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

11 In the Matter of the Accusation Against:	Case No. 77/25-8715
12 TAWAB A. MAYAR, DBA FIX-N-SMOG	ACCUSATION
13 318 N Tustin Ave	
14 Orange, CA 92867	
15 Automotive Repair Dealer Registration No.	
16 ARD 256247, Smog Check, Test-and-	
17 Repair, Station License Number RC 256247,	
18 -and-	
19 TAWAB MAYAR	
20 318 N Tustin St	
21 Orange, CA 92867	
22 Smog Check Inspector License Number EO	
23 644696	
24 Respondent.	

23 **PARTIES**

- 24 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
25 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.
- 26 2. On or about September 25, 2008, the Bureau of Automotive Repair issued
27 Automotive Repair Dealer Registration Number ARD 256247 to Tawab A. Mayar, dba Fix-N-
28 Smog (Respondent). The Automotive Repair Dealer Registration was in full force and effect at

1 all times relevant to the charges brought herein and will expire on September 30, 2026, unless
2 renewed.

3 3. On or about September 9, 2009, the Bureau of Automotive Repair issued Smog
4 Check, Test-and-Repair, Station License Number RC 256247 to Tawab A. Mayar, dba Fix-N-
5 Smog (Respondent). The Smog Check, Test-and-Repair, Station License was in full force and
6 effect at all times relevant to the charges brought herein and will expire on September 30, 2026,
7 unless renewed.

8 4. Respondent is also certified as a STAR Station. The certification was issued on May
9 19, 2015, and will remain active unless the ARD registration and/or Smog Check Station license
10 is revoked, canceled, licenses become delinquent, or the certification is invalidated.

11 5. On or about November 27, 2023, the Bureau of Automotive Repair issued Smog
12 Check Inspector License Number EO 644696 to Tawab A. Mayar (Respondent). The Smog
13 Check Inspector License was in full force and effect at all times relevant to the charges brought
14 herein and will expire on February 29, 2028, unless renewed.

15 JURISDICTION

16 6. This Accusation is brought before the Director of the Department of Consumer
17 Affairs ("Director") for the Bureau, under the authority of the following laws.

18 7. Code section 22 subdivision (a), of the Business and Professions Code¹ states:

19 "Board" as used in any provision of this Code, refers to the board in which the
20 administration of the provision is vested, and unless otherwise expressly provided,
21 "examining committee," "program," and "agency."

22 8. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes
23 "registration" and "certificate."

24 9. Code section 9884.7, subdivision (c), states, in pertinent part, that the Director may
25 refuse to validate, or may invalidate temporarily or permanently, the registration for all places of
26 business operated in this state by an automotive repair dealer upon a finding that the automotive
27

28 ¹ All statutory references herein shall be to the Business and Professions Code unless
specifically stated otherwise.

1 repair dealer has, or is, engaged in a course of repeated and willful violations of the laws and
2 regulations pertaining to an automotive repair dealer.

3 10. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid
4 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
5 proceeding against an automotive repair dealer or to render a decision invalidating a registration
6 temporarily or permanently.

7 **STATUTORY PROVISIONS**

8 11. Code section 9884.7 states, in pertinent part:

9 (a) The director, where the automotive repair dealer cannot show there was a
10 bona fide error, may deny, suspend, revoke, or place on probation the registration of
11 an automotive repair dealer for any of the following acts or omissions related to the
12 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.

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

15 ...

16 (3) Failing or refusing to give to a customer a copy of any document requiring
17 his or her signature, as soon as the customer signs the document.

18 (4) Any other conduct that constitutes fraud.

19 (5) Conduct constituting gross negligence.

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

22 (7) Any willful departure from or disregard of accepted trade standards for good
23 and workmanlike repair in any material respect, which is prejudicial to another
without consent of the owner or his or her duly authorized representative.

24 ...

25 12. Section 9884.8 of the Code states:

26 All work done by an automotive repair dealer, including all warranty work,
27 shall be recorded on an invoice and shall describe all service work done and parts
supplied. Service work and parts shall be listed separately on the invoice, which shall
28 also state separately the subtotal prices for service work and for parts, not including

1 sales tax, and shall state separately the sales tax, if any, applicable to each. If any
2 used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that
3 fact. If a part of a component system is composed of new and used, rebuilt or
4 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include
5 a statement indicating whether any crash parts are original equipment manufacturer
6 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy
7 of the invoice shall be given to the customer and one copy shall be retained by the
8 automotive repair dealer.

