

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

In the Matter of the Accusation Against:

Case No.: 79/18-1079

SMOG ALL

ISSA S. MAYMOUN, Owner

3505 East Palmdale Blvd.

Palmdale, CA 93550

OAH No.: 2018120059

Automotive Repair Dealer Registration No.:

ARD 225167

Smog Check Station License No.: TC 225167

and

ISSA SALLBA MAYMOUN

3505 East Palmdale Blvd.

Palmdale, CA 93550

Smog Check Inspector License No.: EO

145531

Smog Check Repair License No.: EI 145531

and

JALAL ISSA HADDAD

2037 Krystal Avenue

Lancaster, CA 93536

Smog Check Inspector License No.: EO

637761

OTHER RELATED LICENSES

Automotive Repair Dealer Registration No.

ARD 227311

Smog Check Station License No. TC 227311

Automotive Repair Dealer Registration No.

ARD279248

Smog Check Station License No. TC 279248

Respondents.

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DECISION

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

This Decision shall become effective at 5:00 p.m. on July 18, 2019.

DATED: June 12, 2019



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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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. 79/18-1079

12 **SMOG ALL, ISSA S. MAYMOUN**
(OWNER)

OAH No. 2018120059

13 3505 East Palmdale Blvd.
Palmdale, CA 93550
14 Automotive Repair Dealer Registration No.
ARD 225167
15 Smog Check Station License No. TC 225167

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **ISSA SALLBA MAYMOUN**
3505 East Palmdale Blvd.
17 Palmdale, CA 93550

18 Smog Check Inspector License No. EO 145531
Smog Check Repair License No. EI 145531

19 **and**

20 **JALAL ISSA HADDAD**
21 2037 Krystal Avenue
Lancaster, CA 93536

22 Smog Check Inspector License No. EO 637761

23 **OTHER RELATED LICENSES**

24 Automotive Repair Dealer Registration No.
ARD 227311
25 Smog Check Station License No. TC 227311

26 Automotive Repair Dealer Registration No.
ARD 279248
27 Smog Check Station License No. TC 279248

28 Respondents.

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

3 **PARTIES**

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau or BAR). He brought this action solely in his official capacity and is represented in this
6 matter by Xavier Becerra, Attorney General of the State of California, by Brian Lee, Deputy
7 Attorney General.

8 2. Respondents Issa S. Maymoun dba Smog All, Issa Sallba Maymoun and Jalal Issal
9 Haddad are representing themselves in this proceeding and has chosen not to exercise their right
10 to be represented by counsel.

11 3. On or about January 1, 2002, the Bureau issued Automotive Repair Dealer
12 Registration No. ARD 225167 to Issa S. Maymoun dba Smog All ("Respondent Smog All"). The
13 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
14 charges brought in Accusation No. 79/18-1079, and will expire on December 31, 2019, unless
15 renewed.

16 4. On or about December 23, 2002, the Bureau issued Smog Check, Test Only, Station
17 License No. TC 225167 to Respondent Smog All. The Smog Check, Test Only, Station License
18 was in full force and effect at all times relevant to the charges brought in Accusation No. 79/18-
19 1079, and will expire on December 31, 2019, unless renewed.

20 5.1 In 2002, the Bureau issued Advanced Emission Specialist License No. EA 145531
21 to Issa Sallba Maymoun ("Respondent Maymoun"). Said license was renewed pursuant to
22 Respondent Maymoun's election as a Smog Check Inspector (E●) License No. 145531 and Smog
23 Check Repair Technician (EI) License No. 145531, effective November 9, 2012.¹ The Smog
24 Check Inspector license was in full force and effect at all times relevant to the charges brought in
25 Accusation No. 79/18-1079, and will expire on December 31, 2020, unless renewed. The Smog
26 Check Repair Technician License expired on December 31, 2014, and has not been renewed.

27 ///

28 ¹ Pursuant to California Code of Regulations, title 16 section 3340.28, subdivision (e).

6.e On or about January 10, 2015, the Bureau issued Smog Check Inspector License No. EO 637761 to Jalal Issa Haddad (“Respondent Haddad”). Said license was in full force and effect at all times relevant to the charges brought in Accusation No. 79/18-1079, and will expire on August 31, 2020, unless renewed.

JURISDICTION

7. Accusation No. 79/18-1079 was filed before the Director, and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on August 20, 2018. Respondents timely filed their Notice of Defense contesting the Accusation.

