

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**
14 **700 Broadway Street**
15 **Vallejo, California 94590**
16 **RICK HUSSAIN, OWNER**
17 **Automotive Repair Dealer Registration**
18 **No. ARD 242387**
19 **Smog Check Test Only Station License**
20 **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**
19 **700 Broadway Street**
20 **Vallejo, California 94590**
21 **Advanced Emission Specialist Technician**
22 **License No. EA 146012**

21 Respondents.

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.

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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 licensee 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.

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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 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 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

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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					

19 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Misleading Statements)**

21 39. Respondent Hussain has subjected his registration to discipline under Code section
22 9884.7, subdivision (a)(1), in that on or about April 9, 2009, he made statements which he knew
23 or which by exercise of reasonable care he should have known were untrue or misleading when
24 he issued electronic certificates of compliance for the vehicles set forth in Table 3, above,
25 certifying that those vehicles were in compliance with applicable laws and regulations when, in
26 fact, the vehicles had been clean piped.

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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 or 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.
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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.
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7 DATED: 2/16/10



8 SHERRY MEHL
9 Chief
10 Bureau of Automotive Repair
11 Department of Consumer Affairs
12 State of California
13 Complainant

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