9 13. Section 44072.2 of the Health and Safety Code states:

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

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

16 ...

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

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

21 ...

22 REGULATORY PROVISIONS

23 14. California Code of Regulations, Title 16, section 3356 states, in pertinent part:

24 (a) All invoices for service and repair work performed, and parts supplied, as
25 provided for in Section 9884.8 of the Business and Professions Code, shall comply
26 with this section.

27 (b) The invoice shall show the automotive repair dealer's registration number
28 and the corresponding business name and address as shown in the Bureau's records.

(c) The invoice shall separately list, describe and identify all of the following:

(1) All services and repairs performed, including any diagnosis or warranty
repairs, and the prices for each.

(2) Each part supplied, in such a manner that the customer can understand what
was purchased, and the price for each described part. The description of each part
shall state whether the part was new, used, reconditioned, rebuilt, an OEM crash part,
or a non-OEM aftermarket crash part. Part kits containing several components may be

1 listed as a single part on the invoice and identified by brand name and corresponding
2 part number or similar designation.

3 (3) The subtotal price for all service and repair work performed.

4 (4) The subtotal price for all parts supplied, not including sales tax.

5 (5) The applicable sales tax, if any.

6 (6) The total cost for all service and repair work, parts supplied and applicable
7 sales tax.

8 ...

9 (f) If a customer is to be charged for a part, that part shall be specifically listed
10 as an item in the invoice, as provided in paragraph (2) of subsection (c) above. If that
11 item is not listed in the invoice, it shall not be regarded as a part, and a separate
12 charge may not be made for it.

12 ...

13 15. California Code of Regulations, Title 16, section 3371, states:

14 No automotive repair dealer shall publish, utter, or make or cause to be
15 published, uttered, or made any false or misleading statement or advertisement which
16 is known to be false or misleading, or which by the exercise of reasonable care should
17 be known to be false or misleading. Advertisements and advertising signs shall
18 clearly show the name and address listed on the automotive repair dealer's State
19 registration certificate.

20 16. California Code of Regulations, Title 16, section 3373 states:

21 No automotive repair dealer or individual in charge shall, in filling out an
22 estimate, invoice, or work order, or record required to be maintained by section
23 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or
24 information which will cause any such document to be false or misleading, or where
25 the tendency or effect thereby would be to mislead or deceive customers, prospective
26 customers, or the public.

27 COST RECOVERY

28 17. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 **FACTUAL ALLEGATIONS**

2 **VEHICLE UNDERCOVER OPERATION #1**

3 18. On April 18, 2025, Bureau Representative G.H. began documenting the fuel, air, and
4 ignition systems on the Bureau's 2012 Honda. On May 1, 2025, Bureau Representative G.H.
5 rendered the Honda's cylinder two (2) fuel injector electronically defective ultimately causing an
6 engine misfire and an illuminated Malfunction Indicator Lamp with a stored Diagnostic Trouble
7 Code of P0302. The only repair necessary to correct the defect that was created was to replace
8 cylinder two (2) fuel injector.

9 19. On May 27, 2025, at approximately 1048 hours, Bureau representative I.O. provided
10 an undercover operator with the telephone number to Fix-N-Smog. Bureau representative I.O.
11 instructed the undercover operator to call Fix-N-Smog to ask if they would be able to take the
12 Honda in for a rough running condition along with an illuminated Malfunction Indicator Lamp
13 (commonly known as the check engine light). The undercover operator dialed the phone number
14 and an individual who identified himself as "Alex" answered. The undercover operator proceeded
15 to ask Alex if he would be able to take the Honda in that day for a rough running condition along
16 with an illuminated check engine light and asked if there would be a charge.

17 20. Alex stated to the undercover operator that he could bring the vehicle in and that there
18 would be a \$115.00 charge. The undercover operator then informed Alex that he would take the
19 vehicle to him in the next fifteen (15) minutes, and they then ended the phone call.

20 21. At approximately 1053 hours, Bureau representative I.O. instructed the undercover
21 operator to drive to Fix-N-Smog located at 318 N Tustin Ave Orange, California. Bureau
22 representative I.O. instructed the undercover operator to request a diagnosis of the Honda's rough
23 running condition and the illuminated check engine light. Bureau representative I.O. also
24 provided the undercover operator with a fictitious name, address and phone number.

