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

12  
13 In the Matter of the First Amended Accusation  
Against:

Case No. 79/21-16878

14 **EID WALID HADDAD-**  
15 **PRESIDENT/SECRETARY/TREASURER-**  
16 **HADDAD MOTORS, INC. DBA**  
17 **PALMDALE SMOG CHECK**  
2627 East Palmdale Blvd., Unit B  
18 Palmdale, CA 93550  
**MAILING ADDRESS**  
19 5765 West Avenue, J15  
Lancaster, CA 93536  
20 Automotive Repair Dealer Registration No.  
ARD 290010  
Smog Check Station License No. RC 290010

**FIRST AMENDED ACCUSATION**

21 and

22 **JUAN JOSE FERNANDEZ**  
45465 25<sup>th</sup> Street East, Spc. 237  
23 Lancaster, CA 93535  
Smog Check Inspector License No.  
24 EO 141389  
Smog Check Repair License No.  
25 EI 141389  
(formerly Advanced Emission Specialist  
26 Technician License No. EA 141389)

27 Respondents.

1 **PARTIES**

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

5 **Eid Walid Haddad-President/Secretary/Treasurer-Haddad Motors, Inc. dba Palmdale**  
6 **Smog Check**

7 **Automotive Repair Dealer Registration**

8 2. On or about March 26, 2018, the Bureau issued Automotive Repair Dealer  
9 Registration Number ARD 290010 to Eid Walid Haddad-President/Secretary/Treasurer-Haddad  
10 Motors, Inc. dba Palmdale Smog Check (“Respondent Palmdale Smog”). The Automotive Repair  
11 Dealer Registration was in full force and effect at all times relevant to the charges brought herein  
12 and will expire on March 31, 2023, unless renewed.

13 **Smog Check Station License**

14 3. On or about April 5, 2018, the Bureau issued Smog Check Station License Number  
15 RC 290010 to Respondent Palmdale Smog. The Smog Check Station License was in full force  
16 and effect at all times relevant to the charges brought herein and will expire on March 31, 2023,  
17 unless renewed.

18 **STAR Station Certification**

19 4. On or about May 7, 2018, the Bureau certified Palmdale Smog Check as a STAR  
20 Station. The certification will remain active unless ARD 290010 and/or RC 290010 is revoked,  
21 canceled, becomes delinquent, or the certification is invalidated.

22 **Juan Jose Fernandez**

23 **Smog Check Inspector License/Smog Check Repair Technician License**  
24 **(formerly Advanced Emission Specialist Technician License Number EA 141389)**

25 5. In 1999, the Bureau issued Advanced Emission Specialist Technician License  
26 Number EA 141389 to Juan Jose Fernandez (“Respondent Fernandez”). Respondent Fernandez’s  
27 Advanced Emission Specialist Technician License was due to expire on February 28, 2014,  
28 however, was cancelled on February 24, 2014. Pursuant to California Code of Regulations, title

1 16, section 3340.28, subdivision (e)<sup>1</sup>, the license was renewed, pursuant to Respondent  
2 Fernandez’s election, as Smog Check Inspector License Number EO 141389 and Smog Check  
3 Repair Technician License Number EI 141389, effective February 24, 2014. Respondent  
4 Fernandez's Smog Check Inspector License and Smog Check Repair Technician License were in  
5 full force and effect at all times relevant to the charges brought herein and will expire on February  
6 29, 2024, unless renewed.

7 **OTHER LICENSES**

8 **Eid Walid Haddad-President/Secretary/Treasurer-Haddad Motors, Inc. dba Elite Car Care**  
9 **Automotive Repair Dealer Registration**

10 6. On or about August 28, 2018, the Bureau issued Automotive Repair Dealer  
11 Registration Number ARD 291916 to Eid Walid Haddad-President/Secretary/Treasurer-Haddad  
12 Motors, Inc. dba Elite Car Care. (“Respondent Elite Car”). The Automotive Repair Dealer  
13 Registration was in full force and effect at all times relevant to the charges brought herein and  
14 will expire on August 31, 2023, unless renewed.

