

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

In the Matter of Accusation Against:

THE EXPRESS TUNE UP CORP., dba SMOG AMIGO

1902 A. Highland Ave.

National City, CA 91950

Automotive Repair Dealer Registration No. ARD 270123

Smog Check Station License No. RC 270123

Brake Station License No. BS 270123, Class C

Lamp Station License No. LS 270123, Class A

and

JAFAR ALSALEH

551 Hazeldell Avenue

San Jacinto, CA 92582

Smog Check Inspector No. EO 639476

Smog Check Repair Technician License No. EI 639476

Brake Adjuster License No. BA 639476, Class C

Lamp Adjuster License No. LA 639476, Class A

Respondents.

Case No. 77/18-8839

DECISION

The attached Stipulated Settlement and Disciplinary Order as to Jafar Alsaleh only 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 on January 5, 2021.

DATED: November 20, 2020

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

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Attorney General of California
2 THEODORE S. DRCAR
Supervising Deputy Attorney General
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10 **BEFORE THE**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **THE EXPRESS TUNE UP CORP.,**
16 **dba SMOG AMIGO**
1902 A Highland Ave.
National City, CA 91950

17 Automotive Repair Dealer Registration No.
ARD 270123
18 Smog Check Station License No. RC 270123
Lamp Station License No. LS 270123, Class A
19 Brake Station License No. BS 270123, Class C

20 **and**

21 **JAFAR ALSALEH**
551 Hazeldell Avenue
22 **San Jacinto, CA 92582**

23 Brake Adjuster License No. BA 639476, Class C
Lamp Adjuster License No. LA 639476, Class A
24 Smog Check Inspector License No. EO 639476 \\
Smog Check Repair Technician License No. EI
25 639476

26 Respondents.

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Case No. 77/18-8839

OAH No. 2020030131

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO JAFAR
ALSALEH ONLY**

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). He brought this action solely in his official capacity and is represented in this matter by
6 Xavier Becerra, Attorney General of the State of California, by Agustin Lopez, Deputy Attorney
7 General.

8 2. Respondent Jafar Alsaleh (Respondent) is represented in this proceeding by attorney
9 Michael B. Levin, Esq., whose address is: 3727 Camino del Rio South, Suite 200, San Diego,
10 CA 92108.

11 3. On or about July 18, 2016, the Bureau issued Smog Check Inspector (EO) License
12 No. EO 639476 to Respondent. The EO license was in full force and effect at all times relevant
13 to the charges brought in Accusation No. 77/18-8839, and will expire on July 31, 2022, unless
14 renewed.

15 4. On or about November 7, 2018, the Bureau issued Smog Check Repair Technician
16 (EI) License No. EI 639476 to Respondent. The EI license was in full force and effect at all times
17 relevant to the charges brought in Accusation No. 77/18-8839, and will expire on July 31, 2022,
18 unless renewed.

19 5. On or about May 2, 2018, the Bureau issued Brake Adjuster (BA) License No. BA
20 639476 to Respondent. The BA license was in full force and effect at all times relevant to the
21 charges brought in Accusation No. 77/18-8839, and will expire on July 31, 2021, unless renewed.

22 6. On or about February 20, 2018, the Bureau issued Lamp Adjuster (LA) License No.
23 LA 639476 to Respondent. The LA license was in full force and effect at all times relevant to the
24 charges brought in Accusation No. 77/18-8839, and will expire on July 31, 2021, unless renewed.

25 **JURISDICTION**

26 7. Accusation No. 77/18-8839 was filed before the Director, and is currently pending
27 against Respondent. The Accusation and all other statutorily required documents were properly
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1 served on Respondent on November 7, 2019. Respondent timely filed his Notice of Defense
2 contesting the Accusation.

3 8. A copy of Accusation No. 77/18-8839 is attached as exhibit A and incorporated
4 herein by reference.

