

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

In the Matter of the Accusation Against:

LS AUTOMOTIVE
RICK HUSSAIN, Owner
700 Broadway Street
Vallejo, California 94590

Automotive Repair Dealer Registration
No. ARD 242387
Smog Check Test Only Station License
License No. TC 242387

and

PATRICK JAMES ALG
700 Broadway Street
Vallejo, California 94590

Advanced Emission Specialist Technician
License No. EA 146012

Respondents.

Case No. 79/10-52

OAH No. 2010050047

DECISION

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 _____.

DATED: August 12, 2010



DORATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVASSILIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 79/10-52

13 **LS AUTOMOTIVE**
700 Broadway Street
14 Vallejo, California 94590
RICK HUSSAIN, OWNER
15 **Automotive Repair Dealer Registration**
No. ARD 242387
16 **Smog Check Test Only Station License**
No. TC 242387

OAH No. 2010050047
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 and

18 **PATRICK JAMES ALG**
700 Broadway Street
19 Vallejo, California 94590
20 **Advanced Emission Specialist Technician**
License No. EA 146012

21 Respondents.

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
27 brought this action solely in her official capacity and is represented in this matter by Edmund G.
28

1 Brown Jr., Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy
2 Attorney General.

3 2. Respondent Rick Hussain, a.k.a. Raiyat Hussain, Owner of LS Automotive, is
4 representing himself in this proceeding and has chosen not to exercise his right to be represented
5 by counsel.

6 3. Respondent Patrick James Alg is representing himself in this proceeding and has
7 chosen not to exercise his right to be represented by counsel.

8 4. On or about August 15, 2006, the Bureau of Automotive Repair issued Automotive
9 Repair Dealer Registration No. ARD 242387 to Rick Hussain, a.k.a. Raiyat Hussain, Owner of
10 LS Automotive ("Respondent Hussain"). The registration was in full force and effect at all times
11 relevant to the charges brought in Accusation No. 79/10-52 and will expire on November 30,
12 2010, unless renewed.

13 5. On or about November 28, 2007, the Bureau of Automotive Repair issued Smog
14 Check Test Only Station License No. TC 242387 to Rick Hussain, a.k.a. Raiyat Hussain, Owner
15 of LS Automotive ("Respondent Hussain"). The station license was in full force and effect at all
16 times relevant to the charges brought in Accusation No. 79/10-52 and will expire on November
17 30, 2010, unless renewed.

18 6. In 2002, the Bureau of Automotive Repair issued Advanced Emission Specialist
19 Technician License No. EA 146012 to Patrick James Alg. The technician license was in full
20 force and effect at all times relevant to the charges brought in Accusation No. 79/10-52 and will
21 expire on January 31, 2011, unless renewed.

22 JURISDICTION

23 7. Accusation No. 79/10-52 was filed before the Director of Consumer Affairs
24 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
25 Respondents. The Accusation and all other statutorily required documents were properly served
26 on Respondents on March 4, 2010. Each Respondent timely filed a Notice of Defense contesting
27 the Accusation. A copy of Accusation No. 79/10-52 is attached as "Exhibit A" and incorporated
28 herein by reference.

1 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
2 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
3 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
4 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
5 Director shall not be disqualified from further action by having considered this matter.

6 15. The parties understand and agree that facsimile copies of this Stipulated Settlement
7 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
8 effect as the originals.

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

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

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 242387,
20 issued to Respondent Rick Hussain, a.k.a. Raiyat Hussain, Owner of LS Automotive, is
21 invalidated; that Smog Check Test Only Station License No. TC 242387, issued to Respondent
22 Rick Hussain, a.k.a. Raiyat Hussain, Owner of LS Automotive, is revoked; and that Advanced
23 Emission Specialist Technician License No. EA 146012, issued to Respondent Patrick James Alg,
24 is revoked.