8.e A copy of Accusation No. 79/18-1079 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

9.e Respondents have carefully read, and understand the charges and allegations in Accusation No. 79/18-1079. Respondents have also carefully read, and understand the effects of this Stipulated Settlement and Disciplinary Order.

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

11.e Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

12.e Respondents understand and agree that the charges and allegations in Accusation No.e 79/18-1079, if proven at a hearing, constitute cause for imposing discipline upon Respondent Smog All's Automotive Repair Dealer Registration and Smog Check, Test Only, Station License;

1 Respondent Maymoun's Smog Check Inspector License and Smog Check Repair Technician
2 License; and Respondent Haddad's Smog Check Inspector License.

3 13.e For the purpose of resolving the Accusation without the expense and uncertainty of
4 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
5 basis for the charges in the Accusation, and that Respondents hereby gives up their right to
6 contest those charges.

7 14.e Respondents agree that their respective registration and licenses are subject to
8 discipline and agree to be bound by the Director's probationary terms as set forth in the
9 Disciplinary Order below.

10 CONTINGENCY

11 15.e This stipulation shall be subject to approval by the Director of Consumer Affairs or
12 the Director's designee. Respondents understand and agree that counsel for Complainant and the
13 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
14 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
15 or participation by Respondents or their counsel. By signing the stipulation, Respondents
16 understand and agree that they may not withdraw their agreement or seek to rescind the
17 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
18 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Director shall not be disqualified from further action by having
21 considered this matter.

22 16.e The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

25 17.e This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 18.e In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Director may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. ARD
8 225167 and Smog Check, Test Only, Station License No. TC 225167, issued to Issa S. Maymoun
9 dba Smog All; Smog Check Inspector License No. EO 145531 and Smog Check Repair
10 Technician License No. EI 145531 issued to Issa Sallba Maymoun; and Smog Check Inspector
11 License No. EO 637761 issued to Jalal Issa Haddad, are revoked. However, the revocations are
12 stayed and Respondents are placed on probation for five (5) years on the following terms and
13 conditions, which include seven (7) days actual suspension.

14 1. **Obey All Laws.** During the period of probation, Respondents shall comply with alle
15 federal and state statutes, regulations and rules governing all BAR registrations and licenses held
16 by Respondents.

17 2.e **Posting of Sign.** During the period of suspension, Respondents shall prominentlye
18 post a sign or signs, provided by BAR, indicating the beginning and ending dates of the
19 suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously
20 displayed in a location or locations open to and frequented by customers. The location(s) of the
21 sign(s) shall be approved by BAR and shall remain posted during the entire period of actual
22 suspension.

23 3.e **Quarterly Reporting.** During the period of probation, Respondents shall reporte
24 either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but
25 no more frequently than once each calendar quarter, on the methods used and success achieved in
26 maintaining compliance with the terms and conditions of probation.

27 4.e **Report Financial Interests.** Respondents shall, within 30 days of the effective datee
28 of the decision and within 30 days from the date of any request by BAR during the period of

1 probation, report any financial interest which any Respondent or any partners, officers, or owners
2 of any Respondent facility may have in any other business required to be registered pursuant to
3 Section 9884.6 of the Business and Professions Code.

4 **5. Access to Examine Vehicles and Records.** Respondents shall provide BAR
5 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
6 inspection, or repairs, up to and including the point of completion. Respondents shall also provide
7 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

8 **6.e Tolling of Probation.** If, during probation, a Respondent leaves the jurisdiction of
9 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
10 of California, the Respondent shall notify BAR in writing within 10 days of the dates of departure
11 and return, and of the dates of cessation and resumption of business in California. All provisions
12 of probation other than cost reimbursement requirements, restitution requirements, training
13 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
14 time of 30 days or more in which Respondent is not residing or engaging in business within the
15 jurisdiction of California. All provisions of probation shall recommence on the effective date of
16 resumption of business in California. Any period of time of 30 days or more in which Respondent
17 is not residing or engaging in business within the jurisdiction of California shall not apply to the
18 reduction of this probationary period or to any period of actual suspension not previously
19 completed. Tolling is not available if business or work relevant to the probationary license or
20 registration is conducted or performed during the tolling period.