5 **ADVISEMENT AND WAIVERS**

6 9. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in Accusation No. 77/18-8839. Respondent has also carefully read, fully
8 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
9 Order.

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

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

18 **CULPABILITY**

19 12. Respondent understands and agrees that the charges and allegations in Accusation
20 No. 77/18-8839, if proven at a hearing, constitute cause for imposing discipline upon his Brake
21 Adjuster and Lamp Adjuster Licenses.

22 13. For the purpose of resolving the Accusation without the expense and uncertainty of
23 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
24 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
25 those charges.

26 14. Respondent agrees that his Brake Adjuster and Lamp Adjuster Licenses are subject to
27 discipline and agrees to be bound by the Director's imposition of discipline as set forth in the
28 Disciplinary Order below.

CONTINGENCY

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2 15. This stipulation shall be subject to approval by the Director of Consumer Affairs or
3 the Director's designee. Respondent understands and agrees that counsel for Complainant and the
4 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
5 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
6 or participation by Respondent or its counsel. By signing the stipulation, Respondent understands
7 and agrees that he may not withdraw its agreement or seek to rescind the stipulation prior to the
8 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
9 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
11 and the Director shall not be disqualified from further action by having considered this matter.

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

15 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
20 writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

24
25 IT IS HEREBY ORDERED that Brake Adjuster License No. BA 639476 and Lamp
26 Adjuster License No. LA 639476 issued to Respondent are revoked. The Smog Check Inspector
27 and Smog Check Repair Technician Licenses issued to Respondent were not subject to discipline.
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1 1. The Stipulated Revocation of Respondent's Brake Adjuster and Lamp Adjuster
2 Licenses; and the acceptance of the revoked licenses by the Bureau shall constitute the imposition
3 of discipline against Respondent. This stipulation constitutes a record of the discipline and shall
4 become a part of Respondent's license history with the Bureau.

5 2. Respondent shall lose all rights and privileges as a Brake Adjuster and Lamp Adjuster
6 in California as of the effective date of the Director's Decision and Order.

7 3. Respondent shall deliver to the Bureau his pocket Brake Adjuster and Lamp Adjuster
8 Licenses and, if issued, his wall certificates on or before the effective date of the Decision and
9 Order.

10 4. If Respondent ever files an application for licensure or a petition for reinstatement in
11 the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must
12 comply with all the laws, regulations and procedures for reinstatement of a revoked or
13 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
14 contained in Accusation No. 77/18-8839 shall be deemed to be true, correct and admitted by
15 Respondent when the Director determines whether to grant or deny the petition.

16 5. Respondent shall pay the Bureau's costs of \$5,098.68 in monthly payments of
17 \$141.63 for 36 months. The first payment is due on the effect date of the Decision.

18 6. Respondent may not petition for reinstatement of the revoked Brake and Lamp
19 Adjuster Licenses for one year from the effective date of this Decision. If the Bureau grants
20 future reinstatement or Respondent applies for a new license, Respondent agrees to reimburse the
21 Bureau for its costs of investigation and enforcement of up to \$5,098.68, or any outstanding
22 balance payable prior to reinstatement or the issuance of a new license.

23 7. If Respondent should ever apply or reapply for a new license or certification, or
24 petition for reinstatement of a license, by any other licensing agency in the State of California, all
25 of the charges and allegations contained in Accusation, No. 77/18-8839 shall be deemed to be
26 true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
27 proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect it will have on my Brake Adjuster and Lamp Adjuster Licenses. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: August 10, 2020 Signed Copy on File
JAFAR ALSALEH
Respondent

I have read and fully discussed with Respondent Jafar Alsaleh the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 10, 2020 Signed Copy on File
MICHAEL B. LEVIN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: August 10, 2020 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
THEODORE S. DRCAR
Supervising Deputy Attorney General

Signed Copy on File
AGUSTIN LOPEZ
Deputy Attorney General
Attorneys for Complainant

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