25 IT IS ALSO ORDERED that Respondents Hussain and Alg be jointly and severally liable
26 for the Bureau's investigative and enforcement costs in the amount of \$27,000. The costs are due
27 upon a respondent's petition for reinstatement, or application to the Bureau for a new license or
28 registration. A petition for reinstatement shall be treated as an application for a new license or

1 registration, and the applicant must meet all requirements for the license or registration at the time
2 of the application.

3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog
6 Check Test Only Station License. I enter into this Stipulated Settlement and Disciplinary Order
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Director of Consumer
8 Affairs' Decision and Order.

9 DATED: 7.14.2010

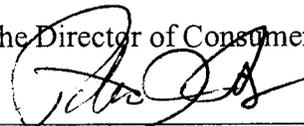


10 RICK HUSSAIN, a.k.a. RAIYAT HUSSAIN, OWNER
11 L S AUTOMOTIVE
12 Respondent

13 ACCEPTANCE

14 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
15 stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I
16 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
17 intelligently, and agree to be bound by the Director of Consumer Affairs' Decision and Order.

18 DATED: 7/14/2010



19 PATRICK JAMES ALG
20 Respondent

21 ENDORSEMENT

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

24 DATED: 7/14/2010

25 Respectfully Submitted,

26 EDMUND G. BROWN JR.
27 Attorney General of California
28 DIANN SOKOLOFF
Supervising Deputy Attorney General



ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
Attorneys for Complainant

SF2009404385

Exhibit A

Accusation No. 79/10-52

1 EDMUND G. BROWN JR.
Attorney General of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 79/10-52

13 **LS AUTOMOTIVE**
700 Broadway Street
14 Vallejo, California 94590
RICK HUSSAIN, OWNER
Automotive Repair Dealer Registration
15 No. ARD 242387
Smog Check Test Only Station License
16 No. TC 242387

A C C U S A T I O N
S M O G C H E C K

17 and

18 **PATRICK JAMES ALG**
700 Broadway Street
19 Vallejo, California 94590
Advanced Emission Specialist Technician
20 License No. EA 146012

21 Respondents.

22
23 Complainant alleges:

24 **PARTIES**

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

27 ///

28 ///

1 **Automotive Repair Dealer Registration**

2 2. On or about August 15, 2006, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 242387 ("registration") to Rick Hussain, also known as Raiyat
4 Hussain ("Respondent Hussain") doing business as L S Automotive. The registration was in full
5 force and effect at all times relevant to the charges brought herein and will expire on November
6 30, 2010, unless renewed.

7 **Smog Check, Test Only, Station License**

8 3. On or about November 28, 2007, the Bureau issued Smog Check Test Only Station
9 License Number TC 242387 ("station license") to Respondent Hussain. The station license was in
10 full force and effect at all times relevant to the charges brought herein and will expire on
11 November 30, 2010, unless renewed.

12 **Advanced Emission Specialist Technician License**

13 4. On a date uncertain in 2002, the Bureau issued Advanced Emission Specialist
14 Technician License Number EA 146012 ("technician license") to Patrick James Alg
15 ("Respondent Alg"). The technician license was in full force and effect at all times relevant to
16 the charges brought herein and will expire on January 31, 2011, unless renewed.

17 **STATUTORY PROVISIONS**

18 5. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
19 part:

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

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

26 (4) Any other conduct which constitutes fraud.

27 (b) Except as provided for in subdivision (c), if an automotive repair
28 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.

1 This violation, or action by the director, shall not affect in any manner the right of the
2 automotive repair dealer to operate his or her other places of business.

