

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

In the Matter of the Accusation Against:

Case No.: 79/15-89

EMAD ATTALLA WASIF, Owner
dba EAGLE GLEN MOBIL
2261 Eagle Glen Parkway
Corona, CA 92883

Automotive Repair Dealer Registration
No.: ARD 241812
Smog Check, Test Only Station License
No.: TC 241812

and

ANTONIO OROZCO
3609 Kansas Ave
Riverside, CA 92507

Smog Check Inspector License No.: EO
150767
Smog Check Repair Technician No.: EI
150767 (formerly Advanced Emission
Specialist Technician License No. EA 150767)

Respondents.

DECISION

The attached Stipulated Settlement and Disciplinary Order ONLY AS TO RESPONDENT EMAD ATTALLA WASIF, Owner dba EAGLE GLEN MOBIL is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on August 22, 2019.

DATED: July 16, 2019



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

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Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

Case No. 79/15-89

15 **EMAD ATTALLA WASIF, OWNER,**
16 **DOING BUSINESS AS EAGLE GLEN MOBIL**
2261 Eagle Glen Parkway
Corona, CA 92883

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT EMAD ATTALLA
WASIF, OWNER, DOING BUSINESS
AS EAGLE GLEN MOBIL,
ONLY**

17 **Automotive Repair Dealer Registration**
18 **No. ARD 241812**

19 **Smog Check-Test Only Station License**
20 **No. TC 241812**

21 Respondent.

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

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1 **PARTIES**

2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
3 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
4 Xavier Becerra, Attorney General of the State of California, by Erin M. Sunseri, Deputy Attorney
5 General.

6 2. Respondent Emad Attalla Wasif, dba Eagle Glen Mobil (Respondent) is represented
7 in this proceeding by attorney William D. Ferreira, whose address is: 555 California Street, Suite
8 4925, San Francisco, CA 94104-1717.

9 3. On or about October 5, 2005, the Bureau issued Automotive Repair Dealer
10 Registration No. ARD 241812 to Emad Attalla Wasif, dba Eagle Glen Mobil (Respondent). The
11 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
12 charges brought in Accusation No. 79/15-89, and will expire on October 31, 2019, unless
13 renewed.

14 4. On or about February 1, 2006, the Bureau issued Smog Check-Test Only Station
15 License No. TC 241812 to Respondent. The Smog Check-Test Only Station License was in full
16 force and effect at all times relevant to the charges brought in Accusation No. 79/15-89, and will
17 expire on October 31, 2019, unless renewed.

18 **JURISDICTION**

19 5. Accusation No. 79/15-89 was filed before the Director, and is currently pending
20 against Respondent. The Accusation and all other statutorily required documents were properly
21 served on Respondent on January 20, 2015. Respondent timely filed his Notice of Defense
22 contesting the Accusation.

23 6. A copy of Accusation No. 79/15-89 is attached as Exhibit A and incorporated herein
24 by reference.

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1 **ADVISEMENT AND WAIVERS**

2 7. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in Accusation No. 79/15-89. Respondent has also carefully read, fully
4 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
5 Order.

6 8. Respondent is fully aware of his legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
8 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
9 to the issuance of subpoenas to compel the attendance of witnesses and the production of
10 documents; the right to reconsideration and court review of an adverse decision; and all other
11 rights accorded by the California Administrative Procedure Act and other applicable laws.

12 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
13 every right set forth above.

14 **CULPABILITY**

15 10. Respondent admits the truth of each and every charge and allegation in Accusation
16 No. 79/15-89.

17 11. Respondent agrees that his Automotive Repair Dealer Registration and his Smog
18 Check-Test Only Station License are subject to discipline and he agrees to be bound by the
19 Director's probationary terms as set forth in the Disciplinary Order below.

20 **CONTINGENCY**

21 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or
22 the Director's designee. Respondent understands and agrees that counsel for Complainant and the
23 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
24 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
25 or participation by Respondent or his counsel. By signing the stipulation, Respondent
26 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
27 prior to the time the Director considers and acts upon it. If the Director fails to adopt this
28 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of

1 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
2 the parties, and the Director shall not be disqualified from further action by having considered
3 this matter.

