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7

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

12 In the Matter of the Accusation Against:

Case No. 79/21-10628

13 **AMR ABDELLATIF ELKURDI, OWNER,**
14 **DBA KURDI'S AUTO CARE**
11861 Paramount Blvd., #A
Downey, CA 90241

ACCUSATION

15 Automotive Repair Dealer Registration
No. ARD 298296
16 Smog Check Test Only Station License
No. TC 298296

17
18 **ABDALLAH ABDULKAREEM**
ABABNEH
19 3826 Maxson Rd., Apt. C
El Monte, CA 91732

20 Smog Check Inspector License No. EO 642414

21 Respondents.
22

23 **PARTIES**

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

26 **Amr Abdellatif Elkurdi**

27 2. On or about October 22, 2020, the Bureau of Automotive Repair ("Bureau") issued
28 Automotive Repair Dealer Registration Number ARD 298296 to Amr Abdellatif Elkurdi

1 (“Respondent Elkurdi”), owner, doing business as AE Interlock. On or around March 2, 2021,
2 Respondent Elkurdi changed his business name to Kurdi’s Smog. On or around October 26, 2021,
3 Respondent Elkurdi changed his business name to Kurdi’s Auto Care. The Automotive Repair
4 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
5 and will expire on October 31, 2022, unless renewed.

6 3. On or about March 22, 2021, the Bureau issued Smog Check Test Only Station License
7 Number TC 298296 to Respondent Elkurdi, owner, doing business as Kurdi’s Smog. On or around
8 October 26, 2021, Respondent Elkurdi changed his business name to Kurdi’s Auto Care. The Smog
9 Check Test Only Station License was in full force and effect at all times relevant to the charges
10 brought herein and will expire on October 31, 2022, unless renewed.

11 **Amr Abdellatif Elkurdi’s Additional Licenses**

12 4. On or about October 30, 2019, the Bureau issued Automotive Repair Dealer
13 Registration Number ARD 295782 to Respondent Elkurdi doing business as Smog Express. The
14 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
15 charges brought herein and will expire on October 31, 2022, unless renewed.

16 5. On or about November 12, 2019, the Bureau issued Smog Check Test Only Station
17 License Number TC 295782 to Respondent Elkurdi doing business as Smog Express. The Smog
18 Check Test Only Station License was in full force and effect at all times relevant to the charges
19 brought herein and will expire on October 31, 2022, unless renewed.

20 **Abdallah Adbulkareem Ababneh**

21 6. On or about January 6, 2020, the Bureau issued Smog Check Inspector License
22 Number EO 642414 to Abdallah Adbulkareem Ababneh (“Respondent Ababneh”). The Smog
23 Check Inspector License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2023, unless renewed.

25 **Abdallah Adbulkareem Ababneh’s Additional Licenses**

26 7. On or about April 22, 2019, the Bureau issued Automotive Repair Dealer Registration
27 Number ARD 294016 to Respondent Ababneh doing business as Downey Smog Center. The
28

1 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
2 charges brought herein and will expire on April 30, 2022, unless renewed.

3 8. On or about September 6, 2019, the Bureau issued Smog Check Test Only Station
4 License Number TC 294016 to Respondent Ababneh doing business as Downey Smog Center.
5 The Smog Check Test Only Station License was in full force and effect at all times relevant to the
6 charges brought herein and will expire on April 30, 2022, unless renewed.

7 **JURISDICTION**

8 9. This Accusation is brought before the Director of the Department of Consumer Affairs
9 (“Director”) for the Bureau of Automotive Repair, under the authority of the following laws.

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

14 11. Business and Professions Code section 118, subdivision (b), provides that the
15 suspension, expiration, surrender, or cancellation of a license shall not deprive the Board or the
16 Director of jurisdiction to proceed with a disciplinary action during the period within which the
17 license may be renewed, restored, reissued or reinstated.

18 12. Health and Safety Code section 44002 provides, in pertinent part, that the Director has
19 all the powers and authority granted under the Automotive Repair Act for enforcing the Motor
20 Vehicle Inspection Program.