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

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

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

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

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

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

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

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

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

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

1 11. Section 44072.8 of the Health and Safety Code states:

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

5 **COST RECOVERY**

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

10 **SURVEILLANCE OPERATION – JULY 25, 2008**

11 13. On or about July 25, 2008, the Bureau performed a videotaped surveillance at
12 Respondent Hussain's facility. The surveillance operation and information obtained from the
13 Bureau's Vehicle Information Database ("VID") revealed that from approximately 0848 hours
14 and 0857 hours, Respondent Alg's confidential access code was used to perform one (1) smog
15 inspection that resulted in the issuance of electronic Certificate of Compliance No. NC512033C
16 to a 1997 Ford Explorer, California License Plate No. 4XIS962, certifying that the vehicle had
17 been tested and inspected the 1997 Ford Explorer and that the vehicle was in compliance with
18 applicable laws and regulations. However, at the time of this inspection, Respondent Alg was not
19 at the facility. The smog inspection was performed using the clean piping method¹ by using the
20 tail pipe emissions of a vehicle other than the vehicle being certified in order to issue the
21 electronic certificate of compliance. The vehicle certified was not in the test bay at the time of
22 the smog inspection.

23 ///

24 ///

25 ///

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

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 14. Respondent Hussain has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(1), in that on or about July 25, 2008, he made statements which he knew
5 or which by exercise of reasonable care he should have known were untrue or misleading when
6 he issued electronic Certificate of Compliance No. NC512033C for the 1997 Ford Explorer,
7 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
8 the vehicle had been clean piped.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 15. Respondent Hussain has subjected his registration to discipline under Code section
12 9884.7, subdivision (a)(4), in that on or about July 25, 2008, he committed acts which constitute
13 fraud by issuing electronic Certificate of Compliance No. NC512033C for the 1997 Ford
14 Explorer without performing a bona fide inspection of the emission control devices and systems
15 on that vehicle, thereby depriving the People of the State of California of the protection afforded
16 by the Motor Vehicle Inspection Program.

17 **THIRD CAUSE FOR DISCIPLINE**

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

19 16. Respondent Hussain has subjected his station license to discipline under Health and
20 Safety Code section 44072.2, subdivision (a), in that on or about July 25, 2008, regarding the
21 1997 Ford Explorer, he violated sections of that Code, as follows:

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

25 b. **Section 44012, subdivision (f):** Respondent Hussain failed to perform emission
26 control tests on that vehicle in accordance with procedures prescribed by the department.

27 ///

28 ///

1 c. **Section 44015, subdivision (b):** Respondent Hussain issued electronic Certificate of
2 Compliance No. NC512033C without properly testing and inspecting that vehicle to determine if
3 it was in compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Hussain willfully made false entries for electronic
5 Certificate of Compliance No. NC512033C, certifying that the vehicle had been inspected as
6 required when, in fact, it had not.

7 **FOURTH CAUSE FOR DISCIPLINE**

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

9 17. Respondent Hussain has subjected his station license to discipline under Health and
10 Safety Code section 44072.2, subdivision (c), in that on or about July 25, 2008, regarding the
11 1997 Ford Explorer, he violated sections of the California Code of Regulations, title 16, as
12 follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Hussain falsely or fraudulently issued
14 electronic Certificate of Compliance No. NC512033C without performing a bona fide inspection
15 of the emission control devices and systems on that vehicle as required by Health and Safety
16 Code section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Hussain issued electronic Certificate
18 of Compliance No. NC512033C even though that vehicle had not been inspected in accordance
19 with section 3340.42 of that Code.

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

22 **FIFTH CAUSE FOR DISCIPLINE**

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

24 18. Respondent Hussain has subjected his station license to discipline under Health and
25 Safety Code section 44072.2, subdivision (d), in that on or about July 25, 2008, regarding the
26 1997 Ford Explorer, he committed acts involving dishonesty, fraud or deceit whereby another
27 was injured by issuing electronic Certificate of Compliance No. NC512033C without performing
28 a bona fide inspection of the emission control devices and systems on that vehicle, thereby

1 depriving the People of the State of California of the protection afforded by the Motor Vehicle
2 Inspection Program.