15 **Smog Check Station License**

16 7. On or about September 7, 2018, the Bureau issued Smog Check Station License  
17 Number RC 291916 to Respondent Elite Car. The Smog Check Station License was in full force  
18 and effect at all times relevant to the charges brought herein and will expire on August 31, 2023,  
19 unless renewed.

20 **Brake Station License**

21 8. On or about January 9, 2019, the Bureau issued Brake Station License Number BS  
22 291916, Class C to Respondent Elite Car. The Brake Station License was in full force and effect  
23 at all times relevant to the charges brought herein and will expire on August 31, 2023, unless  
24 renewed.

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27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1           **Lamp Station License**

2           9.     On or about January 9, 2019, the Bureau issued Lamp Station License Number LS  
3 291916, Class A to Respondent Elite Car. The Lamp Station License was in full force and effect  
4 at all times relevant to the charges brought herein and will expire on August 31, 2023, unless  
5 renewed.

6           **Eid Walid Haddad**

7           **Smog Check Inspector License/Smog Check Repair Technician License**  
8           **(formerly Advanced Emission Specialist Technician License Number EA 150656)**

9           10.    In 2004, the Bureau issued Advanced Emission Specialist Technician License  
10 Number EA 150656 to Eid Walid Haddad (“Respondent Haddad”). Respondent Haddad’s  
11 Advanced Emission Specialist Technician License was due to expire on April 30, 2013, however,  
12 was cancelled on March 5, 2013. Pursuant to California Code of Regulations, title 16, section  
13 3340.28, subdivision (e)<sup>2</sup>, the license was renewed, pursuant to Respondent Haddad's election, as  
14 Smog Check Inspector License Number EO 150656 and Smog Check Repair Technician License  
15 Number EI 150656, effective March 5, 2013. Respondent Haddad's Smog Check Inspector  
16 License and Smog Check Repair Technician License were in full force and effect at all times  
17 relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

18           **Brake Adjuster License**

19           11.    On or about December 6, 2018, the Bureau issued Brake Adjuster License Number  
20 BA 150656, Class C to Respondent Haddad. Respondent Haddad’s brake adjuster license was in  
21 full force and effect at all times relevant to the charges brought herein and expired on April 30,  
22 2022, and has not been renewed.

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26 \_\_\_\_\_  
27           <sup>2</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.



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

4 . . . .

5 (4) Any other conduct which constitutes fraud.

6 . . . .

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

9 . . . .

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

15 19. Section 44012 of the Health and Safety Code states:

16 The test at the smog check stations shall be performed in accordance with  
17 procedures prescribed by the department and may require loaded mode dynamometer  
18 testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard  
19 diagnostic system, or other appropriate test procedures as determined by the  
20 department in consultation with the state board. The department shall implement  
21 testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or  
22 two-speed idle testing, on model year 2000 and newer vehicles only, beginning no  
23 earlier than January 1, 2013. However, the department, in consultation with the state  
24 board, may prescribe alternative test procedures that include loaded mode  
25 dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems  
26 that the department and the state board determine exhibit operational problems. The  
27 department shall ensure, as appropriate to the test method, the following:

28 (a) Emission control systems required by state and federal law are reducing  
excess emissions in accordance with the standards adopted pursuant to subdivisions  
(a) and (c) of Section 44013.

(b) Motor vehicles are preconditioned to ensure representative and stabilized  
operation of the vehicle's emission control system.

(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of  
hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle  
mode or loaded mode are tested in accordance with procedures prescribed by the  
department. In determining how loaded mode and evaporative emissions testing shall  
be conducted, the department shall ensure that the emission reduction targets for the  
enhanced program are met.

(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative  
system and crankcase ventilation system are tested to reduce any nonexhaust sources  
of volatile organic compound emissions, in accordance with procedures prescribed by  
the department.

(e) For diesel-powered vehicles, a visual inspection is made of emission

1 control devices and the vehicle's exhaust emissions are tested in accordance with  
2 procedures prescribed by the department, that may include, but are not limited to,  
3 onboard diagnostic testing. The test may include testing of emissions of any or all of  
4 the pollutants specified in subdivision (c) and, upon the adoption of applicable  
5 standards, measurement of emissions of smoke or particulates, or both.

