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

In the Matter of the Accusation Against:

**MENA SAM MEKAIL DBA K & M SMOG
CHECK
534 S Mountain Ave K
Ontario, CA 91762**

**Mailing Address:
26456 Mare Ln
Moreno Valley, CA 92555**

**Automotive Repair Dealer Registration No.
ARD 264919
Smog Check Test Only Station License No.
TC 264919**

**SAM FAHEEM MEKAIL
26456 Mare Lane
Moreno Valley, CA 92555**

**Smog Check Inspector License No.
EO 154753**

**NORMAN MIGUEL MEJIA AVILA
1877 Triste Ct
Riverside, CA 92501**

**Smog Check Inspector License No.
EO 641445**

Case No. 79/24-13998

**DEFAULT DECISION AND ORDER
ONLY AS TO RESPONDENT MENA
SAM MEKAIL DBA K & M SMOG
CHECK [ARD/TC 264919]**

[Gov. Code, §11520]

1 **CARLOS DIAZ-SALDANA**
2 **11433 Magnolia Ave, Apt 120**
3 **Riverside, CA 92505**

4 **Smog Check Inspector License No**
5 **EO 643393**

6 **and**

7 **VALENTIN V VALENCIA**
8 **920 Orange St**
9 **Colton, CA 92324**

10 **Smog Check Inspector License No**
11 **EO 635186**

12 Respondents.

13 **FINDINGS OF FACT**

14 1. On or about May 13, 2025, Complainant Patrick Dorais, in his official capacity as the
15 Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
16 No. 79/24-13998 against Mena Sam Mekail dba K & M Smog Check (Respondent) before the
17 Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

18 2. On or about May 4, 2011, the Bureau of Automotive Repair (Bureau) issued
19 Automotive Repair Dealer Registration No. ARD 264919 to Respondent. The Automotive
20 Repair Dealer Registration was due to expire on May 31, 2025, however, was cancelled on
21 September 16, 2024. This lapse in licensure, however, pursuant to Business and Professions
22 Code sections 118(b) and 9884.13 does not deprive the Bureau of its authority to institute or
23 continue this disciplinary proceeding.

24 3. On or about May 25, 2011, the Bureau issued Smog Check Test Only Station License
25 No. TC 264919 to Respondent. The Smog Check Test Only Station License was due to expire on
26 May 31, 2025, however, was cancelled on September 16, 2024. This lapse in licensure, however,
27 pursuant to Business and Professions Code sections 118(b) and Health and Safety Code section
28 44072.6 does not deprive the Bureau of its authority to institute or continue this disciplinary
proceeding.

1 4. On or about May 20, 2025, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 79/24-13998, Statement to Respondent, Notice of Defense, Request
3 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's addresses of record which, pursuant to Business and Professions Code
5 section 136, is required to be reported and maintained with the Bureau. Respondent's addresses
6 of record were and are:

7 26456 Mare Lane

8 Moreno Valley, CA 92555

9 and,

10 534 S Mountain Ave K

11 Ontario, CA 91762

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

14 6. Government Code section 11506(c) states, in pertinent part:

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

20 7. The Bureau takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
22 waived his right to a hearing on the merits of Accusation No. 79/24-13998.

23 8. California Government Code section 11520(a) states, in pertinent part:

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

28 9. Pursuant to its authority under Government Code section 11520, the Director after
having reviewed the proof of service dated May 20, 2025, signed by Janice Park, finds
Respondent is in default. The Director will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,

1 finds that the charges and allegations in Accusation No. 79/24-13998, are separately and
2 severally, found to be true and correct by clear and convincing evidence.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Mena Sam Mekail dba K & M
5 Smog Check has subjected his Automotive Repair Dealer Registration No. ARD 264919 and
6 Smog Check Test Only Station License No. TC 264919 to discipline.

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

8 3. The Director of the Department of Consumer Affairs is authorized to revoke
9 Respondent's Automotive Repair Dealer Registration based upon the following violations alleged
10 in the Accusation which are supported by the evidence contained in the Default Decision
11 Investigatory Evidence Packet in this case:

12 a. Business and Professions Code section 9884.7, subdivision (a)(1) [untrue or
13 misleading statements];

14 b. Business and Professions Code section 9884.7, subdivision (a)(4) [fraud]; and

15 c. Business and Professions Code section 9884.7, subdivision (a)(6) [material violation
16 of Automotive Repair Act]

17 4. The Director of the Department of Consumer Affairs is authorized to revoke
18 Respondent's Smog Check Test Only Station License based upon the following violations alleged
19 in the Accusation which are supported by the evidence contained in the Default Decision
20 Investigatory Evidence Packet in this case:

21 a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
22 Health and Safety Code sections 44012 [failure to ensure emission control tests were performed
23 in accordance with procedures prescribed by the department] and 44015, subdivision (b), [issuing
24 electronic certificates of compliance without ensuring vehicles were properly tested and
25 inspected];

26 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
27 provisions of the California Code of Regulations, title 16 (CCR), as follows: CCR section
28 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of

1 compliance]; CCR section 3340.30, subdivision (a) [failure to inspect and test vehicles in
2 accordance with Health and Safety Code sections 44012 and 44035, and CCR section 3340.42];
3 CCR section 3340.35, subdivision (c) [issuing electronic smog certificates of compliant to
4 vehicles that had not been inspected in accordance with CCR section 3340.42]; and CCR section
5 3340.42 [failure to ensure that required smog tests were conducted in accordance with Bureau
6 specifications]; and

7 c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health
8 and Safety Code section 44072.10, subdivision (c) [dishonest, fraudulent, or deceitful acts
9 whereby another was injured].

10 **ORDER**

11 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 264919 and
12 Smog Check Test Only Station License No. TC 264919, both issued to Respondent Mena Sam
13 Mekail dba K & M Smog Check, are revoked.

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

20 This Decision shall become effective on October 2, 2025.

21 It is so ORDERED September 22, 2025.

22
23 Original signature on file

24 _____
25 GRACE ARUPO RODRIGUEZ
26 Assistant Deputy Director
27 Division of Legal Affairs
28 Department of Consumer Affairs

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