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

10 In the Matter of the Accusation Against:

Case No. 79/18 - 7316

11 **RRAT SERVICES, dba ALOHA SMOG,**  
12 **Ramesh Tholla, President**

**ACCUSATION**

13 **2720 Artesia Blvd., Ste. B, Redondo Beach,**  
**CA 90278 (Business Address)**  
14 **11890 Jpyxis Cir., Rancho Cordova, CA**  
**95742 (Mailing Address)**  
15 **Automotive Repair Dealer No. ARD 281987**  
**Smog Check Station No. TC 281987**

16 **AND**

17 **SAMIR SALIM HADDAD**  
18 **6209 Reseda Blvd., Ste. 228**  
**Reseda, CA 91355**  
19 **Smog Check Inspector No. EO 304144**  
**Smog Check Repair No. EI 304144**

20 Respondents.  
21

22 Complainant alleges:

23 **PARTIES**

- 24 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as  
25 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs (BAR).  
26 2. On or about November 10, 2015, the Bureau issued Automotive Repair Dealer  
27 Registration Number ARD 281987 to RRAT Services, dba Aloha Smog; Ramesh Tholla  
28 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all

1 times relevant to the charges brought herein and will expire on November 30, 2018, unless  
2 renewed.

3 3. On or about January 7, 2016, the Bureau issued Smog Check Test Only Station  
4 License Number TC 281987 to RRAT Services, dba Aloha Smog; Ramesh Tholla (Respondent).  
5 The Smog Check Test Only Station License was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on November 30, 2018, unless renewed.

7 4. In 1997, Advanced Emission Specialist (EA) Technician License No. 304144 was  
8 issued to Samir Salim Haddad, under SB 1997, the biennial Smog Check Program implemented  
9 January 1, 1990. License number EA 304144 was due to expire on May 31, 2013, however, was  
10 cancelled on March 4, 2013. Pursuant to California Code of Regulations, title 16 section 3340.28,  
11 subdivision (e), said license was renewed pursuant to Samir Salim Haddad's election as Smog  
12 Check Inspector (EO) License No. 304144 and Smog Check Repair Technician (EI) License No.  
13 304144, effective March 4, 2013. The Smog Check Inspector (EO) License expires on May 31,  
14 2019. The Smog Check Repair Technician (EI) License expires on May 31, 2019, unless  
15 renewed. The Smog Check Inspector (EO) License and Smog Check Repair Technician (EI)  
16 License were in full force and effect at all times relevant to the charges brought herein.

#### 17 JURISDICTION

18 5. Business and Professions Code (BPC) section 9884.13 provides, in pertinent part, that  
19 the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with  
20 a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily  
21 or permanently invalidating (suspending or revoking) a registration.

22 6. Health and Safety Code (HSC) section 44002 provides, in pertinent part, that the  
23 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
24 the Motor Vehicle Inspection Program.

25 7. Section 44072.6 of the HSC provides, in pertinent part, that the expiration or  
26 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
27 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
28 of jurisdiction to proceed with disciplinary action.

## STATUTORY PROVISIONS

8. Section 9884.7 of the BPC states, in pertinent part:

“(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, 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 which constitutes fraud.

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

9 Section 44012 of the HSC provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

10 Section 44015, subdivision (b), of the HSC provides that a certificate of compliance shall be issued if a vehicle meets the requirements of HSC section 40012.

11. Section 44032 of the HSC states, in pertinent part, that: (1) no person may perform tests or repairs of emission control devices or systems of motor vehicles required by the Motor Vehicle Inspection Program unless the person performing the test or repair is a licensed qualified smog check technician; and (2) all tests must be conducted in accordance with section 44012 (i.e. Motor Vehicle Inspection Program Requirements).

12. Section 44059 of the HSC provides:

“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.”

13. Section 44072.2 of the HSC states, in pertinent part:

“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:

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

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

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

14. Section 44072.8 of the HSC states that when a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

#### **REGULATORY PROVISIONS**

15. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c), states:

“The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.”

16. CCR, title 16, section 3340.30, subdivision (a), states in pertinent part:

“A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

“(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

17. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check

1 station "shall issue a certificate of compliance or noncompliance to the owner or operator of any  
2 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
3 this article and has all the required emission control equipment and devices installed and  
4 functioning correctly."

5 18. CCR, title 16, section 3340.41, subdivision (b), provides: "No person shall enter into  
6 the emissions inspection system any access or qualification number other than as authorized by  
7 the bureau, nor in any way tamper with the emissions inspection system."

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

#### 10 **COST RECOVERY**

11 20. Section 125.3, subdivision (a), of the BPC provides, in pertinent part, that a Board  
12 "may request the administrative law judge to direct a licensee found to have committed violation  
13 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
14 investigation and enforcement of the case."

#### 15 **SMOG CHECK PROGRAM**

16 21. California's Smog Check Program requires the owners of most motor vehicles in the  
17 Enhanced and Basic areas of the State, subject their vehicles to and pass a Smog Check inspection  
18 and receive a Certificate of Compliance every two years when renewing their registration and  
19 also when the vehicle's title is transferred. These inspections are performed by Smog Check  
20 inspectors at Smog Check Stations, both of which are licensed by BAR. The Smog Check  
21 Program is designed and intended to reduce air pollution by identifying and requiring the  
22 repair of polluting motor vehicles.

23 22. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration  
24 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known  
25 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),  
26 Carbon Monoxide (CO), Oxides of Nitrogen (NO x), Carbon Dioxide (CO<sub>2</sub>) and Oxygen (O<sub>2</sub>). The  
27 first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a dynamometer.  
28 This puts the vehicle's drive wheels on rollers and the vehicle is driven at speeds of fifteen and

1 twenty-five miles per hour to simulate driving conditions while the emissions are sampled by the  
2 EIS.

3 23. In Basic areas, or depending on a vehicle's configuration (all-wheel drive, traction  
4 control issue), a similar test called a Two Speed Idle (TSI) test is performed, but instead of  
5 applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions  
6 of HC, CO, O, and CO, at idle as well as 2500 revolutions per minute (RPM).

7 24. The inspector also performs visual and functional tests on the vehicle as outlined in  
8 the Smog Check Manual. The visual inspection of the emission control components verifies the  
9 required emission control devices are present and properly connected. Functional tests are also  
10 performed which, depending on the vehicle, may include checking the ignition timing,  
11 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low-pressure test  
12 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas  
13 cap.

14 25. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to  
15 1999 model year vehicles. The inspector is required to connect a test cable from the EIS to a  
16 Diagnostic Link Connector (DLC) which is located in the vehicle's passenger compartment.  
17 Through the DLC, the EIS retrieves information from the vehicle's on-board computer about its  
18 ability to communicate, the status of the 1/M readiness monitors and the MIL light command, as  
19 well as diagnostic trouble codes (DTC). The 1/M readiness monitors tell whether or not the  
20 OBDII system has run a sufficient number of self-tests on the vehicle's emission and engine  
21 control systems. A failure of one or more of the OBD II functional criteria, depending on model  
22 year, will result in the vehicle failing its Smog Check inspection. In addition to reporting the  
23 outcome of the OBDII functional test, the Smog Check inspection results also show DTC's if  
24 there are any in the vehicle's on-board computer memory.

25 26. The inspector enters the results of the visual and functional inspections into the EIS.  
26 The EIS unit makes the determination whether or not the vehicle passes the inspection based on  
27 the results of the tailpipe, visual and functional tests.

28 27. The EIS is connected by telephone modem to BAR's Vehicle Information Database

1 (VID), which is maintained by a state contractor. If the vehicle passes the visual, functional and  
2 tailpipe tests, it passes the overall inspection and a Certificate of Compliance is issued and  
3 transmitted electronically to the VID. Additionally, all data gathered during a Smog Check  
4 inspection, regardless of the type of inspection, is transmitted to and retained in the VID.

5 28. Beginning March 9, 2015, California's Smog Check Program was updated to keep  
6 pace with advancing vehicle technology. The program update requires use of an On-Board  
7 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the Smog Check equipment required in  
8 all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid  
9 vehicles and 1998 and newer diesel vehicles subject to the program. The system consists of a  
10 certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD is  
11 an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS  
12 software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports  
13 is requested by the California BAR-OIS software and will be retrieved. Sensitive data, such as  
14 vehicle location (GPS) and accident-related information (air bag deployment), is not retrieved.  
15 The DAD connects between the BAR-OIS computer and the vehicle's DLC. The DAD is the only  
16 BAR-certified component of the BAR-OIS. The California BAR-OIS software requires a  
17 continuous Internet connection when performing a Smog Check inspection. The BAR-OIS uses  
18 the California BAR-OIS software to communicate with the YID through the Internet connection.  
19 The bar code scanner is used to input inspector information, the vehicle identification number  
20 (VIN), and Department of Motor Vehicles (DMV) renewal information. The printer provides a  
21 Vehicle Inspection Report (VIR) containing inspection results for motorists and a Smog Check  
22 Certificate of Compliance number for passing vehicles.

23 29. Data retrieved, captured and recorded to the YID during a BAR-OIS Smog Check  
24 inspection includes; the electronic vehicle identification number (eVIN), which is the digitally  
25 stored VIN programmed into the vehicles Powertrain Control Module (PCM); the communication  
26 protocol, which is the specific "language" the PCM uses to relay or communicate information to  
27 scan tools and other computers or devices such as the BAR-OIS; and the number of Parameter  
28 Identifications (PIDs), which is the number of specific data values each PCM reports related to

1 emissions controls.

2 30. The eVIN is required to be programmed into the vehicle's PCM on 2005 and newer  
3 vehicles, and on many occasions was programmed into the on-board computers on earlier model  
4 year vehicles.

5 31. The communication protocol is programmed into the vehicle's on-board computer  
6 during manufacture and does not change. The protocol can be recorded in its basic characters or  
7 in an expanded form that includes additional characters. The basic form is primary and is always  
8 contained within the expanded form.

9 32. PIDs are data points reported by the vehicle on-board computer to a scan tool or  
10 BAR-OIS. Examples of PIDs are engine speed, vehicle speed, engine temperature, and other  
11 input and output values utilized by the vehicle's on-board computer. The PID count is the number  
12 of data points reported by the vehicle's on-board computer and is programmed during  
13 manufacture.

14 33. As with the EIS, inspectors also perform a visual and functional test on the vehicle.  
15 The visual inspection of the emission control components verifies the required emission control  
16 devices are present and properly connected, and a functional test is performed of the MIL. The  
17 BAR-OIS software makes the determination whether or not the vehicle passes the inspection  
18 based on the results of the OBD, visual and functional tests.

19 34. The EIS or BAR-OIS, depending on the test type, prints a VIR, which is a physical  
20 record of the test results and shows the Certificate of Compliance number that was issued if the  
21 vehicle passed the Smog Check inspection. The Smog Check inspector must sign the VIR to  
22 indicate that the inspection was performed within BAR guidelines. Licensed Smog Check  
23 Inspectors are the only persons authorized by the BAR to perform official inspections. They are  
24 issued a license and a personal access code which are used to gain access to the EIS and used to  
25 set up a username and password within the BAR-OIS to perform smog check inspections.  
26 Unauthorized use of another inspector's license, access code, or username and password is  
27 prohibited.  
28



35. The VID contains registration data from DMV plus emission standards, vehicle Smog Check inspections, smog check stations and inspectors, and Certificates of Compliance. The VID has an internal clock that is set to Pacific Standard Time and records the time and date for each inspection. Each Certificate of Compliance has a unique control number so that it can be tracked to determine which Smog Check Station purchased the Certificate of Compliance and to which vehicle it was issued. The VID receives the Smog Check results immediately following the inspection. BAR can access the VID to view test data on Smog Check inspections performed at any Smog Check Station, or search for, retrieve, and print a test record for a particular vehicle which has been tested. If a vehicle passes the Smog Inspection, the vehicle information and test results are electronically transmitted to DMV.

36. BAR has become aware of methods some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that will not pass a Smog Check test on their own, or in some instances, are not even present during the time the test is performed. One such method is "clean plugging." "Clean plugging" is a method by which another vehicle's properly functioning OBDII system, or another source, is used to generate passing data readings or diagnostic information for the purpose of fraudulently issuing smog certificates to vehicles that are not in smog compliance and or not present for testing.

#### **DATA ANALYSIS OF CLEAN PLUGGING ACTIVITIES**

37. BAR conducted a detailed review of the VID data for Smog Check inspections performed at Aloha Smog. The review showed a pattern of vehicles being certified with a different eVIN. The data for the vehicles also contains different communication protocols, and different PID amounts. This confirms the vehicles receiving smog certificates were not tested during the OBD II functional test, which constitutes clean plugging.

38. The review into the Smog Check activities at Aloha Smog confirmed four (4) Smog Check Certificates of Compliance were fraudulently issued to vehicles using the clean plugging method. The investigation revealed that the data related to certain vehicles certified by Respondent Samir Salim Haddad contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the

subject vehicles. Specifically, the representative compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from at least four (4) of the certified vehicles contained unmistakable discrepancies, including the transmission of incorrect eVIN data, incorrect vehicle communication protocols and an incorrect number of PID counts. In addition, all four vehicles failed to report their expected eVIN numbers. These documented discrepancies confirm that, in performing the inspections at issue, Respondents engaged in the illegal activity known as clean plugging in order to issue fraudulent certificates of compliance for the vehicles. The following chart (Table 1) illustrates the documented clean plugging activities by Respondents during the period reviewed.

**TABLE 1**

Date	Vehicle/VIN	Certificate Number	Test Details
3/6/17	2009 Ford Econoline E250 Van	QI036687C	Certificate issued under EO 304144 (Haddad), eVIN not reported, communication protocol transmitted as JPWM (expected protocol was ICAN11bt5), PID count transmitted was 20 (expected PID count was 47). <sup>1</sup>
4/13/17	2009 Toyota Camry SE	ZT187648C	Certificate issued under EO 304144 (Haddad), wrong eVIN transmitted, OIS test data shows that a 2007 Toyota Avalon XL was used to generate the smog certificate for the subject 2009 Toyota Camry SE.

<sup>1</sup> On February 12, 2018, a subsequent smog check test was performed on the subject 2009 Ford Econoline E250 Van. This time the eVIN was correctly transmitted (1FTNE24W89DA53049), as was the expected protocol (ICAN11bt5) and the expected PID count (47), which proves the 3/6/17 smog certificate was issued fraudulently by Aloha Smog.

5/22/17	2011 Toyota Tundra Double Cab SR5	ZV421545C	Certificate issued under EO 304144 (Haddad), wrong eVIN transmitted, OIS test data shows that a 2007 Toyota 4Runner SR5 was used to generate the smog certificate for the subject 2009 Toyota Camry SE.
6/27/17	2007 Honda Accord EX	ZX604634C	Certificate issued under EO 304144 (Haddad), wrong eVIN transmitted <sup>2</sup> , communication protocol transmitted as iCAN29bt5 (expected protocol was I914), PID count transmitted was 39 (expected PID count was 21).

## **CAUSES FOR DISCIPLINE SUBJECTING ARD REGISTRATION TO DISCIPLINARY ACTION**

### **FIRST CAUSE FOR DISCIPLINE**

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

39. Respondent Aloha Smog has subjected its registration to discipline under BPC section 9884.7, subdivision (a)(1), in that Respondent aloha Smog made or authorized statements which Respondent Aloha Smog knew or in the exercise of reasonable care should have known to be untrue or misleading when issuing electronic smog certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles had not been so inspected. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 21 through 38, inclusive, as though set forth fully herein.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Fraud)**

40. Respondent Aloha Smog has subjected its registration to discipline under BPC section 9884.7, subdivision (a)(4), in that it committed acts which constitute fraud by issuing electronic

<sup>2</sup> The eVIN transmitted during testing corresponds to 2015 Honda CR-V EXL, which has no history of smog testing and does not require testing until 11/14/21, according to DMV records, which proves the 6/27/17 smog certificate was issued fraudulently by Aloha Smog.

1 smog certificates of compliance for the vehicles set forth in Table 1, above, without performing  
2 bona fide inspections of the emission control devices and systems on those vehicles, thereby  
3 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
4 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations  
5 contained in paragraphs 21 through 38, inclusive, as though set forth fully herein.

6 **THIRD CAUSE FOR DISCIPLINE**

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

8  
9 41. Respondent Aloha Smog Haddad has subjected its registration to discipline under  
10 BPC section 9884.7, subdivision (a)(6), in that it failed in a "material respect to comply with the  
11 provisions of this chapter or regulations adopted pursuant to it" when issuing electronic smog  
12 certificates of compliance for the vehicles set forth in Table 1, above, without performing bona  
13 fide inspections of the emission control devices and systems on those vehicles, thereby depriving  
14 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
15 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
16 paragraphs 21 through 38, inclusive, as though set forth fully herein.

17 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK STATION LICENSE**  
18 **TO DISCIPLINARY ACTION**

19 **FOURTH CAUSE FOR DISCIPLINE**

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

21  
22 42. Complainant refers to, and by this reference incorporates, the allegations contained in  
23 paragraphs 21 through 38, inclusive, as though set forth fully herein. Respondent Aloha Smog  
24 has subjected its station license to discipline under HSC section 44072.2, subdivision (a), in that,  
25 with respect to the vehicles set forth in Table 1, above, Respondent violated the following  
26 sections of the HSC:

27 a. Section 44012: Respondent failed to ensure that the emission control tests were  
28 performed on those vehicles in accordance with procedures prescribed by the department.

1           b.     Section 44015, subdivision (b): Respondent issued electronic smog certificates  
2 of compliance without properly testing and inspecting the vehicles to determine if they were in  
3 compliance with section 44012 of the HSC.

4                                   **FIFTH CAUSE FOR DISCIPLINE**

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

6           43.     Complainant refers to, and by this reference incorporates, the allegations  
7 contained in paragraphs 21 through 38, inclusive, as though set forth fully herein. Respondent  
8 Aloha Smog has subjected its station license to discipline under HSC section 44072.2,  
9 subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent  
10 violated the following sections of the CCR, title 16:

11           a.     **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
12 electronic smog certificates of compliance without performing bona fide inspections of the  
13 emission control devices and systems on those vehicles as required by HSC section 44012.

14           b.     **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of  
15 compliance even though those vehicles had not been inspected in accordance with section  
16 3340.42 of the HSC.

17           c.     **Section 3340.42:** Respondent failed to conduct the required smog tests and  
18 inspections on those vehicles in accordance with the Bureau's specifications.  
19

20                                   **SIXTH CAUSE FOR DISCIPLINE**

21                                   **(Dishonesty, Fraud and/or Deceit)**

22           44.     Respondent Aloha Smog has subjected its station license to discipline under HSC  
23 section 44072.2, subdivision (d), in that, with respect to the vehicles set forth in Table 1, above,  
24 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured  
25 by issuing electronic smog certificates of compliance for those vehicles without performing bona  
26 fide inspections and functional testing of the emission control devices and systems on those  
27 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
28 Motor Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the

allegations contained in paragraphs 21 through 38, inclusive, as though set forth fully herein.

**CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK INSPECTOR LICENSE  
AND SMOG CHECK REPAIR TECHNICIAN LICENSE TO DISCIPLINARY ACTION**

**SEVENTH CAUSE FOR DISCIPLINE**

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

45. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 21 through 38, inclusive, as though set forth fully herein. Respondent Haddad's has subjected his smog check inspector and smog check repair technician licenses to discipline under HSC section 44072.2, subdivision (a), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of the HSC:

a. Section 44012: Respondent failed to ensure that the onboard diagnostic system tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. Section 44015, subdivision (b): Respondent issued electronic smog certificates of compliance without properly testing and inspecting the vehicles to determine if they were in compliance with section 44012 of the HSC.

c. Section 44032: Respondent failed to perform tests of the onboard diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

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

**EIGHTH CAUSE FOR DISCIPLINE**

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

46. Complainant refers to, and by this reference incorporates, the allegations contained in paragraphs 21 through 38, inclusive, as though set forth fully herein. Respondent Haddad has subjected his smog check inspector and smog check repair technician licenses to discipline under HSC section 44072.2, subdivision (c), in that, with respect to the vehicles set forth in Table 1, above, Respondent violated the following sections of title 16 of the CCR:

a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued

1 electronic smog certificates of compliance without performing bona fide inspections and  
2 functional testing of the emission control devices and systems on those vehicles as required  
3 by HSC section 44012.

4 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test those  
5 vehicles in accordance with HSC section 44012.

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

9 d. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information  
10 into the EIS about the vehicles being tested.

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

#### 13 **NINTH CAUSE FOR DISCIPLINE**

##### 14 **(Dishonesty, Fraud or Deceit)**

15 46. Respondent Haddad has subjected his smog check inspector and smog check repair  
16 technician licenses to discipline under HSC section 44072.2, subdivision (d), in that, with respect  
17 to the vehicles set forth in Table 1, above, Respondent committed acts involving dishonesty, fraud  
18 or deceit whereby another was injured by issuing electronic smog certificates of compliance for  
19 those vehicles without performing bona fide inspections and functional testing of the emission  
20 control devices and systems on those vehicles, thereby depriving the People of the State of  
21 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
22 refers to, and by this reference incorporates, the allegations contained in paragraphs 21 through  
23 37, inclusive, as though set forth fully herein.

#### 24 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT ALOHA SMOG**

25 47. To determine the degree of discipline as to Respondent Aloha Smog, Complainant  
26 alleges that:

27 a. On May 24, 2016, the Bureau issued Ramesh Tholla and RRAT Services dba Aloha  
28 Smog Administrative Citation #C2016-1 103 with an order of abatement, for his actions in

1 violation of section 44012 of the Health and Safety Code, in that Aloha Smog illegally issued a  
2 certificate of compliance to a vehicle using the BAR-97 when the OIS test was required. A  
3 Citation Service Conference was held on June 22, 2016. The Decision became effective on July  
4 23, 2016.

5 b. On June 23, 2017, the Bureau issued Ramesh Tholla and RRAT Services dba Aloha  
6 Smog Administrative Citation #C2017-1299, for his actions in violation of section 44012 of the  
7 Health and Safety Code, in that Aloha Smog illegally issued a certificate of compliance to a  
8 vehicle using the BAR-97 when the OIS test was required. A Citation Service Conference was  
9 held on August 3, 2017. A formal appeal request was received on August 31, 2017. The appeal is  
10 pending.

11 **DISCIPLINARY CONSIDERATIONS AS TO RESPONDENT SAMIR SALIM**

12 **HADDAD**

13 48. To determine the degree of discipline as to Respondent Samir Salim Haddad,  
14 Complainant alleges that:

15 a. On May 24, 2016, the Bureau issued Samir Salim Haddad, an Administrative Citation  
16 and Order of Abatement # M 2016-1104, for his actions in violation of section 44032 of the  
17 Health and Safety Code, in that Samir Salim Haddad illegally smog check inspected and certified  
18 a vehicle using the BAR-97 when the OIS test was required. A Citation Service Conference was  
19 held on June 28, 2016. The Decision became effective on July 29, 2016.

20 b. On June 23, 2017, the Bureau issued Samir Salim Haddad, an Administrative Citation  
21 and Order of Abatement# M 2017-1305, for his actions in violation of section 44032 of the  
22 Health and Safety Code, in that Samir Salim Haddad illegally Smog Check inspected and  
23 certified a vehicle using the BAR-97 when the OIS test was required. A Citation Service  
24 Conference was held on August 3, 2017. A formal appeal request was received on August 31,  
25 2017. The appeal is pending.

26 **OTHER MATTERS**

27 49. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
28 suspend, revoke, or place on probation the registration for all places of business operated in this



1 state by Ramesh Tholla, upon a finding that he has, or is, engaged in a course of repeated and  
2 willful violations of the laws and regulations pertaining to an automotive repair dealer.

3 50. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.  
4 TC 281987, issued to RRAT Services dba Aloha Smog, or Ramesh Tholla, is revoked or  
5 suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of  
6 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked  
7 or suspended by the Director.

8 51. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
9 No. EO 304144 and/or Smog Check Repair License No. EI 304144 issued to Samir Salim Haddad  
10 is revoked or suspended following a hearing, any additional license issued under Chapter 5 of  
11 Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise  
12 revoked or suspended by the Director.

13 **PRAYER**

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

16 1. Revoking or suspending Automobile Repair Dealer Registration Number ARD  
17 281987 issued to RRAT Services dba Aloha Smog, Ramesh Tholla, President;

18 2. Revoking or suspending Smog Check, Test Only, Station License Number TC  
19 281987 issued to RRAT Services dba Aloha Smog, Ramesh Tholla, President;

20 3. Revoking or suspending Smog Check Inspector License Number EO 304144 issued  
21 to Samir Salim Haddad;

22 4. Revoking or suspending Smog Check Repair Technician License Number EI 304144  
23 issued to Samir Salim Haddad;

24 5. Revoking or suspending any and all additional Automotive Repair Dealer  
25 Registrations issued in the name of RRAT Services, pursuant to section 9884.7, subdivision (c),  
26 of the Business and Professions Code;

27 6. Revoking or suspending any and all licenses issued under the Motor Vehicle  
28 Inspection Program (Health & Saf. Code Sec. 44000, et seq.) in the name of RRAT Services,

1 pursuant to section 44072.8 of the Health and Safety Code;

2 7. Revoking or suspending any and all licenses issued under the Motor Vehicle  
3 Inspection Program (Health & Saf. Code Sec. 44000, et seq.) to Samir Salim Haddad, pursuant to  
4 section 44072.8 of the Health and Safety Code;

5 8 Ordering RRAT Services dba Aloha Smog, Ramesh Tholla and/or Samir Salim  
6 Haddad to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
7 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

8 9 Taking such other and further action as deemed necessary and proper.

9  
10 DATED:

October 8, 2018



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

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