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

11 In the Matter of the Accusation against:

12 **JAN DARK MUSA ZAHRA**
13 **DBA ARLINGTON SMOG TEST ONLY**

14 **8970 Arlington Ave**
15 **Riverside, CA 92503**

16 **Automotive Repair Dealer Registration No.**
17 **ARD 269583; Smog Check Station License No.**
18 **TC 269583**

19 **-and-**

20 **MAHMOUD M KAHIL**

21 **10601 Diana Ave #418**
22 **Riverside, CA 92505**

23 **Smog Check Inspector License No. EO 141408**

24 Respondents.

Case No. 79/24-22230

OAH No. 2025110949

DEFAULT DECISION AND
ORDER AS TO RESPONDENT
JAN DARK MUSA ZAHRA ONLY

[Gov. Code, § 11520]

25 **FINDINGS OF FACT**

26 1. On or about July 21, 2025, Complainant Patrick Dorais, in his official capacity as the
27 Chief of the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, filed
28 Accusation Number 79/24-22230 against Jan Dark Musa Zahra, doing business as Arlington
Smog Test Only (Respondent Arlington Smog Test Only) and Mahmoud M. Kahil (Respondent
Kahil) (collectively, Respondents) before the Director of the Department of Consumer Affairs
(Department). (Accusation attached as Exhibit A.)

2. On or about July 2, 2012, the Bureau issued Automotive Repair Dealer Registration Number ARD 269583 to Respondent Arlington Smog Test Only. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation Number 79/24-22230 and will expire on July 31, 2026 unless renewed.

3. On or about August 8, 2012, the Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 269583 to Respondent Arlington Smog Test Only. The Smog Check, Test-Only, Station License was in full force and effect at all times relevant to the charges brought in Accusation Number 79/24-22230 and will expire on July 31, 2026 unless renewed.

4. Respondent Arlington Smog Test Only is also certified as a STAR Station. The certification was issued on January 11, 2013, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is invalidated.

5. On or about July 28, 2025, Respondents were served with Accusation Number 79/24-22230.

6. On or about August 19, 2025, Respondent Arlington Smog Test Only signed and returned a Notice of Defense, requesting a hearing in this matter.

7. On or about November 19, 2025, the Department issued a Default Decision and Order as to Respondent Kahil only, wherein Respondent Kahil's Smog Check Inspector License Number EO 141408 was revoked, effective November 25, 2025.

8. On November 25, 2025, a Notice of Hearing was served by mail at Respondent Arlington Smog Test Only's address of record which was and is: 8970 Arlington Avenue, Riverside, CA 92503. The Notice of Hearing informed him that an administrative hearing in this matter was scheduled for May 21, 2026.

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

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1 10. The matter was called for hearing at the date, time and location set forth in the Notice
2 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
3 Hearing on Respondent Arlington Smog Test Only was proper. There was no appearance by or
4 on behalf of Respondent Arlington Smog Test Only. A default was declared and, on motion of
5 counsel for Complainant, the matter was remanded to the Bureau under Government Code section
6 11520.

7 11. Government Code section 11506, subdivision (c), states, in part:

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

13 12. Government Code section 11520, subdivision (a), states, in part:

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

18 13. Pursuant to its authority under Government Code section 11520, the Director, after
19 having reviewed the proof of service dated July 28, 2025, signed by A. Curiel, finds Respondent
20 Arlington Smog Test Only is in default. The Director will take action without further hearing
21 and, based on the relevant evidence contained in the Default Decision Investigatory Evidence
22 Packet in this matter, finds that the charges and allegations in Accusation Number 79/24-22230,
23 are separately and severally, found to be true and correct by clear and convincing evidence.

24 **DETERMINATION OF ISSUES**

25 1. Based on the foregoing findings of fact, Respondent Jan Dark Musa Zahra, doing
26 business as Arlington Smog Test Only, has subjected his Automotive Repair Dealer Registration
27 Number ARD 269583, Smog Check, Test-Only, Station License Number TC 269583, and STAR
28 Certification to discipline.

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

 3. The Director of the Department of Consumer Affairs is authorized to revoke
Respondent's Automotive Repair Dealer Registration, Smog Check, Test-Only, Station License

1 and STAR Certification based upon the following violations alleged in the Accusation which are
2 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
3 case:

4 a. Respondent Arlington Smog Test Only's ARD registration is subject to disciplinary
5 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that
6 Respondents made or authorized statements which they knew or in the exercise of reasonable
7 care should have known to be untrue or misleading when Respondents certified that multiple
8 vehicles had passed inspection and were in compliance with applicable laws and regulations.

9 b. Respondent Arlington Smog Test Only's ARD registration is subject to disciplinary
10 action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4), in that
11 Respondent Arlington Smog Test Only's employees committed acts which constitute fraud by
12 issuing electronic certificates of compliance for multiple vehicles without performing bona
13 fide inspections of the emission control devices and systems on those vehicles, thereby
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle
15 Inspection Program.

16 c. Respondent Arlington Smog Test Only's smog station license is subject to
17 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in
18 conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding
19 multiple vehicles, Respondents failed to comply with the following sections of the Health and
20 Safety Code:

21 i. Section 44012: Respondent Arlington Smog Test Only's employees failed to
22 ensure that the emission control tests were performed on the vehicles, in accordance
23 with procedures prescribed by the department.

24 ii. Section 44015: Respondent Arlington Smog Test Only's employees issued
25 electronic certificates of compliance for the vehicles, without ensuring that the
26 vehicles were properly tested and inspected to determine if they were in compliance
27 with Health and Safety Code section 44012.

28 d. Respondent Arlington Smog Test Only's smog station license is subject to

1 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in
2 that Respondents failed to comply with the following provisions of the California Code of
3 Regulations, Title 16, as follows:

4 i. Section 3340.35, subdivision (c): Respondent Arlington Smog Test Only's
5 employees issued electronic certificates of compliance even though those vehicles had
6 not been inspected in accordance with section 3340.42, Title 16, of the California
7 Code of Regulations.

8 ii. Section 3340.42: Respondent Arlington Smog Test Only's employees failed to
9 conduct the required smog tests and inspections on those vehicles in accordance with
10 the Bureau's specifications.

11 e. Respondent Arlington Smog Test Only's smog station license is subject to
12 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in
13 conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding
14 multiple vehicles, Respondents employees committed acts involving dishonesty, fraud or
15 deceit whereby another was injured by issuing electronic certificates of compliance for those
16 vehicles without performing bona fide inspections of the emission control devices and
17 systems on the vehicles, thereby depriving the People of the State of California of the
18 protection afforded by the Motor Vehicle Inspection Program.

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ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration Number ARD 269583 and Smog Check, Test-Only, Station License Number TC 269583, and STAR Certification issued to Respondent Jan Dark Musa Zahra, doing business as Arlington Smog Test Only, are revoked.

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

This Decision shall become effective on July 30, 2026.

It is so ORDERED July 21, 2026.

Original signature on file

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

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