3 **SIXTH CAUSE FOR DISCIPLINE**

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

5 19. Respondent Alg has subjected his technician license to discipline under Health and
6 Safety Code section 44072.2, subdivision (a), in that on or about July 25, 2008, regarding the
7 1997 Ford Explorer, he failed to comply with section 44014, subdivision (a) by allowing
8 Respondent Hussain, who is not licensed as a technician, to use his confidential code to access the
9 Emission Inspection System ("EIS").

10 **SURVEILLANCE OPERATION – JULY 28, 2008**

11 20. On or about July 28, 2008, the Bureau performed a videotaped surveillance at
12 Respondent Hussain's facility. The surveillance operation and information obtained from the
13 Bureau's VID revealed that from approximately 1420 hours to 1526 hours, Respondent Alg,
14 performed two (2) smog inspections that resulted in the issuance of electronic certificates of
15 compliance for the vehicles set forth in Table 1, below, certifying that he had tested and inspected
16 those vehicles and that the vehicles were in compliance with applicable laws and regulations. In
17 fact, Respondent Alg performed the smog inspections using the clean piping method by using the
18 tail pipe emissions of vehicles other than the vehicles being certified in order to issue the
19 electronic certificates of compliance. The vehicles certified were not in the test bay at the time of
20 the smog inspections.

21 **Table 1**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued
7/28/2008 1420 hours to 1511 hours	1993 Honda Civic Del Sol Partial Lic. No. N	Unknown	NC512038C
7/28/2008 1521 hours to 1526 hours	1993 Volvo 850 Lic. No. 3SNR656	Unknown	NC512039C

1 c. **Section 44015, subdivision (b):** Respondent Hussain issued electronic certificates of
2 compliance without properly testing and inspecting those vehicles to determine if they were in
3 compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Hussain willfully made false entries for the electronic
5 certificates of compliance, certifying that those vehicles had been inspected as required when, in
6 fact, they had not.

7 **TENTH CAUSE FOR DISCIPLINE**

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

9 24. Respondent Hussain has subjected his station license to discipline under Health and
10 Safety Code section 44072.2, subdivision (c), in that on or about July 28, 2008, regarding the
11 vehicles set forth in Table 1, above, he violated sections of the California Code of Regulations,
12 title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Hussain falsely or fraudulently issued
14 the electronic certificates of compliance without performing bona fide inspections of the emission
15 control devices and systems on those vehicles as required by Health and Safety Code section
16 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Hussain issued the electronic
18 certificates of compliance even though those vehicles had not been inspected in accordance with
19 section 3340.42 of that Code.

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

22 **ELEVENTH CAUSE FOR DISCIPLINE**

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

24 25. Respondent Hussain has subjected his station license to discipline under Health and
25 Safety Code section 44072.2, subdivision (d), in that on or about July 28, 2008, regarding the
26 vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit
27 whereby another was injured by issuing electronic certificates of compliance for those vehicles
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the
2 Motor Vehicle Inspection Program.

3 **TWELFTH CAUSE FOR DISCIPLINE**

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

5 26. Respondent Alg has subjected his technician license to discipline under Health and
6 Safety Code section 44072.2, subdivision (a), in that on or about July 28, 2008, regarding the
7 vehicles set forth in Table 1, above, he violated sections of that Code, as follows:

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

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

13 c. **Section 44032:** Respondent Alg failed to perform tests of the emission control
14 devices and systems on those vehicles in accordance with section 44012 of that Code, in that the
15 vehicles had been clean piped.

16 d. **Section 44059:** Respondent Alg willfully made false entries for the electronic
17 certificates of compliance, certifying that those vehicles had been inspected as required when, in
18 fact, they had not.

19 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

21 27. Respondent Alg has subjected his technician license to discipline under Health and
22 Safety Code section 44072.2, subdivision (c), in that on or about July 28, 2008, regarding the
23 vehicles set forth in Table 1, above, he violated sections of the California Code of Regulations,
24 title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent Alg falsely or fraudulently issued the
26 electronic certificates of compliance without performing bona fide inspections of the emission
27 control devices and systems on those vehicles as required by Health and Safety Code section
28 44012.