21 **7. Violation of Probation.** If a Respondent violates or fails to comply with the terms
22 and conditions of probation in any respect, the Director, after giving notice and opportunity to be
23 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
24 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
25 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

26 **8.e Maintain Valid License.** Respondents shall, at all times while on probation, e
27 maintain a current and active registration and/or license(s) with BAR, including any period during
28 which suspension or probation is tolled. If a Respondent's registration or license is expired at the

1 time the decision becomes effective, the registration or license must be renewed by the
2 Respondent within 30 days of that date. If a Respondent's registration or license expires during a
3 term of probation, by operation of law or otherwise, then upon renewal the Respondent's
4 registration or license shall be subject to any and all terms and conditions of probation not
5 previously satisfied. Failure to maintain a current and active registration and/or license during the
6 period of probation shall also constitute a violation of probation.

7 **9.e Cost Recovery.** Respondent Maymoun shall pay the Bureau of Automotive Repaire
8 \$2,863.73 for the reasonable costs of the investigation and enforcement of case No. 79/18-1079.
9 Respondent Haddad shall pay the Bureau of Automotive Repair \$954.58 for the reasonable costs
10 of the investigation and enforcement of case No. 79/18-1079. Respondents shall make such
11 payments as follows: Respondent Maymoun shall make his payment by making thirty-five (35)
12 monthly installments of \$79.54 with a final payment (36th monthly installment) of \$79.83 due no
13 later than twenty-four (24) months prior to the termination of probation and Respondent Haddad
14 shall make his payment by making thirty-five (35) monthly installments of \$26.52 with a final
15 payment (36th monthly installment) of \$26.38 due no later than twenty-four (24) months prior to
16 the termination of probation. Respondents shall make payment by check or money order payable
17 to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for
18 cost recovery payment for case No. 79/18-1079. Any order for payment of cost recovery shall
19 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost
20 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in
21 collecting on the costs ordered and past due, in addition to taking action based upon the violation
22 of probation.

23 **10.e Completion of Probation.** Upon successful completion of probation, Respondents'e
24 affected registration and/or license will be fully restored or issued without restriction, if
25 Respondents meet all current requirements for registration or licensure and has paid all
26 outstanding fees, monetary penalties, or cost recovery owed to BAR.

27 **11.e License Surrender.** Following the effective date of a decision that orders a stay of e
28 invalidation or revocation, if a Respondent ceases business operations or is otherwise unable to

1 satisfy the terms and conditions of probation, the Respondent may request that the stay be
2 vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve
3 the right to evaluate the Respondent's request and to exercise discretion whether to grant the
4 request or take any other action deemed appropriate or reasonable under the circumstances. Upon
5 formal granting of the request, the Director will vacate the stay order and carry out the
6 disciplinary order provided in the decision. Respondent may not petition the Director for
7 reinstatement of the surrendered registration and/or license, or apply for a new registration or—
8 license under the jurisdiction of BAR at any time before the date of the originally scheduled
9 completion of probation. If Respondent applies to BAR for a registration or license at any time
10 after that date, Respondent must meet all current requirements for registration or licensure and
11 pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of—
12 surrender.

13 12.—Actual Suspension. Automotive Repair Dealer Registration No. ARD 225167 and
14 Smog Check, Test Only, Station License No. TC 225167, issued to Issa S. Maymoun dba Smog
15 All; Smog Check Inspector License No. EO 145531 and Smog Check Repair Technician License
16 No. EI 145531 issued to Issa Saliba Maymoun; and Smog Check Inspector License No. EO
17 637761 issued to Jalal Issa Haddad, are suspended for seven (7) consecutive days beginning on
18 the effective date of the Decision and Order.

19 ACCEPTANCE


20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
21 stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog
22 Check, Test Only, Station License. I enter into this Stipulated Settlement and Disciplinary Order
23 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
24 Director of Consumer Affairs.

25
26 DATED: 06/03/19

27 
ISSA S. MAYMOUN DBA SMOG ALL
Respondent


1 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
2 stipulation and the effect it will have on my Smog Check Inspector's License and Smog Check
3 Repair Technician's License. I enter into this Stipulated Settlement and Disciplinary Order
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
5 Director of Consumer Affairs.

6
7 DATED: 06/03/19


ISSA SALHA MAYMOUN
Respondent

9
10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand then
11 stipulation and the effect it will have on my Smog Check Inspector's License. I enter into this
12 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
13 to be bound by the Decision and Order of the Director of Consumer Affairs.

