section 3340.30, subdivision (a):** Respondent Abuqalbin issued certificates of
11 compliance to vehicles that had not been inspected in accordance with California Code of
12 Regulations, title 16, section 3340.42.

13 b. **Section 3340.45, subdivision (a)(2):** Respondent Abuqalbin did not perform
14 inspections in accordance with Bureau requirements and procedures as prescribed in the 2013
15 Smog Check Manual.

16 **OTHER MATTERS**

17 40. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
18 Director may suspend, revoke or place on probation the registration for all places of business
19 operated in this state by Mohammed Ajumma Azzam, owner of Respondent Signal Hill, upon a
20 finding that Respondent Signal Hill has, or is, engaged in a course of repeated and willful
21 violations of the laws and regulations pertaining to an automotive repair dealer.

22 41. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station
23 License Number TC 277695, issued to Signal Hill One Stop Smog, with Mohammed Ajumma
24 Azzam as the owner, is revoked or suspended, any additional license issued under this chapter in
25 the name of said licensee may be likewise revoked or suspended by the Director.

26 42. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
27 Number EO 637322, issued to Kaleil Mohammed Abuqalbin, is revoked or suspended, any
28 additional license issued under this chapter in the name of said licensee may be likewise revoked
or suspended by the Director.

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 277695 issued to Signal Hill One Stop Smog, with Mohammed Ajumma Azzam as the owner;
2. Revoking or suspending any other automotive repair dealer registration issued to Mohammed Ajumma Azzam;
3. Revoking or suspending Smog Check Test Only Station License Number TC 277695, issued to Signal Hill One Stop Smog, with Mohammed Ajumma Azzam as the owner;
4. Revoking or suspending Smog Check Inspector License Number EO 637322 issued to Kaleil Mohammed Abuqalbin;
5. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Kaleil Mohammed Abuqalbin;
6. Ordering Signal Hill One Stop Smog, with Mohammed Ajumma Azzam as the owner, and Kaleil Mohammed Abuqalbin to pay the Bureau of Automotive Repair its reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
7. Taking such other and further action as deemed necessary and proper.

DATED: 11-18-15

Patrick Dorais by Doug Balatti
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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