21 13. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration
22 or suspension of a license by operation of law, or by order or decision of the Director, or a court
23 of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to
24 proceed with any investigation of, or action or disciplinary proceedings against the licensee, or to
25 render a decision suspending or revoking the license.

26 14. Section 44072.8 of the Health and Safety Code states:

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

STATUTORY PROVISIONS

1
2 15. Business and Professions Code section 477 provides, in pertinent part, that “Board”
3 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
4 committee,” “program,” and “agency.” “License” includes certificate, registration or other means
5 to engage in a business or profession regulated by the Business and Professions Code.

6 16. Business and Professions Code section 9884.7 states, in pertinent part:

7 (a) The director, where the automotive repair dealer cannot show there
8 was a bona fide error, may deny, suspend, revoke, or place on probation
9 the registration of an automotive repair dealer for any of the following
10 acts or omissions related to the conduct of the business of the automotive
11 repair dealer, which are done by the automotive repair dealer or any
12 automotive technician, employee, partner, officer, or member of the
13 automotive repair dealer.

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

18 ...

19 (4) Any other conduct which constitutes fraud.

20 ...

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

23 ...

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

29 17. Section 44012 of the Health and Safety Code provides, in pertinent part, that tests at
30 smog check stations shall be performed in accordance with procedures prescribed by the
31 department.

32 ///

33 ///

1 18. Section 44015, subdivision (b), of the Health and Safety Code provides that a certificate
2 of compliance shall be issued if a vehicle meets the requirements of Health and Safety Code section
3 40012.

4 19. Health and Safety Code section 44072.2 states, in pertinent part:

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

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

10 ...

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

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

14 ...

15 (g) Fails to make and keep records showing his or her
16 Ababnehsactions as a licensee, or fails to have those records
available for inspection by the director or his or her duly
17 authorized representative for a period of not less than three years
after completion of any Ababnehsaction to which the records refer,
18 or refuses to comply with a written request of the director to make
the records available for inspection.

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

21 20. Health and Safety Code section 44072.10 states, in pertinent part:

22

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

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

27 (2) Tampering with a vehicle emission control system or test
28 analyzer system.

1 (3) Tampering with a vehicle in a manner that would cause the
2 vehicle to falsely pass or falsely fail an inspection.

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

6 21. Section 44032 of the Health and Safety Code states:

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

13 **REGULATORY PROVISIONS**

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

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

18 23. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

19 A smog check technician shall comply with the following requirements at
20 all times while licensed.

21 (a) A licensed technician shall inspect, test and repair vehicles
22 in accordance with section 44012 of the Health and Safety Code,
23 section 44035 of the Health and Safety Code, and section 3340.42
24 of this article.

25 . . .

26 24. California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

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

29 25. California Code of Regulations, title 16, section 3340.41, subdivision (c), states:

30 No person shall enter into the emissions inspection system any vehicle
31 identification information or emission control system identification data
32 for any vehicle other than the one being tested. Nor shall any person
33 knowingly enter into the emissions inspection system any false
34 information about the vehicle being tested.

30. In June 2021, Bureau representative Nicholas Magaña reviewed OIS test data for Kurdi’s Auto Care.¹ The OIS Bureau Test Data lists differences in Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in addition to communication protocol (the language used to communicate) and Parameter ID (PID) differences with vehicles that have been certified correctly that are the same make and model vehicles. Representative Magaña’s investigation revealed that the data related to a certain vehicle certified by Kurdi’s Auto Care contained discrepancies between the information transmitted during the inspections and documented information known about the subject vehicles. Specifically, representative Magaña compared the data received from the certified vehicle to data from vehicles of the same year, make, and model (hereinafter “Similar Vehicles”) and determined that the data from one (1) certified vehicle contained the following unmistakable discrepancies: the vehicle reported an eVIN when it was not expected to; the vehicle reported an incorrect PID count; and the vehicle reported an incorrect communication protocol. The documented discrepancies confirm that the vehicle that received a smog certificate of compliance from Kurdi’s Auto Care was fraudulently tested during the smog inspection using the “clean plugging” method.² Tale 1 illustrates Respondents’ clean plugging activities on May 26, 2021.