14
15 DATED: 06/03/19


JALAL ISSA HADDAD
Respondent


16
17 **ENDORSEMENT**

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

20
21 DATED: 06/03/19

Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 ARMANDO ZAMBRANO
25 Supervising Deputy Attorney General


26 BRIAN LEE
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Accusation No. 79/18-1079

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
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7
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. 79/18-1079

12 **SMOG ALL, ISSA S. MAYMOUN**
13 **(OWNER)**

13 3505 East Palmdale Blvd.
Palmdale, CA 93550
14 Automotive Repair Dealer Registration No.
ARD 225167
15 Smog Check Station License No. TC 225167

A C C U S A T I O N

16 **ISSA SALLBA MAYMOUN**

16 3505 East Palmdale Blvd.
17 Palmdale, CA 93550

18 Smog Check Inspector License No. EO 145531
18 Smog Check Repair License No. EI 145531

19 **and**

20 **JALAL ISSA HADDAD**

21 2037 Krystal Avenue
22 Lancaster, CA 93536

23 Smog Check Inspector License No. EO 637761

24 **OTHER RELATED LICENSES**

24 Automotive Repair Dealer Registration No.
ARD 227311

25 Smog Check Station License No. TC 227311

26 Automotive Repair Dealer Registration No.
ARD 279248

27 Smog Check Station License No. TC 279248

28 Respondents.

1 Complainant alleges:

2n PARTIES

3n 1.n Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as n
4 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 2.n In 2002, the Bureau issued Automotive Repair Dealer Registration Number ARDn
6 225167 to Issa S. Maymoun dba Smog All ("Respondent Smog All"). The Automotive Repair
7n Dealer Registration was in full force and effect at all times relevant to the charges brought herein
8 and will expire on December 31, 2018, unless renewed.

9 3.n On or about December 23, 2002, the Bureau issued Smog Check, Test Only, Stationn
10 License Number TC 225167 to Respondent Smog All. The Smog Check, Test Only, Station
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on December 31, 2018, unless renewed.

13 4.n On or about June 6, 2013, the Bureau issued STAR Certification to Respondent Smogn
14 All. The STAR Station Certification was in full force and effect at all times relevant to the
15 charges brought herein and will remain active unless the ARD registration and/or the Smog
16 Check Station license is revoked, cancelled, or the licenses become delinquent or certification is
17 invalidated.

18 5. In 2002, the Bureau issued Advanced Emission Specialist License No. EA 145531 to
19 Issa Sallba Maymoun¹ ("Respondent Maymoun"). Said license was renewed pursuant to
20 Respondent Maymoun's election as a Smog Check Inspector (EO) License No. 145531 and Smog
21 Check Repair Technician (EI) License No. 145531, effective November 9, 2012.² The Smog
22 Check Inspector license was in full force and effect at all times relevant to the charges brought
23 herein, and will expire on December 31, 2018, unless renewed. The Smog Check Repair
24 Technician License expired on December 31, 2014, and has not been renewed.

25
26 ¹ Respondent Maymoun was issued ARD 227311 in 2003 and Smog Check Station License No.
27 TC 227311 on or about March 12, 2004, for his other smog station, Smog All II, located at 1104 E.
28 Palmdale Blvd., Palmdale CA 93550. Both registration and license will expire on April 30, 2019, unless
renewed.

² Pursuant to California Code of Regulations, title 16 section 3340.28, subdivision (e).

6.e On or about January 10, 2015, the Bureau issued Smog Check Inspector License No.e EO 637761 to Jalal Issa Haddad³ ("Respondent Haddad"). Said license was in full force and effect at all times relevant to the charges brought herein, and will expire on August 31, 2018, unless renewed.

JURISDICTION

7.e This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau, under the authority of the following laws.

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

9. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

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

STATUTORY PROVISIONS

11.e Bus. & Prof. Code section 9884.7 states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

³ Respondent Haddad was issued ARD 279248 on or about February 17, 2015 and Smog Check Station License No. TC 279248 on or about March 10, 2015, for his smog station, Smog Quick, located at 400 W. Palmdale Blvd. Unit A, Palmdale, CA 93551. Both registration and license expired on February 29, 2016, and have not been renewed.

1 (1)nMaking or authorizing in any manner or by any means whatever any
2 nstatement written or oral which is untrue or misleading, and which is known, or which
3 by the exercise of reasonable care should be known, to be untrue or misleading.n

4 (4)nAny other conduct that constitutes fraud.n

5
6 (6)nFailure in any material respect to comply with the provisions of this
7 chapter or regulations adopted pursuant to it.

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

13 12: Bus. & Prof. Code section 477 provides, in pertinent part, that "Board" includes
14 "bureau," "commission," "committee," "department," "division," "examining committee,"
15 "program," and "agency." "License" includes certificate, registration or other means to engage in
16 a business or profession regulated by the Bus. & Prof. Code.