25 22. At approximately 1058 hours, the undercover operator arrived at Fix-N-Smog and
26 upon entering the office area, he was greeted by an individual who identified himself as Alex.
27 After informing Alex that he had just called regarding a rough running vehicle and check engine

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1 light problem, the undercover operator was instructed to park the Honda in the back and to meet
2 him (Alex) in the office.

3 23. Once in the office, Alex asked the undercover operator to fill out a document with his
4 name, address, and phone number. The undercover operator was told to sign the document as
5 well. After Alex provided the undercover operator with a copy of the document he had just filled
6 out and signed, the undercover operator was told that he would be called once the vehicle was
7 checked out. The undercover operator thanked Alex and departed Fix-N-Smog at approximately
8 1106 hours.

9 24. Later that same day, at approximately 1134 hours, Alex called the undercover
10 operator. Alex informed the undercover operator that a hard misfire had been found on cylinder
11 two (2) and that he wanted to start with option "A" which was replacing all the spark plugs and
12 the ignition coil for cylinder two (2). Alex said that if it doesn't fix the problem, he would then do
13 option "B" which would be to perform a compression test for an additional cost of \$90.00.
14 Subsequently, Alex stated that if the compression test came up good, then he would move on to
15 option "C" which would be to replace the fuel injector for cylinder two (2) for an additional cost
16 of \$280.00. Alex explained that hopefully the vehicle could be fixed with option "A", replacing
17 the spark plugs and ignition coil for cylinder two (2), since the vehicle did not show any vacuum
18 leaks and no random misfire faults were stored. Alex then added that although there were no
19 stored fault codes for the catalytic converter, he hoped that it would be in good condition as the
20 vehicle was dumping fuel into it due to the misfire. Alex stated that a catalytic converter's shelf
21 life is around 100000 miles, and that the vehicle would eventually need it. The undercover
22 operator informed Alex that he would call him back with an answer on how to proceed.

23 25. Shortly thereafter, the undercover operator telephoned Bureau representative I.O. and
24 relayed the conversation he had with Alex. Bureau representative I.O. instructed the undercover
25 operator to approve what Alex had stated was needed. As instructed by Bureau representative
26 I.O., the undercover operator called Fix-N-Smog and spoke with Alex to inform him that he was
27 approving option "A". Alex stated he would notify the undercover operator of the results.

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1 26. Later that same day, at approximately 1514 hours, the undercover operator received a
2 call from Alex. Alex stated that he had replaced the spark plugs for all cylinders and the ignition
3 coil for cylinder two (2) as option "A". However, the vehicle still had a misfire, and he would
4 now have to move on to option "B" and check compression for an additional \$90.00 as previously
5 discussed. Alex added that if compression was good, then he would move on to option "C" and
6 replace the fuel injector for cylinder two (2) and that hopefully that would fix the problem. Alex
7 stated that it would cost \$280.00 to replace the fuel injector for cylinder two (2) bringing the total
8 to \$650.00 if needed. Alex further stated that it would include a one (1) year or 12000-mile
9 warranty. As previously instructed by Bureau representative I.O., the undercover operator
10 informed Alex to first perform the compression test and notify him of the results. The undercover
11 operator thanked Alex and ended the phone call.

12 27. On May 28, 2025, at approximately 0941 hours, the undercover operator received a
13 call from Alex. Alex stated that the vehicle was done and that it was running beautifully. Alex
14 stated that he replaced four (4) spark plugs, the ignition coil for cylinder two (2), and the fuel
15 injector for cylinder two (2). Alex stated the compression on the engine was good.

16 28. Alex further stated that a fault code was still stored in the vehicle but that it would go
17 away after driving it a few hundred miles. Alex stated that the total would be \$650.00 if paid in
18 cash or an additional four (4) percent if paid with a credit card. Alex then asked if the undercover
19 operator would be picking up the vehicle that same day, to which the undercover operator replied
20 that he would let him know later. The undercover operator then ended the phone call.

21 29. The undercover operator called Bureau representative I.O. and relayed the
22 conversation he had with Alex. Bureau representative I.O. informed the undercover operator that
23 we would be retrieving the vehicle the following day. Later that day, at approximately 1615
24 hours, the undercover operator called Alex and informed him that he would be able to retrieve the
25 vehicle the following day on May 29, 2025, to which he agreed. The undercover operator thanked
26 Alex and ended the phone call.