4 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

7 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
11 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
12 writing executed by an authorized representative of each of the parties.

13 15. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Director may, without further notice or formal proceeding, issue and enter the following
15 Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 241812
18 and Smog Check-Test Only Station License No. TC 241812 issued to Respondent Emad Attalla
19 Wasif, dba Eagle Glen Mobil, are revoked. However, the revocation is stayed and Respondent is
20 placed on probation for five (5) years on the following terms and conditions.

21 1. **Obey All Laws.** During the period of probation, Respondent shall comply with all
22 federal and state statutes, regulations and rules governing all BAR registrations and licenses held
23 by Respondent.

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1 2. **Posting of Sign.** During the period of suspension, Respondent shall prominently post
2 a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension
3 and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed
4 in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall
5 be approved by BAR and shall remain posted during the entire period of actual suspension.

6 3. **Quarterly Reporting.** During the period of probation, Respondent shall report either
7 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no
8 more frequently than once each calendar quarter, on the methods used and success achieved in
9 maintaining compliance with the terms and conditions of probation.

10 4. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
11 of the decision and within 30 days from the date of any request by BAR during the period of
12 probation, report any financial interest which any Respondent or any partners, officers, or owners
13 of any Respondent facility may have in any other business required to be registered pursuant to
14 Section 9884.6 of the Business and Professions Code.

15 5. **Access to Examine Vehicles and Records.** Respondent shall provide BAR
16 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
17 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
18 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

19 **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of California to
20 reside or do business elsewhere or otherwise ceases to do business in the jurisdiction of
21 California, Respondent shall notify BAR in writing within 10 days of the dates of departure and
22 return, and of the dates of cessation and resumption of business in California. All provisions of
23 probation other than cost reimbursement requirements, restitution requirements, training
24 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
25 time of 30 days or more in which Respondent is not residing or engaging in business within the
26 jurisdiction of California. All provisions of probation shall recommence on the effective date of
27 resumption of business in California. Any period of time of 30 days or more in which Respondent
28 is not residing or engaging in business within the jurisdiction of California shall not apply to the

1 reduction of this probationary period or to any period of actual suspension not previously
2 completed. Tolling is not available if business or work relevant to the probationary license or
3 registration is conducted or performed during the tolling period.

4 **6. Violation of Probation.** If Respondent violates or fails to comply with the terms and
5 conditions of probation in any respect, the Director, after giving notice and opportunity to be
6 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
7 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
8 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

9 **7. Maintain Valid License.** Respondent shall, at all times while on probation, maintain
10 a current and active registration and/or license(s) with BAR, including any period during which
11 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
12 decision becomes effective, the registration or license must be renewed by Respondent within 30
13 days of that date. If Respondent's registration or license expires during a term of probation, by
14 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
15 subject to any and all terms and conditions of probation not previously satisfied. Failure to
16 maintain a current and active registration and/or license during the period of probation shall also
17 constitute a violation of probation.

18 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$2,500.00
19 for the reasonable costs of the investigation and enforcement of case No. 79/15-89. Respondent
20 shall make such payment as follows: 47 payments of \$52.08 and one (1) payment of \$52.24
21 payable during the first 48 months of probation. Any agreement for a scheduled payment plan
22 shall require full payment to be completed no later than six (6) months before probation
23 terminates. Respondent shall make payment by check or money order payable to the Bureau of
24 Automotive Repair and shall indicate on the check or money order that it is for cost recovery
25 payment for case No. 79/15-89. Any order for payment of cost recovery shall remain in effect
26 whether or not probation is tolled. Probation shall not terminate until full cost recovery payment
27 has been made. BAR reserves the right to pursue any other lawful measures in collecting on the
28 costs ordered and past due, in addition to taking action based upon the violation of probation.