6 (f) A visual or functional check is made of emission control devices specified  
7 by the department, including the catalytic converter in those instances in which the  
8 department determines it to be necessary to meet the findings of Section 44001. The  
9 visual or functional check shall be performed in accordance with procedures  
10 prescribed by the department.

11 (g) A determination as to whether the motor vehicle complies with the  
12 emission standards for that vehicle's class and model-year as prescribed by the  
13 department.

14 (h) An analysis of pass and fail rates of vehicles subject to an onboard  
15 diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard  
16 diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles  
17 failing their onboard diagnostic test have or would have passed a tailpipe test.

18 (i) The test procedures may authorize smog check stations to refuse the testing  
19 of a vehicle that would be unsafe to test, or that cannot physically be inspected, as  
20 specified by the department by regulation. The refusal to test a vehicle for those  
21 reasons shall not excuse or exempt the vehicle from compliance with all applicable  
22 requirements of this chapter.

23 20. Section 44015 of the Health and Safety Code states:

24 . . . .

25 (b) If a vehicle meets the requirements of Section 44012, a smog check station  
26 licensed to issue certificates shall issue a certificate of compliance or a certificate of  
27 noncompliance.

28 21. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material  
matter in any oath, affidavit, certificate of compliance or noncompliance, or  
application form which is required by this chapter or Chapter 20.3 (commencing with  
Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury  
and is punishable as provided in the Penal Code.

22 22. Section 44072.2 of the Health and Safety Code states:

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

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

26 . . . .

27 (c) Violates any of the regulations adopted by the director pursuant to this  
28

chapter.

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

23. Section 44072.8 of the Health and Safety Code states:

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

24. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

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

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

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

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

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

### **REGULATORY PROVISIONS**

25. California Code of Regulations, title 16, section 3340.24, states:

....

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

26. California Code of Regulations, title 16, section 3340.30, states:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

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

(c) A licensed station shall issue a certificate of compliance or noncompliance 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.

1 28. California Code of Regulations, title 16, section 3340.42, states:

2 Smog check inspection methods are prescribed in the Smog Check Manual,  
3 referenced by section 3340.45.

4 (a) All vehicles subject to a smog check inspection, shall receive one of the  
5 following test methods:

6 (1) A loaded-mode test shall be the test method used to inspect 1976 - 1999  
7 model-year vehicle, except diesel-powered, registered in the enhanced program areas  
8 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,  
9 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's  
10 specifications referenced in subsection (a) of Section 3340.17 of this article. The  
11 loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,  
12 including a chassis dynamometer, certified by the bureau.

13 On and after March 31, 2010, exhaust emissions from a vehicle subject to this  
14 inspection shall be measured and compared to the emissions standards shown in the  
15 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,  
16 dated March 2010, which is hereby incorporated by reference. If the emissions  
17 standards for a specific vehicle are not included in this table then the exhaust  
18 emissions shall be compared to the emissions standards set forth in TABLE I or  
19 TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured  
20 emissions are less than or equal to the applicable emission standards specified in the  
21 applicable table.

22 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
23 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
24 the state, except in those areas of the state where the enhanced program has been  
25 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
26 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
27 contained in the bureau's specifications referenced in subsection (a) of Section  
28 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
shall be measured and compared to the emission standards set forth in this section and  
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
measured emissions are less than or equal to the applicable emissions standards  
specified in Table III.

(3) An OBD-focused test, shall be the test method used to inspect gasoline-  
powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
model-year and newer. The OBD test failure criteria are specified in section  
3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program  
shall receive the following:

(1) A visual inspection of emission control components and systems to verify  
the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the  
Smog Check Manual, referenced by section 3340.45, which may include an OBD  
test, to verify their proper operation.

(c) The bureau may require any combination of the inspection methods in  
sections (a) and (b) under any of the following circumstances:

1 (1) Vehicles that the department randomly selects pursuant to Health and Safety  
2 Code section 44014.7 as a means of identifying potential operational problems with  
3 vehicle OBD systems.