27 30. On May 29, 2025, at approximately 0938 hours, the undercover operator walked into
28 Fix-N-Smog and met with Alex. The undercover operator told Alex that he was there to pick up

1 the Honda. Alex walked away and then returned with a document which he had the undercover
2 operator sign. After signing the document, the undercover operator placed \$700.00 on the counter
3 and Alex provided him with \$50.00 in cash as the change. Alex then provided the undercover
4 operator with a copy of the document Alex had him sign. After briefly discussing the transaction,
5 Alex provided the undercover operator with the old parts that had been removed from the vehicle.
6 Alex showed the undercover operator one (1) of the spark plugs that had been replaced and said
7 that it was rusty and then pointed to the tip of the spark plug. The undercover operator asked Alex
8 if he thought the spark plugs replacement was needed since the fuel injector ultimately fixed the
9 Honda. Alex responded by stating that it was preventative maintenance. Alex then reiterated the
10 12000 miles warranty and added that if there were any issues with the vehicle, to go ahead and
11 bring the vehicle back. Alex then handed the undercover operator the keys to the Honda. The
12 undercover operator thanked Alex and departed at approximately 0945.

13 31. Prior to the release on May 27, 2025, of the Bureau's 2012 Honda, Bureau
14 representative G.H. installed a defective fuel injector in cylinder #2 which caused an engine
15 misfire condition. The diagnosis and replacement of the fuel injector at cylinder #2 was the only
16 repair needed.

17 32. On May 29, 2025, Bureau Representative G.H. performed a re-inspection on the
18 Bureau's 2012 Honda using a copy of the Fix-N-Smog document that had been provided to the
19 undercover operator. Bureau representative G.H. confirmed that the fuel injector for cylinder #2
20 was replaced as invoiced, correcting the engine misfire condition. However, this vehicle's spark
21 plugs, and ignition coils were documented in good working condition and not in need of
22 replacement. Although Respondent did replace the cylinder #2 ignition coil and all four (4) of the
23 vehicle's spark plugs as stated on their invoice, replacement of the cylinder #2 ignition coil and all
24 four (4) spark plugs were not needed or required to repair the engine misfire condition.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 33. Respondent's ARD registration is subject to disciplinary action under Code section
4 9884.7, subdivisions (a)(4) and (a)(6), in that Respondent committed acts constituting fraud in
5 that Respondent Fix-N-Smog misrepresented a \$115.00 "Engine Performance Diagnosis" charge
6 both verbally by phone and later in writing. Rather than performing an actual diagnosis and
7 subsequently providing a legitimate finding based on their diagnosis during the undercover
8 operation, Respondent pushed multiple options designed to benefit Respondent Fix-N-Smog at
9 the Bureau's expense. Respondent Fix-N-Smog falsely reported to the Bureau's undercover
10 operator that the vehicle was dumping fuel into the catalytic converter due to the misfire. This is a
11 false statement as the number two (2) injector was rendered inoperable and therefore no fuel
12 could pass through it. Respondent Fix-N-Smog defrauded the Bureau by selling and charging for
13 parts and services totaling \$381.28 that were not needed as set forth in paragraphs 18-32, above
14 which are incorporated herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statements)**

17 34. Respondent's ARD registration is subject to disciplinary action under Code section
18 9884.7, subdivisions (a)(1), and (a)(6) in conjunction with California Code of Regulations, Title
19 16, Section 3371, in that Respondent made untrue or misleading statements that were known to be
20 false or misleading, or which by the exercise of reasonable care should be known to be false or
21 misleading, in that Respondent Fix-N-Smog misrepresented a \$115.00 "Engine Performance
22 Diagnosis" charge both verbally by phone and later in writing. Rather than performing an actual
23 diagnosis and subsequently providing a legitimate finding based on their diagnosis during the
24 undercover operation, Respondent pushed multiple options designed to benefit Respondent Fix-
25 N-Smog at the Bureau's expense. Respondent Fix-N-Smog falsely reported to the Bureau's
26 undercover operator that the vehicle was dumping fuel into the catalytic converter due to the
27 misfire. This is a false statement as the number two (2) injector was rendered inoperable and
28 therefore no fuel could pass through it. Respondent Fix-N-Smog provided the Bureau's

1 undercover operator with an invoice (Fix-N-Smog yellow colored document numbered 07699)
2 that contained misleading information on it. The document states, "Compression test \$90".
3 Although this appears to be a service that was provided to all four (4) cylinders of the engine,
4 owner Mayar specifically stated to the Bureau that he had performed a compression test only on
5 cylinder two (2), which is also supported by Fix-N-Smog's own document when it referenced just
6 one reading "Run Compression 150 PSI Engine Good" instead of referencing four (4) different
7 readings. Respondent Fix-N-Smog defrauded the Bureau by selling and charging for parts and
8 services totaling \$381.28 that were not needed as set forth in paragraphs 18-32, above which are
9 incorporated herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **Failure to Accurately Record all Service and Repair Work Performed)**

12 35. Respondent's ARD registration is subject to disciplinary action under Code section
13 9884.8 in that Respondent failed to accurately describe all service work done and parts supplied
14 in that Respondent Fix-N-Smog provided the Bureau's undercover operator with an invoice (Fix-
15 N-Smog yellow colored document numbered 07699) that did not meet invoice requirements. The
16 document states, "Tune UP" and "\$149.90". It's unclear as to what was done as part of this "Tune
17 UP" as set forth in paragraphs 18-32, above which are incorporated herein.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations)**

20 36. Respondent's ARD registration is subject to disciplinary action pursuant to Code
21 section 9884.7, subdivision (a)(6), in that Respondent failed to comply with the following
22 regulations as set forth in paragraphs 18-32, above which are incorporated herein:

23 a. **California Code of Regulations, title 16, section §3356 subdivision (c)(1):**

24 Respondent failed to accurately describe all service work done and parts supplied in that
25 Respondent Fix-N-Smog provided the Bureau's undercover operator with an invoice (Fix-N-
26 Smog yellow colored document numbered 07699) that did not meet invoice requirements. The
27 document states, "Tune UP" and "\$149.90". It's unclear as to what was done as part of this "Tune
28 UP".

1 b. **California Code of Regulations, title 16, section §3373:** Respondent made untrue
2 or misleading statements that were known to be false or misleading, or which by the exercise of
3 reasonable care should be known to be false or misleading, in that Respondent Fix-N-Smog
4 misrepresented a \$115.00 “Engine Performance Diagnosis” charge both verbally by phone and
5 later in writing. Rather than performing an actual diagnosis and subsequently providing a
6 legitimate finding based on their diagnosis during the undercover operation, Respondent pushed
7 multiple options designed to benefit Respondent Fix-N-Smog at the Bureau’s expense.
8 Respondent Fix-N-Smog falsely reported to the Bureau’s undercover operator that the vehicle
9 was dumping fuel into the catalytic converter due to the misfire. This is a false statement as the
10 number two (2) injector was rendered inoperable and therefore no fuel could pass through it.
11 Respondent Fix-N-Smog provided the Bureau’s undercover operator with an invoice (Fix-N-
12 Smog yellow colored document numbered 07699) that contained misleading information on it.
13 The document states, “Compression test \$90”. Although this appears to be a service that was
14 provided to all four (4) cylinders of the engine, owner Mayar specifically stated to the Bureau that
15 he had performed a compression test only on cylinder two (2), which is also supported by Fix-N-
16 Smog’s own document when it referenced just one reading “Run Compression 150 PSI Engine
17 Good” instead of referencing four (4) different readings. Respondent Fix-N-Smog defrauded the
18 Bureau by selling and charging for parts and services totaling \$381.28 that were not needed.

19 **UNDERCOVER VEHICLE OPERATION #2**

20 37. On November 21, 2025, Bureau Representative G.H. began documenting the fuel
21 system, ignition system, and the computerized engine controls on the Bureau’s 2007 Jeep. On
22 December 15, 2025, Bureau Representative G.H. Hernandez intentionally installed a defective
23 Manifold Absolute Pressure (MAP) sensor which he had previously modified. The installed MAP
24 sensor caused the engine to operate very poorly with a rough and unstable idle and an illuminated
25 Malfunction Indicator Lamp. The only repair necessary to correct the defect that was created was
26 to replace the MAP sensor.

27 38. On December 19, 2025, Bureau Representative G.H. transferred custody of the Jeep
28 to Bureau representative I.O. At approximately 1001 hours, Bureau representative I.O. provided

1 an undercover operator with the telephone number to Fix-N-Smog. Bureau representative I.O.
2 instructed the undercover operator to call Fix-N-Smog to ask if they could take in the Jeep for a
3 diagnosis of an illuminated check engine light and if there would be a cost.

4 39. The undercover operator dialed the number and an individual who identified himself
5 as "Alex" answered the phone. The undercover operator asked Alex if he would be able to take a
6 vehicle as a walk-in for an illuminated check engine light and if there was a cost. Alex replied
7 "yes" and stated that it would cost \$125.00 for the diagnosis. The undercover operator informed
8 Alex that she would make the vehicle available later that day and they then ended the phone call.

9 40. At approximately 1012 hours, Bureau representative I.O. instructed the undercover
10 operator to drive to Fix-N-Smog located at 318 N Tustin Ave Orange, California. Bureau
11 representative I.O. instructed the undercover operator to request a diagnosis for the Jeep's
12 illuminated check engine light. Bureau representative I.O. also provided the undercover operator
13 with a fictitious name, address and phone number.

14 41. At approximately 1021 hours, the undercover operator arrived at Fix-N-Smog and
15 upon entering the office area, she was greeted by Alex. After informing Alex that she had just
16 called regarding a walk-in check engine light diagnosis, he asked her to fill out a document with
17 her name, address, and phone number. After briefly discussing the Jeep's check engine light and
18 rough running condition, Alex had the undercover operator sign and date the bottom of the
19 document for the \$125.00 diagnosis and provided her with a copy of the document. The
20 undercover operator handed the keys to the Jeep to Alex and then departed Fix-N-Smog at
21 approximately 1027 hours.

22 42. At approximately 1510 hours, the undercover operator spoke again with Alex at Fix-
23 N-Smog via phone and Alex stated that there was a fuel issue with both banks as it had fault
24 codes P0172 and P0175 stored. Alex stated that there were two (2) choices for those fault codes,
25 either both front oxygen sensors or the fuel pressure regulator in the fuel tank. Alex added that the
26 fuel trim was at minus thirty-three (33) percent but should be closer to zero (0) percent. Alex
27 stated that the two (2) choices just mentioned were the only things that would cause the Jeep to
28 run rich other than the Powertrain Control Module (PCM) which would require more diagnostic

1 time and cost much more. Alex stated that he would replace both front oxygen sensors, clear the
2 fault codes and then drive the vehicle for \$300.00 which would include the diagnosis fee. Alex
3 then stated that if the oxygen sensors repaired the Jeep "then great" but if not, the fuel pressure
4 regulator would need to be replaced in the amount of \$750.00 for parts and labor. The undercover
5 operator informed Alex that she would have to discuss this with her father and that she would call
6 him back with a response.

7 43. At approximately 1523 hours, the undercover operator called Bureau representative
8 I.O. and relayed the conversation she had with Alex. Bureau representative I.O. instructed the
9 undercover operator to call Alex and clarify if the oxygen sensors would repair the Jeep and if so,
10 to go ahead and approve the replacement of both oxygen sensors. Bureau representative I.O. also
11 instructed the undercover operator to ask if the oxygen sensors would be removed and not
12 charged for if they did not repair the Jeep.

13 44. At approximately 1540 hours, the undercover operator called Alex at Fix-N-Smog.
14 The undercover operator asked Alex if the oxygen sensors would be removed and not charged if
15 they did not repair the Jeep. Alex stated that the undercover operator would have to pay for the
16 oxygen sensors once installed if they did not repair the Jeep as they could not be returned at that
17 point. Alex then added and stated that the current oxygen sensors installed on the Jeep were the
18 original oxygen sensors. Alex stated that oxygen sensors are a common failure on the Jeep and
19 should be changed every 60000 miles. Alex stated that he had performed a fuel pressure test on
20 the Jeep and that it was normal, and although he was not one hundred (100) percent sure, he felt
21 the oxygen sensors would fix the problem. The undercover operator then approved the
22 replacement of both oxygen sensors and ended the phone call.

23 45. On December 20, 2025, at approximately 1608 hours the undercover operator spoke
24 again with Alex via phone. Alex stated that both oxygen sensors had been replaced, and the codes
25 had been cleared. Alex stated that after removing the sensors he discovered that they were
26 aftermarket and completely blackened. Alex added that the Jeep had been driven and was good
27 for a few minutes but then the check engine light illuminated and that the vehicle started running
28

1 rough. Alex stated the same fault codes were stored and that he checked the fuel pressure once
2 again but found it to be normal.