17 13.n Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog
18 check stations shall be performed in accordance with procedures prescribed by the department.

19 14. n Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate n
20 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section
21 40012.

22 15.n Health & Saf. Code section 44072.2 states, in pertinent part:n

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

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

29 (c)nViolates any of the regulations adopted by the director pursuant to n
30 this chapter.

31 (d)nCommits any act involving dishonesty, fraud, or deceit whereby
32 another is injured . . .

1 16.n Health & Saf. Code section 44072.10 states, in pertinent part:n

2

3 (c)nThe department shall revoke the license of any smog check technician
4 or 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
6 the following:

6

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

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

11 REGULATORY PROVISIONS

12 18.n California Code of Regulations ("CCR"), title 16, section 3340.24, subdivision (c),n
13 states:

14 "The bureau may suspend or revoke the license of or pursue other legal action against a
15 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
16 certificate of noncompliance."n

17 19. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician n
18 shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section
19 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42
20 of this article."

21 20.n CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check n
22 station "shall issue a certificate of compliance or noncompliance to the owner or operator of any
23 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of
24 this article and has all the required emission control equipment and devices installed and
25 functioning correctly."

26 21.n CCR, title 16, section 3340.41, subdivision (c), states that "[n]o person shall enter n
27 into the emissions inspection system any vehicle identification information or emission control
28 system identification data for any vehicle other than the one being tested. Nor shall any person

1 knowingly enter into the emissions inspection system any false information about the vehicle
2 being tested.”

3 22.i CCR, title 16, section 3340.42, sets forth specific emissions test methods and
4 procedures which apply to all vehicles inspected in the State of California.

5 COST RECOVERY

6 23. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
7 the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 STATEMENT OF FACTS

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

19 25.i A Bureau representative initiated an investigation and reviewed OIS test data for
20 Respondent Smog All. The investigation revealed that the data related to certain vehicles
21 certified by Respondent Smog All contained a pattern of unmistakable discrepancies between the
22 information transmitted during the inspections and documented information known about the
23 subject vehicles. Specifically, a comparison of the data received from the certified vehicles to
24 data from vehicles of the same year, make, and model and/or prior transmitted inspections for the
25 same certified vehicle determined that the data from at least four (4) of the certified vehicles
26 contained the following unmistakable discrepancies: (1) incorrect vehicle communication
27 protocols and/or (2) incorrect PID counts. Also, discrepancies were found with respect to the

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transmitted eVINS (digitally stored VIN number in the vehicle's Power Control Module and identified by the OIS). These documented discrepancies confirm that the vehicles receiving smog certificates from Respondent Smog All were fraudulently tested during the smog inspection using the "clean plugging" method.⁴

26.e Moreover, the OIS test data showed that Smog Check Technicians Respondents Haddad (EO 637761) and Respondent Maymoun (EO 145531) performed three and one of the four (4) fraudulent inspections, respectively. Respondent Maymoun performed fraudulent inspections on July 31, 2017, December 6, 2017, and January 9, 2018. Respondent Haddad performed a fraudulent inspection on May 23, 2017.

27.e The following chart illustrates the documented clean plugging activities of Respondents Smog All, Maymoun, and Haddad between May 23, 2017 and January 9, 2018:

Table					
	Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
1	5/23/17	2006 Toyota Sienna CE ⁵ 7MEE831	ZV598742C	eVIN: Not Reported	eVIN: 5TDZA23C26S479114 (Expected)
				Comm. Protocol: JPWM	Comm. Protocol: I914
				PID Count: 20	PID Count: 21

(table continues on following page)

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⁴ "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 and/or not present for testing.

⁵ This vehicle was previously tested at another station on May 21, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 5TDZA23C26S479114 and had the expected communication protocol as I914 and transmitted a PID count of 21.

Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
2	7/31/17	2004 Chevrolet Silverado C1500 ⁶ 7N69953	eVIN: 1GNFC13017R221445 ⁷	eVIN: 1GCEC19V04Z339411
			Comm. Protocol: ICAN11bt5	Comm. Protocol: JVPW
			PID Count: 44/7	PID Count: 22
3	12/6/17	2007 Honda Accord EX ⁸ 5XNN001	eVIN: 1HGCR2F51FA233973 ⁹	eVIN: 1HGCM82617A001276
			Comm. Protocol: ICAN29bt5	Comm. Protocol: I914
			PID Count: 39	PID Count: 24
4	1/9/18	2005 Chevrolet Silverado C1500 ¹⁰ 7X76059	eVIN: 1FTPF12556NA86610 ¹¹	eVIN: 1GCEC14V15Z324053
			Comm. Protocol: ICAN11bt5	Comm. Protocol: JVPW
			PID Count: 44	PID Count: 22

⁶ This vehicle was previously tested at another station on July 28, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1GCEC19V04Z339411 and had the expected communication protocol as JVPW and transmitted a PID count of 22.