Table 1

No.	Test Date	Vehicle & License No.	Technician License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
1	5/26/2021	2003 Chrysler Town & Country Limited 8KQB526	Respondent Ababneh (EO 642414)	SC189258C	eVIN: 1FBSS31L55HA98548	eVIN: not transmitted
					Comm. Protocol: ICAN11bt5	Comm. Protocol: JVPW
					PID Count: 46	PID Count: 17/3

31. On May 26, 2021, a 2003 Chrysler Town & Country Limited (VIN #2C8GP64L33R147987, CA License #8KQB526) (“2003 Town & Country”) was tested at

¹ At the time of the June 2021 data review and all subsequent surveillance set forth below, Kurdi’s Auto Care was doing business as Kurdi’s Smog.

² “Clean plugging” refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, system (“OBD II”), 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.

1 Kurdi's Auto Care and was issued smog certificate #SC189258C under Respondent Ababneh's
2 Smog Check Inspector License No. EO 642414. The OIS Test Data shows the eVIN was
3 transmitted as 1FBSS31L55HA98548, the communication protocol was transmitted as
4 ICAN11bt5, and the PID count was transmitted as 46. A 2005 Ford Econoline E350 Super Duty
5 Wagon (VIN #1FBSS31L55HA98548) ("2005 Econoline") was used to generate the fraudulent
6 Smog Certificate of Compliance for the 2003 Town & Country. The 2005 Econoline was last
7 certified under Respondent Ababneh's Smog Check Inspector License No. EO 642414 at Kurdi's
8 Auto Care on June 18, 2021. The eVIN, communication protocol, and PID count transmitted for
9 the 2005 Econoline on June 18, 2021 match the eVIN, communication protocol, and PID count
10 transmitted for the fraudulent inspection of the 2003 Town & Country on May 26, 2021. On June
11 7, 2019, a previous test was performed on the 2003 Town & Country (VIN
12 #2C8GP64L33R147987, VA License #XHN4853) under Respondent Ababneh's Smog Check
13 Inspector License No. EO 642414 at Kurdi's Auto Care. According to the OIS Test Data for the
14 June 7, 2019 inspection, the 2003 Town & Country, as expected, did not transmit an eVIN,
15 transmitted a communication protocol of JVPW, and transmitted a PID count of 17|3. The results
16 of the June 7, 2019 inspection are consistent with expected values for this vehicle and conflicts
17 with the values reported in the fraudulent passing test data as noted in Table 1.

18 32. The discrepancies in the OIS Test Data prove the OIS Data Acquisition Device was
19 not connected to the 2003 Town & Country being certified on May 26, 2021, causing the issuance
20 of a fraudulent Smog Certificate of Compliance.

21 **SURVEILLANCE #1: JUNE 30, 2021**

22 33. On or about June 30, 2021, Bureau representatives Magaña and Mark Casillas
23 conducted a surveillance of the smog check activities at Kurdi's Auto Care. Kurdi's Auto Care has
24 one smog check inspection bay inside of a three bay building. The east facing roll-up garage door,
25 which, at the time of this surveillance had a banner that read "Kurdi's Smog," is the vehicle
26 entrance to Kurdi's Auto Care's inspection bay. The Smog Check inspection bay has dynamometer
27 rollers located approximately two feet from this east facing garage door. The north and west walls
28

1 are solid. The south side of the inspection bay has no wall and is open to the adjacent vehicle
2 service bays belonging to another Automotive Repair Dealer located in the same building.

