

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

In the Matter of the Accusation Against:

**DISCOUNT AUTO CENTER;
MOHAMMAD MOSA, OWNER
4811 Van Buren Boulevard, Suite D
Riverside, CA 92503**

Automotive Repair Dealer Registration
No. ARD 215443
Smog Check Station License No. RC 215443
Lamp Station License No. LS 215443
Brake Station License No. BS 215443

and

**MARTIN DANA ROTHSTEIN
4210 Pierce Street
Riverside, CA 92505**

Advanced Emissions Specialist Technician
License No. EA 142445

Respondents.

Case No. 79/09-79

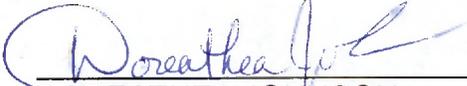
OAH No. 2009090240

DECISION AND ORDER

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

This Decision shall become effective on 4/22/10.

DATED: March 15, 2010



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE
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Attorneys for Complainant

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

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14 **4811 Van Buren Boulevard, Suite D**
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OAH No. 2009090240

15 **Automotive Repair Dealer Registration**
No. ARD 215443
16 **Smog Check Station License No. RC 215443**
17 **Lamp Station License No. LS 215443**
18 **Brake Station License No. BS 215443**

STIPULATED REVOCATION AND
DISCIPLINARY ORDER

19 and

20 **MARTIN DANA ROTHSTEIN**
4210 Pierce Street
Riverside, CA 92505

21 **Advanced Emission Specialist Technician**
22 **License No. EA 142445**

23
24 Respondents.

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

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1 PARTIES

2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
3 brought this action solely in her official capacity and is represented in this matter by Edmund G.
4 Brown Jr., Attorney General of the State of California, by Rita M. Lane, Deputy Attorney
5 General.

6 2. Respondent Discount Auto Center; Mohammad Mosa, Owner, is represented in this
7 proceeding by attorney Michael B. Levin, whose address is 3727 Camino del Rio S., Suite 200,
8 San Diego, CA 92108.

9 3. On or about April 10, 2001, the Bureau of Automotive Repair issued Automotive
10 Repair Dealer Registration No. ARD 215443 to Discount Auto Center; Mohammad Mosa,
11 Owner. The Automotive Repair Dealer Registration was in full force and effect at all times
12 relevant to the charges brought in Accusation No. 79/09-79 and will expire on March 31, 2010,
13 unless renewed.

14 4. On or about May 18, 2001, the Bureau of Automotive Repair issued Smog Check
15 Station License No. RC 215443 to Discount Auto Center; Mohammad Mosa, Owner. The Smog
16 Check Station License was in full force and effect at all times relevant to the charges brought in
17 Accusation No. 79/09-79 and will expire on March 31, 2010, unless renewed.

18 5. On or about December 20, 2006, the Bureau of Automotive Repair issued Lamp
19 Station License, Class A No. LS 215443 to Discount Auto Center; Mohammad Mosa, Owner.
20 The Lamp Station License was in full force and effect at all times relevant to the charges brought
21 in Accusation No. 79/09-79 and will expire on March 31, 2010, unless renewed.

22 6. On or about December 20, 2006, the Bureau of Automotive Repair issued Brake
23 Station License, Class C No. BS 215443 to Discount Auto Center; Mohammad Mosa, Owner
24 (Respondent). The Brake Station License was in full force and effect at all times relevant to the
25 charges brought in Accusation No. 79/09-79 and will expire on March 31, 2010, unless renewed.

26 JURISDICTION

27 7. Accusation No. 79/09-79 was filed before the Director of Consumer Affairs
28 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against

1 Respondent. The Accusation and all other statutorily required documents were properly served
2 on Respondent on March 9, 2009. Respondent timely filed his Notice of Defense contesting the
3 Accusation. A copy of Accusation No. 79/09-79 is attached as Exhibit A and incorporated herein
4 by reference.

5 ADVISEMENT AND WAIVERS

6 8. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in Accusation No. 79/09-79. Respondent has also carefully read, fully
8 discussed with counsel, and understands the effects of this Stipulated Revocation and Disciplinary
9 Order.