Table 2

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued	Technician
Insp. No. 1. 4/8/2009 0837 hours to 0843 hours	1996 Volkswagen Jetta Partial Lic. No. N	Unknown	NI851452C	Unknown
Insp. No. 2. 4/8/2009 0944 hours to 0958 hours	2000 Hyundai Accent Lic. No. 4MBT282	Jeep Wrangler Lic. No. 5WCY273	NI851453C	Alg and Hussain
Insp. No. 3. 4/8/2009 1430 hours to 1436 hours	2001 Ford Windstar Lic. No. 4RBH707	Jeep Wrangler Lic. No. 5WCY273	NI851455C	Alg and Hussain
Insp. No. 4. 4/8/2009 1634 hours to 1643 hours	1994 Ford Taurus Lic. No. 3HLE401	Jeep Wrangler Lic. No. 5WCY273	NI851456C	Hussain
Insp. No. 5. 4/8/2009 1646 hours to 1651 hours	1996 GMC C1500 Lic. No. 3RNB708	Jeep Wrangler Lic. No. 5WCY273	NI851457C	Hussain
Insp. No. 6. 4/8/2009 1701 hours to 1707 hours	2000 Cadillac Deville Lic. No. 6CFL535	Jeep Wrangler Lic. No. 5WCY273	NI851458C	Hussain

FIFTEENTH CAUSE FOR DISCIPLINE

(Misleading Statements)

30. Respondent Hussain has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about April 8, 2009, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Table 2, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIXTEENTH CAUSE FOR DISCIPLINE

(Fraud)

31. Respondent Hussain has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about April 8, 2009, he committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 2, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

32. Respondent Hussain has subjected his station license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about April 8, 2009, regarding the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

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

c. **Section 44015, subdivision (b):** Respondent Hussain issued electronic certificates of compliance without properly testing and inspecting those vehicles to determine if they were in compliance with section 44012 of that Code.

d. **Section 44059:** Respondent Hussain willfully made false entries for the electronic certificates of compliance, certifying that those vehicles had been inspected as required when, in fact, they had not.

EIGHTEENTH CAUSE FOR DISCIPLINE

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

33. Respondent Hussain has subjected his station license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that on or about April 8, 2009, regarding the

1 vehicles set forth in Table 2, above, he violated sections of the California Code of Regulations,
2 title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Hussain falsely or fraudulently issued
4 the electronic certificates of compliance without performing bona fide inspections of the emission
5 control devices and systems on those vehicles as required by Health and Safety Code section
6 44012.

7 b. **Section 3340.35, subdivision (c):** Respondent Hussain issued the electronic
8 certificates of compliance even though those vehicles had not been inspected in accordance with
9 section 3340.42 of that Code.

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

12 **NINETEENTH CAUSE FOR DISCIPLINE**

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

14 34. Respondent Hussain has subjected his station license to discipline under Health and
15 Safety Code section 44072.2, subdivision (d), in that on or about April 8, 2009, regarding the
16 vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud or deceit
17 whereby another was injured by issuing electronic certificates of compliance for those vehicles
18 without performing bona fide inspections of the emission control devices and systems on those
19 vehicles, thereby depriving the People of the State of California of the protection afforded by the
20 Motor Vehicle Inspection Program.

21 **TWENTIETH CAUSE FOR DISCIPLINE**

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

23 35. Respondent Alg has subjected his technician license to discipline under Health and
24 Safety Code section 44072.2, subdivision (a), in that on or about April 8, 2009, regarding the
25 vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

3 37. Respondent Alg has subjected his technician license to discipline under Health and
4 Safety Code section 44072.2, subdivision (d), in that on or about April 8, 2009, he committed acts
5 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
6 certificates of compliance for the vehicles set forth in Table 2, above, without performing bona
7 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
8 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
9 Program.