3 34. Representative Magaña began taking photographs at approximately 1:11 p.m.
4 Representative Casillas began video recording Kurdi's Auto Care at 1:42 p.m. Surveillance
5 concluded at approximately 2:02 p.m. Representative Magaña also obtained smog check test data
6 summary for Kurdi's Auto Care corresponding with the June 30, 2021 surveillance. The test data
7 summary shows that between 1:11 p.m. and 2:02 p.m., a smog check inspection was performed
8 resulting in a passing inspection and the issuance of an electronic Smog Check certificate to the
9 following vehicle under Smog Check Inspector License Number EO 642414, issued to Respondent
10 Ababneh:

11

TABLE 2					
No.	Fraudulent Test Date and Time	Technician	Vehicle (Year, Make, Model) Vin No. License No.	Certificate No.	Comment
2	6/30/2021 1:24 pm-1:50 pm	Respondent Ababneh (EO 642414)	2001 Chevrolet Silverado C1500 1GCEC14W51Z266225 6R19455	SC683035C	Not observed in testing bay during time of inspection

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13
14
15

16 35. The surveillance and data analysis conducted on the smog check activities of
17 Kurdi's Auto Care on June 30, 2021 show that Respondents participated in a scheme to perform
18 at least one fraudulent smog check inspection by way of clean plugging, resulting in the issuance
19 of one fraudulent electronic Smog Check Certificate of Compliance.

20 **SURVEILLANCE #2: JULY 23, 2021**

21 36. On or about July 23, 2021, Bureau representatives Magaña and Casillas conducted a
22 second surveillance of the smog check activities at Kurdis's Auto Care. Representative Magaña
23 began taking photographs at approximately 1:44 p.m. Representative Casillas began video
24 recording Kurdi's Auto Care at 1:51 p.m. Surveillance concluded at approximately 4:28 p.m.
25 Representative Magaña also obtained smog check test data summary for Kurdi's Auto Care
26 corresponding with the July 23, 2021 surveillance. The test data summary shows that between
27 1:44 p.m. and 4:28 p.m., three smog check inspections were performed resulting in three passing
28

inspections and the issuance of three electronic Smog Check certificates to the following vehicles under Smog Check Inspector License Number EO 642414, issued to Respondent Ababneh:

TABLE 3					
No.	Fraudulent Test Date and Time	Technician	Vehicle (Year, Make, Model) Vin No. License No.	Certificate No.	Comment
3	7/23/2021 2:11 pm - 2:19 pm	Respondent Ababneh (EO 642414)	2005 Chevrolet Cobalt LS 1G1AL12F457669656 5RBJ190	IL913750C	Not observed in testing bay during time of inspection
4	7/23/2021 2:48 pm - 3:01 pm	Respondent Ababneh (EO 642414)	2007 Ford F150 1FTRX12W77KD18173 HASSAN4	SE360101C	Not observed in testing bay during time of inspection
5	7/23/2021 3:08 pm - 3:21 pm	Respondent Ababneh (EO 642414)	2009 Hyundai Sonata GLS 5NPET46F59H474588 6JN401	SE360102C	Not observed in testing bay during time of inspection

37. The surveillance and data analysis conducted on the smog check activities of Kurdi's Auto Care on July 23, 2021 show that Respondents participated in a scheme to perform at least three fraudulent smog check inspections by way of clean plugging, resulting in the issuance of three fraudulent electronic Smog Check Certificates of Compliance.

SURVEILLANCE #3: AUGUST 13, 2021

38. On or about August 13, 2021, Bureau representatives Magaña and Ortega conducted a third surveillance of the smog check activities at Kurdis's Auto Care. At 11:10 a.m., Representative Ortega began taking photographs. At 11:15 a.m., Representative Ortega began video recording Kurdi's Auto Care. At 11:16 a.m., Representative Magaña began video recording Kurdi's Auto Care. At 11:30 a.m., Representative Magaña began taking photographs. Surveillance concluded at approximately 2:58 p.m. Representative Magaña also obtained smog check test data summary for Kurdi's Auto Care corresponding with the August 13, 2021 surveillance. The test data summary shows that between 11:16 a.m. and 2:51 p.m., five smog check inspections were performed resulting in five passing inspections and the issuance of five electronic Smog Check certificates under Smog Check Inspector License Number EO 642414, issued to Respondent Ababneh:

TABLE 4					
No.	Fraudulent Test Date and Time	Technician	Vehicle (Year, Make, Model) Vin No. License No.	Certificate No.	Comment
6	8/13/2021 1:05 pm -1:17 pm	Respondent Ababneh (EO 642414)	2004 Ford F150 Supercrew 1FTPW12594KC92351 7N11811	SE734827C	Not observed in testing bay during time of inspection
7	8/13/2021 1:25 pm - 1:44 pm	Respondent Ababneh (EO 642414)	2006 Jeep Liberty Sport 1J4GL48KX6W270193 6JNN215	SE734828C	Not observed in testing bay during time of inspection
8	8/13/2021 1:50 pm - 2:02 pm	Respondent Ababneh (EO 642414)	2007 Nissan Versa S 3N1BC13E27L449323 6ACD208	SE734829C	Not observed in testing bay during time of inspection
9	8/13/2021 2:07 pm - 2:26 pm	Respondent Ababneh (EO 642414)	2011 Jeep Wrangler Unlimited Rubicon 1J4HA6H16BL604096 No license plate	SE734830C	Not observed in testing bay during time of inspection
10	8/13/2021 2:35 pm - 2:45 pm	Respondent Ababneh (EO 642414)	2004 Honda Civic DX VP 1HGES16364L004843 5EYJ811	SE734831C	Not observed in testing bay during time of inspection

39. The surveillance shows that between 11:20 a.m. and 2:51 p.m., a blue BMW (vanity plate ELKURDI) occupied the inspection bay during the entire period of surveillance.

40. The surveillance and data analysis conducted on the smog check activities of Kurdi's Auto Care on August 13, 2021 show that Respondents participated in a scheme to perform at least five fraudulent smog check inspections by way of clean plugging, resulting in the issuance of five fraudulent electronic Smog Check Certificates of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements:

Respondent Elkurdi - Automotive Repair Dealer Registration)

41. Respondent Elkurdi's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that between May 26, 2021 and August 13, 2021, Respondent Elkurdi made or authorized statements

1 which he knew, or in the exercise of reasonable care, should have known to be untrue or
2 misleading, as follows: Respondent certified that the vehicles set forth above in paragraphs 29
3 through 40 had passed smog check inspections and were in compliance with applicable laws and
4 regulations. In fact, Respondent used the clean plugging method in order to issue smog certificates
5 of compliance, and did not test or inspect the vehicles as required by Health and Safety Code
6 section 44012. Complainant refers to, and by this reference incorporates, the allegations set forth
7 above in paragraphs 29 through 40, inclusive, as though set forth fully herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Fraud: Respondent Elkurdi - Automotive Repair Dealer Registration)**

10 42. Respondent Elkurdi's Automotive Repair Dealer Registration is subject to disciplinary
11 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that
12 between May 26, 2021 and August 13, 2021, Respondent Elkurdi committed acts which constitute
13 fraud by issuing electronic smog certificates of compliance for the vehicles set forth above in
14 paragraphs 29 through 40 without performing bona fide inspections of the emission control devices
15 and systems on those vehicles, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this
17 reference incorporates, the allegations set forth above in paragraphs 29 through 40, inclusive, as
18 though set forth fully herein.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Material Violation of Automotive Repair Act:**

21 **Respondent Elkurdi - Automotive Repair Dealer Registration)**

22 43. Respondent Elkurdi's Automotive Repair Dealer Registration is subject to disciplinary
23 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that
24 between May 26, 2021 and August 13, 2021, Respondent Elkurdi failed in a material respect to
25 comply with the provisions of this chapter or regulations adopted pursuant to it when he issued
26 electronic smog certificates of compliance for the vehicles identified in paragraphs 29 through 40,
27 above, without performing bona fide inspections of the emission control devices and systems on
28 those vehicles, thereby depriving the People of the State of California of the protection afforded

1 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
2 incorporates, the allegations contained in paragraphs 29 through 40, above, as though set forth
3 fully herein.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program:**