⁷ OIS Test Data shows that a 2007 Chevrolet Tahoe C1500 VIN 1GNFC13017R221445 was used to generate the fraudulent Smog Certificate of Compliance for the 2004 Chevrolet Silverado C1500.

⁸ This vehicle was previously tested at another station on December 8, 2015. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1HGCM82617A001276 and had the expected communication protocol as I914 and transmitted a PID count of 24.

⁹ OIS Test Data shows that a 2015 Honda Accord Sport, VIN 1HGCR2F51FA233973 was used to generate the fraudulent Smog Certificate of Compliance for the 2007 Honda Accord EX.

¹⁰ This vehicle was previously tested at another station on November 13, 2017. At that time, the OIS Test Data for this vehicle show that it transmitted the eVIN as 1GCEC14V15Z324053 and had the expected communication protocol as JVPW and transmitted a PID count of 22.

¹¹ OIS Test Data shows that a 2006 Ford F150, VIN 1FTPF12556NA866103 was used to generate the fraudulent Smog Certificate of Compliance for the 2005 Chevrolet Silverado C1500.

1 28.e The data analysis conducted on Respondent Smog All shows that Respondentse
2 participated in a scheme to perform at least four (4) fraudulent Smog Check inspections resulting
3 in the issuance of four (4)) fraudulent electronic Smog Check Certificates of Compliance between
4 May 23, 2017 and January 9, 2018.

5 **CAUSES FOR DISCIPLINE SUBJECTING ARD REGISTRATION TO DISCIPLINARY**
6 **ACTION;**

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 29.e Respondent Smog All's Automotive Repair Dealer Registration is subject to e
10 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
11 Respondent Smog All made or authorized statements which Respondent Smog All knew or in the
12 exercise of reasonable care should have known to be untrue or misleading, as follows:
13 Respondent certified that the four (4) vehicles identified in paragraph 27 above had passed smog
14 inspection and were in compliance with applicable laws and regulations. In fact, Respondente
15 used clean plugging methods for the four (4) vehicles identified in paragraph 27 above.e
16 Respondent substituted or used a different vehicle(s), or another source, during the OBD II
17 functional tests in order to issue smog certificates of compliance for the vehicles. Respondent did
18 not properly test or inspect any of the four (4) vehicles as required by Health & Saf. Code section
19 44012. Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 24 through 28, above, as though set forth fully herein.

21 **SECOND CAUSE FOR DISCIPLINE** e

22 **(Fraud)**

23 30.e Respondent Smog All's Automotive Repair Dealer Registration is subject to e
24 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
25 Respondent Smog All committed acts that constitute fraud by issuing electronic smog certificates
26 of compliance for the four (4) vehicles identified in paragraph 27 above, without performing bona
27 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
28 the People of the State of California of the protection afforded by the Motor Vehicle Inspection

1h Program. Complainant refers to, and by this reference incorporates, the allegations contained in h
2 paragraphs 24 through 28, above, as though set forth fully herein.

3 **THIRD CAUSE FOR DISCIPLINE**

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

5 31. Respondent Smog All's Automotive Repair Dealer Registration is subject to
6 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
7 Respondent Smog All failed in a material respect to comply with the provisions of this chapter or h
8 regulations adopted pursuant to it when he issued electronic certificates of compliance for the
9 four (4) vehicles identified in paragraph 27 above, without performing bona fide inspections of
10 the emission control devices and systems on those vehicles, thereby depriving the People of the
11 State of California of the protection afforded by the Motor Vehicle Inspection Program.
12 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
13 24 through 28, above, as though set forth fully herein.

14 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK STATION LICENSE TO**
15 **DISCIPLINARY ACTION:**

16 **FOURTH CAUSE FOR DISCIPLINE**

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

18 32.h Respondent Smog All's Smog Check Station License is subject to disciplinary action h
19 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Smog All
20 failed to comply with the following sections of that Code:

21 a.h **Section 44012:** Respondent failed to ensure that the emission control tests were h
22 performed on the four (4) vehicles identified in paragraph 27 above, in accordance with
23 procedures prescribed by the department.