10 **SURVEILLANCE OPERATION – APRIL 9, 2009**

11 38. On or about April 9, 2009, the Bureau performed a videotaped surveillance at
12 Respondent Hussain's facility. The surveillance operation and information obtained from the
13 Bureau's VID revealed that from approximately 1025 hours to 1804 hours, Respondent Alg and
14 Respondent Hussain performed eight (8) smog inspections that resulted in the issuance of
15 electronic certificates of compliance using Respondent Alg's technician license, for the vehicles
16 set forth in Table 3, below, certifying that Respondent Alg had tested and inspected those vehicles
17 and that the vehicles were in compliance with applicable laws and regulations. In fact,
18 Respondent Alg and Respondent Hussain performed the smog inspections using the clean piping
19 method by using the tail pipe emissions of vehicles other than the vehicles being certified in order
20 to issue the electronic certificates of compliance. The vehicles certified were not in the test bay at
21 the time of the smog inspections.

22 **Table 3**

23

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued	Technician
Insp. No. 1 4/9/2009 1025 hours to 1033 hours	1999 Saturn SC Lic. No. 4EMX358	Jeep Wrangler	NI851461C	Alg and Hussain

24
25
26
27

1	Insp. No. 2 4/9/2009 1037 hours to 1043 hours	1991 Toyota Tercel Lic. No. 2WNX515	Jeep Wrangler	NI851462C	Alg and Hussain
2					
3	Insp. No. 3 4/9/2009 1602 hours to 1608 hours	1994 Honda Passport Lic. No. 3RNX759	Jeep Wrangler	NI851464C	Alg and Hussain
4					
5					
6	Insp. No. 4 4/9/2009 1701 hours to 1706 hours	1996 Acura Integra Lic. No. 5RSP456	Jeep Wrangler	NI851465C	Hussain
7					
8					
9	Insp. No. 5 4/9/2009 1715 hours to 1719 hours	2002 Ford Mustang Lic. No. 4WST968	Jeep Wrangler	NI851466C	Hussain
10					
11	Insp. No. 6 4/9/2009 1729 hours to 1735 hours	1989 Chevrolet C2500 Lic. No. 7P46574	Jeep Wrangler	NI851467C	Hussain
12					
13					
14	Insp. No. 7 4/9/2009 1742 hours to 1748 hours	1993 Toyota Paseo Lic. No. 4ZLA665	Jeep Wrangler	NI851468C	Hussain
15					
16	Insp. No. 8 4/9/2009 1753 hours to 1804 hours	1991 Honda Accord Lic. No. 3XGK032	Jeep Wrangler	NI851469C	Hussain
17					
18					

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Misleading Statements)

39. Respondent Hussain has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about April 9, 2009, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Table 3, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

///

///

1 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 40. Respondent Hussain has subjected his registration to discipline under Code section
4 9884.7, subdivision (a)(4), in that on or about April 9, 2009, he committed acts which constitute
5 fraud by issuing electronic certificates of compliance for the vehicles set forth in Table 3, above,
6 without performing bona fide inspections of the emission control devices and systems on those
7 vehicles, thereby depriving the People of the State of California of the protection afforded by the
8 Motor Vehicle Inspection Program.

9 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

11 41. Respondent Hussain has subjected his station license to discipline under Health and
12 Safety Code section 44072.2, subdivision (a), in that on or about April 9, 2009, regarding the
13 vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

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

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

19 c. **Section 44015, subdivision (b):** Respondent Hussain issued electronic certificates of
20 compliance without properly testing and inspecting those vehicles to determine if they were in
21 compliance with section 44012 of that Code.

22 d. **Section 44059:** Respondent Hussain willfully made false entries for the electronic
23 certificates of compliance, certifying that those vehicles had been inspected as required when, in
24 fact, they had not.