6 **Respondent Elkurdi - Smog Check, Test Only, Station License)**

7 44. Respondent Elkurdi's Smog Check, Test Only, Station License is subject to
8 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that
9 between May 26, 2021 and August 13, 2021, regarding the vehicles set forth above in paragraphs
10 29 through 40, Respondent failed to comply with the following sections of the Health and Safety
11 Code:

12 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
13 performed on the vehicles, set forth in paragraphs 29 through 40, above, in accordance with
14 procedures prescribed by the department;

15 b. **Section 44015:** Respondent issued electronic smog certificates of compliance
16 for the vehicles set forth in paragraphs 29 through 40, above, without ensuring that the vehicles
17 met the requirements of section 44012; and

18 c. **Section 44072.10:** Respondent used the clean plugging method in order to issue
19 fraudulent smog certificates of compliance for the vehicles set forth in paragraphs 29 through 40,
20 above.

21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraphs 29 through 40, inclusive, as though set forth fully herein.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:**

25 **Respondent Elkurdi - Smog Check, Test Only, Station License)**

26 45. Respondent Elkurdi's Smog Check, Test Only, Station License is subject to
27 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that
28 between May 26, 2021 and August 13, 2021, regarding the vehicles set forth above in paragraphs

1 29 through 40, Respondent Elkurdi failed to comply with the following provisions of California
2 Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Elkurdi falsely or fraudulently
4 issued electronic smog certificates of compliance for the vehicles identified in paragraphs 29
5 through 40, above;

6 b. **Section 3340.35, subdivision (c):** Respondent Elkurdi issued electronic smog
7 certificates of compliance for the vehicles identified in paragraphs 29 through 40, above, even
8 though the vehicles had not been inspected in accordance with section 3340.42;

9 c. **Section 3340.42:** Respondent Elkurdi failed to ensure that the required smog
10 tests were conducted on the vehicles identified in paragraphs 29 through 40, above, in accordance
11 with the Bureau's specifications; and

12 d. **Section 3340.45:** Respondent Elkurdi failed to conduct the required smog tests
13 on the vehicles identified in paragraphs 29 through 40, above, in accordance with the Bureau's
14 specifications.

15 Complainant refers to, and by this reference incorporates, the allegations set forth above in
16 paragraphs 29 through 408, inclusive, as though set forth fully herein.

17 **SIXTH CAUSE FOR DISCIPLINE**

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

19 **Respondent Elkurdi - Smog Check, Test Only, Station License)**

20 46. Respondent Elkurdi's Smog Check, Test Only, Station License is subject to
21 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
22 conjunction with section 44072.10, subdivision (c), in that between May 26, 2021 and August 13,
23 2021, regarding the vehicles set forth above in paragraphs 29 through 40, Respondent Elkurdi
24 committed acts involving dishonesty, fraud, or deceit whereby another was injured by issuing
25 electronic smog certificates of compliance for those vehicles without performing bona fide
26 inspections of their emission control devices and systems, thereby depriving the People of the State
27 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
28

1 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 29
2 through 40, inclusive, as though set forth fully herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program:**

5 **Respondent Ababneh - Smog Check Inspector License)**

6 47. Respondent Ababneh's Smog Check Inspector and Smog Check Repair Technician
7 Licenses are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
8 (a), in that between May 26, 2021 and August 13, 2021, regarding the vehicles set forth above in
9 paragraphs 29 through 40, Respondent Ababneh failed to comply with the following sections of
10 the Health and Safety Code:

11 a. **Section 44012:** Respondent Ababneh failed to ensure that the emission control
12 tests were performed on the vehicles, set forth in paragraphs 29 through 40, above, in accordance
13 with procedures prescribed by the department;

14 b. **Section 44032:** Respondent Ababneh failed to perform tests of the emission
15 control devices and systems on the vehicles, set forth in paragraphs 29 through 40, above, in
16 accordance with Section 44012; and

17 d. **Section 44072.10:** Respondent Ababneh used the clean plugging method in
18 order to issue fraudulent smog certificates of compliance for the vehicles set forth in paragraphs
19 29 through 40, above.