4 (2) Vehicles identified by the bureau as being operationally or physically  
5 incompatible with inspection equipment.

6 (3) Vehicles with OBD systems that have demonstrated operational problems.

7 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter  
8 standards are as follows:

9 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon  
10 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions  
11 standards included in the tables described in subsection (a), as applicable.

12 (2) Vehicles with emission levels exceeding the emission standards for gross  
13 polluters during an initial inspection will be considered gross polluters and the  
14 provisions pertaining to gross polluting vehicles will apply, including, but not limited  
15 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

16 (3) A gross polluting vehicle shall not be passed or issued a certificate of  
17 compliance until the vehicle's emissions are reduced to or below the applicable  
18 emissions standards for the vehicle included in the tables described in subsection (a),  
19 as applicable. However, the provisions described in section 44017 of the Health and  
20 Safety Code may apply.

21 (4) This subsection applies in all program areas statewide to vehicles requiring  
22 inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

### 23 **COST RECOVERY**

24 29. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

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**FACTUAL BACKGROUND**

30. A Bureau Representative conducted a review of Palmdale Smog Check BAR-OIS smog check inspection records from the Vehicle Identification Database ("VID"). The review showed numerous vehicles that had been certified at Palmdale Smog Check with incorrect eVINs, with incorrect vehicle communication protocol<sup>3</sup> and incorrect Parameter Identification<sup>4</sup> (PID) count. This confirmed that the vehicles received smog certificates were not tested during the OBD II functional test, therefore the vehicles that received smog certificates were fraudulently tested during the smog inspection using the clean plugging method<sup>5</sup>. All of the following inspections were performed by Respondent Fernandez. The following chart illustrates the clean plugging activities of Respondents Palmdale Smog and Fernandez between on or about March 17, 2020 to on or about December 17, 2021.

**TABLE 1**

<b>Test No.</b>	<b>Test Date</b>	<b>Vehicle Certified &amp; License No.</b>	<b>Certificate No.</b>	<b>Technician License No.</b>	<b>OIS Test Data Details</b>
1.	03/17/2020	2002 Mazda Protégé PR5 7SKY058	RG549185C	EO 141389 (Respondent Fernandez)	Comm. Protocol: JVPW (expected I914)  PID Count: 21 (expected 18)  VIN No.: Not Reported (Expected e-VIN-Not Expected)

<sup>3</sup> Protocol is simply the language used to communicate with a vehicle's computer(s). Protocol is a communication interface. This automated determination of the communication interface, or protocol, is built into the Data Acquisition Device (DAD) unit. This automatic function identifies five (5) protocols used by vehicles manufactured and sold in the United States that are subject to the Smog Check program.

<sup>4</sup> Parameter Identifications (PIDs) are data points reported by the OBD II computer to the scan tool or BAR OIS.

<sup>5</sup> Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

1	2.	04/29/2020	2005 Hyundai Sonata GL 5MZR920	RI349632C	EO 141389 (Respondent Fernandez)	Comm. Protocol: I914 (expected KWPF)  PID Count: 17 (expected 21 or 21/1)  VIN No.: Not Reported (Expected e-VIN- KMHWF25H6 5A167589)
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9	3.	07/06/2020	2012 Toyota Camry Base 6VVU454	RM295436C	EO 141389 (Respondent Fernandez)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count: 50 (expected 42)  VIN No.: JTEZU5JR6C 5041810 (Expected e-VIN- 4T1BF1FK4C U576964)
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18	4.	10/22/2021	2005 Kia Spectra LX 5SKW021	SI283544C	EO 141389 (Respondent Fernandez)	Comm. Protocol: I914 (expected KWPF)  PID Count: 17 (expected 16/1 or 17/1)  VIN No.: 4T1BE32K95 U586574 (Expected e-VIN- KNAFE12285 5199127)
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1	5.	11/05/2021	2003 Honda Accord 5EBC430	SI731483C	EO 141389 (Respondent Fernandez)	Comm. Protocol: ICAN29bt5 (expected I914)  PID Count: 39/19 (expected 20)  VIN No.: 2HGFA1F50A H331708 (Expected e-VIN- Not Expected)
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10	6.	12/02/2021	2007 Ford F150 8N38652	SK336572C	EO 141389 (Respondent Fernandez)	Comm. Protocol: ICAN11bt5 (expected ICAN11bt5)  PID Count: 47 (expected 47)  VIN No.: 1FTNE24W77 DA74164 (Expected e-VIN- 1FTRF12237K D55818)
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19	7.	12/17/2021	2006 Chevrolet Aveo LT 5XNM890	SK788555C	EO 141389 (Respondent Fernandez)	Comm. Protocol: I914 (expected KWPF)  PID Count: 21 (expected 36 or 36/1)  VIN No.: 1HGCM56405 A091394 (Expected e-VIN- KL1TG66636 B653983)
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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 31. Respondent Palmdale Smog's Automotive Repair Registration is subject to discipline  
4 pursuant to Code section 9884.7, subdivision (a)(1), in that between March 17 2020, through  
5 December 17, 2021, Respondent Palmdale Smog made or authorized statements which he knew  
6 or in the exercise of reasonable care should have known to be untrue or misleading, as follows:  
7 Respondent Palmdale Smog certified that vehicles 1 through 7, set forth above in Table 1, had  
8 passed inspection and were in compliance with applicable laws and regulations. In fact,  
9 Respondent Palmdale Smog conducted the inspections on the vehicles using the clean plugging  
10 method by substituting or using different vehicles or another source during the OBD II functional  
11 tests in order to issue smog certificates of compliance for the seven (7) vehicles, and did not test  
12 or inspect the seven (7) vehicles as required by Health and Safety Code section 44012.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 32. Respondent Palmdale Smog's Automotive Repair Registration is subject to discipline  
16 pursuant to Code section 9884.7, subdivision (a)(4), in that between March 17 2020, through  
17 December 17, 2021, Respondent Palmdale Smog committed acts which constitute fraud by  
18 issuing electronic smog certificates of compliance for vehicles 1 through 7, set forth above in  
19 Table 1, without performing bona fide inspections of the emission control devices and systems on  
20 those vehicles, thereby depriving the People of the State of California of the protection afforded  
21 by the Motor Vehicle Inspection Program.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Motor Vehicle Inspection Program)**

24 33. Respondent Palmdale Smog's Smog Check Station License is subject to discipline  
25 pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between March 17  
26 2020, through December 17, 2021, regarding vehicles 1 through 7, set forth above in Table 1,  
27 Respondent Palmdale Smog failed to comply with the following sections of that Code:

28 ///

1 a. **Section 44012:** Respondent Palmdale Smog failed to ensure that the emission control  
2 tests were performed on vehicles 1 through 7, in accordance with procedures prescribed by the  
3 department.

4 b. **Section 44015, subdivision (b):** Respondent Palmdale Smog issued electronic smog  
5 certificates of compliance for vehicles 1 through 7, without ensuring that the vehicles were  
6 properly tested and inspected to determine if they were in compliance with Health and Safety  
7 Code section 44012.

8 c. **Section 44059:** Respondent Palmdale Smog willfully made false entries for the  
9 electronic smog certificates of compliance by certifying that those vehicles had been inspected as  
10 required when, in fact, they had not.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant to the**  
13 **Motor Vehicle Inspection Program)**

14 34. Respondent Palmdale Smog's Smog Check Station License is subject to discipline  
15 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 17  
16 2020, through December 17, 2021, regarding vehicles 1 through 7, set forth above in Table 1,  
17 Respondent Palmdale Smog failed to comply with provisions of California Code of Regulations,  
18 title 16, as follows:

19 a. **Section 3340.24, subdivision (c):** Respondent Palmdale Smog falsely or fraudulently  
20 issued electronic smog certificates of compliance for those vehicles without performing bona fide  
21 inspections of the emission control devices and systems on the vehicles as required by Health and  
22 Safety Code section 44012.

23 b. **Section 3340.35, subdivision (c):** Respondent Palmdale Smog issued electronic smog  
24 certificates of compliance even though those vehicles had not been inspected in accordance with  
25 section 3340.42 of that Code.

26 c. **Section 3340.42:** Respondent Palmdale Smog failed to conduct the required smog tests  
27 and inspections on those vehicles in accordance with the Bureau's specifications.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 35. Respondent Palmdale Smog’s Smog Check Station License is subject to discipline  
4 pursuant to Health and Safety Code sections 44072.2, subdivision (d) and 44072.10, subdivision  
5 (c), in that between March 17 2020, through December 17, 2021, regarding vehicles 1 through 7,  
6 set forth above in Table 1, Respondent Palmdale Smog committed acts involving dishonesty,  
7 fraud or deceit whereby another was injured by issuing electronic smog certificates of compliance  
8 for those vehicles without performing bona fide inspections of the emission control devices and  
9 systems on the vehicles, thereby depriving the People of the State of California of the protection  
10 afforded by the Motor Vehicle Inspection Program.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 36. Respondent Fernandez’s Smog Check Inspector License and Smog Check Repair  
14 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,  
15 subdivision (a), in that between March 17 2020, through December 17, 2021, regarding vehicles 1  
16 through 7, set forth above in Table 1, he failed to comply with section 44012 of that Code in a  
17 material respect, as follows: Respondent Fernandez failed to perform the emission control tests  
18 on those vehicles in accordance with procedures prescribed by the department.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant to the**  
21 **Motor Vehicle Inspection Program)**

22 37. Respondent Fernandez’s Smog Check Inspector License and Smog Check Repair  
23 Technician License are subject to discipline pursuant to Health and Safety Code section 44072.2,  
24 subdivision (c), in that March 17 2020, through December 17, 2021, regarding vehicles 1 through  
25 7, set forth above in Table 1, he failed to comply with provisions of California Code of  
26 Regulations, title 16, as follows:

27 a. **Section 3340.24, subdivision (c)**: Respondent Fernandez falsely or fraudulently issued  
28 electronic smog certificates of compliance without performing bona fide inspections of the

1 emission control devices and systems on those vehicles as required by Health and Safety Code  
2 section 44012.

3 b. **Section 3340.30, subdivision (a)**: Respondent Fernandez failed to inspect and test those  
4 vehicles in accordance with Health and Safety Code sections 44012.

5 c. **Section 3340.42**: Respondent Fernandez failed to conduct the required smog tests and  
6 inspections on those vehicles in accordance with the Bureau's specifications.

### 7 **EIGHTH CAUSE FOR DISCIPLINE**

#### 8 **(Dishonesty, Fraud or Deceit)**

9 38. Respondent Fernandez's Smog Check Inspector License and Smog Check Repair  
10 Technician License are subject to discipline pursuant to Health and Safety Code sections 44072.2,  
11 subdivision (d) and 44072.10, subdivision (c), in that between March 17 2020, through December  
12 17, 2021, regarding vehicles 1 through 7, set forth above in Table 1, he committed acts involving  
13 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog certificates of  
14 compliance without performing bona fide inspections of the emission control devices and systems  
15 on those vehicles, thereby depriving the People of the State of California of the protection  
16 afforded by the Motor Vehicle Inspection Program.

### 17 **DISCIPLINE CONSIDERATIONS**

18 39. To determine the degree of discipline, if any, to be imposed on Respondent Haddad,  
19 Complainant alleges that on or about June 15, 2015, in a prior action, the Bureau issued Citation  
20 Number M2015-1238 with an Order of Abatement. The Citation became effective November 22,  
21 2015. That Citation is now final and is incorporated by reference as if fully set forth.

### 22 **OTHER MATTERS**

23 40. Pursuant to Code section 9884.7, subdivision (c), the director may suspend revoke,  
24 or place on probation the registrations for all places of business operated in this state by Eid  
25 Walid Haddad-President/Secretary/Treasurer-Haddad Motors, Inc., upon a finding that said  
26 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
27 regulations pertaining to an automotive repair dealer.

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7. 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 Juan Jose Fernandez;

8. Ordering Eid Walid Haddad-President/Secretary/Treasurer-Haddad Motors, Inc. dba Palmdale Smog Check, Eid Walid Haddad and Juan Jose Fernandez 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

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

DATED: As of Digital Signature Date

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

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