25 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

27 42. Respondent Hussain has subjected his station license to discipline under Health and
28 Safety Code section 44072.2, subdivision (c), in that on or about April 9, 2009, regarding the

1 vehicles set forth in Table 3, above, he violated sections of the California Code of Regulations,
2 title 16, as follows:

3 a. **Section 3340.24, subdivision (c):** Respondent Hussain falsely or fraudulently issued
4 the electronic certificates of compliance without performing bona fide inspections of the emission
5 control devices and systems on those vehicles as required by Health and Safety Code section
6 44012.

7 b. **Section 3340.35, subdivision (c):** Respondent Hussain issued the electronic
8 certificates of compliance even though those vehicles had not been inspected in accordance with
9 section 3340.42 of that Code.

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

12 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

14 43. Respondent Hussain has subjected his station license to discipline under Health and
15 Safety Code section 44072.2, subdivision (d), in that on or about April 9, 2009, regarding the
16 vehicles set forth in Table 3, above, he committed acts involving dishonesty, fraud or deceit
17 whereby another was injured by issuing electronic certificates of compliance for those vehicles
18 without performing bona fide inspections of the emission control devices and systems on those
19 vehicles, thereby depriving the People of the State of California of the protection afforded by the
20 Motor Vehicle Inspection Program.

21 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

23 44. Respondent Alg has subjected his technician license to discipline under Health and
24 Safety Code section 44072.2, subdivision (a), in that on or about April 9, 2009, regarding the
25 vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

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

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

3 **THIRTIETH CAUSE FOR DISCIPLINE**

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

5 46. Respondent Alg has subjected his technician license to discipline under Health and
6 Safety Code section 44072.2, subdivision (d), in that on or about April 9, 2009, he committed acts
7 involving dishonesty, fraud or deceit whereby another was injured by issuing electronic
8 certificates of compliance for the vehicles set forth in Table 3, above, without performing bona
9 fide inspections of the emission control devices and systems on those vehicles, thereby depriving
10 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program.

12 **PRIOR CITATIONS**

13 47. To determine the degree of discipline, if any, to be imposed on Respondents Hussain
14 and Alg, Complainant alleges as follows:

15 **RESPONDENT HUSSAIN**

16 a. On or about June 11, 2007, the Bureau issued Citation No. C07-0999 against
17 Respondent Hussain's registration and station licenses for violations of Health & Safety Code
18 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control
19 devices according to procedures prescribed by the department), and California Code of
20 Regulations, title 16, section ("Regulation") 3340.35, subdivision (c) (issuing a certificate of
21 compliance to a vehicle that was improperly tested), for issuing a certificate of compliance to a
22 Bureau undercover vehicle with a missing air suction system and pulse air injection reactor. The
23 Bureau assessed civil penalties totaling \$500 against Respondent Hussain for the violations.
24 Respondent Hussain complied with this citation on July 30, 2007.

25 b. On or about December 17, 2007, the Bureau issued Citation No. C08-0568 against
26 Respondent Hussain's registration and station licenses for violations of Health & Safety Code
27 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control
28 devices according to procedures prescribed by the department), and Regulation 3340.35,

1 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested), for
2 issuing a certificate of compliance to a Bureau undercover vehicle with a missing PCV valve hose
3 assembly. The Bureau assessed civil penalties totaling \$1,000 against Respondent Hussain for
4 the violations. Respondent Hussain complied with this citation on August 4, 2008.

5 **RESPONDENT ALG**

6 c. On or about December 4, 2004, the Bureau issued Citation No. M05-0215 against
7 Respondent Alg's technician license for violations of Health & Safety Code section 44032,
8 (failure to perform tests and inspects in accordance with H&S section 44012), and Regulation
9 3340.30, subdivision (a) (inspect, test, and repair vehicles in accordance with H&S sections
10 44012, 44035, and Regulation 3340.42) for issuing a certificate of compliance to a Bureau
11 undercover vehicle with the ignition timing adjusted beyond the manufacturer's specifications.
12 Respondent Alg was required to attend an 8-hour training course. Respondent Alg complied with
13 this citation on March 26, 2005.