1 9. **Completion of Probation.** Upon successful completion of probation, Respondent's
2 affected registration and/or license will be fully restored or issued without restriction, if
3 Respondent meets all current requirements for registration or licensure and has paid all
4 outstanding fees, monetary penalties, or cost recovery owed to BAR.

5 10. **License Surrender.** Following the effective date of a decision that orders a stay of
6 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
7 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
8 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
9 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
10 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
11 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
12 provided in the decision. Respondent may not petition the Director for reinstatement of the
13 surrendered registration and/or license, or apply for a new registration or license under the
14 jurisdiction of BAR at any time before the date of the originally scheduled completion of
15 probation. If Respondent applies to BAR for a registration or license at any time after that date,
16 Respondent must meet all current requirements for registration or licensure and pay all
17 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

18 11. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 241812 and
19 Smog Check-Test Only Station License No. TC 241812, issued to Respondent Emad Attalla
20 Wasif, dba Eagle Glen Mobil, are suspended for ten (10) consecutive days beginning on the
21 effective date of the Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog Check-Test Only Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 3-1-19


EMAD ATTALLA WASIF,
DBA EAGLE GLEN MOBIL,
Respondent

I have read and fully discussed with Respondent Emad Attalla Wasif, dba Eagle Glen Mobil, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

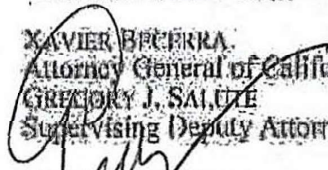

WILLIAM D. FERREIRA
Attorney for Respondent

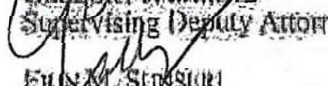
ENDORSEMENT

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

Dated: 6/27/19

Respectfully submitted,


XAVIER BECERRA,
Attorney General of California
GREGORY J. SALETTE
Supervising Deputy Attorney General


ERIN M. STENSIRI
Deputy Attorney General
Attorneys for Complainant

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DATED: _____
EMAD ATTALLA WASIF,
DBA EAGLE GLEN MOBIL
Respondent

I have read and fully discussed with Respondent Emad Attalla Wasif, dba Eagle Glen Mobil, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
WILLIAM D. FERREIRA
Attorney for Respondent

ENDORSEMENT

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

Dated: _____
Respectfully submitted,
XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
ERIN M. SUNSERI
Deputy Attorney General
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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 79/15-89

13 **EMAD ATTALLA WASIF, OWNER,**
14 **DOING BUSINESS AS**
15 **EAGLE GLEN MOBIL**
2261 Eagle Glen Parkway
Corona, CA 92883

ACCUSATION

(SMOG CHECK)

16 Automotive Repair Dealer Registration
No. ARD 241812
17 Smog Check-Test Only Station License
No. TC 241812

18
19 **ANTONIO OROZCO**
3609 Kansas Ave
20 Riverside, CA 92507

21 Smog Check Inspector License
No. EO 150767

22 Smog Check Repair Technician
23 NO. EI 150767 (formerly Advanced
Emission Specialist Technician License No.
24 EA 150767),

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26 Respondents.

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Complainant alleges:

PARTIES

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

2.o On or about October 5, 2005, the Bureau of Automotive Repair issued Automotiveo Repair Dealer Registration Number ARD 241812 to Emad Attalla Wasif, dba Eagle Glen Mobil (Respondent Wasif). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2015, unless renewed.

3.o On or about February 1, 2006, the Bureau of Automotive Repair issued Smog Check- Test Only Station License Number TC 241812 to Emad Attalla Wasif, dba Eagle Glen Mobil (Respondent Wasif). The Smog Check-Test Only Station License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2015, unless renewed.

4.o On October 31, 2013, the Bureau of Automotive Repair issued Advanced Emissiono Specialist Technician License No. EA 150767 to Antonio Orozco (Respondent Orozco). The license was cancelled on July 26, 2013. On that date, it was redesignated as Smog Check Inspector License No. EO 150767 (Inspector License) and Smog Check Repair Technician License No. EI 150767.¹ The Inspector and Repair Technician licenses were in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2015, unless renewed.

JURISDICTION

5.o This Accusation is brought before the Director of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

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

1 6.a Section 118, subdivision (b), of the Code provides that the suspension, expiration, a
2 surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated.

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

9 8.a Section 9884.20 of the Code states:a

10 “All accusations against automotive repair dealers shall be filed within three years after the
11 performance of the act or omission alleged as the ground for disciplinary action, except that with a
12 respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action,
13 the accusation may be filed within two years after the discovery, by the bureau, of the alleged
14 facts constituting the fraud or misrepresentation.”

15 9.a Section 9884.22 of the Code states:a

a16a “(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny
17 at any time any registration required by this article on any of the grounds for disciplinary action
18 provided in this article. The proceedings under this article shall be conducted in accordance with
19 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
20 Code, and the director shall have all the powers granted therein.

21 “...”

22 10.a Section 44002 of the Health and Safety Code provides, in pertinent part, that the
23 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
24 the Motor Vehicle Inspection Program.

25 11.a Section 44072 of the Health and Safety Code states:a

26 “Any license issued under this chapter and the regulations adopted pursuant to it may be
27 suspended or revoked by the director. The director may refuse to issue a license to any applicant
28 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted

1 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
2 of the Government Code, and the director shall have all the powers granted therein.”

3 12.o Section 44072.4 of the Health and Safety Code states:o

4 “The director may take disciplinary action against any licensee after a hearing as provided o
5 in this article by any of the following:

6 “(a) Imposing probation upon terms and conditions to be set forth by the director.

7 “(b) Suspending the license.o

8 “(c) Revoking the license.”o

9 13.o Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the o
10 expiration or suspension of a license by operation of law, or by order or decision of the Director
11 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
12 the Director of jurisdiction to proceed with disciplinary action.

13 14.o Section 44072.7 of the Health and Safety Code states:o

14 "All accusations against licensees shall be filed within three years after the act or omission o
15 alleged as the ground for disciplinary action, except that with respect to an accusation alleging a
16 violation of subdivision (d) of Section 44072.2, the accusation may be filed within two years after
17 the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation
18 prohibited by that section."

19 15.o Section 44072.8 of the Health and Safety Code states:o

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

23 STATUTORY PROVISIONS

24 16.o Section 22 of the Code states:o

25 "(a) 'Board' as used in any provisions of this Code, refers to the board in which the o
26 administration of the provision is vested, and unless otherwise expressly provided, shall include
27 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and
28 'agency.'o

1 "(b) Whenever the regulatory program of a board that is subject to review by the Joint
2 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2
3 (commencing with Section 473), is taken over by the department, that program shall be
4 designated as a 'bureau.'"

5 17. Section 23.7 of the Code states:

6 "Unless otherwise expressly provided, 'license' means license, certificate, registration, or
7 other means to engage in a business or profession regulated by this code or referred to in Section
8 1000 or 3600."

9 18. Section 9884.7 of the Code states:

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

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

18 "...

19 "(4) Any other conduct that constitutes fraud.

20 "...

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

25 19.e Section 44072.2 of the Health and Safety Code states:

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

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

6 "...."

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

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

9 "...."

10 20.e Section 44072.10 of the Health and Safety Code states:e

11 "..."

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

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

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

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

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

21 **REGULATORY PROVISIONS**

22 21.e California Code of Regulations, title 16, section 3340.1, states:e

23 "..."

24 "'Clean piping,' for the purposes of Health and Safety Code section 44072.10(c)(1), means
25 the use of a substitute exhaust emissions sample in place of the actual test vehicle's exhaust in
26 order to cause the EIS to issue a certificate of compliance for the test vehicle.

27 "...."

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1 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
2 certificate to a 1997 Toyota Corolla, CA license 6CCX662. Respondent Orozco used the "clean-
3 piping" method to fraudulently issue a passing smog certificate for the 1997 Toyota Corolla
4 which was not on the premises. According to the information provided to BAR by Eagle Glen
5 Mobil and Respondent Orozco, the 1997 Toyota Corolla was smog tested between 0901 and 0910
6 hours, on April 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample probe
7 inside the tail pipe of a Toyota Tundra pickup. Respondent Orozco used the "clean" exhaust for
8e the Toyota Tundra pickup tailpipe to certify the exhaust from the 1997 Toyota Corolla, whiche
9 was not at the shop at the time of the test. After the fraudulent test, Respondent Orozco certified
10 to BAR that he had smog tested the 1997 Toyota Corolla and issued Smog Certificate

11 [REDACTED]

12 **C. Undercover Surveillance – Inspection on April 6, 2014**

13 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
14 certificate to a 2005 Toyota Corolla, CA license 6MTA659. Respondent Orozco used the "clean-
15 piping" method to fraudulently issue a passing smog certificate for the 2005 Toyota Corolla
16 which was not on the premises. According to the information provided to BAR by Eagle Glen
17 Mobil and Respondent Orozco, the 2005 Toyota Corolla was smog tested between 0915 and 0924
18 hours, on April 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample probe
19 inside the tail pipe of a Toyota Tundra pickup. Respondent Orozco used the "clean" exhaust for
20 the Toyota Tundra pickup tailpipe to certify the exhaust from the 2005 Toyota Corolla, which
21 was not at the shop at the time of the test. After the fraudulent test, Respondent Orozco certified
22 to BAR that he had smog tested the 2005 Toyota Corolla and issued Smog Certificate

23 [REDACTED]

24 **D. Undercover Surveillance – Inspection on April 6, 2014**

25 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
26 certificate to a 2003 Dodge Ram 1500 pickup, CA license 6W67349. Respondent Orozco used
27 the "clean-piping" method to fraudulently issue a passing smog certificate for the 2003 Dodge
28 Ram 1500 pickup which was not on the premises. According to the information provided to BAR

1 by Eagle Glen Mobil and Respondent Orozco, the 2003 Dodge Ram 1500 pickup was smog
2 tested between 0928 and 0934 hours, on April 6, 2014. Respondent Orozco placed the EIS
3 machines gas analyzer sample probe inside the tail pipe of a Toyota Tundra pickup. Respondent
4 Orozco used the "clean" exhaust for the Toyota Tundra pickup tailpipe to certify the exhaust from
5 the 2003 Dodge Ram 1500 pickup, which was not at the shop at the time of the test. After the
6 fraudulent test, Respondent Orozco certified to BAR that he had smog tested the 2003 Dodge
7 Ram 1500 and issued Smog Certificate [REDACTED]

8 **E. Undercover Surveillance -- Inspection on April 6, 2014**

9 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
10 certificate to a 1998 Nissan Maxima, CA license 4BLL336. Respondent Orozco used the "clean-
11 piping" method to fraudulently issue a passing smog certificate for the 1998 Nissan Maxima
12 which was not on the premises. According to the information provided to BAR by Eagle Glen
13 Mobil and Respondent Orozco, the 1998 Nissan Maxima was smog tested between 0938 and
14 0946 hours, on April 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample
15 probe inside the tall pipe of the Toyota Tundra. Respondent Orozco used the "clean" exhaust for
16 the Toyota Tundra pickup tailpipe to certify the exhaust from the 1998 Nissan Maxima, which
17 was not at the shop at the time of the test. After the fraudulent test, Respondent Orozco certified
18 to BAR that he had smog tested the 1998 Nissan Maxima and issued Smog Certificate

19 # [REDACTED]

20 **Undercover Surveillance -- Inspection on April 6, 2014**

21 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
22 certificate to a 1983 Jeep CJ7 Universal, CA license 2ATK868. Respondent Orozco used the
23 "clean-piping" method to fraudulently issue a passing smog certificate for the Jeep CJ7 Universal
24 which was not on the premises. According to the information provided to BAR by Eagle Glen
25 Mobil and Respondent Orozco, the Jeep CJ7 Universal was smog tested between 0951 and 0959
26 hours, on April 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample probe
27 inside the tail pipe of Toyota Tundra. Respondent Orozco used the "clean" exhaust for the
28 Toyota Tundra pickup tailpipe to certify the exhaust from the Jeep CJ7 Universal, which was not

1 at the shop at the time of the test. After the fraudulent test, Respondent Orozco certified to BAR
2 that he had smog tested the Jeep CJ7 Universal and issued Smog Certificate [REDACTED]

3 **G. Undercover Surveillance – Inspection on April 6, 2014**

4 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
5 certificate to a 1994 Honda Accord, CA license 6JLK194. Respondent Orozco used the “clean-
6 piping” method to fraudulently issue a passing smog certificate for the Honda Accord which was
7 not on the premises. According to the information provided to BAR by Eagle Glen Mobil and
8 Respondent Orozco, the Honda Accord was smog tested between 1003 and 1012 hours, on April
9 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample probe inside the tail
10 pipe of a Toyota Tundra. Respondent Orozco used the “clean” exhaust for the Toyota Tundra
11 pickup tailpipe to certify the exhaust from the Honda Accord, which was not at the shop at the
12 time of the test. After the fraudulent test, Respondent Orozco certified [REDACTED]

[REDACTED] # [REDACTED]

14 **H. Undercover Surveillance – Inspection on April 6, 2014**

15 On April 6, 2014, Eagle Glen Mobil and Respondent Orozco issued a passing smog
16 certificate to a 1989 Chevrolet S10 Pickup, CA license 12845E1. Respondent Orozco used the
17 “clean-piping” method to fraudulently issue a passing smog certificate for the Chevrolet S10
18 which was not on the premises. According to the information provided to BAR by Eagle Glen
19 Mobil and Respondent Orozco, the Chevrolet S10 was smog tested between 1017 and 1022
20 hours, on April 6, 2014. Respondent Orozco placed the EIS machines gas analyzer sample probe
21 inside the tail pipe of a Toyota Tundra. Respondent Orozco used the “clean” exhaust for the
22 Toyota Tundra pickup tailpipe to certify the exhaust from the Chevrolet S10, which was not at the
23 shop at the time of the test. After the fraudulent test, Respondent Orozco certified to BAR that
24 he had smog tested the Chevrolet S10 and issued Smog Certificate # [REDACTED].

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 25.e Respondent Wasif’s Registration is subject to disciplinary action under section
28 9884.7, subdivision (a)(1), in that Respondent Wasif made or authorized statements which

1 Respondent Wasif knew or in the exercise of reasonable care should have known to be untrue or
2 misleading as follows: Respondent Wasif certified that the eight vehicles described in paragraph
3 24 were properly inspected and passed their smog inspections, when in fact and in truth those
4 vehicles were not properly inspected.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Violations of Motor Vehicle Inspection Program)**

7 26.o Respondent Wasif's Station License is subject to disciplinary action under Health and
8 Safety Code sections 44072.10, subdivision (c), and 44072.2, subdivision (a), in that Respondent
9 Wasif failed to comply with the following sections of that Code:

10 a.o **Section 44012**: failed to perform the tests of the emission control systems and
11 devices on the vehicles described in paragraph 24 sections A through H, in accordance with
12 procedures prescribed by the Department.

13 b.o **Section 44015**: issued certificates of compliance for the vehicles described in
14 paragraph 24 sections A through H, without properly testing and inspecting them to determine if
15 they were in compliance with Health & Safety Code section 44012.

16 c. **Section 44035**: failed to meet or maintain the standards prescribed for
17 qualification, equipment, performance, or conduct by failing to properly perform smog
18 inspections on the vehicles described in paragraph 24 sections A through H, or certifying that
19 such tests had been properly performed, when in fact they were not properly performed.