10 9. 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 him; 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 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
17 every right set forth above.

18 CULPABILITY

19 11. Respondent admits the truth of each and every charge and allegation in Accusation
20 No. 79/09-79.

21 12. Respondent agrees that his Automotive Repair Dealer Registration, Smog Check
22 Station License, Lamp Station License and Brake Station License are subject to discipline and he
23 agrees to be bound by the Director's imposition of discipline as set forth in the Disciplinary Order
24 below.

25 RESERVATION

26 13. The admissions made by Respondent herein are only for the purposes of this
27 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of

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1 Automotive Repair, or other professional licensing agency is involved, and shall not be
2 admissible in any other criminal or civil proceeding.

3 CONTINGENCY

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

14 15. The parties understand and agree that facsimile copies of this Stipulated Revocation
15 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
16 effect as the originals.

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

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

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 215443,
28 Smog Check Station License No. RC 215443, Lamp Station License No. LS 215443, Class A,

1 and Brake Station license No. BS 215443, Class C, all issued to Respondent Discount Auto
2 Center, Mohammad Mosa, Owner, are revoked.

3 1. Respondent shall lose all rights and privileges as an automotive repair dealer, smog
4 check station, lamp station and brake station in California immediately upon the issuance of the
5 Director's Decision and Order.

6 2. Respondent shall cause to be delivered to the Bureau both his Automotive Repair
7 Dealer Registration's wall and pocket certificates, his smog check station license, lamp station
8 license, and brake station license immediately upon issuance of the Director's Decision and
9 Order.

10 3. Respondent fully understands and agrees that if he ever files an application for
11 licensure or a petition for reinstatement in the State of California, the Bureau shall treat it as an
12 application for licensure. Respondents must comply with all the laws, regulations and procedures
13 for licensure in effect at the time the application is filed and all of the charges and allegations
14 contained in Accusation No. 79/09-79 shall be deemed to be true, correct and admitted by
15 Respondent when the Director determines whether to grant or deny the application.

16 4. Respondents shall pay the Bureau its costs of investigation and enforcement in the
17 amount of \$4,500 at the time of application for a new or reinstated license.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Revocation and Disciplinary Order and have
20 fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect
21 it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp
22 Station License, and Brake Station License. I enter into this Stipulated Revocation and
23 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Director of Consumer Affairs.

25 DATED: 2/2/10

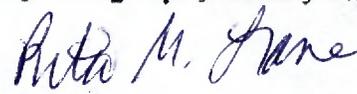
26 MOHAMMAD MOSA, OWNER DISCOUNT AUTO
27 CENTER
28 Respondent

1 I have read and fully discussed with Respondent Mohammad Mosa, Owner of Discount
 2 Auto Center, the terms and conditions and other matters contained in the above Stipulated
 3 Revocation and Disciplinary Order. I approve its form and content.

4
 5 DATED: 2/1/10 
 6 MICHAEL B. LEVIN
 7 Attorney for Respondent

8
9 ENDORSEMENT

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

12
 13 Dated: 2/2/10 Respectfully Submitted,
 14 EDMUND G. BROWN JR.
 15 Attorney General of California
 16 LINDA K. SCHNEIDER
 17 Supervising Deputy Attorney General

 18 RITA M. LANE
 19 Deputy Attorney General
 20 Attorneys for Complainant

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1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
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Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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Case No. 79/09-79

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4811 Van Buren Boulevard, Suite D
14 Riverside, California 92503
MOHAMMAD MOSA, OWNER

ACCUSATION
[SMOG CHECK]

15 Automotive Repair Dealer Registration
16 No. ARD 215443
Smog Check Station License No. RC 215443
17 Lamp Station License No. LS 215443, Class A
Brake Station License No. BS 215443, Class C
18

and

19 **MARTIN DANA ROTHSTEIN**
4210 Pierce Street
20 Riverside, California 92505

21 Advanced Emission Specialist Technician
22 License No. EA 142445

23 Respondents.
24

25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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

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Automotive Repair Dealer Registration

2. On or about April 10, 2001, the Bureau issued Automotive Repair Dealer Registration Number ARD 215443 (“registration”) to Mohammad Mosa doing business as Discount Auto Center (“Respondent Mosa”). The registration will expire on March 31, 2009, unless renewed.