24 b.h **Section 44015:** Respondent issued electronic smog certificates of compliance for the h
25 four (4) vehicles identified in paragraph 27 above, without ensuring that the vehicles were
26 properly tested and inspected to determine if they were in compliance with Health & Saf. Code
27 section 44012.

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1 Complainant refers to, and by this reference incorporates, the allegations contained in
2 paragraphs 24 through 28, above, as though set forth fully herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

6 33.i Respondent Smog All's Smog Check Station License is subject to disciplinary action
7 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Smog All
8 failed to comply with provisions of California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
10 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27
11 above.

12 b.i **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
13 compliance for the four (4) vehicles identified in paragraph 27 above, even though the vehicles
14 had not been inspected in accordance with section 3340.42.

15 c.i **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
16 into the emissions inspection system for the four (4) vehicles identified in paragraph 27 above.

17 d.i **Section 3340.42:** Respondent failed to ensure that the required smog tests were
18 conducted on the four (4) vehicles identified in paragraph 27 above, in accordance with the
19 Bureau's specifications.

20 Complainant refers to, and by this reference incorporates, the allegations contained in
21 paragraphs 24 through 28, above, as though set forth fully herein.

22 **SIXTH CAUSE FOR DISCIPLINE**

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

24 34.i Respondent Smog All's Smog Check Station License is subject to disciplinary action
25 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Smog All
26 committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
27 electronic smog certificates of compliance for the four (4) vehicles identified in paragraph 27

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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 refers to, and by this reference incorporates,
4 the allegations contained in paragraphs 24 through 28, above, as though set forth fully herein.

5 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK INSPECTOR LICENSE⁴**
6 **AND SMOG CHECK REPAIR TECHNICIAN LICENSE TO DISCIPLINARY ACTION:**

7 **SEVENTH CAUSE FOR DISCIPLINE**

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

9 35.4 Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,⁴
10 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
11 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that they
12 failed to comply with section 44012 of that Code in a material respect, as follows: Respondents
13 Maymoun and Haddad each failed to perform the emission control tests for one or more of the
14 four (4) vehicles identified in paragraphs 27 above, in accordance with procedures prescribed by
15 the department. Complainant refers to, and by this reference incorporates, the allegations
16 contained in paragraphs 24 through 28, above, as though set forth fully herein.

17 **EIGHTH CAUSE FOR DISCIPLINE**

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

20 36.4 Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,⁴
21 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
22 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that they
23 failed to comply with provisions of California Code of Regulations, title 16, as follows:

24 a.4 **Section 3340.24, subdivision (c):** Respondents Maymoun and Haddad falsely or⁴
25 fraudulently issued one or more electronic smog certificates of compliance for the four (4)
26 vehicles identified in paragraph 27 above.

27 b.4 **Section 3340.30, subdivision (a):** Respondents Maymoun and Haddad each failed to⁴
28 inspect and one or more of the four (4) vehicles identified in paragraph 27 above, in accordance

1 with Health & Saf. Code sections 44012 and 44035, and California Code of Regulations, title 16,
2 section 3340.42.

3 c.e. **Section 3340.41, subdivision (c):** Respondents Maymoun and Haddad each
4 knowingly entered false information into the emissions inspection system for one or more of the
5 four (4) vehicles identified in paragraph 27 above.

6 d.e. **Section 3340.42:** Respondents Maymoun and Haddad each failed to conduct the
7 required smog tests on one or more of the four (4) vehicles identified in paragraph 27 above, in
8 accordance with the Bureau's specifications.

9 Complainant refers to, and by this reference incorporates, the allegations contained in
10 paragraphs 24 through 28, above, as though set forth fully herein.

11 **NINTH CAUSE FOR DISCIPLINE**

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

13 37. Respondent Maymoun and Respondent Haddad's Smog Check Inspector Licenses,
14 along with Respondent Maymoun's Smog Check Repair Technician License, are subject to
15 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that
16 Respondents Maymoun and Haddad committed dishonest, fraudulent, or deceitful acts whereby
17 another was injured by issuing electronic smog certificates of compliance for one or more of the
18 four (4) vehicles identified in paragraph 27 above, without performing bona fide inspections of
19 the emission control devices and systems on the vehicles, thereby depriving the People of the
20 State of California of the protection afforded by the Motor Vehicle Inspection Program.
21 Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs
22 24 through 28, above, as though set forth fully herein.

