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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. 79/16-3374

13 **ALL STAR SMOG,**  
14 **ABDUL MONAEM SHAH, Owner**  
15 993 W. Valley Blvd. Unit #206  
16 Rialto, CA 92376

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

17 And

18 P.O. Box 2586  
19 Fontana, CA 92334  
20 **Automotive Repair Dealer Registration No.**  
21 **ARD 280549**  
22 **Smog Check Station License No. TC**  
23 **280549;**

24 **ABDUL MONAEM SHAH**  
25 993 W. Valley Blvd. Unit #206  
26 Rialto, CA 92316  
27 **Smog Check Inspector License No. EO**  
28 **638592;**

Respondents.

FINDINGS OF FACT

1. On or about October 3, 2016, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/16-3374 against All Star Smog; Abdul Monaem Shah (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

1           2.    On June 12, 2015, the Bureau of Automotive Repair (Bureau) issued Automotive  
2   Repair Dealer Registration No. ARD 280549 to Respondent. The Automotive Repair Dealer  
3   Registration expired on June 30, 2016 and was cancelled. This lapse in licensure, however,  
4   pursuant to Business and Professions Code section 9884.13, does not deprive the Board of its  
5   authority to institute or continue this disciplinary proceeding.

6           3.    On June 26, 2015, the Bureau of Automotive Repair issued Smog Check Test Only  
7   Station License No. TC 280549 to Respondent. The Smog Check Test Only Station License  
8   expired on June 30, 2016, and was cancelled. This lapse in licensure, however, pursuant to  
9   Business and Professions Code section 9884.13, does not deprive the Board of its authority to  
10   institute or continue this disciplinary proceeding.

11          4.    On September 24, 2015, the Bureau issued Smog Check Inspector License No. EO  
12   638592 to Abdul Monaem Shah (Respondent Shah). The license was in full force and effect at all  
13   times relevant to the charges brought herein and will expire on March 31, 2017, unless renewed.

14          5.    On or about October 12, 2016, Respondent All Star Smog/Shah was served by  
15   Certified and First Class Mail with copies of the Accusation No. 79/16-3374, Statement to  
16   Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government  
17   Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant  
18   to Business and Professions Code section 136, is required to be reported and maintained with the  
19   Bureau. Respondent's address of record was and is: P.O. Box 2586, Fontana, CA 92334.

20          6.    On or about July 17, 2017, Shah was served by Certified and First Class Mail with  
21   copies of the Accusation No. 79/16-3374, Statement to Respondent, Notice of Defense, Request  
22   for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
23   11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
24   section 136, is required to be reported and maintained with the Bureau. Respondent's address of  
25   record was and is: 993 W. Valley Blvd., Unit #206, Rialto, CA 92316.

26          7.    Service of the Accusation was effective as a matter of law under the provisions of  
27   Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
28   124.

1           8.    On or about October 31, 2016 and November 14, 2016, the aforementioned  
2 documents delivered to Respondent All Star Smog/Shah to P.O. Box 2586, Fontana, CA 92334  
3 were returned by the U.S. Postal Service marked "Not deliverable as addressed", unable to  
4 forward" and "undeliverable as addressed", respectively.

5           9.    On or about August 9, 2017, the aforementioned documents delivered to Respondent  
6 to 993 W. Valley Blvd., Unit #206, Rialto, CA 92316 were returned by the U.S. Postal Service  
7 marked "Unclaimed – Unable to Forward". The addresses on the documents were the same as the  
8 addresses on file with the Bureau. Respondent failed to maintain an updated address and/or  
9 addresses with the Bureau and the Bureau has made attempts to serve the Respondent at the  
10 addresses on file. Respondent has not made himself available for service and therefore, has not  
11 availed himself of his right to file a notice of defense and appear at a hearing.

12           10.   Government Code section 11506(c) states, in pertinent part:

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

18           11.   Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
20 79/16-3374.

21           12.   California Government Code section 11520(a) states, in pertinent part:

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

26           13.   Pursuant to its authority under Government Code section 11520, the Director, after  
27 having reviewed the proof of service dated October 12, 2016, signed by Stella Esquivel (and the  
28 return envelopes, and proof of service July 17, 2017, served by Kyle Tetlow (and return  
envelopes), finds Respondent is in default. The Director will take action without further hearing  
and, based on Accusation, No. 79/16-3374, proof of service and on the Affidavit of Bureau  
Representative Alfred Denno, finds that the allegations in Accusation are true.



DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent All Star Smog; Abdul Monaem Shah has subjected his Automotive Repair Dealer Registration No. ARD 280549, Smog Check Test Only Station License No. TC 280549 and Smog Check Inspector License No. EO 638592, to discipline.

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

3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration ARD 280549, Smog Check Test Only Station License No. TC 280549 and Smog Check Inspector License EO 638592 based upon the following violations alleged in the Accusation which are supported by the evidence contained in the affidavit of Bureau Representative Alfred Denno in this case:

a. Respondent's Automotive Repair Dealer Registration is subject to discipline for Untrue or Misleading Statements, pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1) and Health & Safety Code section 44012;

b. Respondent's Automotive Repair Dealer Registration is subject to discipline for Fraud, pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4);

c. Respondent's Automotive Repair Dealer Registration is subject to discipline for Material Violation of the Automotive Repair Act, pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6);

d. Respondent's Smog Check Test Only Station License is subject to discipline for Violations of the Motor Vehicle Inspection Program, pursuant to Health and Safety Code sections 44072.2, subdivision (a), 44102, subdivision (a), 44015, subdivision (b) and 44059;

e. Respondent's Smog Check Test Only Station License is subject to discipline for Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program, under Health and Safety Code section 44072.2, subdivision (c) and California Code of Regulations, title 16, sections 3340.24, subdivision (c), 3340.35, subdivision (c), 3340.42, 3340.42.2, subdivision (c)(7) and 3340.42.2, subdivision (c)(8);

1 f. Respondent's Smog Check Test Only Station License is subject to discipline for  
2 Dishonesty, Fraud or Deceit, pursuant to Health and Safety Code section 44072.2, subdivision  
3 (d);

4 g. Respondent's Smog Check Inspector License is subject to discipline for Violations of  
5 the Motor Vehicle Inspection Program, pursuant to Health and Safety Code sections 44072.2,  
6 subdivision (a), 44012 and 44059;

7 h. Respondent's Smog Check Inspector License is subject to discipline for Failure to  
8 Comply with Regulations Pursuant to the Motor Vehicle Inspection Program, under Health and  
9 Safety Code section 44072.2, subdivision (c) and California Code of Regulations, title 16,  
10 sections 3340.24, subdivision (c), 3340.30, subdivision (a), 3340.41, subdivision (c) and 3340.42;  
11 and

12 i. Respondent's Smog Check Inspector License is subject to discipline for Dishonesty,  
13 Fraud or Deceit, pursuant to Health and Safety Code section 44072.2, subdivision (d).

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ORDER

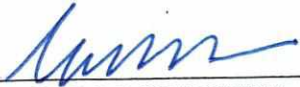
IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 280549, Smog Check Test Only Station License No. TC 280549 and Smog Check Inspector License EO 638592 heretofore issued to Respondent All Star Smog; Abdul Monaem Shah, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent 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: William D. Thomas, 10949 North Mather Blvd., 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 May 23, 2018.

It is so ORDERED April 16, 2018

52282592.DOC; DOJ Matter ID: LA2016601136  
Attachment: Exhibit A: Accusation

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

# Exhibit A

Accusation documents  
and copies of returned envelopes

(ALL STAR SMOG; ABDUL MONAEM SHAH)



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*Attorneys for Complainant*

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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
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12 **ALL STAR SMOG,**  
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993 W. Valley Blvd. Unit #206  
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15 And

16 P.O. Box 2586  
Fontana, CA 92334  
17 **Automotive Repair Dealer Registration No.**  
**ARD 280549**  
18 **Smog Check Station License No. TC**  
**280549;**

19  
20 **ABDUL MONAEM SHAH**  
993 W. Valley Blvd. Unit #206  
Rialto, CA 92376  
21 **Smog Check Inspector License No. EO**  
**638592;**

22 Respondents.  
23

Case No. *79/16-3374*

**A C C U S A T I O N**  
**(SMOG CHECK)**

24 Complainant alleges:

25 **PARTIES**

26 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as  
27 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.  
28



1           2.     On or about June 12, 2015, the Bureau of Automotive Repair issued Automotive  
2 Repair Dealer Registration Number ARD 280549 to All Star Smog; Abdul Monaem Shah  
3 (Respondent). The Automotive Repair Dealer Registration expired on June 30, 2016, and was  
4 cancelled.

5           **All Star Smog**

6           3.     On or about June 26, 2015, the Director of Consumer Affairs ("Director") issued  
7 Automotive Repair Dealer Registration ("registration") No. ARD 280549 to Abdul Monaem Shah  
8 Respondent, doing business as All Star Smog ("Respondent All Star"). The registration expired  
9 on July 31, 2016, and was cancelled.

10          **Abdul Monaem Shah**

11          4.     On September 24, 2015, the Bureau issued Smog Check Inspector License No. EO  
12 638592 to Abdul Monaem Shah (Respondent Shah). The license was in full force and effect at all  
13 times relevant to the charges brought herein and will expire on March 31, 2017, unless renewed.

14                   **JURISDICTION**

15          5.     Business and Professions Code (Bus. & Prof. Code) section 477 provides, in pertinent  
16 part, that "Board" includes "bureau," "commission," "committee," "department," "division,"  
17 "examining committee," "program," and "agency." "License" includes certificate, registration or  
18 other means to engage in a business or profession regulated by the Bus. & Prof. Code.

19          6.     Bus. & Prof. Code section 9884.7, subdivision (a) provides that the Director may  
20 revoke an automotive repair dealer registration.

21          7.     Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a  
22 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
23 proceeding against an automotive repair dealer or to render a decision temporarily or permanently  
24 invalidating (suspending or revoking) a registration.

25          8.     Health and Safety Code section 44002 provides, in pertinent part, that the Director  
26 has all the powers and authority granted under the Automotive Repair Act for enforcing the  
27 Motor Vehicle Inspection Program.

9. Health and Safety Code section 44072.6 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.

## STATUTORY PROVISIONS

10. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

• • • •

(4) Any other conduct that constitutes fraud.

• • • •

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

• • • •

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

• • •

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

11. Bus. & Prof. Code section 9889.22 states as follows:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided as provided by the Penal Code.



12. Section 44012 of the Health and Safety Code provides, in pertinent part:

The test at the smog check stations shall be performed in accordance with procedures prescribed by the department and may require loaded mode dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic system, or other appropriate test procedures as determined by the department in consultation with the state board. The department shall implement testing using onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle testing, on model year 2000 and newer vehicles only, beginning no earlier than January 1, 2013. However, the department, in consultation with the state board, may prescribe alternative test procedures that include loaded mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic systems that the department and the state board determine exhibit operational problems. The department shall ensure, as appropriate to the test method, the following:

(a) Emission control systems required by state and federal law are reducing excess emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of Section 44013.

....

(f) A visual or functional check is made of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001. The visual or functional check shall be performed in accordance with procedures prescribed by the department.

13. Health and Safety Code Section 44015 states, in pertinent part: "(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance."

14. Health and Safety Code Section 44032 states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

15. Health and Safety Code section 44059 states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

16. Health and Safety Code section 44072.2 states:

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

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

4 . . . .

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

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

9 . . . .

10 (h) Violates or attempts to violate the provisions of this chapter relating to the  
11 particular activity for which he or she is licensed.

12 17. Health and Safety Code section 44072.10 states, in pertinent part:

13 . . . .

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

18 . . . .

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

21 18. Health and Safety Code section 44072.8 states that when a license has been revoked  
22 or suspended following a hearing under this article, any additional license issued under this  
23 chapter in the name of the licensee may be likewise revoked or suspended by the director.

#### 24 REGULATORY PROVISIONS

25 19. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c),  
26 states: "The bureau may suspend or revoke the license of or pursue other legal action against a  
27 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
28 certificate of noncompliance."

20 20. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
21 shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section  
22 44012 of the Health & Safety Code, section 44035 of the Health and Safety Code, and section  
23 3340.42 of this article."



1        21. CCR, title 16, section 3340.35, subdivision (c), provides, in pertinent part, that a  
2 licensed station shall issue a certificate of compliance or noncompliance to the owner or operator  
3 of any vehicle that has been inspected in accordance with the procedures specified in section  
4 3340.42 of the California Code of Regulations and have all the required emission control  
5 equipment and devices installed and functioning correctly.

6        22. CCR, title 16, section 3340.41, subdivision (c), states that no person shall enter into  
7 the emissions inspection system any vehicle identification information or emission control system  
8 identification data for any vehicle other than the one being tested. Nor shall any person  
9 knowingly enter into the emissions inspection system any false information about the vehicle  
10 being tested.

11        23. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
12 procedures which apply to all vehicles inspected in the State of California.

13        24. CCR, title 16, section 3340.42.2 provides, in relevant part:

14                (a) Effective until the implementation of subsection (c), Smog Check  
15 stations and Smog Check technicians shall conduct tests and inspections in  
16 accordance with the Bureau's BAR-97 Emissions Inspection System Specifications  
17 referenced in subsections (a) and (b) of Section 3340.17. All applicable 1996 and  
18 newer model-year spark ignition passenger vehicles and trucks under 14,001 Gross  
Vehicle Weight Rating (GVWR) shall be given a test of the On-Board Diagnostic  
(OBDII) systems. The OBDII test consists of a visual check of the Malfunction  
Indicator Light (MIL) and a functional test of the readiness indicators and fault code  
retrieval system.

19                (b) Effective until the implementation of subsection (c), model-year 1996  
20 through 2000 vehicles having more than two (2) incomplete emissions related  
21 readiness monitors, and vehicle model-years 2001 and newer having more than one  
22 (1) incomplete emissions related readiness monitor shall fail the OBDII portion of the  
inspection. All vehicle model-years 1996 and newer having more than two (2)  
incomplete emissions related readiness monitors shall fail the OBDII portion of the  
inspection.

23                (c) Starting on or after January 1, 2013, OBD equipped vehicles shall fail  
24 the OBD inspection if any one of the following conditions occurs as applicable to the  
vehicle:

25                . . . .

26                (7) The vehicle's OBD system data is inappropriate for the vehicle being  
27 tested;

28                (8) The vehicle's OBD system data does not match the original equipment  
manufacturer (OEM) or an Air Resources Board (ARB) exempted OBD software

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the certified vehicles were compared to data of similar vehicles of the same year, make, and model. The data comparison showed multiple discrepancies with thirteen (13) vehicles that were all certified with either missing eVINs, incorrect vehicle communication protocols, and incorrect PID counts, which confirms the vehicles receiving smog certificates were fraudulently tested during the smog inspection using the clean plugging method.<sup>1</sup> The following chart illustrates the documented clean plugging activities of Respondent Shah between February 10, 2016 and March 1, 2016:

Test Date	Vehicle Certified & VIN #	Certificate No.	Details*
(1) 02/10/2016	2007 Chrysler PT Cruiser Touring ED VIN #3A4FT58B27T550930	YX735345C	Test data does not support this vehicle.
(2) 02/10/2016	2005 Nissan Maxima SE/SL VIN #1N4BA41E85C870274	YX735348C	Test data does not support this vehicle.
(3) 02/10/2016	2005 Bentley Continental GT AWD VIN #SCBCR63W65C026147	YX735349C	Test data does not support this vehicle.
(4) 02/10/2016	2007 Volkswagen New GTI VIN # WVWHV71K77W113920	YX735350C	Test data does not support this vehicle.
(5) 02/10/2016	2009 Dodge Charger SXT VIN #2B3KA33V99H501316	YX744802C	Test data does not support this vehicle.

<sup>1</sup> Clean plugging refers to the use of another vehicle's properly functioning On Board Diagnostic, Generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance and/or not present for testing.

(6) 02/10/2016	2006 Volvo XC90 VIN #YV4CY592761255722	YX744810C	Test data does not support this vehicle.
(7) 02/11/2016	2005 Chrysler 300C VIN#2C3AA63H55H146021	YX744814C	Test data does not support this vehicle.
(8) 02/11/2016	2005 Ford Expedition XLT VIN #1FMPU15515LA30588	YX744815C	Test data does not support this vehicle.
(9) 02/11/2016	2005 Mazda RX8 VIN#3A4FT58B27T550930	YX744816C	Test data does not support this vehicle.
(10) 02/11/2016	2000 Ford Expedition XLT VIN #1FMRU1560YLB27870	YX744817C	Test data does not support this vehicle.
(11) 02/15/16	2006 Nissan Titan XE/SE/LE VIN #1N6AA07A66N522950	YX891588C	Test data does not support this vehicle.
(12) 02/15/2016	2006 BMW 3251 VIN #WBAVB135X6PT24647	YX891594C	Test data does not support this vehicle.
(13) 03/01/2016	2008 Infiniti G35 VIN#JNKBV61E28M210867	YZ376633C	Test data does not support this vehicle.

\* All vehicles certified by Respondent Shah.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Untrue or Misleading Statements)**

29. Respondent All Star's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent Shah made or authorized statements which he knew or in the exercise of reasonable



1 care should have known to be untrue or misleading, as follows: Respondent Shah certified that  
2 the 13 vehicles identified in paragraph 28 above, had passed inspection and were in compliance  
3 with applicable laws and regulations. In fact, Respondent conducted the inspections on the  
4 vehicles using clean-plugging methods in that he substituted or used a different vehicle(s) during  
5 the OBD II functional tests in order to issue smog certificates of compliance for the vehicles, and  
6 did not test or inspect the vehicles as required by Health & Safety Code section 44012.  
7 Complainant refers to, and by this reference incorporates, the allegations contained in paragraph  
8 28, as though set forth fully herein.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 30. Respondent All Star's Automotive Repair Dealer Registration is subject to  
12 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
13 Respondent Shah committed acts that constitute fraud by issuing electronic smog certificates of  
14 compliance for the 13 vehicles identified in paragraph 28 above, without performing bona fide  
15 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
16 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
17 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
18 paragraph 28, as though set forth fully herein.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Material Violation of Automotive Repair Act)**

21 31. Respondent All Star's Automotive Repair Dealer Registration is subject to discipline  
22 under Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent Shah failed in a  
23 "material respect to comply with the provisions of this chapter or regulations adopted pursuant to  
24 it", when he issued electronic certificates of compliance for the 13 vehicles identified in  
25 paragraph 28 above, without performing bona fide inspections of the emission control devices  
26 and systems on those vehicles, thereby depriving the People of the State of California of the  
27 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
28 reference incorporates, the allegations contained in paragraph 28, as though set forth fully herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 32. Respondent All Star's Smog Check Test Only Station License is subject to  
4 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that  
5 Respondent Shah failed to comply with the following sections of that Code:

6 **Health & Safety Code Section 44012(a):** Respondent failed to ensure that the emission  
7 control tests were performed on the 13 vehicles identified in paragraph 28 above, in accordance  
8 with procedures prescribed by the department.

9 **Health & Safety Code Section 44015(b):** Respondent issued electronic smog certificates  
10 of compliance for the 13 vehicles identified in paragraph 28 above, without ensuring that the  
11 vehicles were properly tested and inspected to determine if they were in compliance with Health  
12 & Safety Code section 44012.

13 **Health & Safety Code Section 44059:** Respondent willfully made false entries in  
14 certificates of compliance for the 13 vehicles identified in paragraph 28 above, by certifying that  
15 the vehicles had been inspected when, in fact, they had not.

16 33. Complainant refers to, and by this reference incorporates, the allegations contained in  
17 paragraph 28, as though set forth fully herein.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations Pursuant**  
20 **to the Motor Vehicle Inspection Program)**

21 34. Respondent All Star has subjected its Smog Check Test Only Station License to  
22 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), by  
23 failing to comply with the following sections of the California Code of Regulations, title 16:

24 **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued electronic  
25 smog certificates of compliance for the 13 vehicles identified in paragraph 28 above.

26 **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of  
27 compliance for the 13 vehicles identified in paragraph 28 above, even though the vehicles had not  
28 been inspected in accordance with section 3340.42.



**Section 3340.42:** Respondent failed to ensure that the required smog tests were conducted on the 13 vehicles identified in paragraph 28 above, in accordance with the Bureau's specifications.

Section 3340.42.2, subdivision (c)(7): Respondent failed to conduct tests and inspections in accordance with the vehicle's OBD II system data on the 13 vehicles identified in paragraph 28 above, in accordance with the Bureau's specifications.

**Section 3340.42.2, subdivision (c)(8):** The vehicle's OBD II system data on the 13 vehicles identified in paragraph 28 above did not match the original equipment manufacturer (OEM) or an Air Resources Board (ARB) exempted software configuration.

35. Complainant refers to, and by this reference incorporates, the allegations contained in paragraph 28, as though set forth fully herein.

### SIXTH CAUSE FOR DISCIPLINE

**(Dishonesty, Fraud or Deceit)**

36. Respondent All Star has subjected its Smog Check Test Only Station License to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent Shah committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for the 13 vehicles identified in paragraph 28 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the allegations contained in paragraph 28, as though set forth fully herein.

### SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

37. Respondent Shah's Smog Check Inspector License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that he failed to comply with Health and Safety Code sections 44012 and 44059 in a material respect, as follows:

Respondent Shah failed to perform the emission control tests on the 13 vehicles identified in paragraph 28 above, in accordance with procedures prescribed by the department, and entered

1 false information for electronic certificates of compliance by certifying the 13 vehicles had been  
2 inspected as required when they had not. Complainant refers to, and by this reference  
3 incorporates, the allegations contained in paragraph 28, as though set forth fully herein.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant**  
6 **to the Motor Vehicle Inspection Program)**

7 38. Respondent Shah's Smog Check Inspector License is subject to disciplinary action  
8 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent failed to  
9 comply with the following sections of the California Code of Regulations, title 16:

10 **Section 3340.24, subdivision (c):** Respondent Shah falsely or fraudulently issued  
11 electronic smog certificates of compliance for the 13 vehicles identified in paragraph 28 above.

12 **Section 3340.30, subdivision (a):** Respondent Shah failed to inspect and test the 13  
13 vehicles identified in paragraph 28 above, in accordance with Health and Safety Code section  
14 44012.

15 **Section 3340.41, subdivision (c):** Respondent Shah entered false information into the  
16 Emissions Inspection System for the 13 vehicles identified in paragraph 28 above.

17 **Section 3340.42:** Respondent Shah failed to conduct the required smog tests on the 13  
18 vehicles identified in paragraph 28 above, in accordance with the Bureau's specifications.

19 39. Complainant refers to, and by this reference incorporates, the allegations contained in  
20 paragraph 28, as though set forth fully herein.

21 **NINTH CAUSE FOR DISCIPLINE**

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

23 40. Respondent Shah's Smog Check Inspector License is subject to disciplinary action  
24 pursuant to Health and Safety Code section 44072.2, subdivision (d), in that he committed  
25 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
26 certificates of compliance for the 13 vehicles identified in paragraph 28 above, without  
27 performing bona fide inspections of the emission control devices and systems on the vehicles,  
28 thereby depriving the People of the State of California of the protection afforded by the Motor



1 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
2 allegations contained in paragraph 28, as though set forth fully herein.

3 **OTHER MATTERS**

4 41. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
5 suspend, revoke or place on probation the registration for all places of business operated in this  
6 state by Respondent Shah, owner of All Star, upon a finding that he has, or is, engaged in a course  
7 of repeated and willful violations of the laws and regulations pertaining to an automotive repair  
8 dealer.

9 42. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
10 License Number TC 280549, issued to Respondent Shah, owner of All Star, is revoked or  
11 suspended, any additional license issued under the same chapter in the name of said licensee may  
12 be likewise revoked or suspended by the Director.

13 43. Pursuant to Health & Safety Code section 44072.8, if Respondent Shah's Smog Check  
14 Inspector License No. EO 638592 is revoked or suspended, any additional license issued under  
15 this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

16 **PRAYER**

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 280549, issued to All Star Smog; Abdul Monaem Shah;

21 2. Revoking or suspending Smog Check Test Only Station License Number TC 280549,  
22 issued to All Star Smog; Abdul Monaem Shah;

23 3. Revoking or suspending Smog Check Inspector License Number EO 638592, issued  
24 to Abdul Monaem Shah;

25 4. Ordering Abdul Monaem Shah to pay the Bureau of Automotive Repair the  
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
27 Professions Code section 125.3; and

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

DATED: October 3, 2016 

PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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52227058.docx

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **IN THE MATTTTER OF THE ACCUSATION AGAINST:  
ALL STAR SMOG; ABDUL MONAEM SHAH**

BAR Case No.: **79/16-3374**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **October 12, 2016**, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 copies); GOV'T CODE §§ 11507.5, 11507.6, & 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 copies); GOV'T CODE §§ 11507.5, 11507.6, & 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

**Abdul Monaem Shah**  
**All Star Smog**  
**P.O. Box 2586**  
**Fontana, CA 92334**  
*Respondent*

**Certified Article Number**

9414 7266 9904 2062 6307 94

**SENDERS RECORD**

**Abdul Monaem Shah**  
**993 W. Valley Blvd., Unit #206**  
**Rialto, CA 92376**  
*Respondent*

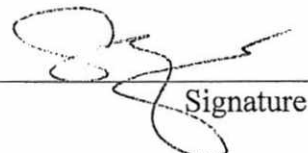
**Certified Article Number**

9414 7266 9904 2062 6308 00

**SENDERS RECORD**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **October 12, 2016**, at Los Angeles, California.

\_\_\_\_\_  
Stella Esquivel  
Declarant

\_\_\_\_\_  
  
Signature