20 **THIRD CAUSE FOR DISCIPLINE**

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

22 27.o Respondent Wasif's Station License is subject to disciplinary action under Health and
23 Safety Code sections 44072.10, subdivision (c) and 44072.2, subdivision (a), in that Respondent
24 Wasif failed to comply with the following sections of California Code of Regulations, title 16:

25 a.o **Section 3340.35, subdivision (c)**: Respondent Wasif failed to inspect and test
26 the vehicles described in paragraph 24 sections A through H, in accordance with the procedures
27 specified in section 3340.42 of the Regulations and failed to ensure that these vehicles had all the
28 required emission control equipment and devices installed and functioning correctly.

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3 c.s **Section 3340.42:** Respondent Wasif failed to conduct the required smog testss
4 on the vehicles described in paragraph 24 sections A through H, in accordance with the Bureau's
5 specifications.

6 **FOURTH CAUSE FOR DISCIPLINE**

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

8 28. Respondent Wasif's Registration is subject to disciplinary action under Code section
9 9884.7, subdivision (a)(4), and Respondent Wasif's Station License is subject to disciplinary s
10 action under Health and Safety Code sections 44072.10, subdivision (c) and 44072.2, subdivision
11 (d), in that Respondent Wasif committed dishonest, fraudulent, or deceitful acts whereby another
12 is injured by issuing smog inspection certificates for the vehicles described in paragraph 24
13 sections A through H, without performing bona fide inspections of the emission control devices
14 and systems on them, thereby depriving the People of the State of California of the protection
15 afforded by the Motor Vehicle Inspection Program.

16s **FIFTH CAUSE FOR DISCIPLINE**

17s **(Clean Piping)**

18 29.s Respondent Wasif's Station license is subject to disciplinary action for clean pipings
19 under Health & Safety Code, § 44072.10, subdivision (c)(1), as defined in California Code of
20 Regulations, title 16, section 3340.1, in that Respondent Wasif used a substitute exhaust emission
21 sample of one vehicle in place of another vehicle's exhaust emission sample in order to cause the
22 Emissions Inspection System to issue certificates of compliance for the inspections described in
23 paragraph 24 sections A through H .

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Violation of Motor Vehicle Inspection Program)**

26 30. Respondent Orozco's Inspector License and Repair Technician License are subject to
27 disciplinary action under Health and Safety Code sections 44072.10, subdivlsion (c) and 44072.2,
28

1 subdivision (a), in that Respondent Orozco failed to comply with the following sections of that
2 Code:

3 a. **Section 44012**: Respondent Orozco failed to perform the tests of the emission
4 control systems and devices on the vehicles described in paragraph 24 sections A through H, in
5 accordance with procedures prescribed by the Department.

6 b.o **Section 44015**: Respondent Orozco issued a certificate of compliance for the
7 vehicles described in paragraph 24 sections A through H, without properly testing and inspecting
8 them to determine if they were in compliance with Health & Safety Code section 44012.

9 c.o **Section 44035**: Respondent Orozco failed to meet or maintain the standards
10 prescribed for qualification, equipment, performance, or conduct by failing to properly perform
11 smog inspections on the vehicles described in paragraph 24 sections A through H, or certifying
12 that such tests had been properly performed, when in fact they were not properly performed.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Under Motor Vehicle Inspection Program)**

15 31. Respondent Orozco's Inspector License and Repair Technician License are subject to
16 disciplinary action under Health and Safety Code sections 44072.10, subdivision (c) and 44072.2,
17 subdivision (a) in that Respondent Orozco failed to comply with the following sections of
18 California Code of Regulations, title 16:

19 a.o **Section 3340.35, subdivision (c)**: Respondent Orozco failed to inspect and test
20 the vehicles described in paragraph 24 sections A through H in accordance with the procedures
21 specified in section 3340.42 of the Regulations and failed to ensure that these vehicles had all the
22 required emission control equipment and devices installed and functioning correctly.

