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

In the Matter of the Accusation Against: **SHUKRAN QAQISH,** **DBA FRANKS SMOG TEST ONLY** **9611 Magnolia Avenue, Unit A** **Riverside, CA 92503** **Automotive Repair Dealer Registration** **No. ARD 235887** **Smog Check Test-Only Station** **No. TC 235887** and **ELIAS FARES ZAIT** **4740 Crest Avenue** **Riverside, CA 92503** **Smog Check Inspector License** **No. EO 635593** Respondents.	Case No. 79/24-14133 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 27, 2025, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed Accusation No. 79/24-14133 against Respondent Shukran Qaqish, doing business as Franks

Smog Test Only and Respondent Elias Fares Zait (Respondents) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about November 30, 2004, the Bureau issued Automotive Repair Dealer Registration No. ARD 235887 to Respondent Shukran Qaqish, doing business as Franks Smog Test Only. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2025, unless renewed.

3. On or about January 17, 2008, the Bureau issued Smog Check Test-Only Station No. TC 235887 to Respondent Shukran Qaqish, dba Franks Smog Test Only. The Smog Check, Test-Only License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2025, unless renewed.

4. Respondent Shukran Qaqish, doing business as Franks Smog Test Only is also certified as a STAR Station. The certification was issued on January 29, 2013, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is invalidated.

5. On or about June 6, 2013, the Bureau issued Smog Check Inspector License No. EO 635593 to Respondent Elias Fares Zait. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2027, unless renewed.

6. On or about January 29, 2025, Respondents were served by Certified and First-Class Mail copies of the Accusation No. 79/24-14133, Statement to Respondent, Notice of Defense, Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondents' addresses of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau.

7. Respondent Shukran Qaqish's address of record was and is: 9611 Magnolia Avenue, Unit A, Riverside, CA 92503.

8. Respondent Elias Fares Zait's address of record was and is: 4740 Crest Avenue, Riverside, CA 92503.

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9. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c), and/or Business and Professions Code section 124.

10. Government Code section 11506, subdivision (c), states:

> The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

11. The Bureau takes official notice of its records and the fact that Respondents withdrew their Notices of Defense on or about September 8, 2025, and therefore waived their right to a hearing on the merits of Accusation No. 79/24-14133.

12. California Government Code section 11520, subdivision (a), states:

> If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . .

13. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated January 29, 2025, signed by N. Amansec, finds Respondents are in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/24-14133, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Shukran Qaqish, doing business as Franks Smog Test Only and Respondent Elias Fares Zait have subjected their registration and licenses to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Director of the Department of Consumer Affairs is authorized to revoke Respondent Shukran Qaqish's Automotive Repair Dealer Registration No. ARD 235887 and Smog Check Test-Only Station Number TC 235887, and Respondent Elias Fares Zait's Smog

Check Inspector License No. EO 635593, based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent Franks Smog Test Only's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading.

b. Respondent Franks Smog Test Only's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that Respondent Franks Smog Test Only's employees committed acts which constitute fraud.

c. Respondent Franks Smog Test Only's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that Respondents failed to comply with sections of the Health and Safety Code.

d. Respondent Franks Smog Test Only's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondents failed to comply with the provisions of the California Code of Regulations, Title 16.

e. Respondent Franks Smog Test Only's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that Respondents employees committed acts involving dishonesty, fraud or deceit.

f. Respondent Zait's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Zait failed to comply with section 44012 of the Health and Safety Code in a material respect.

g. Respondent Zait's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent Zait failed to comply with provisions of the California Code of Regulations, title 16.

h. Respondent Zait's smog check inspector license is subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that Respondent Zait committed acts involving dishonesty, fraud or deceit.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 235887 and Smog Check Test-Only Station No. TC 235887, issued to Respondent Shukran Qaqish, doing business as Franks Smog Test Only, is revoked.

IT IS FURTHER ORDERED that Smog Check Inspector License No. EO 635593, issued to Elias Fares Zait, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: Patrick Lutfi, 10949 North Mather Blvd., Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 19, 2025.

It is so ORDERED November 25, 2025.

Original signature on file

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

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Attachment:
Exhibit A: Accusation No. 79/24-14133