Smog Check Station License

3. On or about May 18, 2001, the Bureau issued Smog Check Station License Number RC 215443 (“station license”) to Respondent Mosa. The station license will expire on March 31, 2009, unless renewed.

Lamp Station License

4. On or about December 20, 2006, the Bureau issued Lamp Station License Number LS 215443, Class A, to Respondent Mosa. The lamp station license will expire on March 31, 2009, unless renewed.

Brake Station License

5. On or about December 20, 2006, the Bureau issued Brake Station License Number BS 215443, Class C, to Respondent Mosa. The brake station license will expire on March 31, 2009, unless renewed.

Advanced Emission Specialist Technician License

6. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist Technician License Number EA 142445 (“technician license”) to Martin Dana Rothstein (“Respondent Rothstein”). The technician license will expire on September 30, 2010, unless renewed.

Lamp Adjuster License

7. On a date uncertain in 2006, the Bureau issued Lamp Adjuster License Number LA 142445, Class A, to Respondent Rothstein. The lamp adjuster license will expire on September 30, 2010, unless renewed.

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Brake Adjuster License

8. On a date uncertain in 2006, the Bureau issued Brake Adjuster License Number BA 142445, Class C, to Respondent Rothstein. The brake adjuster license will expire on September 30, 2010, unless renewed.

STATUTORY PROVISIONS

9. Section 9884.7 of the Business and Professions Code (“Code”) states, in pertinent part:

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

(1) Making or authorizing in any manner or by any means whatever any 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.

(4) Any other conduct which constitutes fraud.

(6) Failure in any material respect to comply with the provisions of this chapter [the Automotive Repair Act (Bus. & Prof. Code, 9880, et seq.)] or regulations adopted pursuant to it.

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only invalidate temporarily or permanently the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

(c) Notwithstanding subdivision (b), the director may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

10. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, 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 also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to

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

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

9 12. Code section 477 provides, in pertinent part, that "Board" includes
10 "bureau," "commission," "committee," "department," "division," "examining committee,"
11 "program," and "agency." "License" includes certificate, registration or other means to engage
12 in a business or profession regulated by the Code.

13 13. Code section 9889.1 provides, in pertinent part, that the Director may
14 suspend or revoke any license issued under Articles 5 and 6 (commencing with Code section
15 9887.1) of the Automotive Repair Act.

16 14. Code section 9889.7 provides, in pertinent part, that the expiration or
17 suspension of a license by operation of law or by order or decision of the Director or a court of
18 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
19 proceed with any disciplinary proceedings.

20 15. Code section 9889.3, states, in pertinent part:

21 The director may suspend, revoke, or take other disciplinary action against
22 a license as provided in this article if the licensee or any partner, officer, or
director thereof:

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

25 16. Section 44002 of the Health & Safety Code provides, in pertinent part, that
26 the Director has all the powers and authority granted under the Automotive Repair Act for
27 enforcing the Motor Vehicle Inspection Program.

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1 2002 Lexus and the representative was also unable to locate the VIR for either vehicle. When
2 questioned about the discrepancies, Respondent Mosa and Respondent Rothstein admitted that
3 Certificate of Compliance No. VP217542C was issued to the 2002 Lexus, using the clean piping¹
4 method by using the tail pipe emissions of the 2001 Chrysler Town and Country.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Misleading Statements)**

7 22. Respondent Mosa has subjected his registration to discipline under Code
8 section 9884.7, subdivision (a)(1), in that on or about April 2, 2008, he made statements which
9 he knew or which by exercise of reasonable care he should have known were untrue or
10 misleading when he issued electronic Certificate of Compliance No. VP217542C for the 2002
11 Lexus, certifying that the vehicle was in compliance with applicable laws and regulations when,
12 in fact, the vehicle had been clean piped.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 23. Respondent Mosa has subjected his registration to discipline under Code
16 section 9884.7, subdivision (a)(4), in that on or about April 2, 2008, he committed acts which
17 constitute fraud by issuing electronic Certificate of Compliance No. VP217542C for the 2002
18 Lexus without performing a bona fide inspection of the emission control devices and systems on
19 that vehicle, thereby depriving the People of the State of California of the protection afforded by
20 the Motor Vehicle Inspection Program.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with the Automotive Repair Act)**

23 24. Respondent Mosa has subjected his registration to discipline under Code
24 section 9884.7, subdivision (a)(6), in that on or about April 2, 2008, Respondent failed to comply

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26 _____
27 1. "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in
compliance or are not present in the smog check area during the time of the certification.

1 with section 9884.8 of that Code by failing to prepare an invoice setting forth all service work
2 performed and parts used regarding the smog inspection of the 2002 Lexus.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 25. Respondent Mosa has subjected his station license to discipline under
6 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 2, 2008,
7 regarding the 2002 Lexus, he violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (a):** Respondent Mosa failed to determine
9 that all emission control devices and systems required by law were installed and functioning
10 correctly in accordance with test procedures.

11 b. **Section 44012, subdivision (f):** Respondent Mosa failed to perform
12 emission control tests on those vehicles in accordance with procedures prescribed by the
13 department.

14 c. **Section 44015, subdivision (b):** Respondent Mosa issued electronic
15 Certificate of Compliance No. VP217542C for that vehicle without properly testing and
16 inspecting the vehicle to determine if it was in compliance with section 44012 of that Code.

17 d. **Section 44059:** Respondent Mosa willfully made false entries for
18 electronic Certificate of Compliance No. VP217542C by certifying that the vehicle had been
19 inspected as required when, in fact, it had not.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 26. Respondent Mosa has subjected his station license to discipline under
23 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 2, 2008,
24 regarding the 2002 Lexus, he violated sections of the California Code of Regulations, title 16, as
25 follows:

26 a. **Section 3340.24, subdivision (c):** Respondent Mosa falsely or
27 fraudulently issued electronic Certificate of Compliance No. VP217542C for that vehicle without

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1 performing a bona fide inspection of the emission control devices and systems on the vehicle as
2 required by Health and Safety Code section 44012.

3 b. **Section 3340.35, subdivision (c):** Respondent Mosa issued electronic
4 Certificate of Compliance No. VP217542C for that vehicle even though the vehicle had not been
5 inspected in accordance with section 3340.42 of that Code.

6 c. **Section 3340.42:** Respondent Mosa failed to conduct the required smog
7 tests and inspections on that vehicle in accordance with the Bureau's specifications.

8 **SIXTH CAUSE FOR DISCIPLINE**

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

10 27. Respondent Mosa subjected his station license to discipline under Health
11 and Safety Code section 44072.2, subdivision (d), in that on or about April 2, 2008, regarding the
12 2002 Lexus, he committed acts involving dishonesty, fraud or deceit whereby another was
13 injured by issuing electronic Certificate of Compliance No. VP217542C for that vehicle without
14 performing a bona fide inspection of the emission control devices and systems on the vehicle,
15 thereby depriving the People of the State of California of the protection afforded by the Motor
16 Vehicle Inspection Program.

17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 28. Respondent Mosa has subjected his brake and lamp station licenses to
20 discipline under Code section 9889.3, subdivision (d), in that Respondent committed acts
21 involving dishonesty, fraud or deceit, as more particularly set forth in paragraphs 22, 23, and 27,
22 above.

23 **EIGHTH CAUSE FOR DISCIPLINE**

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

25 29. Respondent Rothstein has subjected his technician license to discipline
26 under Health and Safety Code section 44072.2, subdivision (a), in that on or about April 2, 2008,
27 regarding the 2002 Lexus, he violated sections of that Code, as follows:

28 ///

1 a. **Section 44012, subdivision (a):** Respondent Rothstein failed to
2 determine that all emission control devices and systems required by law were installed and
3 functioning correctly in accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent Rothstein failed to perform
5 emission control tests on those vehicles in accordance with procedures prescribed by the
6 department.

7 c. **Section 44032:** Respondent Rothstein failed to perform tests of the
8 emission control devices and systems on that vehicle in accordance with section 44012 of that
9 Code, in that the vehicle had been clean piped.

10 d. **Section 44059:** Respondent Rothstein willfully made false entries for
11 electronic Certificate of Compliance No. VP217542C by certifying that the vehicle had been
12 inspected as required when, in fact, it had not.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

15 30. Respondent Rothstein has subjected his technician license to discipline
16 under Health and Safety Code section 44072.2, subdivision (c), in that on or about April 2, 2008,
17 regarding the 2002 Lexus, he violated sections of the California Code of Regulations, title 16, as
18 follows:

19 a. **Section 3340.24, subdivision (c):** Respondent Rothstein falsely or
20 fraudulently issued electronic Certificate of Compliance No. VP217542C without performing a
21 bona fide inspection of the emission control devices and systems on that vehicle as required by
22 Health and Safety Code section 44012.

23 b. **Section 3340.30, subdivision (a):** Respondent Rothstein failed to
24 inspect and test that vehicle in accordance with Health and Safety Code section 44012.

25 c. **Section 3340.41, subdivision (c):** Respondent Rothstein entered false
26 information into the Emission Inspection System ("EIS") for electronic Certificate of
27 Compliance No. VP217542C by entering vehicle identification information or emission control
28 information for a vehicle other than the 2002 Lexus that was being certified.

1 d. **Section 3340.42:** Respondent Rothstein failed to conduct the required
2 smog tests and inspections on that vehicle in accordance with the Bureau's specifications.

3 **TENTH CAUSE FOR DISCIPLINE**

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

5 31. Respondent Rothstein has subjected his technician license to discipline
6 under Health and Safety Code section 44072.2, subdivision (d), in that on or about April 2, 2008,
7 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
8 electronic Certificate of Compliance No. VP217542C for the 2002 Lexus without performing a
9 bona fide inspection of the emission control devices and systems on that vehicle, thereby
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

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

14 32. Respondent Rothstein has subjected his brake and lamp adjuster licenses
15 to discipline under Code section 9889.3, subdivision (d), in that Respondent committed acts
16 involving dishonesty, fraud or deceit, as more particularly set forth in paragraph 31, above.

17 **OTHER MATTERS**

18 33. Pursuant to Code section 9884.7, subdivision (c), the Director may
19 invalidate temporarily or permanently, the registrations for all places of business operated in this
20 state by Mohammad Mosa doing business as Discount Auto Center, upon a finding that said he
21 has, or is, engaged in a course of repeated and willful violations of the laws and regulations
22 pertaining to an automotive repair dealer.

23 34. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station
24 License Number RC 215443, issued to Mohammad Mosa doing business as Discount Auto
25 Center, is revoked or suspended, any additional license issued under this chapter in the name of
26 said licensee may be likewise revoked or suspended by the director.

27 35. Under Code section 9889.9, if Lamp Station License Number LS 215443,
28 Class A, issued to Mohammad Mosa doing business as Discount Auto Center, is revoked or

1 6. Revoking or suspending any additional license issued under this chapter in
2 the name of Mohammad Mosa doing business as Discount Auto Center;

3 7. Revoking or suspending Advanced Emission Specialist Technician
4 License Number EA 142445, issued to Martin Dana Rothstein;

5 8. Revoking or suspending any additional license issued under Chapter 5 of
6 the Health and Safety Code in the name of Martin Dana Rothstein;

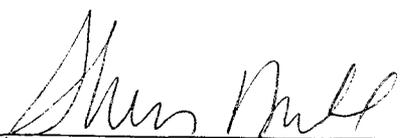
7 9. Revoking or suspending Lamp Adjuster License Number LA 142445,
8 Class A, and Brake Adjuster License Number BA 142445, Class C, issued to Martin Dana
9 Rothstein;

10 10. Revoking or suspending any additional license issued under this chapter in
11 the name of Martin Dana Rothstein;

12 11. Ordering Mohammad Mosa and Martin Dana Rothstein to pay the Director
13 of Consumer Affairs the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Code section 125.3; and,

15 12. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 2/23/09.

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19
20 
21 SHERRY MEHL
22 Chief
23 Bureau of Automotive Repair
24 Department of Consumer Affairs
25 State of California
26 Complainant

27 03562-110SD2008802767
28 (2/4/09)