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in
21 paragraphs 29 through 40, inclusive, as though set forth fully herein.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program:**

24 **Respondent Ababneh - Smog Check Inspector License)**

25 48. Respondent Ababneh's Smog Check Inspector and Smog Check Repair Technician
26 Licenses are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision
27 (c), in that between May 26, 2021 and August 13, 2021, regarding the vehicles set forth above in
28

1 paragraphs 29 through 40, Respondent Ababneh failed to comply with provisions of California
2 Code of Regulations, title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Ababneh falsely or fraudulently
4 issued electronic smog certificates of compliance for the vehicles identified in paragraphs 29
5 through 40, above;

6 b. **Section 3340.30, subdivision (a):** Respondent Ababneh failed to inspect and
7 test the vehicles identified in paragraphs 29 through 40, above, in accordance with Health and
8 Safety Code sections 44012 and 44035, and California Code of Regulations, title 16, section
9 3340.42;

10 c. **Section 3340.41, subdivision (c):** Respondent Ababneh knowingly entered
11 false information into the emissions inspection system for the vehicles identified in paragraphs 29
12 through 40, above;

13 d. **Section 3340.42:** Respondent Ababneh failed to ensure that the required smog
14 tests were conducted on the vehicles identified in paragraphs 29 through 40, above, in accordance
15 with the Bureau's specifications; and

16 e. **Section 3340.45:** Respondent Ababneh failed to conduct the required smog
17 tests on the vehicles identified in paragraphs 29 through 40, above, in accordance with the Bureau's
18 specifications.

19 Complainant refers to, and by this reference incorporates, the allegations contained in
20 paragraphs 29 through 40, above, as though set forth fully herein.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit: Respondent Ababneh - Smog Check Inspector Licenses)**

23 49. Respondent Ababneh's Smog Check Inspector and Smog Check Repair Technician
24 Licenses are subject to disciplinary action pursuant to Health and Safety Code section 44072.2,
25 subdivision (d), in conjunction with section 44072.10, subdivision (c), in that between May 26,
26 2021 and August 13, 2021, Respondent Ababneh committed dishonest, fraudulent, or deceitful
27 acts whereby another was injured by the issuance of an electronic smog certificate of compliance
28 for the vehicles set forth above in paragraphs 29 through 40, without performing bona fide

1 inspections of their emission control devices and systems, thereby depriving the People of the State
2 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant
3 refers to, and by this reference incorporates, the allegations contained in paragraphs 29 through
4 40, above, as though set forth fully herein.

5 **OTHER MATTERS**

6 50. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
7 Director may suspend, revoke, or place on probation the registration for all places of business
8 operated in this state by Respondent Elkurdi, upon a finding that he has, or is, engaged in a course
9 of repeated and willful violations of the laws and regulations pertaining to an automotive repair
10 dealer.

11 51. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
12 Number TC 298296, issued to Respondent Elkurdi, is revoked or suspended following a hearing,
13 any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety
14 Code in the name of said licensee may be likewise revoked or suspended by the Director.

15 52. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License
16 Number EO 642414, issued to Respondent Ababneh, is revoked or suspended following a hearing,
17 any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety
18 Code in the name of said licensee may be likewise revoked or suspended by the Director.

19 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
24 298296, issued to Amr Abdellatif Elkurdi dba Kurdi's Auto Care;

25 2. Revoking or suspending any other automotive repair dealer registration issued to Amr
26 Abdellatif Elkurdi;

27 3. Revoking or suspending Smog Check Test Only Station License Number TC 298296,
28 issued to Amr Abdellatif Elkurdi dba Kurdi's Auto Care;

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4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Amr Abdellatif Elkurdi;

5. Revoking or suspending Smog Check Inspector License Number EO 642414, issued to Abdallah Adbulkareem Ababneh;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Abdallah Adbulkareem Ababneh;

7. Ordering Amr Abdellatif Elkurdi and Abdallah Adbulkareem Ababneh to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: As of Digital Signature Date

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

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