23 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT SMOG ALL**

24 38. To determine the degree of discipline as to Respondent Smog All, Complainante
25 alleges that:

26 a. On or about November 5, 2009, the Bureau issued Respondent Smog All Citation #e
27 C2010-0460, for violation of section 44012(f) of the Health and Safety Code, in that Respondent

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1 Smog All unlawfully issued Certificate of Compliance # [REDACTED] to a Bureau undercover
2 vehicle with missing Fuel Evaporative Canister. Payment was received January 14, 2010.

3 b.m On or about March 15, 2010, the Bureau issued Respondent Smog All Citation #m
4 C2010-0910, for violation of section 44012(f) of the Health and Safety Code, in that Respondent
5 Smog All unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover
6 vehicle with a missing PCV System. Payment was received on April 26, 2010.

7 c.m On or about April 19, 2016, the Bureau issued Respondent Smog All Citation #m
8 C2016-0823 with an order of Abatement, for violation of section 44012(f) of the Health and
9 Safety Code, in that Respondent Smog All unlawfully issued Certificate of Compliance
10 #YT007245C to a vehicle using the BAR97 when an OBD Inspection System (OIS) was required.
11 The Decision became effective on August 23, 2016.

12 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT MAYMOUN**m

13 39.m To determine the degree of discipline as to Respondent Maymoun, Complainantm
14 alleges that:m

15 a.m On or about November 5, 2009, the Bureau issued Respondent Maymoun Citation #m
16 M2010-0461, for violation of section 44032 of the Health and Safety Code, in that Respondent
17 Maymoun unlawfully issued Certificate of Compliance # [REDACTED] a Bureau undercover
18 vehicle with missing Fuel Evaporative Canister. Training was completed on January 7, 2010.

19 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT HADDAD**

20 40.m To determine the degree of discipline as to Respondent Haddad, Complainant allegesm
21 that:

22 a.m On or about July 7, 2015, the Bureau issued Respondent Haddad Citation # M2015-
23 1652, for violation of section 44032 of the Health and Safety Code, in that Respondent Haddad
24 unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover vehicle with
25 missing Pulse Air Injection System. The decision became effective on October 25, 2015 and
26 training was completed on October 29, 2015.

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1 OTHER MATTERS

2 41.a Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
3 suspend, revoke, or place on probation the registration for all places of business operated in this
4 state by Issa S. Maymoun, upon a finding that he has, or is, engaged in a course of repeated and
5 willful violations of the laws and regulations pertaining to an automotive repair dealer.

6 42.a Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.
7 TC 225167, issued to Issa S. Maymoun doing business as Smog All is revoked or suspended
8 following a hearing, any additional license issued under Chapter 5 of Part 5 of Division 26 of the
9 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the
10 Director.

11 43.a Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
12 No. EO 145531 and/or Smog Check Repair License No. EI 145531 issued to Issa Sallba
13 Maymoun is revoked or suspended following a hearing, any additional license issued under
14 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may
15 be likewise revoked or suspended by the Director.

16 44.a Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
17 No. EO 637761 issued to Jalal Issa Haddad is revoked or suspended following a hearing, any
18 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code
19 in the name of said licensee may be likewise revoked or suspended by the Director.

20 PRAVER

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

23 1.a Revoking or suspending Automotive Repair Dealer Registration Number ARDa
24 225167 issued to Issa S. Maymoun dba Smog All;

25 2.a Revoking or suspending any other automotive repair dealer registration issued to Issa
26 S. Maymoun;

27 3.a Revoking or suspending Smog Check Station License No. TC 225167, issued to Issa
28 S. Maymoun dba Smog All;

- 1 4. Revoking or suspending Smog Check Inspector License No. EO 145531, issued to
2 Issa Sallba Maymoun;
- 3 5. Revoking or suspending Smog Check Repair License No. EI 145531, issued to Issa
4 Sallba Maymoun;
- 5 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of Issa Sallba Maymoun;
- 7 7. Revoking or suspending Smog Check Inspector License No. EO 637761, issued to
8 Jalal Issa Haddad;
- 9 8. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
10 Division 26 of the Health and Safety Code in the name of Jalal Issa Haddad;
- 11 9. Ordering Respondents Issa S. Maymoun and Jalal Issa Haddad to pay the Bureau the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and
- 14 10. Taking such other and further action as deemed necessary and proper.

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16
17 DATED:

July 3, 2018



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

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