3 46. Alex stated he was very confident it was the PCM, but not one hundred (100) percent
4 sure, so he was going to bring an expert friend that used to work at a dealership to help him
5 diagnose. Alex added that this was a very rare problem but was confident they could "nail it".
6 Alex stated that the Jeep's rough running condition was scary, unsafe and unreliable as it would
7 destroy the catalytic converter completely. The undercover operator then ended the phone call.
8 During the discussion, Alex made no mention of any additional charges.

9 47. On December 23, 2025, at approximately 0906 hours, the undercover operator spoke
10 with Alex via phone. Alex stated that he and his expert friend spent 3 ½ hours attempting to
11 diagnose the Jeep but were unable to figure out the problem. Alex stated that there was another
12 facility nearby to which he could sublet the Jeep too, or the undercover operator would be able to
13 take it there herself. Alex stated it was not something simple to figure out and although he was
14 still leaning towards a PCM, he wanted to be sure prior to selling the undercover operator another
15 repair and ending up in the same situation. Alex mentioned the other facility would charge
16 \$149.00 an hour for diagnosis but would not know how much time it would require diagnosing
17 the problem. Alex added that a dealership would easily charge \$250.00 per hour of diagnosis.
18 Alex stated that he would check availability with the facility and let the undercover operator
19 know. The undercover operator then ended the phone call.

20 48. At approximately 0916, the undercover operator called Bureau representative I.O.
21 and relayed the conversation she had with Alex. At approximately 1020, Bureau representative
22 I.O. called and instructed the undercover operator to call Alex back and inform him that she
23 would be retrieving the vehicle later that day.

24 49. At approximately 1046 hours, the undercover operator called Alex and informed him
25 that she would be retrieving the vehicle later that day.

26 50. At approximately 1218 hours, the undercover operator walked into Fix-N-Smog and
27 met with Alex. Alex presented the undercover operator with a document and asked her to sign at
28 the bottom of the document, and she then paid him \$300.00 in cash as requested. Alex then

1 handed the undercover operator a copy of the document she had just signed. Alex proceeded to
2 show the undercover operator both oxygen sensors that had been removed from the Jeep and
3 asked if she wanted to keep them, to which she replied yes. The undercover operator then
4 departed Fix-N-Smog at approximately 1238 hours.

5 51. Prior to the release on December 19, 2025, of the Bureau's 2007 Jeep, Bureau
6 representative G.H. installed a defective MAP sensor which caused an engine running rich and
7 rough condition, and an illuminated MIL. The diagnosis and replacement of the MAP sensor,
8 followed by clearing the ECM memory, was the only repair needed.

9 52. On January 7, 2026, Bureau representative G.H. re-inspected the Jeep using a copy of
10 the Fix-N-Smog document that had been provided to the undercover operator. Bureau
11 representative G.H. confirmed that two (2) upstream oxygen sensors were replaced, as invoiced.
12 However, the running rich and rough condition was not repaired, and the engine continued to
13 operate poorly with an illuminated MIL. This vehicle's upstream oxygen sensors were
14 documented in good working condition and not in need of replacement. Although the repair
15 facility did replace the upstream oxygen sensors as stated on their invoice, the replacement of the
16 upstream oxygen sensors was not needed or required to repair the engine rich and rough running
17 condition and illuminated MIL. This vehicle, as received, was not repaired.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 53. Respondent's ARD registration is subject to disciplinary action under Code section
21 9884.7, subdivisions (a)(4) and (a)(6), in that Respondent committed acts constituting fraud in
22 that Fix-N-Smog misrepresented a \$125.00 "Engine Performance Diagnosis" charge both
23 verbally by phone and later in writing. Rather than performing an actual diagnosis and
24 subsequently providing a legitimate finding based on their diagnosis during the undercover
25 operation, Respondent pushed two (2) options designed to benefit Respondent Fix-N-Smog at the
26 Bureau's expense. Respondent Fix-N-Smog falsely reported to the Bureau's undercover operator
27 that the vehicle's oxygen sensors are a common failure and should be changed every 60,000
28 miles. This is a false statement as there is no such maintenance interval for this vehicle.

1 Moreover, Respondent Fix-N-Smog defrauded the Bureau by selling and charging for parts and
2 services totaling \$300.00 that were not needed as set forth in paragraphs 37-52, above which are
3 incorporated herein.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Untrue or Misleading Statements)**

6 54. Respondent's ARD registration is subject to disciplinary action under Code section
7 9884.7, subdivisions (a)(1), and (a)(6) in conjunction with California Code of Regulations, Title
8 16, Section 3371, in that Respondent made untrue or misleading statements that were known to be
9 false or misleading, or which by the exercise of reasonable care should be known to be false or
10 misleading, in that Respondent Fix-N-Smog misrepresented a \$125.00 "Engine Performance
11 Diagnosis" charge both verbally by phone and later in writing. Rather than performing an actual
12 diagnosis and subsequently providing a legitimate finding based on their diagnosis during the
13 undercover operation, Respondent pushed two (2) options designed to benefit Respondent Fix-N-
14 Smog at the Bureau's expense. Respondent Fix-N-Smog falsely reported to the Bureau's
15 undercover operator that the vehicle's oxygen sensors are a common failure and should be
16 changed every 60,000 miles. This is a false statement as there is no such maintenance interval for
17 this vehicle. Moreover, Respondent Fix-N-Smog defrauded the Bureau by selling and charging
18 for parts and services totaling \$300.00 that were not needed as set forth in paragraphs 37-52,
19 above which are incorporated herein.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations)**

22 55. Respondent's ARD registration is subject to disciplinary action pursuant to Code
23 section 9884.7, subdivision (a)(6), in that Respondent failed to comply with the following
24 regulation as set forth in paragraphs 37-52, above which are incorporated herein:

25 a. **California Code of Regulations, title 16, section §3373:** Respondent made untrue
26 or misleading statements that were known to be false or misleading, or which by the exercise of
27 reasonable care should be known to be false or misleading, in that Respondent Fix-N-Smog
28 misrepresented a \$125.00 "Engine Performance Diagnosis" charge both verbally by phone and

1 later in writing. Rather than performing an actual diagnosis and subsequently providing a
2 legitimate finding based on their diagnosis during the undercover operation, Respondent pushed
3 two (2) options designed to benefit Respondent Fix-N-Smog at the Bureau's expense. Respondent
4 Fix-N-Smog falsely reported to the Bureau's undercover operator that the vehicle's oxygen
5 sensors are a common failure and should be changed every 60,000 miles. This is a false statement
6 as there is no such maintenance interval for this vehicle. Moreover, Respondent Fix-N-Smog
7 defrauded the Bureau by selling and charging for parts and services totaling \$300.00 that were not
8 needed as set forth in paragraphs 37-52, above which are incorporated herein.

9 **EIGHTH CAUSE FOR DISCIPLINE**

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

11 56. Respondent's smog check station license and Smog Check Inspector License are
12 subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d),
13 in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that Respondent
14 Fix-N-Smog's employee's committed acts involving dishonesty, fraud or deceit whereby another
15 was injured as set forth in paragraphs 18-32 and 37-52.

16 **OTHER MATTERS**

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

22 58. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test-and-Repair,
23 Station License Number RC 256247, issued to Tawab A. Mayar, dba Fix-N-Smog is revoked or
24 suspended following a hearing under this article, any additional license issued under Chapter 5,
25 Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the
26 Director.

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28 ///

1 59. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License
2 Number EO 644696, issued to Tawab A. Mayar is revoked or suspended following a hearing
3 under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name
4 of said licensee may be likewise revoked or suspended by the Director.

5 **PRAYER**

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

- 9 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
10 256247, issued to Tawab A. Mayar, dba Fix-N-Smog;
- 11 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
12 Tawab A. Mayar;
- 13 3. Revoking or suspending Smog Check, Test-and-Repair, Station License Number RC
14 256247, issued to Tawab A. Mayar, dba Fix-N-Smog;
- 15 4. Revoking or suspending Smog Check Inspector License Number EO 644696, issued
16 to Tawab A. Mayar;
- 17 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health and Safety Code in the name of Respondent Tawab A. Mayar;
- 19 6. Ordering Tawab A. Mayar to pay the Bureau of Automotive Repair the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3 and if placed on probation, the costs of probation monitoring; and,
- 22 7. Taking such other and further action as deemed necessary and proper.

23 DATED: As of Digital Signature

24 **Dorais,**
Patrick@DCA
Digitally signed by Dorais,
Patrick@DCA
Date: 2026.05.18 16:14:05
-07'00'

25 **PATRICK DORAIS**
26 Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant

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