23 b.o **Section 3340.41, subdivision (c)**: Respondent Orozco knowingly entered into
24 the Emissions Inspection System false information about the vehicles described in paragraph 24
25 sections A through H, providing passing results for smog inspections which were not properly
26 performed.

27
28

1 c.e Section 3340.42; Respondent Orozco failed to conduct the required smog testse
2 on all the vehicles described in paragraph 24 sections A through H in accordance with the
3 Bureau's specifications.

4 ///

5 **EIGHTH CAUSE FOR DISCIPLINE**

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

7 32.e Respondent Orozco's Inspector License and Repair Technician License are subject to
8 disciplinary action under Health and Safety Code sections 44072.10, subdivision (c) and 44072.2,
9 subdivision (d), in that Respondent Orozco committed dishonest, fraudulent, or deceitful acts
10 whereby another is injured by issuing smog inspection certificates for the vehicles described in
11 paragraph 24 sections A through H, without performing bona fide inspections of the emission
12 control devices and systems on them, thereby depriving the People of the State of California of
13 the protection afforded by the Motor Vehicle Inspection Program.

14 **NINTH CAUSE FOR DISCIPLINE**

15 **(Clean-Piping)**

16 33.e Respondent Orozco's Inspector License and Repair Technician License are subject to
17 disciplinary action for clean piping under Health & Safety Code, § 44072.10, subdivision (c)(1),
18 as defined in California Code of Regulations, title 16, section 3340.1, in that he used a substitute
19 exhaust emission sample of one vehicle in place of another vehicle's exhaust emission sample in
20 order to cause the Emissions Inspection System to issue certificates of compliance for the
21 inspections of the vehicles described in paragraph 24 sections A through H.

22 **DISCIPLINE CONSIDERATIONS**

23 34.e To determine the degree of discipline, if any, to be imposed on Respondent Emade
24 Attalla Wasif, dba Eagle Glen Mobil, Complainant alleges that on or about October 6, 2010 in a
25 prior action, the Bureau of Automotive Repair issued Citation Number C2011-0406 and ordered
26 Respondent to pay a fine of \$1,000. That Citation is now final and is incorporated by reference as
27 if fully set forth

28

1 35.o To determine the degree of discipline, if any, to be imposed on Respondent Antonioo
2 Orozco , Complainant alleges that on or about December 06, 2011 in a prior action, the Bureau of
3 Automotive Repair issued Citation Number M2012-0605 and ordered Respondent to complete an
4 8 hour training class. That Citation is now final and is incorporated by reference as if fully set
5 forth.

6 36.o To determine the degree of discipline, if any, to be imposed on Respondent Antonioo
7 Orozco, Complainant alleges that on or about August 27, 2013 in a prior action, the Bureau of
8 Automotive Repair issued Citation Number M2014-0141 and ordered Respondent to complete a
9 28 hour training class and pay a \$500 fine. The Citation was appealed informally, an informal
10 conference held and the citation affirmed. The Citation was then formally appealed and is
11 currently pending hearing.

12 OTHER MATTERS

13 37.o Under Code section 9884.7, subdivision (c), the Director may suspend, revoke or
14 place on probation the registration for all places of business operated in this State by Respondent
15 Wasif upon a finding that Respondent Wasif has, or is, engaged in a course of repeated and
16 willful violations of the laws and regulations pertaining to an automotive repair dealer.

17 38.o Under Health & Safety Code section 44072.8, if Respondent Wasif's Station License
18 is revoked or suspended, the Director may likewise revoke or suspend any additional license
19 issued under Chapter 5 of the Health and Safety Code in the name of Respondent Wasif.

20 39.o Under Health & Safety Code section 44072.8, if if Respondent Orozco's Inspectoro
21 License or Repair Technician License is revoked or suspended, the Director may likewise revoke
22 or suspend any additional license issued under Chapter 5 of the Health and Safety Code in the
23 name of Respondent Orozco.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Director of Consumer Affairs issue a decision:

27 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
28 241812, issued to Emad Attalla Wasif, dba Eagle Glen Mobil;