14 d. On or about May 4, 2005, the Bureau issued Citation No. M05-0329 against
15 Respondent Alg's technician license for violations of Health & Safety Code section 44032,
16 (failure to perform tests and inspects in accordance with H&S section 44012), and Regulation
17 3340.30, subdivision (a) (inspect, test, and repair vehicles in accordance with H&S sections
18 44012, 44035, and Regulation 3340.42) for issuing a certificate of compliance to a Bureau
19 undercover vehicle with the ignition timing adjusted beyond the manufacturer's specifications.
20 Respondent Alg was required to attend an 16-hour training course. Respondent Alg complied
21 with this citation on May 29, 2005.

22 e. On or about August 5, 2005, the Bureau issued Citation No. M06-0063 against
23 Respondent Alg's technician license for violations of Health & Safety Code section 44032,
24 (failure to perform tests and inspects in accordance with H&S section 44012), and Regulation
25 3340.30, subdivision (a) (inspect, test, and repair vehicles in accordance with H&S sections
26 44012, 44035, and Regulation 3340.42) for issuing a certificate of compliance to a Bureau
27 undercover vehicle with the ignition timing adjusted beyond the manufacturer's specifications.
28

1 Respondent Alg was required to attend an 68-hour training course. Respondent Alg complied
2 with this citation on September 25, 2005.

3 f. On or about June 11, 2007, the Bureau issued Citation No. M07-1000 against
4 Respondent Alg's technician license for violations of Health & Safety Code section 44032,
5 (failure to perform tests and inspects in accordance with H&S section 44012), and Regulation
6 3340.30, subdivision (a) (inspect, test, and repair vehicles in accordance with H&S sections
7 44012, 44035, and Regulation 3340.42) for issuing a certificate of compliance to a Bureau
8 undercover vehicle with a missing air suction system and pulse injection reactor. Respondent Alg
9 was required to attend an 8-hour training course. Respondent Alg complied with this citation on
10 July 28, 2007

11 g. On or about December 17, 2007, the Bureau issued Citation No. M08-0569 against
12 Respondent Alg's technician license for violations of Health & Safety Code section 44032,
13 (failure to perform tests and inspects in accordance with H&S section 44012), and Regulation
14 3340.30, subdivision (a) (inspect, test, and repair vehicles in accordance with H&S sections
15 44012, 44035, and Regulation 3340.42) for issuing a certificate of compliance to a Bureau
16 undercover vehicle with a missing PCV valve hose assembly. Respondent Alg was required to
17 attend an 16-hour training course. Respondent Alg complied with this citation on January 18,
18 2008.

19 OTHER MATTERS

20 48. Pursuant to Code section 9884.7, subdivision (c), the Director may invalidate
21 temporarily or permanently or refuse to validate, the registrations for all places of business
22 operated in this state by Rick Hussain, also known as Raiyat Hussain, doing business as L S
23 Automotive, upon a finding that he has, or is, engaged in a course of repeated and willful
24 violations of the laws and regulations pertaining to an automotive repair dealer.

25 49. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station
26 License Number TC 242387, issued to Rick Hussain, also known as Raiyat Hussain, doing
27 business as L S Automotive, is revoked or suspended, any additional license issued under this
28 chapter in the name of said licensee may be likewise revoked or suspended by the director.

1 7. Ordering Rick Hussain, also known as Raiyat Hussain and Patrick James Alg to pay
2 the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of
3 this case, pursuant to Business and Professions Code section 125.3; and,

4 8. Taking such other and further action as deemed necessary and proper.
5

6
7
8 DATED: _____

2/16/10



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant